

West Derby Society

NEWSLETTER

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New Year 2012

Footpath Closure Opposed

Liverpool City Council wants to close the ancient footpath running from Leyfield Rd / Thornhead Lane, passing between the golf course and the rugby union club to Aspes Rd off Princess Drive. The West Derby Society (WDS) has sent a letter of objection as have local residents and the Peak and Northern Footpath Society.

The Council says that the path is no longer needed. WDS has submitted a series of photographs similar to the one above showing that the path is well-used.

Society chairman Stephen Guy says in his letter of objection:



As can be seen, the path is well-trodden with bare compacted earth along much of the length of the path indicating that it is used constantly. I have used this path all my life – my earliest memory is being caught in a thunderstorm there about 1957 – and it has never been a busy path. However, it is used regularly. It will also be seen that the footpath is not overgrown in any way, indicating regular use.

Aspes Rd – Thornhead Lane is an important green link for walkers between Sandfield Park and Croxteth Country Park.

Leisure

The path is used for recreation and leisure – it is important for the health and wellbeing of the public. It enables walkers to enjoy the open country unhindered by traffic and noise, a rare

experience in this largely urban part of Liverpool. Government and health agencies are constantly urging people to exercise and enjoy the fresh air and this path helps to fulfil this need. My grandfather first enjoyed this path in Victorian times, my father in the 1920s while I have walked it for more than 60 years.

The need for this path is endorsed by the recent creation of Thornhead Lane as a public right of way. There seems no logic in having Thornhead Lane as a public right of way if the footpath is closed. A lockable vehicle barrier was erected at the end of Thornhead Lane which should result in an end to fly-tipping.

It is likely that the issue will go to a public inquiry. Stephen Twigg MP is among those who support the closure of the path because of alleged anti-social behaviour.

However, the only legal grounds to close a footpath are that it serves no useful purpose and has an alternative suitable route. WDS and others argue that neither applies in this case.

The King's Peace

In Britain the earliest written records belong to the Anglo-Saxon era, roughly between 550 and 1066, **writes Alastair Caird.**

From these records we are able to gather a very clear idea of what our ancestors believed to be the best way of guarding the Peace of the Folk or, as it was later called, the King's Peace.

Before these times there must have been some kind of organisation to deal with breaches of the peace.

All tribal structures, of necessity, had to have such an organisation for the welfare of the community. It is quite likely that the guardianship of the peace was the mutual responsibility of all freemen – in other words, every man policed his neighbours.

The increasingly expanding social structure of later Anglo-Saxon times clearly needed a more elaborate means of guarding the peace. Legislation providing this shows an extension of the basic concept of mutual responsibility.

However, in addition to every man policing his neighbour, he was made responsible for his good behaviour.

Alfred the Great required all his freeman subjects to be members of a group or association: each man within the group being equally responsible for the good behaviour of the rest and for a share of the fine levied upon any wrongdoer within his association.

Security

By the 10th century the system of mutual security and responsibility was working well in the form of associations known as *firthborh* and *frithgild*, members of which were now primarily concerned with the maintenance of the King's Peace. About the middle of the century, all the male adults of London were called upon to enrol in voluntary guilds for the "suppression of thieves, the recovery of stolen property and mutual insurance against losses by theft".

The affairs of the guild, which had a common purse, were managed by the headmen, meeting at regular intervals.

Another half century passed and a further extension was introduced but with the basis of mutual responsibility unchanged. We now meet the terms Hundred and tything. At the beginning a Hundred consisted of 100 or 120 warriors and their families.

Later the term was applied not to persons but a territorial system such as the Hundred of West Derby.

This was probably because it was easier for administrative purposes to refer to an area in which the warrior's families lived.

Tything denoted a group of 10 or 12 and was a sub-division of the Hundred. It too eventually achieved territorial identification – the unit of local administration called the Township.

There is one other Anglo-Saxon term it is necessary to know – *borh*. This meant a surety and every man was required to have a *borh* whose duty it was to hold and bring him to justice if he transgressed or pay a penalty if he ran away.

Kingdom

In King Canute's time, the kingdom had been organised completely on a territorial basis – it was divided into shires, each shire into Hundreds and each Hundred into tythings.

The word tything also underwent a change: sometimes it was referred to as a ward, sometimes as a *borh*.

At the head of these territorial divisions were officials answerable to higher authority for those living in their territories.

A sheriff headed the shire or county while a *frithborgehead* and tythingman headed the lower divisions respectively although eventually these two became identified with one another.

