

THE PETTY CONSTABLE'S ACCOUNTS OF WELFORD ON AVON, 1687-1735

by F. Storr

'The Justices will set us by the heels
If we do not as we should
Which if we perform the townsmen will storm
some of them hang's if the could.'

Thus wrote a Surrey petty constable in the reign of Charles I and the burden was still the same for the petty constable of Welford on Avon at the end of the century.

The parish was the smallest administrative unit of government and the petty constable was appointed to see that the laws were kept, law breakers brought to justice, taxes collected and a great variety of duties carried out. Many a parish has among its records a list of the duties of its constable and without fail they end with words similar to these "He must do all other things belonging to the office of the constable".

He was responsible to the High Constable of the hundred and to the Justices of the Peace.

Michael Dalton in his handbook and guide for Justices of the Peace, The County Justice, first published in 1617 but going into many editions throughout the 17th century, says that the man who held the office of constable should have three things; "Honesty to execute his office truly, without malice, affection or partiality; Knowledge to understand what he ought to do and Ability, as well as substance or estate as in body, that he may intend and execute his office diligently."

The constable was chosen for a year's term from the more substantial of the parish yeomen and received no payment but he charged expenses incurred in the carrying out of his duties. Daniel Defoe writing of Parochial Tyranny in 1727 says "The imposition of the office is an insupportable hardship, it takes up a man's time that his own affairs are frequently wholly neglected yet there is neither profit nor pleasure there in but an inconceivable fatigue."

The constable was responsible for raising money to cover his expenses by levy of a rate and payment for writing this levy appears regularly in the Welford constable's accounts year by year.

 Paid ffor righting a levy £0. 0. 6.

In 1706 the constable was able to close his accounts thus:-

 Disbursed £6. 11. 10.
 Received by a levy £6. 14. 0.
 Spend at the passing these
 accountes £0. 2. 2.

 and so all the mony is gone.

but this was unusual for Will Millard, constable 1696-7 enabled his successor to begin his accounts:-

 Reseved of Will Millard the sum of £1. 11. 0.

but in 1734 the entries began pd to the old constable out of pocket 0. 8. 6. The constable had to report on his activities regularly in the form of presentments to the Justice of the Peace 'of Things belonging to their office' and these had to be written out also and there appear these regular entries:-

Payd for a bill of presentment	0. 0. 6.
1690 Item Payed to Humphrey Wiggin ffor presentments in my time of Constables wirke	0. 2. 0.

The laws that the constable had to enforce were numerous and if he did not do it, then he was punished as Dalton states "If the constables shall neglect to levy severall forfeitures of Alehouse keepers, etc suffering tipping in their houses or for their measure of ale or beer or neglect to inform the justices of the faults such constable shall forfeit forty shillings or be committed to the common goale. If he fails to execute the Justices warrant for the correction of drunkenness then the constable would be fined 10s." Dalton leaves him in no doubt about how to 'know a drunken man' when he says 'where the same legs which carry a man into the house cannot bring him out again it is a sufficient sign of drunkenness.'

The Justices had to grant permission to keep a common ale house and the constable was responsible for seeing only licensed ale houses sold ale.

Item paid to Thomas Howes for going to Stow about the alle howses and with Tyso to the Justice	0. 2. 8.
1715 Charges for going to Camden to return the Ale housekeepers	0. 3. 0.

A common ale house keeper could not refuse to lodge someone if requested by the constable and the Welford constable frequently lodged passengers or travellers with Thomas Tysoe or Francis Shaw entering the charges in his accounts, four pence a day being the legal charge.

The Overseers of the Poor were responsible for the poor of the parish but the constable was responsible for all those passing through with a pass or letter of request when financial help was given to travellers and passengers to crippled and lame, to soldiers and seamen, to dumb and blind and for folk who had suffered loss from fire or sea, women and children especially pregnant women.

