

"THE ROLE OF THE SHERIFFS"

A talk given by Alderman Sir Robin Gillett, Bt., G.B.E., R.D., D.Sc.
at Guildhall on 16th July 1984 to The Masters, Prime Wardens and
Upper Bailiff of several Livery Companies

This is the third in a series of talks I have been persuaded to give, the first was on the Role of the Mayoralty, and that was followed a little while later by the Role of the Aldermen, and now, by special request, I am dealing with the Role of the Shrievalty.

The Shrievalty, I suppose, is the one which is shrouded in most mystery. Everybody thinks they know about the Lord Mayor, some about the Aldermen - but Sheriffs, who the devil are these people and what do they do? You know that your Liverymen elect them, and you go through that process at Common Hall, but what do they do after that, apart from eat at your expense every night? As with the other talks it is necessary to go back into history first to find out what they used to do and where they came from, before we get the perspective right to see what their role is to-day.

You are reminded by every Sheriff who stands before you in Common Hall that the office of Shrievalty is older than that of the Mayoralty! Just when the first Shire-reeves (the title means "Leader of the County") were appointed is lost in the mist of time, we think somewhere around the 7th century. They were certainly well established by the time of the Conquest. What were they? Well Shire-reeves, and their urban equivalent, Portreeves, were Royal Officers. The King had to rule through appointed officers to administer the Law and, more importantly perhaps, collect the taxes, and these men were known as Shire-reeves, one for each shire into which the country was divided. It was an entirely royal appointment both in town and country.

The Conquest, as you know, left London virtually intact. William wasn't strong enough to invade it, or sack it, he gave a Writ to it which we have to this day, confirming its rights and privileges. At that time there was a Portreeve who, together with the Bishop of London, was Chief Executive of the City. The Church got into the act at a fairly early stage because they could read and write and had the common language, Latin. You will find that along with the Shire-reeve, or Portreeve, the Bishop was never far behind in whatever area he could supply the clerical know-how and administrative skill.

It used to be thought, though modern scholarship casts doubt on it, that Henry I gave the citizens of London the right to elect their Sheriffs. There were two, one for Middlesex, as a shire, and one for London. They each did both jobs. There wasn't one for Middlesex and one for London, they were both for London and Middlesex. The Portreeve of London mentioned in William's Writ was

also Shire-reeve of Middlesex.

One reason why we think that Henry I may have given this privilege was because it was subsequently taken away again by Henry II, and it wasn't until King John's 1199 Charter that the right was firmly established that the citizens could elect their own Sheriffs for London and Middlesex. They had already been granted the Commune in 1191 and following on that in 1215 the right to elect a Mayor each year. (He had supplanted the Portreeve in 1191).

It wasn't, as I think people tend to imagine, the Liverymen who then elected the Sheriffs, for the very good reason that there weren't any. It is wrong to think that the Liverymen have always elected the Sheriffs, it was done by somebody else before Liverymen emerged. It is not quite clear, in fact, as to who these people were who were given the privilege. If I can quote from a few of the older records; reference to the election of Sheriffs in the late 13th century includes election by "the Mayor, Aldermen and Citizens"; " Mayor, Aldermen and reputable men of the City, and the Commonalty". Although these terms probably mean much the same thing, they weren't, in fact, the Livery, and they were specially summoned. Just anybody couldn't come and elect the Sheriffs; it was done in a Common Hall situation, but they were summoned and references again are made to "the better men of each ward", "powerful and discreet citizens from several wards", etc. so it was typical of democracy of the day. We often say the City was the cradle of democracy, but democracy then didn't mean quite what it does now. There was a fairly selective process of the people who were allowed into Common Hall to carry out this election. In 1443 it was recorded that a great number of "inferior citizens who had not been summoned entered the gates of the Hall of Guildhall through negligence of the gatekeepers for the election of the Sheriff"; not the sort of thing at all! In 1467 it was regularised, the Masters and Wardens of the Companies were specifically included in the summons, but it wasn't until 1475 that Liverymen were substituted for all these other "discreet and proper persons", and from then on you can date your "un-doubted right" as you are told by the Recorder at each Common Hall, nearly 300 years after the privilege was first granted. This particular privilege of electing the Sheriffs was, and is, exclusive to the City.

