

The militia assessments for South Devon, 1715: commentary and context

by Paul Luscombe

1 Introduction and the geographical coverage of the documents

The Devon Record Office (DRO) holds a collection of militia assessments for the southern and western parts of Devon recording the names of property owners required to contribute in 1715 towards the costs of maintaining the militia and the proportion of the parish's liability to be met by each of them. Fewer assessments have survived compared with the much more common muster rolls, which list the names of men who served in the militia rather than the taxpayers who paid for its upkeep.¹ Documentary sources relating to organising and funding the militia may be found among the papers of families whose members served as deputy-lieutenants and in other County offices, in parish constables' books and in quarter sessions papers.

The accompanying transcript will be relevant to those with interests in local history, family history, name studies, the development of local government and the history of taxation. This introductory narrative aims to help those who use the documents to understand why and how militia assessments were produced in both local and country-wide contexts. The narrative is arranged as follows (click on words and terms in blue to follow the links indicated):

- description of the documents ([section 2](#))
- legislation ([section 3](#))
- paying for the militia ([section 4](#))
- organisation ([section 5\(i\)](#)) and administration ([section 5\(ii\)](#))
- the Devon militia and the historical context between 1660 and 1715 ([section 6](#))

Some specialist terms are explained in the [Glossary](#), followed by a note on [editing conventions](#).

The principal authority on the English militia in the later Stuart period is J. R. Western whose country-wide study was published in 1965 and is based largely on central records.² An insight into how the militia was managed at county level may be found in the papers of the Norfolk lieutenancy, and a set of parish returns relating to the Herefordshire militia has been transcribed and published by the Royal Historical Society, though they differ in substance and in purpose from the Devon documents (see below, [section 4\(ii\)](#)).³ Ian Beckett gives a well-focussed account of the re-establishment of the militia in 1660 and its activities in England until 1745, while Anthony Fletcher, drawing on a wide range of local evidence, uses the militia as a case-study to assess the progress of reform in local government. Phil Norrey, in a paper based on his doctoral thesis, explores how the Restoration militia was organised on Devon's doorstep - in Dorset, Somerset and Wiltshire.⁴

The militia assessments help to demonstrate how 18th century administrative systems worked, beginning in one of the smallest components of government – the civil parish. Nearly every parish had at least one – sometimes two or three constables – and two or more assessors and collectors. They were the first stage in arranging for payments to be made to men in the militia - as well as for the collection both of taxes levied on behalf of the Crown and of rates raised for local purposes. Parishes were grouped into hundreds, each with its own head constable, whose main role in connection with the militia was to facilitate communication with the next stage in the hierarchy, the County's deputy lieutenants ([Appendix 1](#)) and the lord lieutenant, who were drawn from the gentry and the peerage respectively.⁵

¹ For the muster rolls, see Gibson (Jeremy) & Dell (Alan), *Tudor and Stuart Muster Rolls*, Federation of Family History Societies, 1991; Gibson (Jeremy) & Medlycott (Mervyn), *Militia Lists and Musters 1757 – 1876*, Federation of Family History Societies, 2000.

² Western (J.R.), *The English militia in the eighteenth century: the story of a political issue, 1660-1802*, London, 1965.

³ Dunn (R.M.), *Norfolk Lieutenancy Journal, 1660-1676*, Norfolk Record Society, vol. XLV, 1977; Cozens-Hardy (B.), *Norfolk Lieutenancy Journal, 1676-1701*, Norfolk Record Society, vol. XXX, 1961; Faraday (M.A.), *Herefordshire militia assessments of 1663*, Royal Historical Society, Camden 4th Series, vol. 10, London, 1972.

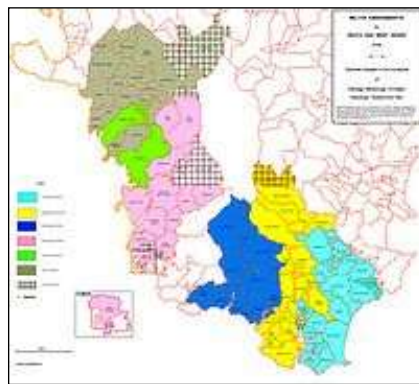
⁴ Beckett (Ian F.W.), *The amateur military tradition, 1558-1945*, Manchester, 1991, pp.49-60; Fletcher (Anthony), *Reform in the provinces: the government of Stuart England*, London, 1986, pp.316-48; Norrey (P.J.), 'The Restoration regime in action: the relationship between central and local government in Dorset, Somerset and Wiltshire, 1660-1678', *Historical Journal*, vol 31:4, 1988a, pp.789-812.; Norrey (P.J.), *The relationship between central and local government in Dorset, Somerset and Wiltshire, 1660-1688*, Ph.D. thesis, Bristol University, 1988b. More recently, Scott (Christopher L.), *The military effectiveness of the west country militia at the time of the Monmouth rebellion*, Ph.D. thesis, Cranfield University, 2011, has attempted to show that the militias "were more effective than hitherto supposed".

⁵ Devon's Lord Lieutenant in 1715, Sir William Courtenay (1676-1735), however, was not a peer.

The DRO has returns for 1715 from 80 parishes in the hundreds of Lifton, Tavistock, Roborough, Ermington, Stanborough and Coleridge. By the 18th century, the work of the hundreds (Map 1) was much reduced and their geographical composition sometimes varied, depending on the particular function. Map 2 shows the parishes assigned to the six hundreds for militia purposes in 1715. They include the towns of



Map 1
Hundreds in south and west Devon
(based on the Boundary Commission Report, 1832)
([click here for large map](#))



Map 2
Parishes in south and west Devon charged with finding soldiers for the militia and sending returns, 1715
([click here for large map](#))

Totnes, Kingsbridge and Modbury, but there are no returns from Plymouth or Dartmouth because they each had their own militia companies. Eight parishes not sending returns are listed as ‘wanting’ in a subsidiary document,⁶ including Oakhampton where the constables asked for more time “having [had] very late notice.... the Parish being very large and the Town very populous”, while the men of East Stonehouse said that they did “not belong to ye Militia time out of mind” and, instead, went “at ye first beat of a drome” to the fort on St Nicholas Island. In four parishes (Cornwood, Mary Tavy, Peter Tavy and Meavy), only the vicar’s name is recorded, and in Plympton Hundred none of the parishes is

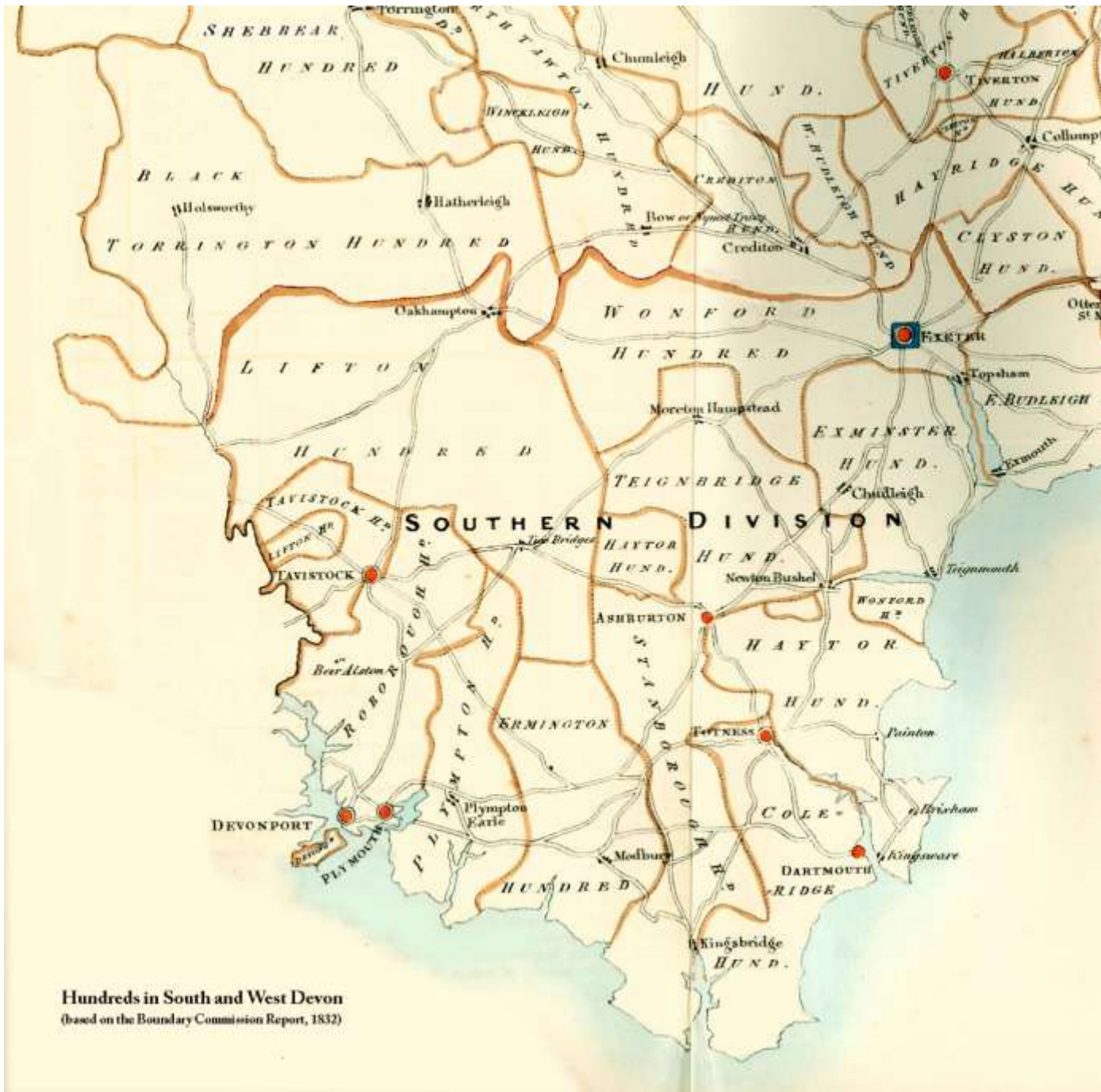
represented (see below, [section 2](#)).

Besides the main set of militia assessments for 1715 (plus draft returns for Rattery and South Brent), similar assessments for 1697 have been transcribed for Dean Prior, East Allington and Thurlestone, together with tax assessments for Totnes and Milton Abbot for 1715 and a 1698 poll tax for Bridestowe.⁷ The collection includes a list of the names of 163 officers and soldiers for Lifton Hundred in 1699, and these have also been transcribed.

⁶ DRO/Z1/43/1 lists 8 returns as ‘wanting’: (in Lifton) Okehampton, Lydford and Sourton; and (in Roborough) Sampford Spiney, Vaultershome (transferred to Cornwall, 1832), Walkhampton, Weston Peverell and Compton Gifford (absorbed by Plymouth). In addition, Holne (in Stanborough) and Sheepstor (in Roborough) “belong to ye tanners”.

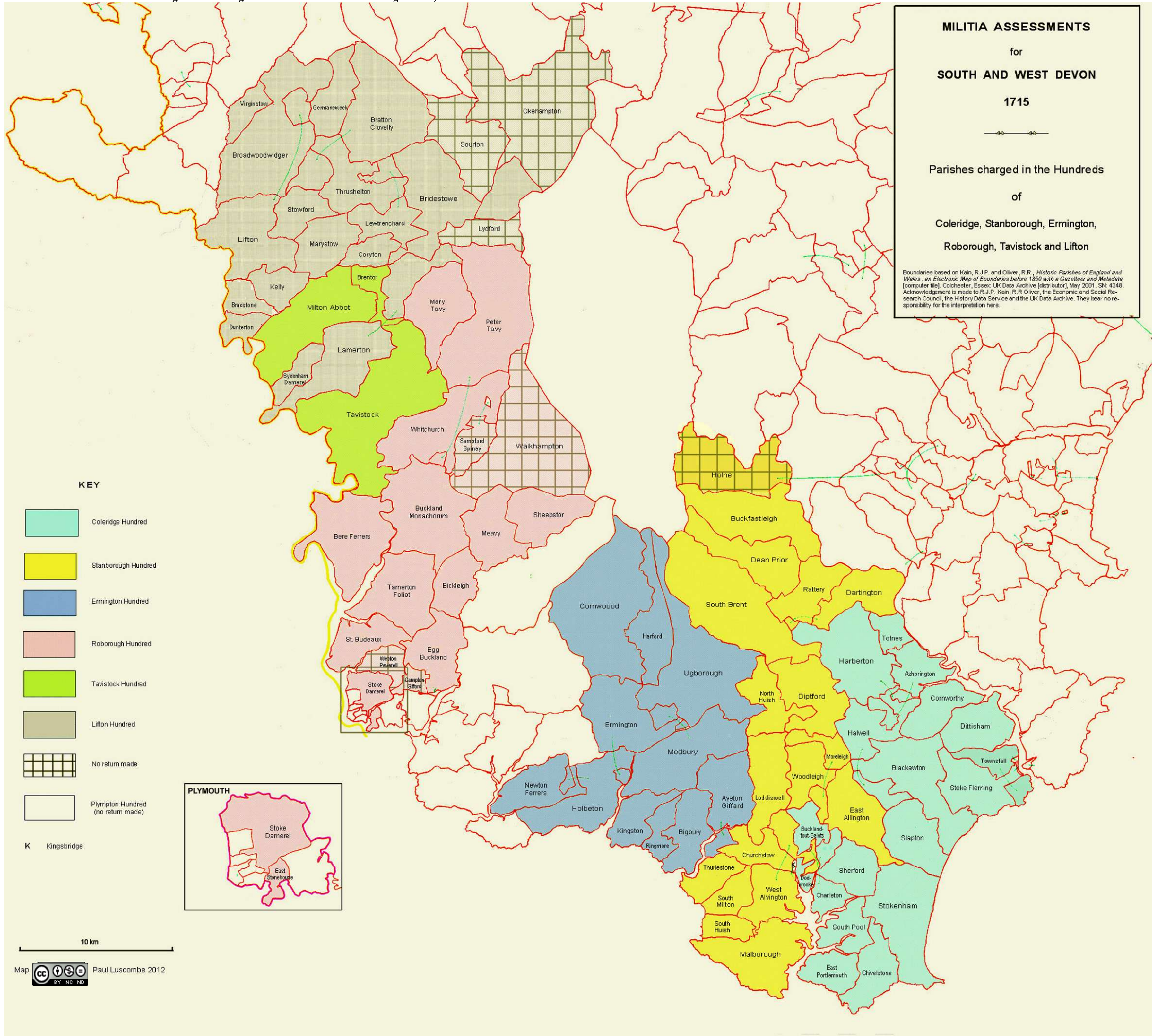
⁷ The DRO also has further militia assessments for Thurlestone - for 1677 (DRO 3037A/PM1); two for 1691 (DRO 3037A/PM2 and DRO 3037A/PM3); and for December 1715 (DRO 3037A/PM5). Several ‘stray’ militia assessments survive among parish papers in the DRO, e.g. for Woodland (DRO 2660A add PM1, DRO 2660A add PM4 and DRO 2660A add PM5), Clyst St. George (DRO 3147A/PM1) and Churston Ferrers (DRO 1235A add.2). Militia assessments for West Alvington, South Milton, Ugborough, Dunterton, Woodleigh, Thurlestone and Charleton parishes for 1697 are listed among the Calmady papers in the Plymouth & West Devon Record Office.

Map 1: Hundreds in south and west Devon
(based on the Boundary Commission Report, 1832)



[Link to document index at the Friends of Devon's Archives website](#)

Map 2
Parishes in south and west Devon charged with finding soldiers for the militia and sending returns, 1715



2 The documents described

All the assessments list the names of the taxpayers in each parish or the name of the property taxed, or sometimes, both. Most of the charges are towards the cost of supporting a foot soldier, though the more affluent contribute to the cost of a horse and trooper. The sums next to the names represent the proportion of the charge payable for a soldier – not the actual amount paid – and are arranged in groups adding up to £50, known colloquially as ‘fifties’. The number of names in each ‘fifty’ ranges from a single taxpayer to 26 (at Dodbrooke): they are usually bracketed in the returns, and the number of fifties equals the number of foot soldiers the parish is required to send to musters. In the transcript, instead of using brackets, a grey band has been added after the last name in each fifty. The references next to each parish heading (usually beginning Z1/43/x/x) are the Devon Record Office document numbers. All but a few of the returns have an extended heading recording the name of the parish, its hundred and the exact date of the return, ranging from 22 August to 26 October 1715. Most of the parishes in Coleridge and Stanborough appear to have received earlier notification than the other four hundreds. The documents themselves were known as ‘duplicates’, since two copies were produced, at least one of them being prepared in the parish by the constable (or under his supervision) for consideration by at least two/three deputy-lieutenants of the County (see [section 5\(ii\)](#)). The duplicates were almost always signed by the constable(s) and sometimes also by his assistants or people with status in the community – shown in italics in the transcript – and then, after approval, by three deputy-lieutenants. Similarities between the documents end there.

