

# **THE CONSTABLE'S BOOK, WESTON ON THE GREEN**

(Village history from 1797 to 1843)

(Brian Wilson, July 2015)

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## **Introduction**

This picture of Weston on the Green, a north Oxfordshire village, in the first half of the 19<sup>th</sup> century is based primarily upon a "*Constables Book for the Parish of Weston 1796*", a very detailed handwritten record of public expenditure kept by a series of parish constables and tythingmen that provides a vivid record of their varied responsibilities for village administration between 1797 and 1843. This record ceased when Oxfordshire established a county wide police administration following the County Police Act of 1839.

This book contains names of many villagers and has enabled cross-reference to be made to Assize and Magistrates Courts, Oxford Militia, probated Wills and other archival documents kept by the OCC. Oxfordshire Historical Centre, to the Oxford Diocesan Registers of baptisms, marriages and burials in Weston on the Green, kindly loaned by Mrs Julia White when Churchwarden, and to property conveyances kindly loaned by several of my fellow villagers. The entries fill over 100 pages although six pages for the period from August 1804 to September 1807 are missing. The final pages refer to entries of "*Pork sales*" and other "*Booked goods*" made in 1870 by James Boddington, a grocer. All these pages have proved a valuable source of local

village history for a period when individual data were not available until the 1841 census and then with only rudimentary personal detail.

The book, bound in parchment, came into the possession of John Miller and Ruth Pangu, née Miller, via their father, Cliff Miller, after their grandfather, the late Ted Miller, had discovered it after the 1939-1945 War under the stairs in a former village shop which he renovated opposite the village stocks. The shopkeeper at the 1871 Population Census was James Boddington, aged 54, who, with his wife Mary (42) and Sarah Ann (12) his scholar daughter, was then living “*in the village*” in what is now “*Hazel Cottage*”<sup>1</sup>. One can only surmise how this book, a public document recording public expenditure in the village, came to be used as Boddington’s credit ledger<sup>2</sup>.

Very few records exist of the work of English village constables, and there are only two such records in Oxfordshire<sup>3</sup>. I am grateful to my neighbour, the late Cliff Miller and his family for allowing me access in order to transcribe the whole of the entries onto my computer.

### **The Constable**

*"Mr Thos Hanwell constable for the year 1803"*

The post of *comes stabuli* existed from the 5th century in the Roman and Byzantine Empires as head or lord of the stables, including the royal stud, belonging to the Merovingian and Carolingian Kings of Western Europe. A *marescallus* (marshall) was his subordinate. Later in France the *connétable*, as commander of the cavalry and later supreme commander of the army, became one of the five great officers of state. The Normans brought the titles to England where the Court of the Constable and Marshall, known as the *cour de chevalerie* (Court of Chivalry) functioned as early as the reign of Edward I (1272-1307) 4.

The title of "constable" was first found in England by the Webbs in a legal writ in 1252 by which each township was required to appoint such an officer to deal with a view of arms. Preservation of the peace and the execution of “hue and cry”: the title appears in the Vision of Piers Plowman in 1362. The Statute of Westminster (1285) described its object as ‘*to abate the power of felons*’. It preserved and codified well-tryed features from earlier systems, and in particular it reaffirmed the principle of local responsibility for policing an area. Two high constables were appointed in every hundred with responsibility for suppressing riots and violent crimes and with enabling powers to arm the militia. Under them were the *petit* (petty) constables in every tything. Under feudalism the unit of responsibility, formerly the tything, became the village manor.

The manorial court not only took over the supervision of frankpledge; it also elected annually the officers who were to serve their turn in assisting the lord of the manor to regulate the affairs of the community. The court came to exercise three functions: it ensured that frankpledges worked properly, it awarded punishment and it appointed the principal officers of the manor, among whom the constable was pre-eminent. He was recognised as having a particular responsibility - that of keeping the King’s peace by hue and cry and other means - that gave his authority a royal flavour which marked him out from the others. The constables, (both the high and the petty, or parish, constable) remained the executive legal officers in English counties until the County Police Act of 1839 allowed certain justices to establish paid police forces.

*The Justices of the Peace Act 1361 (1Hen.VII, c.7)* created justices to preside over the courts; it empowered justices to issue warrants requiring constable to arrest and bring before them persons suspected of night hunting. It marked the transition from pure Frankpledge to a fundamental policing

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<sup>1</sup> Further renovation as an architect’s office and home was done by Norman and Liz.Machin,

<sup>2</sup> In 1918 Auction when the Bertie family put the whole village up for sale by public auction, the property, Lot 38, was described as " a very valuable House, shop, P.O. premises with a good garden. It was then kept by Robert Porter and after conversion into a private dwelling is now Hazel Cottage, the house and office of the architect, Norman Machin. See Appendix A for the list of the grocer’s clients and their groceries.

<sup>3</sup> The other is for Wiggington, near Banbury.

<sup>4</sup> Officers in charge of Dover, Windsor and other important English castles and the Tower of London still carry the title of Constable and the Royal Air Force has a senior rank of Air Vice-Marshal. Lord High Constables are now only appointed for coronations.

system by establishing the working partnership (at least in principle) of constable and justice. The constable was given additional duties:- highways (2&3 Phil.& Mary, c.8), vagrants (14 Eliz.,c.13), levies of hue and cry (27 Eliz., c. 13) and with church wardens the assessment of poor rates (43 Eliz., c.2). The constable, from being an officer of the tything and manor, became the executive arm of the justice and an agent of the parish, still unpaid in common with all other parish officer. In the absence of a manorial court leet, it fell to the parish vestry, as representative of the community, to appoint the constable who would be sworn in before the justices. His staff or baton was his symbol of authority. He wore no distinctive uniform of any kind. Whilst this could only be loosely described as a system, it lasted for about 500 years

The wealthier elements of society of the 16th century were sometimes reluctant to serve their turn in undertaking the onerous duties of an unpaid office, and had deputies to act in their place. The swearing-in of Constables by Crown-appointed Justices of the Peace was significant; it was considered to be the final subordination of local to central government in rural areas, converting a local administrative officer into an officer of the Crown. As more laws were passed to protect the person and individual property, the office of Constable became more established and with it went increased powers and responsibilities. The office was filled in rotation among all qualified parishioners, but was not always popular. In 1714, Daniel Defoe said it was an office of *“insupportable hardship; it takes up so much of a man’s time that his own affairs are frequently totally neglected, too often to his ruin”*. Nevertheless, refusal to accept office was punishable by a fine. In time the more ancient office gradually merged into to the later one and the tythingman became the Constable's assistant. As both posts were unpaid, they carried unwelcome responsibilities, often carried out towards the end of their existence by villagers of limited means<sup>5</sup> and minimum literacy and numeracy.

### **The Tythingman**

*"Henry Saunders Constable and Thos. Pulley Tythingman<sup>6</sup> for the Year 1817"*

The office of constable, probably the oldest of parochial positions, combined two distinct offices - that of the ancient tythingman and a more modern one deriving from 14th century legislation. When the Saxons conquered Britain after the Romans left, they completely changed the *"Pax Romana"* system of law and order that had existed for 400 years. The Saxons shunned town life preferring to live in small farming villages and introduced a form of governance through self-regulation that was based upon a basic community unit, the tything, a group of about 10 families each member of which had a personal responsibility for maintaining the law. If they came across a law being broken there was an obligation to make *‘hue and cry’*, and they, along with all other members of the community would chase and capture the felon. Each tything was headed by a tythingman, who received fees not a salary, and it was he who brought any of the men within his tything for punishment before a 'folk moot', a meeting called in the open-air and attended by the oldest male member of each family. These men listened to the evidence and decided collectively whether or not the accused was guilty. The system relied on the principle that all members of a small community or township knew each other and accepted an obligation for the good behaviour of one another. Groups of tythings were formed into a hundred, the head man of which was known as a hundred man or royal reeve, who exercised administrative and judicial powers through a court in each hundred (Weston on the Green falling into the Ploughley Hundred). Overall came the shire where the *"shire reeve"*, or sheriff, had a general responsibility under the king for maintaining the peace in the shire.

When Christian missionaries came to England in an attempt to convert the Saxons they brought the art of handwriting. About 700 AD, Ine, King of Wessex and a supporter of the Christian Church, wrote down the best of the old customs in what he called *"The Dooms of Ine"*, which were later rewritten as a law code by Alfred, King of the Angles and Saxons, nearly a century later. These simple

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<sup>5</sup> A rather modest qualification for the post of constable (occupation of lands or tenements assessed for the poor rate or the county rate at £4 or more) was later introduced by the 1842 Parish Constables Act.

<sup>6</sup> The tythingman had no connection with the tythe, a system introduced in the sixth century throughout Western Europe to support the clergy, by which laymen paid one tenth of their annual produce.

arrangements were taken over by the Normans, modified and systemised under the description 'frankpledge' – under which every male villein between the ages of 12 and sixty had to belong to a tything and swear "I will be a lawful man and bear loyalty to our lord the king and his heirs, and to my lord and his heirs and I will be justiciable to my chief tythingman, so help me God and the saints"<sup>7</sup>.

### **The Constables and Tythingmen of Weston on the Green**

The first constable named in the book was Thomas Hanwell (1754-1833) aged 49 who was sworn in in March, 1803, when the accounts for the previous year were signed off by his predecessor, Thomas Rolls/Rowles a large farmer who rented 101 acres from the Bertie estate in Weston and 235 acres from Lord Annesley's neighbouring estate at Bletchingdon. Hanwell was a small farmer occupying just over 45 acres (Cornhill "Quornhill/ Furze Ground, a cow house, barn and stable yard, tenements and gardens occupied by Hanwell or his undertenants")<sup>8</sup>. When he married Jane Goodson in 1787 he was recorded in the parish register as coming from the nearby parish of Kidlington, where his father Thomas was described as a "Gent" in his Will<sup>9</sup>. Under the probated Will of her father Richard Goodson, "cordwainer"<sup>10</sup> Jane had inherited in 1786 a "messenger cottage or tenement" in the village. Thomas was a witness to the 1797 Will of Michael Ward, publican, who had a "whole Lifehold messenger tenement with all the premises and appurtenances thereto belonging.. WoG and known by the name of the Sign of Ben Johnsons Head"<sup>11</sup>

David Howse (1775-1851) followed him only five years later in April 1808 and became constable at the age of 33 for the nine years from 1808 until April 1816. David House was a considerable farmer of 162a.0r.13<sup>12</sup>p. at the 1848 Tithe, just before his death in 1851; when the farm was taken over by his brother Henry House (recorded in the 1851 Census as employing seven men and three boys).

Thomas Pulley, Tythingman from August 1815, was a small yeoman farmer whose memorial stone plaque was inserted into the north wall of the church tower when he died in 1820; he also might have been a church warden.

In his Will<sup>13</sup> he left to his wife Ann "all & everything my ready money securities for money household furniture farming stock cattle and implements in husbandry .....provided she continues my widow..." Otherwise the executors should ".....within one month cause ..an inventory of all ..... to be taken by two indifferent (sic) persons (one chosen by my wife and one by my trustees .... if they do not agree valuation by a 3rd person ..... to sell and convert into money all the said trust etc plus moneys from my wife in the event of her second marriage, to divide into 16 equal parts". Pulley was ensuring that his property would pass to his young children, five daughters and two sons, and not into the hands of an eventual second husband<sup>14</sup> ". The seven young children were to inherit when they reached the age of 21, one daughter would receive 1/16<sup>th</sup>, one son 3/16<sup>ths</sup> and the remaining five children would each receive 1/8<sup>th</sup>. The executors were Edward Carr of Berkshire and William Allen a yeoman from Clifton near Banbury. The witnesses were both from Weston, Deborah King, a "spinster" and James King, the son of a yeoman described as a "gentleman", who died in 1825 with a wish (not granted) for a stone tablet to be set in a wall of

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<sup>7</sup> Professor Helen Cam, *The Hundred and the Hundred Rolls*, 1930, p. 186

<sup>8</sup> R.Aldred, Greens Cottage, North Lane, house deeds, Lot 47, Weston Manor Auction Sale 1918

<sup>9</sup> W.220.26; 263/1/19 )Or Bd.WARR.110.71;168/2/25;302/5/68

<sup>10</sup> W. XXXXX; cordwainer, a term sometimes used for glovemaker and other worker in fine leather.

