

## ORGANIZATION OF CITY POLICE ON THE CHARTER OF THE DEANERY 1782

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**The subject.** The subject of analysis in the article is the organization of the city police of the Russian Empire under the Charter of the Deanery 1782. Special attention is given to the structure and legal issues of the activities of local government and its interaction with the local administrative authorities.

**The purpose.** The growing interest in the history of local government connects not only with the aspiration of historians to look more deeply into the past but also with practical needs. Researching of the forgotten traditions of public administration allows to take greater account of historical experience that has been accumulated over the centuries as well as use it in legislation and law enforcement. We also need to take a look at already known facts and events in the light of today's realities.

**Methodology.** Theoretical and methodological basis of the research are such principles of historical knowledge as objectivity, historicism, determinism, alternativeness and social approach which are assuming an unbiased approach to the analysis of the researched problems, as well as a critical attitude to sources.

**Results, scope of application.** The article describes the process of codification in the administrative legislation of the Russian Empire and also organization of local governance in the Russian Empire according with «Charter of the deanery 1782». The basic aspects police activities are also characterized. This approach may overcome the old myths and misconceptions in the sphere of police organization and also prevent the birth of new ones.

**Conclusions.** This act created the system of local police management which was centralized by establishing of the police bodies with number of state employees, specified in the law. Such institutes became both representatives of the sovereign power in the provinces and guides of its policies until reforms of the sixties and seventies of the XIX century.

**Keywords:** police, administration, management, punishment, police officers, violation, Charter of the Deanery 1782, history of the state and the law.

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## **1. History of the creation of the Charter of the deanery, or police Charter.**

Eighties of the XVIII century were marked by new qualitative additions of legislative and organizational nature to the police bodies operating in the cities and districts of the empire. These additions were especially evident in the further organizational and legal development of the police

system, carried out on the basis of the "Charter of Deanery or the Police Charter" of 1782, adopted by Catherine II (hereinafter - the Charter).

Work on the project of the Charter started in 1779, was completed in 1781, the law was put into effect April 8, 1782 g [1](#) . The main sources of the Charter of Deanery were: Institutions for the administration of the provinces in 1775, materials of the Standing Committee, foreign police legislation and Russian law enforcement practice. "Institutions for the management of provinces" and "Charter of Deanery" established the beginning of individual power, with the traditional, starting with the legislation of Peter I, the general collegiality of local authorities. This is noticeable in the organization of all organs of regional administration: from provincial boards to zemstvo courts and deanery boards, where members of collegiate bodies - assessors were placed in the position of performers fully subordinate to police chiefs, governors and police officers [1, p. 74].

## **2. The legal technique of the Charter.**

A number of Articles of the Charter, for example, Art. 30-37, almost literally copied the articles of "Institutions for the administration of the provinces" in 1775. From the standpoint of today, the legislator used an insufficiently high level of legal technique. The charter is casuistic, it often lacks general abstract concepts governing homogeneous legal relations. The one-order phenomena are often not grouped together. As a rule, the most important provisions are set out in the middle or the completion of the relevant chapters and articles. There is no clear system inside the chapters.

## **3. Moral grounds of the Charter.**

The legislator stood in the position of religious tolerance, underscored the need to maintain a non-conflict relationship between representatives of different faiths. However, quite often, the norms of the Charter intertwined with religion and norms of morality. The law also introduced (Article 242) the prosecution of "imaginary" crimes. Sometimes the Institutions (Article 55) and the terminology of the Institutions for the administration of the provinces of 1775 were transferred to the Charter.

The charter created police departments in provincial and district cities to protect "deanery, peace and good-will". The term "deanery" was used in pre-Petrine, Moscow Rus and meant lawful behavior, strict order and its observance. The charter was written in the form of instructions, in a moralizing style, calling for diligence, common labor and good-will. The goal of the Charter was declared as "haste to the good order, the most convenient execution of laws and to facilitate the presence of places due to a lack of regulations to this very difficult" [2, p. 324]. The principles of the Charter, formulated in the spirit of the Christian canons, called for public conflict and social peace.

