

LAW AND ORDER IN THE 17TH CENTURY

(extracted from the records of Warwick Quarter Sessions)

Life for ordinary people in the 17th century was much more restricted than we are used to today; in 1601, the care of the poor was placed, by law, in the care of each individual parish, and those who fell upon hard times, such as illness, infirmity or old age were legally entitled to apply to their parish for help. A person was recognised as being a legally settled inhabitant of a parish after one month's abode, and although this was later increased to forty days, parish vestries soon began to operate an unofficial system of refusing relief to paupers who they could prove had settlement in another parish. As the money for relief was raised by tithes, and the parish authorities were often people who had no real idea of how life was for labouring families, injustices often occurred. There was no recourse for those in distress but to take their plea to court for arbitration; this was very much the end of the line, and pleas were only usually brought as a last resort.

In 1649, Hugh Davenport of Brincklowe petitioned the court to order the parish authorities to house him, his wife and three small children, after a Mr. Clark had evicted them. Davenport had "sustained great loss by the soldiers in these late wars" (the Civil war), and had clearly been wounded to the point where he could not work or pay his rent. The court ruled that he and his family were "likely to perish unless speedy cause be taken to their relief", and ordered the constable, churchwardens and overseers of the poor to remedy the situation forthwith, as Davenport had successfully shown that he had been resident in Brinklow for the past ten years.

Sometimes landlords took the law into their own hands; the Quarter Sessions papers are full of instances of the weak and vulnerable being dealt summary justice by those with no authority:

In 1639, Elizabeth Bentham, widow, was "forcibly ejected" from her house by William and Ann Dawes, their son, and his friend the local baker. The court fined them, but it isn't clear whether Mrs. Bentham got her home back.

The law concerning trades often worked against anyone trying to supplement their income, or expand an existing business: In 1682, William Geases of Brincklow, labourer, was fined for using the trade of grocer for seven months "contrary to the statute". John Mason, tailor, was also fined on the same occasion for "using the trade of mercer for the like time. Even in the 17th century, Neighbourhood Watch was called for: in 1684, John Adkins, labourer, Samuel Pace, husbandman, Samuel Smith, yeoman Edward Sale the younger, husbandman, all of Brincklowe and Thomas Bird of Long Lawford were sent to the Assizes (a higher court) for "breaking into the dwelling of one Henry Dann of Brincklowe and feloniously taking away of certain goods out of the same house."

Unbelievably harsh treatment was meted out for immorality, but women's rights had a very long way to go in the 17th century; sometimes pregnant women were driven outside the parish boundary to avoid the claim that the offspring had a right to settlement and thus be a financial drain on the community:

In 1864, Kathleen Dudley of Brincklowe was "committed to the House of Correction for bastardy, there to remain by the space of one whole year and to be set to hard labour. Afterwards ordered to be whipped and discharged. George Parnell to allow weekly towards the maintenance of a male bastard child begotten by him on the body of the said Kathleen."

The authorities disapproved of informal arrangements between parents and employers, given that this was often tantamount to selling one's child into slavery for seven years; a legal apprenticeship, (which might in fact be no kinder on the apprentice,) was usually paid for by parent or guardian. In the case of orphans, the parish paid the indenture fee, hence orphans often had a very hard time indeed, often beaten, starved and abused, with no one to speak for them. Given that apprenticeships could begin as young as eight in the 17th century, one wonders why the following plea was brought; sadly the reasons for it don't seem to have merited recording: In 1698, on information on behalf of George Johnson the younger apprentice to Robert Habbert of Monk's Kirby, butcher, that his master "has no business to employ him" the court ordered his father, George Johnson the Elder to place him instead with Edward Dickens of Brincklowe to serve out his time.

Often, parishes would dispute hotly whether those seeking poor relief were their responsibility, and wherever possible, would unload paupers onto another parish, thus saving money; this led to the terrible spectacle of the poor, aged or infirm being driven considerable distances, sometimes to places where they knew no one or might be far worse off:

In 1691, Richard Riley and Ann, his wife, "poor people" were ordered to be removed to Catesby in Northamptonshire, despite swearing under oath that they were settled at Brinklow. Later, the Settlement laws were altered, and in 1795, removal by the Overseers of the Poor was forbidden unless the pauper actually became a charge upon the parish, and this did away with some of the injustices, although the principle of settlement remained in force until 1876. Astonishingly, it was only removed from the statute book in 1948. Parochial "convenient houses of dwelling for the impotent poor" were set up in 1601, but workhouses only became widespread in the 18th century. In 1834, Poor Law Unions took over responsibility for the poor from the parish, and were usually in the nearest town; Brinklow paupers would have been sent to Rugby.

Often in age, people who could no longer work, and whose families were themselves so hard pressed they couldn't afford to keep them, ended their days in these dreary places; couples who had lived together most of their lives were separated, and children housed apart from their parents. For the mentally ill, or the confused, people suffering from epilepsy, or even young women who became pregnant and were deemed criminally immoral were often transferred from the workhouse to the lunatic asylum. Although undoubtedly many Brinklow residents ended their days in these grim institutions, the censuses of the 19th century show many instances of families caring for their aged and infirm; the horror of the workhouse perhaps goes a long way towards explaining why parents were prepared to let even very small children work extraordinarily long hours, and why we find old men of 80 still giving their occupation as "labourer".