<sup>11</sup> W.101.261; 241/1/9

<sup>12</sup> 1848 Tithe document

<sup>13</sup> W. 222.106; 271/ 2/ 2

<sup>14</sup> The Married Women's Property Rights Act of 1882, after years of lobbying, established husband and wife as separate legal entities, giving a wife the right to own, buy and sell her private property, to sue and be sued, to hold stock and to be liable for her own debts.

the church and for most of his estate ("less than £600") to pass to his daughter Deborah, who was to be given "*all plate, linen, pictures, china, books & household furniture*" whilst he gave to his son "*£5 if I should happen to die before him and he is not in my debt, which at this time he considerably is, as reference being had to my papers will fully appear*"<sup>15</sup>

Henry Saunders, the son of William Saunders, who rented 42 acres in 1808, was a Church warden named in a Terrier of the village sent to the Bishop of Oxford in 1814. He took over as Constable in April 1817 for two years during which time he was assisted by Thomas Pulley, Tythingman.

William Goodson (1793-1864) became Constable at the age of 26 in April 1819, the year he married Elizabeth Commander and continued until 1843. He was registered as a cordwainer or shoemaker at the 1841 census and occupied a "*tenement, shop and garden*" (28 p.).

John Dumbleton (1778-1864) was sworn in as Tythingman in April 1828. He was the younger son of John Dumbleton, another Weston yeoman, who had bequeathed him "*All that messuage, tenement, yard etc in Weston on the Green and now in my own occupation.. And all my household goods, furniture and implements*".<sup>16</sup> He ran a small carter's business for the carriage locally of passengers and light goods. Jonathan, his eldest son, died in 1836 (Coroner's warrant Charlton on Otmoor); William another son became a woodkeeper on the Manor estate, and his grandson became an agricultural labourer when 10 years old.

Special Constables were sworn in November 1830 after the continuing violent protests of the seven villages of Otmoor against the enclosure of their large Otmoor Common. There had been "Captain Swing" riots all over England in protest against low wages, the employment of "strangers", enclosures and the use of newly invented threshing machines. No list is available of the men so sworn in.

George Kirtland (1812-1890), like his father Samuel a blacksmith and wheelwright, was sworn in as Tythingman in April 1840, aged 28, the same year that he married Elenor Williams. Occupying a "*tenement, shop and garden*" (1r.30p.), he employed a workman in 1871, when he was registered as a "master smith".

Richard Hinks (1809- ?) was the sixth child of Joseph Hinks, the carpenter who had "put down" a bridge on the Church road. Richard was aged 33 and, occupying "two tenements, yards and gardens" (1 r.20p.) when he and William Goodson were both sworn in as Constables in November 1842. In 1831 he had married Sophia Simon, from the next village of Kirtlington, who was a governess at the 1851 census, and they had eight children, two of whom died in infancy.

John Hicks (1820-1871), a gamekeeper, was 23 when he was sworn in 1843 as the last parish constable before the position was abolished when Oxfordshire established a paid police force under *The County Police Act 1839*. He married Laura House in 1846 and at the 1848 Tithe had a "*tenement, close and garden*" on a 3/4 acre plot. On his death, Laura with two sons and daughter, became the innkeeper of the *Ben Johnson*.

The men who filled these posts at the beginning of the 19<sup>th</sup> century were tenant farmers of some substance; they were succeeded by smaller yeomen and then by rural craftsmen or men entrusted by the Bertie family, the local Lord of the manor, with responsibility for management of their estate<sup>17</sup>. Davis Howse, the farmer who served for 8 years from 1808 was the only village constable of sufficient substance to be buried with an identifiable gravestone. The position of constable was an unwelcome responsibility for the later, less prosperous, holders of the post. On 7 November 1842 the Book recorded the usual procedure of "*serving sommon on Ri hincks To be sworn in Constable.... Is.*"; however he, luckily, had to serve only one year.

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<sup>15</sup> W.102.421; 235/3/15

<sup>16</sup> Will proved in 1813. (W.221.80; 258/1/18)

<sup>17</sup> The estate was estimated in 1783 at 2,371 acres of arable in sizable farms, several woodlands, a corn mill, a quarry, 80 or so cottages and two public houses on a turnpike road from Oxford to Northampton

## The Constable's work

"27 March 1797 signing a return.....	6d.
<i>Drawing the Militia</i> .....	2s.
<i>Paid five years Marshall Money</i> .....	£1:12s.6d.
7 May 1797 <i>Gave two Sailors</i> .....	6d.
21 September 1797 <i>Gave a Woman and two Children with a pass</i> .....	6d.
22 September 1797 <i>Signing a List of the Jury</i> .....	6d.
4 May 1798 : <i>Writing a List of the Parish</i> .....	1s.
4 May 1798 : <i>Attending a Justis' meeting</i> .....	2s.
25 February 1808 <i>To going to Launton with Brain</i> .....	2s:6d.
2 June 1808 <i>Journey to Oxford to lett James red now he is Drawn for the Locol Militia</i>	1s.6d.
29 January 1811 <i>to Searching the parish for Vagrants and Expenses to Do</i> .....	2s.7d.
3 October 1815 <i>pd for a Warrant for Jane Goodsons Man</i> .....	3s.
24 October 1824 <i>Expenses at Littlemore<sup>18</sup> to take Wm Gardner</i> .....	3s.6d.
28 May 1821 <i>An Account of the Population of this Parish</i> .....	3s.6d.
28 March 1825 <i>Mr Howse Bill for Bridges on the Bicester and Wendlebury Roads</i> ....	13s:5d.
15 February 1827 <i>John Dumbleton Horse Cart To Aylesbury Respecting Apprehending Thos monk of the parish of putnam on Charge of Bastardy</i> .....	10s.6d.
20 August 1839 <i>wrighting and Delivering notices for publick howse Licesing Day</i> .....	2s.
1 September 1839 <i>Constables Time in Keeping the pease the feast wick</i> .....	2s.6d.

The above sample of 18 entries, taken from a total of over 2,250, illustrates the wide range of duties that had to be performed by the constable. For this work he could charge fees in lieu of a regular stipend and have his expenses reimbursed when he had to travel outside the village in order ,for instance, to Bicester to hand in the Militia returns or to Islip to attend meetings, or when hiring transport to carry a prisoner to gaol or paying the turnpike etc. In 1699, the sums dispensed i relieving the vagrant poor were made a charge on the county, not the parish. In 1778, an Act (18 Geo. III, c.19), provided for the constables's other expenses to be reimbursed out of the parish poor rates. More detailed descriptions of those duties are given below where they may help to explain why the post became unpopular and why a warrant had to be served to force a villager who could read and write to take on the job.

## Population

Throughout its recorded history Weston appears to have been a fair-sized village. Since the Norreys and Berties, lords of the manor, owned very nearly the whole parish, the decision to inclose must have depended on them. There is no known enclosure act, but both open fields and commons appear to have been enclosed about the middle of the 18th century, certainly before 1773. In 1774 the Bertie estate was charged with the payment of annuities to three people '*in lieu of lifehold estates of land in the Common Field granted on inclosing the commons and wastes of Weston*'. In 1783 the two surviving annuitants were both about 60 years of age. There were 37 taxable houses listed for the hearth tax of 1665: besides the big manor-house, the village had 13 substantial farm-houses with 4 or 3 hearths apiece. For the greater part of the 18th century there were 50 or so houses, including 8 farm-houses. By 1811 there were 82 dwellings in the village, most of their occupants being landless agricultural labourers living in tied houses owned by the manor and 25 more houses were built by 1851<sup>19</sup>.

Decennial censuses in England and Wales were first introduced in 1801; The first four censuses (1801–1831) were mainly statistical, headcounts, with virtually no personal information.

<sup>18</sup>Littlemore Mental Institution

<sup>19</sup> The population fell in the second half of the 19th century and there were only 67 inhabited houses in 1901

The first census in Weston is recorded in 1821 when the Constable recorded expenditure for his work of taking, returning and delivering the population census<sup>20</sup>:-

*"An Account of the Population of this Parish taken on the 28 Day of May*

<i>Males 237 females 225</i>		<u><i>Total of Persons 462</i></u>
<i>Baptisms in the Last ten years</i>	<i>Mails 70 females 75</i>	<i>total 145</i>
<i>Burials in the Last ten years</i>	<i>Meals 39 femals 26</i>	<i>total 65</i>
<i>Marriages Last ten years .....</i>		<i>16</i>
<i>To take the population.....</i>		<i>3s:6d"</i>
<i>To Make a Return for Do..</i>		<i>1s.:6d</i>
<i>Delivering Return to Bicester ....</i>		<i>1s.6d .</i>

The Constable's figures of baptisms and burials in the last 10 years can be taken as an indication, a very crude indication, of more than 20% increase in the population over the previous ten years.

The following decennial series of censuses showed a population increase, albeit at a much lower rate, that continued until 1851.

Date	Males	Females	Total	Houses
1811* <sup>21</sup>	206	176	382	82
1821	237	225	462	90
1831	243	246	494	102
1841	252	252	504	100
1851	280	231	511	106
1871	221	192	413	
1891	165	160	325	

Such figures, with supplementary data from parish registers are, however, only an indication, since there may have been deliberate under-registration of baptisms and marriages by members of the other denominations with burials taking place in their own burial grounds. John Wesley's preaching in Brackley in 1743 had started a strong Methodist movement that led to the Congregational Church in Chapel Street, Bicester (restored in 1800 for £300) and to the Methodist Church in Sheep Street<sup>22</sup>, The movement was strong in the villages like Weston where a Wesleyan Methodist Chapel was erected in North Lane in 1839 with 32 "free sittings" and 50 other "sittings" and where Robert East, the Chapel Manager recorded in 1851 a General Congregation numbering 80 in the afternoon and 82 in the evening<sup>23</sup>.

### **Occupations.**

In 1841 when there were 100 households, 80 families were engaged in agriculture, 9 being farmers. There were also 5 carpenters, 3 blacksmiths, 3 tailors, a miller/baker and 2 other bakers, 2 stonemasons, 2 publicans (at *The Chequers* and the *Ben Johnson* ), 2 shoemakers, 1 dealer (called Wheeler), a grocer, and a clergyman, with three persons of independent means. Some 84 persons, were agricultural labourers the youngest two being 14 and 15 years old. Another 22 were servants (17 females, including a housekeeper, 5 males). Eight live-in servants worked for seven of the farmers, whilst Rev Mathews and his wife, with 5 sons and 3 daughters had 4 servants living in the Rectory. The miller, the baker and the dealer each employed a live-in servant. There was one tollgate collector, John Kinch, who lived alone in the Turnpike house opposite the Manor House.

<sup>20</sup> The 1841 Census was the first to record names of all individuals in a household or institution.

<sup>21</sup> The 1811\* figures are only estimated, using 1821 census figures plus deaths, less baptisms during the previous decade and assuming no net migration into or out of the village).

<sup>22</sup> The first meeting were under licence at a farmhouse in Sheepstreet (1815) then at a new Chapel in North Street (1841, now the Masonic Hall), together with the Wesleyly Hall Sunday School (1863 now "Home Comforts", a furniture and carpet store), all are near Wesley Lane,

<sup>23</sup> Religious Census for Oxfordshire, 1851, "*Church and Chapel in Oxfordshire 1851*", Oxford Record Society

Sometime in the 1840s Edward Tuffrey,<sup>48</sup> was appointed as farm bailiff (controlling directly 700 acres and employing 16 men and 9 boys as well as a dairywoman) by the Hon. Rev. Frederick Bertie (1793 –1868) who appears to have taken more direct control of his Weston estate whilst resident at Albury where he held the living with three other livings. A brother of the Earl of Abingdon and also a magistrate, he appointed John Hicks as gamekeeper, Silas Gregory, 16, as wagonner, William Dumbleton, 42, as woodkeeper. At Albury, with his “pluralist” stipends, he was responsible for replacing the old church with a modern building and rebuilding the rectory in Gothic style, a style he also used when he restored the manor house at Weston before entering into occupation in the 1850s.

