

Self-image and public image in the career of a Jacobean magistrate: Sir John Newdigate in the Court of Star Chamber

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Sir John Newdigate of Arbury, Warwickshire (1571–1610) has come to be regarded as the ideal type of ‘the public man’ in early Stuart England. Richard Cust’s painstaking analysis of his commonplace books has demonstrated how Newdigate aspired to personify the conscientious magistrate fired with the zeal of civic duty.¹ Newdigate’s reading strategy arguably exemplifies the formation of the political culture of the provincial magistracy, revealing how the central themes of Renaissance political thought were internalised in the gentry parlour and on the sessions bench. Through the lens of Newdigate’s early schooling and exhaustive programme of continuing education, Cust suggests, we can see how a common stock of aphorisms and examples helped inculcate the values of civic humanism – wisdom, incorruptibility, courage, love of justice, love of country and, above all, love of God – which were supposed to unite the gentry as a governing class.²

Newdigate’s lived experience as an active magistrate was, nonetheless, rather more controversial than this pious self-image suggests. During the very period when he was so assiduously ‘reading for magistracy’, Newdigate’s personal and public roles as landlord and justice of the peace respectively brought him into conflict both with his own tenants and with the law officers of the crown. In June 1607, during the ‘commotion time’ of the Midland Rising (that series of anti-enclosure protests that convulsed the counties of Leicestershire, Northamptonshire and Warwickshire) Newdigate suppressed a series of riots on his own estate at Arbury. In retaliation, his neighbours subjected him to an orchestrated campaign of harassment and intimidation, characterising him not as a defender of the commonwealth but as an enemy of the people. In May 1608,

¹ Richard Cust, ‘Reading for Magistracy: The Mental World of Sir John Newdigate’, *The Monarchical Republic of Early Modern England: Essays in Response to Patrick Collinson*, ed. John F. McDiarmid (Aldershot, 2007), pp. 181–99; Cust, ‘The Public Man in Late Tudor and Early Stuart England’, *The Politics of the Public Sphere in Early Modern England*, ed. Peter Lake and Steven Pincus (Manchester, 2007), pp. 116–43.

² Cust, ‘Reading for Magistracy’, pp. 182, 198–9.

Newdigate accused six of these conspirators of seditious libel in the court of Star Chamber, only to find that he was, in turn, prosecuted on behalf of the crown in the very same court by Attorney General Sir Henry Hobart who charged him with depopulating enclosure. By unpacking the narrative implicit in this tangled skein of litigation and reading it in the context of Newdigate's own views about how a conscientious magistrate should conduct himself, this chapter analyses the complex relationship between the actual experience and the public representation of magistracy in early seventeenth century England.

The Midland Rising remains one of the most significant, yet paradoxically least explored, episodes of popular protest in the historiography of early modern England.³ Thanks to the work of John Walter, however, we now know a great deal about the modes of communication (especially seditious libels and ballads) which drew participating communities together in rebellion, not only across the principal battlegrounds of the Midlands but also into those areas (especially Lincolnshire) which were more peripheral to the Rising.⁴ And we are gradually learning about the complexities of the government response to the crisis, and even about its cultural echoes – especially in the opening scene of William Shakespeare's *Coriolanus* on the London stage: 'enter a company of mutinous citizens armed with clubs and staves'.⁵ But very little detailed work has been done on how and why the social fabric proved so flammable on particular midland estates.⁶ Compare, for instance, how much we know about the circumstances and personalities at play in Oxfordshire in November 1596 during the abortive 'rising of the people' with how little we know of the social dynamics which caused the much larger, more prolonged and more significant commotion in the Midlands in May and June 1607.⁷

³ For the limited historiography of the Rising itself see Edwin F. Gay, 'The Midland Revolt and the Inquisitions of Depopulation of 1607', *TRHS* n.s. 18 (1905), 195–244; John E. Martin, '[Part III] Case Study: The Midlands Revolt of 1607', *Feudalism to Capitalism: Peasant and Landlord in English Agrarian Development*, ed. John E. Martin (London, 1983), pp. 159–215; Roger B. Manning, *Village Revolts: Social Protest and Popular Disturbances in England, 1509–1640* (Oxford, 1988), pp. 229–46.

⁴ John Walter, "The Pooremans Joy and the Gentlemans Plague": A Lincolnshire Libel and the Politics of Sedition in Early Modern England', *P&P* 203 (May 2009), 29–67.

⁵ Steve Hindle, 'Imagining Insurrection in Seventeenth-Century England: Representations of the Midland Rising of 1607', *HWJ* 66 (Autumn 2008), 21–61.

⁶ For very limited discussion see Martin, *Feudalism to Capitalism*, pp. 180–215. The flammability metaphor is Francis Bacon's ('Of Seditions and Troubles'), but cf. Ian Archer, *The Pursuit of Stability: Social Relations in Elizabethan London* (Cambridge, 1991), p. 257.

⁷ John Walter, 'A "Rising of the People"? The Oxfordshire Rising of 1596', *P&P* 107 (May 1985), 90–143; reprinted in John Walter, *Crowds and Popular Politics in Early Modern England* (Manchester, 2006), pp. 73–123. For an exception see L. A. Parker, 'The Agrarian Revolution at Cotesbach, 1501–1612', *Transactions of the Leicestershire Archaeological Society* 24 (1948), 41–76; and cf. Manning, *Village Revolts*, pp. 244–5.

Close reading of the archive of Star Chamber litigation initiated in the aftermath of the Rising, and cross-referencing it with sources generated in the local environment of parishes and manors, illuminates the obscure social context of the crowd action on Newdigate's estate. The following discussion accordingly reconstructs what seems to have happened at Arbury on 2 to 3 June, emphasising the logistics of anti-enclosure protest; analyses the response of the Attorney General in prosecuting Newdigate alongside numerous other Warwickshire landlords for depopulating enclosure; investigates Newdigate's personal and public responses to the experience of prosecution; and outlines his strategies for retaliation, both in the law courts and in his public pronouncements on the quarter sessions bench. The evidence also offers unprecedented insights into the preparation both by the Attorney General and by a private litigant of a Star Chamber brief, and rehearses the discourses that informed Newdigate's attempt to exculpate himself in the face of public opprobrium. Cumulatively, it will be argued, the Arbury enclosure riot and its aftermath reveal in detail just how a popular political culture constructed around a series of expectations about the responsibilities of the good King or good lord, to say nothing of the good magistrate, implied the possibility that respect for royal, seigneurial or magisterial authority might be forfeited when those expectations were frustrated.⁸

I

John Newdigate was born in 1571 into what was to shortly become a notionally prosperous but severely indebted south Midlands family whose patriarch died a prisoner in the Fleet.⁹ As a very young man, Newdigate had accompanied the Earl of Derby on his embassy to Paris in 1585, but even after his advantageous marriage to the Cheshire heiress Anne Fitton in 1587, his father's financial affairs were so complicated that his generous maternal inheritance was compromised and he remained dependent on his parents-in-law, who seem to have been responsible for sending him off to Brasenose College, Oxford, in 1588. It

⁸ John Walter, 'Crown and Crowd: Popular Culture and Popular Protest in Early Modern England (Sixteenth and Seventeenth Centuries)', and in *Sotsial'naia Istoriia: Problemy Sinteza* (Moscow, 1994), pp. 235–48; and Walter, 'Public Transcripts, Popular Agency and the Politics of Subsistence in Early Modern England', *Negotiating Power in Early Modern Society: Order, Hierarchy and Subordination in Britain and Ireland*, ed. Michael J. Braddick and John Walter (Cambridge, 2001), pp. 123–48; both reprinted in Walter, *Crowds and Popular Politics*, pp. 1–16, 196–222.

