

The Role of the High Constables in the Local Administration of Caroline England, 1625-1640

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Seventeenth-century government in England was essentially local government. The effectiveness of the royal government, mainly through the Privy Council, depended on the local officials, the justices of the peace and their subordinates in hundred and parish. Most writing on the Caroline administration has concentrated on court politics and the highest level of county government. That concentration leaves much untold; on the local level, an examination of the Lieutenancy or the Commission of the Peace is only the first chapter. Such higher officials can be rewardingly examined from a social standpoint, but in fact they did not fulfill many of the county administrative and fiscal tasks. Yet, these duties were too complex to be relegated to the likes of Dogberry, Verges, Blurt and Busie—the town watchmen and parochial constables of the contemporary stage.¹ A body of officials served as the link between the gentlemen justices and these unpaid and often indolent petty officers. This group, the high or hundred constables, bridged the administrative gap between the J.P.'s and the meanest tithingmen in the parishes in the implementation of national government at the local level.

Historians have paid the high constables too little attention. Often they have been lumped with their parish inferiors—an obvious slight since they were lesser gentry or merchants, or at least literate and prosperous yeomen. As often, they have lingered almost unnoticed in the long shadows cast by the local magnates, who owned the land and presided over the county's legal and social order from the county bench. Perhaps this

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heritage of obscurity accurately reflects the diminished status of the hundred as an administrative unit in the seventeenth century; since the Tudor period especially, the J.P.'s in petty and quarter sessions had encroached on the hundred's traditional authority. Where hundred institutions still survived, their authority and appeal were weakened during the Caroline period. Appeals from the hundred level to the J.P.'s were common enough in the seventeenth century, and the growing volume of work handled by the J.P.'s in quarter sessions on a divisional basis, and individually "out of sessions," suggests that litigious contemporaries perceived this institutional shift.

This kind of judicial evolution tends to mask a concurrent change which was taking place in the functions of the chief officers of the hundreds. Certainly the J.P.'s continued to outrank the high constables in status and power, but the increasing importance of the J.P.'s was no independent phenomenon. The high constables were becoming the indispensable executive assistants to the county bench. This gradual transformation of local government tended to support the rising social and political importance of the J.P.'s as the "natural rulers" of the localities and gave them greater flexibility.² In addition to fulfilling their traditional duties, seventeenth-century high constables became more deeply involved in civil administration and tax assessment and collection.³ It was particularly these fiscal functions which, in the 1630's, made the high constables vitally important officials when the revenue needs of the Crown frequently fell foul of resentful local interests.

Each hundred traditionally had selected two and sometimes three or more high constables who served indefinite terms. By the seventeenth century, the usual term was two or three years, although longer periods were not uncommon. The high constables were elected by the members of the hundred court-leet, where manorial jurisdiction existed. By the late Tudor period, whatever the manner of their election, the high constables derived their practical authority primarily from the J.P.'s. The J.P.'s sometimes chose the high constables themselves and usually arbitrated disputed appointments and audited the receipts of the unpaid office. Though the exact relationship between the county bench and the high constables

was ill-defined in law, contemporaries realized that the prestige and power of the magistracy was the real sanction behind these hundred officials.⁴ There were of course other ancient officers in the hundreds, notably the hundred bailiff, who, as the sheriff's agent, summoned the hundred jury. But the powers of the shrievalty were in eclipse by the seventeenth century, and its associated hundred officers had sunk to minor roles. The high constables were the exception to all of this; they rose with their new masters on the county bench.⁵

The high constables were responsible for peace-keeping within their hundreds. In addition, they performed administrative duties for the militia and worked with the commissioners collecting the customary public taxes, such as subsidies and purveyance. The growing importance of quarter sessions as the fundamental institution of the county government enhanced these duties, especially those connected with social services and revenue collection. The hundred constables, then, by the seventeenth century, played a composite role. Since presentments at quarter sessions were made by constables, they served the justices as important sources of information. The constables met with the parish officers prior to the sessions and combined their gleanings with other intelligence to present to the J.P.'s a package of information based on the observations of those closest to the scene. As far as the national government was concerned, the justices and assize judges were their primary eyes and ears. But without the information collected and funneled to these officials by the high constables, this chain of communication would have been much weakened.

As the chief law enforcement officers of their hundreds, the high constables supervised the work of the petty constables and the watchmen, whose duties extended from apprehension of criminals to cooperation with the churchwardens and the surveyors of bridges and highways. The hundred itself was liable for the loss in unsolved cases of theft; no doubt this was an extra incentive to the high constables to see that "watch and ward" was kept by the parish officers. When known criminals were sought in the county, the high constables received the "hue and cry" from the sheriff and in-

structed their subordinates to cooperate with the *posse* and perform their own detection duties in the ale-houses and markets of the area.

Persons lacking a settlement—abandoned wives and orphans, strayed apprentices, and the feared “sturdy rogues”—were potential drains on county resources and always troublesome for the county authorities. When gathered in ale-houses away from the thoroughfares, vagabonds were especially suspicious.⁶ The constabulary, therefore, through its chief officers, worked with the other officers in parish and county to keep some record of innkeepers and ale-sellers, bastardy, children eligible for apprenticeship, and any migrations which could burden the administrative and financial resources of the county.

Most of this local work fell to the petty constables and their subordinates. Besides being a butt of humor, the parish officer often endured ridicule and not infrequently suffered personal injury in the performance of his duties. He could be sued for his actions, especially when he distressed the property of tax defaulters. But the constables could also go to law to obtain compensation from their critics and attackers. Usually such actions went to the quarter sessions, though cases heard in Star Chamber were not uncommon. In Gloucestershire, suits in Star Chamber were the constabulary's favorite avenue of redress, an indication of the popularity of a court not encumbered by common law procedure. One Gloucestershire high constable even sued in the name of his parish subordinates, because his respected position in the community would help the plea.⁷

The high constables had other civil duties unrelated to peace-keeping. Commissions of enquiry were common in the seventeenth century and investigated everything from disloyalty to local drainage conditions. Generally the Crown appointed commissioners who were also J.P.'s, thus employing both their social prestige and their knowledge of local affairs. The commissioners decided the topics to be investigated under the broad Crown charge and compiled the lists of local people to serve as jurors. They forwarded this information to the high constables, who were responsible for assembling the

jurymen.⁸ The hundred constables performed another important duty connected with the hiring of servants and agricultural workers and the enforcement of the wage tables annually devised by the J.P.'s. Annually in most hundreds, the high constables presided over a gathering of employers and workers, who either continued existing agreements or reached new bargains for the coming year. The details of these arrangements, and the wages agreed upon at the hiring session, were recorded by the hundred constables, who also adjudicated subsequent infractions of the wage tables and employment conditions.⁹

Disease, war, and trade depression could seriously disrupt local life and place unexpected strains on the resources of local government. Speaking of plague in the western counties in the 1620's one author has argued that the J.P.'s bore the full weight of relief work during and after the visitation.¹⁰ Certainly the J.P.'s supervised the administration of plague relief, and they levied the special rates on parts of the counties to relieve stricken localities. But it is an exaggeration to argue that the J.P.'s themselves performed the distasteful and dangerous work on the local level; the constabulary bore that burden. In Somerset the magistrates laid a special rate on neighboring districts to relieve the plague-ridden port of Bridgwater, but it was the high constables who collected it through their parochial subordinates and they who suffered "the paynes that the law in that Case doth require" if the obligation was not met.¹¹ It is unwarranted to credit the J.P.'s with an innovative response to plague because those gentlemen, far from devising special quarantine and tax collection procedures, employed existing forms of social control staffed by the high constables and their aides. The expedient of assessing one district to relieve another was commonly used to assist areas overburdened with the poor and was widely copied throughout the west of England during plague times. This method, though far from ideal, must have been relatively efficient, and the constabulary successful in its duties, or the justices would not have resorted to it during such periods of crisis.¹²