In 1851, there were 5 farmers living in the village. Two brothers, William and Thomas Rowles, together farmed 560 acres with 22 men and 8 boys; Charles Harris farmed 461 acres with 16 men and 6 boys, Henry Howse had 160 acres, 7 men and 3 boys and Susannah Wheeler who took over from her brother Benjamin farmed 203 acres and employed 6 men and 3 boys. Some 83 other families of the 106 households had at least one member engaged in agriculture, with a total of 148 agricultural labourers, including 32 aged 15 or under, and 7 of these farm boys were aged only 10. Many of the agricultural labourers were employed outside the parish working on nearby isolated farms (such as Stonehouse and Staplehurst farms in Bletchington and Oddington Grange Farm). Lack of cottages in neighbouring parishes appears to have been the main reason. In 1820 the parish of Chesterton was *'much in distress for want of cottages'*, and the vicar feared the arrival of new labourers, *'who are already become frightfully numerous and expensive'*. Thirty poor families were given bedding, and coal was distributed free to the poor, but such was their poverty that they pulled down the hedges to get wood with which to light it<sup>24</sup>. One serious consequence was the liability of Weston parish to relieve unemployed, sick, poor, and aged labourers in the village but whose work had been outside.

By 1851 household servants had become more numerous and defined: cook, butler, groom, footman, errand boy, nurse, charwoman and governess. New census categories had appeared: rail labourer, lace maker, teacher and ----- pauper. Six rail labourers were employed on the Oxford — Bletchley railway that was just over 1 mile away where it passed through the adjoining parish of Oddington and had been officially opened in 1850 bringing extra economic activity to Bicester. Lacemaking in Weston, however, in which some 30 females aged from 12 to 56 were recorded in 1851, was a sign of economic decline. The account books of Bedfordshire workhouses mentioned, a *“lace room”* in 1774 and reveal that it was usual to employ the poor in pillow lacemaking<sup>25</sup>. Lacemaking in Bicester *“is said to have declined somewhat in the early part of the century and to have been replaced by the new business of straw-plaiting, a subsidiary to the manufacture of straw hats. This represented a social improvement, for lacemaking was regarded by enlightened persons as detrimental to the health of women and children”*<sup>26</sup>. The new *“pauper”* category included 19 *“agricultural labourer paupers”* (whose ages ranged upwards from 30), as well as two wood keepers, one carpenter, a shoemaker, and two other inhabitants described as *“paupers”*, all presumably being given outdoor poor relief.

### **Schools**

In 1808 there was a small *“Dame school”* for 12 to 20 children, who were paid for by their parents, though it apparently closed by 1819 and re-opened by 1833. Such schools were usually run by an elderly woman who taught the children to read and write and other useful skills such as sewing. Fees were about 3d. a week and the quality of education that the children received varied enormously; whereas some teachers provided a good education, others were no more than child-

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<sup>24</sup>VCH, Vol 6, Wendlebury parish, p.6.

<sup>25</sup> W E Tate, *The Parish Chest*, 3<sup>rd</sup> ed. 1983 p.229.

<sup>26</sup> VCH, Mary D Lobel, Ed. 1959, *The Market Town of Bicester*, Volume 6 (1959), pp. 14-56

minders. The teacher in 1851 was Mary Ann, the 15 year-old daughter of Richard Hinks, a carpenter, whose wife Sophia, from Kirtlington was a governess for one of the more prosperous families in the village (a Church of England school was opened in 1855).

### **Outdoor Poor Law Relief: villagers**

Responsibility for the poor, previously the responsibility of the monasteries, was passed into the hands of each individual parish by the 1601 the Poor Law Act (43 Eliz) under which the churchwardens and three or four householders were to be nominated each year as overseers of the poor. According to Blackstone in 1778, the Elizabethan poor law imposed upon the overseers a dual duty:- "*The two great objects of this statute seem to have been, - 1. To relieve the impotent poor, and them only. 2. To find employment for such as are able to work. And this principally by providing stocks of raw materials to be worked up at their separate homes, instead of accumulating all the poor in one common workhouse, a practice which puts the sober and diligent upon a level, in point of their earnings, with those who are dissolute and idle, depresses the laudable emulation of domestic industry and neatness, and destroys all endearing family connections, the only felicity of the indigent.*" In his view the latter duty was "*most shamefully neglected*"<sup>27</sup>. Some parishes were more generous than others, leading led to migration to the more generous parishes.

The landowners, the largest ratepayers, objected to this and in 1662 the Settlement Laws were passed, requiring the population to be settled in a individual parish, with specific qualifications of being born or owning property there, marrying into a parish, etc. If a man left his settled parish to move elsewhere, he had to take with him a Settlement Certificate which guaranteed that his home parish would pay for his 'removal' costs from another parish back to his home parish if he became a claimant on the poor rates. As parishes were unwilling to issue such certificates, many people tended to stay where they lived in the knowledge that if the occasion arose, they could claim on the poor rates.

The Speenhamland system introducing outdoor relief was intended to mitigate rural poverty in England caused by the high grain prices, resulting from poor harvests in 1795 and 1796, and by the inflation caused by England's war with the French (1793–1815). The Poor Law authorities approved a means-tested sliding-scale of supplements to wages according to the number of children and the price of bread. Although the system did not receive statutory approval, tables showing the provisions of the so-called "Speenhamland Act of Parliament" were displayed in alehouses across the country and the system was popular in Oxfordshire and other counties which experienced the Swing Riots during the 1830s.

A charity for the poor of Weston, amounting to £30, was established by William Webb (died 1625), William ??? (died 1663), Thomas Croxton/Crockstone (died 1685), and Hannah Maunde (died 1744). The interest was distributed to the poor in bread in 1759 but the principal was held by Norreys Bertie, who died bankrupt in Ghent in 1766. Peregrine Bertie, his successor as lord of the manor, nevertheless paid £1 10s. a year, which was distributed in meat and bread annually until 1772 and again in 1781 and 1788. On his death in 1790 he left £5 for a sermon on 30 January and for prayers on Ash Wednesday and Good Friday, but appears to have allowed the charity for the poor to lapse. Although a yearly payment of £1 laid out on bread was recorded in 1805 the charity was regarded as lost in 1824.

In April 1832, William Spittle and Richard Wheeler were appointed "*Overseers for the year ensuing*"; they were both substantial tenant farmers of the Bertie estate, the first occupying 308, and the latter 219, acres for which they paid £18: and £11:11s in Land tax (roughly one-fifth of

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<sup>27</sup> Sir William Blackstone "Commentaries upon the laws of England", ed 1778, Vol I, p.360.

the total village Land Tax of £140:11s). The years accounts at 27 March 1833 showed total receipts of £362 and disbursements of £340:12s:5d of which 86 % was spent on the Relieving Officers' "pay and extra expenses" (c. £5 p.w). A sum of £27:10:9d was paid to the *Constable Account* (without explanation) and the remaining £19 was to pay five bills to other villagers. The accounts were approved by four of their fellow tax-payers - AH Matthews, the Vicar, and the tenant farmers Wm Howse, David Howse and John Jakeman.

The "extra expenses" included payments under the roundsman system, sometimes known as "house row", under which a pauper applied to the Overseer who sent him round from house to house where he might find employment, with, say, one half of his wages being paid by the employer and the other half by the parish. The Overseers quarter's accounts to March 1835<sup>28</sup> show a payment of £16:6s. to six farmers for the employment of paupers at these subsidised wages: "Mr Jakeman's Rounds £4:11s:3d; Mr William Howse's Rounds £0:16s:8d.; Mr Wm Spittle Rounds £2:15s:2d; Mr John Spittle's do. £5:4s.:0d; Mr Wheeler's do. £1:13s:3d and Mr David Howse do. £1:5s:10d." The payments may have been in proportion to their farmed acreages or to the number of their regular farm labourers. The system had already been criticised at the Bedfordshire Quarter Sessions in 1819 as being "destructive of the Moral Energies of the Labourer and equally injurious to the Interests of the Farmer, who has the right to expect a fair and adequate portion of labour from the Hands employed on his farm...".<sup>29</sup> Nevertheless, it was possibly under this system that the constable on 5 August 1835 recorded "Apprehending and Conveying to Oddington To Justice Jos East, Rob Tombs, Wm Brain, Niks Claydon for leaving work unfinished".

For the first Quarter 1835, the Relieving Officers paid a total of £22:8s. in regular outdoor relief to 33 paupers living in 30 households (nearly one-third of all the 101 families in the village). Payments were made on a regular basis at rates varying from 6d. or 1s. up to, exceptionally, 5s. per week. Over half of these households had seven or more members. Additional payments (totalling £13:1s.10d.) were made to four villagers when they were ill, to Mary Gregory, a "spinster" with one child, to Elizabeth Spittle (5s:4d. for three lots of washing) and to several other persons without explanation. The Overseers decided that with so many villagers receiving relief, it would be economical to rent a room and in June 1836, the quarters accounts record "Hire of a Room 13 weeks for the Relieving Officer to pay the poor at 1/- per week £0:13s:0d". However, it was not until the 1851 population census that Victorian statisticians recorded paupers within "Occupation" as e.g. "Ag. Lab. Pauper".

The Bletchington District Medical records for the Quarter ended 31 December 1837 recorded payments of 3s.6d to William Brain, Elizabeth Reeves, and of 6s.6d to George Reeves in the form of a loan. "Regular" monthly payments of 3s.6d were made to Mary Ward, Martha Boddington, Mary Goodson, George and Elizabeth Reeves, John and Charles Ward. Martha Boddington, aged 28 in 1840 had been ill with a diseased liver for 3 years and "has received meat and wine all the time except when she was ordered into the house". Samuel Wharton, 28, with wife Elizabeth and 3 children, had a certificate that he was ill and unable to work; he was allowed 4s and 4 loaves.

Outdoor relief was provided to those with a medical condition. William Brain received money (4s.4<sup>3</sup>/<sub>4</sub>d.) in 1844 when William Butler, an outpatient at the Infirmary with 7 children who had received 4s.6d and 9 loaves weekly, was struck off by the Relieving Officer for not having produced a doctor's certificate. Eliza East (who went bean picking) and Robert East, her husband (who earned 9s. per week) with their 4 children, including a son aged 7 with a diseased hip joint,

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<sup>28</sup>Overseers Accounts, MS D.D. PAR Weston on the Green C3.

<sup>29</sup> W E Tate, The Parish Chest, p.233/4

were allowed "*1 pint of beer daily and 2 lbs of mutton weekly*". Jeremiah Faulkner, 20, a single man living with his father, was in a medical club and having been ill for 3 weeks and earned "*only 7s. since Michaelmas*", applied for relief in March but later that month the Overseer applied for 20s.6d for his funeral expenses. George Williams, 72 a partly infirm and unemployed stonemason who was paying £2 per annum in rent for their cottage (with Jane 69, his wife, a son and granddaughter) was in a medical club; he received 3s.6d. and 3 loaves in February 1944. Dinah/Deborah Tuffery, 29, who was paying 8d. per week for her lodging, was given 1s. and 3 loaves for herself and two boys under 2, whilst her husband Joseph was in Gaol.

### **Bicester Workhouse**

Bicester Poor Law Union had been formed on 1st August 1835 and the new Workhouse was built in 1836 under the 1834 Act that amalgamated the parishes into "unions" governed by "guardians", who were persons with a property qualification, under the central control of the Poor law Commissioners of England and Wales. Its operation was overseen by an elected Board of Guardians, 40 in number, representing its 38 constituent parishes in the Ploughley Hundred.

