

WEST KENT QUARTER-SESSIONS ORDERS IN THE REIGN  
OF CHARLES I

By R. D. CLARKE, M.A.

THE ORDER BOOK

The earliest extant order book of the justices of the peace in quarter sessions in Kent contains the orders made at Maidstone for the western division of the county at Easter and Michaelmas from 1625 to 1651.<sup>1</sup> The contemporary book for the eastern division has not survived. The entry for each sessions was headed in formal Latin with the date, but without a list of the justices present. To a very few orders the names of justices are appended, giving some indication of attendance.<sup>2</sup> All the sessions were apparently confined to one day throughout the period, with the exception of that of Easter, 1645, which was adjourned to a second day in the next month. The orders were written in English, almost always with marginal headings, in no regular sequence, by several clerks in each sessions. For the short space of two years only, 1637-1638, each order was given a number. Recognizances, judgements and fines of the court were not entered in the book as they were in Sussex at this time.<sup>3</sup> The book has no index, contemporary or modern.<sup>4</sup>

The orders record the administrative actions of the court of quarter sessions, proceeding from their business, largely but by no means entirely judicial, and are both general and specific, routine and extraordinary. They provide a wealth of detail on the activities of the justices, both in and out of sessions, and on parochial business and personalities all over the western division, much of it of interest to local historians.

The present article attempts a brief analysis of the contents of the orders with some consideration of their significance.

<sup>1</sup> K.A.O., Q/SO W 1. References to this are henceforth given as folio numbers and refer to the folio on which the relevant order begins. Where verso is not indicated recto should be understood. This article does not consider ff. 1-2 (Easter sessions, 1625), which are so mutilated that the contents are practically unrecoverable; or ff. 193-215v, covering 1649-1651. On ff. 53-55 appear very rough notes for the orders recorded on ff. 56-66, a unique interpolation in this book.

<sup>2</sup> Numbers of justices: 1635: 13, 1637: 21 and 26 (same sessions), 1638: 7, 1641: 11 and 9 (same sessions), 1647: 16. (ff. 75, 84, 87, 102v, 122, 124, 167).

<sup>3</sup> *Quarter Sessions Order Book, 1642-1649*, ed. B. C. Redwood, Sussex Record Society, (1954), vii.

<sup>4</sup> A list of contents with topographical references will shortly be available at the archives office.

QUARTER-SESSIONS ORDERS IN THE REIGN OF CHARLES I

THE ORDERS: COUNTY AND PARISH AFFAIRS

In all, 723 orders were recorded in the forty-seven sessions of the reign.<sup>5</sup> Their categorization presents certain difficulties, but a reasonable estimate of their nature may be gained from the following list of the subjects which were their main concern:

Poor relief, including settlement, maintenance and housing, bastardy, apprentices and servants	.. .. .	192
Highways	.. .. .	104
Bridges	.. .. .	70
Assessment of rates and taxes	.. .. .	79
County pensions and grants	.. .. .	43
County treasurers and funds	.. .. .	41
County gaol and Maidstone house of correction	.. .. .	36
Arrests and taking of sureties by justices	.. .. .	34
Miscellaneous: appointment of local officers, licensing and suppression of victuallers, settlement of disputes, appli- cations for briefs, and others	.. .. .	124

Among the many settlement orders the most unusual are those relating to Margaret Churchman of West Peckham, widow, a sister of Sir Thomas Polhill of Shoreham; her case occupied the court between 1631 and 1635. Her settlement at West Peckham, whose parishioners had 'owsted the said poore widdowe and will not suffer her to inhabite there', was confirmed by two justices, and later by an assize judge, to no effect. Repeated enquiries revealed that Sir Thomas Polhill had concealed the fact that he owed his sister an annuity of £7 per annum, and he was eventually ordered to explain himself to quarter sessions. His sister, the court estimated, could 'with the said annuitye together with her owne industry . . . in a competent manner keepe herselfe without anie releif from the said parishe', though she was to be allowed to remain 'in the howse wherein she now dwelleth'.<sup>6</sup>

The provision of poor houses was authorized in Seal (1632), Boxley (1634), Bearsted (1635), Biddenden (1636), East Malling (1644), Sandhurst (1646), Linton (1646) and Penshurst (1647).<sup>7</sup> These orders probably reflect a growing tendency.

