

PRESIDENTIAL ADDRESS

THE HIGH SHERIFFS OF SOMERSET

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I have ventured to choose for the subject of my address some aspects of the long history of the sheriffs of Somerset with notes on certain of the holders of the office. I use the word venture advisedly, for while I hope that the subject is of general interest, I am fully aware of the difficulties involved. In the first place the sheriff's position and duties have changed so much over the centuries that any generalisations are dangerous. Laws are passed and broken, conventions that have no basis in law increase in importance as legal procedures become obsolete. Even the description given by the historian Maitland sixty years ago, "we know the High Sheriff as a country gentleman who (it may be much against his will) has been endowed with high rank and burdened with a curious collection of disconnected duties, the scattered fragments of powers that once were vast",¹ is no longer strictly accurate. Perhaps the one thread that still connects the sheriffs of all ages is the duty of entertaining the judges at assizes. Since there have been sheriffs in England from before the Norman Conquest, their history even in a particular county could, if dealt with fully, provide material for a series of lectures, and, to keep this one within reasonable bounds, I shall try to concentrate on particular periods. In the early middle ages, for example, the sheriffs exercised the widest powers; in the fifteenth century individual personalities emerge from the long list of names; and in the seventeenth century periods of crisis, such as the ship-money controversy, bring the sheriffs again to the forefront of local administration.

I must at this point acknowledge that I should not be speaking on this subject at all if my interest in it had not been aroused by Mr. A. W. Vivian-Neal when he enlisted my assistance in collecting information for the revised and annotated list of sheriffs which he projected and which unhappily never saw the light of day during his lifetime. That this list would be the basis for some more detailed study of the lives and functions of the high sheriffs in particular periods was one of the suggestions he made and, although this address must be limited to a comparatively brief survey of the

¹ F. W. Maitland, *Constitutional History of England*, p. 485.

subject, the idea is one part of the debt which I owe to his interest in, and knowledge of, Somerset history.

The office of sheriff is in fact the oldest still existing in local government. Lords lieutenant go back to the Tudors and justices of the peace under other titles to the middle ages, but sheriffs were an Anglo-Saxon institution, and there was a sheriff in Somerset when William the Conqueror landed at Hastings. Fairly complete lists of sheriffs exist from the reign of Henry II, but the names of some earlier holders of the office are to be found in Domesday Book and in early charters and other deeds, including, in Somerset, the records of the Dean and Chapter of Wells. The standard work on the early history of the sheriffs is *The Medieval English Sheriff* by Dr. W. A. Morris, then Professor of English History in the University of California, published in the Manchester University Historical Series in 1927, which anyone interested in the detailed working of the shrievalty before 1300 should consult.

Reeves are found in Saxon England carrying out a variety of administrative duties and the shire reeves (*scirgerefan*) emerge in the eleventh century as the agents of the King's government. Their duties were financial, judicial and military — the sheriff of Berkshire was killed leading his men at the Battle of Hastings — but it is the direct responsibility of the sheriff to the Crown, both in the collection of the royal revenue and the execution of royal justice that is that official's outstanding characteristic. William I recognised the importance of the sheriffs in the local government of his new kingdom. They were not unlike the *vicomtes* in Normandy and, though the sheriffs and *vicomtes* later developed on different lines, the English shire reeve was latinized as *vicecomes*. The Anglo-Saxon sheriffs were not removed from office immediately after the Conquest. Tofig of Somerset and Edric of Wiltshire were among those who can be traced for two or three years after Hastings. But Norman barons soon succeeded Saxon thegns throughout the country, and from about 1071 "the government of England was fully assumed by Norman officials . . . this was the golden age of the baronial shrievalty".² There was as yet no question of sheriffs being appointed annually; they held office in practice for the King's pleasure, which might involve a short or long term of office. As a result, in some counties there was a tendency for the shrievalty to become hereditary.

² Morris, *The Medieval English Sheriff*, p. 41.