The returns are written in different hands and scripts on paper of all sorts and sizes, some folded, single- and double-sided, and with the monetary details in every conceivable format of £sd. In nearly half the parishes, the lowest amount chargeable was £1, and in the remainder it ranged from 6s-8d to £50+. The chargeable amounts were calculated to the nearest £1 in two-fifths of the parishes and, in most of the others, to lower values - down to a penny in several cases and even a ha’penny in one particularly scrupulous parish (Cornworthy). This marked lack of standardisation in monetary terms is underlined by the great variety of wording in the extended headings. In about a third of the 73 parishes, where a key word describing the return is identifiable, the term used is ‘assessment’, followed in frequency by ‘establishment’, ‘value’, ‘rate’, ‘list’ and others. There can be no doubt that the returns were produced in the parishes for approval by the designated deputy lieutenants. For most of the parishes in Coleridge and Stanborough hundreds the three counter-signing deputy lieutenants were Sir John Lear, Arthur Champernowne and Edward Yarde; for two parishes in each of these hundreds and for eight parishes in Ermington hundred, Samuel Cooke replaced Edward Yarde. The duplicates for the other three hundreds (Roborough, Tavistock and Lifton) were not counter-signed by deputy lieutenants, probably because they arrived late.⁸

A separate category of contributors is found in the returns from 24 parishes - tanners. Their names or properties are listed in the returns from some of these parishes - chargeable either to foot or to horse - but not in others (as in Sheepstor where all the taxpayers were tanners, and Holne for which there is no return). In Cornwood, Mary Tavy, Peter Tavy and Meavy, only the vicar is listed, all the other chargeable parishioners presumably being counted as tanners. No obvious explanation has been found for the absence of returns from Plympton Hundred (between Ermington and Roborough Hundreds). They may simply have been lost or perhaps all, or most, of the contributors there were counted as tanners: Plympton was, after all, one of Devon’s four stannary towns. Those charged as tanners contributed to the Stannaries’ militia, unique to Devon and Cornwall and organised separately, under the Lord Warden of the Stannaries, from the County militias. Tanners had accumulated many jealously guarded rights and privileges, embodied in stannary law and custom, and overseen by the stannary courts. One such privilege was exemption from ordinary taxation, making designation as a tanner an attractive aim. There is a reference to the meeting of a ‘Great Court’ at Tavistock in 1688 concerned mainly with identifying tanners for tax purposes, including militia assessments. The definition of a tanner had been a matter of dispute for centuries: the crux of the matter was whether tanners were exclusively manual workers or whether the term extended to a wider group including their employers, owners of smelters,

⁸ Hugh Stafford counter-signed the returns for two parishes each in Ermington and Stanborough hundreds, and Henry Trenchard for Slapton (in Coleridge hundred). The names of the counter-signatories have not been transcribed.

shareholders in mines, landowners, dealers, pewterers and the tradesmen who made their equipment.⁹ It is clear from the assessments that those contributing to the militia in 1715 were more akin to the larger group: the number chargeable to the horse reveals the presence of a set of wealthy interests. In view of the relatively small output of tin from Devon in the early 18th century, it is surprising that the numbers designated as tinnerns in the returns is so large. A curious term found in a number of the assessments is ‘farriners’, meaning inhabitants who are not tinnerns (literally ‘strangers’) and are not within the jurisdiction of the stannary courts. The word was apparently in common use in tin-producing and adjacent areas and was used routinely in legislation.¹⁰

An analysis of the assessments returned by parishes is summarised in Table 1. The number of foot amounted to a regiment of some 842 men comprising the 771 listed in the assessments plus 21 from Okehampton and an estimated 50 from the other seven contributory parishes shown as ‘wanting’. The parishes with the largest assessments to foot were Tavistock (39)

Hundred	Number of parishes				No. of foot soldiers to be raised ^{a c}	Assessments to horse ^{b c} (£)
	sending returns	no returns	with tinnerns	with assessments to horse		
Stanborough	18	1	8	15	206	2,930
Coleridge	18	0	3	14	182	2,495
Ermington	11	0	5	7 ^c	137	1,858
Lifton	17	3	5	6 ^c	102	550
Roborough	13	5	3	4 ^c	75	1,570
Tavistock	3	0	0	1	69	1,251
Total	80	9	24	47	771	10,654

and Milton Abbot (27). The three troops of horse were organised separately from the foot at County level, while the grouping of contributors to the horse was probably arranged by sub-committees of the deputy lieutenants themselves, and not at parish level. One horse was equivalent to an assessment

Table 1 Devon militia assessments, 1715: summary

^a from DRO/Z1/43/1 ^b amounts not fully recorded for 5 parishes ^c excludes tinnerns

of £500. The largest single assessments to the horse were the Earl of Stamford at Bere Ferrers (£400), the Duke of Bedford at Tavistock (£385 + £100 + £100) and Henry Champernowne, a tinner at Holbeton (£283). There were also sums as small as £4 and £5 (e.g. at Ugborough and elsewhere). One of the reasons for these small assessments to the horse is attributable to the directive in the 1662 Act (s 2) not to “charge any person with the finding both of Horse and Foot in the same County” so that, if a contributor had a large estate in one parish and a small estate in another, both were chargeable to the horse. Even though the two single largest assessments to horse were from Roborough and Tavistock hundreds, Table 1 shows that a greater proportion of the horse was chargeable to the three southern hundreds. An example of contrasting socio-economic circumstances is revealed by comparing the assessments for Kingsbridge and Tavistock. At Kingsbridge, where 98 taxpayers were chargeable for six foot-soldiers at £50 each, the average charge was a little over £3 per taxpayer. At Tavistock, payments were due on 132 properties for 39 foot soldiers, and the average charge was £14-15s. Because the payments were largely related to wealth, it is impracticable to establish even an approximate percentage of the population chargeable. The proportion of the population recorded in the 1723 oath rolls is discussed elsewhere on the Friends of Devon’s Archives website, together with a comparison of the family names in the oath rolls and the militia assessments of a single parish.¹¹ A copy of the assessment for Woodleigh (Stanborough Hundred) is reproduced below (Figure 1).

⁹ Bodleian MS. Add. C. 85, pp.51-54, referenced in Greeves (T.A.P.), *The Devon tin industry, 1450-1750, an archaeological and historical survey*, PhD thesis, University of Exeter, 1981, p.53; Lewis (G.R.), *The stannaries, a study of the English tin miner*, Boston, 1908, pp.96-103.

¹⁰ e.g. ‘forreiners’ in *An Act against diverse Incroachments and Oppressions in the Stannarie Courts*, 1640, Statutes of the Realm: volume 5: 1628-80 (1819), pp.117-118. URL: <http://www.british-history.ac.uk/report.aspx?compid=47226&strquery=tinnerns> Accessed: 27 September 2009.

¹¹ For the population recorded in the oath rolls, see Dixon (Simon), *Devon and Exeter oath rolls 1723: the administration of the oaths in Devon* at <http://www.foda.org.uk/oaths/intro/introduction9.htm#77> and for the comparison of the names in a parish, see Luscombe (Paul), *Oath-takers and tax-payers in Georgian Stokenham* at <http://www.foda.org.uk/main/projects/eighteenthcentury/stokenham.htm> - both accessed 16 October 2010.

[illegible]

Figure 1
Militia assessment for Woodleigh
(Stanborough Hundred)
DRO Z1/43/6/22
(reproduced by permission of Devon
Heritage Service)

7

3 Legislation

The basis for organising, administering and financing the militia in 1715 stems from legislation mostly enacted soon after the Restoration. A short *Act declaring the sole right of the Militia to be in the King*,¹⁸ passed in 1661 as a temporary measure, was followed by two substantive measures setting out the detailed arrangements. Like much legislation of the period, neither of the Acts - the *Act for ordering the forces in the several Counties of this Kingdom* ('the 1662 Act') nor the *Additional Act for the better ordering the forces in the several Counties of this Kingdom* ('the 1663 Act')¹⁹ - are models of clarity. 'Convolutd' and 'labyrinthine' are words that come to mind. However, interpreting the Acts is assisted by a carefully worded contemporary 'Abstract', one of the ancillary documents in the DRO collection (transcript, [Appendix 2](#)), prepared, no doubt, as a working manual for the office-holders who had operational responsibility for organising and deploying the militia. The 18th century antiquary, Francis Grose, has a similar synopsis in his account of the militia.²⁰

Between them, the 1662 and 1663 Acts confirmed that the command of the militia belonged to the Crown, and was not a parliamentary right, and enabled the king to appoint lieutenants and deputy lieutenants for each county. They normally received royal orders through the members of the Privy Council. The lieutenants and their deputies were empowered to appoint officers; to charge property-owners with providing horse and troopers (i.e. cavalry) and foot-soldiers; to levy rates for meeting the cost of their arms, ammunition and transport; and to lead and train those armed for the purposes of "suppressing... insurrections and rebellions and repelling ...invasions". They had wide powers of enforcement which were quite separate from those of the quarter sessions. ([Appendix 2](#) paras. 5, 6, 11, 12, 13, 15, 17, 19, 20, 24, 28, 29 and 34). Nonetheless, the extensive powers and responsibilities given to the lieutenancies by statute are insufficient evidence for concluding with Western that the king had "the shadow but only a little of the substance of power"²¹. The Norfolk evidence, particularly in the last part of the century, shows that action was nearly always initiated by the king or the Privy Council.²²

Liability to contribute towards the upkeep of the militia was related to the level of annual income or the value of (personal) estate held as property, goods or money. The definitions in the 1662 Act of the charges to be made are far from clear, and not helped by double negatives ("...they [the lieutenants] are not to charge any person with finding a Foot Souldier and Armes that hath not a yearly Revenue of Fifty pounds...."²³). The 1663 Act admitted that "some Doubt hath arisen upon ... what Estates shall be charged..." (s.19) and amplified the income and property values at which owners were chargeable to horse or foot (Table 2). In terms of yearly income, £50 equated to a foot soldier and £500 to a horse (and related amounts for

Yearly value (i.e. income)	Personal estate (i.e. property, goods, money)	Liability	Source/authority
more than £500	more than £6000	to find more than 1 horse	1662 Act, s 2
between £200 & £500	between £2400 & £6000	to find or contribute proportionately to 1 horse	1663 Act, s 19: not to contribute to foot
£200 or more	£2400 or more	"not to be charged to foot"	1663 Act, s 19
between £100 and £200	between £1200 & £2400	chargeable to foot or horse	1663 Act, s 19
£50	£600	to find 1 foot-soldier	1662 Act, s 2
less than £50	less than £600	to contribute proportionately to 1 foot soldier	1663 Act, s 4

Table 2 Statutory property values regulating contributions to the militia

personal estate), with proportional contributions for incomes or estates of greater or lesser amounts. The proportional contributions of those with less than £50 of income (or £600 in estate), were combined into groups, each amounting to a shared assessment of £50 as recorded in the documents and known to contemporaries as 'fifties'. Although the 1662 Act (s.2) and the 1663 Act (s.4) provide for charging "proportionably" or "according.... to proportions", it was an Act of 1696 that settled the

¹⁸ 13 Car II, St.1 c.6.

¹⁹ 13/14 Car II c.3 received the royal assent on 19 May 1662 and 15 Car II c.4 on 27 July 1663. For links to the text of the Acts on-line, see [Glossary](#).

²⁰ Grose (Francis), *Military antiquities respecting a history of the English army from the Conquest to the present time*, vol. 1, London, 1801, pp.20-33.

²¹ Western, *op. cit.*, p.16

²² Cozens-Hardy, *op. cit.*, *passim*.

²³ Section 2 of the 1662 Act; "hath not" here means 'less than'.

question of how groups of contributors should be formed “when two or more persons are charged tohorse or foot....” and which member of the group was responsible for actually finding the trooper or soldier ([Appendix 2](#), para. 29).²⁴ Statutory responsibility was given to the deputy lieutenants, but, in practice the task of drawing up the groups is likely to have been delegated to head constables or parish constables for approval by the deputies. In the Devon assessments, the first person listed in the group of contributors was normally expected to find and pay the soldier. Contributors were not compelled to serve in person, and could find (under s.24 of the 1662 Act) a “fitt or sufficient man or men” to serve in their place, to be approved by a captain of the regiment.²⁵ One of the assessments for South Brent lists the names of 15 of the 16 soldiers to be raised: only one has the same name as a contributor in the same ‘fifty’, and a second is the son of a contributor. Those who served in the foot, according to contemporary accounts, were mainly young unmarried men aged between 16 and 30 “who live by their labour and service”.²⁶ Providers were required to pay troopers 2/6d for every day’s absence and foot-soldiers 1/- daily, repayable in case of “invasions, insurrections and rebellions” (see [section 4\(iv\)](#) and [Appendix 2](#), para. 6), and providers were also chargeable for ½lb of powder and ½lb of bullets for musketeers or half those amounts for horsemen (1663 Act, s.7).

There was specific provision in the 1662 Act for assessing and charging non-resident property-owners. Charges were to be raised in the parish where the property was located and not where the absent property-owner lived. Notices of the charges were to be sent to an employee or tenants of an absentee owner, and, if the landlord neglected to provide the horse or soldier, the tenants were required to do so and empowered to deduct the costs from their rents (1662 Act, s.15 and s.16; [Appendix 2](#), para. 17). In the Devon assessments, many of those listed as “the occupiers of...” are likely to have been tenants of absentee landowners.

For training and exercising, a general muster of all regiments and troops of horse in a county could be held once a year, arranged so that no one was away from home for more than four days, while single companies could be mustered up to four times annually for a maximum of two days. This provision was augmented in the 1663 Act (s.8 and s.9) where it was specified that the maximum annual period on duty was 14 days, limited (perhaps ambiguously because it is in a separate section) to three years from July 1663. The lieutenantcies were given powers to search for and seize arms between sunrise and sunset (at any time in towns) using force, if necessary (1662 Act, s.13; [Appendix 2](#), para. 15). Militia officers and constables were normally used for these searches. These powers were extended in 1696 to include the seizure of horses belonging to “persons.... dangerous to the Peace of the Kingdom”.²⁷

One of the nine ‘proviso’ sections towards the end of the 1662 Act concerns the “Tinnars of Devon and Cornwall” (section 25). It is also one of the more convoluted parts of the Act and says that it does not “put any new charge of arms upon the Tinnars in the Counties of Devon and Cornwall other then the tax mentioned in the former Proviso...”. The previous section does, not, however, refer to a tax. The Lord Warden of the Stannaries was authorised to “array, assess, arm, muster and exercise the Tinnars according to the ancient Priviledges and Customes.... observing the Rules and Proportions appointed by this Act”. A set of ‘Orders and instructions’, issued by the Lord Warden in 1662, provided that the “power to arm, assess and array the tinnars.... is with the captains or other superior officers” commissioned by him. They were authorised to pay for ammunition, muster-masters and “other accidental charges” by raising “a martial rate on the Stannaries” in line with the 1662 Act or with “ancient custom”. Penalties for refusal to provide arms were those “anciently used”, and disobeying a summons was “to be punished according to the Custom of Soldiers”.²⁸

²⁴ 7 & 8 W III c.16, s.2

²⁵ This section of the Act also refers to the better known muster rolls, providing that those required to serve “shall at the next muster.... give in his or their Christian and Surnames and places of abode.... to the end the same may be listed”.

²⁶ Petty (William), *Political arithmetick – or a Discourse Concerning the Extent and Value of Lands &c.*, 1691, pp.46-7.

²⁷ *An Act for empowering His Majestie to apprehend and detain such p[er]sons as hee shall find Cause to suspect are conspiring against His Royal Person or Government*, Statutes of the Realm: volume 7: 1695-1701 (1820), pp. 74.

URL: <http://www.british-history.ac.uk/report.aspx?compid=46818&strquery=militia> accessed: 16 October 2010.

²⁸ DRO 48/12/152/1. The term ‘martial rate’ was not used in the Restoration militia legislation and appears to be a hang-over from the Commonwealth.

Associated tax legislation - largely ignored by historians who have written about the militia – is germane to the militia assessments and is considered below (section 4(i) and (ii)), together with other legislation on funding and auditing. The 1662 and 1663 Acts remained the statutory basis for the militia until 1757 when the arrangements were radically revised. The other legislation relating to the militia during that period may be briefly summarised. In nearly every year from 1690, Parliament approved a short *Act for the raising the militia of this kingdom for the year* [169x or 17xx] *although the months pay formerly advanced be not repaid* (see section 4 (iv) below).²⁹ The Acts for 1696 and 1698 had two extra sections, clarifying responsibility for settling proportional charges (see above), and requiring papists and others who refused to take oaths to be charged £8 for providing a horse or £1-10s for a foot-soldier. This annual series of Acts was ended in 1715 when the powers on pay were renewed in the *Act for making the militia.... more useful and obliging an annual account to be made of trophy-money* (i.e. the week's assessment, see section 4(ii), below).³⁰

A 'health warning' is pertinent to the use of legislation by historians. English law-making is derived from the central authority of king and parliament, but laws were, as now, often put into effect by others and interpreted locally. Sometimes Acts of Parliament were not fully implemented, and they were often interpreted or applied differently in different parts of the country. A small example is that, although the 1663 Act provides (s.6) for each foot soldier to pay his muster-master up to 6d annually, the constables' accounts for Mary Tavy (Roborough Hundred) and Wigginton (in Oxfordshire) show that parish payments to the muster-master were made by the constables.³¹ Historians should use contemporary legislation with caution.

²⁹ 2 W & M St.2 c.12 (1691); 3 & 4 W & M c.7 (1692); 4 & 5 W & M c.6 (1693); 5 & 6 W & M c.19 (1694); 6 & 7 W III c.13 (1695); 7 & 8 W III c.16 (1696); 8 & 9 W III c.35 (1697); 9 W III c.31 (1698); 10 W III c.12 (1699); 11 W III c.14 (1700); 12 & 13 W III c.8 [1701]; 1 Anne c.23 (1702); 1 Anne St.2 c.23 (1703); 2 & 3 Anne c.12 (1704); 3 & 4 Anne c.17 (1705); 4 Anne c.23 (1706); 5 Anne c.28 (1707); 6 Anne c.36 (1708); 7 Anne c.23 (1709); 8 Anne c.20 (1710); 9 Anne c.29 (1711); 10 Anne c.25 (1712); 12 Anne c.8 (1713); and 12 Anne St.2 c.10 (1714). The years in brackets are those to which the Act applies, and not the year it received the royal assent.

³⁰ 1 Geo I St.2, c.14 granted power to raise the militia for five years, extended for another seven years by 9 Geo I, c.8.

³¹ in Mary Tavy, for nine years between 1674 and 1690, Anon, 'The parish constables' accounts of St. Mary Tavy, 1672-1709', *Report & Transactions of the Devonshire Association*, vol. LXXXII, 1950, p.313 and DRO 1134A/PC1; in Wigginton, for seven years between 1691 and 1713, Price (F.D.) [ed.], *The Wigginton constables' book, 1691-1836*, Chichester, 1971, pp.3, 5, 7, 10, 26 and 28.

4 Paying for the militia

(i) Charges and taxes

Three forms of funding for the militia were specified in the 1662 and 1663 Acts, each associated with a different method of assessment:

- (a) direct payments by those charged to horse of 2/6d per day to each trooper and by those charged to foot of 1/- per day to each foot-soldier when on musters and training, but “in case of invasions, insurrections or rebellions”, those charged had to advance up to a month’s pay in hand - for which “provision shall be made by His Majesty.... out of his.....Publique Treasury or Revenue” and “no person who shall have advanced his proportion.... shall be charged with any.... like month’s payment until he.... shall have beene reimbursed the said Moneths pay....” (1663 Act, s.2 and 1662 Act, s.6);
- (b) the proceeds from a quarter of one month’s assessment under the *Act for the raising of £70,000 for the further supply of His Majesty* ³² “for furnishing ammuniton and other necessaries” (1662 Act, s.6) and subsequently extended to incorporate payments “to the inferiour Officers.... for their paines and encouragement” (1663 Act, s.13). Lieutenants and deputies could also pay specified amounts for hiring horses and cartage in times of “invasion, insurrection or rebellion” and charge the cost to this source, often called the ‘week’s tax’, ‘week’s assessment’ or ‘trophy money’ (1662 Act, s.7). The officials who collected the money were also paid from this fund; and
- (c) on a temporary basis, the proceeds from one month’s assessment of £70,000 per annum could be raised “in case of apparent danger to the present Government” under the rules of the *Act for granting unto the King’s Majesty £1,260,000 to be assessed and levied by an assessment of £70,000 by the month for 18 months*, but only for three years up to June 1665, to cope with any disturbances in the aftermath of the king’s return (1662 Act, s.22); it was sometimes known as the ‘month’s assessment’.