Several Somerset hundreds and parishes used the visitation

of plague as an excuse to put off payment of their normal county rates for purveyance and bridge and highway repair. For the high constables, already busy collecting the special relief rates, this recalcitrance proved an added worry. The localities traditionally considered the maintenance and repair of highways and bridges as an unwelcome expenditure of time and money. Districts disputed responsibility, especially when bridges and roads linked neighboring communities, and quarter sessions records contain many orders requiring local authorities to act faster and more willingly. The J.P.'s regularly reprimanded high constables for not pressing the rate payers who were their neighbors to pay arrears in highway repair levies. In particularly difficult cases involving several hundreds, the assize judges intervened to settle them.¹³

If the Somerset J.P.'s frequently had to prod the high constables to collect these rates, it was not an uncommon practice in an administrative system which rested on the diligence of unpaid local officers faced with complex problems during the first years of Charles I's reign. The incidence of plague waxed and waned in a period when no part of the country was entirely free from it, so that the constabulary continually felt the strain of added responsibility. Moreover, there were other serious problems, especially in the West. The wars with Spain and France in the late 1620's depressed the cloth trade and drove up prices, often resulting in the ruination of clothiers and operatives. Trade stoppages, coupled with overproduction, brought heavier unemployment and discontent, both of which were aggravated by poor harvests in 1629 and 1630. These were not famines; but given the other circumstances which agitated persons of all classes, they exacerbated the constables' task.

I

Provincial government worked most effectively when the interests of the Crown and of the country gentlemen were in harmony. Since the authority of the gentlemen justices backed up that of the high constables, aberrations could occur in the implementation of policies in the localities if the county magistracy disagreed with the Crown's programs, leaving the

hundred officers wedged between two loyalties. Such differences between the Crown and the justices impaired the collection of the "forced loan" in many counties.¹⁴ The imposition of the "forced loan" of 1626-27, though it followed the collection of the less objectionable Privy Seal loans and the "free gift" of 1625-26, provoked widespread opposition which was compounded by grievances against Crown levies for men and money and billeting of troops in private homes.¹⁵ In light of their position as intermediaries in the chain of revenue assessment and collection, the high constables sometimes encountered hard opposition from the rate payers as well as indifference or blatant connivance against the royal interest from the justices who served on tax commissions. Their successes and failures under such conditions are barometers of the effectiveness of power configurations in rural England.

The Crown entrusted the "forced loan" to the Lieutenancy, though in practice the special commissioners appointed for each county were also J.P.'s and they had the real authority in matters of assessment and collection. Each county was rated at the equivalent of five parliamentary subsidies—a sizable sum. The Crown was probably encouraged at first by its success in Middlesex and other areas near London, where the Privy Council could keep careful watch of affairs.¹⁶ But when the collection was extended to the other counties in 1627, the government often found that stern words and warrants could not overcome obstacles of distance and hostile feelings.

The loan commissioners, after formally subscribing themselves, were to assess those on the subsidy rolls and other persons of means. Very often the justice-commissioners used the existing machinery of revenue collection, based on the hundreds, which depended on the high constables. Assessments were to be paid to divisional collectors over a three-month period, which was ample time for disputes and challenges to grow into extended litigation over rating. Unimportant men who resisted could be threatened with imprisonment or have their goods distressed by the constables.¹⁷ But recalcitrant gentlemen were a far different matter. Though the magistrates in Somerset did not oppose the measure as a body, some leading J.P.'s helped to arouse opposition, and

this stiffened resistance at the lower levels.¹⁸ To work smoothly, the loan needed a willing county bench; what it got was not a principled opposition, but a situation where existing rivalries between magnates as well as individual attempts to secure exemption pulled harder than the obligation of the J.P.'s to supervise the measure and to support the tax-gathering work of the constabulary.¹⁹

Wrangles over assessments for the loan caused delays and appeals through the judicial hierarchy. This complicated the task of the primary tax-gatherers and placed a strain on the county revenue machinery. In the end Somerset, unlike other counties such as Lincolnshire and Essex, brought the measure to an acceptable conclusion; but eleven months were required to do so, months during which the high constables were often denied the judicial sanction they needed to operate efficiently.²⁰

It would be a distortion to overemphasize the significance of the opposition to the "forced loan." Since the device was temporary, opposition was not insurmountable. Some of the Somerset commissioners informed the Privy Council that "the people are not wanting in good will, but means."²¹ There was some truth in this, given the expenses borne by the county for billeting, coat and conduct money, and relief for maimed soldiers and sailors. John Poulett, a prominent J.P., also advised the Council that the collections were passing smoothly: "not three men have refused, and no man of any quality."²² Poulett glossed over difficulties in this report, for regardless of what the Privy Council heard, Somerset had had some anxious moments in the collection of the loan. These moments were significant for the constables because they exposed the potentially weak links in the county's revenue-gathering system.²³

Several existing circumstances compounded the difficult situation that prevailed in the West of England in the late 1620's. Some of these circumstances, including the "forced loan," had improved after false starts; others such as poor harvests and the trade depressions, remained serious problems throughout the reign. When large numbers of Irish emigrated to the western counties a new problem was introduced which created further tension manifested in xenophobia.

The activities of Roman Catholics in Ireland, as in England,

worried the Crown's ministers during the 1620's, but the immigration of Irish Catholics brought the problem closer to home. Beginning in mid-1628, officials in western England and western Wales complained to Westminster that profiteering shipmasters were landing shiploads of poor Irish. Wandering Irish were no novelty to West Countrymen; indeed, Irish mercenaries had served in the units assembled for both the Cadiz and Isle of Rhé expeditions.²⁴ Billed in maritime districts for months before their embarkation, the mercenaries earned a poor reputation among the locals, who feared them as religious and social aliens and resented their presence because, even as plague raged and harvests were inadequate, they cost them money.²⁵ On returning from the Continent these Irish swelled the ranks of the impoverished who had to be supported by local rate payers. After the Isle of Rhé expedition, the Crown ordered Irish mercenaries billeted in coastal towns in the event that they might be needed again.²⁶ Somerset householders sustained as many as 1600 veterans, many of them Irish, for six months.²⁷

Many counties, then, had fresh anti-Irish sentiments even before ships captains discovered the lucrative human trade from Ireland to England and Wales. As early as August, 1628, Pembrokeshire J.P.'s complained to the Privy Council that large numbers of Irish, without passes, had landed in the county. They petitioned that the Lord Lieutenant in Ireland should stem this traffic because of the poor harvests and hard times in their own area.²⁸ The Bristol authorities made the same complaint in January 1628/9 and urged the Crown to ease corn exports to Ireland. The motives for Irish emigration, they reasoned, would then disappear.²⁹

That same year the Devon justices complained that their county swarmed with Irish rogues who, since their birthplaces and ports of landing were unknown, were a great burden on the county's strained rates.³⁰ Petitions even came from as far as Essex. Families of Irish beggars, wrote the Essex J.P.'s, "of whom we cannot learn at what port they were landed," burdened the county.³¹ Local difficulties plus the constant fear of vagabonds—especially Catholic Irish ones in the maritime counties—had combined to produce this pattern. By 1630

"Irish rogues" was a stock explanation for all manner of crime and unrest in the affected counties.

The Privy Council discussed the Irish problem in the Spring, 1629, and by mid-May they issued a proclamation requiring that the Irish immigrants return home or face deportation.³² Armed with this policy, the Somerset J.P.'s intensified their efforts against the Irish; and the high constables, in their police and revenue collection roles, figured prominently in the justices' deportation plans. The national proclamation allowed the Irish just six weeks to leave through specified ports. Minehead in Somerset was one of these ports, and as such had to bear the considerable expense of the operation. Accordingly, in September, 1629, the J.P.'s ordered £200 raised in the county to aid the Minehead constables "in transportinge a greate number of Irish people. . . ." ³³ Justices acted as commissioners for this levy, which was apportioned among all the hundreds.³⁴ The constabulary, just emerging from its difficulties with the "forced loan" and busy with the normal problems over purveyance and internal county maintenance, now had to cope with this special task.

