

III The Parish Constable and The Militia

THE CONSTABLES OF HAGLEY

For many centuries the parish was the main unit of local government and the Constable, elected annually, was one of the executive officers of the parish. The office can be traced back to the military official of the Norman court and, even beyond, to the Saxon tythingman. Originally elected by the manor or court leet, but from the 15th century by the Justices of the Peace, the Constable's job was to aid the Justices in keeping the peace.

The Constable seems to have had a formidable list of duties, which included: raising the hue and cry after a robbery or an assault; taking in charge people committing felonies; licensing beggars; giving notice to innkeepers to renew their licences; informing J.P.'s about house buildings; sending for the coroner in the case of suspicious death; attending inquests; keeping the parish armour; collecting the assessment made on the parish and many more. The office was unpaid, and a full-time job had to be fitted in somehow, as well. Every Constable must have prayed for a peaceful and orderly parish!

The longest serving Constable in Hagley was Thomas Jackson, a stonemason, who died, aged 79, in 1824. He served 20 terms, 1795, 1799-1814 and 1817-1819. In addition to this, he was Overseer for most of this period. We know that his wife's name was Sarah, that he had five children, and took an apprentice in 1781, a young man named John Foxall. We know too that he paid a 6d rate towards the repairs to the church in 1803 but what manner of man was he? His long period of office and his concern for detail indicates at least a conscientious citizen.

Paul Mathews, Constable in 1813-1814 was a maltster and a baker. He kept the Taphouse, which we now know as the Lyttelton Arms. On 16th July 1780 he married Hannah Franks of Pedmore and they had ten children. He took an apprentice in 1787, one Harry Thomas, and he also paid 6d towards the repair of the church in 1803. He was drawn for the Militia in 1798, 1799 and 1801, but is indicated as already serving in the Old Militia. He was Overseer in 1787 and 1814. He died, aged 63, in 1818.

John Briscoe, Constable 1796 and 1797, was a cordwainer and we think that he could not write because he signed his accounts with a X. His wife's name was Phoebe and they had six children. He had an apprentice named William Crump, who ran away before his term of apprenticeship had expired. Because of this, a summons was brought against him, dated 20th January 1796, which is interesting, as it was during his term of office as Constable. On 1st January 1801, Thomas Timmings brought a summons against him for unlawfully keeping and detaining 1 guinea. He also paid his 6d towards the church's repair. On 26th June 1829, his widow was fined £10 for not taking an apprentice. Unhappy memories of William Crump perhaps?

The Constable in 1803-1804 was William Lea, a yeoman farmer. When he was 21 years old he married Elizabeth Brazier of Belbroughton, but there is no record of any children being born to them. He took an apprentice, Thomas Field, aged 7 years in 1803, and in the same year paid 9s 9d towards the repair of the church. Three years later he held the office of Overseer of the Poor. He died in 1811.

John Kenney, Constable in 1814-1815 is described as 'a gentleman'. He was born in 1780 and married Nancy Rowbottom, widow, in 1808. He was drawn for the Militia in 1810 but was exempt as 'serving by substitute and is a cripple'. He was drawn again in 1811 but found a substitute. He was Overseer in 1811.

Matthew Woodhouse, who served in 1818, was a bricklayer, married to Sarah. They had three children and took an apprentice in 1814, John Brown, aged 8. In 1798 Matthew paid 10s 6d to provide for a substitute should he be drawn for the Militia. It seems he was not, as 10s was returned to him. Sarah died in 1830 when she was 73 and Matthew in 1835, aged 77.

Joseph Jackson, Constable 1823-1824, was the son of the aforementioned Thomas Jackson and, like his father, was a stonemason. In 1820 he took an apprentice, a boy of 11 years, named William Iyes. Joseph was called for the Militia in 1807 and served in the 2nd Troop of the Stourbridge Cavalry. He died aged 56 in 1839.

There is not a great deal known about the other Constables. William Thomas, blacksmith, served from 1819 to 1821; J. Auden, probably a fire shovel maker, from 1821 to 1822; Charles Bowen, a shoemaker, in 1833; Thomas Edwards in 1834 and Richard Cooper in 1835.

THE MILITIA

The most onerous of the Constable's duties during this period was in fact in the organisation of the county's militia. The earliest English militia was the Anglo-Saxon fyrd, but under the Plantagenet kings the introduction of new weapons, too complicated for a part-time soldier to handle, meant that the militia declined. But the idea behind it, that all men owe a duty to defend their societies, persists into the twentieth century.

