

## A Battle Royal over the Trophies of War

By Dean Bartram

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An unthinking act of heroism by a Stratford soldier was to lead to a legal furore between the English church and the Welsh military. Dean Bartram looks into the dusty files of a fanatical litigation. Little did Stratford-born soldier Richard Perry realise the storm he would create when he heroically rescued his regiment's colours 150 years ago.

Perry was an infantryman with the 24<sup>th</sup> (2<sup>nd</sup> Warwickshire) regiment of Foot who found himself involved in a selfless act of heroism during the bloody and ferocious battle of Chillianwallah (sometime spelt Chilianwala) in the Punjab. It was fought on 13<sup>th</sup> January, 1849, and was one of the most desperate and stubbornly contested engagements of the Sikh wars.

Indeed, five years later one of the consolations offered to a survivor of the Charge of the Light Brigade was: "It was nothing to Chillianwallah." The mission was to quash the fanatical Shere Singh but the difficulty of reconnoitring the Sikh position, which was covered by dense jungle, resulted in the British forces coming expectedly within range of the Sikh guns and having to attack, on waterlogged terrain, unsupported by artillery.

The gallant 24<sup>th</sup> (remember its redoubtable stand against the Zulu masses at Rorke's Drift 30 years later), attacking in the middle of the British line, was pitted against the Sikh centre. A moment's pause, a headlong rush and the guns were won but the losses were huge. In wading through the morass, the men were often completely lost to view and the colours, which were uncased, served as a sure marker for the Sikh gunners.

The regimental colours were carried by Ensign H C Collins who, along with the remainder of the colour party commanded by Lieut. W Phillips who carried the Queen's colours, was killed. This is when Pte Perry seized his glorious moment. Although the Queen's colours were lost to the ravages of the mud-caked battleground, Perry, emerging from the mayhem rescues the regimental flag and it was carried by the 24<sup>th</sup> before being laid up in 1868 in St Mary's Church in Warwick which, to this day, is the home of the Royal Warwickshire Regiment's memorial chapel.

Tucked away in a quiet, sombre corner of this impressive place of worship is a selection of plaques dedicated to the memory of the courageous deeds of Pte Perry. Encased in a box are replicas of the medals he won but, conspicuous by their absence, are the colours he risked his life to protect. Ever since the 4<sup>th</sup> (2<sup>n</sup> Warwickshire) Regiment was renamed the South Wales Borderers in 1881, ownership of the famous flag has been a contentious affair.

The issue as to whether the colours should reside in Warwickshire or Brecon rumbled on for years. In 1924 an application was made to the then vicar of St Mary's (an elderly ecclesiastic called the Rev Llewellyn Wood) for the colours to be transferred to the South Wales Borderers' regimental memorial chapel in Brecon Cathedral.

Wood was not only quite ignorant of military matters but also had scant regard for the sentiment attached to the colours by the regiment. He strongly objected to their removal and even the suggestion that the regiment might seek support from the King failed to crack his obduracy. His defence was impenetrable and the matter petered out. But, after a seemingly interminable hiatus, it was to flare up ten years later.

By this time the South Wales Bordered had a new Regimental Colonel, Major General Morgan-Owen, CB, CMG, CBE, DSO, as formidable a man as Warwick's crusty old cleric had been cantankerously awkward. It became clear to the Major General, and everyone connected with the regiment, that further efforts must be made to obtain the colours of St Mary's. Seeking advice from the assistant chaplain-general, the Rev J J O'Malley, approaches were made to the new vicar of St Mary's, the Rev Arthur Dimple-Henwood, who proved more sympathetic than his predecessor. However, three members of the parochial church council at Warwick, including the mayor and the council's solicitor, were determined, at all costs, to hold on to the colours.

The gloves were soon to come off. Neither the people of Warwick nor the church congregation had any sentiment on the matter and even the Royal Warwickshire Regiment disclaimed any right to the colours and fully supported the Borderers' case. The one sentiment link lay in the fact that Perry lay buried in the churchyard but his grave was unmarked and no-one could say where it was (still the case today).

But this was the sentimental straw to which the church council was determined to hold on to. On of Warwick's distinguished parishioners, a General J G Turner (retired) advised the vicar to co-operate, condemning the church council as "obstinate and narrow-minded." Inspired by Turner's attitude, Morgan-Owen was to go higher up the ecclesiastical ladder for support and in May 1935 he presented his case to the Bishop of Coventry, the Rt. Rev. M G Haigh, the former chaplain to George V who had served as a

padre during the First World War. He advised the regiment to petition for a faculty (official authorisation) to remove the colours.