The magistracy was insistent on the Irish question. In January 1629/30, they goaded all the high constables delinquent in their collections, and in June they raised by £50 the county's total obligation.³⁵ But the constables were experiencing unforeseen difficulties in their new revenue duties. Greed had overcome masters engaged to transport the Irish, and some coastal areas were therefore reluctant to pay their deportation levies. Parishes down the Bristol Channel from Minehead complained that "it was usuall with the maisters that tooke Irish aboard when they sail Doowne into the road neere St. George's parish, Portbury Hundred uppon any turninge of the winde before their departure to sett the said Irish on shoare in or neere" the parish.³⁶ This caused further hardship in an area which had already paid its share towards deportation. Dishonesty gave the whole operation a bad name, and it explains the reluctance of some high constables to turn over their rates to the commissioners. In some hundreds the actions of the high constables, already involved in disputes over expensive bridge repairs and rates for maimed soldiers,

probably reflected the sentiments of their neighbors. Much as they disliked the Irish, they disliked even more the thought of their money going into the pockets of corrupt contractors.³⁷

In the early 1630's, the harvests were much improved, and peace with France and Spain raised employment and morale in the western clothing counties. Complaints at quarter sessions about the offenses of "Irish rogues" declined significantly. The suddenness of this change, however, owed more to the improvement of domestic conditions—to which Irish fears merely gave expression—than to the effectiveness of the deportation project. The Privy Council was still ordering the departure of the Irish during the 1630's, but in the western counties at least, the Irish problem seems to have lost its attraction and merged with the general concern over increased vagabondage. A quickened campaign against "masterless persons" of all sorts was one consequence of the Book of Orders issued early in 1631. Under its stimulus, the partnership in civil administration between the constabulary and the J.P.'s showed marked success, so much so that in Somerset an unprecedented strain was thrown on the county's three houses of correction.³⁸

The police and revenue-gathering functions of the high constables continually overlapped during the Irish problem of the later 1620's. It would be insufficient, therefore, to concentrate on the difficulties that the justices had in obtaining the deportation levies from some of these hundred officers. There were significant mitigating circumstances in some delinquent areas. Men already assessed large amounts for repairs and poor relief in 1629 had cause to be angry when their monies went to the commissioners, only to have the Irish promptly returned "through the back door." The high constables felt pressure from two directions in such situations—from their neighbors and from the justices and their superiors on the assize bench. Good will was the essential lubricant for the machinery of local government; when it was lacking local officials usually were ineffective.

Viewed in this context, the difficulties encountered in the collection of special levies for Irish deportations cannot be considered as evidence of incompetence or laxity by the high

constables. On the contrary, such stumbling blocks arose from local resentments outside the control of any level of local government. Once the cause of these resentments abated, allowing the return of a degree of consensus, the constabulary could serve efficiently. This explains in part why the problems of the late 1620's turned into the successes of the early 1630's, when the Book of Orders spurred on all levels of local government. Had widespread corruption existed at the hundred level, this change in procedures would have been impossible, for the justices could not rule the counties alone.

II

The high constables played a central role under the Lieutenancy just as they did under the magistracy. Though not as demanding as their civil duties, their military responsibilities were nonetheless vital to mobilization and defense. The deputy-lieutenants depended on them before, during, and after the seasonal musters of the trained bands. The high constables carried the Lieutenancy's warrants down to the hundred level and supervised the raising of men and money through the parish officers. The hundreds bought and stored the powder and ammunition for their militiamen, and before musters could begin, the high constables had to inspect and distribute these supplies and the arms which the militiamen brought to the muster.³⁹ The constables even brought the stocks to the summer musters to keep unruly men in line.⁴⁰

Musters derived their authority from the Lieutenancy, but they depended on the high constables for men and operating revenues. The high constables collected information from their subordinates and furnished the muster-master's clerks with the names of those in the hundreds eligible for service in the trained bands. They executed the warrants against those men who neglected their muster duties. And as revenue officers, they collected all the rates which supported peace-time defense and preparations for war.⁴¹ Construction and maintenance of some coastal defenses and beacons, as well as such enterprises as the production of saltpetre, depended in some respects on the high constables.⁴² It was their function to see that orders

were carried out, whether they originated with the Lord Lieutenant or with the county bench. Superiors passed responsibility down to the high constable, and there it remained for the purposes of a later accounting; failure could not reasonably be blamed on the parish subordinates, since the latter were generally the obvious social inferiors of the high constables.

These normal military activities of the hundred constables were sometimes complicated by the extraordinary demands put on the counties for men and money for foreign wars. Overseas service meant impressment, a process directly involving the hundreds. Privy Council orders went to the Lord Lieutenant whose deputies were required to supply properly clothed and provisioned men at the ports of embarkation. Each hundred furnished a set number of conscripts and their "coat and conduct" money for uniforms, provision, and transport.⁴³ Impressment expenses were theoretically refunded to the county from the Exchequer—when money was scarce (as it usually was) or when its officers were anxious for economy, then reimbursements lagged and the job of the local collectors became more difficult. Impressment offered many opportunities for fraud and peculation, especially among the press-masters and the "conductors" who delivered the conscripts to the waiting troop ships. No doubt there were ample opportunities here also for the high constables to use the press to settle old scores or to extort favors. The bulk of the evidence, however, would indicate that such practices by high constables were insignificant in comparison with the frauds perpetrated by the press-master's subordinates.⁴⁴

The logistics and expenses of moving troops from one county to another also involved the hundred officers. When the Privy Council in 1626 ordered forces withdrawn closer to London from Devon and Cornwall, some had to pass through Somerset; and that county had to pay the transients 8*d.* per day, on a weekly basis, "the charge whereof was dispersed by particular Constables of the several hundreds through which the said Souldiers passed. . . ." ⁴⁵ The hundreds paid out of their own funds to meet this expense, for which the J.P.'s levied a special rate to recover the amount. In this particular

case, however, the assessed hundreds proved tardy in meeting their obligations, and the justices had to devise a county-wide rate to raise the sum.

Impressment and overseas military expeditions meant more maimed veterans returning to claim relief from their counties. The J.P.'s administered special funds for these persons and made disbursements to *bona fide* petitioners. In Somerset some applicants claimed to be veterans of the Palatinate campaign, or of the expeditions to Cadiz and the Isle of Rhé.⁴⁶ Relief for them came from the county rates divided among the hundreds by the J.P.'s and apportioned within the hundreds to the parishes and tithings by the high constables. No uniform scale of rates existed for the maimed soldiers, though generally an Elizabethan statute (43 Elizabeth, c. 3) governed the contribution. Under this precedent, no parish paid more than £2 3s. 4d. or less than 8s. 8d. per year. This lack of definition, though always the cause of some complaint, was not a major difficulty until the maimed soldiers rates, as one of the customary public taxes, began in places to be used as the basis for rating in ship-money levies after 1635.⁴⁷ Since this was only one of several "customary rates," aggrieved taxpayers assessed at this level could readily charge inequity. Much of the later litigation arising from ship-money involved just such appeals against the standard employed by the rating authorities.

The J.P.'s sitting in quarter sessions fixed the county's contribution for the maimed soldiers fund and could raise the assessments to meet extraordinary conditions. In July 1631, the Somerset J.P.'s realized that recent presses in the county had greatly increased the numbers applying for relief and that existing funds were insufficient to meet their needs. The justices therefore raised the county rate to generate an extra £50 and directed warrants to the high constables to collect portions of the increased amount in their hundreds.⁴⁸ Complaints against such levies went to the J.P.'s; and, from the quarter sessions records, it is obvious that not all parishes approved of the way in which their high constables had apportioned the extra money.⁴⁹ Some high constables themselves complained to the county bench "showinge that they are

overcharged in raysinge of the increase monye of fyftie pounds yerely payable . . . to the Tresuror of the meighmed Souldiers." ⁵⁰ While the motives behind these protests are not evident in the court records, their existence may illustrate the increased application of the J.P.'s to their duties under the watchful eye of the Privy Council and demands imposed by the Book of Orders of 1631.