They did, in fact, elect only one - another blow to the perhaps over simplification of the story. The Livery elected one Sheriff, the Lord Mayor appointed the other one, and this practice continued from the mid 14th century right up till 1694 when the Lord Mayor's privilege was abolished by an Act of Common Council as "being repugnant to reason and contrary to the rules and methods of election", and from that time on the Livery elected both the Sheriffs.

Following on from elections let me deal with the question of nomination, which has again varied a bit through the centuries. After the Lord Mayor lost the right of appointing one, he retained the right to nomination, and an Act of 1748 allowed him to nominate up to 9 persons each year for the election, and they stayed in nomination, unless they discharged themselves by paying a fine, in perpetuity. As everyone nominated and not discharged stayed to swell the next year's nomination, the situation became ridiculous. In 1842 there were 52 non-aldermanic candidates for the Shrievalty, seven of whom had been in

nomination for twenty years! Imagine the fuss we would get into nowadays if we got more than three. Obviously something had to be done, and in 1843 when there were 62 nominees an Act was passed to limit the number that the Lord Mayor could nominate and for the period that they were to remain eligible, and in 1972 the Lord Mayor was limited to three nominations to stand for one year only. The Livery can, of course, nominate as many candidates as they like, but for one year only.

A mention of the Aldermanic nominees. All Aldermen who have not served the office of Sheriff are automatically in nomination according to their seniority in the Court, but no Alderman is liable to serve against his will in his first year as Alderman. What in fact happens is they withdraw their candidature leaving one of their number in nomination. You know that in order to be Lord Mayor an Alderman must have served the office of Shrievalty. He doesn't have to serve it as an Alderman, he could be Sheriff first and then elected an Alderman, or he could be an Alderman and then be elected a Sheriff in the normal way, but he must have served the office, so it is a very important step in his promotional stakes that he be so elected. We do, from time to time, ask, as we have this year, that you the Livery withhold your nomination to allow two of the Aldermen to not withdraw their names and therefore go forward so that we can build up a reserve of those who will qualify to be Lord Mayor. In history this has happened on and off, there have been occasions when there have been two Lay Sheriffs, and other occasions when there have been two Alderman. It doesn't really matter which way it is done, but for convenience the convention is that we have one Aldermanic and one Lay Sheriff.

The title Lay Sheriff requires a little explanation. Before 1959 they were called the junior Sheriff. They claimed this was wrong; they were not junior, both were equal, which was true; they were both equally elected and they were both equally Sheriff. It was Sir Desmond Heap who, I think, coined the phrase Lay Sheriff, and everybody seemed to be happy with that. Aldermanic and Lay rather than senior and junior may be, but don't forget they are, or were, both Sheriffs of two places, not one of each. There has never been a Sheriff of London and a junior one for Middlesex. When Middlesex was still a Shrievalty then they did both. The Shrievalty of Middlesex was, in fact, abolished in 1888, and so it was only necessary to have one, but we had two for so long that the City decided to keep them both as they had both been discharging the same office.

I have dealt with the election of Sheriffs in some depth because it is the great link with the Livery, but what was, and is, their function in life? Well I have indicated that they were the Royal Officers and they are to this day. They are, though elected by you, the Livery, still warranted by the Crown and receive their warrants under the Great Exchequer Seal. In their early days they collected taxes, brought criminals to justice, held their own courts, and generally administered their Shires. As communications improved and Central Government emerged, particularly under Henry II and the Edwards, and when Kings of England became Kings of England and thought of that as being their prime function in life and weren't spending all their time in France trying to protect the territories they had left behind, they settled down to administer their kingdom. Judges went out on assize, the King himself travelled around his kingdom, and the necessity for having all powerful local representatives

gradually diminished.