This happened for some generations in Worcestershire, while in Westmorland the shrievalty not only became hereditary in the middle ages but, descending in the female line, remained so, until it was surrendered to the Crown in 1849. In Somerset, however, only one representative of the Norman baronage is known to have held office; this was William de Mohun of Dunster, the first of his name in the county, who was sheriff at the time of Domesday. His successors, so far as is known, were court officials, Aiulph the chamberlain and one Warin, who was also sheriff of Dorset. At a later date, certain county families do seem to have acquired an hereditary interest in the shrievalty and Luttrells, Poulets, Rodneys, Stowells, Sydenhams and Trevelyans appear generation after generation.

But to return to the twelfth century, although many records were lost in the chaos of Stephen's reign, there is sufficient evidence to show that the sheriffs continued to function and to do so with increasing independence of a weak central government. Reaction followed under Henry II, who again established central control and dealt firmly with feudal anarchy. From 1154, the date of his accession, records of the appointment of sheriffs appear regularly in the Pipe Rolls, many at two yearly intervals, and, although the sheriffs came under stricter control, the importance of their administrative duties increased. It has been said that "the reigns of Henry II, and his sons marked a rapid development of institutional absolutism" and that, with the sheriff as its principal local agent, "the activity of the office is written large in administrative and constitutional history . . . it was identified with the action of the central government in the administration of justice, the levy of taxation, the collection of revenue, the enforcement of feudal military service and the summoning of local representatives to meet the justices of the King." Further "it was an integral portion of the central governmental organisation which forms the permanent groundwork of the English constitution".³ In spite of the Inquest of 1170 into the powers of the sheriffs and the use and abuse made of them, it was in the late twelfth and early thirteenth centuries that the sheriffs dealt with the widest sphere of administration, military as well as judicial and financial.

The Somerset County Archivist, Mr. I. P. Collis, has not only kindly arranged a display of documents illustrating the history of

³ Morris, p. 111.

the shrievalty, but has written an introduction to it, which includes such an admirable summary of the sheriff's fiscal duties, that I feel I cannot do better, by his kind permission, than quote from it here. The sheriff "was responsible for the collection of the rents and services due to the King from the tenants of manors, tenements and lands on Crown grant or lease. Generally the greater part of these rents were let to farm to the sheriff at a fixed sum, such rents being called viscontiel rents. Certain rents, charged upon particular persons, or cities and towns, might not be included in the 'farm' and would have to be accounted for separately. The amounts to be collected would be known beforehand, having been drawn up from the various grants, leases etc., and notified to the sheriff as estreats or extracts of the rents and other considerations from these documents. In addition, the profits from the sheriff's tourns and the county courts, amounts arising from forfeited lands (until the appointment of escheators), fines, forfeited bonds and other issues arising from the action of the various courts within the county, and the feudal impositions, such as aids and scutages, would be his responsibility. Allowances were made for lands granted away and payment for alms etc., arising from crown lands, payments to the clerk and justices of the peace (at a later date), and various other permissible costs. The sheriff rendered his account under the summons of the Pipe, which dealt with the fixed revenue which could be known when he took office, and the summons of the Green Wax, which concerned the casual revenues. The details of these revenues were drawn up from estreats submitted to the Exchequer by the clerks of the judges of the various courts within the county and others whose duty it was to extract from documents the amount of fines, forfeited recognisances, etc. These estreats were finally issued to the sheriff, sealed in green wax, and annexed to a writ. The yearly charges against the sheriff, with his allowances, were entered on the Great Roll of the Exchequer, known as the Pipe Roll . . . The sheriff attended twice a year at the Exchequer to render his account. At Easter he made a pre-payment and received a tally. This was a piece of wood on which notches had been cut, representing the pounds, shillings and pence of the amount paid, and split down the middle, one half remaining at the Exchequer. When brought together at the final payment at Michaelmas, the two halves of the tally had to correspond if the prepayment was to be allowed. If and

when the sheriff's accounts finally balanced he was given a copy engrossed on parchment, of his whole record, subscribed at the foot *et quietus est* (and he is quit)."