III

Seventeenth-century Englishmen did not perceive a clear distinction between secular and religious aspects of life. It is not surprising, therefore, to find the local civil authorities, especially the J. P.'s and their hundred subordinates, involved in certain religious matters. Recusancy was a normal part of the high constables' presentments at quarter sessions. The petty constables supposedly searched out the recusants and reported them to the high constables. This information was then passed on to the justices. In theory, indictments for recusancy were then brought at quarter sessions and all details forwarded to the Exchequer in London, where records of fines and compositions were entered by the Lord Treasurer's remembrancer.⁵¹ But practice seldom followed theory. The whole process depended on local cooperation. If the constabulary failed to present recusants at the quarter sessions, the recusancy laws were weakened, despite stringent reminders from the Privy Council and the assize judges. Certainly in Somerset, the J.P.'s did not assiduously enforce the recusancy laws, for in 1625 an order against recusants "was carefully entered in the sessions rolls and then apparently forgotten" by all concerned.⁵²

If the justices were not avid prosecutors of recusants, then the high constables could hardly have been expected to be zealous. Recusancy had an economic as well as a religious dimension, however, and during the 1630's anxious privy councillors tried to include recusancy as part of the campaign which raised much-needed Crown revenue from such devices as distraint of knighthood and deforestation fines. Fines and compositions for the Exchequer were no doubt in mind in mid-

1636 when the Privy Council ordered the Somerset J.P.'s to direct warrants "unto the high constables of everie hundred and division . . . requiringe them to certifie unto you the names of all the Recusants. . . ." ⁵³ The Council was keenly aware of the "willful neglect and connivence" which meant that "the benefitt which might have been accrued unto his Majesty hath thereby bin much lessened," but there is little evidence that local authorities took these reminders to heart. ⁵⁴

Local officials did have other moral obligations to fulfill that were related to religious practices. The high constables commonly received writs from the J.P.'s ordering tavern keepers and food vendors to enter into recognizances and post sureties "that they . . . will not kill, sell, dresse or utter any fleashe dureinge this tyme of Lent, accordinge to his Majesty's proclamation. . . ." ⁵⁵ When Archbishop Laud began his campaign to restore old St. Paul's, the high constables played a pivotal role in the chain of command stretching from Westminster to the actual collection of monies in the counties. The High Sheriff of each county received the general order from the Privy Council; he then passed it on to the J.P.'s. The justices in turn ordered the high constables to send their warrants "to all the petty constables in their hundred to cause all the landed men and all other sufficient men" to appear and "bestow their benevolences" towards the project. ⁵⁶ Collections within each county were organized on the basis of divisions generally corresponding to the judicial divisions already familiar to the county bench, and J.P.'s often served as supervisors of the collection process carried out by the constabulary.

In Somerset, the attitude taken by the J.P.'s towards the plan for refurbishing St. Paul's indicates that they supported, albeit tardily, the project in the county. In late October, 1635 the High Sheriff of Somerset, Henry Hodges, already gravely concerned about his ability to implement the new ship-money writ of that year, reported to the Privy Council that he had received monies from two divisions in the county for St. Paul's. ⁵⁷ This could not have happened without the support of the J.P.'s in those divisions and the cooperation of the constables in the hundreds. More significantly, the payment came

more than two years after the original measure had been promulgated in the county and during a time when local powers, like the J.P.'s, were making much of their opposition against other Crown projects. That they did not associate this measure with the opposition to ship-money, and therefore, by implication, continued to support the collection efforts of the high constables, points up the strong admixture of personalities in the successes achieved and the failures endured by the intermediate level of county government.

IV

The high constables served as key revenue officers in the counties. It is true that the parochial constables and tithing-men did the actual collecting at the lowest level, but they always worked under the close supervision of the high constables, who were the pivotal figures when accounts were presented to the J.P.'s and the special revenue commissioners. National measures such as parliamentary subsidies were implemented on the local level when the justice-commissioners ordered the hundred constables to convene "rators" from their parishes and assess the "subsidy men" on the tax rolls in each small area. The usual tax-gathering personnel of the hundred would then collect these levies, and any recalcitrants would be incorporated into the regular hundred presentments before the quarter sessions.⁵⁸

Revenue, of course, did not always mean hard cash. Purveyance for the royal household figured in the normal responsibilities of the counties. Since the Elizabethan period, however, many obligations for purveyance in kind had been converted into cash compositions. The high constables were the ultimate recipients of the writs authorizing collection of these sums to purchase provisions for the Court.⁵⁹ Purveyance charges generally increased during the Caroline period, and in at least one county, Devon, the existing composition arrangement was rescinded and provision in kind reinstated.⁶⁰ It is clear, however, that whatever the method, purveyance involved the hundred constables both as collectors and as administrators. There were opportunities for speculation in this process, reflecting the propensity for graft in the Stuart

system generally, but evidence of corruption among the high constables in this particular duty is minimal.⁶¹

The 1630's brought much anxiety for the financial managers of the Crown; parliamentary sources were unavailable and the strained conditions had to be resolved through unpopular expedients. One of these, distraint of knighthood fines, involved the high constables. The Crown charged special commissioners to ferret out those who might be liable to fines for not having accepted the required (and given the expense, somewhat dubious) honor of knighthood at King Charles's coronation. This order caused dilemmas for the high constables, for members of the Commission of the Peace were often comfortably within those categories most closely scrutinized for possible fines. Indeed, some high constables themselves came under the eye of the distraint commissioners, for £40 rentals were not beyond the reach of a few of them. Certainly in Buckinghamshire, several high constables paid up to £5 in previous subsidies, a sizable individual contribution; and one, listed as a gentleman in the 1628 subsidy, subsequently paid a £10 composition for knighthood.⁶²

How much success did the high constables have working in conjunction with the distraint commissioners in meeting the order? Existing evidence suggests two important points. First, the wealth and social position of many high constables placed them squarely in the ranks of the lesser gentry and prosperous yeomen class, well above their parochial inferiors. This meant in the context of the times that the high constables truly merited their position of executive authority under the J.P.'s, authority which could not be entrusted to men of the meaner sort in the parishes and tithings. Secondly, the records of distraint proceedings illuminate again the same potentially weak links in the county chain of command, which stood out in the disagreements between some of the gentlemen of the county bench and the national government over the collection of the "forced loan."

V

The rising cost of government in Caroline England obliged the Crown to seek new sources of revenue to meet its obliga-

tions. Moreover, the Privy Council repeatedly asked who should bear that extra cost at a time when the commonalty was already heavily pressed. The councillors concluded logically that the country gentlemen, who as a class had been doing very well in comparison with the aristocracy since the mid-sixteenth century, were an obvious and hitherto under-utilized source of revenue. But to exploit this tempting source presented major difficulties. Order and execution could be two quite different things when unwilling contributors and local administrators were drawn from the same ranks. If the J.P.'s were already involved in personal rivalries, or openly opposed to the prerogative demands of the Crown, then officials like the high constables faced two masters. Legally they were bound to satisfy the wishes of the Crown; yet, by informal but real ties of deference and local politics, they were likewise bound to their judicial superiors on the county bench. The disputes over ship-money after 1635 became one of the causes of this divided loyalty.