In Tudor times there were the Trained Bands. In Stuart times civil war temporarily stimulated the militia and brought about the formation of a standing army which, remaining in peacetime, aroused fears of loss of personal liberty among Englishmen. Consequently, on Charles II's restoration, a Militia Act was passed in 1662, but from then on the militia was neglected until the mid-eighteenth century when threat of French invasion whilst the army was occupied abroad led to a national emergency. To remedy this situation, William Pitt introduced a new Militia Act in 1757. The effect of this legislation, the workings of which are illustrated in the Hagley Constable's papers, was to transform the militia from a local police and national defence force into a reserve for the regular army. Initially, however, many inland counties, including Worcestershire, no doubt arguing that they were safe from foreign invasion, paid fines rather than obey the law, until a new national emergency goaded them into action. From 1770 Worcestershire again began raising a militia. Fear of French invasion during the War of American Independence and the Revolutionary and Napoleonic Wars galvanised the counties into further action, for a militia was needed to guard the coast; in fact its strength and organisation were so poor that had Bonaparte succeeded in crossing the English Channel it could hardly have repulsed him.

Accounts of Thos Jackson, Constable of Hagley 1823

July	4th	Paid for the Oath at the Public Office in Stourbridge	1	6
		Journey to Stourbridge Do	2	0
	23rd	Relieved a poor man and 6 children		7
		Inquest Town Hall Dudley	15	0
	25th	Relieved poor woman		1
August	1st	16 permits with passes	1	4
	2nd	18 Do Do	1	6
	4th	17 Do Do	1	5
	6th	Two women in distress		4
	17th	Women and 5 children		6
	18th	Inquest Netherton Swan	15	0
	20th	Two women and 4 children		6
	21st	Inquest Town Hall Dudley	15	0
	22nd	Poor woman being very ill		6
September	11th	Attending Justices' meeting Kidderminster Licence Day	3	6
	13th	Inquest Town Hall Dudley	15	0
	15th	Inquest Babtiz End Nr Dudley	15	0
	19th	Inquest Coach and Horses Stourbridge	15	0
	26th	Inquest Town Hall Dudley	15	0
	27th	Attending Justices swearing to Freeholder list	2	6
	29th	Inquest Town Hall Dudley	15	0
October	1st	Relieved a man his wife and 7 children		9
	7th	Do Do 5 children		7
	10th	Returning surveyor's list Stourbridge	1	6
	13th	Relieved 2 poor women and children		8
	15th	Inquest Queens Head Cradley	15	0
	20th	Relieved poor woman and 3 children		4
	22nd	Paid for 4 new Locks for the Pound, Stocks and Whipping Post	9	0
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The accounts of Thomas Jackson for 4 months
July to October 1823

During the brief peace between the two French Wars a major new Militia Act was passed in 1802 and the workings of this together with others passed between 1808 and 1812 are illustrated by the Hagley documents. In addition, the sovereign was authorised to accept voluntary offers from militiamen to serve anywhere, and a considerable number of these served not only in the Peninsular War against Napoleon, but also in the Crimean and Boer Wars.

Fundamentally the Acts of 1662 and 1757 remained the basis of the militia until 1908 when it was incorporated into a new force called the Special Reserve, but the word militia was re-introduced in 1921 and most recent examples of it are the Home Guard, that 'Dad's Army' of the Second World War, and the modern Territorial Army.

So much then for the general history of the militia; now to Hagley's involvement as shown by the Constable's papers which deal with the administration of the 1757 Militia Act and subsequent ones passed in the reign of King George III.

The number of printed forms to be completed and written instructions to be obeyed was enormous. Orders usually came via the High Constable of the Hundred of Halfshire, from 1807 D. Mathews, the keeper of the Hagley tap-house. The papers show the complexity of Georgian government machinery and also that bureaucracy and red tape are nothing new. The amazing thing is that the man at the hub of it all, that is the Parish Constable, Thomas Jackson in Hagley's case, was unpaid, merely claiming expenses; yet there he was at a time of scant popular education, fulfilling his many onerous duties honourably, efficiently and in a good legible hand (although at times his spelling is a little picturesque).

Pitt's 1757 Militia Act required the Parish Constable to compile a list of all men, save those exempted, between the ages of 18 and 50 (by 1800 amendments had reduced the latter figure to 45) and send it to the Lord Lieutenant of the county. The Lord Lieutenant or his deputy then allotted the quotas of men to be provided by each parish according to population. Those chosen had to serve for three years or provide a substitute. This law was enforced annually by Parliament except when the Militia Ballot Suspension Act was passed when the measure was considered unnecessary.

If there were volunteers the Parish Constable had no problem. In practice the number of volunteers was limited and so it was necessary for the J.P.'s and the Deputy Lieutenant to choose by lot. When this had been carried out, it fell to the Constable to inform the (unfortunate) individuals that they had been chosen.