You must remember that England, after the departure of the Romans, had disintegrated into small warring kingdoms, often invaded from without, until Alfred instilled some unity and some cohesion. The final Norman invasion and conquest must have been a traumatic experience for the indigenous Anglo-Saxon population, and one must admire the foresight of the new masters who adapted so many existing administrative systems, like the Shrievalty, to their own use. There was a lot of settling down to be done between the invaded and the invaders. It is always remarkable to me that they settled down so well, I suppose it is typically English, "if you can't beat em absorb em", and I think the City probably settled down faster than the countryside. Traditions of trade and a certain cosmopolitanism of the indigenous population of the City would have made it easier to absorb the foreigner than it would, say, in the nether parts of the country where there was still a bit of guerrilla warfare with "you'r a Saxon and I'm a Norman, and don't forget it". In the City the Sheriffs, I suppose, started to lose ground as being the boss faster than their counterparts in the counties who were further from the centre of power. They were also being chosen by the citizens and upstaged by a new creation, The Mayor, who was something quite alien to anything they had had before, and directly elected by the citizens after the 1215 Charter. The citizens now had their own man in charge, the Sheriffs had a job to do, but the Mayor and the Aldermen weren't going to let the Sheriffs get too uppity, and I think, fairly swiftly, both of them were put in their corporate place, if that's the expression. They were elected by the citizens and they were, undoubtedly, City men, but they were probably slightly under suspicion because they had a loyalty to the Crown and were the Crown's officers.

Their function has always been fairly fiscal. I mention them having their own courts, and they had their own courts in the City called Compters, one for each of the Sheriffs, one in Poultry and one which moved around a bit from Bread Street to Wood Street to Giltspur Street. These were mainly financial courts, debtors court, and things like that, not criminal courts in the normal sense of the word. If you listen to the Sheriffs taking their oaths, and these are Elizabeth I period oaths, they are full of how they have got to render to the exchequer and pursue people for debt. They were still very much in the tax collecting mode as far as the sovereign was concerned, and they were the people who enforced the royal will so far as paying up the money was concerned. Crime was dealt with by the Lord Mayor and Aldermen in the magistrate's court or by them and other judges at the Sessions for the City of London, largely superseded in 1834 by the Central Criminal Court. They sat with the Lord Mayor in the Court of Hustings which, again, is a very ancient court run in Guildhall and again mainly concerned with the registration and the transfer of property.

The Old Bailey of course, as such, didn't exist then, there was the main court which is now called the Central Criminal Court which existed in the same place up at Newgate, and they had responsibilities there for the summoning of jurors and for the delivering of prisoners for justice, and they attended there as well as at their own court. They didn't spend a great deal of time in the Compters; the Compters were run by an officer known as a Secondary who was a professional legal man, akin to a county under-sheriff, who ran the Sheriffs' court and dealt with the day-to-day business. In the City the Courts were

presided over by the Judges of the Sheriffs' Courts, although these officials had themselves earlier been known as Under-Sheriffs. These Compters existed in the City up to 1867 and then became the City of London Court, and in 1920 became The Mayor's Court which is still round the corner in Basinghall Street. The office of Secondary was reduced to one with the removal of Middlesex and, eventually, it was absorbed into the office of Secondary and under Sheriff in our lifetime and he is at the Old Bailey day by day to run the Sheriff's judicial duties there.

What of to-day? What is the role of the Sheriff in the 20th century? We have seen him emerge as a powerful royal administrator, has been emasculated over the centuries in this role as far as the City is concerned, overtaken by events and improved communications, but still having a judicial role to play. With the passing of time this decreased and when the Compters went, I suppose it could be said that he lost all his courts. The Court of Husting has only met twice in my memory, once in my Shrievalty in 1973. We convene it from time to time so that it shan't wither away, but that is more for the sake of tradition than any real function.

Whilst the role of the Sheriff in the City diminished, that of the Lord Mayor increased (see "Role of the Mayoralty") to his "Constitutional Monarch" position of to-day.

The Sheriffs in the past attended upon their Lord Mayor for this function as they do now, and it has caused them to be confused as being part of the Lord Mayor's entourage. They are not. They are a separate entity. They are not members of the Corporation. They may well be elected members of the Court of Common Council, and one may undoubtedly be an Alderman, wearing those hats, yes they are members of the Corporation, but they are separate in the office of Sheriff. They are the Queen's officers elected by you but approved by the Crown. They attend on the Lord Mayor and would, of course, defer to the Lord Mayor's wishes, but they must be seen as being a quite separate entity.