The moderate demand for ship-money from the maritime counties in October, 1634 was no innovation. Though later, increased levies perhaps produced more ill-will than the solvency of the Crown was worth, the Crown believed that this expedient rested on sound, recent precedent. There had been similar demands for naval defense in the late Elizabethan and the Jacobean periods, and ship-money was far from unknown in Charles's reign itself. These earlier writs, however, employed different machinery for assessment and collection from that used after 1634. Changes were introduced in that year which, though sensible in the light of the experience of the late 1620's, upset the traditional style of county administration and consequently undermined the sanctions upon which local tax-gathering personnel depended.⁶³

Earlier writs for ship-money worked through the Lord Lieutenant's deputies. But the Lieutenancy ran into difficulties in the late 1620's. It already had acquired a bad reputation in some areas over billeting, and the 1628 ship-money assignment happened to coincide with prolonged difficulties over the "forced loan" in several counties. Perhaps for this reason the Crown changed tactics in 1634 and entrusted ship-money for

that year to the High Sheriffs.⁶⁴ In retrospect this was an unfortunate decision. By the Caroline period the shrievalty had declined; its holders, and their self-aggrandizing under-sheriffs, no longer enjoyed as much prestige and public confidence. During the period of the "forced loan," non-cooperation in some counties stemmed not so much from resentment against the Crown's measures as from fear of the sheriff's men.⁶⁵ Local government was dependent on good personal relations, and in this vital consideration the sheriff was often deficient. There was, moreover, no sense of permanence attached to the High Sheriff's office. After his year was up, a sheriff had no reliable means, except for the slow process of litigation, to enforce obligations still outstanding. Ship-money arrears often fell in this category. This was a grave problem since sheriffs were responsible until they died for every penny assessed on their county during their terms. The temptation, therefore, to be harsh during that year so as to avoid personal liability later must have been strong. But even a strong hand might not achieve much success; in Somerset in 1640 four ex-sheriffs were desperately trying to collect arrears in ship-money owed from their years in office.⁶⁶

The central position of the High Sheriff in the post-1634 collection of ship-money ran counter to the changing structure of local government. Just as the Lieutenancy proved ineffective in collecting the "forced loan," so too did the sheriff lack both the prestige and the independent organization on the local level to assure success in collecting ship-money. It is true that the high constables worked rather effectively with both the Lieutenancy and the shrievalty; but the history of local government shows that they worked best with the justices of the peace. The justices were generally the prominent landowners in the county—the natural rulers of a provincial society which functioned independently of the institutions and power structure at Court. Given this position of the J.P.'s (and remembering that by the time of Charles I a customary tie existed between them and the justices of assize), it may be argued that here was an alternative structure for the administration of ship-money which went untried. Had it been tried, possibly the high constables, upon whom the High

Sheriffs ultimately depended, would not have been faced with having to reconcile their loyalty to both the sheriffs and the justices.⁶⁷

The Crown was encouraged by the response to the first writs for ship-money; and when the principle was extended to the inland counties in 1635, the assize judges commended the project to the assembled J.P.'s and hundred officials.⁶⁸ Under the supervision of the Privy Council, the High Sheriff had complete responsibility for assessment and collection in each county. The justices of the peace were involved only when complaints about rating arose, or when recalcitrant tax-payers and collectors had to be reprimanded or bound over to the assizes. After rating the corporate towns, the sheriff sent for the high constables, presented them with a proportion of the county's total obligation for their hundreds, and ordered them to convoke raters from each parish. These raters usually assessed individuals in the parishes on the basis of their land holdings, though special provisions covered those whose wealth came from other sources, those with large families, and those in financial distress.⁶⁹

Once the local assessments were made, the high constables returned them to the sheriff, who, under his broad instructions, could alter them before giving final approval. Here was fertile ground for allegations of favoritism and graft against the sheriff and others concerned with the rating process. Such charges against the high constables were not uncommon. As an anonymous author argued in 1636, the high constable "maketh the division as his fancy leads him, being ever a member of one of those parishes, which he commonly favours . . . and appointeth also assessors and collectors and sometimes such are very unfit for the service. . . ." ⁷⁰ More than any other factor, however, the root cause of such complaints, which sometimes developed into formal reviews before the J.P.'s, was the ambiguous rating procedure. The High Sheriff was to rate "according to the other public taxes," but these and the "customary rates" mentioned in some writs could range from parliamentary subsidies to purveyance rates, and even to the poor rates.⁷¹ Each employed a different basis of assessment, the eccentricities of which might appear as favor-

itism towards some and injustice towards others. So it undoubtedly seemed to many tax-payers, who could not help but attribute a degree of spite or self-interest to the officials setting their local rate. Though protests against ship-money were numerous after 1635, they generally were not aimed at the principle underlying the tax. Usually, they were related to local disputes, particularly grievances against certain ratings and the efforts of some landowners to exempt their holdings from the general obligation.⁷²

The motives for resentment towards the high constables are readily apparent, but differences with one's neighbors in the hundred did not often bring a collapse of the revenue-gathering system. The evidence in Buckinghamshire indicates the considerable efficiency of the high constables in executing their instructions. In 1635 High Sheriff Sir Peter Temple allowed the high constables only a fortnight to convoke their hundred raters and devise complete assessments for their parishes. This was a formidable administrative task, which one high constable succeeded in accomplishing in less than one week.⁷³ The high constables also cooperated with the sheriff in collecting arrears and laying distresses on the goods of defaulters. In testimony of their faithful work in 1635, several even were formally released by Temple's successor from their obligations under the second writ.⁷⁴ Although Buckinghamshire did not operate as smoothly in later years, other counties did. Officers in Rutland, for example, collected and paid in to the Exchequer its full assessment of £350 under the 1638 writ. The widespread indifference of the Rutland high constables would have made this impossible.⁷⁵

Because it often centered on the contrary attitude of the J.P.'s, the opposition to later ship-money writs in some counties was ominous for the effective operation of local government. In 1635 the Wiltshire justices told the High Sheriff that his writ lay entirely outside of their jurisdiction and that they would not lend their support to his assignment.⁷⁶ Without the sanction of the local magnates, the sheriff's work with the high constables was seriously hampered, for the justices' opposition had undermined the authority supporting the constables' role as revenue officers. Constables placed in such a

situation had good reason not to fulfill their assessment duties enthusiastically. They were precisely the men who bore the brunt of popular criticism on revenue matters. If they collected and turned over their sums to the sheriff, they shouldered the blame that should have fallen on the justices. Such circumstances worked against the efficient collection of ship-money in the Wiltshire hundreds. Indeed, in mid-1639 in Malmsbury hundred, the high constables still held the monies they had collected under the 1637 writ, no doubt to the annoyance of the ex-sheriff for that year.⁷⁷

Some of the Gloucestershire justices openly defied the 1636 writ. Six members of the county bench openly refused to pay their personal assessments or to help in the collection of arrears through the authority of quarter and divisional sessions.⁷⁸ This restricted the high constables' options. If in difficulty they could turn to the High Sheriff, but that officer had judicial power only from the justices of the peace; and neither the assizes nor the distant Privy Council could provide the immediate support that was needed to counter resisters. Even if they ignored the social pressures on them, the high constables could not cope with the problems that confounded the normal chain of authority.

Another instance of the difficulties endured by the constabulary is the case of Somerset's reaction to ship-money. Some justices were already ill-disposed towards one another; dislike for the Crown's revenue measures joined with this to produce a complex situation.⁷⁹ It has been seen how the ambiguities in the sheriff's rating instructions led to equity disputes at several levels. Local notables could secure the support of their neighbors, and it was not difficult to have rating complaints included in the hundred's presentment at quarter sessions. If the instigator was a J.P. himself, then this avenue would have been very inviting as a means to ease his own obligation, or else to thwart the similar plans of an old rival in the county.⁸⁰

In Somerset the usual justification against complaints about ratings was that the "most aunciente, generall, and usuale rates of the countye" were not being employed. This most ancient rate, though less than a century old, was the so-called

Hinton Rate of 1569.⁸¹ Originally it was a muster-master's rate devised by several J.P.'s with no thought whatsoever of later general application. But reverence for precedent, and the antiquarianism which often suited lightly-taxed local interests, made the rate a touchstone on which the sheriff's actions could be measured. Considering the Hinton Rate, unfavorable assessments by sheriff and high constable alike could be condemned as innovations, even though quarter sessions had specifically ruled in 1619 that this rate was not binding for the assessment of another public tax, the purveyance rates.⁸² This, however, was conveniently overlooked in Somerset, and the "inequity" practiced by the rating authorities received the full emphasis.