These passes or letters of request issued by a Justice stated why the traveller needed to travel and why he was destitute and needed help and asked the constables of every parish through which they passed 'to helpe him with lodgin in convenient time' and then to see him on his way to his home parish.

1695 ffor sending a great bellied woman with a horse and reliefe	0. 2. 0.
1697 Charges and lodgin pasinjares Charges sendin them to the next parish	0. 1. 6. 0. 1. 0.

The quarter session order books repeatedly state the expenses allowed for sending these people on their way. "From Lady Day to Michaelmas only fourpence a mile and from Michaelmas to Lady Day six pence per mile for every single horse which shall carry any vagrant to the place the said vagrant is ordered to be conducted and four pence per day for each vagrants maintenance." If for some reason they could not be hurried on their way the costs mounted

1697. Charges Aprill the 19 to a pore man and his wife and children the woman was sick and was not able to travell for the space of three days lay on the parish 0. 2. 6.

An order of the Gloucester Quarter Session states "that when any vagrant or beggar be brought to any Justice of the Peace of this County by any constable it be recommended to the said Justice that he do carefully and diligently examine the said vagabond and his pass, testimonial or letter of request. And in any case he find ffraud therein or the said vagabond or beggar to be such a person as ought to be punished." Hence the entry found at intervals in Welford's accounts

Payd to a man and ffore chillde with a fulse pass loging at Shawes and wiping him and sending him away. 0. 9. 0.

3s of that would be paid to the person who did the whipping. Sessions were held by the Justices "to heare and determine trespasses against the publicke peace etc and offences by statute" and the constable had to produce a warrant in which he made the accusation of the offence. To take offenders to the justice and to write the warrant all cost money and were therefore recorded in the accounts

1694 Payed at Stratford taking Joseph Holtom and Rich: More to the Justices 0. 1. 6.
Pd ffor hores and men and our charge taking Rich: ffreman to Gloucester 1. 8. 8.
1697 Payed ffor a warrand ffor the widow Brumby 0. 0. 6.

We never learn from the accounts the reason for these warrants but occasionally the punishment is recorded

1709 pd ffor going to the Justice with Mary Court and Elizabeth Hains and for men to take them in 0. 5. 0.
pd ffor wiping them 0. 2. 6.

In 1729 the parish must have allowed the repairs to the whipping post lapse because there are consecutive entries:-

the wiping post 0. 4. 6.
charge wiping Wm Haines by Justice order 0. 3. 0.

There are regular entries for repairs to the stocks too though no entries regarding their use. Most repair bills are small but in 1704 major repairs must have been carried out.

for the timber, iorn work and making of the stox 0. 17. 9.

It was a statutory requirement that the stocks were kept in repair. As the stocks or the pillory were frequent punishment for bakers giving short weight loaves, maybe they were put into action in Welford when an order from the quarter sessions led to a rather different item of expense in the accounts in 1710

This court taking into serious consideration that the poor people are much oppressed by the smallness of the household bread which is to be made according to the assize of Bread set forth in the Statute made in the 5th year of Henry 2nd which was to be in proportion to the price of wheat by which statute as also by the 52nd of Henry 1st it was ordained that a bushell should contain 8 gallons and every gallon 8 pounds Troy weight and severall other good laws have been made for regulating weights and measures and yet not withstanding these good laws the common measure for grane in most places in this county is two gallons in the bushell above the standard which the occasion that the poor are defrauded in every loaf of bread one part in five by reason the baker buys an unlawfull bushell that contains 10 gallons and assizes his bread by a less bushell that contains only eight gallons by which means he sells eight gallons to the poor for the same price that he gives for 10 so that in every bushell a fifth part is lost to the buyer for remedy whereof it is ordered by this court that the severall constables of the towns and parishes within this county do persuant to the said statute make diligent search within their severall towns and parishes after all unlawful measures contrary to the said standard and examine the same and such as they find defective and contrary to the said standard do seize and break and do also present the names of all such persons as do make use of such unlawfull measures to the next general quarter sessions of the peace to the intent that they may be punished for the same according to the severall statutes and that in case any of these constables do refuse or neglect to do their duty herein that they be prosecuted for such their neglect and contempt.