It is sometimes suggested, or asked, why can't Sheriffs stand in for the Lord Mayor? Supposing the Lord Mayor is sick or unable to perform a function, or could they be used to help with the increasing number of duties the Lord Mayor is asked to perform; couldn't they take some of the strain? To this, I am afraid, the answer is "NO". It's a constitutional "NO", if you like. They are not, as is sometimes thought by outsiders, some sort of deputy mayor. As I have said, they are a separate constitutional being. Nor do they necessarily have the experience to stand in for the Lord Mayor. Remember the Lord Mayor has had a long period of training as an Alderman and has been a Sheriff himself, and when he emerges finally as the Lord Mayor he should be able to cope with all the contingencies he has to deal with. The lay Sheriff in particular would have no such experience, and it would be quite inadvisable, I think, and unfair on the man to suddenly squirt him off somewhere and say right, you stand in for the Lord Mayor and do this, or do that, or make a speech here or there. Constitutionally only an Alderman past the Chair may deputise for, or represent, the Lord Mayor.

Their role in support of the Lord Mayor is, nevertheless, very important. It is important to the Aldermanic Sheriff because that is part of his training. He

goes around with the Lord Mayor by day, on alternate days when he is not at the Old Bailey, and every evening. He should be looking and listening. Sheriffs are normally silent and are not called upon to speak, for which they are probably very grateful, but they should be listening all the time; watching points, because that is the last chance that the Aldermen will get to see the Mayoralty close at hand. If he makes up his mind during the year that he thinks this is too much for him, or his Wife, or he couldn't do it, then that is the time to back out. If he thinks that he could do it, probably most Sheriffs think they could do it better, then that is the time to make notes of the mistakes that the particular Lord Mayor is making, and promise himself that he wouldn't do it himself. It is the "look and observe" period which is extraordinarily valuable, not only to the Sheriff, but to his consort as well, as she is going to have to support him through the Mayoralty.

For the lay Sheriff, perhaps, that doesn't apply so much, unless he has aspirations to become an Alderman himself one day. He won't get a second chance as Sheriff, there is only one period of office required, and you cannot serve the office more than once. So, if he has any aspirations, he will be looking and making notes as well. If he hasn't, then he should be sitting back and enjoying it, and being seen that he is enjoying it. This will lay a patina on his Lord Mayor's audiences that all is well, and the Lord Mayor and the Sheriffs are enjoying themselves and they are working marvellously as a team. So he has an important job to do but, perhaps, not so much to worry about personally.

That is the sort of ceremonial side; they are part of a team; they will travel abroad with the Lord Mayor; they will parade with him in Churches day after day; will attend this and that banquet or whatever. They are part of the Mayoral family, and overseas this is very important because they are heavily outnumbered. In the U.K. it doesn't matter so much, but when you are travelling overseas you are a little group in a hostile environment out to sell the City. That is the Lord Mayor's job, you might say, but the Sheriffs are there to do it as well with the Chief Commoner. They must know their City; they must know what they are talking about, and they must be prepared to help as hosts to important guests when the case arises. This is something, of course, which Sheriffs in the Middle Ages would not have had to do.

What is left of the other duties? Well, the Old Bailey is the principal one. There must be a Sheriff on duty at the Old Bailey when the Courts are sitting. They put the Judges into court morning and afternoons - now a very streamlined bit of ceremonial so as not to waste Court time - and they, with the Aldermen on duty, will split up the courts between them and bow the Judges in. They have the privilege, for which they receive an allowance, of entertaining Her Majesty's Judges at the Old Bailey for lunch each day. To this lunch it is customary for the Sheriff on duty to invite a few distinguished guests each day. This is much appreciated by the Judges who find the contact with informed opinion from outside the legal fraternity most stimulating. They are responsible for their security, comfort and welfare whilst they are in the building. The actual summoning of jurors, and that side of their business, is taken care of by the paid full time Secondary and Under Sheriff who, generally speaking, runs things for them.

But it isn't just a sinecure, there are occasions when the Recorder may appear, as the presiding Judge at the Old Bailey, in your office with a problem, and it can be a fairly serious and delicate problem which has arisen over something or other on which he requires you to decide, not the Secondary and Under Sheriff. So the links with the judiciary are now entirely based upon the Old Bailey, and a very pleasant link it is. The City and justice have always gone hand in hand, and though some of the links have been weakened, I regret to say, by various acts of Parliament and the streamlining which has taken place in recent years, they are still very strong, and should, undoubtedly, be maintained, and it is the Sheriffs who are at the sharp end of maintaining them.