Complaints about rating, while easily made, were settled with difficulty in the courts. At the same time, while the complaints were being investigated, collection of the contested assessment was suspended, thus increasing the pressures on the sheriff and the high constables. This sort of local opposition to ship-money hindered efficient collections. Suits at common law could be brought against constables who distressed the goods of defaulters; sometimes lesser men, encouraged by the judicial challenges of their betters, did not wait for the procedures of the law to recover their property.⁸³

Under such circumstances (even if he had the best intentions), the only safe tactic for a high constable was to be passive, which of course was destructive to his role as revenue collector. When the hundred officers were faithful to their instructions, the High Sheriff could hold his own against the un-cooperative justices; but without the high constables, the sheriff could not. Disputes over rating and related law suits placed the constabulary in an impossible situation and devastated its morale. Little wonder that in several counties local resistance to ship-money coincided with an increase in efforts to evade office by those selected as high constables and the blatant recalcitrance of those who actually served.⁸⁴ The viability of this office depended on two things: the good-will of the high constables' neighbors in the hundreds, and the public support of the J.P.'s. For reasons already mentioned, these twin supports crumbled in the late 1630's because of the

opposition to ship-money, which in turn left the principal hundred officers exposed to criticism from both the Crown and those who dominated economic and judicial affairs in their counties.

The signs of creeping paralysis in local government, especially in the vital area of efficient revenue collection, were evident long before the constitutional crisis of the early 1640's erupted. But the malady in the localities cannot be traced to strictly local causes. Rather, the circumstances causing such difficulties for the high constables arose with the central government in London and were injected into a system of county government which, whatever its shortcomings in modern terms, had functioned reasonably well throughout the 1630's under the Book of Orders and the supervision of the assize judges. The late 1620's had been a trying period, but after 1631 the weaknesses of Stuart local government became more evident. To work well, the machinery of government at all levels demanded a wide consensus and common loyalty; this was even more the case on the local level, where deference to the powerful gentlemen of the county played an important part in the traditional chain of command.

In the subtle blend of tradition and personality that comprised the Stuart political polity, the high constables generally dealt with the everyday problems of local government and many unexpected duties in a manner which reflected credit on their difficult office. But they became unavoidably involved in the general crisis which beset royal government in the late 1630's. Because of the circumstances surrounding their activities as revenue officers, the high constables were caught between their loyalty to and dependence upon their judicial superiors on the county bench and their obligations to the Crown. Vital stocks of common purpose were weakened, and the very realities of local life, which in the past had kept the machinery of local government working well, became obstructions which prevented the lesser and greater officers in the counties from working harmoniously in line with the directives of the national government. The high constables' relations with their judicial and social superiors is a notable case in point.

NOTES

1. Dogberry and Verges are, of course, Shakespeare's comic constables in *Much Ado About Nothing*. The other two are, respectively, characters in *Blurt, Master Constable* (1602) by Thomas Middleton and *Wit in a Constable* (1639) by Henry Glapthorne. Though a stock butt of humor, the parochial officer was the workhorse of local government. "Blurt" was a contemporary expletive of contempt; the high constable of Kentish Town is demeaned by the oath "old Blurt" in Ben Jonson's *Tale of a Tub* (Act I, scene ii). The rudeness of Middleton's Blurt shows him to be an unlettered local and something of a buffoon, well below the social rank of the high constables; of his clerk he says: "I keep him only to read, for I cannot; my office will not let me." (Act II, scene ii) Similarly, Glapthorne's constable, Busie is not a gentleman but a self-effacing small shopkeeper in London, very anxious to raise his reputation and that of his parochial office in the eyes of polite society; in the fourth act he speaks aside: "Now or never Busie. Shew thy selfe a true sparke that Constables/ Hereafter may be thought to have some wit./ More than is in their staffe." (scene i) Contemporary audiences could hardly have missed the choice double-entendre ending Busie's speech.

2. Even some standard authorities retain an unsympathetic treatment of the central role of the constabulary. Thomas G. Barnes's *Somerset, 1625-1640: A County's Government During the "Personal Rule"* (Cambridge, Mass., 1961), and a related work, *The Clerk of the Peace in Caroline Somerset* (Leicester, 1961), both argue that the strength of the quarter sessions form of government rested on the growing professionalism of the J.P.'s and their servants, especially the trained Clerk of the Peace and his staff. Barnes sees the constabulary as the thorn in the side of effective government; the high constables are tarred with the same brush reserved for the petty officers—unprofessional, rude, and illiterate. This is an over-generalization, for numerous examples can be cited from Somerset records showing the social respectability of men of the rank of high constable. The county's quarter sessions records show the following: Wells Sessions (January 1635/6), one John Amyas of Burnham, gentleman, elected by the court-leet at Burnham as one of the hundred constables for the Hundred of Bempston. *Quarter Sessions Records for the County of Somerset, Charles I, 1625-1639*, ed. E. H. Bates-Harbin, Somerset Record Society, XXIV (1908), p. 246, no. 3. Hereafter cited as *Q.S.R.S., 1625-39*, p. 246, no. 3. And Ilchester Sessions (April, 1638), shows one Christopher Woolcott of Wellington, a prominent mercer, appointed by the J.P.'s as a high constable for the Hundred of Kingsbury, *ibid.*, p. 303, no. 12. The sessions at Taunton of June-July 1630 even shows one Robert Kingston, gentleman, excused by the J.P.'s as "one of the Constables of the fower westerne tithings" of the Hundred of Kingsbury. This man, though not a high constable, is certainly no Dogberry, which should discourage blanket generalizations about the status of officers below the rank of J.P. The List of High

Constables Living in 1635 compiled by G. L. Owens, in his unpublished Ph.D. dissertation, Norfolk, 1620-1640: Local Government and Central Authority in an East Anglian County (Wisconsin, 1970), shows the vast majority listed to be gentlemen.

3. Collection of the ordinary and extraordinary county rates was a primary duty of the high constables until 1844, when special Boards of Guardians assumed this function. With the laying of the basis for a modern police force in the mid-nineteenth century, the position of the old high constables declined significantly.

4. Though the number of "legally qualified" J.P.'s was growing, not all were trained lawyers, and even those who were generally looked to the assize judges for guidance in finer points of procedure. Though hundred courts and courts-leet were technically empowered to elect the high constables, the authority which the high constables derived from them was regarded as insignificant. Quarter sessions, however, did not acquire the power in law to appoint to this office until after the Restoration. Therefore, if a local election was disputed, and the justices' attempts to mediate proved fruitless, the whole matter would usually be reserved for the learned travelling judges of the assize bench. In Somerset, the election in Frome hundred for high constables was appealed to the J.P.'s, but the county bench thought it best to reserve the case for the coming assizes. The assize judges, however, threw the whole matter back to the county bench to be settled "accordinge to the ancient usage and eleccion." Not until the quarter sessions of the next Easter (1636) did the J.P.'s order the Frome high constables elected in the traditional manner, i.e., by the court-leet, whose action had originally touched off the dispute. *Somerset Assize Orders, 1629-1640*, ed. Thomas G. Barnes, Somerset Record Society, LXV (1959), p. 26, no. 86. Hereafter cited as *S.A.O.*, p. 26, no. 86. See also *S.A.O.*, p. 36, no. 119; *Q.S.R.S.*, 1625-39, p. 298, no. 14; p. 303, no. 12; and p. 307, no. 9.