In addition, income was generated from fines and penalties laid down in the 1662 and 1663 Acts, augmented later by payments from papists. In Norfolk, increasingly lengthy lists of defaulters were recorded in the *Lieutenancy Journal*, generating fines for withholding payments and absence from musters. Otherwise, after 1665 the only statutory funding to support the militia was for the payment of foot soldiers and troopers and for raising the weeks’ tax.

The arrangements for paying the soldiers were quite separate from the week’s tax, and the *Abstract of the severall Acts* (Appendix 2, paras. 6 and 7) describes them separately. Though the main run of the documents transcribed here are concerned with paying the soldiers, two parishes (Totnes and Milton Abbot) have returns both for the week’s tax and for payments to the militia.³³ A comparison of the lists for these two parishes shows some significant differences. In both parishes, the names of those paying the smallest amount for the week’s tax (1d) are nearly all missing from the militia assessments. In both lists, the amounts for the week’s tax are more finely tuned than those in the militia assessments. More obviously, even though the personal names are similar in both lists, the descriptive material often differs. In short, the lists draw from different sets of information.

³² 12 Car II c.29 of 1660 (not 13 Car II St.2 c.3).

³³ Totnes, DRO Z1/43/2/18 (militia assessment, dated 6 September 1715) and DRO Z1/43/2/19 (week’s tax, dated 20 October 1715); Milton Abbot, DRO Z1/43/7/4 (militia assessment) and DRO Z1/43/7/3 (week’s tax), both dated 24 October 1715.

4 Paying for the militia

(ii) The 'week's tax'

The rationale for the collection of the week's tax can be traced in the legislation. The lieutenancies were empowered by the 1662 Act (section 6) to raise annually a rate of up to a quarter of a month's assessment of a £70,000 rate - the 'week's tax' - "to be assessed collected and paid.... under the like penalties and by the like wayes and means as are prescribed in the said Act" for raising the £70,000.³⁴ These 'ways and means' of assessment and collection are ultimately to be found in *An Ordinance of the Lords and Commons for an assessment of £70,000 by the month.... for the supply of.... the King's majesty...* approved in 1660.³⁵ This is the key measure for understanding the week's tax. It begins by listing the proportions of the total to be paid by each county and naming the Commissioners for administering the tax in each county. Devon's quota of the £70,000 was £3003-15s-6d and Exeter's £107-6s-8d, the 'week's tax' amounting, therefore, to £750-18-10½d for Devon and £26-16s-8d for Exeter. The functions of the Commissioners were discharged by the deputy lieutenants for militia purposes (see [section 5\(i\)](#)). Every parish was "to be at once equally assessed and taxed.... by a pound rate, as formerly, according to all estates, both real and personal...." 'As formerly' may be taken as pointing back to earlier legislation – probably to the definition of a pound rate in an Act of 1657 as applying to all,

"Lands, Tenements, Hereditaments, Annuities, Rents, Profits, Parks, Warrens, Goods, Chattels, Stock, Merchandizes, Offices, or any other Real or Personal Estate whatsoever, according to the value thereof; that is to say, so much upon every Twenty shillings rent, or yearly value of Land and real Estate, and so much upon Money, Stock, and other personal Estate, by an equal Rate (wherein every Twenty pounds in Money, Stock, or other personal Estate, shall bear the like charge, as shall be laid upon every Twenty shillings yearly Rent, or yearly value of Land)".³⁶

Personal estate worth £20 was, thus, reckoned as having an annual value of £1 – the same as an income of £1 from real estate. The method of calculating the proportions payable within counties and cities, so that parishes were "equally assessed and taxed", had been spelled out in more detail by an Act of 1649³⁷ which referred to complaints that similar estates in different parts of the same county were not being assessed similarly. The Commissioners (i.e. the deputy lieutenants for militia purposes from 1660) were required to hold two meetings and, at the first,

"cause two or three of the honest and able inhabitants... to be named and appointed Surveyors and Assessors.... to ascertain and rate the yearly value and profits of [each] township, parish and place".

At the second meeting, they were to:

"....upon view and perusal of the said several surveys, cast up the true revenue and yearly profits of the whole county or city, to the end that an equal pound rate may be apportioned upon every Division, HundredTownship and Parish, according to the proportion and sum of money charged upon the said county...."

These procedures formed the basis for subsequent 'fixed yield' assessments, including the 1660 Ordinance and other direct taxes introduced after the Restoration,³⁸ and they enabled the proportion of the £3003-15s-6d (Devon's quota in the Ordinance) attributable to each parish to be calculated. The amounts to be collected from individual taxpayers were worked out in the

³⁴ 12 Car II c.29 of 1660

³⁵ by a circuitous route. The 1662 Act, 13/14 Car II c.3 s.6, refers back to *An Act for the raising of £70,000 for the further Supply of His Majesty* (12 Car II c.29 of 1660) which in section 1 refers back - adding the names of a few extra Commissioners - to *An Act for the speedy raising of £70,000 for the present supply of his majesty*, (12 Car II c.21 of 1660) which refers in its section 1 to *An Act for putting in execution an Ordinance mentioned in this Act* (12 Car II c.2 of 1660) which in its single short paragraph gave effect (and the royal assent) to *An Ordinance of the Lords and Commons for an assessment of £70,000 by the month.... for the supply of.... the King's majesty*, approved by Parliament for publication on 8 June 1660.

³⁶ *An Act for an Assessment upon England at the Rate of Sixty thousand Pounds by the Moneth, for three Moneths*, June 1657, 'Acts and Ordinances of the Interregnum, 1642-1660' (1911), pp.1058-97.

URL: <http://www.british-history.ac.uk/report.aspx?compid=56602&strquery=equal> Accessed: 22 December 2009.

³⁷ *An Act For Raising Ninety thousand pounds per Mensem, For the Maintenance of the Forces raised by Authority of Parliament, for the Service of England and Ireland, For Six Moneths, from the 25th of March, 1649 to the 29th of September, 1649*, 'Acts and Ordinances of the Interregnum, 1642-1660' (1911), pp.24-57; April 1649: URL: <http://www.british-history.ac.uk/report.aspx?compid=56322> Accessed: 17 October 2010; Harris (Peter), *Income tax in common law jurisdictions: from the origins to 1820*, Cambridge, 2006, pp.112-14. This Act includes a similar, but not identical, definition of a pound rate to the 1657 Act cited in the previous footnote.

³⁸ Harris (Peter), *Income tax in common law jurisdictions: from the origins to 1820*, Cambridge, 2006, pp.110-14 & 137-8

parishes. In practice, the amounts payable under the week's tax were relatively small – in 1715, Totnes had to raise £2-1s (an average payment 3½d per taxpayer) and Milton Abbot £3 9s 10½d (6½d per taxpayer).

Confirmation of how the proportion of the week's tax payable by parishes (and possibly by individuals) was determined is available in a set of valuations for Herefordshire. They list the names of the property-owners in every parish in the county (except the city of Hereford) and the value of each person's property, with a summary of the parish totals for each of the 11 hundreds. The undated, untitled document of 188 folios is written in the same hand, copied presumably from parish returns, and the contents are assigned from internal evidence by the editor of the transcript to January 1662/3 or thereabouts.³⁹ Unfortunately, the published transcript has been given the ambiguous title, *Herefordshire militia assessments of 1663*, though, throughout his introduction, the editor uses the more specific term found on nearly every page of the manuscript, 'valuation'. The relevant entry in the 1759 Harleian *Catalogue* is "A folio, containing the valuation of the estates in the county of Hereford, with the tax of 2s per pound". There are no substantive references to the militia in the whole document, except in the hundred schedules, which all include a column heading, "The value horse being taken out", although none of the columns contain any details. An explanation may be that it was intended to make calculations net of the valuations attributable to the horse – the thresholds for which in the 1662 Act were amended in the 1663 Act. The date of the Herefordshire valuations falls between the two Acts, and, as Faraday observes, the dating evidence in the text "is sufficient to identify the valuations as having been made by the authority of the Militia Act of 1662".⁴⁰ Of course, the process for working out the parish proportions, and its timing, may have been different in Devon. Measured by the quotas in the 1660 Ordinance, Devon was a much larger county than Herefordshire, paying £3003-15s-6d compared with the latter's £1166-13s-4d. Nonetheless, similar principles might have applied.

³⁹ Faraday, *op. cit.* (note 3, above), a transcript of British Library Harleian Ms. 6766.

⁴⁰ Faraday, *op. cit.*, p.25

4 Paying for the militia

(iii) Charges for foot and horse

Unravelling the process behind the amounts chargeable for foot and horse (in the main run of assessments transcribed here) is more problematic than discovering the rationale for the week's tax. Unlike the powers in the 1662 Act for raising the week's tax, the sections governing the direct payments to soldiers do not refer specifically to previous legislation. The Act clearly and simply states that:

“the Leiutenants and their Deputies have hereby full Power and Authority to charge any person with Horse
Horsman and Armes or with Foot Souldier and Armes in the same County, Shire, City Burrough or Towne Corporate
where their Estates lie” (s.2)

Because these charges were paid directly to the soldier, they differ in nature from the normal run of taxation, and an explanation of the principles underlying them is more likely to be found in documentary sources than in legislation. Nonetheless, although the investigation produces some answers, it also identifies questions which require further consideration.

Some confusion has arisen about the lower level of liability for providing foot soldiers. Western asserts that there was no lower level and that constables could be required to raise soldiers from all estates in a parish; and he is followed by Faraday and Dunn.⁴¹ Faraday's view was that the number of men to be maintained was related to the annual value of property and “determined statutorily by the distribution of wealth”.⁴² An examination of the Devon documents, however, suggests that the size of the group chargeable in each parish was determined by the number of soldiers required, though the numbers of individuals who contributed would also be influenced by the distribution of wealth. Consequently, in communities where assets were concentrated in a few hands (not necessarily residents), there were relatively fewer contributors; and *vice versa* where assets were more equally distributed. A telling piece of evidence pointing to the number of soldiers as the controlling factor is that, when estates which contributed to the foot were subsequently transferred to the horse, the parish's assessment for foot was reduced accordingly. In the Devon assessments, there were transfers to horse and related reductions in foot at Buckfastleigh, Dean Prior, East Allington, and Slapton.⁴³ In some parishes, the smallest amounts chargeable are manifestly used for rounding the sums to produce a £50 unit. The return for Totnes actually refers to its 16 soldiers as “being our proportion to the millittia”; ‘proportion’ is usually a synonym for a quota – ‘an allocated number’. In addition, the Totnes assessment for the week's tax included payments of 1d alongside 21 names which were not included in the town's militia assessment.⁴⁴ The evidence shows that it is very unlikely that all estates in a parish were chargeable for foot soldiers. Contributions towards the horse were, of course, payable by all estates meeting the criteria (Table 2) – which specified, as a lower limit, an estate with a value of at least £200 per annum.

It would be more certain that the allocation of soldiers determined the extent of the assessments in parishes if the basis for settling the numbers of foot in each county at the Restoration were known. The process may have varied between counties, but, by good fortune, the returns survive for two Devon hundreds of a survey undertaken in October 1660 by Sir Edward Seymour in his capacity as a deputy lieutenant, “requiring a list of horses and foot arms imposed in 1640 on parish or persons or livings (tinnors excluded)...”, together with another list of ‘fifties’ in Stanborough for February 1662/3.⁴⁵ (Appendix 3) The survey (a tribute to good record-keeping or good memories in the parishes), must have been part of the process for settling the militia in Devon and offers additional evidence that the numbers of foot to be raised by each parish were likely to have been determined by the lieutenancy. Further research is needed to ascertain how the numbers in each county were established.

Since the returns were undoubtedly produced at parish level, the proportions to be paid by those chargeable must also have been calculated in the parish before being sent to the head constable of the hundred for approval by the appropriate deputy

⁴¹ Western, *op. cit.*, p.17; Faraday, *op. cit.*, p.2; Dunn, *op. cit.*, p.15, note 85 and p.23, note 4. Faraday and Dunn use the expression ‘parish rate(s)’, a term found in neither the 1662 nor 1663 Act; the former cites s.4 of the 1663 Act as the source.

⁴² Faraday, pp.2-5, 7

⁴³ DRO Z1/43/6/1 & 2; Z1/43/6/5 & 6; Z1/43/6/8 & 9

⁴⁴ DRO Z1/43/2/19 and Z1/43/2/18 respectively

⁴⁵ DRO 3799M/SS2/1-3 (1660 for 1640); DRO 3799M/SS2/4 (1662/3)

lieutenants. The method of calculation varied from parish to parish. In some parishes, the previous return was updated by adjusting the amounts chargeable and the names of the owners when property changed hands: thus, for Dean Prior, East Allington and Thurlestone the 1697 assessments are filed with the returns for 1715, while Bridestowe's 1715 assessment is accompanied by a poll tax for 1698. A rough note among some tax papers from Woodland parish reveals that the 'fifties' for 1715 were calculated there "according to the poor rate in 1713".⁴⁶

J. R. Western suggests that constables were permitted by the 1663 Act to raise foot-soldiers separately in respect of all the estates chargeable for less than one man and "to recover the cost by a rate".⁴⁷ This is a misinterpretation of section 4 of the 1663 Act, and the evidence of the Devon assessments is that all estates were rated together in a single assessment irrespective of the size of the estate. Though the vast majority of estates in the Devon assessments was rated at less than £50 per annum, a significant number of contributors was chargeable at rates of £50 or more: in most cases, those who have estates assessed at more than £50 are entered twice in the parish returns. In Norfolk, the only recurrent income received by the lieutenancy for maintaining the militia after 1665 was from the week's assessment and from defaulters. The prime purpose of section 4 of the Act was to require constables to produce a mandatory number of soldiers - with a penalty of £2 payable by errant constables for every missing soldier: this section was designed to make constables responsible and liable for producing soldiers from estates worth under £50 per annum in revenue (or £600 in personal estate) and relieving them (but silently) of responsibility for soldiers from larger estates and the horse, which lay with the providers. The interpretation here is supported by the Abstract ([Appendix 2](#), paragraph 5) and by the positioning of section 4 in the Act.⁴⁸

⁴⁶ DRO 2660A add PM5, endorsed with a note dated 21 November 1715.

⁴⁷ Western, *op.cit.*, p.17

⁴⁸ the previous section (3) of the 1663 Act lays down a penalty of £5 for failure to provide foot soldier; the following section (5) provides for seizure and sale of goods for those refusing to pay the 'week's assessment'; and section 8 of the 1662 Act imposes a fine of £20 for failure to provide a horse and trooper.

4 Paying for the militia

(iv) Reimbursements

A puzzling element in the funding arrangements arises from a requirement that when:

“ a moneths pay shall be provided and advanced.... no person who shall have advanced his proportion thereof shall be charged with any other like moneths payment untill he or they shall have beene reimbursed the said Moneths pay....”
(1662 Act, s.6).

This applied “in case of invasions, insurrections or rebellions”, and it is reasonable to expect that some evidence of such repayments would be found in local records, but none seems to have come to light. There is no doubt that the militia was raised to meet the threat of invasion, for example at the beginning of the third Dutch war in May 1672 when the Kent militia was mobilised, and a year later when, among others, a Norfolk regiment mustered to protect Yarmouth.⁴⁹ The statutory provision for reimbursing those chargeable may have simply been ignored, but the evidence suggests that the law was circumvented. In August 1663, the Privy Council wrote to the Lord Lieutenant of Devon (and presumably to other counties) requiring him to:

“.... summon.... some part or body of the foot under your command, provided that no company or soldiers be so kept together above fourteen days in one whole year; so dividing your numbers that a twentieth part may be constantly upon duty, except two months in the year, one about the time of the harvest, the other about the depth of winter.... and so by turn relieve one the other.”⁵⁰

This direction was in line with the 1663 Act (s. 8 and s.9) where it was specified that the maximum annual period on duty “in lieu of certaine dayes appointed for Exercise and Musters” was 14 days, limited, however, to a maximum period of three years from July 1663. The time limitation appears to have been forgotten until November 1678 when, following the revelation of the Popish Plot, the House of Commons asked for a third of the militia to be raised for 14 days. An examination of the law by the House of Lords brought the response that “the militia cannot be kept up above twelve days in one year” except by the King’s direction, but, even so, the Lords added, there was no power to raise money to pay them. A bill brought forward in that year to raise the militia and circumvent the financial obstacle was vetoed by the king. The failure to reimburse providers had become a significant issue by 1688 when there is evidence that it helped to bring about refusals to muster.⁵¹

By the end of the 1680s, efforts were made to ‘improve’ the efficiency of the militia, and a new bill was introduced in 1690, spurred by an attempted French invasion and intended to replace the Acts of 1662 and 1663. Instructively, it included a clause to:

“indemnify such Lieutenants, or their Deputies, who have, during the Invasion, by their Majesties Orders, raised and levied any sum for the soldiers’ pay, or have continued the same in actual Service for any longer time than by the several Statutes.... is allowed.”⁵²

Again, the bill failed as a comprehensive reform, though the financial dangers were recognised, and what emerged from parliament in 1690 was a short *Act for the Raising the Militia of this Kingdome for the Yeare 1691 although the Months Pay formerly Advanced be not Repaid*. This enabled the lieutenantancies to proceed lawfully when raising the militia, and it explicitly dispensed with any time-limits for reimbursement; the Act was followed by a succession of similar measures between 1691 and 1714. By then, almost everything to do with the militia was unclear or outdated, and in 1715 those pressing for reforms

⁴⁹ Western, *op. cit.*, p.53; Dunn, *op. cit.*, p.129

⁵⁰ Historical Manuscripts Commission, 15th Report, Appendix part VII, *Manuscripts of the Duke of Somerset, the Marquis of Ailesbury, and the Rev. Sir T. H. G. Puleston, bart.*, 1898, p.96

⁵¹ *Journal of the House of Commons*: vol. 9: 1667-87 (1802), 23 November 1678, pp. 545-6. URL: <http://www.british-history.ac.uk/report.aspx?compid=27697> Accessed: 19 September 2010. The 12 days corresponds with para. 19 in [Appendix 2](#). Norrey, 1988b, *op. cit.*, p.420, cites the Dorset deputy-lieutenants refusal to act in November 1688.

⁵² *Journal of the House of Commons*: vol. 10: 1688-1693 (1802), 29 December 1690, pp. 529-31. URL: <http://www.british-history.ac.uk/report.aspx?compid=29116> Accessed: 17 November 2009.

succeeded in obtaining a modest *Act for Making the Militia More Useful*, which required its equipment to be brought up to date and the proper accounting and auditing of expenditure under the week's tax.⁵³ It also required:

“the pay and expense advanced by the persons chargeable.... shall be repaid and made good to them within the space of six months after such money is advanced.... by an assessment according to an equal pound-rate, to be.... assessed throughout the whole county [&c.].....”

The assessment was to be “by the like ways and means” enacted for the land tax of 1715. Consequently, the two forms of income for the militia – the week's tax and the charges for pay – were (in theory) administered under no less than four separate laws – the Ordinance of 1660, the 1662 and 1663 Acts and an *Act for granting an aid to His Majesty, to be raised by a land-tax*, 1715.