As far as the Constable was concerned, the action started with the receipt of either a printed form or a handwritten order from the High Constable of the Hundred requiring him 'to make out a List in Writing of the Names of all the Men usually at this Time dwelling in your Constablewick, between the Age of Eighteen and Forty-five years, distinguishing their respective Ranks and Occupations, and which of the Persons so returned labour under any Infirmary likely to incapacitate them from serving in the Militia'.

The Militia List drawn up by Thomas Jackson in 1795 lists only men and occupations but that of 1798 is set out as a series of columns drawn up by Thomas himself. Altogether it lists 67 men, of whom Sam' Hunt is crossed out because he is over age; it gives names, occupations, infirmity, number of children and then number of children under ten years. There then follow the names of 16 men who have already been drawn for the Old Militia, as opposed to

this Supplementary or Local Militia now required. It is headed 'A true list of all and every man between the age of eighteen and forty-five years at this time Dwelling in the Parish of Hagley, Nov. 14th 1798'.

Such a list had to be returned personally by Thomas Jackson, on oath, to the Deputy Lieutenants and Justices of the Peace at the Golden Cross Inn, Bromsgrove, on Tuesday, November 13th by ten o'clock 'in the forenoon'. The Golden Cross seems to have been the usual rendez-vous, but on one occasion he had to report to the Lion Inn, Kidderminster, once to the George Inn, Droitwich, and occasionally to the Public Office in Droitwich.

The 1798 list still bears nail holes in each corner suggesting this was the one which Thomas was ordered to affix to the door of the Parish Church, three days at least before the meeting. At the bottom of the list of names he had to inform the men that the 'Day of Appeal will be held at the said Meeting and that no Appeal will be afterwards received'.

The reason for the elaborate listing of names and information is that many would not be required to do militia service. For example, it was possible to pay for a substitute. Those who belonged to a certain class and categories were also exempt: peers, soldiers, volunteers, yeomanry, resident members of a university, schoolmasters, articled clerks, apprentices, seafaring men, Crown employees, and any poor man with more than one legal child (in Scotland it was two; in England the age of the children for exemption was under ten years, at first, then under fourteen). After 1802 a man could choose to pay a fine rather than serve, as did W. Briscoe and Wm. Perry in 1816.

Most of the exempt Hagley men escaped service because of their children. The next largest number appear to be men already serving in other companies, e.g. the Stourbridge Cavalry, such as Jos. Jackson who in 1803 was serving in its 2nd Troop. Then there were the apprentices and finally men suffering from infirmities. There was Thos. Hayes who was lame, Jos. Edmonds who had a lame leg, Wm. Wayn (1803) or Wane (1802) who had a lame arm, as did John Dillworth. Edward Mainwaring, gent, suffered from 'Ipiliptick fitts' in 1802. James Bruton, a collier, was consumptive (1798).

Selection of the required number of men was the next part of the process and the outcome would be crucial for a small number of individuals. For example, as a result of the ballot meeting of November 1807, Thomas Jackson was ordered to give at least seven days' warning to John Stancliffe, gentleman, and Richd Egerton, footman, that they should appear at Bromsgrove on December 8th to enrol as militia Privates or otherwise to provide a fit (i.e. suitable) person as substitute.

As can be imagined, militia service, though a necessity, was not a pleasant prospect for most men. The solution for a few was to disappear. In April 1807 Thomas Jackson sent one of the usual printed forms to David Jones, a groom, informing him that he had been chosen by lot to serve in the North Worcestershire Regiment of Local Militia and that he appear in Droitwich to take an oath before the Deputy Lieutenant. The form was never delivered, since David Jones could not be found. This information is written against his name by Thomas Jackson on a list of the balloted men. The same note appeared beside the name of William Mann. In 1811 Joseph Westgate, a servant, also disappeared. A further balloting had to take place and John Briscow's name was the one which came up.

The more respectable members of society were able to find other methods of avoiding the militia. It was, of course, not just a matter of inconvenience. For the farmer, shopkeeper and craftsman, his absence might mean the collapse of his business. For Lord Lyttelton, the loss of his butler, John Rowlands, selected in 1803, was a serious matter. So paying for a substitute was a simple and permitted

way to avoid service. The substitute had to be found, but nearby in the Black Country there was a large pool of able young men. One of Thomas Jackson's notes reads:

1803 Sworn In for the Old Militia

Feb. 15th John Eades of the Parish of Brom(s)grove Needle Maker
as a substitute for Wm. Rowley of The Parish of Hagley

Do. Joseph Parkes of The Parish of Dudley Screw Forger
as a substitute for Edward Male of The Parish of Hagley

Feb. 28th Mickel Webster of The Parish of Rowley Nailor
as a substitute for John Male of The Parish of Hagley

