

THE WORK OF THE MAGISTRATE FRANCIS EDWARD WITTS
FROM HIS DIARIES 1815-1823

Francis Edward Witts was born in 1783 and died in 1854. After an Oxford education, he became rector of Upper Slaughter in 1808, succeeding his uncle, the Reverend Ferdinando Tracy Travell. It was common practice at that time for Church of England clergymen to be prominent among the ranks of magistrates. Other magistrates were generally noblemen or landed gentry, with a few exceptions from the commercial or manufacturing class.

The magistrate had criminal jurisdiction over offences ranging from the smallest misdemeanor to serious crimes for which transportation was the sentence. The constable would bring to him (sometimes to his own parlour) suspected vagrants, paupers, poachers, thieves, deserters, the mothers of bastard children, people guilty of assaults or threatened murder, drunkards, rioters and anyone else who had fallen foul of the law. If the case fell within his jurisdiction to act alone the magistrate had such remedies as fining, placing in the stocks, whipping, binding over with securities to appear at the Quarter Sessions or Assizes, committal to the House of Correction, or to set free with a vagrant pass. In addition, the magistrate was concerned with local administration, including rating, maintenance of the highways, questions of poor relief and licensing. Attendance at Quarter Sessions also fell to his lot, where he would meet with other magistrates and discuss matters of public administration concerning the whole county, as well as hearing criminal proceedings and appeals.

Mr. Witts was a keen diarist and in addition to his legal notes, kept a detailed diary of his social events. However, it is with his legal diaries that we are concerned here. He sat as a magistrate, mainly at Stow-on-the-Wold at the Petty Sessions. There he sat sometimes with one other magistrate, but sometimes with six or seven. In the three years 1817-1820, he mentions in the region of fifty sessions at Stow as opposed to thirty at Northleach Bridewell, and this trend continued over the years. At Northleach Bridewell Petty Sessions, a larger bench of magistrates sat - usually about eight or ten. In addition he heard occasional cases at home, and now and then travelled to Naunton or Lower Slaughter to hear a case.

The largest group of cases heard fell under the Poor Law Settlement Acts. Between 1817 and 1820 fifty five examinations of settlement were taken, usually followed by a removal order, and between 1820 and 1823, thirty two cases. This group of cases was followed by those involving both pauperism and immoral conduct such as the making of affiliation orders or the committal of the mother of a bastard child to the House of Correction. However the number of these cases is far less than those in the previous group. There were twenty two between 1817 and 1820 and eighteen between 1820 and 1823. These cases were followed by a complete miscellany of offences with larceny, assault, cases involving disorderly behaviour, and the committal of rogues and vagabonds high on the list.

There are numerous examples of the making of removal orders in the diaries. Perhaps the harshest was heard at Northleach on April 27th, 1821, concerning Merach Lock, Mary Lock, Lucas, Adam, Eve, Sarah, Temperance and Joanna.

"The overseer of Halling brought up two gipsies, casual poor in their parish in order to their being examined to their settlement. Merach Lock the husband swore that he was born under an oak on Halling down as he had heard from his mother, being an illegitimate child and knowing nothing of his father: also that he was recently married to his wife Mary with whom he had cohabited twenty years, having by her six children. It seems that the Parish of Halling has little or no chance of proving him settled elsewhere. On examining the woman, she swore all the children to be Merach Lock's - Lucas and Adam being born like their father in the Parish of Halling - Eve at Cold Ashton - Sarah at Brimsfield - Temperance at Hawkesbury - Joanna at Cranham."

The law was strictly interpreted and removal orders were made in respect of the last four children, sending them to their respective birth places. The orders were upheld following an appeal by the parishes of Hawkesbury and Cranham at the Trinity Quarter Sessions of 1821, which Mr. Witts himself attended.