At last, in 1716, a document emerges from local archives recording a tax for reimbursing those chargeable. It is headed: “A rate or assessment made this thirtieth day of June Anno Dni 1716 upon the freeholders and inhabitants of Bradford for the raising of moneys wherewith to reimburse the principals at foot within the said town what they have disbursed and laid out upon the last going out of the militia of the West Riding of the County of York.”

It was followed by another assessment on 10 September 1716 for raising the week's tax to meet the cost of clothing and arms. The assessor, however, instead of troubling himself with the niceties of the 1660 Ordinance, simply charged half the sums assessed in June.⁵⁴ A further set of transcripts has been published for the Lincolnshire parish of Deeping St. James. It comprises a ‘duplicate’ of 14 October 1715 drawn up in the parish and listing the values of the chargeable estates; an order of 2 May 1716 from the deputy-lieutenants to the parish constables showing the ‘Principals’ charged with finding seven soldiers and the ‘Bearers’ required to contribute their proportion of the charges; and a further valuation of 4 November 1716, assessed under the land tax with many additional names and endorsed with a reference to the earlier ‘duplicate’.⁵⁵

In summary, it is uncertain whether there was any system in operation between the Restoration and the demise of Queen Anne for reimbursing those who contributed to the cost of the militia. If not, it is surprising that no protests are apparent, but, if there was a system of repayments (or abatements of other taxes), it is equally surprising that it has not left clearer, more obvious signs in the records. The annual series of Acts from 1691 was a device to enable the monarchy to raise the militia for up to 28 days and – by a technicality – avoid reimbursing those chargeable with their pay. By 1715, however, a process for reimbursement had been established and related records have survived (though not, it seems, among Devon records).

⁵³ 1 Geo I St.2, c.14, summarised in the Abstract ([Appendix 2](#), paras. 30-35); for details of the *Acts for raising the militia* passed between 1690 and 1713, see [note 29](#).

⁵⁴ Anon, Bradford militia assessments, 1716, *The Bradford Antiquary*, New Series, part VI, July 1901, pp.98-105.

⁵⁵ Anon, Militia assessments at Deeping St. James, *Fenland Notes & Queries*, vol. 5, 1901-03, pp.22-28 & 60-64.

5 Organisation and administration

(i) Organisation

The most significant people in organising and managing the militia were the deputy lieutenants. Drawn from the gentry, they were selected by the lord lieutenants and their appointments approved by the king, who was also empowered to dismiss them. Besides organising the militia's operations, the deputy lieutenants' responsibilities included administering the process of assessment, the collection of the week's tax and the arrangements for payments to the foot and horse (see [section 5\(ii\)](#) below). Both elements included procedures for enforcing their orders and directives by the issue of warrants to appear before them and by imposing fines or seizing the goods of defaulters.⁵⁶ The inconvenience of having to make a return journey of, perhaps, 30 miles to appear before the deputy lieutenants was sometimes sufficient to obtain payment from defaulters.

Most of the lord lieutenant's functions could be delegated under the 1662 and 1663 Acts to a minimum of two or three deputy lieutenants according to the particular matter to be decided. Since a majority of the lord lieutenants were close to the Court, they were expected to spend most of their time in London, and nearly all the operational and administrative responsibilities were devolved on the deputies. It was essential that the deputies could meet at short notice to take urgent decisions, and they were usually sub-divided into small groups relating to particular parts of the County (as provided in the 1660

Horse		Foot	
Commissioned officers			
Captain	10s	Captain	8s
Lieutenant	6s	Lieutenant	4s
Cornet	5s	Ensign	3s
Quartermaster	4s	Quartermaster	4s
Non-commissioned officers			
Trumpeter	5s	Marshall	4s
Clerk	3/6d	Clerk	3s
Corporal	2s + trooper's pay	Drum major	3s
		Sergeant	2/6d
		Corporal	1s + soldier's pay

Table 3 Rates of pay per day for militia officers in Norfolk, 1679

Ordinance ⁵⁷). Consequently, the number of deputies was fairly large: Devon had 41 in 1715 ([Appendix 1](#)), while in 1694 there were 49 in Kent, 36 in Gloucestershire and 25 in Nottinghamshire.⁵⁸ If Norfolk is representative, formal meetings were frequent – 15 in years of much activity (such as 1685 and 1690) and an average of about five annually, 1661-75, and seven, 1691-99 - though often only 3-4 deputy lieutenants attended besides the clerk. The deputy lieutenants were men of significant substance and status in the County and, with their wider

connections by marriage, representative of a large proportion of the gentry, except, unsurprisingly, Catholic families such as the Careys. Many were justices of the peace, and 15 of Devon's 41 deputies were MPs in the parliament which met on 16 February 1713/4 – amounting to nearly two-fifths of the lieutenancy, including the lieutenant, Sir William Courtenay, who was one of the two members for Devonshire (technically he was not a 'lord lieutenant').

In the field, the militia was organised in much the same way throughout the English counties (with different structures in London and other cities). Each regiment was commanded by a Colonel, Lieutenant-Colonel and a Major, who were usually also captains in charge of a company of foot. The range of other officers is shown in Table 3, together with their rates of pay. The rates for commissioned officers were notified to lord lieutenants by the Privy Council in 1663, and the same rates were recorded in Norfolk in 1679, together with the rates for non-commissioned officers.⁵⁹ In addition, muster-masters were entitled to the annual statutory payment of 1s per trooper and 6d per foot soldier. It is sometimes said that the office of deputy lieutenant was unpaid, but many, like Henry Trenchard, held positions as officers in the militia – usually as colonels, lieutenant-colonels or majors – as well as commanding a company of foot for which they could claim payments of 8s daily when on duty.

⁵⁶ see [note 27](#)

⁵⁷ “.... and shall.... sub-divide and distribute themselves so into lesser numbers, as two or more of the said Commissioners [= Deputy Lieutenants] may be appointed for the service of each hundred.....”

⁵⁸ Hardy (W.J.), ed., *Calender of State Papers, Domestic Series, William and Mary, 1694-1695*, Volume 5, London, 1906. pp.19-20, 234-235 & 299

⁵⁹ Historical Manuscripts Commission, 15th Report, Appendix part VII, *Manuscripts of the Duke of Somerset, the Marquis of Ailesbury, and the Rev. Sir T. H. G. Puleston, bart.*, 1898, p.96; Cozens-Hardy (B.), *Norfolk Lieutenancy Journal, 1676-1701*, Norfolk Record Soc., vol. XXX, 1961, pp.25-26

A survey of the English militia in 1697 shows that in Devon the county maintained six regiments of foot with smaller regiments from Exeter (460 men) and Plymouth (467 men) and a company from Dartmouth (60 men) ([Appendix 4](#)). The county's three geographical divisions each provided two regiments of foot: 12 companies and 1,660 men were drawn from the Northern division; 13 companies and 1,570 men from the Southern division; and 16 companies and 1,690 men from the Eastern division – amounting to 4,920 foot plus 1,007 from the three independent companies – a total of 5,927 men. The number of horse in the county's three troops was surprisingly small, with 236 troopers in total - 80 from the Northern division, 90 from the Southern and 66 from the Eastern division. In 1690, the militia in England and Wales numbered 92,668 including both horse and foot.⁶⁰

⁶⁰ British Library, Egerton Mss.1696; *Calendar of State Papers Domestic William & Mary, May 1690-Oct 1691*, p.214.

5 Organisation and administration

(ii) Administration

“For the better and more speedy execution” of their administrative duties and “for receiving and paying such moneyes as shall be levied”, the deputy lieutenants were supported by a Clerk and Treasurer. (1662 Act, s.11; [Appendix 2](#), para. 9). These officers were required to present accounts to the lieutenancy every six months and, as external safeguards, send them for certification by the Privy Council and by the justices of the peace at the quarter sessions. A statutory requirement did not necessarily bring about compliance – even when overseen by the Privy Council – and confirmation is apparently found in a clause tacked on to an *Act for raising the militia for the year 1700*. It noted that the accounts for trophy money (the week’s tax) had not been transmitted as directed by the 1662 Act and prohibited any further assessment for the tax until the justices had examined and allowed the accounts for the last three years.⁶¹ The qualification, ‘apparently’, is needed because then, as now, central government’s powers fall short of omniscience: the quarter sessions records for Buckinghamshire reveal that the accounts of the week’s tax were confirmed by the court in 1687, 1689, 1690, 1690-1, 1692 1695, 1696, 1699, 1703-4 and 1709.⁶² It is an open question whether the tax was raised in the relevant missing years (1697 and 1698): the practice in Norfolk was to raise the tax only when the balance was low and needed to be topped up. The Buckinghamshire records also provide an example of taking administrative action to resolve the problem of paying the militia when it had been mustered for a period longer than the statutory maximum:

“Forasmuch as, dureing the late Invasion of this Realm by the French, it was thought Expedient by her Majestie in Councill that the Militia of this Kingdome should be continued in Arms longer than a Moneth for the most necessary defence thereof, and forasmuch as the Stock in the hands of the Treasurer of the Militia was expended in necessary Trophies on that Extraordinary occasion, and no provision was made or could be made by the Lord Lieutenant of this County nor the Deputy Lieutenants by any meanes for the payment of the said Soldiers, it was agreed by the Justices of the Peace, at a generall meeting at Aylesbury, that the Treasurers of the County Stock should pay unto the Clerk of the Militia the summe of £126 for the payment of the same.”⁶³

Here the administrative principle of ‘needs must’ was more pressing than legalistic notions of *ultra vires*.

The administrative functions of the deputy lieutenants relied heavily on the head constables (of the hundreds) and the parish constables (or petty constables). Stephen Roberts gives a detailed account of the work of the Devon head constables – a hitherto underrated and little studied office – and shows the wide extent of their duties, one of which was overseeing the collection by the parish constables of the many taxes and rates levied on parishes, ranging from central government taxes to rates for maintaining bridges, the goal, hospitals and maimed soldiers. The workloads of some head constables were sufficient to justify the employment of foot-posts in the 1660s.⁶⁴ The process for collecting the militia rates was based on issuing warrants, ensuring visible, written authority for each step taken, and beginning with the deputy lieutenants sending warrants to the constables for them to assess the proportions to be paid by each individual of the quota payable by each parish. In many cases, this will have involved updating existing documents held in the parishes: for Thurlestone, Dean Prior and East Allington parishes an assessment for 1697 survives, and the return for Slapton confirms that the last settlement took place on 30 August 1697.⁶⁵ Two copies of the documents transcribed here – the ‘duplicates’ – were signed in the parish, usually by the constables, as verification of their contents. They were then returned to the deputy lieutenants via the head constables. After approval, one copy was returned to the constables, having been signed by three deputies (as required by s.5 of the 1663 Act), giving it the

⁶¹ 11 W III. c.14 (1698-9); *An Act for raiseing the Militia for the Yeare One thousand seaven hundred although the Months pay formerly advanced be not repaid*, Statutes of the Realm: vol. 7: 1695-1701 (1820), p. 603. URL: <http://www.british-history.ac.uk/report.aspx?compid=46973>. Accessed: 11 October 2009

⁶² Le Hardy (William), *Calendar to the Sessions records*, Buckinghamshire Record Society, vol. 1, 1678-1694 (1933), pp. 235, 367, 436 & 465; Le Hardy (William) & Reckett (G L), *ibid.*, vol.2, 1694-1705 (1936), pp. 43, 88, 206, 405; *ibid.*, vol.3, 1705-12 (1939), p.178. On-line at <http://www.bucksinfo.net/brs/online-volumes/quarter-sessions-calendars>

⁶³ Le Hardy (William), *ibid.*, vol.1, p.355

⁶⁴ Roberts (Stephen K.), *Recovery and restoration in an English county: Devon local administration, 1646-1670*, Exeter, 1985, pp.114-32.

⁶⁵ see [note_7](#) for other surviving returns for 1697; DRO/Z1/43/2/14

status of a warrant for the collection of the week's tax and for the payments to soldiers and troopers by those assessed to contribute.⁶⁶ A few exemplars exist of specific warrants for issue to or by constables, and it is instructive that there is one from a constable to a person who is to provide a horse, but not for someone chargeable to the foot ([Appendix 5](#)). Between the Restoration and 1715, the raising of rates for the militia became less frequent, but even so, a single assessment still represented a substantial commitment of time and effort by those responsible.

Payments for the administrators are not as clear-cut. They were paid for their work in levying and collecting the week's tax under the 1660 Ordinance. Parish constables, except in the smallest parishes, were assisted by assessors and collectors (who were sometimes the same people); for them and the head constables the Ordinance provided that:

...the Sub-Collectors shall upon Collection of the whole Sum appointed to be collected by them, and Payment thereof, have and receive..... one Penny in the Pound of the Head-Collector. And the several Head-Collectors shall upon their Payment of the whole Sum due from their Hundred or Division.... receive... for their Pains one Penny in the Pound.”

The clerks to the lieutenancies were entitled to be paid at the same rate “....for their Pains in fair Writing the Assessments, Duplicates and Copies....” having “....received the several Duplicates of each Parish...”, and likewise the treasurers for the militia. Based on income from a week's tax of £750-18-10½d, the Treasurer and Clerk to the lieutenancy in Devon were each entitled to receive £3-2s-6d. There is no specific statutory provision for payments for administering the charges payable for the horse and foot, and it is likely to have been at the discretion of the lieutenancy. In Norfolk, their meticulous and exemplary clerk, Edward L'Estrange, was appointed in January 1672/3, aged 32, at an annual salary of £40, increased in May 1676 to £60, while the treasurer to the militia was paid £20 per annum.⁶⁷ Remuneration for parish constables was likely to have been for local determination: there was certainly provision for them to ask the justices of the peace to sanction a rate on the parish for the reimbursement of sums expended in the necessary execution of their office.⁶⁸

The separate arrangements for charging tinnners must have been both tiresome for the deputy lieutenants to administer and welcome to tax dodgers. On 14 July 1663, an agreement is recorded between the Duke of Albemarle and the Earl of Bath, as Lord Warden of the Stannaries, intended “to avoid evasion of liability to the militia by landowners in Devon claiming to be Tinnners, and yet not contributing to the Stannaries militia. The respective liabilities in 1640 to be ascertained and enforced.”⁶⁹ In December 1675, when the king appointed the second Duke of Albemarle to succeed the Earl of Bath as lord lieutenant, he urged him to “take special care that a good correspondence be always kept betwixt the officers and soldiers of the militia under your command and those of the Stannaries”.⁷⁰

⁶⁶ Section 5 of the 1663 Act states: “if any person refuse or neglect to provide a Foote Soldier or to pay any summe of money ...he [is] taxed or assessed by a Pound Rate according to a List signed by the respective Leiutenants and Deputy Leiutenants or any three or more of them for defrayingthe Charge and Expence disbursed in providing sufficient Armes it shall be lawfull ... for such Constable to levy such Summe by Distresse and Sale of the Goods of such person....”. Evidence that parish constables received their warrants from head constables is found in the week's assessment for Milton Abbot (DRO Z1/43/7/3) indexed here as [Milton Abbot \(2\)](#) .

⁶⁷ Cozens-Hardy, *op. cit.*, p.1 and pp.7-8

⁶⁸ Nelson (W.), *The office and authority of a Justice of Peace*, 10th edition, 1729, pp.202-203.

⁶⁹ Historical Manuscripts Commission, 14th Report Pt 9, *The manuscripts of the Earl of Buckinghamshire, the Earl of Lindsey, the Earl of Onslow, Lord Emly, Theodore J. Hare, esq., and James Round, esq.*, 1895, p.273.

⁷⁰ *Calendar of State Papers, Domestic series, of the reign of Charles II*, vol. 16, 1675-6, 1907, p.450.

6 Historical context

(i) 25 years from 1660

In the immediate aftermath of the Restoration, the militia's primary task was to secure the peace and curb opposition to the restored monarchy. Seizing arms was a typical task, and one of the questions put to parish constables in Edward Seymour's survey of 1660 asked what public or private arms were held in the parish.⁷¹ Charles II chose the former parliamentary general, George Monck, to be lord lieutenant of Devon in 1660 - a particularly distinctive appointment in a county where the commonwealth had left deep divisions. Instrumental in arranging the king's return and knighted as the Duke of Albemarle, Monck was a moderate presbyterian born in Devon. In August 1663, the Privy Council wrote to him (and, no doubt, to all lord lieutenants) urging him to put the new Act into effect in the context of "persons disaffected.... assembling themselves in most parts of the kingdom in frequent and dangerous meetings and conventicles....".⁷² This implied dissenters, though action against them was inconsistent and "much depended upon the attitude of the lord lieutenant. In Norfolk, where moderates controlled the lieutenancy, little was done....".⁷³ The same line may have been taken in Devon. In 1669, when Sir Edward Seymour sought guidance, as a deputy lieutenant, on a complaint from the Totnes churchwardens against a leading non-conformist, Francis Whiddon, the king's response was that the complaint should be re-directed to the justices of the peace for them to issue a warrant for his seizure, rather than use the militia to take action.⁷⁴

In August 1664, orders were given for Exeter, Plymouth and Barnstaple to be to be watched with a strict maximum of 14 days per annum on duty for any company, including travelling time. Two companies were to watch Exeter and it was specified that the tinnars were to be involved at Plymouth. During the Dutch wars, the Devon militia was put on stand-by. In February 1665/6, Edward Seymour was alerted by the deputy lieutenants to raise his regiment to oppose the landing of any forces and in May 1667 the militia of 14 maritime counties was ordered out.⁷⁵ On the death of the Duke of Albemarle early in 1670, he was succeeded as Lord Lieutenant by Sir John Granville, 1st Earl of Bath, who had been Lord Lieutenant of Cornwall and Lord Warden of the Stannaries since 1660 and was one of the king's main negotiators with Monck prior to the restoration. He held his first meeting with Devon's deputy-lieutenants at the beginning of September 1670.⁷⁶ Evidently, little was done, for in March 1675, Sir John Fowell refers to the militia in the south of the county as having "of late been something neglected". Later that year, in December, the king appointed the George Monck's son, Christopher, the second Duke of Albemarle to succeed the Earl of Bath as lord lieutenant, urging him to "take special care that a good correspondence be always kept betwixt the officers and soldiers of the militia under your command and those of the Stannaries" - which continued to be commanded by the Earl of Bath.⁷⁷ The Oates' plot brought orders from the Privy Council in October 1678 for disarming Catholics in Norfolk (and probably in Devon). These measures were carried out by captains of the horse and were followed by musters in November. In June 1683, similar orders were sent and action taken after the Rye House Plot.⁷⁸

⁷¹ DRO 3799M/SS2/1-4; see section 4(iii) above.