They still provide an official link between the City and Crown, and City and Parliament, in that they have the right of approach to both with petitions. Nowadays this is more usually restricted to occasions when the City seeks to present a loyal address to the Sovereign as was done at the Silver Jubilee.

Although gowned like Aldermen for ceremonial purposes, their symbol of office is a three stranded chain meeting at the City Arms and from which is suspended a personal badge of their own Coat of Arms supported by those of their interests, school, Livery Company, etc. The badge is never worn on a ribbon as is the City Jewel of the Mayoralty, because it is the chain that is the mark of office. Such regalia is usually presented to a Sheriff after his election, by subscription of his supporters. The Lord Mayor elect and Aldermen past the Chair wear their Sheriffs' chains and badges again on certain occasions as a mark of their status.

The Sheriffs' Breakfast, actually lunch, is their first act of public hospitality, and follows immediately after their admission and oath-taking in Guildhall. They are also joint hosts with the Lord Mayor at his Banquet in Guildhall on the Monday following his admission.

What does the Shrievalty offer a man nowadays? Why should anybody want to become a Sheriff? You can understand, I think, an Alderman who has aspirations to the Mayoralty, and an Alderman must have such aspiration; we don't tend to elect people to the Court of Alderman who don't seriously intend, if chosen, to become Lord Mayor; he has got to do it in the course of his training. But why should anybody want to become a lay Sheriff? How can you, in the livery, encourage your members to go forward for what is a year, or pretty well most of a year - when he can do a little work. There are no honours or particular rewards these days at the end of it; there was a time before the war when they could pick up a Knighthood - but that has now passed, so why should anybody want to do it? Well, I think the answer is that if you love your City, and identify with it, and don't aspire to the full vocational commitment of being an Alderman and then Lord Mayor, this offers an opportunity to be as close to the Mayoralty as you can get without actually being the Lord Mayor; participation in the full spectrum of City life, to make your contribution to maintaining the very ancient privilege of the election of Sheriffs that the City has, and the feeling that somehow you have given something back to the City which may have given a lot to you.

What can you do about Sheriffs? Well, we need a constant supply of good men to represent the City at home and overseas in this capacity in the lay Shrievalty.

If you find somebody who you consider a fit and proper person who could be persuaded, then let them stand for election. The question has sometimes been asked by the Livery, how do we know who to vote for? Well, it is difficult. You have to rely to a large extent on the company from which he comes. Vetting the Aldermanic Sheriff, I would suggest to you, lies well within your grasp. He is an Alderman. You are always looking for people to reply for the guests. Pick a young Alderman out and make him do it. Listen to him, watch him, see if he is any good. You have the opportunity to get to know him, you are very hospitable. It is no good saying "I don't know young Snooks, who is this fellow". Make them sing for their supper. It's jolly good training for them and it's a jolly good chance for you to say "This one's no go", or "O.K.". It is very difficult for the Court of Aldermen to get rid of an Alderman constitutionally. There are ways and means but it is difficult. If you, the Livery, don't elect him as Sheriff he is finished, because he can't go any further. That is putting it rather crudely and I am not inviting you to actually go round slicing enthusiastic young Aldermen down when they come up for the Shrievalty, but the power to act lies in your hands. It is a myth really, lets face it, that the Liverymen elect the Lord Mayor. Its an over-simplification. The Liverymen nominate two from which the Aldermen chose one, but you do elect the Sheriffs, there is no secret ballot outside when we who have served the office retire. When we do it for the election of Lord Mayor we await to hear the two names and then we have the secret ballot with pieces of paper in the bowl. That doesn't happen with the election of Sheriffs. The existing Sheriffs come out and report that such and such has happened, or a poll has been demanded. It has nothing to do with the Aldermen, so you do exercise a very strong influence on who goes forward or who doesn't; you have that power at the time of election of the Sheriffs, and it is a unique privilege that you should cherish and exercise if over 500 years of history is not to be squandered by default.