On 8<sup>th</sup>.October 1841, Joseph Coggins, 55 an agricultural labourer with a wife and 3 children, having been out of work for 12 days, applied for work or outdoor relief but was ordered into the Bicester workhouse. Robert East, 30 with his wife 38 and 4 children together with James Tuffrey 40, wife 40 and their 6 children applied for relief on 22 October; all were admitted into the workhouse. The next month, Rev. Mathews recommended that Hannah Clarke, a 65 year old widowed, agricultural labourer, should receive 1s and a loaf in outdoor relief. The Board of the Bicester Union Workhouse put this to the vote and ruled that she and Thomas Clarke, her 16 year old grandson who had "*no work this week*", should both go into the Workhouse as well as Robert Reede, 19, "*having had no work since Michaelmas*". All were agricultural labourers, unable to find work.

In 1844, the Guardians were more selective in admissions to the workhouse. They admitted young, able but unemployed, single men like Thomas Ward, living with his father and young, able, married men like John Brain (with Elizabeth his wife with their 3 year-old daughter) who had previously earned 9s.per week but had been unemployed for 10 days. Joseph Coggins and his wife Ann, were paying 1s. per week rent but had found work on "*only two days in the last 10 weeks*"; they were admitted in February 1844. Thomas Mathews, who was 72, partly infirm with no chance of being employed, was admitted with his wife Ann in March 1844. The shortage of housing in the village had a social effect. Some of those with a house tended to be given outdoor relief from the Poor Law Overseers and others were able to supplement their income by charging rents to their neighbours could find employment. Occupants of Bicester Workhouse tended to leave when they had promise of a job and to apply to re-enter when they were again unemployed.

### **The Bastardy law<sup>30</sup>.**

The Poor Law of 1733 (Lord Hardwicke's Act) had stipulated that "*Any person after 24 June 1733 charged on oath with being the father of a bastard child shall be apprehended and committed to gaol until he gives security to indemnify the parish from expense*". The poor law support was greater for illegitimate children than for a pauper and legitimate child. The putative father was responsible for the maintenance of his illegitimate child and the mother could have him arrested on a justice's warrant and imprisoned until he agreed to do so. Meanwhile the local authorities issued public funds to maintain both mother and child, against anticipated reimbursement by the father under a signed bond of indemnification (though this was not always honoured).

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<sup>30</sup> Bastardy chapters of laws in 1430-1;1575-1609-10;1623-24;1662; 1732-3;1743-46;

The Weston Parish Baptismal Registers suggest that illegitimate births (where the father's name was left blank) were a low in numbers (32) and as a percentage (5%) of all births in the 17<sup>th</sup> century and fell lower in the 18<sup>th</sup> century (18 and 2%). Before 1717 the name of the mother was not recorded in the Weston Parish Registers, which in 1730 named Robert (forename only) and Mary Allum as the parents of Mary Barrett "*born in a state of ante-nuptial fornication*". Thereafter the father's name was omitted completely but the Parish Clerk made unambiguously critical, baptismal entries referring to Grace Barrett as a "*base born daughter*" (1746) of Grace Cocker, to Richard Tomson as "*illegitimate*" (1749), to John Smoiss as the "*bastard son of A.C. of Bicester*" (1769), to Elizabeth Fields as "*spurious of Mary Newell*" (1767) and to George Tuffrey as the "*natural child*" of Jane (1796). Quite often the mothers were in another village. At the 1800 Oxford Quarter Sessions, a father and his 22 year old son, as a putative grandfather and father, had to provide indemnification :"*Jno and Chris Burrin(g), yeoman, £10 each to answer for the child of Rachell Powell of Charlton on Otmoor*". John Burrin appears to have left Weston to be with Rachell in her village.

Illegitimacy doubled to nearly seven percent of all births after 1800 and entries of the Parish Clerk became more matter-of-fact merely noting the mother's status as "*single woman*", "*spinster*" or "*widow*". The occupation was given for only seven mothers (one "*sempstress*" and six of "*servant*"). The children were always given a surname and where the mother's surnames were also recorded (just three instances) we know that in 1801 Alexander Reaves took the name of his mother, Phillis Reaves, "*a widow*" whereas Grace Barrett, Grace Cocker's daughter, and William Williams, the son of Jane Tuffery, were given the name of their fathers.

There was no entry for arrests under the Bastardy law until Thomas Monk, a putative father from outside the county, was arrested in February 1827 with the following expenditure:-

1827, 5 <sup>th</sup> Feb., John Dumbleton's horse cart to Aylesbury respecting apprehending Thos. Monk of the Parish of Putnam on a charge of Bastardy		10s.	6d.
expences at Waddesdon		3s.	10d
expences at Aylesbury		11s.	3d
paid for backing warant		1s	0d
paid a man from Aylesbury to Putnam		2s	6d
expences at Bearton		2s	10d
6 <sup>th</sup> Feb., Dumbleton horse cart to Bicester		4s	0
Turnpike			6d
paid for the ring for Martha Coggins		6s	0d
expences at Bicester		3s	10d
Dumbleton Horse Bicester to Oxford		5s	0d
7 <sup>th</sup> Feb., Turnpike expences		1s	6d
paid for the Licence for Martha Cogins Thos Monk	£3	14s	6d
paid Mr Mathews Frs Davis		15s	0d
paid Thos. Monk towards expences home		4s	0d

The couple were married by Rev. Mathews, (Vicar 18?? -18??), at St Mary's Church, Weston, with the Parish paying for the ring and the marriage licence, but, as their names do not appear in the Baptism or the Burials Register, they presumably moved away to the bridegroom's home in Buckinghamshire. Was this expenditure of £7:6s:3d. by the Parish regarded as an economical solution or did it indicate a stricter morality associated with the arrival of the new incumbent? Four other fathers were arrested for bastardy. The arrest of Thomas Brain, a villager (1811-1890), on Oct 1831 and Jan 1832 cost only 2s. in October 1831 and 1s.6d in January 1832.

"*Apprehending, Arresting and Keeping William Shepard*" £1:13s:2d, *Gard time 6s., Constables time 13s. and horse gig £1*" (in January 1833) and "*Constable's time two days ay Weston on Green 10s.*" (October 1833). The pursuit of William Bottrell in March 1833 (following the baptism of Wm James Bottrell East, son of the spinster Hannah East) cost 3s.8d in "*expences*" and 3s.6d for "*constable's time*". When the father lived elsewhere, the cost increased: As Wm Cable, another putative father, lived in the next county, the Constable had to spend money on "*horse and gig to Buckingham 12s., backing warrant 1s., expences at Buckingham and Turnpike 11s.6d and*

*Constable's time 5s*" (May 1834), but that was the last such expenditure before the law was changed.

The pauper mothers and their children below working age received help from the Parish Poor Law Overseer, including the children of spinsters, although that would have excluded Mathias Freeman, who aged 14 was well above the minimum working age and was in employment as an agricultural labourer<sup>31</sup>. The first Quarter's Overseers Account of 1836 showed that the money was recovered from two fathers responsible; Botterill was up to date with his payments (" *of Wm. Botterill/Bastard/to Lady Day £1:19s*"), but William Clark was in arrears (" *of Wm. Clark/Bastard/to Michelmas 1835 £1:19s*").

The system came under strong criticism in the 1833 report on Bastardy by Poor Law Commissioners appointed by Earl Grey, the Prime Minister. "*The Commissioners thought that poor men were at the mercy of blackmail and perjury by unscrupulous women...*". The Report also stated that it encouraged licentiousness and illegitimacy because parish relief under the Poor Law was so readily available to single mothers and their children. Costs also were rising as mothers were being sent back to their original settlement parishes. Young men, accused solely on the word of the mothers, whether innocent or guilty, were forced, if unable to pay the surety, into unsuitable marriages. Thomas Carlyle, said it had put a "*bounty on unthrift, idleness, bastardy and beerdrinking*" and the London Times declared that the New Poor Law 1834 would rightly place the responsibility for the support of the bastard on the "*vicious mother*" thus relieving parish funds and "*end the great offence against the sacrament of marriage*"<sup>32</sup>. Henceforth the mothers were in the same category as widows for poor relief - expected to support themselves and, if unable to do so, would have to enter the new workhouses<sup>33</sup>.

The 1851 Census records that Robert Porter, the bastard son of Sarah Porter, (occupation "shoebinder"), was living with her and his grandmother ("agricultural labourer, pauper"). Wm. Tombs, taking his father's name, became an agricultural labourer and lived with his aunt Elizabeth, a lace maker, next door to Sarah his mother, who had then married Robert Tombs. In 1851 the five illegitimate children of Lucretia Freeman were aged 20, 14, 9, 6 and 5 when they lived in the same house with her and the widowed agricultural labourer, John Tuffrey, together with his own daughter Sophia aged 20 and their baptised daughter Anne F Tuffrey, two years old.

### **Larceny Laws**

"*20<sup>th</sup>. May 1827 Expences Atending Apprehending and keeping a man for stealing James Bodington Great Coat 7s.:3½d.*".

The wording suggests that this was a military overcoat and that Bodington (1809-1880) was a young soldier. On 22 September 1832, the Constable was paid a fee of 1s. for "*Serving summon on Mary Reaves and Elizth. Tuffery for stealing wood*". Both women were married to agricultural labourers, had several children and were probably stealing firewood for cooking. Noah Tuffrey was 19 when he was sentenced to 1 years imprisonment with hard labour for stealing a gun from the house of William Williams of Weston on the Green. In 1838 Joseph Clarke age 17 served 6 months in a "*House of Correction*" for having feloniously stolen one pair of worsted stockings the property of William Boddington, a 75 year old agricultural labourer. The next year Thomas Tuffrey, an 18-year old labourer served 1 month in prison for stealing 7s.7d. in money, the property of Lucretia Freeman, working as a housekeeper and then living in the village in her own spinster household with three illegitimate children before later becoming the partner of widower John Freeman. Edmund Tuffery, 27, spent 3 month in goal for having broken open a barn and stolen 2 bushels of barley from farmer Joseph Simmons in the adjoining village of Bletchington.

<sup>31</sup> At the 1851 Census there were seven 10-year old boys working as agricultural labourers.

<sup>32</sup> The London Times, February 25, 1834

<sup>33</sup> The Bicester Work house was build in ???183 ????

For the theft of 2 fowls from the farm of David Howse in Weston, Henry Biggs, a youth of 15, served 4 months in prison in 1839

Richard and William Clark, twins born in 1814 to John and Sarah Clarke (nee Spittle) were 27 year old agricultural labourers, both unable to read or write, when sentenced in 1841 Trinity Quarter Sessions to 4 calendar months Hard Labour in a House of Correction for having stolen a quantity of potatoes, the property of William Rogers of Kirtlington. Richard, tattooed with "RC" on his right forearm and a shepherd with a crook on his left forearm, and William, with a small scar halfway between his chin and lower lip, were no strangers to Oxford Goal, have been previously imprisoned five times. In April 1842, Thomas Waite, (1802-1883), an agricultural labourer with a limited ability to read and write, was charged with having "*feloniously stolen*" a ½ pint of milk from farmer John Spittle of Weston. He had been in Oxford goal twice before but on this occasion was acquitted.

A more serious offence was brought for trial in Oxford Town Hall at the Lent Assize 1833, when William Williams, born in 1811 to George and Jane Williams, (nee Tuffrey) was charged with breaking and entering the dwelling of John Honor of Weston on the Green and stealing 18 sovereigns. Although described as an agricultural labourer in the 1841 census, Honor, age 55, lived in the "Old Manor house" together with Emmanuel Miles, aged 21, who was described as a male servant. Honor appears to have been caretaker of the then two-storey Jacobean house<sup>34</sup> at the Lent Assize 1833 and may have acted on behalf of the Bertie family in the collection of turnpike and other monies. Williams was sentenced to death, commuted to 14 years imprisonment.