⁹ For Newdigate's biography see Vivienne Larminie, 'Newdigate, Anne, Lady Newdigate (1574–1618)', ODNB, Oxford University Press, 2004 [www.oxforddnb.com/view/article/52768]; V.M. Larminie, *The Godly Magistrate: The Private Philosophy and Public Life of Sir John Newdigate, 1571–1610* (Dugdale Society Occasional Papers no. 28, 1982); Larminie, *Wealth, Kinship and Culture: The Seventeenth-Century Newdigates of Arbury and Their World* (Woodbridge, 1995), *passim*, esp. chap.10.

was there that he met William Whitehall, the younger son of a Staffordshire gentleman, who was subsequently to become his estate steward at Arbury, his chief accountant at his coal mines in Griff, and ultimately his co-defendant in the Star Chamber.¹⁰

In about 1595, John and Anne Newdigate took up residence at what had become the main family estate at Arbury in the parish of Chilvers Coton, near Nuneaton, in north-east Warwickshire. Newdigate's father had acquired Arbury ten years earlier in a desperate attempt to exchange the more expensive Newdigate property at Harefield (Middlesex) for the more modest demesne in the Midlands. The couple was far from well established in Warwickshire society, and not only because they were newcomers. Their notional income from Arbury was only about £300 to £400 a year, and although the residue of the Middlesex estate added a further £240, this placed them way down the hierarchy of the county's natural leaders.¹¹ Within three years, however, Newdigate had at the precocious age of 27, secured a place on the Warwickshire commission of the peace (almost certainly through the patronage of Sir Fulke Greville); and by 1603 he had been knighted. Throughout his fifteen years' residence at Arbury he energetically, if not always profitably, exploited all the agricultural possibilities on the manor, and took a very close interest in his mines on the most southerly part of the estate at Griff, through which ran the Warwickshire coal seam. With Whitehall's help, Newdigate ensured that rents at Arbury were raised 'to the utmost'.¹² As Cust has shown, however, Newdigate made time amid the practice of fiscal seigneurialism for a strenuous programme of self-improving reading and common-placing, designed to furnish him with practical guidance on his duties as a magistrate.¹³

II

Newdigate's aspirations to serve his country and protect the commonwealth were, however, severely compromised by his role as an improving landlord. By the summer of 1607, therefore, it was becoming clear that the spokesmen for the commonwealth were not self-proclaimed 'public men' like Sir John Newdigate, but those 'levellers' who protested against enclosing landlords. The Warwickshire 'diggers', led by the charismatic John Reynolds, also known as 'Captain Pouch', drafted and circulated a manuscript broadside 'to all the diggers of Warwickshire', criticising depopulators (who went unnamed, but by implication included Sir John Newdigate) as 'encroaching tyrants' who 'would grind our flesh on the

¹⁰ For Whitehall see Larminie, *Wealth, Kinship and Culture*, esp. pp. 9–10, 14–16, 34–40.

¹¹ *Ibid.*, p. 11.

¹² Warwick County Record Office, Warwick [hereafter WCRO] CR136/B311 (1610); Larminie, *Wealth, Kinship and Culture*, p. 11.

¹³ Cust, 'Reading for Magistracy'.

whetstone of poverty' and 'dwell by themselves in the midst of their herds of fat weathers'.¹⁴ At issue here was the enclosure of the common fields and wastes for the rearing of sheep in an environment where it had long been a commonplace that 'the more the sheep the dearer the corn'.¹⁵ The scriptural fundamentalism of the diggers' incitement to riot drew in particular on the prophetic rhetoric of Isaiah 3:15 ('What mean ye that ye beat my people to pieces and grind the faces of the poor?') and 5:18 ('Woe unto them that join house to house, that lay field to field, till there be no place, that they may be placed alone in the midst of the earth!'), and perhaps suggests the involvement of 'the godly' in general and possibly even the encouragement of godly clergy in particular. It may not be coincidental that the clergy of neighbouring parishes like Bedworth and Nuneaton had reputations as hard-line Calvinists with low thresholds of tolerance for behaviour they regarded as covetous.¹⁶ Rather than be starved to death for want of the very food which those 'devouring encroachers' were now feeding to their 'fat hogs and sheep', the diggers professed a willingness to 'manfully dye' in arms against their landlords and magistrates.¹⁷

Inflammatory rhetoric of this kind helped draw together very large crowds of protesters at such notorious sites of depopulation as Cotesbach (Leicestershire), Hillmorton (Warwickshire) and Newton (Northamptonshire), where die they did, most notoriously at Newton. There were fifty deaths under martial law at the hands of the local gentry on the battlefield at Newton on 8 June; and another fifty executed for treason in a harvest of heads at the Northampton assizes on 28 June, where the ringleaders were subjected to the logic of exemplary punishment and their quartered carcasses were distributed across those Midland towns which had expressed some sympathy for the diggers.¹⁸ The suppression of the Rising in Warwickshire seems to have occurred slightly earlier, on 1 June, at the depopulated village of Witherbrook some 6 miles distant from Arbury on the road between Nuneaton and Rugby. Pouch was himself apprehended a few

¹⁴ BL, MS Harley, 787/11. For Reynolds see John Walter, 'John Reynolds [Captain Pouch] (d. 1607)', ODNB; Hindle, 'Imagining Insurrection', 26–30.

¹⁵ *Certain Causes Gathered Together, Wherein is Shewed the Decay of England, Only by the Great Multitude of Shepe* (London, 1552), sigs.A3^r, A4^r–4^v.

¹⁶ For the influence of godly clergy in Warwickshire see Patrick Collinson, *The Elizabethan Puritan Movement* (London, 1967), *passim*; Collinson, *The Religion of Protestants: The Church in English Society, 1559–1625* (Oxford, 1982), p. 261; Ann Hughes, *Politics, Society and Civil War in Warwickshire, 1620–1660* (Cambridge, 1987), pp. 62–87; Tom Webster, *Godly Clergy in Early Stuart England: The Caroline Puritan Movement, c.1620–1643* (Cambridge, 1997), pp. 28, 55, 256, 301; Polly Ha, *English Presbyterianism, 1590–1640* (Palo Alto, 2011), pp. 30, 125, 132, 133, 153.

¹⁷ BL, MS Harley, 787/11.