Both were, in fact, *Borhs-ealder* or Chief Pledge, speaking and doing in the name of all.

The Norman Conquest effected little change in the existing laws. In fact, there was a restatement of the law of *frithborh*, now referred to as the Norman French term frank-pledge. Unfortunately, while the law was not changed, the manner in which it was administered was altered because Norman officials, who had little sympathy for the conquered natives, replaced the Saxon sheriffs.

Breakdown

Within a comparatively short time there came about a general breakdown in the system of preserving the King's Peace involving mutual security and responsibility. Instead of ensuring that their neighbours behaved themselves, people now banded together against the harsh new authority of the Normans.

Fortunately some of the barons realised what was happening and permission was obtained from the King for the setting up of local courts – known as court-leets – within their manors.

This put the administration of justice on the more intimate footing to which people were accustomed and thus averted anarchy.

In time the system of court-leet was extended to the whole country and gradually caused the demise of sheriff courts. A contributory factor to the latter was the increasingly desperate extortion by the sheriffs which eventually necessitated a check being placed on all their corrupt practices.



This was done by Magna Carta when **King John** was made to promise that no merchant should in future be filched of his merchandise and that no villein (bound tenant) deprived of his agricultural implements. In addition, no man could be appointed as a judge, sheriff, constable or bailiff unless he understood the law and observed it.

The growth of the large towns had already created new problems in preserving the King's Peace.



As early as the reign of **Henry II** (1154 – 89) they had harboured bands of robbers who, often in gangs of 100 or more, attacked the homes of wealthy people after nightfall.

By this time the frank-pledge had broken down and those attacked could only meet the situation by employing large numbers of sturdy servants for their own protection rather than the King's Peace. King Henry set about restoring the rule of law with a number of reforms. One was the introduction of six circuit judges who, besides administering the law, were obliged to see that within their circuit proper precautions were taken to safeguard the King's Peace.

One of these precautions involved the enrolment of 10 men in a frank-pledge for mutual security. Thus the ancient principle was still considered the most effective means of preserving the peace.



Unfortunately, much of the good resulting from Henry II's measure was undone by his weak, extravagant grandson **Henry III** (1216 – 72) who was dominated by churchmen and his wife's French relations. He had all the private virtues but lacked statesmanship.



Henry III was succeeded by his son **Edward I** who was as strong as his father had been weak. Edward at once set about introducing strict regulations for preserving the peace. His famous Statute of Winchester (1285) required, amongst other things, the keeping of watch-and-ward in every borough and the closing and watching of city gates from sunset to sunrise. To enforce these new measures and others equally important, new officers were appointed called Conservators of the Peace. This changed over time to the title more familiar to us today – Justices of the Peace (magistrates).



At first these justices were executive (second- in-command) officers only but in 1328 **Edward III** extended their powers considerably by entrusting to them the examination and punishment of law-breakers.

Their powers then became not very different from what they are today.

Responsibility for keeping the peace was once more placed on the King's male subjects. All between the ages of 15 and 60 were required to provide themselves with arms according to their rank and to have such arms ready to keep the peace. The Hue and Cry – the pursuit of a suspected criminal with loud cries in order to raise the alarm - was also made a statutory obligation: every man was bound under the penalty of being tried with the offender.

The Statute of Winchester also introduced a now familiar figure – the constable. Two constables were introduced to every Hundred with the duty of reporting to the Justices of the Peace (JPs) any failure to keep arms.

At the beginning these officers were probably connected with the militia but in the reign of Edward III they were transformed into petty constables whose office was purely civil.

Local knowledge was always insisted upon to be petty constable although, by a gradual process, he became merely the JPs' assistant. This inability to exercise any powers outside his own particular area was one of the reasons he became a nonentity at one time.

Nevertheless, little by little the constable took over the duties of the tythingman.

The duties of the petty constable were clearly defined by the oath he was required to take. He was to: "Keep the peace of our Lord the King well and lawfully according to your power and shall arrest all those that shall make any contest, riot, debate or affray in breaking the said Peace".

In carrying out these duties he was taught to look for the support of his fellow citizens in case of need.

In this way the great and ancient principle of mutual responsibility was maintained. By the time the Tudors ascended the English throne, the machinery for maintaining the peace had become extremely rusty and under the early Stuarts deteriorated even further.

The judges and magistrates were now so corrupt that their dishonesty enveloped the constables and thus enfeebled the police.