Not all the felonies recorded in Weston on the Green were committed by villagers. There was considerable traffic of passengers through the village on the Towcester to Weston on the Green (later the Brackley & Aynho Trust) Turnpike road from Oxford to Northampton. A turnpike house (described as "*very good - one storey high, blue slated, good windows and stone floor*") and turnpike gates that were erected in the village were sold by auction and demolished only in 1873<sup>35</sup>. At the Oxford Lent Assize in 1832, Edmund Hall was charged with having violently assaulted William Johnson at Weston on the Green and stolen from his person a canvas purse containing 5 sovereigns. The trial was held before Sir Joseph Littledale and Sir W E Taunton, HM Judges for the County of Berkshire in Reading, who sentenced Hall to death, commuted into transportation for life. At the Epiphany Sessions at the Oxford Town Hall in 1835, Thomas Beasley, at 56 an older man from outside the village, was charged with stealing a bushel and half a peck of barley from Benjamin Wheeler (1797-1865) a Weston farmer; he was sentenced to 6 weeks imprisonment and 7 days solitary confinement.

### **Game Laws**

*"Expense attending a information under the Game Laws committed 20 November 1819 Against Richard Toms[Tombs].... 10s:6d".*

From the time of Richard II (1389) the right of persons to take game was dependent on the social rank of the person, or on the amount of his interest in land, which ranged from a 40s. freehold (in 1389) to £100 a year (1671). Under the act for the better preservation of game, 9 Anne c 25 (1710), which perpetuated 5 Anne c 14 and earlier acts imposing penalties on people who killed game but did not hold the Statutory amount of property, Lords of Manors were allowed to appoint only one gamekeeper who might kill game as their deputy. Names of gamekeepers had to be registered with the Clerk of the Peace. This provision was continued by the Game Laws Amendment Act, 1&2 William IV c 32 (1831) which allowed more than one gamekeeper. Since

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<sup>34</sup>The Manor house was later extensively renovated as a three-story building with a Victorian Gothic facade and occupied with six servants at the time of the 1871 census by the Bertie family, Lords of the Manor.

<sup>35</sup> Diaries of George James Dew (1846-1928) of Lower Heyford, ed. Pamela Horn, Vol 2, p.46.

the gamekeepers were authorised as deputies to the Lords of the Manors the registrations are known as '*deputations of gamekeepers*'. Whereas the early deputations merely named the deputed gamekeepers, the later deputations embodied the wording of the 1831 Act: "*that it shall be lawful for XX Esq., Lord of YY Manor, ... ..to appoint ZZ ... a Gamekeeper or Gamekeepers to preserve or kill the Game within the Limits of such Manor, Lordship, or Royalty, or reputed Manor, Lordship or Royalty, for the Use of such Lord or Steward thereof, and to authorize such Gamekeeper or Gamekeepers within the said Limits to seize and take for the Use of such Lord or Steward all such Dogs, Nets, and other Engines and Instruments for the killing or taking of Game as shall be used within the said Limits by any Person not authorized to kill Game for Want of a Game Certificate*".<sup>36</sup>

Arthur Annesley, 10<sup>th</sup>. Viscount Valentia, at Bletchington Manor who had game rights in Bletchington, Hampton Poyle and over 235 acres in the southern part of Weston on the Green, appointed Charles Ward as gamekeeper in 1796 and it was his son, Michael Ward, "*yeoman of Bletchington*" appointed in 1815 who was active in apprehending poachers in Weston. When the Hon Willoughby Bertie and Peregrine Bertie were Lords of the Manor of Weston on the Green, they appointed as gamekeepers four men who were not natives of the village; they were William Parsons, John Headack "*yeoman of Weston*"<sup>37</sup>, Geo. Toogood "*of Weston on the Green*" and "*Geo Woods of Middleton Stoney*"<sup>38</sup>. All four were gamekeepers for owners of adjoining Manors, for Arthur Annesley, at Bletchington and George Child Villiers, the 5<sup>th</sup>.Earl of Jersey at Middleton Stoney. Only much later was John Hicks, son of the local baker, appointed gamekeeper.

At the 1820 Oxford Quarter Sessions<sup>39</sup> Richard Tombs (1801-1851), labourer, was fined £5 for keeping a greyhound at Weston (apparently evidence sufficient to convict a poacher) with Michael Ward Senior, yeoman and Stephen Gregory, yeoman, both of Blechington being witnesses. At the same sessions John Clarke (1792-1860) was fined £10 with 22s costs for taking a hare; the fine alone was equivalent to some 80 days wages. The next year Wm. Clarke (1797-1855), another labourer, was also fined £10 for poaching a hare at Bletchington, with Michael Ward again the witness. In 1829 Thomas Tuffrey (1805-1865) and David Ward were each fined £5 for being caught with snares at Chesterton. The following year Tuffrey was fined £5 to taking a pheasant. The Constable submitted his fee on "*9th. November 1837 serving summons on Chls Ward under the Game Laws 1s.*" (Charles Ward was then a 19 year old agricultural labourer). The Clark twins, Richard and William, released from Oxford Goal on 27 October 1841, were charged with being armed with a gun for the purpose of killing game in a certain enclosed space called Ash Wood in the parish of Bletchington. between two and three o'clock in the morning of 25th.December 1841. Thomas Tuffery, another illiterate agricultural labourer but somewhat older at 34, who had been gaoled three times previously was with them. They were all remanded to the Assizes where they were give one-year sentences of "*hard labour in a house of correction*".

## **Militia**

"*March 27 1797 Drawing the Militia.....2s.*"

"*Dec.12 1823 Writing the returns for the militia and Delivering the same at Bicester.3s.:6d "*

- The total expenditure for the 28 years when the Constables recorded the militia costs was £19:8s. and averaged just under 14s per annum. It rose threefold in the three years 1809-1811

<sup>36</sup>Game Act, 1831, c.32, Section XIII

<sup>37</sup> Deputations of Willoughby Bertie, Esq., dated 1800 and 1807, G I/1 pp.106 & 151, OHC, St Luke's Cowley, Oxford

<sup>38</sup> Deputations of Peregrene Bertie, Esq., dated 1815 & 1816, GI/1 pp.193 & 196, OHC, St Luke's Cowley, Oxford

<sup>39</sup> Oxford Quarter Sessions, Vol. IX, p.493

(average £2:4s:7d p.a.) and more than doubled in the two final years, 1830-31 (£1:18s. p.a.). The last payment was made in the year 1831, when the Militia was disbanded.

The militia, as an organisation of citizens who after training become available for emergency service usually for local defence against invasion, grew out of the Anglo-Saxon *fryd*, a tribal arrangement for exacting military service from every able-bodied free male. At the Restoration<sup>40</sup>, the 1662 Militia Act re-established overall command in the King, with the Lord Lieutenant of the County as his immediate subordinate, who granted commissions to field and regimental officers. All owners of property were charged with supplying horses, arms and men, in accordance with the value of their property. The Jacobite Rebellions of 1715 and 1745 and the fear of French invasion in 1756 (when, somewhat ignominiously, Hanovarian and Hessian troops were brought over by George II) led to militia reorganisation in order better to deal with national emergencies.

The Lord Lieutenants were empowered to raise a volunteer corps by an Act of 1794, with cavalry, "yeomanry", formed by farmers, wealthy tradesmen and "gentlemen" and with the infantry formed by unskilled workers. At a General Meeting in 1797 of the Lord Lieutenant "*at the house of Mary Stuart, called the Star Inn, in the City of Oxford*" (later the Clarendon Hotel, and now the Clarendon Shopping Arcade) *orders were issued to the Constables and other officers of the several Hundreds within this County.....to require.... The Constables, Tythingmen, Headboroughs or other officers of each Parish, Tything or Place .....to return to the Deputy Lieutenants within their respective Subdivisions ...fair and true Lists in Writing of the men usually and at that time dwelling within their respective Parishes, Tythings and Places between the ages of eighteen and forty-five distinguishing their respective ranks and occupations*<sup>41</sup>..

The General Meeting convened by his Grace the Duke of Marlborough, as Lord Lieutenant, at the Star Inn, Oxford in 1798 was held in an atmosphere of possible invasion, which became very real in 1803 when Napoleon began constructing his invasion fleet in Antwerp. It was also envisaged as a force "*for the preservation and maintenance of good order and of a proper police*" within the County<sup>42</sup>. Four Oxfordshire yeomanry units were raised, "*met for drill at least once a week throughout the year except during harvesting, haymaking and sheep shearing. All ranks provided their own horses*"<sup>43</sup>. Oxfordshire was required in 1781 to raise 560 militia men from a total of 12,941 eligible men, i.e. one from every 24. Weston had to contribute to the 52 men to be raised from among the total of 1257 in the Ploughley division. In every parish men were chosen by lot and compelled to serve for three years or to pay £10 to provide a substitute. The Militia became a regular body and it was the constable's duty, twice a year until 1816 when November or December became the usual time, to prepare the list of men in the parish who were liable to serve in the militia, to arrange a ballot from which to draw the required number of names, to write a list of the balloted men and inform the authorities. He then attended County and Hundred meetings for the Militia and was required to be present at the swearing in of the militia men. Any deficiency of volunteers in the allotted numbers for any county, city or riding could be supplied by ballot<sup>44</sup>.

The villagers themselves were informed by constable William Goodson who recorded "*Writing a list of the militia and pleaching the sam at the Church dore... 3s.:6d*" (23 Nov. 1823). When balloted men were working outside the parish, the constable "*pd a man for a Journey to Aylesbury and thame for a milita man 11s. ....pd. ditto to Asson (?Eysham ?).....2s. .... Journey to Islip for Do. 2s.*" (4<sup>th</sup> August 1810). There were further "*Expenses at three Meetings for a Balloted man in the Old Militia ... 7s.:6d*" (23<sup>rd</sup> Aug. 1811) and "*Expenses at the Meeting at*

<sup>40</sup> Evelyn, *Diary*, 18 June 1685, 18 July 1686 [ **Question this reference**].

<sup>41</sup> Lt .Col.Frank Willan, "*History of the Oxfordshire Regiment Of Militia 1778-1900*", 1900, p.12

<sup>42</sup> John Winston, Duke of Marlborough, KG, Lt.Ltn.and JohnWm Fane, Lt Colonel Commandant, "*Oxfordshire Militia. Sketch of the History of the Regiment*", 1869, p.27.

<sup>43</sup> "The Storey of the Oxfordshire Yeomanry 1794-1914", p.4.

<sup>44</sup> The Ballot Act ????????

*Bicester with a drawn Man for the Local....3s.:8d ... Gave the Man his Dinner at the time Swearing in ...1s.:8d"* (15<sup>th</sup>. April 1813).

The wars with revolutionary France brought inflation and steeply rising prices for corn, welcomed by farmers and landowners who initiated increased numbers of Enclosure Acts. The rising price of bread, however, was disastrous for landless rural and town workers; poor people received little benefit from the general economic expansion. Service outside the County was especially unpopular and when the Oxford Militia were on duty in Brighton they mutinied in 1795 breaking into shops at Lewes because of their low pay and the high prices of bread and meat. In 1800, nearly 30 percent of the country's population was being paid poor relief and by 1812 the annual expenditure on poor rates had grown from £2 million in 1780 to £8. Rioting and damage to cotton spinning, carding and stocking machinery by the Luddites was common<sup>45</sup>. The 1815 Corn Laws prohibited foreign imports, without payment of duty, except when British wheat prices rose above 80s per quarter.

In 1830 there were "Captain Swing" riots all over England in protest against enclosures, low wages, and the employment of "strangers". In southern England hayricks and cornstacks were set on fire and threshing machines which were seen to be replacing farm workers were destroyed. The enclosure of the large Otmoor Common led to severe disturbances by villagers of the seven Otmoor towns<sup>46</sup> who, having lost their grazing rights, destroyed gates, posts, fences and sheds on the enclosed lands with the sympathy of the rank and file of the Militia, mainly village agricultural labourers. The Otmoor villagers refused to disperse when Lord Churchill arrived with his Yeomanry to read out the Riot Act on 5<sup>th</sup> September. He was reinforced the next day with two troops of the Dragoon Guards, a company of the Coldstream Guards, and five troops with two artillery guns of the Mid-Buckinghamshire Yeomanry. Some 57 villagers were arrested, released by sympathetic Oxford townfolk at St. Giles Fair, later re-arrested and tried, but the unrest continued. On 28 November 1830, a list was drawn up of "special" constables who were sworn in at Bicester and at Weston on 2<sup>nd</sup> December, at a total cost of £2 : 8s.. The next year Islip became a garrison town when "*two troops of yeomanry commanded by Major Bowles, Captain Lord Norreys.....arrived... paraded and marched toward Otmoor*".