¹⁸ For narratives of the rising see Martin, *Feudalism to Capitalism*, pp.164–68; Manning, *Village Revolts*, pp.229–35; Hindle, 'Imagining Insurrection', pp. 21–3.

days later and by 9 June had been examined before the privy council. It is almost certain that he subsequently met the gruesome end thought fitting for a traitor.¹⁹

III

Long before the crisis at Withybrook unfolded, however, there had been simmering tension over common rights on the Newdigate estate at Arbury. The enclosure of waste on Galley Common, and the extinction of common property rights to gather fuel and to fish, provoked furious recriminations in an exchequer suit of 1591, during the course of which the Chilvers Coton commoners were collectively denigrated as naughty, paltry fellows of neither value nor credit; and individually characterised as whores, bastard-bearers, pilferers, drunkards, perjurers and forgers.²⁰ In 1604, the enclosure of the 12-acre waste on the Kidding Lawn provoked riotous assault as crowds of women leveled the ditches, buried the hedges and destroyed the fences recently set around an area on which their husbands had traditionally exercised common rights to pasture and fuel. Under examination, several of them promised that if the waste were ever enclosed again, any two women would destroy the hedges and ditches to try the right of enclosure at law.²¹

These tensions over common rights were compounded by the pressure put on local resources by the demands of Newdigate's coal mining enterprise at Griff, which he initially ran himself, but then leased out to his brother-in-law, Francis Fitton, while retaining William Whitehall as his chief accountant.²² Between 1603 and 1605, the colliery was producing around 7,000 tons annually, and accordingly generating high demand for coal mining labor. Cumulatively, the Griff colliery was providing employment for perhaps three-dozen miners and other associated workers, although the demand was seasonal because of disruptions caused by flooding and frost. The Griff coalpits were, moreover, contiguous with the similar mine, owned and run by Sir Thomas Beaumont, immediately to the south in Bedworth.

On the one hand, therefore, coal production offered significant, if precarious, opportunities for employment. On the other, it denuded the local landscape of timber, which was in demand for axles, windlasses, pit props, lintels and roofing. At a time when the exercise of common rights at Arbury was contested, the enclosure and coppicing of parts of the estate to provide wood for the pits was

¹⁹ For Withybrook see Martin, *Feudalism to Capitalism*, pp. 166–7, 170, 174–5, 177, 200; Manning *Village Revolts*, pp. 236, 245.

²⁰ TNA, E 133/7/1021. For the context see Jonathan Healey, 'The Political Culture of the English Commons, c.1550–1650', *AgHR*, 60:2 (2012), 266–87.

²¹ TNA, STAC 8/157/18 (*Giffard vs. Temple et al.*, 1604); 152/20 (*Giffard vs. Taylor et al.*, 1604).

²² E. G. Grant, *A Warwickshire Colliery in the Seventeenth Century* (Dugdale Society Occasional Papers no.26, 1978), pp.4–8, 30.

bound to prove controversial. It was hardly coincidental then that the hedges and ditches surrounding the Kidding Lawn represented such a significant target for those accustomed to take their fuel rights there: throughout the winter of 1603 and the spring of 1604, the remodeled landscape was leveled by Chilvers Coton commoners.²³ If the early success of the Griff colliery created tension among the commoners, its ultimate failure was to prove devastating to the coal miners themselves. By late 1604, it was becoming clear to the coal-owners that the income generated by their enterprise scarcely covered the substantial costs of development and drainage, and with effect from 27 April 1605, Newdigate and Beaumont entered into a mutual agreement to cease mining production.²⁴ At the very time that opportunities for agricultural employment and for the exercise for common rights were being compromised by enclosing landlords, therefore, the labour market in the coal mines suddenly contracted. By the summer of 1607, the presence in and around Chilvers Coton of substantial numbers of underemployed harvest workers and unemployed colliers was a source of significant tension. It is hardly surprising that Newdigate, a landlord who could be accused of profiteering in his coal mines and breach of hospitality towards his agricultural labourers, should be singled out for particular vitriol.

These tensions in the local markets for land and labour help explain the presence of considerable numbers of disgruntled commoners and coalminers from Arbury in Captain Pouch's retinue at Witherbrook on 1 June.²⁵ Several of those present at Witherbrook were convinced by Pouch's celebrated claim that his leather satchel contained the King's commission to destroy enclosures throughout the realm. Incited by Pouch's rhetoric, they departed home to Chilvers Coton where, allegedly in crowds numbering in their hundreds, they spent two days leveling the hedges around a recent enclosure. The contested ground was Coton Croft, in the far north-east of the parish on the boundary with Nuneaton, and was particularly controversial since it lay in the Gren Moor Field, one of the three great common fields in the village. Now leased to John Stratford, one of Newdigate's leading tenants, the very existence of Coton Croft challenged the ethos of communal agriculture on which so many livelihoods depended. The timing of this 'riot' was opportune, for the political space created by their landlord's absence to attend the county quarter sessions at Warwick gave the commoners license for inversion. Their digging was first and foremost an act of leveling: uprooting the quickset hedges from the mounds in which they had been planted, casting them into the ditches created by the removal of earth and then burning and burying the hawthorn bushes. Anti-enclosure protest might have been strategic and orderly, but it was undertaken in an acrid haze of flame, ashes, soil and sweat. Just as those prosecuted for food riots seldom seem to have

²³ TNA, STAC 8/152/20

²⁴ Grant, *A Warwickshire Colliery*, pp. 30–1.

²⁵ The following account is based on TNA, STAC 8/221/1 (Newdigate vs. Taylor *et al.*), m.2 (bill of complaint of Sir John Newdigate, 4 May 1608).

purloined grain, moreover, there is little evidence that hawthorn was stolen for fuel – the symbolism of the burned or buried hedge was more valuable than the modest fuel supply it represented.²⁶ The Chilvers Coton diggers apparently continued their labour in Stratford's enclosure even after they were told that Pouch himself had been apprehended. The riot was suppressed only on 3 June when Newdigate himself returned from Warwick to Arbury, dispersed the crowd, and apprehended the ringleaders.

Together with three other justices (Sir Henry Dymocke of Scrivelsby, Lincs., Edward Devereux of Sheldon and John Ferrers of Baddesley Clinton), Newdigate presided at a sessions specially convened at Warwick on 29 June to enquire into the causes and circumstances of the episode, and indictments for riot were brought against nine named protagonists, all of them residents of Chilvers Coton, several of them linked by networks of credit and debt, and some of them related by marriage.²⁷ Newdigate identified one Timothy Lloyd as the ringleader and had him brought before the lord lieutenant of Warwick, William Baron Compton, to whom he 'did very insolently affirme and boast that he had bene authorised by Captayne Powche to doe [all] that he had done' and repeated the claim that 'Powche had authoritie to cutt downe all enclosures between ... Northampton and the cytie of Yorke'.²⁸ Lloyd was committed to Warwick gaol, and there the matter of the Chilvers Coton riot should, by rights, have ended.

The riots of 2–3 June 1607 nonetheless had a long half-life, which can be reconstructed from the archives of four separate but related judicial proceedings. The first was initiated, as we have seen, with the convention of a special sessions at Warwick on 29 June at which four Warwickshire justices (including Newdigate) prosecuted those responsible for the riot at Chilvers Coton.²⁹ The second was set in motion by the shift in the crown policy from retribution against the protagonists of protest to redress of the grievances that had provoked them, culminating on 27 August with the appointment of commissioners to inquire into the nature and scale of depopulating enclosures across the Midlands.³⁰ The third was Newdigate's prosecution, launched with a bill of complaint in the Star

²⁶ Martin, *Feudalism to Capitalism*, p. 176; Nicholas Blomley, 'Making Private Property: Enclosure, Common Right and the Work of Hedges', *Rural History* 18:1 (April 2007), 1–21.