⁷² Historical Manuscripts Commission, 15th Report Pt.VII, *Manuscripts of the Duke of Somerset, the Marquis of Ailesbury, and the Rev. Sir T. H. G. Puleston, bart., &c.*, 1898, p.96

⁷³ Beckett (I.F.W.), *The Amateur Military Tradition, 1558-1945*, Manchester, 1991, p.52

⁷⁴ *Manuscripts of the Duke of Somerset, &c.*, 1898, *op.cit.*, p.103

⁷⁵ *Manuscripts of the Duke of Somerset, &c.*, 1898, *op.cit.*, p.101; Beckett, *op.cit.* p.53

⁷⁶ *Manuscripts of the Duke of Somerset, &c.*, 1898, *op.cit.*, p.97, 101 & 103

⁷⁷ *Calendar of State Papers, domestic series, of the reign of Charles II, vol. 16, 1675-6, 1907*, pp.38-9 and p.450

⁷⁸ Cozens-Hardy, 1961, *op.cit.* pp.24-25 and 41-45

6 Historical context

(ii) 1685 and the next 25 years

In the seven years from 1683, South Devon was at or near the focal point of three events of national significance. On 11 June 1685, three months after James II became king, the Duke of Monmouth, an illegitimate son of Charles II, landed at Lyme Regis with no more than 83 men, though first reports reaching the king on 13 June spoke of over 300. There had been some advance intelligence, and Richard Northmore, the Assistant Sheriff of Exeter reported on 8 June that Albemarle had arrived in the city and raised his militia regiment – some four days before news of the landing reached him on 12 June.⁷⁹ Having mustered the militia at Exeter, he immediately asked for reinforcements from the king's regular forces, and was told in a letter sent from Whitehall on 14 June, "as long as the Duke of Monmouth stays in Lyme, you should forbear to attempt anything against him, except upon great advantages".⁸⁰

Meanwhile, people flocked to join the "Protestant Duke"; and by Saturday 13 June Monmouth was able to despatch a force of some 400 raw recruits to attack the Dorset militia at Bridport, resulting in an inconclusive encounter. According to Northmore's clerk, Albemarle left Exeter on the morning of 13 June and marched to Honiton where the East Devon militia mustered, bringing the total to "3,500 and upwards".⁸¹ His four regiments then marched towards Lyme, approaching Axminster on Monday afternoon, 15 June. Albemarle had arranged to meet two regiments of the Somerset militia, under the command of Sir Edward Phillips and Francis Luttrell, near the town on Shute Hill - one coming from Chard and the other from Crewkerne – with the aim of keeping Monmouth in Lyme. There was confusion, both on the ground and in subsequent accounts of what happened.⁸² It seems that the Somerset regiments reached the rendezvous before Albemarle and found that Monmouth had already left Lyme that morning for Taunton and was in Axminster. Claiming to have been betrayed, they refused to march any further and ran off, at least half of them joining Monmouth who proceeded to march on to Taunton. Meanwhile, the Devon militia's horse encountered one of Monmouth's advance posts outside Axminster, but Monmouth decided not to engage, leaving early the next morning for Chard and Taunton.⁸³ The king, writing on 17 June, was annoyed that the militia had not "kept the Duke of Monmouth shut up within Lyme, but by the fault of those of Devonshire or Somersetshire, he has opened his way towards Taunton.... a very factious town..."⁸⁴ Norrey gives a detailed analysis of the Somerset and Dorset militias' deployment during the campaign. Nothing could disguise the willingness of thousands of committed Protestants - mainly tradesmen and artisans, but hardly any gentry - to support Monmouth in preference to a Catholic king: a quarter of the male population of Colyton fought for him.⁸⁵

While Monmouth was welcomed into Taunton on 17 June, Albemarle was making his way to Wellington, whence he wrote to Lord Sunderland (Lord President of the Council) on 21 June, regretting that "my Lord Churchill has not yet joined me, and having no order to attack the enemy without him would not attempt it; and if it had been done when I first desired it, I believe the rebels would have met with some defeat before this time." On 23 June, Albemarle occupied Taunton,⁸⁶ Churchill having left London on 15 June, reached Chard on 19 June in command of eight troops of horse and four companies of foot. On the same day that the king suddenly announced the selection of a new commander for his own forces and the county militias.

⁷⁹ Historical Manuscripts Commission, 15th Report Pt.VIII, *Manuscripts of the Duke of Buccleuch &c* vol II, 1897, p.77; Roberts (George), *The life, progresses and rebellion of James Duke of Monmouth*, vol. II, 1844, p.258. Early warning included letters intercepted at Taunton on 30 May: see Norrey 1988b, *op. cit.*, p.396.

⁸⁰ Hamilton (A.H.A.), *Quarter sessions from Queen Elizabeth to Queen Anne*, London, 1878, p.228; Ward (E.F.), *Christopher Monck, Duke of Albemarle*, London, 1915, pp.196-99.

⁸¹ Hamilton, *op.cit.*, p.230;

⁸² Helyar (H.A.), 'Phelips letters illustrating the Sedgmoor campaign', *Somerset & Dorset Notes & Queries*, Vol II, 1891, pp.91-98, where there is a detailed analysis of the sources and the circumstances; Historical Manuscripts Commission, *3rd Report of the royal commission on historical manuscripts*, 1872, Appendix, p.97

⁸³ Yorke (Philip) [ed.], *Miscellaneous state papers, 1501-1726*, vol. II, 1778, pp.321-22 ('Mr.Wade's further information', 11 October 1685)

⁸⁴ Dalrymple (John), *Memoirs of Great Britain and Ireland: from the dissolution of the last Parliament of Charles II, until the sea-battle of La Hogue*, Volume 3, Appendix Part I, p.9, 1773.

⁸⁵ Norrey, 1988b, *op. cit.*, pp.396-410; Sharpe (Pamela), *Population and society in an East Devon Parish: reproducing Colyton, 1540-1840*, Exeter, 2002, p.54

⁸⁶ Ward, *op.cit.*, p.204 and 208

The appointment of a Frenchman, disguised under an English title, the Earl of Feversham, over the heads of Churchill and Albemarle was a tactless and unpopular move. Feversham arrived in Bath on 24 June, and on 6 July the royal forces ended the rebellion at Sedgemoor. The reckoning, much of it falling on the people of the south western counties, included 1,500 of Monmouth's men and 580 of the king's forces killed at Sedgemoor and elsewhere; 331 executed and 849 transported, most into slavery, in the ensuing 'Bloody Assize'; and the continued alienation of fractured communities.⁸⁷ James rubbished the militia to parliament, "when we reflect, what an inconsiderable number of men began it, and how long they carried it on without any opposition, I hope every body will be convinced, that the militia, which hath hitherto been so much depended on, is not sufficient for such occasions..." – even though it took a fortnight to get sufficient royal forces to the west country to engage Monmouth, but only four days for Albemarle, to raise and assemble the Devon militia at Axminster. He saw the king on 31 July and resigned all his offices.⁸⁸ His successor was the Earl of Bath, appointed lord lieutenant for a second term, though the militia was most likely dormant, and in May 1687 the forces of Cornwall, Devon, Dorset and Somerset were ordered not to muster again until further notice. A major outcome of the rebellion was James II's "...anger at the ineptness of the western militias, and his unwillingness to trust them in the future".⁸⁹

The circumstances of the next invasion contrasted starkly with the Monmouth rebellion. James had controversially expanded his standing forces and then purged not only the army, but also the lieutenancies, replacing many officers and deputy lieutenants with Catholics. His reversal of these decisions came too late (reaching Norwich, for instance, on 7 October 1688) to retrieve lost loyalties. In 1685, the gentry had rejected rebellion, but when William of Orange landed at Brixham on 5 November 1688 with a considerable force, many were faced with the dilemma of choosing between allegiance to a Catholic king and their Protestant faith. Initial reactions varied. The militia was in assorted states of unreadiness. On 6 November, Sir Robert Holm[e]s reported to Secretary of State, Lord Preston, that part of the Isle Wight militia "is grown mutinous already, refusing to follow their commanders' orders", while the previous day it was reported from Yorkshire that the East Riding foot were marching to Hull to reinforce the garrison there. By 22 November, however, the deputy-lieutenants, meeting at York, were drafting a petition for a free Parliament to be convened, and within a few days the militia and its officers were refusing to obey the lord lieutenant's orders.⁹⁰ In Norfolk, the horse and one regiment of foot were mustered on 5 November with orders to watch the coast, and most of the remaining militia was raised in the following few days. At the beginning of December, however, the Duke of Norfolk addressed meetings of the gentry and "great numbers of ordinary people" in Norwich, declaring for a free Parliament and promising to defend the Protestant religion. In Dorset, the deputy-lieutenants refused to raise the militia, citing the failure to reimburse the county's outlay in 1685.⁹¹ In Devon, there is no evidence that the militia was raised. William landed unopposed with some 14,000 troops and was in Exeter four days later. Pepys says that the city was undefended. In view of events in the next three weeks, it is not a little remarkable to find the Earl of Bath writing to Lord Godolphin on 23 October from Plymouth, saying that:

"His Majesty had commanded him.... to take care of the city of Exeter, and to raise some part of the militia to secure the peace of it under such officers as he could put no confidence in. Exeter was a place of vast importance; therefore he craved His Majesty's more particular directions. The Mayor, who was major of the militia of Exeter, was a person in whom he had no confidence, as he had often faithfully acquainted the King; the rest of the officers had tendered him their commissions, and desired to be excused from serving under him (the Mayor), so that his Lordship might easily judge what was to be expected from such a commander in case of necessity. He had not thought fit to remove him, but would be glad of His Majesty's pleasure therein by the next post. Without putting the militia of that city into better

⁸⁷ Roberts (George), *op.cit.*, p.261

⁸⁸ Grey (A.), *Debates of the House of Commons 1667-94*, vol.VIII, 1763, p.353 (9 November 1685); Ward, *op.cit.*, p.218.

⁸⁹ Beckett (F.W.), *The amateur military tradition, 1558-1945*, Manchester, 1991, p.55; Norrey, 1988b, *op. cit.*, p.410.

⁹⁰ Historical Manuscripts Commission, 11th Report, Appendix Part V, Vol I, *Manuscripts of the Earl of Dartmouth*, 1887, p.185; Historical Manuscripts Commission, 7th Report, Part I, 1879, p.412, 417 and 420.

⁹¹ Norrey, 1988b, *op. cit.*, p.420

hands it was impossible (unless the King sent some of his standing forces) to preserve that important place long in peace, or defend it against an enemy.”⁹²

Was this prudent foresight or covert foreknowledge, bearing in mind that William and the Dutch fleet did not leave port until 2 November? Earlier in the letter, the Earl refers to “the present storm that hung over them”.

A dispatch sent from Exeter on 21 or 24 November summarises events as seen from there:

“When the Prince of Orange came hither, the county was in no posture of defence, no beacons up, the train bands by long disuse so out of order as not easy to be put in order. For some days, none of our gentry appeared; but now most of the gentry of the county have made visits to the Prince, and, as ‘tis said, have resolved *to defend the established laws and religion.*”⁹³

The Earl of Bath, as governor of Plymouth, having taken the commander of the garrison prisoner, was one of the first to declare for William, pledging his “obedience to your commands” in a letter sent on 18 November, and, in return, William appointed him Lord Lieutenant of Devon and Cornwall.⁹⁴ When Sir Edward Seymour followed suit on 22 November, the Prince was assured of support from much of the Devon gentry.

Less than two years after William III’s accession and just two weeks after his victory over the exiled James II at the Battle of the Boyne, the Devon militia was raised and responded quickly to what was perceived to be a French invasion and part of a plan for a Jacobite rising. The defeat of the English fleet at Beachy Head at the end of June 1690 left the French in command of the Channel and, in England, anxiety in government and in much of the country. Orders were given for the arrest of papists and Jacobites. The Queen (William was in Ireland) was apprehensive about the security of Exeter and Plymouth. On 10 July, Mary, through her Secretary of State, the Earl of Nottingham, instructed Lord Lansdowne (Lord Lieutenant of both Devon and Cornwall and Lord Warden of the Stannaries) to ensure the safety of naval and merchant ships at Plymouth – “and for that purpose she would have you draw the militia of Devonshire to that place, that they may be in readiness for the defence of it”. Worries about a possible French attack on Portsmouth prompted sending two regiments of the Hampshire militia there and raising the Wiltshire militia on 12 July, followed three days later by orders “for the militia of all England.... to be in arms”.⁹⁵

Contemporary reports show how news of the attack was spread across the country. On 23 July, a correspondent writing to the Attorney-General from Exeter reported that the French fleet had been sighted off Exmouth on Sunday 20 July:

“...consisting of 115 sail of great and small ships.... and doe still remain there, except 14 galleys, who are gone into Torbay. These drew the last night very close to the shoar, but retired on seeing some beacons on fire. All the militia of the county of Devon is raised, and warrants issued out this day for the posse [comitatus], all directing their course to Torbay. Never was there known more unanimity and resolution than appears in the people... to hinder their landing...”

The same correspondent writes again:

“July 28. Exeter. On Saturday last [26 July], the French gallys approached Tingmouth, and fired many great shot towards the shoar, which frightened all the people in and about the place, and made them fly into the country. Their small boats then landed about 300 men without any opposition, who burnt two small fishing towns, East and West Teignmouth, and all the ships and boats in the harbour, one or two only excepted..... They rifled the houses before they set them on fire. They broke down all the seats of the Church, tore in parts the Bible and Book of Common Prayer, carrying away the Chalice... This done they retired to their small boats which carryed them off to their galleys, and they to the fleet lying before Torbay.... Our militia is in arms, and the posse raised...”⁹⁶

⁹² *Calendar of Treasury Papers, 1556-1696*, 1868, pp.30-31.

⁹³ Historical Manuscripts Commission, 7th Report, Part I, 1879, p.416

⁹⁴ Granville (Roger), *The history of the Granville family*, 1895, p.371; Dalrymple, *op.cit.*, p.267; Papers of the 1st Earl of Portland, University of Nottingham Mss Collections, Pw A 2263, Warrant dated 20 November 1688: in a related letter, Pw A 2264, clearly in response to Bath’s of 18 November, William asks him to raise the militia of Devon and Cornwall. but it is very unlikely that Bath did so.

⁹⁵ *Calendar of state papers, Domestic William and Mary, 1690-1*, pp.61, 64-66.

⁹⁶ Historical Manuscripts Commission, *Manuscripts of Sir William Fitzherbert*, 13th Report, Appendix Part 6, 1893, p.28

Other accounts quote a force of 700, 1,000 and even 1,700 landing at 4.0 am or 5.0 am which

“.... in the space of Three Hours Ransackt and Plundered the said Towns and a village called Shaldon.... and Burnt and Destroyed One Hundred and Sixteen Houses, together with Eleven ships.”⁹⁷

Meanwhile, *The London Gazette* recounted the movements of the militia, particularly the troops of horse:

“*From the Camp at Torbay, July 27.* The Lord *Lansdown* having given the necessary Orders at *Plimouth*, came hither on the 25th with the *Stanary* Troop under the command of Sir *John Fowell*, where he found Sir *Bowchier Wrey* with his Regiment of Horse, Sir *William Drake* the Sheriff, and *Major Rolle*, with several other Deputy-Lieutenants of *Devon*. The next morning, upon Information that the French Galleys were gone towards *Tingmouth*.... he immediately marched thither with all the Horse, but being come to *Newton*, within 5 miles of *Tingmouth*, understood that the French Galleys.... had early that morning landed there some Men, who set the Town on fire, and some Vessels in the Port, and after that returned about Noon to their Galleys; which afterwards fired some Guns upon a little Town called *Torquay*. Whereupon the Lord *Lansdowne* went back with the Forces to *Torbay*. At their return thither in the Evening, they saw the whole French Fleet under sail standing to the Westward, the Wind at S.E. But the Wind coming Westerly, they returned this morning into *Torbay*, where they still continue. And the Militia remains here to observe them.”⁹⁸

This was no hit-and-run raid, as has been implied subsequently. The fleet remained in Torbay on 27 and 28 July “where our militia and others are in arms, consisting of 30,000 cheerfully resolving to oppose them”. Despatches to newsletters referred to expectations of landings near Plymouth, heightened by the French fleet sailing out of Torbay on Tuesday morning 29 July. “In the afternoon, they appeared to the Westward of the *Start Point*, and some hours after came to an Anchor in *Begbery Bay*” [Bigbury] where some damage was done. Then, according to an account in a London newsletter on 31 July:

“An express from Plymouth, arrived to-day, says that the guard ship of Plymouth gave notice that the French fleet were standing towards them, upon which 15,000 militia were drawn together to oppose their landing, with about 5,000 seamen resolving to defend Cattwater. They also say that the French weighed and stood to the westward.”⁹⁹

Early the same morning, a galley was repulsed on approaching Lyme harbour. *The London Gazette* said that the fleet was back in Torbay on Friday 1 August, sending boats on a sortie to Dartmouth the next day, “....but the militia fired so fast upon them they were forced to put out to sea again”. The disquiet on shore must have intensified when more ships arrived in Torbay from Le Havre on Sunday – “the number being increased to 160 sail” - and loitered there all day and for most of Monday 4 August. The *Gazette*’s next issue announced:”

“*Plimouth, August 5.* The French Fleet sailed yesterday in the evening from *Torbay*; But the Galleys who could not endure the Sea that was then pretty high, continued there till this morning, and then followed their Fleet; which appeared about 5 this morning before our Habor, and by Noon was clear of *Pentlee Point*, standing to the Westward, and ‘tis not doubted but they are going home having.... great numbers of sick Men on Board.”

Some of the most intriguing references in these descriptions are those to galleys. These vessels were designed for, and largely confined to, the Mediterranean, drawing too little water to withstand Atlantic weather. They were propelled by oars, and a despatch from Torbay on 1 August confirms that they were manned by ‘Galley Slaves’ one of whom “....leaped over Board, and after some hours swimming got alive to Land....”.¹⁰⁰

The French navy’s excursion to the Devon coast for a fortnight in 1690 was an unusual expedition, and it is worth asking about its purpose. Enquiries into French sources reveal that it was partly an experiment to evaluate the usefulness of galleys to the fleet along France’s Channel coast, brought forward by a group of naval officers and Jean de Chazelles, a hydrographer and mathematician, who had served as an assistant to the cartographer, Cassini, and was elected to l’Académie

⁹⁷ from the royal brief for the collection of money to relieve Teignmouth; the full text is printed in Cox (J.C.) & Serjeantson (R.M.), *History of the Church of the Holy Sepulchre, Northampton*, 1897, pp.225-6.

⁹⁸ *London Gazette*, 28-31 July 1690 (no.2579)

⁹⁹ Historical Manuscripts Commission, 12th Report, Appendix Part VII. *The Manuscripts of S.H.Le Fleming*, p.282; *London Gazette*, 28-31 July 1690 (no.2579); *Calendar of state papers, Domestic William and Mary, 1690-I*, p.83.