This account of the financial system illustrates the complexity of the duties with which the medieval sheriff and his successors had to cope. Further details of other important aspects of his work, such as the maintenance of royal castles and the control of local judicial procedure through the hundred and county courts, may be found in *The Medieval English Sheriff*. After the Inquest of 1170, many local sheriffs were removed from office and exchequer officials appointed in their place. Some sheriffs held groups of counties as a temporary measure, others, Somerset and Dorset for example in the south, and many small counties in the Midlands, were permanently paired. Cambridgeshire and Huntingdonshire have remained together to the present time; but most of the pairs were separated under Elizabeth I — Somerset and Dorset in 1566. From the grouping of counties and the increasing complexity of administration arose the need for under- or deputy-sheriffs, whose names appear in official records from the end of the twelfth century; and under them a clerical staff also developed.

A break in the regular appointment of sheriffs in the west of England occurred when Richard I, leaving for the Crusades, made his brother John sheriff of seven counties including Somerset, Dorset, Devon and Cornwall. To judge from the number of places where he is said to have gone hunting, John either as prince or king must have visited these counties frequently, but little is known of his administrative methods since his counties did not have to account at the Exchequer during the five years of his shrievalty. At the beginning of his own reign, John appointed a notable but usually absentee sheriff for Somerset and Dorset, Hubert de Burgh, his chamberlain and justiciar.

The financial exactions and generally high-handed ways of King John's sheriffs are reflected in the stories of Robin Hood's long feud with the sheriff of Nottingham. Matters probably became worse as the King's political and financial troubles increased, but at the same time an opportunity was provided for bargaining for reforms which does not suggest that the west of England was particularly down-trodden. William de Brewer, sheriff of Somerset 1207-9, was notorious for his exactions, but the men of Somerset were able in

1210, in return for a suitable payment, to induce the King to promise that neither their oppressor nor any of his assistants would be re-appointed, and it is to be hoped that they were better pleased with William Malet, baron of Curry Malet and later one of the signatories of Magna Carta.

The protests against the abuse of the great powers exercised by the sheriffs, which bulk large in Magna Carta, culminated in the fourteenth century in an attempt to have them elected in the County Court. There is an example of this in Somerset in 1338, when Walter de Rodney of Rodney Stoke was so elected, but the procedure was short-lived, except in the City of London, where it has survived till the present day. As an alternative it was proposed that regular annual appointments should always be made. Acts to this effect were passed at intervals from 1354 to 1444 and, though they were sometimes disregarded, annual appointments for Somerset and Dorset were made fairly regularly from the time of Richard II onwards. There was however no ban on the re-appointment of a sheriff after a few years had elapsed, and in the fifteenth century efficient sheriffs often served three or four times. Taking the hundred years 1401-1500, we find in fact that as a result of re-appointments only seventy-five instead of a hundred gentlemen served the office in that century.

Changing the sheriff every year did have the result of reducing his personal authority but it increased the importance of the permanent legal and clerical staff who assisted him in carrying out his duties. Professor Jacob in his recent history of the fifteenth century puts forward the view that the decline of the shrievalty in the later middle ages has been exaggerated. Apart from his main administrative duties in collecting the King's revenue by the methods already described and in receiving and executing writs, it was still the sheriff who summoned the *posse comitatus*, "no negligible duty in time of civil war",⁴ and who was the returning officer for members of parliament and the assembler of juries for a variety of purposes. So much indeed depended on the goodwill of the sheriff that a council ordinance of 1426 re-affirmed an earlier statute that no sheriff must be appointed who was steward or bailiff to a great lord; but this did not prevent magnates from encouraging the appointment of sheriffs who would be favourable to them in times of crisis.

⁴ E. F. Jacob, *The Fifteenth Century*, p. 448.

Increasingly the government of Henry VI and later that of Edward IV took care to find sheriffs well disposed towards their interests, and this, together with the burden of supervising routine work and the general unprofitability of the office, resulted in a number of sheriffs in the middle of the fifteenth century being drawn from the royal household, though they were usually also landowners in the counties where they served. The Household was a large one; esquires of the Body numbered from 150 to 300 at different times, and, while some carried out their duties at Court, others must have spent much time in administrative work.