²⁷ The named defendants were Timothy Lloyd, William Wright, Richard Holmes, William Clarke, William Brown, Peter Dagle, Marmaduke Hartoppe, William Moreton and John Ralphe. Clarke and Lloyd were brothers-in-law and both Clarke and Dagle were indebted to Wright at the time of his death in 1608. Wright's probate material describes him as a miller, while Dagle's inventory suggest that he was a middling farmer: Lichfield Record Office [hereafter LRO] will and inventory of William Wright (18 and 28 September 1608); inventory of Peter Dagle (7 December 1626).

²⁸ TNA, STAC 8/221/1, m.2. Although Lloyd is identified as the ringleader, he has left fewest traces in local archives.

²⁹ Described in TNA, STAC 8/221/1, m.2, though the proceedings themselves are no longer extant.

³⁰ BL MS additional 11402, f.128; TNA: C/82/1747.

Chamber on 4 May 1608, of those who had libelled and defamed him after he had suppressed the Chilvers Coton riot and prosecuted its ringleaders.³¹ The fourth was the information brought by Attorney General Sir Henry Hobart in June 1608 accusing numerous Warwickshire landlords, including Newdigate, of depopulating enclosure.³²

Taken together, these overlapping and intersecting judicial processes disclose extremely convoluted and highly contested narratives of entitlement, enclosure and exclusion. To be sure, there are the numerous contradictions and inconsistencies that were characteristic of a legal culture that was by definition adversarial, and the attempt to reconcile them, although not entirely fruitless, is highly problematic. As might be expected, Newdigate argued that his conduct was being misrepresented and his character defamed. This defense was leant greater legal weight by a fundamental flaw in the crown's case against enclosing landlords. Because the powers of the depopulation commissioners were limited to the gathering of information rather than the determination of judgement, the defendants could not be compelled to answer the allegations made against them, and the judiciary ruled that the findings of the inquiry were by definition defamatory.³³ This 'worthless mandate' helps explain why supplementary information by the Attorney General were thought necessary to force the issue, though in procedural terms the attorney's bill of complaint merely summarised the findings of the commission and issued writs of *subpoena* to the defendants.³⁴

Newdigate's account of the conspiracy against him can be pieced together from his notes on the Star Chamber brief and from the bill of complaint and associated interrogatories in which they culminated.³⁵ Newdigate identified Timothy Lloyd's confederates, including his brother-in-law William Clarke, as the principal conspirators and claimed that they had orchestrated a systematic campaign to destroy his reputation and authority as a magistrate. In the aftermath of the indictments of 29 June, opprobrium rained in on Newdigate from every imaginable direction. The godly vicar of the neighbouring coal mining parish of Bedworth, Valentine Overton, contrived to write and publish libels against him to 'divers colliers and other diosordered persons' that had been associated with Captain Pouch. Meanwhile, William Clarke had said openly in many market places throughout Warwickshire that he too had a royal warrant to cast down all

³¹ The bill itself is TNA, STAC 8/221/1, m.2.

³² TNA, STAC 8/15/21 (Sir Henry Hobart, Attorney General, *Pro Rege* vs. Arthur Gregory *et al.*, 1608).

³³ Edward Coke, *English Reports* (13 vols, 1572–1616), XII, p.31; Gay, 'The Midland Revolt', pp. 218–19; Eric Kerridge, 'The Return of the Inquisitions of Depopulation', *EHR* 70:275 (1955), p. 222; Manning, *Village Revolts*, p. 250.

³⁴ Gay, 'The Midland Revolt', p. 219.

³⁵ WCRO CR136/C2623 (Notes by Sir John Newdigate on the Rebellions at Chilvers Coton'); B557/2 ('The State of the Cause in Star Chamber'), 3 ('Considerations on the Bill in Star Chamber'); TNA, STAC 8/221/1, mm.2 (Newdigate's bill), 3 (interrogatories for the plaintiff).

enclosures. Although another of those indicted, Richard Holmes, was realistic enough to recognise that the sacrifices made by Pouch and his supporters had achieved little or nothing for the commonwealth, he was nonetheless convinced that the diggers' time would come, and idly fantasised about revenge: 'he hoaped', he said, 'to have a daye of the gentlemen', a threat that Newdigate construed as the intention of 'some further rising'.

More specifically, the defendants openly undermined Newdigate's credibility as a paternalistic landlord and as a godly magistrate. By the winter of 1607, nine articles summarising Newdigate's misconduct were circulating throughout the county. It was alleged that he had leased the tithes of Nuneaton to the impoverishment of the population of neighboring Weddington; and that he had sublet the tithes of Attleborough to tenants who could no longer sell their produce 'at a reasonable rate'. At Arbury, he had allegedly evicted one tenant from a 44-acre farm, another from a half-yardland and a third from a smaller holding; enclosed another half-yardland which had previously been 'a helpe to the common welthe'; and fenced off the lanes around his demesne which had previously provided commoners with access to some 10 acres of pasture. More generally, he had privately sold some 30 pounds' worth of barley which 'would have bine great help to the pore cominite' had he brought it to market; and had hoarded twelve quarters of wheat which was 'very hurtful to the commonwelthe'. Newdigate identified the scribe and the probable authors of the allegations, but was most concerned to lay the blame on William Clarke, whom he believed had 'skandalously divulged the articles'.³⁶

This written attack on Newdigate's economic misconduct was compounded by slanderous words openly spoken about his corruption and malfeasance. William Wright alleged that Newdigate would habitually deny men justice, 'wronging' them 'when they had sutes unto him' and thinking nothing of counterfeiting letters, allegations that Wright was prepared to justify 'before whomsoever he should be called'.³⁷ The most stinging rebuke of all, however, was the open allegation that Newdigate's word was not to be trusted. Wright wrote directly to Newdigate, acknowledging receipt of his written promise of help in reinstating common rights in the town field, thanking him for his kindness, and assuring him that 'when we have need of you we will be bould with you'. He was nonetheless determined to exert further pressure, reminding Newdigate that the commoners also had rights in the Arbury lanes, in the Prior's Meadow and in Griffie fields. If they could secure Newdigate's help to 'plucke downe' these enclosures, then – and only then – would they 'the better put him in trust' to honour his promise of aid. But because Newdigate's recent behaviour over the Coton Croft had been so malevolent, seeking to destroy his tenants' families in defending John Stretford's enclosure, Wright affirmed that 'I will not believe you nor your letter'. In artful

³⁶ WCRO CR136/C2614 (William Clarke's articles against Sir John Newdigate, 1608).