The Militia, raised originally in order to rebel invasions from abroad, was increasingly used by the Lords of the Manors, other landed gentry and their tenant farmers to control civil unrest in their home parishes for which it became ineffective and was suspended in 1831 until 1852, "*in which year it was revived upon an entirely different footing, chiefly at the insistance of the Duke of Wellington*"<sup>47</sup>.

## **The Church**

*"Dec. 1812. to Writing out the List for the Old Militia and putting upon the Church Door..1s.6d."*

Proclamations from ecclesiastical authorities were traditionally announced from pulpits throughout the country. Charles I, in proclaiming his Divine Right to govern, instructed "*that in all parishes ye afternoon sermons shall be turned into catechising by question and answer, where and whensoever there is not some great cause apparent to break this ancient and profitable order*"<sup>48</sup>. Announcements from central, secular authorities used the same channel of communication to a population that was generally illiterate and Parliament frequently, by express enactment, ordered notices affecting the parish to be read out in church when all the parishioners were, or should be, present.

From 1774, the Standing Orders of the House of Commons required notices of enclosure awards to be affixed to the church door on three successive Sundays in August or September. The

<sup>45</sup> Christopher Hibbert, *The English, A Social History 1066-1945*, p.481

<sup>46</sup> "David Eddershaw *The Story of the Oxfordshire Yeomanry 1798-1998*" 1998, p.12

<sup>47</sup> Willan, p.54

<sup>48</sup> Ansford, Somerset parish register, 1629;Tate "*The Parish Chest*", p.151

practice of posting all public notices on the church doors grew over many years as it became inappropriate to interrupt morning or communion services with secular statements. From 1837, announcements by the minister inside the church were restricted to bans of marriage and ecclesiastical matters. The Church door was used by the Constable to inform those villagers who were selected by ballot to serve in the local militia and to inform the keepers of the two public- and beer-houses of their need to apply and give recognizances for their annual licences.

The church is dedicated to St. Mary, although in the 19th century there was a tradition that it had once been dedicated to St. Bartholomew which is the name on a contemporary map of the village. The history of the church in Weston seems to have been uneventful: few records of it survive and even the names of some of the vicars have not been found. There are several 17<sup>th</sup> and 18<sup>th</sup> century monuments to the Norreys family, including those to Sir Francis Norreys (d. 1669); to Sir Edward Norreys (d. 1713), his wife Jane (d. 1722) and their children, to his second son Francis and his wife Jane; and to Norreys Bertie (d. 1766). The building suffered from the absentee Lords of the Manor. By 1741 it was falling down, and in 1743 and 1744 was rebuilt by Norreys Bertie whose initials and arms and the date 1743 can be seen on the rainwater heads. In 1810 extensive repairs were made to the roof, and the original heavily ornamented ceiling fell down and was replaced by the present plain one. Many deeds for older houses in the village still mention an obligation on their owners to contribute to chancel repairs, despite the chancel having been demolished with only the external east wall of the church showing evidence of its original height.

In 1738 John Bertie, a member of the Bertie family of Rycote, served the church himself but lived in Oxford where he was a Student of Christ Church. He held two services on Sundays, and said that about 50 people took the sacrament given four times a year. His successors were pluralists: James Hakewill, for example, vicar for over fifty years (c. 1746–98), had a curate at Weston while he himself held two other Oxfordshire churches, 'by which means' his income was 'more comfortable' to him. The Vicarage house, occupied for many years by James Yalden until 1822, was considered inadequate for his successor, Rev. Andrew Hughes Mathews, who arrived aged 36 with four children and was to have five more. The vicarage was enlarged in 1823 by the architect S. H. Benham of Oxford at a cost of some £300. The vicar took out a mortgage which he would have repaid without great hardship since he employed one male and three female live-in servants in 1841 whilst his eldest son Andrew became curate at Middleton Stoney and even when married continued to live in Weston with his father. Attendance at church increased during the century, the number of communicants having risen in Weston considerably by 1834. In the middle of the century, in spite of the growth of dissent, congregations were good, numbering about 150, but many, it was said, attended both St Mary's church and the chapel built in 1838 in North Lane.

### **Marshal Money**

"4 April 1797 Paid five years Marshall money.....£1:12s:1d.  
4 April 1797 Expenses..... 3s

28 September 1803 Paid five years marshal money.....£1:12s:1d  
28 September 1803 for sining a return for the Sises.....1s..  
28 September 1803 to Ditto for the Sesions..... 1s.

29 June 1812 pd Fifteen years Marshal money.....£4:16s:3d.  
29 June 1812 pd' 3 Warrants.....1s:6d.  
9 October 1812 pd. 3 precisives.....1s.

The Earl Marshals of England historically kept an account (*The Marshall's Rolls*) of the military services due to the King from his great tenants *in capite* when he was preparing to wage

war. The Court to the King of Chivalry established by Edward I was solely a military institution if held before the Earl Marshall alone but it became a criminal court if he sat jointly with the Lord High Constable. Charles I created a new Court of Record, the *Curia Palatia* (Palace Court) that was, with the Ancient Court of Marshalsea, abolished in 1849.

“*Marshal money/Marshalsea money*” refers to a contribution by each parish to the county rate, principally for the upkeep of roads and bridges, of “houses of correction” and a contribution towards the maintenance of pauper prisoners in the London prisons of the Marshalsea and Kings Bench. Somewhat ossified, “*one year’s pay*” became a fixed sum payable quarterly but was subject to considerable increase with the country at war. From 1797 to 1809, the Weston Constable paid, “*five years Marshall Money*” every quarter, submitted two returns and was reimbursed his “*expenses at the Meeting*”. The purpose of the returns was first indicated in 1803; one return was for the Assises and the other for the Quarter Sessions. (He also was paid to obtain/deliver warrants and precisives (? Were these on behalf of the Courts?? eg 1812) .The payments in 1810 and 1811 increased to £3:4s:2d for “*ten years Marshall Money*”, in 1812 to £4:16s.:3d for “*fifteen years Marshall Money*” and increased again in 1813 to £12:19s:2d for “*forty years Marshall Money*”, though only three such payments were made and in 1818 only one payment was made (£5:5s.). Throughout, all payments had been calculated upon the unchanged sum of one half mark (6s.8d.) per year of Marshall money. The last recorded payment, of £7:17s:6d, made in 1819, was given slightly more explanation - it was “*Marshall money for the Easter Sessions*”.

### Highway maintenance (1819 -1842)

The Statute of Westminster of 1285 had set out the manorial obligation, and hence the constables' obligation as a manorial officer, to maintain the highway. But the condition of English roads deteriorated with the decline of travelling in the 14<sup>th</sup>, 15<sup>th</sup>. and 16<sup>th</sup> centuries<sup>49</sup> The act of Philip and Mary (1555) laid the foundation of highway law for three centuries by transferring the manorial duty to the parish. For four days<sup>50</sup> every year, every parishioner occupying tilled or pasture land, owning a plough or keeping horses had to provide “*one wain or cart furnished after the custom of the country... and also two able men with the same*” .Every other parishioner able to labour (excluding servants hired by the year) had to give their labour or to send “*one sufficient labourer in his stead*”.

This system worked satisfactorily for minor roads between Weston and the adjoining parishes of Bletchington and Wendlebury where the parishioners would be willing to repair roads since they were carrying only light local traffic. The repair of the main village through-road from Oxford to Northampton would have been at the charge of the Turnpike Trusts. The constable paid for loads of gravel to surface and of stone to build bridges on the local roads:-

“*17 April 1819 : load(s) of Gravel.....£1:14s:*  
*27 September 1833: Stones for bridge on Bicester Road ..... 1s.: 6d*  
*27 September 1833: .pd Chs pourter for making Do..... 4s.: 6d.”*

There is no reference to the work of spreading the gravel; this might have been the responsibility of the farmers on the lands adjoining the road who would have been the main road users. The work of building a stone bridge on the Bicester footpath in 1833, was given to Charles Porter who was paid 4s.6d. and later in 1839 was employed for seven days being paid 17s.6d. i.e. a daily wage of 2s.6d. There were two Charles Porters in the village at that time; we know from the 1841 census that one was aged 61 and an agricultural labourer; he was neither born nor married in the parish; his wife Sarah, and possibly he himself, came from Chesterton. The other possibility was his son, born in the village in 1816 who married Harriet a lacemaker from Launton in 1824 and had three daughters and one son. This Charles was absent from the village during the census in

<sup>49</sup> Pilgrimages came to an end with the Reformation as did the perpetual journeys to and from Rome.

<sup>50</sup> Changed to six days under Eliz.I, 1562-3.

May 1841, but was recorded as an agricultural labourer in 1851. Both died in the village, the father in 1849 aged 61 and the son in 1885 aged 69 (both their wives died aged 80). Charles Butler (born in 1812 to George and Hester Butler) had been paid only 1s.6d for one day's work in 1833; Charles was then 21 and left the village before the 1841 census, possibly to get better employment elsewhere.

When the Constable recorded payments for bridges between 1821 and 1824 he referred to the payee as "Mr" House using a respectful form of address for a skilled tradesman of importance in the village, who in April 1831 was paid £1: 14s.3d. for "*constables staves and A Bridge on the Kirtlington Road*" No other name is mentioned, except for another carpenter Joseph Hinks/Hincks (1770-1852) who was paid 2s.6d. for one bridge on the Church Road in 1834. The constable paid only 6d. for "*putting down*" another on the Bicester road in 1836 whereas Mr House was paid, in the same years, 14s 3d and 16s.3d, for two bridges on the Bletchington and Bicester roads and 17s. 6d. and 15s.6d. for his bridges on village footpaths. There are two entries in 1840 of payments to un-named carpenters for "*putting oak Bridge on the Bicester foot path*", each bridge costing 7s.6d. Elsewhere the type of bridge is not specified although a bridge on the footpath to Islip cost 3s.6d. and "*two bridges on the Kirtlington footpath*" cost 7s. On these local roads, foot bridges would have met the need of the mainly pedestrian traffic between Weston and the adjoining farms and villages, since horse-drawn carts and carriages would have easily forded the intervening, shallow and gravel-bottomed streams. One has to ask why there is such a large discrepancy in the cost of bridges: from as low as 3s.6d, 2s.6d. or even 6d. up to as much as 17s6d. The late Jeremy Pullen, another villager who also had sight of the Constable's book, believed that not all the constables were honest bookkeepers.

He submitted bills in 1831 "*for Constables' staves and a bridge on the Kirtlington Road £1:14s:3d*"<sup>51</sup> and in 1836 "*Bill for stocks ...£2:6s: 9d*". A wooden stave was the essential badge of office and weapon of choice for the constables and the construction of the village stocks indicates work by Richard House (1740-1831), who was a carpenter at the baptism of his son Charles House (1777-1848) who followed him in the trade. He occupied an acre of land belonging to the Vicar and "*lying by the side of the Chesterton drove-way*"<sup>52</sup>. He served as a Juror (1792-1807) and was appointed Overseer of the Poor (1809) at the Oxford Quarter Sessions<sup>53</sup>. Carpenters with one or two journeymen were important skilled village employers in a trade that required numeracy and literacy more than enough for making out a Bill.