Aug. 6th John Golding of Halesowen Nailor Substitute for John Rowland
of Hagley

Other documents illustrate insurance schemes, payment into which would provide a man with a substitute. One originates from Halesowen, another from Stourbridge. A hand bill of 1803, headed PRO BONO PUBLICO, offered to anyone liable to be drawn into the supplementary militia tickets of insurance at fifteen shillings each to 'indemnify them therefrom'. As 15s was a great deal of money for an ordinary working man, he could pay in instalments of half-a-crown per week. Payment could be made at various places, including that of Mr. Davis, Hagley, 'where books are kept for that purpose by Matthew Field Pearce & Thomas Oldbury, Junior'. There is a postscript stating that 'Persons in Clubs where an Allowance is made from the Box, or otherwise will be Insured for ten Shillings, the Allowance taken and the ten Shillings returned if Drawn'.

A second hand bill illustrates a different kind of scheme. It states that at a meeting at the Court House to take into account the propriety of authorizing the Overseers to provide substitutes for such persons liable to be drawn to serve in the Royal Army of Reserve (i.e. militia) it was resolved that the Overseers should immediately commence an Insurance of One Guinea each to indemnify such persons liable to be balloted for, in the township of Stourbridge. It goes on to explain that any surplus money from the insurance scheme should go to the Poor Rates and any deficiency be made up from the Rates. The connection with the Overseers is related to the fact that the families of men serving in the Militia often had to appeal to them for assistance from the Poor Rate. The Stourbridge insurance scheme invited single young men to engage as substitutes but it stated clearly that 'no person with a family will be taken'.

Hagley was running its own insurance scheme as early as 1798 for there is, in the bundle, a document labelled Militia Club, Aug. 31st, 1798, which reads as follows:

We Whose Names are Undersighn, doth agree to pay into the Hands of Thos. Jackson (it is, incidentally, written in his handwriting) the sum of ten shillings & sixpence towards provideing a Substitute for Either of us that should Serve in the Militia for the parish of Hagley and If not Eather of us are Drawn The Money to be Returned Back to each person with paying the said Thos. Jackson for his trouble as Wittness our Hands
this 31st day of Aug. 1798.

Twenty men signed or had their names written for them. Two of them had their contribution paid for them, John Rowland, Lord Lyttelton's butler, and William Taylor, a coachman. It seems, however, that none of these men was balloted.

PRO BONO PUBLICO.

ANY Person liable to be drawn into the SUPPLEMENTARY MILITIA, may receive Tickets of Insurance at *fifteen Shillings* each, to indemnify them therefrom; and for the further Accommodation of those that cannot conveniently Part with such a Sum at one Time, the Money will be taken by Instalments of *two Shillings and Sixpence* per Week, at the following Houses:---Mr. PEARCE's, *Hales-Owen*; Mr. TURNLEY, *Honnington*; Mr. ABRAHAM SITCH, *Cradley*; Mr. HOMER, *Cradley Heath*; Mr. RICHARD BOWATER, *Rowley*; Mr. JOHN ONIONS, *Oldbury*; Mrs. HANSON, *Lungley*; Mr. BENJAMIN HURLEY, *Hill-top*; Mr. FRANCIS FIELD, *Bech Lane*, and Mr. DAVIS, *Hagley*, where Books are kept for that Purpose by.

Matthew Field Pearce,

&

Thomas Oldbury, Junior.

N. B. Persons in Clubs where an Allowance is made from the Box, or otherwise will be Insured for *ten Shillings* ~~and Sixpence~~, the Allowance taken ~~of the ten Shillings and Sixpence~~ returned if Drawn.

HALES-OWEN,

June 7, 1803.

Stourbridge: printed by J. ROLLASON.

In 'An Account of Money paid Back on Sunday' dated 29th November, Thomas Jackson recorded that he gave back ten shillings to each man. It looks as if he received sixpence from each member for his trouble.

The final document of instructions in the Constable's papers required Thomas Jackson's presence at Droitwich in June 1817 to fill a vacancy in the Old Militia for Hagley and Pedmore. By this time the war with Napoleon had been over for two years and although much pressure had been removed from the militia it was still needed to deal with a new problem - public unrest caused by the economic depression after the long period of war.

Mr.

Take Notice, that you are chosen by Ballot to serve under the Training Act, and if you have any cause of Appeal against such Ballot, you are required Personally to appear before His Majesty's Deputy Lieutenants, for the County of Worcester, on Tuesday, the 28th Day of April, 1807; at Eleven o'Clock in the forenoon at the GOLDEN CROSS INN, in BROMSGROVE, when and where your Appeal will be heard, otherwise you will be enrolled to serve under the said Act.

Constable of