The function of the removal order in ridding the parish of a lunatic - no doubt a burden on the rates as were the children in the previous case - is seen in a report concerning Solomon Harris, dated 31 October 1817. An order was made to move him to Lower Guiting from Naunton. The pauper being a lunatic, the order was founded on the examination of sundry witnesses who could trace the history of the pauper from infancy; he followed his father's settlement.

The magistrates delved into the past in order to come to their decisions even if this meant sending someone miles away to a place where he had lived long before. In the case of Thomas Moorman in 17 August 1818. Thomas Moorman was moved with his wife from Wick Rissington to Cirencester as he had rented a tenancy there twenty seven years before and paid two rates, although in actual fact he had only lived there for six months.

Many of the orders were made on single pregnant girls, obviously a charge on the rates, such as Elizabeth Sperrick, a 'single woman big with child', who in August 1817 was moved from Great Barrington to Church Handborough in the County of Oxford. Many cases of immoral conduct are cited in the diaries, most of them concerning the mothers of illegitimate children and the making of affiliation orders regarding such offspring. On the 28 February 1817, a case was heard regarding Martha Saunders, a married woman 'brought to bed of twins'. 'Her husband Saunders, a private in the 16th Regiment of foot, not having had access to her, he having been abroad for two years, as appears from a certificate from his Commanding Officer'. Martha Saunders refused to filiate the twins and was committed to Northleach Bridewell as a lewd woman, for one year. The twins were sent with her.

Sometimes in such cases, Mr. Witts shows his personal disapproval, as in the case, in 1818, of a servant girl affiliating her baby to her master, which he describes as 'a confession of fornication and a habit of life contra bonos mores.' Similarly on 3 June 1819, in the case concerning Elizabeth Smith, aged fifteen and a half, the father of whose child was her uncle and master, he speaks of 'a most gross and profligate affair.', and on 20 April 1820 describes one Alice Turner, who had produced three illegitimate children as 'an abandoned woman and worthless'. On 17 May 1821, Mr. Witts committed one Rebecca Betteridge to Northleach Bridewell for six months - 'being a very profligate girl and much fornication prevalent in the Parish'. One wonders how he felt when in the same month he had before him one Mary Webb, to filiate her child, whom he describes as 'late our cook'.

However, Mr. Witts was not the only clergyman to have trouble with his domestic staff. Among the many and varied cases of larceny is the case of Mary Baradell, heard on 8 October 1821. She was the servant of the Reverend T. Talbot, Rector of Hawling, and was charged with stealing articles of his property. Her defence was that she was given the property in her master's 'Bacchanalian hours'. She was committed for trial at the Quarter Sessions.

Some larceny cases referred to Quarter Sessions warranted severe penalties, such as seven years transportation inflicted on Geoffrey Wright from Oddington on 8 April 1818 for stealing linen. The same penalty was given to Moses Gardner on 13 April 1818 for timber stealing. On the other hand a boy of thirteen, Henry Beazley, of Lower Swell, who had stolen a chine of bacon out of his master's cellar, was ordered by the magistrates to have a whipping. This case was heard on 19 October 1818.

An amusing case among those concerning disorderly conduct was one in which Mr. Witts himself actually went to the spot where two men were fighting. The case is dated 19 October 1818. 'Being informed that a challenge had taken place and a battle begun in the Parish of Upper Slaughter between Charles Meecham of Lower Slaughter and W. Golding of Upper Slaughter, proceeded to the spot and found the combatants engaged; placed them immediately in charge of the constables and then bound the parties by recognizance to keep the peace towards each other and all the King's liege subjects for the space of one year.'

The Stow Fairs attracted a large number of persons who were brought before Mr. Witts as rogues and vagabonds or vagrants. On 30 July 1821 one Lambert was committed to Northleach Bridewell as a rogue and a vagabond. He had been exhibiting two bears at Stow with two foreign companions. One bear had broken loose, and was recaptured with difficulty. The diary reports that 'his whole body except his face and neck and palms was covered with a warty blackish excrescence, like scales, which rubbed off and were renewed annually'.