So the sheriffs of the fifteenth century tended to be young men, whose year of office, either in their own or a neighbouring county, was likely to be a stepping stone to promotion in the political and official world, rather than an honour conferred on those who had already made their mark. Such a career, cut short by his death at, or as a result of, the battle of Castillon in 1454, at the end of the long struggle of the Hundred Years War, was that of sir Edward Hull. Only son of sir John Hull, by Eleanor, d. and h. of sir John Malet of Enmore, he was commonly known as of Enmore, though in fact he did not live to inherit his mother's property. He was sheriff three times, in 1438, 1443 and 1448, knight of the shire for Somerset in 1447, squire, and then knight, of the Body to Henry VI, who sent him on foreign embassies and made him constable of Bordeaux and, in 1453, knight of the Garter. By way of contrast to sir Edward Hull, *k.g.*, I might cite William Carrent of Toomer in Henstridge and Carent's Court near Swanage, who was five times sheriff between 1427 and 1450, and whose fine tomb may still be seen in Henstridge Church. He was also a Lancastrian and one of the executors, appointed in 1443, of John Beaufort, duke of Somerset. But his work was mainly done in Somerset and Dorset and the list of the commissions on which he served suggests that he must have been one of those invaluable people who in all generations are trusted by their neighbours to be a useful member of any committee and are willing to spend their time and energy in carrying on the work of local government. Another sheriff of this period of whose career we know some personal details is Humphrey Stafford of Hooke near Beaminster, one of the Dorset representatives in the joint shrievalty. His was one of those lives caught up in the intrigues of those perilous days, and ending in tragedy. He obtained the melancholy distinction

of being the only sheriff of Somerset whose execution took place in the county under the supervision of one of his successors. The last of four generations of his family to hold the office of sheriff, Humphrey Stafford succeeded to the estates of his grandfather, sir Humphrey Stafford, in 1461 when he was about twenty-one. A Yorkist, he had already represented Somerset in Parliament and had been knighted after the battle of Towton. He was sheriff in 1461 and in the following years was steward of the Duchy of Cornwall, constable of Bridgwater and received numerous other appointments. Apparently in high favour with Edward IV, he was created baron Stafford in 1464 and earl of Devon in May 1469, three years after the execution of Henry Courtenay. In the following July Stafford was sent with Lord Pembroke to deal with a Lancastrian rising in the west midlands. But as a result of a quarrel between the two Yorkist leaders, Stafford and his men left for Somerset and Pembroke was defeated. Orders for Stafford's arrest were sent out and he was executed for high treason at Bridgwater on 17 August, 1469. He was buried, in accordance with the directions in his will, in Glastonbury Abbey. This will (*P.C.C.* 29 Godyn) is an interesting document. It is of considerable length, written in English, at a date when most wills were still in Latin, and contains references to the testator's shrievalty, which incidentally show that Hutchins's list of the sheriffs of Somerset and Dorset is in error in saying that Humphrey Stafford died in office — the Humphrey who died in 1461 was the earl of Devon's first cousin. It is also curious that, at a time when wills were usually made during a man's last illness, this was drawn up by an active, wealthy and successful young man of twenty-four, who apparently carried it about with him, adding codicils from time to time, until his premature death at the age of thirty. Two things in particular seem to have haunted him with a sense of guilt; the burden of unpaid debts and unfinished lawsuits left by his grandfather, and his own misdeeds as sheriff. "Item", he wrote, "first that they which were wrongfully hurt when I was sherve may be recompensed; the persons Jewe and Clavilshey know best for they were my officers", and later he directed his executors to sell his goods if necessary to pay compensation to those he had injured. He had confessed their names, he said, more than he could now remember to the prior of Muchelney and "examyn well Jewe and Clavilshey my officeris, for

part they can tell you.”⁵ It seems unusual for there to have been two under-sheriffs, but they may have been the “two head clerks, the retainer of writs and the receiver of monies”⁶ who organised the sheriff’s administrative work in the fifteenth century. The Jewe or d’Ewe family lived at Wiveliscombe and the Clavilsheys at the house of that name in North Petherton.