¹⁰⁰ *London Gazette*, 31 July-4 August (no.2580), 4-7 August (no.2581) and 7-11 August 1690 (no.2582)

Royale des Sciences in 1695. The innovatory element was to use galleys to tow frigates either when the wind failed or was against them, rendering them independent of the wind. Consequently, according to the elogy ('biographical summary') prepared after his death:

"Monsieur de Chazelles.... was sent into the West in *July* 1689, to view the Coast with respect to the Navigation of the *Gallies*; finally in the Year 1690, fifteen new built Gallies sailed from *Rochefort* almost wholly upon his word.... They went as far as *Torbay* in *England*, and were made use of in the Landing at *Tinmouth*." ¹⁰¹

Here they were used to effect a landing against adverse winds, while the fleet itself stood well away from the shore. One of de Chazelles' interests was surveying, and we know from the elogy that he was commended for the reports he made to officers when "sent to... to view any of the Enemies Posts". During the winter, he completed eight charts, based on "the Observations he had been making upon the Western Coasts.... accompanied by a *Portulan*" ('a book describing in detail a seaport, its approaches and tides'). His work was included as part of the charts in *Le Neptune François*, commissioned by Louis XIV and published in 1692: an extract is shown in Map 3. The expedition seems to have had a reconnoitring function – which would explain the



Map 3 Carte de la Manche faite par ordre du Roy pour le Service de ses armées de Mer, 1692

Courtesy Bibliothèque nationale de France, from <http://gallica.bnf.fr/ark:/12148/btv1b5973311b.r=.langEN>
([click here for large map](#))

forays up and down the coast – though it probably had other aims as well.

The incursion certainly tested the abilities of everyone responsible for organising the militia; this was recognised in *The London Gazette* with an accolade for Lord Lansdown and his deputy lieutenants "who, together with the whole Body of the Gentry, had shewed a very forward and active Zeal in putting the Country into a very good posture to oppose any attack the Enemy might make upon them". Parliament even went to the lengths of passing an Act to indemnify all those who, "for the Safety of the Kingdome" apprehended suspected persons, seized horses and weapons and raised the militia "otherwise than is authorized by the Actsof Charles the Second". ¹⁰² Details of the ordeal suffered by the people of Teignmouth were circulated to every parish in England and Wales in the form of a royal Brief seeking "liberal contributions" towards the costs of the loss and damage amounting to some £11,000. The

strength of feeling produced by these events is demonstrated by the publication of a popular song of some 18 verses celebrating 'The Devonshire Boy's Courage' and lambasting the French. It begins by applauding the rapid response to the invasion:

"Brave *Devonshire* Boys made haste away
When News did come from *Tinmouth-bay*,
The *French* were Landed in that Town,
And Treacherously had burnt it down.

and ends with the promise of an appropriate response next time:

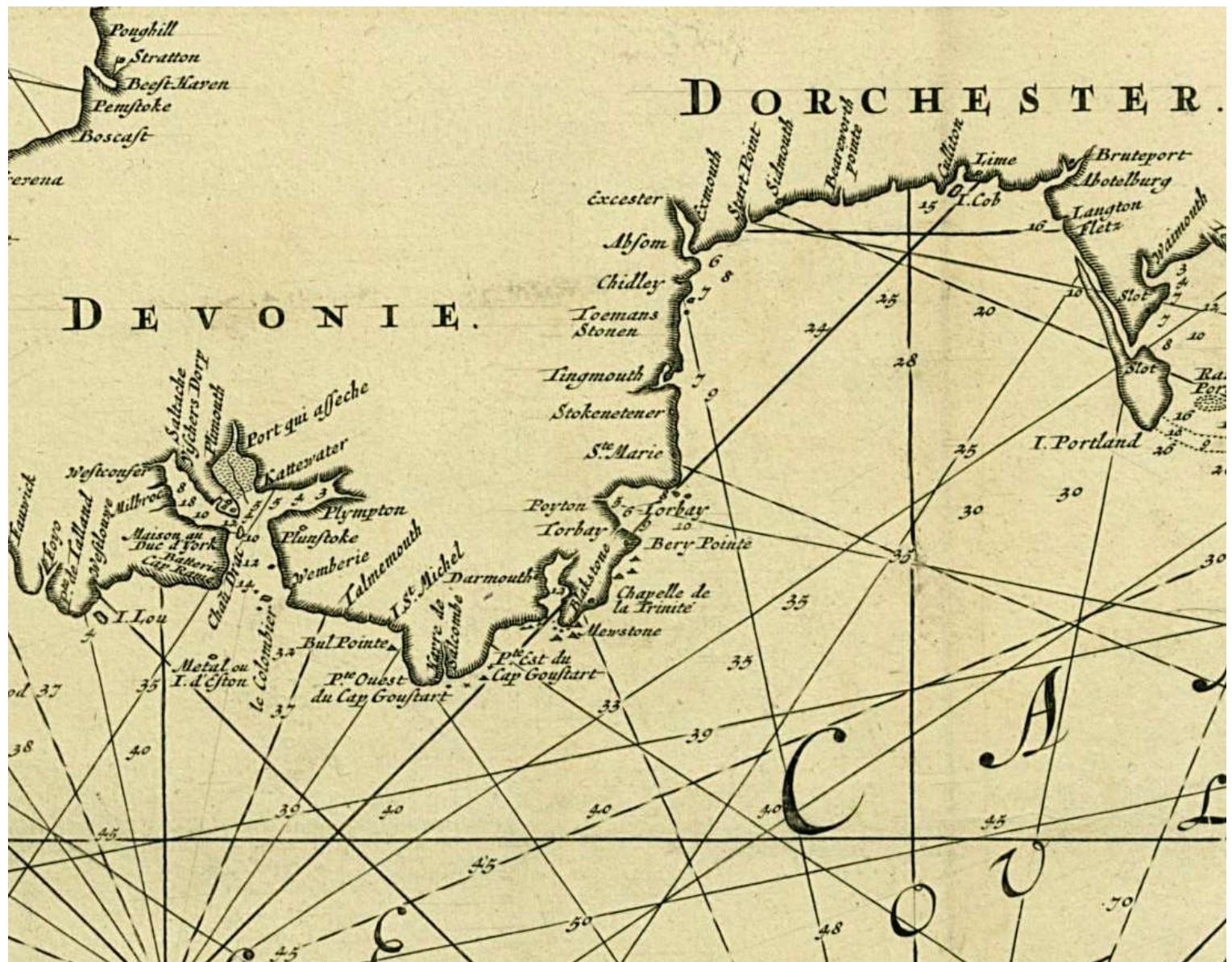
"Then let proud *French-men* all bewail,
That e're they did to *England* Sail,
Not words but blows shall make it out,
When we with them have 'tother bout.'" ¹⁰³

¹⁰¹ Chamberlayne (John), *The lives of the French, Italian and German philosophers, late members of the Royal Academy of Sciences in Paris*, London, 1717, pp.154-5.

¹⁰² *London Gazette*, 7-11 August 1690 (no.2582); *An Act for preventing Vexatious Suites against such as acted for Their Majesties Service in defence of the Kingdome*. Statutes of the Realm: vol. 6, 1685-94 (1819), p.246. URL: <http://www.british-history.ac.uk/report.aspx?compid=46352>

¹⁰³ Anon. *The Devonshire Boy's Courage and Loyalty to their Majesties King William and Queen Mary; in defending their County from the Invasion of the French*, London, 1690, reprinted in Ebsworth (J.W.), *The Roxburghe ballads, volume 4*, 1883, pp.325-27.

Map 3 Carte de la Manche faite par ordre du Roy pour le Service de ses armées de Mer, 1692 (Extract from a chart of the English Channel by Alexis-Hubert Jaillot)



Courtesy Bibliothèque nationale de France, from
<http://gallica.bnf.fr/ark:/12148/btv1b5973311b.r=.langEN>

[Link to document index at the Friends of Devon's Archives website](#)

6 Historical context

(iii) 1715

The accession of George I in August 1714 was accompanied by increasing unrest and prompted James II's son, the 'young pretender', to attempt reclaiming the throne from his exile in France. On the face of it, the Jacobite rebellion of 1715 is closely associated with Scotland with an incursion into England which ended with the defeat of the rebels at Preston on 14 November. There was, however, a significant involvement of the south-western counties in the various conspiracies intended to capture Bristol, Exeter and Plymouth for the Jacobites. Much of the detailed information is in the *Stuart papers* and was first surveyed by a modern historian over 75 years ago when Sir Charles Petrie concluded that the 1715 rebellion was better conceived than the more spectacular events of 1745.¹⁰⁴ For an assessment of [Jacobitism in Devon](#) from 1714, see the *Introduction* to the Devon and Exeter Oath Rolls on this website.

During July and August 1715, evidence accumulated of plans for a general insurrection in several parts of England. As early as 21 July, the Privy Council ordered lord lieutenants to seize the arms belonging to papists and non-jurors, and on 21 September both to raise the militia and to seize all papists, non-jurors and the disaffected and their arms. In Middlesex, over 800 suspects were detained and interviewed.¹⁰⁵ On the same day, Lord Lansdowne, the prime mover behind the plans for the uprising in the west, was arrested, along with several other peers. Simultaneously, Parliament agreed to a request by Secretary of State James Stanhope on behalf of the king to apprehend six MPs including John Anstis, MP for Truro, and Sir William Wyndham, MP for Somerset, who were "engaged in a design to support the intended invasion of this Kingdom". Wyndham had a leading role in the conspiracy. Following his arrest on 22 September, papers taken from him were said to include a list of members belonging to a Jacobite association, many of whom were reported at this time to have "...got together in Bath in order to head the intended insurrection in Somersetshire...". An unnamed Whig sympathiser refers in a letter from Bath on September 26 to open talk among Jacobites at "the late general Rendezvous" there "that the affair of Scotland was only a diversion to draw our troops that way, but the attempt would be made near us in the West very speedily". At the beginning of October, action was taken to reinforce the two battalions of foot and the regiment of horse at Bristol with three more regiments, one of which was deployed to nearby Bath where an arms cache was found and a group of Jacobites was detained, together with some 200 horses.¹⁰⁶ The strength of feeling in Cornwall became apparent when the Pretender was actually proclaimed in the market place at St. Columb on 7 October by a group including the son of a rector, an innkeeper, a pewterer and a tailor.¹⁰⁷

The government benefitted from reliable intelligence on the activities and plans of Jacobite exiles in France, much of it assembled by Lord Stair, the Ambassador in Paris, enabling Stanhope to conclude in a letter on 26 September that "a general insurrection is intended to be begun at the same time in several counties in England. Bristol is to be their place of arms. They reckon themselves sure of all the West, of Wales, of Staffordshire, Worcestershire, Derbyshire, Lancashire".¹⁰⁸ Two more Cornish MPs were involved in the conspiracy: on 28 September, William Shippen, the Tory MP for Saltash (a Jacobite and brother-in-law of Anstis), published an ingeniously ambiguous denial of a report that he had informed "against several persons said to be concerned in a plot and an intended invasion from abroad", while, a week later a second Cornish MP, Sir Richard Vyvyan, was taken into custody and sent to London on 8 October.¹⁰⁹ The campaign of detentions continued with the arrest of Sir William Carew, Vyvyan's fellow MP for Cornwall, on 8 November, followed by Sir Edward Seymour, and then, the

¹⁰⁴ Historical Manuscripts Commission, *Calendar of the Stuart papers*, vol. I, 1902; Petrie (Charles), 'The Jacobite activities in South and West England in the summer of 1715', *Transactions of the Royal Historical Society*, 4th series, vol. XVIII, 1935, pp.85-106 (with inaccuracies – eg the date of Wynter's arrest, p.103); updated in Petrie (Charles), *The Jacobite movement*, London, 3rd ed., 1958, pp.208-35.

¹⁰⁵ DRO Z1/43/10/1 for the Orders sent to Devon; the text of the Order of 21 September 1715 sent to all Lord Lieutenants is printed in Boyer (A), *The political state of Great Britain*, Volume 10, July-December MDCCXXV, London, 1716, pp.322-23, with details of the action taken in Middlesex, pp.323-29.

¹⁰⁶ *The political state of Great Britain*, 1716, *op.cit.*, pp.333-34 and 347

¹⁰⁷ Karkeek (Paul Q.), 'Jacobite days in the West', *Report & Transactions of the Devonshire Association*, vol. XXVIII, 1896, p.259; *London Gazette*, 8-11 October, 1715.

¹⁰⁸ Historical Manuscripts Commission, 11th Report Part IV, *Manuscripts of the Marquess of Townshend*, 1887, p.174

¹⁰⁹ *The History and Proceedings of the House of Commons*: volume 6: 1714-1727 (1742), p.42 (21 September). URL: <http://www.british-history.ac.uk/report.aspx?compid=37718> Accessed: 28 August 2010; and *The political state of Great Britain*, 1716, *op.cit.*, pp.416-7 and p.350.

following month, Lord Clifford of Chudleigh and Sir Coppleston Warwick Bampffield.¹¹⁰ The government was taking no chances.

Key figures in the plot were the influential Tory exiles, Lord Bolingbroke, and James Butler, the Duke of Ormond, the one fleeing to France in March 1715, the other in August. The plan evolved by the Pretender (in hiding at Bar-le-Duc in Lorraine), and Bolingbroke - agreed on 3/14 October (OS/NS)¹¹¹ - was to send "Campion and Courtney", both Jacobites with connections in the south-west, to Cornwall and Devon respectively, followed soon afterwards by Ormond and, four days later, by James himself. 'Campion' was almost certainly Henry Campion, who had been the MP for Bossiney (near Tintagel), and 'Courtney' was probably from a cadet line of the family.¹¹² They were to deliver a letter to Wyndham, pass orders to well-disposed officers of Plymouth garrison and relay back to James (at St. Malo or Morlaix) the arrangements for his reception in England, while Ormond was to land near Plymouth and organise those ready to join the rising. Plans could be frustrated by fortuitous factors. The agent, Ezekiel Hamilton, sent by Bolingbroke and Ormond to consult with English Jacobites, left France for London on 10/21 September, arriving back a fortnight later on or about 24 September/5 October, but he was unaware of the arrests ordered by Parliament on 21 September/ 2 October because they took place immediately after he left London.¹¹³ The news reached Bolingbroke on or about 10/21 October.

Bad weather held up Campion and Courtney who, having sailed from Cherbourg and Le Havre on 9/20 October, were detained on the French coast until 12/23 October. They too would have been unaware of the unwelcome news from London awaiting Ormond when he arrived at La Hogue (south-east of Cherbourg) that the plan had been betrayed by Colonel Maclean, his trusted assistant in England. Nonetheless, Ormond, accompanied by 20 officers and 25 horse, embarked from La Hogue on 17/28 October in the *Betty*, a vessel of 140 tons, commanded by Captain George Camocke.¹¹⁴ After being delayed for several days by more bad weather, the *Betty* was sighted in Torbay on 23 October/3 November, and the *Exeter Post Boy* reported:

"Dartmouth Oct. 23. A large ship putting into Brixham key this morning, our Custom-House officers went off with their boat to board her, but were denied entrance. Some fishermen just come in to report her to be a French vessel full of suspected persons. A man of war is just gone in chace of her."

A week later, the newspaper elaborated:

"There are certain advices from France that the late [= former] Duke of Ormond embarked himself privately at Cherburg with a number of arms on board, and some officers; and it is now agreed that he was in that ship which was formerly mentioned to have put into Torbay, and made the signal of firing three guns. But finding himself disappointed there, as at other places on the western coasts where he expected to find encouragement, he is returned to the coast of Normandy."

On 25 October/5 November, the *Betty* was spotted off Teignmouth by customs officers who were told by townspeople that they had been offered "wine for £10 a butt andbrandy for 4s 6d a gallon." A letter sent from Le Havre on 11/22 November to the Secretary to the Admiralty reported that Ormond had landed at Fowey: "It was Grand Mason that carried the Duke of Ormond into Torbay, and landed him at Foy, and is returned to fit his ship."¹¹⁵ ('Grand Mason' was probably the nickname of Camocke, a naval officer with a colourful career who had been cashiered by George I for his Jacobite views.). Before Ormond left English waters and returned to St. Malo (on 28 October/8 November), either Campion or Courtney who had "traversed part

¹¹⁰ Karkeek, 1896, *op.cit.*, p.261

¹¹¹ 3 October = the old style (OS) calendar used in England; 14 October = the new style (NS) calendar used in France – a difference of 11 days.

¹¹² Possible candidates are perhaps George Courtenay of Ford (1666-1725) or one of the Courtenays of Molland, a Roman Catholic branch of the family - either John (1659-1724) or John (1688-1732).

¹¹³ Historical Manuscripts Commission, *Calendar of the Stuart papers, op.cit.*, p.535; St. John (Henry) [Lord Bolingbroke], *The miscellaneous works o.f... Lord Viscount Bolingbroke*, volume IV, Edinburgh, 1768, 'A letter to Sir William Windham', pp.63-65.

¹¹⁴ FitzJames (James) [Duke of Berwick], *Memoirs of the Marshal Duke of Berwick*, volume II, London, 1779, pp.239-40.

¹¹⁵ *Exeter Post Boy*, 29 October and 5 November 1715 (OS); *State Papers, Home Office*, Admiralty, vol.38; quoted in Karkeek (Paul Q.), *op.cit.*, 1896, p.264. The *London Gazette* for 25-29 October reported that rumours in Dartmouth of "a French man of war of 40 guns, laden with arms [lying] off this port" on 22 October were mistaken and that the ship "was a smuggler, laden with wine, brandy and cloth": the retraction perhaps reflected concerns by the authorities that the rumours were part of a plan to notify Jacobite supporters of an imminent landing and reacted by using the modern tactic of disinformation.

of the country, joined him on the coast, and assured him that there was not the least room to expect a rising”.¹¹⁶ James also reached St. Malo from Bar on 28 October/8 November, and, instead of leading a rising in England, he realised that he had no choice but to fall back on the alternative plan of joining his followers in Scotland.

All the sources show clearly that the Jacobites intended - and their opponents expected - ‘The 1715’ to be an English uprising; the Scots became the leaders of the rebellion because the government in London took decisive action to forestall the plans being made to remove it from power. Petrie – in judgmental mode – blamed Ormond for the failure of the rising in the south of England. A more balanced assessment would point to the government’s timely policy of pre-emptive arrests; the effectiveness of its intelligence systems in England and France; the operational difficulties for the Jacobite leadership of organising covert communications within and (particularly) between France and England; and untimely events such as the death of Louis XIV who was more sympathetic to the Jacobites than the subsequent Regency government.