And so in November 1935 the petition was prepared and put before the Diocesan Chancellor. Inevitably the Warwick contingent immediately lodged an objection with the curious reasoning that “the petitioners have no status to petition since they are not parishioners.” However, their main point of contention was that 67 years ago the then colonel of the regiment had given the colours as a ‘gift’ to the church in accordance with the desire expressed by the regiment.

Morgan-Owen now had some work to do. Doggedly he set about his task and unearthed some vital information. Prior to 1855 colours were usually presented by the Regimental Colonel, and were thus his property, to dispose of as he wished. This was exactly Warwick’s claim but Morgan-Owen found a chink in their armour. Although the colours had been acquired prior to 1855, by 1868 Queen’s Regulations had laid down that colours were the property of the state and they could only be presented by or on behalf of the sovereign. Thus the regiment’s case was that if the 1868 colonel had intimated he was handing over the colours to St Mary’s as a ‘gift’, he had no power to do so and such a ‘gift’ was invalid.

Victory was in sight and the case ‘Morgan-Owen v the Parochial Council of St Mary’s Church, Warwick,’ was heard by the Diocesan Chancellor of Coventry Warwick Assize Court on 6<sup>th</sup> May 1936. On conclusion of the evidence, the hearing was adjourned to London. The arguments were heard in the Niblett Hall, Inner Temple, on 19<sup>th</sup> May when judgement was reserved.

The suspense mounted...Who would win the colours? On 4<sup>th</sup> June 1936 the Chancellor issued his judgement: he found in favour of the regiment.

Warwick refused to give up without a fight and demanded official approval from the Governing Body of the Church in Wales before they would concede defeat. The approval arrived on 26<sup>th</sup> July. The flags, which had slipped into a poor state, needed to be restored before 23<sup>rd</sup> August – the date set aside for a regimental reunion and it was felt fitting that the flags should be received on that day. At a cost of 12 guineas the Royal School of Needlework set to work restoring the colours. They met the deadline and with full military ceremony, the colours were eventually laid at Brecon.

The obelisk in the grounds of the Royal Hospital, Chelsea, is dedicated to the 233 members of the 24<sup>th</sup> (2<sup>nd</sup> Warwickshire) Regiment who fell at Chillianwallah. When the Chelsea Flower Show takes over the location at the end of May, the organisers are not allowed to cover the memorial. Their solution? They build a marquee around it.

In view of the fuss he caused, who was Perry? Richard Perry had a chequered army career which embrace long-service, gallantry and controversy. Born in Stratford in 1810, he enlisted for 24<sup>th</sup> (2<sup>nd</sup> Warwickshire) Regiment of Foot at Birmingham on 9<sup>th</sup> March 1831. Formerly a street toy marker he served with the 24<sup>th</sup> for 20 years and 209 days stationed overseas in Canada for six years and India for five.

He was promoted to corporal on 1<sup>st</sup> April 1839 and to sergeant on 1<sup>st</sup> May 1841. Tried by Court Martial for absence on 17<sup>th</sup> March 1844, he was reduced to the rank of private four days later. However, his heroics at Chillianwallah on 13<sup>th</sup> January 1849 when he rescued the regimental colours under a storm of grapeshot from enemy guns, earned him promotion back to corporal and he was awarded the Good Conduct Medal.

On New Year’s Day 1850 he made it back to sergeant, a rank he was to hold until his discharge through ill-health on 13<sup>th</sup> July 1852 at the age of 41. Sgt. Perry was 5ft 7in, with black hair and hazel-coloured eyes and a fresh complexion but his exhausting military service had left him “incapable of performing further military duty of an active description.”

There is little doubt that if Sgt. Perry’s gallant actions in saving the regimental colours had taken place after 1856 when the Victoria Cross was introduced, he would have been recommended for the British military’s highest award for valour. A measure of his bravery can be judged by the fact that the annuity attached to the VC in 1856 was £10. Perry’s annuity for his courageous deed, which was granted to him in March 1853, was £20. He died in Warwick on 15<sup>th</sup> March 1855 aged 44.

### **Acknowledgements.**

*The Stratford-upon-Avon Herald*

The South Wales Borderers and Monmouthshire Regimental Museum, Brecon, Wales.