5. In occasional instances, however, this link seems to have been deliberately weakened. At Devon summer assizes in 1629, the hundred officers were ordered to make all future presentments directly to the assizes and not at quarter sessions. *S.A.O.*, p. xxviii, n. 3. There is at least one instance when the Privy Council used the high constables as watchdogs. In 1605 it required the clerk and the constables of the hundreds to report on the attendance of J.P.'s at quarter sessions and on the effectiveness of each justice in keeping the peace and punishing offenders. This information was to be forwarded by the judges of assize to the Lord Chancellor. Wallace Notestein, *The English People on the Eve of Colonization, 1603-1660* (New York, 1962), 239.

6. *Q.S.R.S.*, 1625-39, p. 42, no. 73.

7. William Bradford Willcox, *Gloucestershire: A Study in Local Government, 1590-1640* (New Haven, 1940), 53, n. 44. As has been noted, high constables were usually men of some standing, and occasionally of prominence. In Gloucestershire, a high constable, "a man of great wealth and ability," wished to impress the people with his importance. He organized

a crowd at Thornbury and made a bonfire out of that detested object, the ducking stool. A mêlée ensued when the mayor arrived with a party of men to disperse the gathering. *Ibid.*, 49, n. 31. (no date)

8. *Ibid.*, 63ff., gives details of this procedure.

9. Notestein, *English People*, 237-238.

10. Barnes, *Somerset*, 60. He refers to an outbreak in 1625 around the county's major port, Bridgwater.

11. *Q.S.R.S.*, 1625-39, pp. 11-12. Methods employed by the high constables and their parish subordinates are given in detail, *ibid.*, pp. 6-8.

12. Devon reacted to plague much as Somerset did. A. H. A. Hamilton, *Quarter Sessions from Queen Elizabeth to Queen Anne* (London, 1878), 106. *Q.S.R.S.*, 1625-39, p. 14, shows the J.P.'s making a special rate to relieve a parish teeming with poor. The constables also dealt with plague in Norfolk. There, special sums were levied by the J.P.'s to purchase wool so that the unemployed in infected parishes could be set to work. The constables could never collect this sum of £534 because some J.P.'s stalled in the hope that the visitation would pass and their areas be spared the assessment. Owens, *Norfolk, 1620-1640*, 239ff.

13. *Q.S.R.S.*, 1625-39, p. 95, no. 6; p. 102, no. 12; p. 106, no. 5; p. 131, no. 18. *S.A.O.*, p. 11, no. 36.

14. Barnes, *Somerset*, 160ff.

15. Willcox, *Gloucestershire*, 106, n. 9. Willcox remarks that the J.P.'s were the most vocal in their opposition to levies and presses. People in the parishes and tithings, however, seem not to have reflected this hostility and regularly provided their constables with the men and the coat and conduct money required. Owens, *Norfolk, 1620-1640*, 200ff., discusses the reaction in that county to billeting following the expedition to the Isle of Rhé.

16. Barnes, *Somerset*, 164.

17. In Gloucestershire, 150 lesser men were impressed for their resistance. The gentry, who often inspired their actions, were seldom touched by this device. Willcox, *Gloucestershire*, 120.

18. Barnes, *Somerset*, 165ff. At one point in January 1626/7, some privy councillors visited Somerset to lend presence to the scheme and to intimidate resisters. This was a foretaste of the closer ties between Council and counties that were created by the Book of Orders of January 1630/1. In Gloucestershire, some commissioners openly refused to subscribe to the loan, and the deputy-lieutenants found they could do little to force compliance. At one time, several of the prominent leaders of the county, including the High Sheriff, were under bond to appear in London to answer for their recalcitrance. Such attitudes among the gentry made difficult the tax-gathering functions of the constabulary. Willcox, *Gloucestershire*, 117ff.

19. Local rivalries could also throw barriers in the way of the constables. An interesting example is found in *S.A.O.*, p. 44, no. 145.

20. Barnes, *Somerset*, 166.

21. *Calendar of State Papers, Domestic, Charles I, 1626-1640*, II

(1858), p. 48, no. 48. Hereafter cited as *C.S.P.D.*, 1626-40, II, p. 48, no. 48. The commissioners also reported that many persons had stayed away from the rating meetings for fear of arrest by the sheriff's agents. The self-aggrandizing under-sheriffs were not popular in the counties—an important factor when the High Sheriff was later entrusted with the delicate task of ship-money administration. *Ibid.*

22. *Ibid.*, p. 53, no. 88. Poulett might have made a good report in order to secure the appointment of some of his friends, whom he here recommends, to the Commission of the Peace. Other commissioners' reports tell a somewhat different story, e.g., *ibid.*, p. 96, no. 30.

23. The office of high constable could be used by the magnates of a county for their private ends. In Gloucestershire in 1624, the death of an M.P. caused a by-election. Two local gentlemen, who were also subsidy commissioners, influenced the election by ordering the subsidy assessors, freeholders who were also voters, to present their assessment rolls to the commissioners on the election day in a different town from the one specified for the parliamentary balloting. Thus a number of voters were kept from voting. Stiff fines were ordered for any defaulter who failed to appear before the commissioners, and the high constables collected them "with the greatest severity." Willcox, *Gloucestershire*, 29-30.

24. *C.S.P.D.*, 1626-40, II, p. 197, no. 36; p. 284, no. 26.

25. Hamilton, *Quarter Sessions*, 106ff.

26. Owens, Norfolk, 1620-1640, 200-201. One Irish regiment stayed a full month in Norfolk, with the expected reaction from the inhabitants of Puritan East Anglia. Despite this hostility, however, the high constables managed to collect all of the billeting levies for the month. *Ibid.*, 212. Billeting levies were refused in some eastern and southern hundreds, but the generosity of others made up the county's obligation, with a small surplus. *Ibid.*, 214, n. 83.

27. Barnes, *Somerset*, 256.

28. *C.S.P.D.*, 1626-40, III (1859), p. 258, no. 13.

29. *Ibid.*, p. 442, no. 1.

30. Hamilton, *Quarter Sessions*, 104-105.

31. *C.S.P.D.*, 1626-40, III, p. 495, no. 1.

32. *Ibid.*, p. 550, no. 91, a proclamation for the "speedy sending away of Irish beggars out of this kingdom . . . and for suppressing . . . English rogues and vagabonds according to the laws."

33. *Q.S.R.S.*, 1625-39, p. 104, no. 1. The previous month's assizes had sanctioned this plan, *S.A.O.*, p. 1, no. 3. Relations between the high constables and the assize judges were usual and regular. Historical Manuscripts Commission, *Eighth Report* (1881), Appendix I, p. 27b. Hereafter cited as *H.M.C. Rep. VIII*, Appendix I, p. 27b. *H.M.C. Rep. IX* (1884), Appendix II, p. 370b, no. 52.

34. In *Somerset*, Barnes remarks that hundred rates were "the broadest tax base the age's thinking would allow." (p. 62) It is obvious, however, that both the assize judges and the J.P.'s thought of this £200

as a county-wide obligation to be collected through the usual machinery of the hundreds by the constables.

35. *Q.S.R.S., 1625-39*, p. 109, no. 6; p. 131, no. 15; p. 134, no. 36; p. 138, no. 1.

36. *Ibid.*, p. 117, no. 44.

37. *Ibid.*, p. 102, no. 12; p. 106, no. 5; p. 131, no. 18; p. 132, no. 20; p. 176, no. 6; p. 183, no. 4. *S.A.O.*, p. 11, no. 36.

38. Barnes, *Somerset*, 182-183. Varying views on the purpose of the Book of Orders may be seen in *ibid.*, 77ff., and in Joel Hurstfield, "County Government, c. 1530-c. 1660," *Victoria History of the Counties of England, Wiltshire*, V (London, 1957), eds. R. B. Pugh and Elizabeth Crittall, 98ff.