The steps taken towards raising the Devon militia in 1715 were part of the government’s response to well-developed plans for a rebellion in the South-West, rather than an isolated precautionary measure. Besides the militia assessments themselves, the DRO holds a small collection of related papers documenting the administrative process for raising the militia in Devon as the events described above were unfolding. The summary of these records in the following calendar brings the narrative to a not wholly expected conclusion:

1715	Content of record (more significant developments in dark grey)	DRO ref.
19 May	Commission from the Lord Lieutenant (Sir William Courtenay) of Henry Trenchard Esq as Colonel of the Regiment of Foot lately commanded by Sir Nicholas Morrice.	Z1/43/9/1
20 July	Order of Council to Lord Lieutenant (in London) ordering “all arms belonging to papists and non-jurors.... to be seized and secured...” following “...advice from abroad that the Pretender is preparing to invade this Kingdom”.	Z1/43/10/1
25 July	Above sent by William Gill, Secretary to the Lieutenancy, to “the Honoured Henry Trenchard Esqr, one of the Deputy Lieutenants of the County of Devon”.	
26 Aug	Note by Gill to Trenchard indicating that a General Meeting of the Deputy Lieutenants at Exeter had agreed “to subdivide themselves for the settling of rates for raising the militia” and arranged meetings. The other members for his Division were Mr Stafford and Mr Courtenay.	Z1/43/10/1
21 Sept	Order in Council “to raise the whole militia within your Lieutenancy” and seize all papists, non-jurors and disaffected persons and their arms, following “certain information of an intended invasion” by the Pretender; forwarded by Gill to Trenchard, 23 Sept.	Z1/43/10/1
29 Sept	Letter from Gill to Trenchard with orders from the Lord Lieutenant to make ready the horse in his Division.	Z1/43/10/1
1 Oct	Letter from Trenchard to Head Constables of Crediton and East Budleigh Hundreds giving notice that the horse should be ready whenever required.	Z1/43/10/3
6 Oct	Draft minutes of orders at a meeting of the Lord Lieutenant and Deputy Lieutenants at Exeter: (i) Deputy Lieutenants to meet in their Grand Divisions to settle the horse and those charged to attend; (ii) parish constables who have not made rates to bring “a perfect and exact rate and duplicate” to the meetings for signature by the Deputy Lieutenants; (iii) Colonels of regiments to obtain from previous colonels colours, drums, halberds and other ensigns of war; (iv) “one week’s assessment to be raisedwith all speed” and paid to the Treasurer (William Gill) by 30 Oct; (v) meetings to be held at Torrington on 20 Oct., Totnes on 20 Oct., Okehampton on 25 Oct., Honiton on 20 Oct, and Bridge-end on 13 Oct. [Trenchard is named to attend at Totnes Okehampton, Honiton and Bridge-end.]	Z1/43/10/2
27 Oct	List of those required to provide horses in Crediton and West Budleigh hundreds.	Z1/43/10/1
4 Nov	Letter from Lord Lieutenant to Trenchard requiring him to send warrants to Captains in his Regiment for summoning all officers and soldiers to “appear” on Thurs 24 Nov. on Milbourne Hill, near Newton Bushell.	Z1/43/10/4
4 Nov	Letter from Thomas Sprey to Trenchard confirming he had sent letters to the Head Constables of Stanborough, Coleridge and Ermington Hundreds. Refers also to procuring officers and to receiving from Trenchard “an account of your men as taken from your Duplicates”.	Z1/43/10/5
5 Nov	Letter from Gill to Trenchard enclosing warrants to Colonels for raising the militia, “but I am commanded to hint privately to you that the day will be timely counter-manded”.	Z1/43/10/1
16 Nov	Orders from Lord Lieutenant for securing Papists’ arms with copy of Order of Council dated 8 Nov.	

¹¹⁶ Bolingbroke, ‘A letter to Sir William Windham’, *op.cit.*, pp.65-6. Ormond left St. Malo on 15/26 November in another attempt to reach Cornwall, but was turned back by more storms, Bolingbroke, *op.cit.* p.66 and Historical Manuscripts Commission, *Calendar of the Stuart papers*, *op.cit.*, p.467 and 469.

17 Nov	Writ from 3 Deputy-Lieutenants to the Constables of the west part of Exminster Hundred requiring the Petty Constables to appear before the Deputy Lieutenants on 26 Nov to name under oath all Papists, suspected Papists, non-jurors and the disaffected.	Z1/43/10/2
19 Nov	Note of "Mr Gill's count[er]mand of my Reg[imen]ts being up ye 24th inst."	Z1/43/10/1

This note of 19 November 1715 (Z1/43/10/1) from William Gill, the Secretary to the Lieutenancy, to Henry Trenchard reversed the earlier order to raise the militia. Consequently, the Devon militia did not muster and assemble on 24 November 1715 - and, though the week's tax may have been charged, no money changed hands between the contributors listed in the assessments and the men in the militia.

[Link to document index at the Friends of Devon's Archives website](#)

Glossary

1660 Ordinance	<i>An Ordinance of the Lords and Commons for an assessment of £70,000 by the month upon England for three months for the supply of.... the King's majesty,,, and for.... the payment and satisfaction of the armies and navies.... of this kingdom, and for other necessary and urgent occasions thereof</i> , approved by Parliament in June 1660. Provides the legal basis for assessing and collecting the tax for the organisation of the militia (the 'week's tax').
1662 Act	<i>An Act for ordering the Forces in the several Counties of this Kingdom</i> . Statutes of the Realm: vol. 5: 1628-80 (1819), pp. 358-64. For text, see URL: http://www.british-history.ac.uk/report.aspx?compid=47306 Accessed: 13 October 2010. One of the two main Acts passed after the Restoration governing the militia.
1663 Act	<i>An Additional Act for the better ordering the forces in the several Counties of this Kingdom</i> . Statutes of the Realm: vol. 5: 1628-80 (1819), pp. 443-46. For text, see URL: http://www.british-history.ac.uk/report.aspx?compid=47340 Accessed: 13 October 2010. One of the two main Acts passed after the Restoration governing the militia.
£-s-d	Pounds (£), shillings (s) and pence (d): the currency used in England and Wales before decimal currency was introduced in 1971. 12d = 1s (also expressed as 1/-); 20s = £1.
assessor	Appointed for each parish by two or more deputy lieutenants. Assessors were required, within the amount apportioned to the parish, to ascertain and rate the yearly profits of all estates (real and personal) in the parish and thus enable the proportion and amount chargeable to each estate to be set according to an equal Pound rate. A copy of their assessment was returned to the deputy lieutenants.
collector	Sub-collectors were appointed (by two or more deputy lieutenants) under the 1660 Ordinance for each parish to collect the week's tax for payment to a head collector. In practice these were often the parish constables and the hundred constable.
commission officer	Colonels, majors, captains and other officers of the militia appointed under the authority of the lord lieutenant.
constable	<i>Head or high constables</i> were appointed by the quarter sessions to keep the peace in the hundred. Their duties included apprehending felons, reporting offenders to JPs and the oversight of parish constables. <i>Petty or parish constables</i> were appointed, normally by the manor court or according to local custom, to maintain the peace in the parish. Their duties included collecting taxes; executing warrants from JPs and the lieutenancy; and presenting offenders at the appropriate local court or quarter sessions.
contributor	A person chargeable for part of the pay of a trooper or foot soldier, the cost of his ammunition and the muster-master's annual fee.
deputy lieutenants	Collectively, they had responsibility for organising the operations of the militia, as well as administering the process of assessment, the collection of the week's tax and the arrangements for payments to the foot and horse. Selected by the lord lieutenants, their appointments were approved by the king.
duplicate	Two or more deputy lieutenants were required to sign and seal duplicates of the Assessments received from the assessors and send one to the sub-collectors and the other to the County Treasurer for transmission to the Treasury.
farriner, forreiners	A term used in and near the Stannary districts to describe those who were not tanners and were outside the jurisdiction of the Stannary courts. 'Foreigner' was routinely used in the 18th century for 'a stranger; one of another neighbourhood'.
foot	Also 'foot-soldiers', 'foot arms'; soldiers serving in the militia, usually as musketeers, but sometimes as pikemen in the 17th century.
fifty	A group of contributors whose assessments amounted to £50, equivalent to providing one foot soldier.
Jacobite	see Glossary for Devon and Exeter oath rolls
Justices of the Peace	see Glossary for Devon and Exeter oath rolls
(the) horse	Troop(s) of cavalry.
lieutenancy	The lord lieutenant and the deputy lieutenants.
lord lieutenant	Appointed by the king to have full power, authority and responsibility in connection with the militia, subject to directions from the king. Since the office is not restricted to the peerage, the correct title is 'lieutenant', but the designation 'lord lieutenant' is now in common use because they were usually peers.
month's tax	Also called the 'month's assessment'. For three years only, until June 1665, the lieutenancy was authorised to raise annually a tax proportionate to the County's quota for one month's assessment of £70,000 in 1660.

poll tax	A tax levied at a fixed amount per person
Popish Plot	A conspiracy based on concocted allegations of a Jesuit plot to kill Charles II and restore James II. It surfaced in 1678 when a manuscript forged by two clergymen, Titus Oates and Israel Tonge, was shown to the king. The plot was linked with the murder of an MP and drew in increasing numbers of protestants and catholics, generating considerable unrest and anti-Catholic sentiments.
posse comitatus	Able-bodied men who could be summoned by the Sheriff to assist in keeping the peace, including resisting invasions.
provider	Also known as ‘finders’. A person chargeable for the full cost of a horse or foot soldier or, if the cost is shared between contributors, for ensuring that the trooper or soldier is paid 2/6d or 1s per day respectively, plus the muster-master’s annual fee; and is properly equipped with arms and ammunition.
Quarter sessions	see Glossary for Devon and Exeter oath rolls
Rye House Plot	A conspiracy to kill Charles II in 1683/4 after he had been to Newmarket races, but he left early before the plans could be implemented. The plot was later exposed and many of the emerging Whig persuasion were implicated.
the Stannaries	The districts comprising the tin mines and smelting works of Cornwall and Devon formerly under the jurisdiction of the Stannary courts; also, the customs and privileges attached to the mines (OED).
tinner	One who is connected with the tin industry as a miner, property owner, tradesman, intermediary or related occupation within the jurisdiction of the Stannary courts and is chargeable to provide a foot soldier or horse in the Stannaries regiment (in the context of the Devon militia assessments of 1715).
trooper	Horseman; soldier in a troop of cavalry (OED).
week’s tax	Also called the ‘week’s assessment’ or ‘trophy money’. The lieutenancy was authorised to raise annually a tax of a quarter of the County’s quota for one month’s assessment of £70,000 in 1660. The income was to be used for purchasing ammunition, drums, colours “and other necessities” and for officers’ pay.

Editing conventions

In the transcript, the aim has been to preserve as far as possible the substance of the text, but not necessarily the precise layout, of the original documents. All editorial matter is enclosed in square brackets []. The grouping of contributors in ‘fifties’ is usually indicated in the documents by bracketing their names, while in the transcript, instead of using brackets, a grey band has been added after the last name in each fifty. The signatures of constables and/or other signatories in the parish are shown in italics in the transcript to distinguish them from the names of contributors. However, to avoid confusion, the names of the deputy lieutenants who counter-sign the parish returns have not been transcribed: for details of these signatories, see [note 8](#) and its accompanying text in [section 2](#). In the ‘Notes’ column of some of the transcripts, the abbreviation ‘EPNS’ refers to Gover (J.E.B.), Mawer (A.) and Stenton (F.M.), *The place-names of Devon*, (Parts I and II), Cambridge, 1931.

The original spelling, capitalisation and (in most cases) punctuation has been retained in the transcript, but not always in the introductory narrative. Here, some modernisation has been introduced, particularly where it enables the text to be understood more readily. The abbreviation ‘s.’ followed by a numeral (s.3) is used to differentiate sections in Acts of Parliament from the Sections of this narrative.

Acknowledgments

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Paul Luscombe
June 2012

[Link to document index at the Friends of Devon’s Archives website](#)

A List of the Deputy Lieuten[an]ts of the County of Devon

Arthur Lord Viscount Donnerayle
Bishop of Exon

S[i]r Edmond Prideaux)	
S[i]r Coplestone Warwick Bampfild)	
S[i]r Francis Drake)	Bar[one]ts
S[i]r William Pole)	
S[i]r Henry Northcott)	

S[i]r Boucher Wrey)	
S[i]r Arthur Chichester)	
S[i]r John Lear)	Bar[one]ts
S[i]r Walter Yonge)	
S[i]r Thomas Putt)	

S[i]r John Elwill	Knt & Baronet
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S[i]r John Rogers	Baronet
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Henry Portman)	
George Parker)	
Samuell Rolle)	
John Rolle)	
Richard Reynell)	Esqrs
Henry Walrond)	
Arthur Champernowne)	
Francis Drew)	
Arthur Arscott)	
William Walrond of Bovie)	

Hugh Fortescue)	
Edward Yarde)	
William Woolcombe)	Esqrs
Richard Edgecombe)	
Christopher Harris)	

Shilston Calmady)	
Hugh Stafford)	
Richard Duke Junr)	Esqrs
Stephen Norleigh)	
William Courtenay of Downe)	

Courtenay Crocker)	
Wm Helyar)	Esqrs
Wm Northmore)	
Samll Cooke)	

Thomas Bere)	
Henry Trenchard)	Esqrs
Richard Coffin)	

[The document itself is undated, but is filed with others dated September-November 1715.]

For a further list of 25 deputy-lieutenants in Devon, dated 20 December 1676, see Historical Manuscripts Commission, *The manuscripts of the Earl of Buckinghamshire, the Earl of Lindsey, the Earl of Onslow, Lord Emly, Theodore J. Hare, esq., and James Round, esq., 1895*, p.274. (Round Mss)

[Link to document index at the Friends of Devon's Archives website](#)



An abstract of the severall Acts of Parliament relating to the Militia

The purport of the Acts of the 13 and 14^o Car 2^d c. 3 and 15^o Car 2^d c. 4 relating to the Militia 1661-1663

[1] The power of the Militia is declared to be in the King who by Comission is to appoint the Lieutenants for each County and such Lieutenants as by approbation of his Ma[jes]tie are to constitute the Deputy Lieutenants. And the said Lieutenant or in his absence or by his direction any two or more Deputy Lieutenants may raise, arm and forme the Militia. And by warrant under their hands and seales may at any time cause the Militia to be raised and exercised. And may also upon any insurrection, rebellion or invasion lead and employ them as well within the County as without as his Ma[jes]tie shall direct.

[2] The Collonells, Majors, Captains and other Comission officers, are to be appointed by the Lieutenant. *13 & 14 Car 2^d sect 1, 2 and 15^o Car 2^d sect 1.*

[3] The Lieutenant or in his absence etc the Deputy Lieutenants or the major part present being not less than 3 may charge any person with the finding and provideing a Trouper with horse and armes or a foot souldier with arms in the County or place where his estate lyeth.

[4] An estate of £500 p[er] annu[m] income in possession or £6000 in money and goods (besides household furniture) is to provide a Trouper etc And £50 p[er] annu[m] or £600 personall estate (other then stock on ground) is to provide a foot soldier etc But no one is to be charged with finding both horse and foot in the same County. Nor any one that contributes towards a horseman to contribute for the same estate towards a footman. But two or more may be joyned together towards finding a horseman so [long] as neither of them hath less than £100 p[er] annu[m] in Land, Lease or Copy or £1200 in personall estate. And such as have between £100 and £200 p[er] annu[m] in land or between £1200 and £2400 in personall estate may be charged either to horse or foot. But he that hath £200 p[er] annu[m] or upwards or is worth £2400 or upwards cannot be chargeable to the foot.

[5] The Lieutenant or any 3 of the Deputies may require the Constable of any parish or place to provide and furnish so many foot soldiers with armes and wages as thay shall assess upon Revenues under £50 p[er] annu[m] or personall estates under £600 within such parish or place who are to provide the same by the time appointed under the penalty not exceeding 40s for each omission. And if any person shall on demand refuse or neglect to provide such soldiers or to pay the money on him taxed (according to a list signed by the Lieutenant or any 3 Deputies) towards defraying the charge thereof that then such Constable may by warrant leavy such sum by distress and sale of the offender's goods. And the Tenant is to pay the sum assessed as aforesaid and deduct the same out his rent or in default thereof the Tennant's goods may be distrained and sold. The Lieutenant or any 3 of the Deputies are to hear complaints, examine wittnesses on oath and give relief where any are aggrieved. *13 & 14 sect 3, 4, 5 and Anno 15^o sect 4, 5, 18.*

[6] The person charged with finding a Trouper is on demand to pay 2s 6d p[er] diem as long as he is out on duty under penalty of 5s. And the person charged to a footman is to pay him 12d p[er] diem under penalty of 2s unless there is any agreement between them to the contrary. The penalty to be demanded within 6 weekes after default or at or before the next muster and to be paid to the soldier injured. *Anno 15^o secto 2.*

[7] The Lieutenant or any 3 or more Deputies may lay rates on the County etc for the furnishing [of] ammunition and other necessities not exceeding in any one year a fourth part of such Counties assessment to the £70,000 p[er] month. The same to be collected in the same manner as that tax was.

[8] When any occasion is for using the Militia each person is to supply his soldier with pay in hand not exceeding one month as the Lieutenant or any 2 Deputies shall direct which is to be repaid them out of the publick treasure¹¹⁷ And that no one who shall advance his proportion shall be obliged to advance any more untill what he so advanced be repaid him.

[9] The Lieutenant is to appoint a Treasurer and Clerke for receiveing and paying the moneys who are to account every 6 months in writeing and on oath to the Lieutenants or 3 Deputies which account is to be certified to the Privy Councill and to the Justices at the next Quarter Sessions.