³⁷ WCRO CR136/C2615 (words of William Wright to Sir John Newdigate, 1608).

combination of the deferential and the imperative voice, Wright concluded by praying that Newdigate would use himself 'like a neighbour amongst us and offer our pore neighbors no wrong' and by commanding him to keep his pigs and sheep out of the common woodlands: 'you have no right there at all – it belongeth to the poore'.³⁸

These, then, were the grounds on which Newdigate's indicted the enclosure rioters in Star Chamber for conspiracy and seditious libel.³⁹ He agonised at some length about the prosecution, wondering aloud whether 'the causes there alleged be sufficient matters to be examinable in the courte'. His anxiety was compounded by some ambiguities in his own case. Two of the defendants (Henry Mountford and Edward Baker) had avoided having to give evidence in their own defense because they had pleaded that they were plaintiffs in the crown case against him and had returned to Warwick without having been examined. It had become clear that the case against William Clarke was weaker than it initially seemed because there turned out to be no evidence that Clarke had actually made a presentment against Newdigate before the commissioners at Warwick. Newdigate nonetheless believed that the case for their prosecution was bolstered by the conduct of all three men in the aftermath of the commissions hearings, and especially by the survival of the scandalous letters that had been written to him. This, he believed, pointed to a conspiracy fomented by Clarke and Mountford who were effectively accusing him only fulfilling his oath of office in suppressing the riot.⁴⁰ In a more detailed brief of 'the state of the case in star chamber', he emphasised the greed of those antagonists who bragged at having 'put him to great [legal] charges' and noted the legal advice that 'anie letter written to a publicke officer is a libel'.⁴¹ Circumstantially, he believed that William Clarke was probably the chief conspirator: it was Clarke who had incited the composition of scandalous articles, Clarke who had orchestrated a petition against all the Warwickshire justices; Clarke who had reported his brother-in-law's echo of Pouch's claim about a general warrant to destroy all enclosures; Clarke who had liaised with the minister of Bedworth to publish the anti-enclosure petitions from the pulpit; Clarke who had extorted small sums from those he threatened to prosecute at law intending that modest allegations would 'shake them but not to worry them'; and Clarke who had practised all the abuses characteristic of a corrupt informer in the court of exchequer.⁴² Whether or not it was Clarke himself, Newdigate was convinced that witnesses had been suborned to give evidence against him before the commissioners at Warwick.

³⁸ WCRO CR 136/2613 (William Wright to Sir John Newdigate, 1608).

³⁹ TNA, STAC 8/221/1, m.2. The six named defendants were Timothy Lloyd, William Wright, Richard Holmes, and William Clarke (all of whom had been indicted at Warwick for riot), together with Henry Mountford and Edward Baker.

⁴⁰ WCRO CR136/B557/3.

⁴¹ WCRO CR136/B557/2.

⁴² WCRO CR136/C2623.

The articles of enquiry administered by the commissions for depopulation solicited information about the number, nature and causes of any tenancies which had 'decayed, wasted or depopulated or stand void and without inhabitants' since 1578; and required that returns were certified into the Court of Chancery by 20 October 1607.⁴³ As early as 18 August, Attorney General Hobart was becoming aware of the differential rates of progress achieved by each commission. He had heard from Lord Chief Justice Coke and Lord Chancellor Ellesmere that it would be redundant for the commissioners to proceed any further in Bedfordshire, Buckinghamshire or Huntingdonshire since Coke had secured over 150 indictments for depopulation at the summer assizes while riding the Norfolk circuit. Certificates had been received from the commissioners in Lincolnshire and were expected very shortly from their colleagues in Norfolk. But Hobart was anxious that he had heard no word from the Lord Lieutenants of Leicestershire, Northamptonshire or Warwickshire, and feared that the appointment of gentlemen to staff the commissions in those counties would be neglected.⁴⁴ By 8 September, however, the Warwickshire commission had been empanelled under the chairmanship of Sir Augustine Nichols and Thomas Spencer esq and had begun to hear presentments at Warwick.

The nature of the procedure through which the commissioners heard evidence has caused some controversy among historians. The commission itself stipulated that the commissioners were to bring before them 'sufficient fit and lawful men . . . by whom the truth may best be known'.⁴⁵ Eric Kerridge was convinced that the resulting presentments were of dubious character, not least because witnesses did not bother themselves with the detailed provisions of the tillage statutes under the terms of which prosecutions could be initiated, and simply cast the net as widely as possible. This scattershot character of witness testimony meant that allegations were, at best, simply misinformed or, at worst, downright vexatious.⁴⁶ John Martin is rather more optimistic that the source of information for the presentment of enclosers was relatively reliable. In most cases, he believes, those who gave evidence against their landlords were elderly substantial men, especially husbandmen, with the result that the commissioners' information was derived from those who had intimate and first-hand knowledge of the places concerned and were familiar with the changes that had taken place.⁴⁷

The precise circumstances in which evidence was given and presentments made are rarely visible in the archive, but are brought into sharp focus in the Arbury context by Newdigate's assessment of how allegations were manufactured. From Newdigate's perspective, the presentments were but a continuation

⁴³ BL MS additional 11402, f.128; TNA: C/82/1747.

⁴⁴ *HMC Salisbury*, XIX, 1607, p. 220 (Hobart to Salisbury, 18 August 1607).

⁴⁵ TNA, C/82/1747.

⁴⁶ Kerridge, 'The Returns of the Inquisitions of Depopulation', p. 223.

⁴⁷ John E. Martin, 'Enclosure and the Inquisitions of 1607: An Examination of Dr Kerridge's Article "The Return of the Inquisitions of Depopulation"', *AgHR* 30 (1982), 46–7.

of the conspiracy against him. His interrogatories make it clear that he believed that none of the witnesses against him had been summoned to Warwick by lawful process but had rather been bribed and maintained by his enemies to make false accusations against him. Henry Mountford and Edward Baker had, he believed, attempted to persuade one Barnaby Blakesley to attend the commission at Warwick and give evidence against Newdigate for depopulation. Blakesley was unimpressed, largely because his grievance was minor, relating only to the enclosure of the lanes around Arbury, which in any case had been fenced off long before Newdigate's time. The conspirators were persistent, however, and promised Blakesley both money and a horse to travel the 16 miles to Warwick to make the accusation against Newdigate. In the meantime, Mountford had spoken with Richard Holmes, who had been 'one of the diggers under Captain Pouch his authority', about whether this was the appropriate time to give evidence at Warwick. Mountford advised Holmes that 'now was the tyme to do themselves good or never'. The fact that Mountford was at the time the high constable of Hemlingford hundred lent him greater authority, but even then Newdigate believed that the presentments against him were encouraged by outright subornation, especially by Baker, who then (as we shall see) had the gall to write Newdigate a sarcastic and scandalous letter. All of this was particularly demeaning since both Mountford and Baker were familiar faces at Arbury, and hatched the conspiracy right under the nose of their patron. But then again, Newdigate would say that, wouldn't he?