### **The turnpike road**

Maintenance of the north-south road through the village was a different matter. Being an important medieval route from Oxford to Northampton it was subject to heavy damage from through traffic and was accordingly turnpiked. First came the Towester-Weston on the Green Turnpike Trust (1757, 30 Geo.IIIc.48), followed by the Weston on the Green-Kidlington Trust (1781, 21 Geo. III c. 87) and then the Bicester /Brackley and Aynhoe Turnpike Trust in 1790–1. The cost of maintenance was recovered by the tolls levied on stagecoaches, stage wagons, animals and other traffic according very roughly to the wear they caused, (the width of wheels on private and public coaches for passengers and on stagewagons for goods, and the number of horses, cattle, sheep and other animals). One of the milestones required to be placed on turnpike roads was placed at the north end of the village indicating 9 miles distance from Oxford<sup>54</sup>.

There were two turnpikes, one on the main road at the south end of the village and the other opposite the village stocks where a second road joins from Bletchington having crossed the old

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<sup>51</sup> In 1840, a constables stave was purchased for 4s.6d., seemingly about the rate for two days' work.

<sup>52</sup> Terrier of the Weston on the Green Vicarage sent to the Bishop of Oxford, 9<sup>th</sup>. May 1814.

<sup>53</sup> Oxford Quarter Sessions records, Vol X, p.175 (1792) and Vol X, p.493 (1809).

<sup>54</sup> When the metal plate became detached from the milestone Mr William Tootell recovered it for safe keeping in his house "*Milestone Cottage*" in North Lane...

drover's road at Tollbrook Corner. One of the two toll collectors in 1851 was Elizabeth Brain (aged 34) who lived in one turnpike house, the other was Hannah Clarke (24); both their husbands Richard and Edmund worked as agricultural labourers. At the 1871 census Richard and Elizabeth Brain still lived in Turnpike House but he now worked as a highway labourer. The volume of through traffic provided work for five other highway labourers from the village: John East (aged 33 and still living with his widowed mother in Church Lane) and two neighbours in North Lane - William Tuffrey (aged 49 and living with his wife and two daughters and two sons all "scholars") and Joseph Williams (52) whose wife Susan was a dressmaker and whose son was a mason's labourer. The other highway labourers were William Waite (56), whose wife Susan and daughter Emily were both lacemakers, and his son George (21).

It is therefore a surprise to read that George Dew, the local outdoor Relief Officer for the area felt that "*The Age of Turnpike Gates seems to be passing away. On Nov 4<sup>th</sup>. 1873 the materials of the Turnpike Houses, Gates etc. of the Weston on the Green and Middleton Stone, belonging to the Brackley and Aynhoe Trust were sold at auction at Middleton Stoney Turnpike House, with liberty to remove them on Monday next*"<sup>55</sup>. Parts of this through road, now the B430, are still named the Oxford, Brackley and Northampton Roads<sup>56</sup>. The 18<sup>th</sup> century turnpike trusts obviously felt the full competition from the 19<sup>th</sup> century railways.

### The village pound

"7 June 1832 Apprehending Thos Ward, Zaka. Toms, John Brain, Thos Goodson  
Respecting Breaking open the pound" .....2s.

The village pound was a feature of most English villages and it served several purposes; the most common use being to hold stray cattle, sheep, pigs, geese etc. until they were claimed by the owners, usually for the payment of a fine or levy. The pound could be circular or square and as small as 225 square feet (20.9 m<sup>2</sup>) or as big as half an acre. Early medieval pounds had just briar hedges but most later comprised a high walled and lockable structure built in stone or brick making them more stock-proof. The Sussex County Magazine in 1930 explained the system under which strayed animals "*were driven into and kept in the pound at the expense of the owner, till such time as he should pay the fine (the amount claimed by the person on whose land they had strayed, for damage done), and the fee to the pound keeper, man or sometimes woman, for feeding and watering the same. If not claimed in three weeks, the animals were driven to the nearest market and sold, the proceeds going to the impounder and pound-keeper. An ingenious form of receipt was sometimes used. The person who found the animals on his land cut a stick and made notches, one for every beast, and then split the stick down the centre of the notches so that half each notch appeared on each stick; one half he kept, the other he gave to the pound-keeper. When the owner came to redeem his property and had paid for the damage done, the impounder gave him his half stick. He took this to the pound-keeper, and if the two pieces tallied, it proved he had paid and his beast was freed*".

Village pounds were also used as an early form of gaol or lock-up to hold petty criminals such as rustlers, thieves and vagabonds until they could be dealt with by the local sheriff or magistrate so the pound was often associated with the village stocks as a place of public humiliation and punishment. The four men arrested in 1832 for "*breaking open*" the pound in Weston were all agricultural labourers and were close neighbours living at the far end of North Lane (houses numbered 1, 2 and 4 at the 1841 census). Zakarias Tombs age 61, and John Brain age 46 were married family men, whilst Ward and Goodson were both 16 at the time. There is no indication of the motives of the four: were they rescuing their own animals and unable or unwilling to pay the

<sup>55</sup> *Oxfordshire Village Life, The Diaries of George James Dew, Relieving Officer*, Ed. Pamela Horn, p.44

<sup>56</sup> The Cherwell District Council Register of Electors, October, 1999 for Weston on the Green Parish Council; although there are no corresponding signposts anywhere along the road.

finer, were they attempting to claim grazing rights on the former village green, or were they challenging law and order in the aftermath of the "Swing riots"? Whatever the answer, the pound ceased to have a function in the village when county-wide policing was fully established in Oxfordshire. James Dew recorded in his Diary for April 1879 "*the parish pound at Weston on the Green was totally demolished last Monday*"<sup>57</sup>.

### County rates (December 1813 to October 1835)

The total village rates, decided by the High Constables, were assessed on individual parishioners by the churchwardens, were collected quarterly by the village constable and then taken by him to Bicester for forwarding by the High Constable of Ploughly Hundred to the County authorities.

23 December 1813 Pd County rates.....	£12:16:8d.
23 December 1813 Signing two returns.....	2s.
23 December 1813 pd for two Notices.....	1s.
23 December 1813 Expenses at the Meeting.....	8s:6d
4 <sup>th</sup> April 1814 pd County rates.....	£13:2s:6d
4 <sup>th</sup> April 1814 Signing one return.....	1s:0d
4 <sup>th</sup> April 1814 Pd for two notices.....	1s:0d
4 <sup>th</sup> April 1814 Expenses for the meeting.....	8s:6d
7th. October 1831 County rates .....	£5:5s:0d
7th. October 1831 Paying in the above at Bicester.....	3s: 6d.

The rates, payable quarterly ("quarter dues") began in December 1813 at £12:16s:8d. but rose the next year to £19:2s:6d when Government expenditure was high because of the Napoleonic War. They averaged £35:9s:10d per annum (£8:15s a quarter) over the early 19<sup>th</sup> century but were never constant for more than two years in succession and fell as low as £2: 12s.:6d. in December 1821. In some years, rates were paid in only two or three quarters (1818, 1819, 1825 and 1835). The rates were last recorded in October 1835 by which time they totalled £674:8s and were by far the highest item accounting for 67% of the total expenditure in the Constables Book.

### Jury duties (Sept 1797 to Sept.1824)

"21 Sept 1813 Writing a List of the Jury and Carriering in & signing....5s.:9d"

The jury system lies at the centre of English democracy, where a person brought before the law is judged by his peers and derives from the Saxon 'folk moot' in which all men from the tything listened to the evidence and decided collectively whether or not the accused was guilty. In 1730, the Act for Better Regulation of Juries specified that the eligibility for jury service was limited to freeholders or other persons of property, that a list of all those liable for jury service was to be posted in each parish and that jury panels would be selected by lot, also known as "sortition", from these lists. The constable drew up lists of such persons annually for the magistrates courts and although he appears to have stopped the annual listing of jurymen in 1824, he paid 10s. for "juey men's fees" in 1826, 1827 and 1829, and a raised fee of 12s.:6d in January 1833. Were no jurymen chosen in the early years ? From what lists were the men chosen who served on the juries in the later years ?

### Writing Returns.

In 1813, there were two entries that were, exceptionally, specified "*for sining A return for the Sises .... 1s.*"(Assizes) and "*ditto for the Sesions.....1s.*"(Quarter Sessions). The Constable was

<sup>57</sup> Diaries of George James Dew (1846-1928) of Lower Heyford [ed. Pamela Horn]. Beacon Publications 11 Harwell rd Sutton Courtney Abingdon Oxon. OX 4 4BN

frequently occupied in writing “returns” or lists of villagers for the Censuses, for service in the militia and or Jury duty, etc.

**“Foreigners”, migrants with “passes”, vagrants and vagabons, (May 1797 to May 1842)**

17 April, 1797: gave a Foreigner <sup>58</sup> .....	1s.
16 October 1797 Gave a Man and wife with a pass	6d
27 March 1798 Gave a Man Woman and two Children with a pass.....	8d.
24 August 1803 Expenses at Tuffreys with the Gypseys.....	6d.
15 July 1809 a Tending a meeting for Vagabons .....	2s 6d
9 January 1811, to Searching the parish for Vagrants and Expenses to Do.....	2s.7d
29 January 1811 to Searching the parish for Vagrants and Expenses to Do.	2s.:7d.
22 October 1811, Man and Woman in Distress	6d
7 July 1815 Journey into Bicester to meet the Gypsy Woman and Child at meeting	3s.
11 July 1815 a Journey to the Quarter Sessions to meet the Gypsy Woman.....	4s.
14 December 1818, Give a Man & his Wife & 2 Children to get them out of the Parish as the Woman & Children was very Ill.....	2s.6d
30 July 1828 Woman 2 Children in Distress.....	2s.”

The Law of Settlement and Removal 1662 (13 & 14 Car.II, c.12) confirmed the Elizabethan Poor Laws of 1597 and 1601, that the responsibility for the relief of poor lay upon the parish to which they belonged and introduced legal forcible removal. The constable had poor-law duties<sup>59</sup> to give small payments, normally 2d to 4d. per person, for so-called "*vagrants with a pass*" who had left their parishes in search of work which later terminated and were moving back to their parish of settlement. Payment was greater when the travellers had small pox or were known to be very ill in order to speed them on their way. The “passes”, issued by justices, specified their destinations and required the constables of the intervening parishes to give them relief paid out of the parish rates. It was often difficult to establish the last “legal settlement” so groups of indigent men, women and children, in various states of health and disease, criss-crossed the countryside. On main roads, such as the Oxford/Northampton road through this village, the constables spent considerable amount of time and money in moving them on to the next parish. This accounted for the great majority of entries in the Book and covered, over a period of some 45 years, the movement back towards their own parishes of just under 3000 persons, comprising 1053 men, 954 women and 987 children. The annual numbers fell from 50 in the decade 1801-1810 to only nine (1811-1820) during the Napoleonic wars but rose sharply thereafter to 88 (1821-1830) and 71 (1831-1836). Some 436 of the women were accompanied by men, but more than half of the remaining women were travelling with children. Possibly the most pathetic among this sad procession were the women accompanied only by children, often numbering four or more and occasionally even as many as seven. These payments continued throughout the period from 1797 to 1842, at a total cost of £43:14:6d.

The treatment of vagrants, gypsies and travelling “*sturdy beggars*” (physically fit persons but without work)<sup>61</sup> was harsh under Elizabethan laws when they were to be arrested by the constables and whipped before being sent to their legal settlement; repeated offenders were sent to work for a year in a “house of correction” .

<sup>58</sup> In Oxfordshire villages where some families can proudly trace their ancestors back to the first parish registers of the 17<sup>th</sup>. Century, new arrivals are sometimes welcomed (with tongue in cheek) as “foreigners”.

<sup>59</sup> 17 Geo II, c. 38 (1743-4, Poor Law Relief Act 1743, and several previous Acts dating back to 43 Eliz.I,c.2 (1601) Poor Relief Act, 1601, Old Poor Law

<sup>60</sup> Higginbotham, The Workhouse and Poor Laws

<sup>61</sup> Unemployment rose after Henry VII banned private armies, after land enclosures meant fewer labourers and after the reformation closed all the monasteries

Some migrants, too ill to move on, were given board and lodging in the village.