[10] Out of the money to be raised yearly for ammunition and other necessities the Lieutenant or any 3 Deputies may dispose of soe much as they shall think fitt to the inferior Officers for their pains and encouragem[en]t. *Anno 13 and 14^o sect 7, 12; Anno 15^o sect 12.*

[11] The Lieutenant, Deputies or Cheife Officer of the place may charge carts etc for carrying ammunition etc at 6d p[er] mile outward for each Cart etc with 5 horses or 6 oxen and 1d p[er] mile for a horse. Such Lieutenant, Deputy or Chiefe

¹¹⁷ Treasury

Officer may imprison mutineers or such as are negligent and may punish by fine not exceeding 5s or by imprisonment without baile not exceeding 20 days. *Anno 13 & 14^o sect 8.*

[12] The Lieutenant and Deputies or any 3 of them may inflict any penalty not exceeding £20 on any one charged to the horse and not exceeding £5 on any one charged to the foot that shall not within the time appointed provide and send in the soldier etc well armed or pay the money assessed towards the provideing them as aforesaid. And to leavy the same by distresse & sale of the offenders' goods by warrant under their hands and seales. And that the money thus leavyed shall be employed to the same uses. *Anno 13 [&] 14 sect 9; anno 15^o sect 3.*

[13] If any souldier shall imbezell or detain his horse or armes or furniture the Lieutenant or any 2 Deputies may imprison the offender till he makes satisfac[i]on. And if any soldier shall not appear and serve compleatly armed with the armes he is entrusted with at beat of Drum, sound of Trumpet or other sum[m]ons, the Lieutenant or any two Deputies may imprison the offender without bail for 5 dayes or lay a penalty not exceeding 20s on a Trouper or 10s on a footman to be paid pr[e]sently. And if any one charged as aforesaid shall not send in or deliver his horse, armes or furniture on such sum[m]ons, the Lieutenant or any 3 Deputies may inflict a penalty not exceeding £5 to be leavyed by distresse and sale of the goods etc. *Anno 13 [&] 14 sect 10.*

[14] The Lieutenant or any 3 Deputies may examine any witnesses on oath (except the parties themselves), and the Deputy Lieutenants are to observe the direcc[i]ons from the Lieutenant. *Anno 13 [&] 14 sect 11, 13.*

[15] The Lieutenant or any two of the Deputies may by warrant under hand and seal employ any persons (whereof a Comission Officer and the Constable or his Deputy or Tythingman or in their absence any other parish officer to be two) to search for and seize the armes of persons suspected and to secure them for the publick service – such search to be made between sun and sun¹¹⁸ unless in Townes Corporate or Markett Towns in which (if the warrant so express) search may be made in the night. And in case of resistance may enter by force. No Peer's house to be searched but by imediate order from the King or in p[r]esence of the Lieutenant or one Deputy. Which armes may be restored if the Lieutenant or 2 Deputies think fitt. *Anno 13 [&] 14 sect 14.*

[16] All Constables, Petty Constables and other officers are to be assistant in the execution of these acts. *sect 15.*

[17] Where any one is charged with finding a souldier where he doth not reside, the Lieutenant or any 3 Deputies shall send notice of such charge to the servant who manageth the estate or to one or two of his most sufficient tennants who are required to give immediate notice to the master or landlord and within a time to be appointed returne his answer. And if such landlord doth not provide the soldier wherewith he is charged, the tennant is to do the same. And on his neglect the penalties are to be leavyed on such tennant by distresse and sale. And the tenant is to deduct his charge out of his rent unless the landlord shall within two months make it appeare to the Lieutenant or any two Deputies that the neglect was in the tennant. *Anno 13 [&] 14 sect 16, 17.*

[18] No Lieutenant, Deputy Officer or Souldier to act before he has taken the Oaths, which are to be administred by any Justice of the Peace to any Deputy and by any 2 Deputies to any officer or soldier. *sect 19*

[19] The generall muster to be but once a year and the muster of single Companies but 4 times a year without special direcc[i]on from the King or Privy Councill. Single Companyes not to be exercised above 2 dayes, nor a generall muster above 4 dayes at one muster. Every Musquetier to bring half a pound of powder and half a pound of bullets and each horseman one quarter of each at the charge of him that provides them on penalty of 5s for each omission. *Anno 13 [&] 14 sect 21; Anno 15 [sect] 7.*

[20] No one compellable to serve in person but may find a fitt person to serve in his stead to be approved of by the Captain subject to the controul of the Lieutenant or two Deputies. The person who serves shall at the next muster give in his Xtian and sirname and place of abode unto such person as the Lieutenant or two Deputies shall appoint in order to be listed. And the person thus listed not to be exchanged, desert or be discharged without leave from the Lieutenant, or 2 Deputies, or Captain in writeing under hand and seal on penalty of £20 to be leavyed by distress and sale and in default of distress to be comitted to Goal for three months without bail. *Anno 13 [&] 14 sect 25.*

[21] No Officer or soldier of Towns Corporate who are used to be mustered only within their own precincts are compellable upon a muster only to appear out of their own precincts. *Sect 28.*

[22] Nothing in these Acts to alter Covenants between landlord and tennant. *Sect 29.*

[23] A Peer to be charged only by his peers (except only as to the monthly tax) which is to be certified by them to the Lieutenant. And if a Peer neglects to performe what he shall be thus charged, the Lieutenant or 3 Deputyes may cause distress to be taken on his Lands. And if no satisfacc[i]on be made within one week, then the distress to be sold etc. *Sect 33.*

¹¹⁸ sunrise and sunset

[24] Each Troupier is yearly to pay the muster master any sum[m]e not exceeding 1s and each footman not exceeding 6d as the Lieutenants or any 3 Deputies shall under hand and seale direct – who may leavy the same by distress and sale of the goods of the person provideing such soldier, and each muster master is to be an inhabitant in the County. *Anno 15^o sect 6.*

[25] The estate of every Comission foot officer is to be exempted from finding any soldier unless it be what his estate amounts to in propor[c]ion above finding one horseman. *Anno 15^o sect 8.*

[26] The person against whome any action shall be brought for any thing done by virtue of this Act may plead the generall issue and recover double costs if the pl[aintif]f be non suited. And no action to be brought but within 6 months. *Sect 13.*

[27] The penalties and forfeitures by the Act of 15^o Car 2^d to be leavyed by distress and sale of the offender's goods by warrant from the Lieutenant or any 3 Deputies. And in default of distress the offender by like warrant to be comitted to prison till satisfacc[i]on. *Sect 16*

[28] Where the estate of a Papist or Nonjuror is chargeable either to horse or foot the Deputy Lieutenants may appoint whome they think fitt to provide the soldier and charge the estate with the costs thereof after the rate of £8 p[er] annu[m] for a horse and 30s for a foot soldier etc. 7 [&] 8 W 3 c 16; 9 & 10 W 3 c 31 the money to be leavyed by distress and sale of the goods either of the Papist etc. or his tennant, and the tennant to deduct it out of his rent.¹¹⁹

[29] Where 2 or more are chargeable either to horse or foot, three Deputy Lieutenants may appoint who shall find the soldier and how much the others shall contribute towards it, and the contributor or his tennant not paying his propor[t]ion on demand, the same may be leavyed by distress and sale.

By the Act anno primo Georgii Rs¹²⁰

[30] It shall be lawfull for the Lieutenant or any two Deputy Lieutenants by order from his Ma[jes]tie to raise the Militia notwithstanding the month's pay formerly advanced be not repaid. And where the whole Militia of a County etc cannot conveniently be raised, any part thereof may be raised etc as the persons impowered to raise the Militia shall think proper, and the charge thereof to be repaid by an assessment on the whole County according to an equall pound rate, the same to be raised and leavyed in like manner as the Land tax granted Anno primo Georgis is to be allowed. *Anno primo Georgis, Sect 2.*

[31] The armes of a horseman are to be a broad sword, case of pistolls with barrells 12 inches long, a carabine with bolt & buckett, a great saddle with burrs and strapps, and a bitt and bridle with pectorall and crupper.

[32] The armes of a footman are to be a muskett with a barrell five foot long and bore for bullets of 12 to the pound and a bayonett to fix on the muzzle, a cartouch box and a sword. *Sect 3.*

[33] The money raised or to be raised for or as trophy money is to be accounted for before the Justices of the Peace at the Quarter Sessions. That already received before the 1st February next¹²¹ and that which shall hereafter be raised within 12 months after receipt thereof, and the ballance to be paid within one month after to the Treasurer or Clerk under penalty of treble the sum[m]e unaccounted for or unpaid – one moiety to the use of the County as the Justices shall appoint, the other to the informer. And the Treasurer to give such security as three or more Deputies shall approve. *Sect 4, 5.*

[34] The Lieutenant or any two Deputies may by warrant require any person who has any books or papers relateing to the Militia in his hands to deliver the same to such person as they shall appoint. And on neglect or refusall to deliver them within 10 dayes, or not making oath before some Justice of the Peace that such books or papers are not in his power, the oath to be delivered to the Lieutenant or Deputies signing such warrant, the party to forfeit £100, one moiety to the use of the County, the other to the informer.

[35] The power by this Act to raise the Militia to continue only for 5 years and to the end of the then next session of Parliament.

¹¹⁹ 'William III, 1695-6: *An Act for raiseing the Militia of this Kingdom for the Year One thousand six hundred ninety six although the Months Pay formerly advanced bee not repaid.* [Chapter XVI. Rot. Parl. 7&8 Gul. III.p.5.n.2], *Statutes of the Realm: volume 7: 1695-1701* (1820), pp. 85-86. URL: <http://www.british-history.ac.uk/report.aspx?compid=46823> Accessed: 13 August 2009. and

'William III, 1698: *An Act for raising the Militia for the Yeare One thousand six hundred ninety nine although the Months Pay formerly advanced be not repaid.* [Chapter XVIII. Rot. Parl. 10 Gul. III. p. 4. n. 3.], *Statutes of the Realm: volume 7: 1695-1701* (1820), pp. 530-531. URL: <http://www.british-history.ac.uk/report.aspx?compid=46951> Accessed: 13 August 2009.

¹²⁰ George I, 1714: *An Act for making the Militia of that part of Great Britain called England more useful and for obliging an annual account to be made of trophy-money.* [1 Geo I St. 2, c.14, Pickering (D.), *Statutes at Large from 12 Anne to 5 Geo I: volume 13* (1764), pp. 201-205].

¹²¹ Since the printed copy of the Act (DRO Z1/43/10/8c) is dated 17 March 1714/5, the document transcribed here must have been written or updated between April 1715 and January 1715/6.

Table 3: Numbers of foot soldiers assessed in 1640 and 1715 in Coleridge hundred and in 1640, 1662/3 and 1715 in Stanborough hundred

	No. of foot assessed			
Hundred/Parish	1640			1715
Coleridge	No. of people	Parish	Total	
Ashprington	*	*	19	9
Blackawton	26	5	31	18
Buckland tout Saints	0	0	0	0
Charleton	18	2	22	12
Chivelstone	*	*	15	9
Cornworthy	14	5	19	10
Dartmouth Townstall	*	*	6	5
Dittisham	0	9	16	8
Dodbrooke	*	*	8	4
East Portlemouth †	*	*	9	8
Halwell	17	2	19	12
Harberton	?	?	30	17
Sherford	11	1	12	6
Slapton	0	18	18	14
South Pool	*	*	18	9
Stokenham	15	8	23	17
Stoke Fleming	12	6	20	14
Totnes	*	*	*	16
Total			285	188
Total excl Totnes			285	172

	No. of foot assessed				
Hundred/Parish	1640			Feb 1662/3	1715
Stanborough	No. of people	Parish	Total		
Buckfastleigh	7	4	11	12	10
Churchstow	12	2	14	11	10
Dartington ‡	*	*	*	8	10
Dean Prior	*	*	*	10	8
Diptford	14	7	21	17	17
East Allington	*	*	15	13	11
Kingsbridge	*	*	9	*	6
Loddiswell	9	8	17	13	13
Malborough	32	9	41	29	24
Moreleigh	*	*	7	4	3
North Huish	13	2	15	13	10
Rattery	14	3	17	15	9
South Brent	22	3	25	19	16
South Huish	10	4	14	10	11
South Milton	10	3	13	13	9
Thurlestone	*	*	16	12	9
West Alvington	22	5	27	24	21
Woodleigh	*	*	9	8	5
Total			271	231	202
Total excl Dean Prior, Dartington & Kingsbridge			262	213	178

Sources: DRO 3799M/SS2/1-3 (1640); DRO 3799M/SS2/4 (1662/3)

* no return or not specified

† the 1640 list is torn and may be incomplete

‡ a separate list, dated 16 December 1662 (DRO 3799M/SS2/5) shows 13 foot, excluding tinnors

In the 15 parishes making returns at both dates, the assessment to foot was cut by nearly a fifth between 1640 and 1662/3, with a smaller reduction – about an eighth - by 1715. Twenty of the parish returns for 1640 included foot-arms provided communally by the parish (rather than by individuals), and their exclusion may account for some of the post-Restoration reduction, since the new arrangements restricted assessments to individual contributors.

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Foot

<i>Colonel</i>	Earle of Stamford	<i>Captains</i>	Richard Bere Esq
<i>Lt.-Col</i>	Christopher Savory Esq.		Bernard Goddard Esq
<i>Major</i>	George Trobridge Esq.		George Hartnold Esq
	7 companies; 710 men		James Marwood Esq
<i>Colonel</i>	Sir Francis Drake, Bart.	<i>Captains</i>	William Dyer Esq
<i>Lt.-Col</i>	Josias Calmady Esq.		John Fountain Esq
<i>Major</i>	Courteney Croker Esq.		William Ilbert Esq
	6 companies; 860 men		
<i>Colonel</i>	Sir William Davy	<i>Captains</i>	Richard Nutcombe Esq
<i>Lt.-Col</i>	Thomas Bere Esq.		Barthol. Anthony Esq
<i>Major</i>	Peter Bevis Esq.		Samuel Pearse Esq
	8 companies; 840 men		Thomas Ford Junr
			Richard Dyer Esq
<i>Colonel</i>	Sir Walter Younge, Bart	<i>Captains</i>	Richard Duke Esq
<i>Lt.-Col</i>	John Cholwich Esq.		Edmund Starr Esq
<i>Major</i>	John Rose		Richard Lee Esq
	8 companies; 850 men		William Chaplin Esq
			Thomas Walsh Esq
<i>Colonel</i>	Samuel Roll Esq.	<i>Lieutenants</i>	<i>Ensigns</i>
<i>Lt.-Col</i>	Jonathon Prideaux	John Gilbert	John Holland
<i>Major</i>	John Burrington	William Down	John Speddegue
<i>Captains</i>	Thomas Docton	John Bruton	Peter West
	Robert Yoe	John Nichols	Edward Tucker
	John Woolcomb	John Gilbert	Benj Sheland
	6 companies; 800 men	John Burden	John Watkins
<i>Colonel</i>	John Arscot	<i>Captains</i>	John Garland
<i>Lt.-Col</i>	Moses Gould Esq.		Henry Spurway
<i>Major</i>	Henry Chichester		Richard Salisbury
	6 companies; 860 men		

Exeter Regiment

<i>Colonel</i>	Earle of Stamford	<i>Lieutenants</i>	<i>Ensigns</i>
<i>Lt.-Col</i>	Edward Seaward	James Gould	William Mauditt
<i>Major</i>	William Glyde	James Kingswell	Benj Robyn
<i>1st Captain</i>	Francis Lydscot	Joseph Clarke	Nicholas Brown
<i>2nd Captain</i>	James Jefferyes	Richard Veale	Bartholomew Parr
<i>3rd Captain</i>	James Turner	Peter Prew	Henry Hugh
<i>4th Captain</i>	John Dally	Nathaniel Dewdney	Edward Bailly
<i>5th Captain</i>	Richard Atwill	Hugh Palmer [?]	John Borett
	8 companies; 460 men	Gabriel Mayne	George Edwards

Church clergy)	not charged for personal estates
Dissenting ministers)	
Church clergy	not charg'd for their spiritual estates,
Chancellors at Law)	but for their temporall
Doctors of Physick)	Residing within this City
	not charg'd for personal estate

Dartmouth Independent Company

<i>Captain</i>	John Whitrow	<i>Lieutenant</i>	<i>Ensign</i>
	1 company; 60 men	John Sikes	John Bredall

Plymouth Regiment

<i>Major</i>	[The] Mayor	<i>Lieutenants</i>	<i>Ensigns</i>
<i>Captains</i>	John Rogerson (Senior Capt.)	Nathaniel Young	Samuel Harris
	Richard Opie (Senior Capt.)	Francis Jones	John Rogers (Jnr. Ensign)
	Thomas Bound	John Swymmer	Richard Opie (Jnr. Ensign)
	John Neell (Senior Capt.)	John Wallis	Thomas Edgecombe
	5 companies; 467 men	James [blank]	John Neell (Jnr. Ensign)

“The Number of Militia within this Town may be more or less as the Number and Quality of the Inhabitants may bee; for persons are assessed in Townes as heretofore and not strictly for Estates, viz one Man’s Arms £50 per annum or £600 personal estate. If soe, one quarter of this number could not bee assessed.”

Horse

		<i>Captains</i>	<i>Lieutenants</i>	<i>Cornets</i>
Eastern Troop	66 men	Sir John Ellwill	John Bennet	John Wright
Northern Troop	80 men			
Southern Troop	90 men	William Harris	----- Noy	

Abstract

Regiment/Company	Companies	Men	Officers
Earl of Stamford’s	7	710	7
Sir Francis Drake’s	6	860	6
Sir William Davy’s	8	840	8
Sir Walter Younge’s	8	850	8
Samuel Roll’s	6	800	6 (+12 Lieutenants & Ensigns)
John Arscot’s	6	860	6
Exeter	8	480	9 (+16 Lieutenants & Ensigns)
Dartmouth	1	60	3
Plymouth	5	467	5 (+10 Lieutenants & Ensigns)
Total, foot	55	5927	58 (+ 38)
	Troops	Troopers	Officers (est.)
Horse	3	236	9
Total, foot & horse	58	6163	67

Source: British Library Egerton Mss. 1626. Originally printed in Walrond (H.), *Historical records of the 1st Devon militia*, London, 1897, pp 25-26, and reproduced here with some corrections and additions.

Size of the militia, England and Wales c1688; from Orme (Thomas), Pamphlet on reforming the militia [title missing], c.1688

1688	Horse	Foot	Total
Men	6,386	75,617	82,003
Officers	450	2,338	2,788
Allowance for 5 missing counties @ one twelfth	614	6,436	7,050
Total	7,450	84,391	91,841
1697 (Egerton Mss 1626) (Cornwall, Dorset, Herefordshire, Northumberland, Durham, Northamptonshire & the Stannaries missing.)	6,100	72,550	78,650

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A Summons for a Muster

To the Constable and Headborough of, &c

Sussex, ss

BY Command from the Rt. Hon. C. Earl of D. Lord-Lieutenant of the said County, I require you to summon all the Persons written in a List, and hereunto annexed, to appear compleatly armed at L. in the said County, upon Wednesday the 17th of March, Instant, at Eleven a-Clock in the Forenoon, and each of them is to bring Pay for two Days, and the Salary for the Muster-Master; every Musqueteer is to bring Half a Pound of Powder, and as much of Bullets, and three yards of Match; and you are likewise required to be then and there present, to give an Account of what you have done in the Premises. Given under our Hands and Seals the seventh Day of March, 1703.

A Summons for a Foot Company

To the Constable of the Hundred of, &c

Sussex ss

Whereas the Persons, whose Names are contained in a List hereunto annexed, are charges to find Foot-Arms, according to the Statutes made and in that Case provided: These are therefore to require you to give Notice to the said Persons, That they provide and appear with the said Arms, and an able Man to bear them at L. in the said County, upon Wednesday the 17th of March ensuing, by Ten a-Clock in the Forenoon. And hereof fail not. Given under our Hands, &c.

The Summons under-written the Constable must give to the Person who is to provide a Horse

To Mr. R.B.

Sussex ss

By Virtue of a Warrant of J. A. Esq; to me directed, This is to summon you to appear at, &c. on Thursday &c. between nine and ten a-Clock in the Morning, with a Horse well fitted, and that you bring a Back, Breast and Pot with you, pursuant to the Statutes in that Case made and provided; and you are likewise to bring with you Powder and Bullet, a Quarter of a Pound each, and the Muster-Master's Salary.

Dated 18 Martii,
1703

J. H. Constable

From: Nelson (W.), *The office and authority of a Justice of Peace*, 10th edition, 1729, pp.659-60.

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