In the event, Newdigate's bill of complaint resulted in writs of subpoena against six defendants, three of whom were examined according to interrogatories on 1 July 1608. Almost inevitably, all three (performing according to the conventions of Star Chamber dramaturgy) played dumb, and either denied the allegations outright, pleaded ignorance of the circumstances from which they arose, or argued that they were not required to answer the case against them.⁴⁸

Whether the evidence given against Newdigate at Warwick was the product of the bribery, maintenance and subornation of paid informers or of credible local knowledge by victims of expropriation and corruption, the commissioners took it seriously, and Chilvers Coton ultimately appeared on the list of 32 separate Warwickshire parishes in which depopulating enclosure had occurred.⁴⁹ In total, 66 separate Warwickshire landlords were accused of converting 4868 acres of tillage to pasture and of destroying 106 houses, evicting almost 500 tenants in the process. In the case of five landlords, the enclosures had been more substantial than 200 acres: the most notorious offenders were Sir Robert Dudley (500 acres at Ladbroke), Sir William Lee (400 acres at Newnham Regis), John

⁴⁸ TNA, STAC 8/221/1, mm.3 (interrogatories for the plaintiff), 4 (answers of Henry Mountford, gent., Edward Baker, gent., William Wright, miller).

⁴⁹ TNA, SP 16/257/19 ([Warwickshire] 'A Breife of the Inquisicions there conteigninge the Townes the persones the howses of husbandry and number of acres founde to be decayed' [1608, but misfiled to the 1630s]).

Alderfoote (300 acres at Priors Salford), Mary Astley (250 acres at Hilmorton), and Sir Thomas Lucy (210 acres at Priors Salford). In some communities, the cumulative effect of numerous enclosures must have been devastating: 576 acres at Ladbroke, equivalent to 29 per cent of the total acreage; 492 acres at Withybrook (20 per cent of the total acreage) – both of them (not coincidentally) sites of significant protest in 1607.⁵⁰ Nor is it coincidental that the parish with the greatest number of enclosing landlords, where eleven individuals were collectively responsible for the conversion of 218 acres, was Hampton-on-the-Hill (Hampton Lucy), the parish from which the diggers had issued their manifesto ‘in haste’ to all other diggers.⁵¹ It is a nice irony that the list of depopulators also included Sir Henry Dymock, one of the justices who had, alongside Newdigate, prosecuted the Chilvers Coton rioters at Warwick on 29 June 1607, and who was accused of enclosing 170 acres at Withybrook.

In the light of all this, the accusation that Sir John Newdigate and his estate steward William Whitehall had illegally converted 80 acres and destroyed two farms in Chilvers Coton might seem insignificant. Newdigate believed, moreover, that he had the basis of a defence for his conduct, though his excuses are implied rather than clearly stated in his own notes.⁵² The lanes around Arbury had been enclosed not by Newdigate himself, but by his predecessor Sir Edmund Anderson who had sold the estate as long ago as 1585. The allegation of depopulating a tenement in Chilvers Coton was false, since that particular estate was leased by Newdigate to one William Haddon, and was still being cultivated, Newdigate adding the convoluted detail that the house was being sub-let to a poor man ‘to look to his cattle he being unmarried and dwelling in another town within a mile as a servant with his brother’. The accusation that he had depopulated a tenement and 20 acres in Griff was simply malicious, and based on the perjured evidence of suborned witnesses. It is nonetheless significant that none of these three conjectural lines of argument ultimately figured in the answer submitted to Attorney General Hobart’s information, which amounted only to an outright denial.⁵³

Whether or not they were aware of his special pleading, the inhabitants of Chilvers Coton were outraged at Newdigate’s hypocrisy and greed. Witness, for example, the offensive letter sent by Edward Baker to Newdigate in November 1607, which epitomises the rhetoric through which an outraged subordinate

⁵⁰ Acreages derived from *The Victoria County History of the County of Warwick*, ed. W. Page *et al.* 8 vols (London, 1904–69), [hereafter VCH] VI, pp. 143–7, 265–8.

⁵¹ VCH III, pp.100–4.

⁵² WCRO CR136/C2623.

⁵³ TNA, STAC 8/15/21, m.2 (answer of Sir John Newdigate, 11 June 1608). Cf. the more robust defence (on the basis that his enclosed grounds were cultivated by convertible husbandry) of Sir Thomas Humfrey of Swepstone (Leics.) in STAC 8/16/13, m.2, reprinted in Eric Kerridge, *Agrarian Problems of the Sixteenth Century and After* (London, 1969), pp. 194–8, and discussed in Kerridge, ‘The Returns of the Inquisition of Depopulation’, p. 224.

could put moral pressure on his landlord to fulfil his public duty as a resident magistrate.⁵⁴ Baker argued that the parishioners ('the Towne') of Chilvers Coton saw 'noe reason' why 'they should be charged with maynteyning the poore' of the parish when Newdigate himself now held 'all the farmes and fieldes which should do the same'. The expropriation of those common fields and wastes that had once kept the poorest inhabitants off the relief rolls, and their beggarly children away from the doorsteps of their prosperous neighbours, meant that the burden of charity and hospitality fell on the ratepayers. If Newdigate now monopolised what had once been common property, then surely he should bear the costs of supporting those whose rights he had extinguished? Baker also asked searching questions about Newdigate's motives: if his estate management had been inspired merely by malice, then that was one thing, but the parish would find covetousness much more difficult to forgive: 'pitty it is (saith the country)', Baker reported, that those common fields which had once provided relief and hospitality for the poor and defrayed the expenses of the parish, should be enclosed 'only for the private benefit of one gentleman', especially one whose estate was self-evidently 'sufficient & competent'. With caustic sarcasm, Baker rejoiced in Newdigate's augmented status, especially since his wealth and power now seemed to place him beyond the authority of the crown and its laws, statutes and commissions.

Baker's letter has marginal notes in Newdigate's own hand which pick out particularly sensitive phrases, those idioms – 'malice and ill will', 'common-wealth', 'whole parish', 'whole towne', 'covetousness', 'country', 'joye', 'public hurte' – which were calculated not merely to touch but to pinch Newdigate's raw nerve. It may be that Newdigate highlighted these terms precisely *because* he thought they might be construed as libellous. Indeed, the legal advice offered to Newdigate was that 'anie letter written to a publicke officer is a libel'.⁵⁵ Baker's text also contains a practical proposal of far greater significance than it at first might seem: 'it is generally expected in the whole parish that you will in a charitable devocion build an hospital in the common fields.'⁵⁶ In popular perception, therefore, Newdigate had a moral obligation to provide institutional support for those whose livelihoods he had destroyed. It would be difficult to find a more explicit seventeenth-century statement of the relationship between the extinction of common property rights, the increase of the scale and burden of poverty, and the need for institutional support of the destitute.⁵⁷

By the summer of 1608, it had become clear that the crown was more sympathetic to tenants like Baker than to landlords like Newdigate. From January 1608

⁵⁴ WCRO CR136/b22 (Edward Baker to Sir John Newdigate, 25 November 1607). The letter is quoted *in extenso* in Walter, 'Public Transcripts', p. 136.

⁵⁵ WCRO CR136/B557/2.

⁵⁶ WCRO CR136/b22.