## **4. Structure of the Charter.**

The Charter of Deanery was divided into 14 chapters, with alphabetic numbering and divided into 274 articles, many of which are broken down into letters and parts. The statute regulated the structure of police bodies, their system and powers, and also for the first time contained a list of offenses punishable by the police. Chapter "A" of the Charter defined the structure of the city police, as well as its staff. In the chapter "B" the positions of police officers and their place in the Table of Ranks were determined. Chapter "B" of the law established the procedure for the replacement of permanent and temporary vacant posts. Chapter "D" in content in a generalized form represented the entire Charter, in the remaining chapters, its individual provisions were specified. Chapter "D" of the law was instructive, it established the principles, powers and order of service of the deanery administration. In the chapter "E" it was said about the establishment of police teams in provincial cities (including Siberian ones), not regulating their composition and strength. Chapters "F", "I" were devoted to the competence of the private bailiff and the quarter warder. Chapters I, K and L spoke about verbal courts and brokers who were not part of the city police, but who were with her. In the last two chapters of the law, the prohibited acts were listed and the corresponding sanctions were indicated.

## **5. The competence of the police in accordance with the Charter.**

In accordance with the Charter of Deanery of 1782, the police authorities received detailed regulation of organizational and functional nature. According to the plan of the legislator, the Charter was to codify the police law and to become a single regulatory act on the police, instead of the many different and often contradictory legal acts of different levels issued before him from the monarch to the provincial administration. According to the plan of the legislator, the police had to become a special executive power body, but this line was not consistently carried out and the police remained a judicial body.

The law replaced the police chief offices in the provincial cities by the deanery authorities and created deanery offices in the county centers. The Charter defined the scope of the rights and duties of the police, its place in the system of government, the order and nature of legal relations with them, including the system of local authorities. The development of the deanery was reflected in the legal norms regulating the activities of the police, even to ensure the social protection of the population, in particular, the sick, the poor and the disabled.

In accordance with Art. 1 of the Charter "the deanery is entrusted to a single place called the administration of the Deanery or the police" [2, p. 324]. The deanery office followed the everyday life of the citizens, was obliged to take measures to the best arrangement of the city economy, public health, trade and industry and people's food. The police were also obliged to suppress petty criminal offenses, passing on their own judgments, judged for petty thefts and considered civil disputes up to 20 rubles (Art. 70), it carried out preliminary investigation and search of suspects. Only for the

fourth petty theft she handed over to the higher-level judicial authorities under investigation (Article 72).

The conduct of the police included the cessation of unlawful acts and resistance to the decisions of the authorities; speeches directed against the church and faith; disturbance of public order; Violations of the norms of deanery (gambling, prostitution, drunkenness, immoral, non-legal behavior, unauthorized development, etc.); actions against the order of management and court; crimes against the person and property of his subjects; persecution (Article 224) of witchcraft, sorcery and deceit. The deanery office in accordance with Art. 49 regulated civil and legal obligations. Police bodies were supposed to suppress the activities of public and other organizations not registered in the state registration authorities (Article 64). City police carried out their duties without a reason (for contacting the government did not have to pay any fees). The Charter in chapter "H" (Articles 251 - 252) established the judicial responsibility for bribery.

## **6. The organizational structure of the police in accordance with the Charter.**

In accordance with Article 2 of the Charter, the deanery administration was considered to be a collegiate management body [2, p. 324]. The introduction of elective and government-controlled posts in the government did not prevent the immediately started bureaucratization of the police. The police department was in the hands of the governor (police chief in the provincial cities), who was appointed by the Senate on the proposal of the provincial government. According to Art. 13 the supervision of the activities of the city police was entrusted to the district attorneys under the rules of Art. 410 of the Institutions for the administration of provinces. The Charter of Deanery brought the police bodies to a certain system, although the police did not create a specialized general police department. The police (lower zemsky court) in the counties existed separately from the city court.

According to Art. 5 -7 of the Charter of the Deanery the city was divided into administrative and police units (200-700 households), headed by private police officers [2, p. 326]. Private bailiffs according to Art. 24 of the Charter were determined by the provincial government for the attestation of the governor (police chief). The law established that all appointments for police officers were made by collegial bodies on the representation of officials to whom applicants would be directly subordinate.