10 October 1810: Mrs. Tuffereys Bill.....	7s.10d.
22 July 1816: Mrs Gibbs Bill for Do.....	2s.3d.
26 August 1827: Expenses At Mrs Tuffry With Alixdr Blackmore ???not Well.....	9s.0d.
6 August 1820: Expenses at Mrs Tuffery with man not Well.....	4s.
30 July 1828: paid George Reaves for Lodging the above woman [& two children]...1s.	
12 May 1835: Expenses At Wards with man not well.....	2s.

This George Reaves is easily identified; he was born in 1765 to Richard Reaves, agricultural labourer, and his wife Hannah, married Elizabeth Horwood in 1821 and died in 1839. The 1841 census recorded Elizabeth as an agricultural labourer's widow. "Mrs Tuffreys", without a forename, is more difficult as there were 45 persons with this surname in 1841. Fortunately only two women, Ann and Mary, were old enough in 1810 and also alive until 1820 and both were married to agricultural labourers called Richard. The Gibbs family, who registered their first baptism in the village in 1602, came to an end in 1818 when Mary Gibbs died intestate aged 66. Mary had inherited property from her husband William Gibbs<sup>62</sup>, a shopkeeper at his death in 1802. There were two Ward families in 1835 where the heads of household were of an age to be able to offer lodging: William Ward, an agricultural labourer, aged and Charles and Mary Ward, childless couple who kept the *Ben Johnson*.

#### **Soldiers & sailors (May 1797 to August 1819)**

1797 May 8: gave two sailors with a pass.....	6d
1802 May: soldier wife child a pass.....	1s.0d.
1810 October: pd a Solder and his Wife and two Children with a Pass .....	1s.
1816 October: pd two Soldiers in Distress.....	1s
1816 October: pd a Soldier in Distress.....	8d.

Elizabethan laws<sup>63</sup> had placed on the parish responsibility for relieving maimed or sick pressed soldiers and mariners in the form of a pension, 12d per week, granted by the county treasurer. Two centuries later, during the Napoleonic wars, the Acts of 1802/3 ordered the relief of destitute families of militia men and exempted any discharged soldiers and sailors from the penalties relating to vagrancy. They were issued "passes" or were stated be "in distress" by officers of the forces when they were discharged from the services and were being sent back to their own settlements. Several were accompanied with their wives or "a woman" who had been living with them on board or in barracks, occasionally with one or two children. The parish paid £3:8s:0d, to the 158 discharged soldiers and sailors together with 19 wives and 4 children who passed through the village between 1797 and 1819. Two soldiers' wives, possibly widowed, were accompanied by a child. They were travelling from barracks in Southampton or Portsmouth on the Northampton road bound for their settlement parishes in the Midlands and further north. The payments to 114 sailors and their wives averaged 4 pence each whilst soldiers received more generous treatment averaging 6d each. Some of the men would have been tradesmen from the naval or military establishments and some of the women would have been Napoleonic War widows of men killed in action in Wellington's army or the Royal Navy or of men who later died from their wounds at a time when medical and surgical knowledge could not ensure high survival rates.

<sup>62</sup> The probated Will of William Gibbs read "...to my wife the cottage, tenement & garden in Weston on the Green which I hold by virtue of a lease granted by the Hon. Peregrin Bertie, thereafter her death to my nephew Richard Gibbs son of my brother Richard Gibbs ...and to my wife ..household goods, furniture, implements of household and all my stock-in-trade, ready money etc."

<sup>63</sup> 35 Eliz.L, c. 4 (1592-3), 27, 286. And 39 Eliz., c.17

**Weights and measures** (1813 to 1837). The constable occasionally had to ensure that bakers and other village shopkeepers did not defraud their customers; duties that were later transferred to County Trading Standards Officers.

16 January 1813 to carrying a Summons to baker and shop .....6d  
 17 January 1813 a Journey to Bicester carrying Summons for bad Weight.....3s:6d.  
 24 November 1834 paid for Letter respecting (???)Weights and Measures.....3d.  
 2 December 1834 Constables Time in Attending the Above order.....3d.  
 16 November 1837 Two half hundred waits and lines.....7s:6d.

**Public Houses** (August 1829 to 1842)

7 August 1829 writing two Notices for Licences day and Delivering same.....1s.  
 1 September 1830 writing Three notices for Licence Day and delivering the same.....1s.6d.  
 24 August 1832 writing Notice for Licence Day placing on Church Dore.....1s.  
 26 August 1832, Writing notices for Do and Delivering To Chls Ward and Ri Toms...1s.

Keepers of public houses had to possess an annual licence to sell beer on their premises. The constable made out notices to the keepers of *The Chequers* and the *Ben Jonson* to remind them of their responsibility to apply to the licensing authorities. Later he wrote out three notices so that the third copy could be publicly displayed to permit any potential objections from villagers to be raised regarding the fitness of the applicants when they appeared before the licensing magistrate. Both ale and beer houses in the village, were kept by women from 1801 - Martha Tuffery (1756-1828) at *The Chequers* and Elizabeth Ward(1736-1823) at the *Johnson's Head*. Both public houses gave £10 annually as victualler's recognizance until 1822 when the sureties for most rural public houses were raised to £20, including *The Chequers*. The *Jonson's Head*<sup>64</sup> was a staging post, with a mounting block for horse riders, on the busy turnpike road through the village<sup>65</sup> so Elizabeth Ward, had to find £60 as recognizance in 1822.

At the *Ben Jonson*, in 1823 (Charles Ward (1772-1851), followed his mother Elizabeth Ward (nee Perkins) who became landlord when her husband Michael had died (Charles's grandfather Joseph, also a publican, came from Oxford); Charles ran the pub with his wife Ann and his sister Mary. In 1841 *The Chequers* was run by Richard Tomms/Tombs (1791- 1867) who in 1832 had married Anne Horwood and brought her neice Elizabeth Howood from Buckinghamshire to live with them. The graves of both families are in the village church yard.

"13 January 1812,expenses at Mrs Wards with 3 soldiers.....1s.  
 "24 January 1814, stoping a Riot at Mrs Wards..... 2s:6d.  
 "3 April 1816 Mrs Wards Bill ..... 8s.8d.

The bills submitted to the constable were presumably for feeding and lodging persons with passes passing through the village who might have fallen ill. Farmer Richard Howse (1740-1831) submitted his bill for 14s in 1816 and in April 1818 the constable "paid a man in Distress in Mr Howses barn" the sum of 1s.

**The Manor**

There is no mention in the Constable Book of the Manor house or its occupants except for an indirect reference when William Williams was apprehended in 1833 under the larceny laws for breaking into the house of John and Ann Honor, who were actually living in the manor house as caretakers in 1841 with Emmanuel Miles a male servant, when the Berties, lords of the manor, were resident in Rycote. The estate passed to the Hon. Frederick Arthur Bertie (1793-1868) only when he came of age in 1814 as the second surviving son of Willoughby Bertie, the Fourth Earl of

<sup>64</sup>Later changed to "*The Ben Jonson*" and in 2013 to "*The Black Sheep*"

<sup>65</sup> At the auction of the Bertie estate in 1918, the Chequers, "a valuable village inn" was rented by Halls the brewers at £25 p.a. whilst the Ben Jonson was described as "a very valuable and fully licensed PH" for which Halls paid an annual £50 rent.

Abingdon (who entailed the manor so that it should only be held by his successors in the earldom if there were no younger brother to hold it). Montague Bertie, his elder brother became the 5<sup>th</sup> Earl of Abingdon.

The Hon. the Revd. Frederick Arthur Bertie, living at Albury-with-Tiddington, and also Rector of Wytham, held two other livings and was also a magistrate. He found the old Albury rectory in a “very dilapidated state” and built a new house in the Gothic style about 1819; the specifications of John Ackerman say that it was to be built largely from the materials of the old house and was to cost £684. He was also responsible for replacing in 1828 the old church dedicated to St Helen with a modern building built in the Perpendicular style by Thomas Rickman in 1830. It was only in the late 1850s when he was 60 that he decided to reside in the Weston on the Green with his wife Georgina and their children born in Albury. He turned the two storey Georgian manor house at Weston into a three storey building in Victorian Gothic style and lived well employing six servants at the 1871 census<sup>66</sup>.

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<sup>66</sup> They included a lady’s made, a housemaid, a kitchenmaid, afootman, an underfootman and a groom

## APPENDIX A 1870 ledger entries by James Boddington, shopkeeper,

Surname, forename, Identified in Census or Parish Registers (burials, births etc.)

### “Booked goods”

Brain, Richd	Richard, age 60, highway labourer, living in Turnpike House
Clark, John	[? either one of two farm labourers?]
Constable, John	Lady’s gardener, age 44, living in the village
Constable, Thos	Thomas, agricultural labourer, age 64, living in the village
Dry, Rev.	Rev. William John, unmarried, age 48
East, James	[ One of two farm labourers or the estate woodman?]
Goodson, Thos	Thomas, agricultural labourer, age 55, living in the village
Hall, Thos	[ ?]
Hicks, John	Gamekeeper, and former village Constable, died in 1871, age 51
Jakeman, H	Henry, farmer, 566 acres , 12 men, 7 boys & 3 women
Matthews, Fred	Frederick, agricultural labourer, died in 1870, age 49
Porter, David	Agricultural labourer, age 52 living in the village
Porter, John	Shepherd, age 48
Read James	Master carpenter, age 44, living in the village
Roals/Rowles, J.H.	John Harris, farmer, 450 acres, 16 men, 7 boys, 5 women
Spittle, James	Agricultural labourer, age 41, living in Church Lane
Tuffrey, David	Hawker, age 42, living in Church Lane
Tuffrey, Zac	Zacharia, age 39, agricultural labourer.

### “Pork sales”

Boddington, John	Hurdlemaker, age 46, living in Church Lane
Brain, G	George, agricultural labourer, age 64
Brain, Jim	Agricultural labourer, age 48, living in Rowles Lane
Brain, Richard	Highway labourer, age 60, living in Turnpike House
Butler, W	William, thatcher, age 62, living in the village
Clarke, Ja	[ ?]
Coggins, Mrs J.	Ann, age 53 , wife of Joseph, laundress, living in village
Constable, J	John, Lady’s gardener, age 44, living in the village
Cross, Mr	William, farmer, age 73, 256 acres, 5 men, 5 boys
Gregory, Jonne	[ ?]
Haddog, Sarah	[ ?]
Hall, Mr	Edward, age 46, shepherd, living North Lane
Hicks, John	Gamekeeper, and former village Constable, died in 1871, age 51
Houwse	Henry, farmer, age 66, 184 acres, 5 men, 3 women, 2 boys
Jones, Mr	William, age 45, publican, The Chequers
Matthew, F	Frederick, agricultural labourer, died in 1870, age 49
Porter, C	Charles, age 56, agricultural labourer, living in the village
Porter, David	Agricultural labourer, age 52, living in the village
Rowles, Mrs	Emily, wife of J H Rowles, farmer
Skidmore, Mrs	[ ?]
Spittle, B	Benjamin, age 54, agricultural labourer, living in the village
Tomb, Mrs	Sarah, widow of Robert, (agricultural labourer, died 1869)
Tuffrey, Z	Zacharia, age 39, agricultural labourer, living in Church Lane
Wheeler, Eliz.	Age 71, own means, grocer, living in North Lane
Whiting, Mrs	Phoebe, age 71, widow of William, masterbuilder, in Knowle Lane
Williams, David	Agricultural labourer, age 55, living in the village
Williams, John	Master boot/shoemaker, living in Rowles Lane, employing 1 man.

Notes:-

1. The lists include the vicar and large farmers as well as agricultural and highway labourers.
2. Occupations that were not mentioned in the 1841 census: lady's gardener, laundress, thatcher, gamekeeper, shepherd, and hurdlemaker, as well as master carpenter, master builder and master shoemaker.
3. Some lanes have been named since 1841: Church Lane, North Lane and Rowles Lane, now renamed Knowles Lane
4. "Booked goods" presumably refer to normal groceries (salt, sugar, candles etc) sold on a credit account, whilst "Pork sales" might refer to pork ordered for later delivery in the autumn when pigs were usually slaughtered