The sheriff at the time of the execution of Humphrey earl of Devon, was sir Reginald Stourton, younger son of John, first lord Stourton of Stourton in Wiltshire. The Stourtons were a family who directly, or indirectly through their relations by marriage, must have played a considerable part in local affairs in the fifteenth century. The first lord Stourton had been sheriff of Somerset and Dorset in 1428 and his uncle, John Stourton of Preston Plucknett, in 1431; William Carrent, already mentioned as having been five times sheriff, married his sister, Margaret. Richard Warre of Hestercombe and sir George Darell of Littlecote, sheriffs in 1452 and 1466 respectively, were his sons-in-law. A daughter of William, second lord Stourton, married sir William Berkeley who was sheriff in 1477. Edward Hartgill, sheriff two years later, was probably related to the William Hartgill who in the next century was steward to William, sixth lord Stourton, and who was murdered at Kilmington in 1557 by Charles lord Stourton some time lord lieutenant of Somerset. Additions to this list could be made also from among the sheriffs of Wiltshire.

Two other sheriffs were executed during those turbulent times: Thomas Herbert, a relative of lord Pembroke, sheriff 1461/2, beheaded by the Lancastrians in 1469, and William Collingbourne, a Wiltshire gentleman, sheriff in 1475, executed for writing political rhymes against Richard III in 1484 and said to “have been greatly mourned of the people.”⁷ Others were more fortunate or more discreet. For example, sir Nicholas Latimer, sheriff in 1453 and 1470, who after taking part in every Lancastrian battle or rising that was available and being twice attainted, died in peace at Duntish at the age of about eighty.

Richard III seems to have had little support in Somerset and the first of the two sheriffs he appointed, Edward Redmayne, came from

⁵ *Somerset Record Society*, vol. 16, p. 196.

⁶ Jacob, *op. cit.* p. 451.

⁷ Hutchins, *History of Dorset*, I, p. xli.

far-off Westmorland, though he had qualified as a Dorset landowner by receiving the forfeited lands of the Lancastrian John Chideock. Sir Giles Daubeny of Barrington, who had been sheriff in 1474 and 1480, and Amias Paulet, who was to be sheriff in 1485, both joined in the duke of Buckingham's rebellion in 1483, escaped abroad, and returned with Henry Tudor to have distinguished careers in public service in the new reign.

That Somerset and Dorset were held together did not mean that sheriffs were drawn from the two counties alternately. In the fifteenth century, of the seventy-five sheriffs referred to, about forty came from Somerset, twenty from Dorset, and the remainder from neighbouring counties. A careful search of wills and inquisitions *post mortem* would probably show that many of the latter, or their wives, had some small property in Somerset or Dorset. The Devonshire Carews, for instance, had inherited Somerset lands from the Dinhams, but in some cases the connection is difficult to trace.

In 1566 Somerset and Dorset were separated and given their own sheriffs. This may reflect a general increase in population and prosperity in the west of England; it certainly does not suggest that any difficulties in filling the office were anticipated, since there were now double the number to be found. Re-appointments were seldom made and practically ceased after 1600, the last, apart from the Commonwealth period, being that of George Luttrell of Dunster who was High Sheriff in 1593 and again in 1609. By 1566 court officials had ceased to serve as sheriffs and gentlemen from other counties were seldom appointed. The powers of the shrievalty were still declining as the lords lieutenant and their deputies took control over the local militia, and the magistrates were given increasing powers to supervise the sheriff and his officials. At the same time the duties of the shrievalty remained expensive and sometimes harassing, but it seems doubtful whether the office can have been as unpopular as has sometimes been alleged. Dr. A. L. Rowse in *Raleigh and the Throckmortons* cites (p. 3) sir George Throckmorton as asking to be made sheriff of Worcestershire in 1528, and it would be interesting to know if more examples of such requests could be found. The number and social standing of the sheriffs of Somerset after 1566 does not suggest any widespread desire to avoid office, and the Long Parliament, which hastened to abolish such unpopular institutions as the Court of Star Chamber, made no attempt to put an end to the

shrievalty, and indeed under the Commonwealth full use was made of sheriffs in carrying on local administration.