⁵⁷ Buchanan Sharp, 'Common Rights, Charities and the Disorderly Poor', *Reviving the English Revolution*, ed. Geoff Eley and William Hunt (London, 1988), pp. 107–38.

onwards, Attorney General Sir Henry Hobart used the findings of the inquisitions of depopulation as the basis of a series of informations against enclosing landlords, in almost every case reiterating the lists of acreages depopulated and farms decayed and requiring the accused to appear and answer the accusation.⁵⁸ The rhetorical preamble so characteristic of Star Chamber informations differed slightly in each case, allowing the crown to rehearse its public policy on the perils of depopulation with various shades of subtlety.⁵⁹ Generally, however, they echo the linguistic flourishes of the royal proclamation 'for reformation of depopulations' which had been issued in late June 1607.⁶⁰ Both that proclamation and the Attorney General's information reflect the influence of the crown's recently appointed Solicitor General Sir Francis Bacon, who was at that very moment also working on his celebrated essay 'Of Seditions and Troubles', which was circulating in manuscript by the second half of the decade (though it did not find expression in print until 1623).⁶¹

Attorney-General Hobart's information against Newdigate and those other Warwickshire landlords accused of depopulation was filed in June 1608, and its rhetoric rewards close reading.⁶² Hobart began by noting that the ancient honour of the kingdom had been to ensure that England was 'over populous and replenished with men sufficient and serviceable for all tymes and occacions of peace and warre'. This commitment had been fulfilled only because royal policy had historically been more 'favourable and equall to the meaner sort of menn' than in any other kingdom. Populism of this kind has enabled 'all sortes of people' to live 'in wealth and livelyhode aunswereable to their State and quallitie'. In particular, the 'originall and fundamentall lawes of this kingdome, and statutes made in severall ages' had forbidden, condemned and punished as 'enymyes to human charitie' the practices of depopulating enclosure, which tended either to 'dyminnishe the numbers of people' or 'destroie oppresse or weaken them in their bodies or estates'. The crown had insisted on the policing and punishment of the conversion of tillage to pasture for several reasons: because towns, villages and hamlets were 'nothing els but assemblies of menn joined and unyted in the service of Almightye God'; because 'the entercourse of mutuall conversion and

⁵⁸ The informations are [Huntingdon:] TNA, STAC 8/17/16 (Sir Henry Hobart, Attorney General, *Pro Rege vs. Sir Robert Cotton et al.*, 1608); [Lincolnshire:] TNA, STAC 8/17/24 (Sir Henry Hobart, Attorney General, *Pro Rege vs. Sir Charles Hussey et al.*, 1608); [Northamptonshire:] TNA, STAC 8/18/12 (Sir Henry Hobart, Attorney General, *Pro Rege vs. Ferdinando Baude et al.*, 1608); [Warwickshire:] TNA, STAC 8/15/21 (Sir Henry Hobart, Attorney General, *Pro Rege vs. Arthur Gregory et al.*, 1608).

⁵⁹ See, for instance, the framing of the case against Lincolnshire landlords in TNA, STAC 8/17/24, cited and discussed in Manning, *Village Revolts*, p. 247.

⁶⁰ *Stuart Royal Proclamations, volume I: Royal Proclamations of King James I, 1603–1625*, ed. James F. Larkin and Paul L. Hughes (Oxford, 1973), pp. 154–58 [no. 72] (28 June 1607).

⁶¹ Hindle, 'Imagining Insurrection', pp. 36–40.

⁶² TNA, STAC 8/15/21 (Sir Henry Hobart, Attorney General, *Pro Rege vs. Arthur Gregory et al.* 1608), m.3 (Attorney General's information).

commerce' ought to be cherished and increased; and because arable agriculture had always been specially regarded as a calling 'that doth both sett more [men] on worke than other and makes their bodies more lustie and able to susteine hardnes and laboure and their myndes willing and easie to be ruled and governed, and doth mynister foode plentifullie for the sustentacion of life'.

To enforce this 'princely and christian pollicie' against the decay of tillage, Hobart noted, commissions of enquiry into depopulation had been issued across the Midlands. The net had been cast wide, and entrapped 'manie knightes esquires gentlemen and yomen', who had shamelessly forgotten that the realm flourished precisely because of a harmonious combination of the 'goodnes of almightie God', the 'gracious government' of the King-in-parliament and 'the mutuall societie of all persons and degrees of men'. Only by 'a juste distrybucion of all Comodities to all According to their severall estates and quallities, whereby noe partie is oppressed or afflicted' could such 'mutual society' be preserved. Enclosing landlords had, instead, put 'their private gaine before the generall good of this Common wealth', and were prevented from recognising the damage they inflicted only because they were 'wholie blynded with covetousnes and crueltie'. Rhetoric of this kind must have cut Newdigate to the quick. Given his self-fashioning as a defender of the commonwealth against the march of self-interest, it must have been particularly galling to have his name associated with oppression, cruelty and covetousness, especially by the Attorney General.

Hobart's information concluded with the characteristic formula that those who went about to 'ruynate, decaye, depopulate and waste people, townes, churches, houses and habitacions' did so 'to the high displeasure of Almightye God, the weakening and dishonour of your Maiestie and your estate, the oppression of the poorer sorte, the greife of all your Maiesties good and well disposed Subiectes and the perilous example of all others that see soe greate enormities not punished nor redressed'. The logic of exemplary punishment must therefore be applied to those guilty of depopulating enclosure just as it had been applied to those who had destroyed those very enclosures the previous year. It is, unfortunately, one of the frustrations of research in the archives of the Star Chamber that it is so very difficult to trace the outcome of prosecutions of this kind. Newdigate himself simply denied all the allegations and never seems to have been called to give evidence to vindicate his plea.⁶³ This was characteristic of a system of prerogative justice in which only a tiny proportion of bills and informations ever came to hearing and judgement and fewer still to fines and estreats.⁶⁴ The difficulties are compounded by the protracted nature of the Star Chamber process, which meant that outcomes were often uncertain some two years after bills were filed.⁶⁵ In most cases, it seems likely that the defendant

⁶³ TNA, STAC 8/15/21, m.2.

⁶⁴ Steve Hindle, *The State and Social Change in Early Modern England, c.1550–1640* (Basingstoke, 2000), pp. 84–85.

⁶⁵ Martin, 'Enclosure and the Inquisitions of 1607', p. 45.

settled out of court, their composition representing little more than a nominal fee for, or tax on, the offence that they had committed.

IV

Whether Sir John Newdigate was tempted to cut his losses in the Star Chamber by compounding with the exchequer is unclear, but by October 1608 he had come to realise that he must seek to vindicate his commonwealth credentials in other ways. His strategy of self-exculpation found its ultimate expression at the Michaelmas quarter sessions held at Warwick, where he delivered a jury charge, rehearsing at considerable length the laws against forestallers and enclosers and reporting in detail the providential judgements that inevitably befell hoarders of grain.⁶⁶ The context of his concern was the dearth that had that summer spread across the countryside of the Midlands in general and Warwickshire in particular. William Combe, the sheriff of Warwickshire, had complained in early June of the 'gryvances of the common people', specifically the dearth of corn, caused partly by hoarders holding back produce from the market out of 'a covetous conceit that corn will be dearer', and partly by the engrossing of barley by the maltsters in those urban corporations which lay beyond the control of the county justices. 'These matters', he wrote, provoked the people 'arrogantly and seditiously' to complain about 'the failure to punish the conversion of arable to pasture by enclosure'. In a nice formulation of Newdigate's self-perception as an honest public man, Combe claimed to be motivated by 'zeale to the peace and good of the country'.⁶⁷ The crown certainly took Combe's complaints and others like them very seriously and was soon forced to reissue the dearth orders on market regulation, reinforcing by early December with yet another royal proclamation against the abuse of the grain markets.⁶⁸

Although Newdigate professed to the Warwick jury that he shared the crown's view that shortages were caused by human greed, he implicitly distanced himself from the offences and dissociated himself from the offenders: sheep-masters and corn-hoarders were apparently to be found almost anywhere but at Arbury. He accordingly noted that 'one of the great causes of dearth' is 'wante of hospitalitie'. In those houses 'where store of tillage is kept', he insisted, there were often as many as fifty or so residents, creating very significant demand for agricultural labour. On those (inevitably unspecified) estates where conversion to pasture had occurred, by contrast, 'only two or three persons and their dogges' would secure employment. Numerous scriptural examples proved that the hospitality and

⁶⁶ WCRO CR136/B711 (Sir John Newdigate's Jury Charge, 2 October 1608).