On 6 June of the same year the members of Charles Davies' family were committed as vagrants. Davies was described as

'a drunken tinker, who travels through the County, encamping under hedges, etc. They were found drunk and quarrelling at Halford Bridge. Black eyes, unseemly scratches and scattered garments were the order of the day.'

Another interesting case, dated 7 July 1818 resulted in two actors being passed as vagrants to Birmingham and London respectively -

'On the complaint of Mr. Gilbert of Bledington that Thomas Goddard, Edward Cassidy and others, Comedians, were acting plays at Bledington I issued a warrant for their apprehension, who being brought up could show no legal authority and were accordingly committed by me as rogues and vagabonds for seven days to Northleach Bridewell.

The dispute as to the acting of these persons is connected with feuds in the parish between two parties, one supporting, the other opposing Mr. Jones, the curate of Bledington and supposed to hold Calvinistic doctrines.'

Possibly the most amusing vagrant case concerns William Chip on 26 May 1820. This unfortunate man called to beg at Witts' door, and Mr. Witts committed him to Northleach Bridewell for 7 days!

The magistrates spent quite a considerable time on various aspects of the licensing laws. Throughout the diary, Mr. Witts is quite liberal with his judgement on peoples' characters, but in these particular cases is quite emphatically righteous. On 10 September 1819, for example, he refused a licence on the grounds that

'The House is likely to attract the idle and improvident from all the villages around. The duty of Magistrates is as much as possible to contract the number of public houses as adverse to good principles and industry.'

When the magistrates met at Northleach Bridewell, any matters pertinent to that establishment were discussed as well as the ordinary business. Mr. Witts himself was a visiting magistrate for a time. Throughout the diaries, matters relating to staffing, accounts, provisions and the keeping of the Bridewell rules are discussed, and also the setting up of a corn mill, which was agreed by the magistrates in March 1820.

The diaries have many references to local parish administration. Highways, rating, censuses, turnpike rents, militia meetings and auditing of the accounts are all mentioned. Sometimes the magistrate would make an order for boys and girls from the parish to be apprenticed or more often to hear appeals for relief from paupers. In July 1816, for example, a widow, Ann Clifford of Oddington who was aged seventy, applied for relief as she could not get work. The overseer was directed to maintain her at the rate of three shillings a week until she could find work. On 30 December 1818 Mr. Witts held that a grandfather was liable to maintain his three grandchildren, all under nine years of age, to the tune of half-a-crown a week, as their father was unable to work to support them.

Turning to his duties at Quarter Sessions, we find that Mr. Witts attended regularly during the period studied. The magistrates would meet at the King's Head Inn at 10 o'clock and then proceed to the Booth Hall. The Sessions usually lasted between three and six days. The general county administration was heard at the King's Head. This included the appointing of jurors and fining those who did not attend, the appointing of constables, appeals against removal orders, matters concerning

public works such as highway, rating, the employment and relief of paupers and appeals from Magistrates courts about bastardy orders. The public court of justice was then held, usually the following day at the Booth Hall and subsequently at the new Shire Hall where the first court was held at Michaelmas 1816. At this court, criminal cases were heard, referred from Petty Sessions and in some cases the felons were transported. Also appeals against conviction in the magistrates court were heard. Expenses were paid to those prosecuting and to court officials and there was then an adjournment after which debtors' cases were heard. These Quarter Sessions provided a valuable opportunity for magistrates from all over the County to meet and discuss their work.

From the diaries it can be seen how conscientious and hard working Mr. Witts was. The very volume of work covered was considerable and his accounts of it are meticulously kept. One can only admire a man who devoted such a large part of his life to voluntary public service. S. and B. Webb describe the magistrate as 'not merely honest, but absolutely distinguished for integrity and personal honour.' Certainly from reading the diaries one can see that Mr. Witts' strong moral character and attention to legal detail make this statement no exaggeration.

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SOURCES

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