In dealing with the shrievalty of the early seventeenth century I must acknowledge my indebtedness to Dr. Thomas G. Barnes's *Somerset 1625-1640*, a mine of information on the local government of this period in general and on Somerset personalities in particular. By this time the sheriff's duties had been codified and to some extent simplified, though they were still set out under eleven heads in legal text books, such as Michael Dalton's *Officium Vicecomitum* (1623) and John Wilkinson's *Treatise concerning Coroners and Sheriffs* (1628).

The eleven ministerial duties described by Dalton are conveniently summarised by Dr. Barnes under five headings, of which the two most important were still the serving of writs and the collecting of the royal revenue. The original writ to commence a civil action before one of the central courts in London was sent to the sheriff whose officers then served it; when a jury was required the sheriff impanelled one at Westminster or at assizes on the day appointed,⁸ and when the case was decided, it fell to the sheriff to execute the judgment. All this demanded considerable work and a knowledge of the law from the sheriff and his officers, and Dalton devotes ninety pages to explaining the subject. The collection and payment to the exchequer of the crown revenue, still proceeding on the lines established in the twelfth century, was the next of the sheriff's duties and it was this that involved the sheriffs of the 1630's in the ship-money troubles. Thirdly there was the administration of the local judicial system, and from this there survive the duties of the sheriff of to-day in attending at assizes and arranging for the entertainment of judges. In the seventeenth century it also included the management of the county gaol and the punishment of felons. The gaoler of the county prison at Ilchester was appointed by the sheriff, and prisoners were handed over from one sheriff to another, one unfortunate debtor being on record as having been handed over no fewer than fourteen times. Control of the militia and the keeping of the King's peace had now largely passed out of the sheriff's hands into those of the deputy-lieutenants and their 'trained bands', but the act of Henry IV's reign, enabling the justices and sheriffs to call out the "*posse comitatus*" against rioters had not been repealed and was

⁸ Barnes, p. 125.

taken advantage of by the sheriff of Somerset at the beginning of the Civil War. The sheriff's hundred court or "tourn" was by now almost "growne out of use"⁹ having been largely superseded by Quarter Sessions, though there is evidence of its having been held at Carhampton as late as 1723. But the County Court, which was held monthly at Ilchester was "still a vital institution".⁹ This was not so much on account of its legal jurisdiction, since actions for damages and debt were limited to £2, but because, as an assembly of freeholders, it was convenient for the reading of public proclamations and above all because it was here that the freeholders assembled to elect the knights of the shire to represent them in Parliament. This in effect made the sheriff the returning officer in county elections, a position which he still holds, and which with the rough electioneering methods of the past might give him considerable influence over the results.

Much of the sheriff's routine work was now done, and indeed from early times had probably been done, by the under-sheriff. Under- or deputy-sheriffs are sometimes recorded in the early middle ages and were obviously necessary for the baronial sheriffs who might have to cover several counties; moreover, specialists were soon needed to cope with the exchequer accounts. By the seventeenth century the position of the under-sheriff approximated to that of the legal under-sheriffs of to-day, though they were less likely to be re-appointed. Possibly the growing importance of the under-sheriff led to the sheriff proper being distinguished, as he was by the end of the sixteenth century, as the High Sheriff. Dalton had written of under-sheriffs as being "persons of small worth and account",¹⁰ but research into Somerset records has shewn them to be of higher standing than this would imply, and they were for the most part honest and capable lawyers, well able to assist those sheriffs, who like John Buckland in 1648, confessed to "beeinge a stranger to this kinde of employment."¹¹

It was the duty of the high sheriff to appoint his under-sheriff by a formal agreement and many of these documents have survived among the muniments of county families. George Luttrell of

⁹ Barnes, p. 128.

¹⁰ Barnes, p. 137.

¹¹ Letter in Hippisley Mss. (Somerset Record Office).