Under Cromwell's Commonwealth (republic) the military police were prominent but with the Restoration they rapidly disappeared and peace-maintenance reached its nadir.



Charles II (1660-85) tried to improve matters but it was not until the middle of the 18th century that the problem was tackled with vision and vigour.

Today's police forces owe much to two brothers. One was a famous writer and the other a blind man - in the middle 1700s both were appointed Westminster magistrates, sitting at the Bow Street Court.

Henry Fielding and his half-brother Sir John Fielding introduced changes at Bow Street which aimed to remove the causes of corruption – the root of all rottenness in the whole system of peace maintenance.

One of the chief changes was the introduction of a paid and trained constabulary.

Thief-takers

The Fieldings' small band of constables were first called thief-takers but became widely-known as the Bow Street Runners. They were chosen carefully by the brothers and employed full-time at 2/6d (12.5p) a night.

Within a short time they did more to make London's streets safer than all the 2,000 watchmen, beadles and petty constables put together.

Beadles were minor Church of England parish officials employed to keep order.

As a result of what was achieved by the Fieldings and other honest magistrates, public and official consciences were roused. Several Acts were passed in attempts to reform a truly scandalous situation but progress was very slow.

Many years after the Fieldings had died the inability of the authorities – an incapacity reflected in every part of the country – was thrown into startling relief by the Gordon Riots of 1780.

To be continued

Alastair adds: I hope you all had a Merry Christmas and a Happy New Year.

As ever, there is the usual plea at this time of year regarding membership renewal. Attached is the 2012 membership form. Please complete it and bring to our Annual General Meeting at 7.30 pm on Wednesday 18 January or post to our hon treasurer Stephanie Grogan (address on form).

Membership is again just £10 a year (under 18s free) – please make out cheques / postal orders to West Derby Society. This is great value considering the quality of our speakers, four free quarterly *Newsletters*, e-mail updates and the chance to take an active part in West Derby issues.

Deletion of membership is always a hard task for me to complete but I have to do this in fairness to those who have renewed their subscriptions. With thanks in advance.



Signs spotted recently in the Liverpool area

West Derby Society on Facebook

Check out the WDS page on Facebook with regular updates about forthcoming monthly meetings and fascinating facts about our area.

Lowlands too ...

The West Derby Community Association (*Lowlands*) is also featured on the popular social networking site.

Log on to these now!

Chairman's Comments

I have started a new column in Saturday's *Liverpool Echo* called *Merseyside Tales*.

Some people say they find it difficult to locate but it's in the local history section near the back. One role of the column is to promote my good causes – mainly *Lowlands*, West Derby Society, Croxteth Hall and the museums.

The new column, which started on 3 December, took over from my *Maritime Tales* that ran from January 2006 until last November – a total of 304 editions.

I never have any trouble finding subjects for the columns.

Someone might say something, I may see a building or read about a personality ... all sorts of things can spark an idea.

One was inspired by a book in a shop window.

I was passing that wonderful Liverpool institution – Henry Bohn Books at the bottom of London Rd – and decided to have a browse.

I asked to see a large red hard-backed volume in the window and, after a quick flip through the pages, decided to buy it.

It was the catalogue of the ironmongers Rowe Brothers & Co Ltd of Pall Mall, Liverpool, *circa* 1903.



What a treasure trove of trivia – page after page of baths, basins, closets, lavatories, lamps, beer engines, stained glass windows, taps, valves, stoves, **heaters** and numerous other hardware delights.

Not only this but all the specifications and trade prices are listed in minute detail, creating a marvellous picture of a vanished world. .



This was the company's **showroom** – and, what's more, virtually everything was *British made*. Alfred Rowe was a wealthy Liverpool man who went down in the *Titanic* – he's one of just two victims buried in the city. (The other was saloon steward Arthur Lawrence at West Derby Cemetery.)

Alfred Rowe made most of his money in America but I am now trying to find if he was linked to the Rowe Bros company.

I have several Victorian and Edwardian catalogues in my library – they are invaluable for understanding these eras.

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Dates of 2012 WDS meetings and subjects of talks are as follows:

18 January – AGM and chairman's talk

15 February – *The English Speaking Union*

21 March - *Decorative Arts*

18 April – *The Tree People*

16 May – *Chinese Ceramics*

20 June – Evening Outing.

Saturday 7 July – Day Trip.

August – **NO MEETINGS.**

19 September – *Housing for Older People*

17 October – *The History of Soap*

21 November – *Hale Village*.

19 December – Christmas Cheer and Quiz.

Stephen Guy