Nearly all the highway orders were issued to enable parish officers to obtain from their parishes the expenses incurred in answering indictments for decayed highways. The levying of a highway rate, as distinct

<sup>5</sup> The first sessions is omitted. See note 1.

<sup>6</sup> Ff. 31v, 51, 58v, 69, 74. Sir Thomas had been presented at quarter sessions in 1630 for stopping up the highway between Shoreham and White Hill, Romney Street. (K.A.O. Q/SR p, m.6r).

<sup>7</sup> Ff. 37, 68v, 76, 83v, 160, 164v, 165, 175. The first of these is printed in *Kentish Sources, IV: The Poor*, ed. Elizabeth Mellings, (1964), 34.

QUARTER-SESSIONS ORDERS IN THE REIGN OF CHARLES I.

from these charges, was not legalized until 1654,<sup>8</sup> but quarter sessions authorized such rates for Woolwich in 1633 and 1647,<sup>9</sup> and for Rolvenden in 1645.<sup>10</sup>

In default of the liability of other authorities the county was responsible for the upkeep of bridges. Ignorance of liability produced a very long series of orders on East Farleigh bridge between 1636 and 1646. The county accepted the charge eventually, despite the testimony of Stephen Beales of Marden, born seventy-six years before in East Farleigh, that two parishes should have shared the expense, East Farleigh, which in fact used to repair their side, and Barming. 'The speach was (he said) that the parish of Barminge ought to repayre, but they were soe poore that they never did it to his knowledge, althoughe the bridge on that side were in decay.'<sup>11</sup> At Easter, 1638, the justices ordered the erection of a stone with the date 1637 at Longford bridge to record its repair by the parishes of Sevenoaks, Otford and Chevening, who, according to the inscription still to be seen in the bridge at Dunton Green, paid £6 10s., £5 and £3 10s. respectively.<sup>12</sup>

From 1630 quarter sessions made persistent efforts to reform the county gaol and the house of correction at Maidstone, not without some concern for the welfare of the prisoners and detainees.<sup>13</sup> In 1630 the cleaning of the gaol vaults was ordered because they 'beginne to be very noysome, as well to the prisoners . . . as also to the inhabitants of the towne . . . for want of cleansing and emptying'; £10 was assigned to this work.<sup>14</sup> In 1638 Maidstone people petitioned the court 'that they have been all this winter past and are still much troubled and annoyed with the smoake which cometh out of the said gaole, when and soe often as the prisoners doe make any fyre there, by reason that there is noe other meanes . . . for the said smoake to issue out but through the windowes of the said gaole'. Two justices were deputed to find a remedy.<sup>15</sup> A project to purchase the gaol, first mooted in 1637, did not prosper, although it was still being considered in 1646.<sup>16</sup> There is an interesting series of orders devoted to the upbringing of a gaol orphan, Cicely Stainer, from her birth until she was nine years old, 1636-1645,<sup>17</sup>

<sup>8</sup> S. and B. Webb, *The King's Highway*, (1963 edn.), 20.

<sup>9</sup> Ff. 48v, 168v.

<sup>10</sup> F. 161. For the unique Boughton-under-Blean road see f. 60 and *Kentish Sources I: Some Roads and Bridges*, ed. Elizabeth Melling, (1959), 21.

<sup>11</sup> F. 156v.

<sup>12</sup> F. 95. Parts of the inscription are worn, including the last two figures of the date, but other essentials are clear. The inscription is printed in Sir John Dunlop, *The Pleasant Town of Sevenoaks*, (1964), 120.