Dunster, for example, in 1609 appointed William Prowse of Bishop's Lydeard; and Thomas Luttrell in 1632 had the clerk of the peace, Christopher Browne, as under-sheriff.

The sheriff's bailiffs who actually carried out the work of serving writs and arresting felons appear to have been guilty of a variety of malpractices. One of them, William Marshall, after a stormy career was shot dead in 1636 by an indignant householder, who, pleading at his trial for murder that the bailiff was making an illegal entry, was let off with a fine. But, though such incidents might occur to disturb the sheriff's routine, it usually followed a well-organised course until in the 1630's the responsibility for the collection of ship-money was added to it. Ship-money, a special tax to raise funds for the navy, was not a new expedient, and the first sheriff to deal with it, Henry Hodges of Haselbury Plucknett, in 1634, succeeded in collecting the sum required without much difficulty. It was only when a second writ was issued and it dawned on the taxpayer that this was not a once-for-all levy but an annual imposition that protests began. The total amount demanded from the county had also been increased from just over £2,000 to £8,000 and arrears began to mount up. The first problem which confronted the sheriff was the assessment on which the tax was to be based. The Privy Council had given the sheriff considerable discretion in fixing assessments; quinquennial assessments had not been thought of, and there had been no general assessment for over sixty years. It was not unnatural that the Council should suggest that changes would have to be made, but equally natural that protests should follow. The assessments being on a quota basis, if one hundred paid less, another must pay more. During the six years when ship-money was being levied, more petitions against it seem to have reached the Council from Somerset than from any other county. The sheriffs were charged with ignoring the "ancient rate", with giving preferential rates to the hundreds where they or their friends had property, and even with making higher assessments for those hundreds where there were no powerful landowners to lead the opposition. They were caught between the rising tide of complaints from hundred, town and parish and forceful letters from the King's Council in London, demanding why the much needed revenue was not forthcoming. Fortnightly reports were even demanded and, if answers were not received, the sheriff might be summoned to London or

threatened with having a serjeant-at-arms sent to escort him round the county. Moreover, the arrears of ship-money could not be handed on, like the prisoners at Ilchester, to the next sheriff; they remained a personal responsibility. In 1640, four ex-sheriffs, sir John Malet of Enmore, William Bassett of Claverton, sir William Portman of Orchard Portman and William Every of Cothay were still desperately trying to collect the ship-money for their respective years. The leader of the opposition was sir Robert Phelips of Montacute, whose position in local politics and administration is fully discussed by Dr. Barnes and whose papers are now in the Somerset Record Office. Phelips was undoubtedly a reluctant sheriff, for he must have known that his appointment in the autumn of 1625 was a deliberate attempt to interrupt his parliamentary career and silence his opposition to the government's policy, which eight months imprisonment in the Tower in 1621 had failed to do. That a sheriff could not be elected as an M.P. or serve as a magistrate (though he could be a deputy-lieutenant) was one of the causes of the unpopularity of the office with the more politically minded gentry. A Wiltshire sheriff in 1628 who defiantly became M.P. for Bath was fined 2,000 marks and imprisoned by the Star Chamber. The opposition to ship-money led by Phelips in the Montacute neighbourhood, by sir Francis Doddington, sir John Horner and William Strode of Barrington, became more pronounced after Strode had not only refused to pay ship-money but had brought a successful action for the wrongful detention of the cow which the constable at Barrington had distrained and sold to pay the tax. Strode was leniently treated and by 1639, when sir Thomas Wroth was sheriff, his example was so widely followed that only four per cent of the tax assessed could be collected. With the same trouble being experienced in varying degrees in other parts of England, the opposition could be said to have won.

