

## Loxley as rising tensions led to the Civil War

Taxation, particularly the Ship Tax from 1635 when it was levied on inland counties, led to disputes between the major towns and the villages in Warwickshire because the more of the burden fell on people below the rank of gentleman. By 1638 the squire of Loxley, Thomas Underhill, was required to make his payments to the Sheriff of Warwickshire, his cousin Sir Edward Underhill of Ettington. Sir Edward was a reluctant tax collector, having been an objector to the forced loan some years before, and delayed collection by asking for a rebate on account of the 1637 plague in the area. When the judges decided against him in June 1638, he told the Privy Council it would now be difficult to collect the arrears.

Against this background local communities sought ways to meet the King's spending targets without increasing taxes, by reducing expenditure. Under the terms of the Elizabethan Poor Law every Parish was expected to pay for the transport of cripples along the King's Highway in the Parish. Loxley and the adjacent villages felt these charges were excessive and a dispute arose concerning the route to be taken from Warwick to the healing baths in the City of Bath.

The decisions of the Justices at Warwick are recorded in the Sessions Order Book, no. II – 205 paper sheets in a vellum binding. The Records Committee of Warwickshire County Council published transcripts of these records and those below are taken from Volume II which first appeared in 1936.

Initially Loxley's case was accepted, then reversed on appeal, re-instated on further appeal and finally reversed again on the evidence of some of the elderly people from Walton and Thornton that the customary route had been through Loxley for at least sixty years.

EASTER, 1640 [fo. 67]

Loxley and Walton, pur carriage of cripples.—Whereas this court was this present day informed by the inhabitants of Loxley in this county that whereas the inhabitants of and in this county of Warr' and other places have usually carried all cripples and other diseased persons travelling and passing from all parts of this kingdom to the borough of Warwick and from thence to the city of Bath in and by the usual and common road, that is to say from Warr' to Barford, from thence to Wasperton, from thence to Wellesborne Momford, from thence to Walton, from thence to Thorneton, from thence to Eatington and so in and by the common road to Bath aforesaid, that some inhabitants of late have neglected to use the same ancient and common way by carrying their cripples and other diseased persons from Wellesborne to Loxley in this county, which is not only out of the same road but also further about, to the needless and unnecessary expense of the inhabitants of Loxley aforesaid and hindrance of the said passengers, it is therefore thought fit and so ordered that such cripples and other maimed and diseased persons as hereafter shall travel or be conveyed to Warwick aforesaid towards Bath aforesaid shall go the ordinary and nearest highway before mentioned and directed and likewise those crippled and diseased persons that come from Bath towards the said borough of Warr' shall go and return the same way back again and not come to Loxley aforesaid.

MICHAELMAS, 1640 [fo. 64d]

Carriage of cripples. Loxley and Wellesborne.—Whereas this court was this day informed upon oath that the inhabitants of this county of Warr' and other places have usually carried all cripples and other diseased persons travelling and passing from all places of this kingdom to the borough of Warr' and from thence to the city of Bath in and by the usual road, that is to say, from Warr' to Barford,<sup>1</sup> from thence to Wesperton, from thence to Welsborne Hastings, thence to Welsborne Momford, from thence to Loxly, and from. thence to Eatington and so forward in the usual road

way to Bath aforesaid, now forasmuch as the court was this day further informed that the inhabitants of Loxly aforesaid have lately refused to receive some cripples and diseased persons travelling in and by the usual way from Warwick to Bath aforesaid, it is therefore ordered that all such cripples and, diseased persons as shall hereafter happen to come that way to go towards Bath shall be sent from Welsborne Mounford aforesaid to Loxly aforesaid, it being the most usual and, nearest way from War' to Bath as aforesaid.

1 The manuscript says 'Bedford'.

EPIPHANY, 1641 [fo. 75]

Cripples to be conveyed to Bath from Warwick. The way.—Whereas there have been several orders heretofore made in this court concerning the usual way for the conveying of cripples and other diseased persons travelling and passing from all places of this kingdom to the borough of Warr' and from thence to the city of Bath, and that by an order of Easter Sessions last past it was ordered that all such cripples and diseased persons travelling and that should be conveyed from Warr' to the city of Bath aforesaid should go or be conveyed in and by the usual and common road, that is to say, from Warr' to Barford, from thence to Wasperton, from thence to Wellesborne Munford, from thence to Walton, from thence to Thornton, from thence to Eatington, and so in and by the common road way to Bath aforesaid, it is now ordered that the said order then made shall in all things be performed and observed, any later order to the contrary thereof notwithstanding. [fo. 75d.]

TRINITY, 1642 [fo. 113d]

Walton, Thorneton and Loxley.—Whereas at the General Sessions of the Peace holden upon Tuesday next after the feast of St. Michael the Archangel in the 16th year of his Majesty's reign that now is this court was then informed upon oath that the inhabitants of the county of Warr' and all other places travelling and passing from all parts of this kingdom to the borough of Warr' have usually carried all cripples and other diseased persons from thence [fo. 114] to the city of Bath in and by the usual common road, that is to say, from Warr' to Barford, from thence to Wasperton, from thence to Wellsborne Hastings, from thence to Wellsborne Mounford, from thence to Loxly and from thence to Eating-ton and so forward in the usual road way to Bath aforesaid, and this court being then also informed that the inhabitants of Loxly have lately refused to receive cripples travelling in the said usual way it was then ordered that all such cripples and diseased persons as should happen to come that way to go towards Bath should be sent from Wellsborne Mounford aforesaid to Loxly aforesaid being the most usual and nearest way from Warr' to Bath as aforesaid, as by the said order in this behalf doth and may appear, and whereas notwithstanding such information given upon oath and the order thereupon made as aforesaid yet the said inhabitants of Loxly have since that time, that is to say, at the General Sessions of the Peace here holden, upon Tuesday next after the feast of Epiphany in the said sixteenth year of his Majesty's reign obtained an order upon information endeavouring to alter and divert the said ancient course in passing cripples as aforesaid and to avoid the charge thereof, and whereas at Easter Sessions last past it was ordered that for a final settling of the difference between the inhabitants of Walton and Thorneton on the one part and the inhabitants of Loxly on the other part touching the passing and conveying of cripples and other impotent persons travelling to the Bath or other places in the road, from Warr' to such other towns as aforesaid that all the said parties interested should attend at this Sessions for a full settlement and determination of the differences aforesaid, now forasmuch as at this present Sessions upon full hearing of both sides in open court it appeared by the testimony of five or 6 aged witnesses produced on the part and behalf of the said inhabitants of Walton and Thorneton that the usual and constant way and course of carriage of the said cripples and other diseased persons was from Warr' to Barford and so from Wellsborn Mountford to Loxly, some of the said witnesses

deposing the same for 60 years and more, and the witnesses produced on the behalf of Loxly aforesaid did not depose any thing at all material to cross the said other proof, [fo. 114d.] it is therefore for a full and final conclusion and settlement of the difference aforesaid this day ordered upon full hearing and debate of the said parties and of their said counsel on both sides that all such passengers and cripples as aforesaid shall pass and, be carried and conveyed as they have formerly been, that is to say, from Wellsbourne Mountford to Loxly and from thence to Eatington, being the common and usual way for their passage as aforesaid according to the said ancient usage and custom aforesaid.

[Note: When the Quarter Sessions tried to convene on the Tuesday after the feast of St. Michael the Archangel in 1642 (Tuesday 30th September), Lord Rochford arrived in Warwick with 800 soldiers, the session was abandoned and did not re-convene for three years].