Thus there appears in the Welford accounts the following items in 1710

pd ffor Breud Wates	0.	2.	2.
pd ffor a pare of scales to way bred	0.	4.	0.
pd ffor a pouter pint ffor ale	0.	1.	2.
pd ffor the act	0.	0.	6.

This last for having the order written out to be posted in a public place. The outlay was repeated in:-

1730	pd for an act for the size of bred	0.	1.	0.
	pd William Izod for weight	0.	5.	11½
and 1735	pd fore a scale and bem for the bred wates	0.	3.	5.

Catching an offender involved the constable in raising a Hue and Cry once or twice each year, as in:-

1691	ffor caring to huyes and cries to Hinton	0.	0.	4.
	ffor caring a huye and crie to Barton	0.	0.	4.

Dalton describes a hue and cry as a "pursuit of one who hath committed a felony by the highway, for if the party robbed or any in the company of one murdered or robbed come to the constable of the next town and require him to raise Hue and Cry or to pursue the offender, describing him and shewing (as near as he can) which way he is gone, the constable ought forthwith to call upon the parish for aid in seeking the felon and if he be not found there then to give the next constable warning and he the next until the offender be apprehended or at least persued thus to the sea side." Hence each entry in the accounts always names the next parish to which the Hue and Cry is carried and it was the legal obligation of any parishioner to aid the constable when he asked for it.

The setting of the watch when necessary was also the constable's responsibility. In his New Law Dictionary Jacob says this of the Watch "Watching is properly for the apprehending of rogues in the night as warding is for the day and for default of watch and ward a Township may be punished". Their function was "To arrest strangers suspected and make a hue and cry after them and justify detaining them till the morning".

Welford only paid for the watch on nights that it was likely to be necessary or when there was someone to guard. Hence an almost annual entry is the payment to the watch on the town's Wake night of 1s. but the entry for 1689 reads:

Spend on the wach at our Wake when the tumult was the solders	O.	2.	O.
1721 For bread and cheese for the watchers	O.	1.	O.
For cole and candle	O.	1.	O.
1730 Paid for ale at the Wake that the Watch had	O.	4.	O.

One wonders how well they kept watch that night.

Collecting the various rates and taxes was the constable's responsibility. Bridge money, quarter rates, poll tax, land tax, window tax, the tax on entries into the parish registers and trophy money were all collected and taken to the High Constable in 'Moreton Hinmarch' or Camden.

Dalton stated that "Justices may tax every inhabitant in a city, town or parish (within their limits) to such reasonable sum of money as by their discretion they shall think convenient as well as for repairing of the bridges as also for the making and repairing of any highwayes lying next adjoyning to the end of any such bridge distant from either ends of the bridge by the space of three hundred foote." Hence the annual entry of which this is an example

1697 Payed the Bridge Money to the High Constable	O.	17.	O.
Payed in horse hiare and my charge caring the bridge money to the high constable	O.	3.	6.

Poll tax is a tax imposed, sometimes on the heads of all indifferently and others according to their degree - on a duke £100, marquis £80, knight £30, Esquire £10 and every common man 1s.

1694 Pd in hores hiare and our charge	
going to Moreton about the Pole bill	0. 10. 6.
pd Mr Mills and Tho. Bromly caring	
in the sesments ffor the pole	0. 7. 0.

Land tax on the yearly value of land varied between 1s, 2s, 3s, or 4s in the pound.

1694 Pd in hores hiar and our charge at	
Camden about the Land Tax	0. 9. 0.
1697 Charges May the 17th to Thomas	
Bromly going to Moreton Hinmarch	
with a warrant consarning the Land Tax	0. 3. 5.