The Council seems to have thought in 1639 that there had been some "ill-chosen" sheriffs in recent years;¹² but they had been given an almost impossible task and, in fact, remained loyal to the King during the Civil War, sir William Portman dying a prisoner in the Tower in 1645. The sheriffs of 1639-41, however, proved to be parliamentarians. In 1641 the King did succeed in some counties in appointing active young men who could be relied on to support him, but in Somerset, Martin Sanford's sympathies lay with the opposi-

¹² Barnes, p. 135.

tion. He was elderly and in poor health, but when Doddington called for volunteers for the King by proclaiming the royal commission of array in 1642, Mr. Sanford authorised his son Henry to call out the *posse comitatus* which had not been heard of for generations — if not centuries.¹³ How the news of this was spread is not quite clear, but according to a contemporary account some 2,000 men mounted but unarmed assembled at Shepton Malet, and being put under Sanford's command challenged the small royalist force under lord Hertford. Although the royalists had the best of the first skirmish, lord Hertford had later to retreat to Dorset and the sheriff's *posse* may well have provided the nucleus for the parliamentary army in Somerset.

During the war both parties appointed sheriffs, but in the west of England the royalists were too strong for Parliament to attempt any nominations. Edmund Wyndham of Kentsford, of a notable royalist family, acted for the King and in the summer of 1643 is described as high sheriff of Somerset and governor of Bridgwater. He seems to have been succeeded by Thomas Bridges of Keynsham who is described after the war as having raised a loan for the King while sheriff of Somerset.¹⁴ In 1644 Parliament was strong enough to appoint a sheriff and chose sir John Horner of Mells, who had been sheriff thirty years before in 1614, and had taken a leading part in raising forces for Parliament in 1642, when he gained the admiration of younger men for sleeping out of doors among the furze bushes on the Polden Hills¹⁵. His conduct as sheriff at the 1614 county election however had not won general approval and, when in 1645 he had to supervise the election of new members to take the place of the royalists who had been expelled from the House, he was charged with having moved the County Court from its accustomed meeting place at Ilchester to Queen Camel in order to secure the election of his son George and John Harrington. The defeated candidates, Henry Henley of Leigh and William Strode, secured a fresh election but the result was the same. Horner remained sheriff for two years and a half and then from 1647 for the next ten years regular annual appointments of sheriffs were resumed.

¹³ *Somerset Record Society*, vol. 18, p. 6.

¹⁴ *Cal. of Proc. of Comm. for Compounding*, III, 1238.

¹⁵ *Somerset Record Society*, vol. 18, p. 10.

The deposit of the Hippisley muniments in the Somerset Record Office has led to the discovery of many interesting papers relating to the shrievalty of John Preston of Cricket St. Thomas. His daughter, Margaret, married John Hippisley, the sheriff of 1640, who became a parliamentarian and a Presbyterian elder at Bath. The muniments include a letter from the under-sheriff, Robert Dashwood, concerning the preparations for the March assizes of 1648 and the purchase of the sheriff's banners; the list of provisions, including some supplied by the sheriff's friends, as was then the custom, suggests that the judges were very well fed, and indeed supplied with more beer than was necessary, since some of it was left behind at Chard to be sold. John Buckland of West Harptree, the next sheriff, accepted office without enthusiasm; in his letter (already quoted) to Preston he expresses his anxiety at taking office in "a slippery age", "a time full of danger and hazard." It was a time, too, of divided family loyalties, for he had married Elizabeth, daughter of sir Robert Phelips, and her brothers had fought for the King and had their property sequestrated. Both Buckland and Preston later represented Somerset in the Commonwealth Parliament of 1654.

No sheriffs have been recorded for 1657/8, and it is possible that William Hilliard of Sea in Ilminster who was appointed in 1656 remained sheriff until 1659 when William Lacy of Hartrow in Stogumber took office. A lengthy sermon preached at the March assizes, 1657, by the Puritan vicar of Ilminster, the Rev. James Strong, is still extant. During William Lacy's shrievalty, the restoration of Charles II took place and the first sheriff of the new reign was the former cavalier officer William Helyar of Coker Court.

To continue the history of the shrievalty from 1660 down to the present day would be to extend this address to an excessive length, and I am well aware that even in covering the period up to 1660, I have dealt all too briefly with a subject that has so many ramifications. I hope that my errors and omissions may eventually be covered by others who are able to study both the administrative work of the shrievalty and the personal careers of the sheriffs in greater detail.