The police supervised the work of guild corporations [4, p. 24]. The Charter required the private bailiff to compel guilds of local merchants and artisans. The city police had to stop "lasciviousness, which became a shameful trade." The private bailiff (Art.122) was obliged to "tame the indecent life". Art. 98 fixed one of the most important signs of the police, and namely, its efficiency: "The private bailiff does not lock the house either day or night, like a shelter in danger of being, or needs anyone at any time, and will receive and listen patiently to the complaint, petition, notification,

notification or report about what was done in his part". Complaints against the private police officer were allowed only when (Art. 125) it was possible to prove the wrongfulness of his behavior. A private bailiff could only make warnings, without imposing any penalties and bringing, if necessary, information to the administration of the Deanery [5, p. 223].

In turn, according to Art. 9-12, the units were divided into quarters (50-100 yards), led by a quarter warder, who is required to know the occupation and sources of income of each resident of his quarter [2, p. 327]. Quarterly supervisors were determined by the deanery administration by certificates of private bailiffs and citizens (Art. 26), they were considered as executors of orders of the private bailiff and the governor. Elections and representations to the post helped to determine the best candidates for police vacancies, they also served as some guarantee against police arbitrariness [6, c 140]. Although in practice the election as a quarter warder was nothing more than a presentation to the post. The appointment to the post was carried out all the same by the chief of the city police [7, c. 95].

The law contained specific requirements for business and moral qualities of employees. From the quarter warder (Article 147), it was required "faultless behavior, goodwill towards people, diligence to office and disinterestedness". He was obliged to be constantly in the territory of the quarter entrusted to him (Article 148). The quarterly supervisor directed all the watchmen of the quarter, the chimney-sweep, and also the quarterly lieutenants (Article 27) who were elected for three years from local residents, who were not in all Siberian cities [8, p. 58]. The police service in the administration of the Deanery had no standardized character [2, p. 332].

Preservation of "deanery, goodwill and order" was entrusted to the Department of Deanery. In accordance with the Charter, the jurisdiction of the collegial administrative police body "Deanery or Police Department" (Article 47) spread not only to local city residents, but also to foreigners and foreigners. However, its territorial activities covered only the boundaries of the local city center and did not go beyond it. The administration consisted of a police chief (in the provincial town), a commandant-in-chief (in the presence of a military garrison) or a governor (in a county town), two police officers-criminal and civil cases. The council consisted of two assessors who were elected by the townspeople for three years and were not included in the number of police officers and solicitor who represented the prosecutor's office, as well as elected members from the local merchants and middle class. The deanery administration was subordinated to the provincial government and carried out various administrative and economic and even judicial functions [3, p. 69].

## **7. Social composition of the police in accordance with the Charter.**

In spite of the appearance of the bodies of the regular city police some functions of protection of public order, especially the patrol and post service, were carried out by urban residents in the form of

serving a police duty. Article 137 of the Charter of the Deanery specifically established that the contingent of night guarders was recruited by the police leadership and subordinated to quarter warders. They should be rewarded based on how much their service is effectively held. In many areas of the empire to carry patrol policemen involved Cossacks [9, p. 116].

The Charter set no requirements to social class, age, religious affiliation, educational qualification and property of police officers. They were obliged to carry out the service in accordance with the law and strict organizational discipline.

### **8. The judicial police powers under the Charter.**

On the deanery council entrusted not only administrative but also judicial powers [10, c. 41]. As a punishment the city police, in accordance with the Charter could apply penalties and fines, arrest and detention pending full payment of the fine, impose a "silence" (Art.241), prohibit participation in the nation-wide games (st.261), restraining the furnace bath home (art. 262), sending in a penitentiary before the correction, sending in a working house reference (st.271). It could be several sentences for the same offense. Executions were also entrusted to the police.

The law did not separate the right from the ordinary rules of morality; it forbade luxury, gambling, drunkenness, and so on. The Charter in fact made no distinction between private and public life of citizens [11, c. 36].

Conclusions. The Charter Deanery was one of the basic regulations in the activities of the city police until the police reform in 1862. Supplemented by legislation, followed by the police, it was the general codification of the laws of the foundation "of the Charter of the prevention and suppression of crime" and acted in fact until February 1917 [12, c. 101]. The Charter established the chain of command and police relations, agency items, the limits of authority, procedures, responsibilities, accountability and responsibility of the police [13, c. 43]. The Charter became the most important source of administrative law in Russia. It actually finally codified the police (the administrative) legislation [14, c. 25].

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