⁶⁷ TNA, SP14/34/4 (William Combe to the earl of Salisbury, 2 June 1608).

⁶⁸ On the reissue of 1608 see Paul Slack, 'Dearth and Social Policy in Early Modern England', *Social History of Medicine* 1 (1992), p. 2n.2; *Stuart Royal Proclamations*, I, pp. 200-2 [no.91] (12 December 1608). See Hindle, 'Imagining Insurrection', p. 32 and n. 64.

employment associated with arable agriculture was pleasing to God: the problem was that far too many country estates had 'a fair shoue without but nothing within'. At the very time when he was himself being prosecuted for depopulation, therefore, Newdigate exhorted the jurors to 'enquire if any have converted any errable land to tillage' or 'decaied or not reedified decaied houses' according to the 1597 statutes. Depopulation was caused, he argued, by insatiable 'covetousness', characteristic of those engrossers and hoarders who, that 'when the pore have desired to buy [corn] at a reasonable price', threatened that they would rather that 'mice and rattes should eate it first'. Newdigate accordingly provided a hierarchy of the five great causes of dearth and unemployment: '1 pride 2 hatred 3 covetousness 4 building 5 gluttony'. Historical examples of the providential punishment of engrossers and enclosers, he believed, should inspire all men to suppress the numerous 'caterpillars' of the commonwealth. The depopulator, like the forestaller, the regrater and the engrosser, was 'a manifest oppressor of the poore' and 'a public enemy of the country'. If the regulation of the grain markets in particular was not 'carefully handled', he warned, the magistracy 'may have just cause to feare the same inconvenience' that was 'founde the last yeare'. This euphemistic reference to the Rising of 1607, brought him, eventually to his peroration: however pernicious the evils associated with breach of hospitality, conversion to pasture and marketing abuses, the popular destruction of those enclosures which were thought by many to be the fundamental cause of grain shortage could never be tolerated. Newdigate accordingly closed his exhortation with a restatement of the terms of 1 Mary c.12: due process for riot was to be applied to any offender who sought to 'overthrowe pales hedges incloasures parkes conduits heads or to destroy dere warren or dove houses and to abate the price of any corne or other vittels'.⁶⁹

Throughout his jury charge, therefore, Newdigate applied to the legion of unnamed enemies of the people precisely the same language of opprobrium to which he himself had been subject. So was Sir John Newdigate's conscience really that clear? Or was he in denial?

V

Within two years of this vigorous defence of the commonwealth, Newdigate was dead. But in making peace with his God, he also decided to do something for his neighbours and parishioners. His endowment of an almshouse or townhouse in the parish of Chilvers Coton seems to have been a direct response to the moral pressure heaped upon him by Edward Baker's letter: by the 1680s, the Chilvers Coton almshouse was accommodating sixteen of the village's poorest inhabitants.⁷⁰ Newdigate's own last will and testament wonderfully encapsulates

⁶⁹ WCRO CR126/B711.

⁷⁰ WCRO CR136/V12, p. 68 (household nos. 78 [Shaw], 79 [Morton], 80 [Hill]).

the tensions inherent in his personal struggle to assert the public good over and above private gain. Among numerous other legacies, he bequeathed £10 to his godson John, the child of his Calvinist clergyman friend William Butterson, and he insisted that his heirs renew any leases held by his estate steward William Whitehall at the currently prevailing rent. He also, moreover, remembered the destitute, giving £10 'to the true honest and paynefull decayed poore' in each of three parishes – in his native Harefield, in Nuneaton and in Chilvers Coton.⁷¹ Two generations later, the descendants of those who had opposed Sir John Newdigate's enclosure took the opportunity to offer their own assessment of his behaviour. When, in 1684, the jurors of the manor of Griff and Coton listed the landed resources available for charitable uses, they itemised nine small estates endowed for the poor of Chilvers Coton over the course of the seventeenth century and were able to refer to the probate documents that testified to the origins of those gifts. One of these small patches of ground was Coton Crofts, the site of the digging and levelling in 1607. Although they could produce no testamentary evidence, the jurors argued that 20 pence a year was payable out of the Crofts which 'do as we believe in truth belonge to the poore of this towne'. The implication was clear enough: their ancestors had (however temporarily) been expropriated by Sir John Newdigate's hedges.⁷²

So what, ultimately, are we to make of these contradictions? Conscientious public man or corrupt and hypocritical depopulator? Defender of the commonwealth or enemy of the people? Will the real John Newdigate please stand up! The temptation to play hanging judge in the courtroom of history is one that might best be avoided, but it is encouraged by the frustrating absence of any clear contemporary evidence of the plausibility, still less the truth, of any of the allegations rehearsed in either of these Star Chamber suits.⁷³ Exhaustive searches of the exchequer remembrancer rolls fails to disclose the names of any of the Chilvers Coton rioters or of Newdigate and Whitehall on lists of those sentenced and fined in star chamber. Indeed, John Martin found that only three of the sixty-six Warwickshire landlords prosecuted for depopulation in 1608 were ever convicted, a number which he regards as implausibly low given the scale of enclosure in the county.⁷⁴ The absence of evidence should not, therefore, necessarily be taken as evidence of absence. The fact that Newdigate felt obliged to do something for the poor of the parish in his will, both in terms of a cash dole and the foundation of an almshouse might, equally, be read in both directions – as the characteristic behaviour of a conscientious commonwealthsman, or as the remorseful gesture of a sinner seeking to atone for previous acts of rapacity. So it

⁷¹ LRO will of Sir John Newdigate (dated 20 November 1609; probate 14 June 1610).

⁷² WRCO CR136/V12, p. 58.

⁷³ Cf. the revealing aside that although 'palpable bitterness surfaced' at Arbury in 1607, 'much of the trouble seems to have been the work of ill-informed agitators like "Captain Pouch"'. Larminie, *Wealth, Kinship and Culture*, p. 15 n. 49

⁷⁴ Martin, 'Enclosure and the Inquisitions of 1607', p. 44.

seems unlikely in light of present evidence that it will ever be possible to reconstruct what actually happened in Chilvers Coton during and after June 1607. That said, as this analysis of the discourses surrounding Newdigate's conduct has shown, the real value of this kind of material lies in its disclosure of the standards by which seventeenth-century magistrates were judged, and perforce judged themselves.