<sup>13</sup> Pace S. and B. Webb, *English Prisons under Local Government*, (1922), 1: cf. f. 29v.

<sup>14</sup> F. 26v.

<sup>15</sup> F. 98.

<sup>16</sup> Ff. 87, 166v.

<sup>17</sup> Ff. 79v, 93v, 104, 109, 113, 118v, 133, 147v, 152.

## QUARTER SESSIONS ORDERS IN THE REIGN OF CHARLES I

which shows that quarter sessions assumed and carried out this responsibility very conscientiously. The overhaul of the administration of the gaol, somewhat interrupted by the war, was actively resumed in 1645.<sup>18</sup>

The house of correction at Maidstone also claimed much of the court's attention. A special order of 1634 required those justices who found themselves in London to inform themselves of 'such orders as in other county(s) or places are made for the government of the house of correccion to thend that some good orders may be made and established . . . for the ordering and governing of this house of correccion at Maydstone'.<sup>19</sup> In 1638 the court was concerned with getting rid of 'a certeine great corne mill . . . which mill serveth to noe purpose . . . there beinge more want of a stocke of flaxe, hemepe and other implements . . . to sett the prisoners att worke'.<sup>20</sup> In 1640 they considered the converse possibility of 'an oast to be made and built in the house of correccion for the drying of oats . . . for the better employment of the prisoners.'<sup>21</sup>

Similar efforts were made by quarter sessions to reform the administration of the two county funds—for maimed soldiers and county stock, and for the gaol and house of correction. At Michaelmas, 1636, they declared that the treasurers of neither fund had rendered accounts to quarter sessions, and ordered that in future this must be done and the accounts kept among the other records.<sup>22</sup> At Easter, 1638, a new system was inaugurated for the maimed soldiers and county stock, whereby two treasurers were appointed each year, one for soldiers and one for stock, the fund being split; this expedient, however, was abandoned within two years.<sup>23</sup> An interesting feature of this treasurership is that all the gentlemen treasurers whose place of residence is recorded came from the Gravesend area, roughly half-way along the arterial road between Rochester and London, but they were warned on at least two occasions against relieving mere passing soldiers.<sup>24</sup> The new arrange-

<sup>18</sup> Ff. 152, 166v, 179, 183.

<sup>19</sup> F. 61, which unfortunately is defective in places. See also ff. 76v, 97v, 102. A parallel order of 1637 required specified justices to meet at Lincoln's Inn hall to consider the rates of wages to be allowed to servants and artificers. (f. 90v.) Although the statutory wage rate assessments had been made in Kent as early as 1563 the practice grew up in some counties at least of merely renewing the old assessments without review. This order, with its strong suggestion of urgency, may mean that quarter sessions had been jolted into the investigation of economic realities. (cf. Thomas Garden Barnes, *Somerset 1625-1640*, (1961), 197.)

<sup>20</sup> F. 98v. A similar lack of 'stocke' existed in 1610 at Maidstone. (*Records of Maidstone*, (1926), 233.) See also f. 98.

<sup>21</sup> F. 116.

<sup>22</sup> F. 82v. Some carefully drawn up accounts had been kept for the maimed soldiers fund before this, as appears from the series K.A.O., Q/FM, 1626-1635. Further, the court had recorded its orders for the audit of this fund in 1626, 1628 and each year since 1632. (ff. 6, 15, 36v, 45v, 62, 78.)

<sup>23</sup> Ff. 99, 108v.

<sup>24</sup> Ff. 72v, 74v, 99.