39. Barnes, *Somerset*, 120ff. *H.M.C. Rep. VII* (1879), Appendix I, p. 675b, shows a warrant from the time of James I to the hundred constables to give notice of a muster. It is followed by several similar documents. *H.M.C. Rep. VI* (1877-1878), Appendix I, p. 347a, shows that the hundred constables were still central to the conscription process in the late seventeenth century.

40. Owens, *Norfolk, 1620-1640*, 80. The high constable's muster duties could be unpleasant and dangerous. See *ibid.*, 81, citing material in the Norfolk Quarter Sessions rolls for 1627/8.

41. For the equipping of the trained bands, the gentry and freeholders were assessed according to their rentals and social rank. Some gentlemen evaded their proper contributions by intimidating the high constables, who made the assessments. In Norfolk, it was suggested by a deputy-lieutenant that this would cease if the captains of foot did the assessing, since these gentlemen were usually drawn from the ranks of the J.P.'s and were not nearly as likely to succumb to this sort of social pressure. The suggestion, however, was never implemented. *Ibid.*, 99.

42. *Q.S.R.S., 1625-39*, p. 24, no. 9; p. 16, no. 4; p. 73, no. 7.

43. *H.M.C. Rep. V* (1876), Appendix I, p. 401, no. 2, shows a copy of a warrant to the high constables of Martinsley hundred, Rutland, requiring them to appear before the commissioners after they have caused the petty constables to raise two, four, or six men—not members of the trained bands—from each parish "ready to march forth to Plymouth and serve the King beyond the seas." (13 May 1625) Petty constables were to collect specified sums from their parishes for coat and conduct money; any constable failing to bring in his conscripts would be impressed himself.

44. Willcox, *Gloucestershire*, 93-96. There is an interesting case in which the press was abused in John Rushworth's *Historical Collections* (London, 1703-1708), II, 27.

45. *Q.S.R.S., 1625-39*, p. 28, no. 14. Other military levies are mentioned at p. 23, no. 2.

46. *Ibid.*, p. xxii.

47. Willcox, *Gloucestershire*, 106ff. *Q.S.R.S., 1625-39*, pp. 92-93, shows

a table listing the obligation of parishes in a Somerset hundred for the hospitals and maimed soldiers funds. The rate was devised by a J.P. living in the hundred, with the consent of prominent men from each parish. This was often the manner used to make a new rate after the one set by the high constables had been challenged in quarter sessions.

48. *Ibid.*, p. 156, no. 2.
49. *Ibid.*, p. 176, no. 6.
50. *Ibid.*, p. 183, no. 4.
51. Martin J. Havran, *The Catholics in Caroline England* (Stanford, 1962), 100-102.
52. Barnes, *Somerset*, 14. Only about two hundred recusants were included in hundred presentments in Somerset during the period 1625-1640. Most of these were from the central part of the county and involved upper-rank families quite removed from subversive plotting.
53. *Q.S.R.S.*, 1625-39, p. 262. The letter says in part: ". . . we are given to understand that there are manie Popishe Recusants residinge in the countie . . . who by the willful neglect and connivence of ministers, Churchwardens and Constables . . . are not duly presented to the Assizes and Sessions . . . ; And forasmuch as wee are Credible informed that these officials in Diverse parishes have refused to make knowne the names of such Recusants unto Agents heretofore employed upon enquiries concerninge that service . . ." (dated 23 June 1636)
54. *Ibid.*
55. H.M.C. *Rep. V*, Appendix I, p. 401, no. 3; p. 402, no. 11.
56. *Ibid.*, p. 402, no. 13.
57. *C.S.P.D.*, 1626-40, VIII (1865), p. 451, no. 56.
58. H.M.C. *Rep. V*, Appendix I, p. 401, nos. 1 and 4. Willcox states that in practice most people paid far less than the official rates, *Gloucestershire*, 116.
59. H.M.C. *Rep. V*, Appendix I, p. 401, no. 6.
60. Hamilton, *Quarter Sessions*, 110; but this was not so in Rutland, H.M.C. *Rep. V*, Appendix I, p. 402, no. 18 (dated 1 February 1635/6).
61. Complaints from parishes and hundreds about over-rating for composition payments are infrequent in the quarter sessions examined for Somerset. But see *Q.S.R.S.*, 1625-39, p. 2, no. 1a; p. 65, no. 25.
62. *Ship Money Papers and Richard Grenville's Note-Book*, eds. Carol G. Bonsey and J. G. Jenkins, Buckinghamshire Record Society, XIII (1965), p. 17, n. 2. Hereafter cited as *Bucks. Papers*, p. 17, n. 2.
63. The most elaborate standard account of ship-money on the county level is Barnes, *Somerset*, 203-243. See also Willcox, *Gloucestershire*, 120ff. and Hurstfield, "County Government," *V.C.H., Wiltshire*, 120ff.
64. *Bucks. Papers*, pp. x-xi.
65. *C.S.P.D.*, 1626-40, II, p. 28, no. 48.
66. Barnes, *Somerset*, 208. The High Sheriffs for the first writ were retained in office for two extra months to aid their successors with collections. *Ibid.*, 207, n. 5.
67. C. V. Wedgwood is mistaken when she states in *The King's*

Peace (New York, 1969), 156, that the J.P.'s set and collected the rate themselves.

68. *S.A.O.*, p. xxii.

69. *H.M.C. Rep. V*, Appendix I, p. 402, no. 26.

70. *Bucks. Papers*, p. xiii. Given the evidence of efficiency on the part of some high constables in Buckinghamshire (see below, note 76), this complaint may be exaggerated.

71. For the 1635 writ, the rates for the relief of the maimed soldiers and muster-master's fees were used for hundred assessment. *Bucks. Papers*, p. 13. Below the hundred level, however, poor rates and "the levy for the Church" were employed. *Ibid.*, pp. 27-28. Northamptonshire assessed its hundreds on the basis of their obligation to the poor rates. *H.M.C. Rep. II* (1874), Appendix I, p. 18a, no. 35a. Gloucestershire rated the hundreds according to the normal rate for the provision of the royal household. Willcox, *Gloucestershire*, 110.

72. For example, see M. D. Gordon, "The Collection of Ship-Money in the Reign of Charles I," *Transactions of the Royal Historical Society*, 3d Ser., IV (1910), 149. The practice of surcharging wealthy men to make up the hundred's obligation due to exemptions for those with large families or financial embarrassments, seems to have been fairly common. *H.M.C. Rep. V*, Appendix I, p. 401, no. 21. Extended court wrangles by wealthy landowners trying to shift the burdens of ship-money to tenants or other owners posed another problem to efficient collections.

73. *Bucks. Papers*, p. 14, n. 4; p. 15, n. 1.

74. *Ibid.*, p. 46; pp. 50-51.

75. *H.M.C. Rep. V*, Appendix I, p. 402, nos. 26 and 27.

76. Hurstfield, "County Government," *V.C.H., Wiltshire*, 102.

77. *Ibid.*

78. Willcox, *Gloucestershire*, 128. Two of the six J.P.'s had refused the "forced loan" earlier.

79. Barnes, *Somerset*, 203ff.

80. *Ibid.*, 215-220, gives details of this sort of obstruction.

81. Barnes, *Somerset*, 213.

82. *Ibid.*, 214, n. 15.

83. *Ibid.*, 226.

84. In Norfolk, between August of 1635 and the autumn sessions of 1637, the J.P.'s had to appoint twenty-two new men to fill the office of high constable. It was even suggested in that county by an under-sheriff that the High Sheriff bribe the high constables to ensure a return of their collections. But given the other demands on the sheriff's funds, this suggestion went no further. Owens, *Norfolk, 1620-1640*, 449. Other representative cases of evasion are in *Q.S.R.S., 1625-39*, p. 307, no. 9, and the quarter sessions orders preserved on the one extant Somerset roll for 1638/9. See also *S.A.O.*, p. 34, no. 114; p. 36, no. 119.