Window Tax was a duty charged on the occupiers or inhabitants of houses, not the landlords, and was 6s for houses having ten windows but under twenty, 10s when they had twenty but not more than thirty and 20s for thirty or more. Cottages not having £5 a year land to them were exempt.

1715 Pd the colectors of the window tax	
for caring in the sesments and	
makeing them and a warrant	0. 5. 0.

The tax on every entry in the registers was by degree £50 for a Duke down to 2s for a common man.

1694 Payed to Mr Herbit and Tho. Bromly	
when they went in to Camden to get	
the act conscarening marig, buril	
and crising	0. 6. 0.
1695 ffor going to Stow with the buriall	
money and wrighting the accounts	0. 5. 0.

"Trophy money" signifies money yearly raised and collected in several counties of England towards providing Harness and maintenance for the militia explains Jacob.

Dalton states that "there shall be a general muster of the militia once a year and then not to continue above four days without special direction". The Foot or Musqueteers were to have a musket three foot in the barrel, the bore whereof to bear a bullet of 12-14 to the pound. A collar of Bandaleers and a sword and to carry with them powder and ball of each half a pound. It was the constable who had to organise this annual muster and be responsible for the armes, of the trained band as they were called.

1697 has a typical variety of entries in the 'soldier's account'

Payed ffor seting ffoureth the Tran Band asffolloeth	
Payed 6 soulders to dayes pay a pece at	
2s 6d a day the sume of	1. 10. 0.
payed ffor powder and bullet	0. 2. 0.
payed ffor mending to muskets	0. 2. 6.
payed ffor scowering ffoure muskets	0. 2. 0.
payed ffor hiare of a picke	0. 1. 0.
payed to the muster master	0. 6. 0.
payed ffor writing the levy	0. 0. 6.
payed in horse hiare and my charge and	
mony spend on the soulders	0. 10. 0.
payed ffor writing this account	0. 0. 6.

His levy raised £2. 18s. so Will. Millard had also money in hand for his 'soldiers account' when he handed over to his successor.

Separate Fieldsmen's account exist for Welford for 2 years 1727 and 1737, but the constable was usually responsible for the parish's pasture gates as almost annual entries indicate.

1689	Payed Isark Campden ffore making and hanging the paster gate	0. 1. 4.
	Payed ffore thimbolles ffore the same gate	0. 0. 6.
	Payed ffore wood ffore the same gate	0. 1. 0.

The constable travelled extensively in his year of office making journeys all over the county and into Warwickshire usually hiring a horse for the occasion, but a series of unusual entries in 1730 show that sometimes a waggon was used, and the roads of the day were not always kind.

	Paid for mending and hier of a whele	0. 7. 0.
	Paid for caring home the whele	0. 5. 0.
	Paid to a man for Draw Ing us out	0. 5. 0.

The constable had to take an oath of office and every account begins

	Pd for takeing my oath	0. 1. 0.
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Very rarely does a national event affect the accounts but in 1715 the entry reads:-

	Charges taking the abjuration oath att Camden	0. 6. 0.
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explained by Jacob as the oath 'where a man bound himself not to own any regal authority in the person called the pretender, nor ever to pay him any obedience'.

One national event remembered annually was November 5th though the records show that at first the celebrations were in the hands of the Churchwardens and from 1695 to 1725 entries like this occur in their accounts:-

	Given the ringers on gunpowder treason	0. 5. 0.
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but the style of keeping the occasion obviously changes and naturally it becomes the responsibility of the constable when from 1732 gunpowder is used.

1734	Pd for one pound of gunpowder the 5th November	0. 1. 9.
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The question Why? What Happened? repeatedly invades the mind of anyone reading the accounts of Welford's constables over the years 1687 - 1735 and each time it remains unanswered and yet the accounts, never intended to do more than record the expenses of the constable, do give a glimpse of parish life of the early eighteenth century.

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