## QUARTER-SESSIONS ORDERS IN THE REIGN OF CHARLES I

ment made for the gaol fund (1637) was that two gentlemen treasurers, Andrew Broughton and John Collyns, should each serve a year in alternate years; and this system continued until the death of Collyns at some time before Easter, 1645.<sup>25</sup> The maimed soldiers fund inevitably ran into difficulties during the war, and at Easter, 1648, quarter sessions increased the payment due from each parish towards it by one-third, implementing a parliamentary ordinance to this effect.<sup>26</sup>

The court recorded as orders (termed 'certificates') applications for briefs of which they approved, including four on behalf of churches during this period. But the most important order in this group is a letter of Lord Keeper Coventry, dated at Canterbury on the 2nd September, 1637, and included in the Michaelmas orders of that year, laying down regulations for briefs, primarily those for private persons. The Lord Keeper sought to safeguard the interests of the poorer classes and to restrain the affluent from acquiring benefit from charity, a notable example of the privy council's social policy of the 1630's. The letter also shows that the system of farming out briefs, the established eighteenth-century practice, was already in being; and that bogus briefs were common: 'I desire you to be verie carefull to punish such as goe about with counterfeitt breefes deceivinge the king's people, for I doe assure you that since the time I have had the keepinge of the seale seldom or never have above eight collecons in one yeare gon into any sheire of this kingdome, and yett I have been enformed that a farr greater number have been pressed upon the countrie.'<sup>27</sup>

Of the certificates for private persons that on behalf of Mary Hunt, widow, describes how a sudden fire consumed nineteen of the twenty-four rooms of her dwelling house at West Farleigh, causing a loss estimated at £600 for the house, £150 for tallow and candles and £100 for other goods.<sup>28</sup> This claim provides evidence of the manufacture of candles on a commercial scale at West Farleigh in 1638.

Information supplied in the certificates for churches may be summarized as follows:

(i) Crayford church: burnt down on the 23rd July, 1629, when most of the inhabitants were in the harvest fields, 'the body of the same church being soe spacious that it conteyned two large tymber roofes covered with shingle, and supported with pillars, together with a large chancell and two chappells with a vestry adioyning, all covered with lead, and all things else combustibile therein, as pulpitt, seates, particons, chests,

<sup>25</sup> Ff. 84, 177v.

<sup>26</sup> F. 182.

<sup>27</sup> F. 91v. Coventry's letter is sensible and courteous, a tribute to the work of one of the best of Charles I's ministers.

<sup>28</sup> Ff. 101v, 102v.

QUARTER-SESSIONS ORDERS IN THE REIGN OF CHARLES I

doores, windowes, and whatsoever was fitt for use or ornament.' Estimate for repair: £1,000 (Michaelmas, 1629).<sup>29</sup>

(ii) St. Peter's, Sandwich: the steeple certified to be 'in great daunger of fallinge downe if any windie stormes should happen to arise' (Easter, 1637). The testimony of 'pilotts' and 'mariners' reinforced that of the inhabitants, who spoke of the most useful services of the steeple as a 'seamarke and direcccon' to ships. Estimate for repair to church and steeple: £1,500.<sup>30</sup>

(iii) Capel: burnt between 7 and 8 p.m. on the 15th January, 1639, in a 'tempest of thunder and lightning which violently seised upon the pynacle of the steeple there and . . . consumed two lofts and all the woodworke of . . . the said steeple, melted three bells therein, . . . and soe shaked and rent the stone worke of the said steeple that the same will not be serviceable or safe . . . unles it be pulled downe and newly built; and also burned downe and wasted the one halfe parte of the . . . church'. Estimate for repair: £510 (Easter, 1641).<sup>31</sup>

(iv) Farnborough: on the 26th December, 1639, a 'tempest of wynd and storm . . . did soe rend the church, the wals and tymber being very old and rotten, that it is very much ruynated thereby'. Estimate for repair: £500 (Michaelmas, 1641).<sup>32</sup>

Contemporary controversies about assessments are frequently illustrated by the orders. The court accepted the principle of assessment by annual land value as against acreage as early as 1635,<sup>33</sup> although acreage continued to be the determining factor in practice normally for many years.<sup>34</sup> Complaints about the assessment of 'foreigners', who lived outside the parish of rating, occur occasionally. For example the case of Granaway Kickley, farmer of the parsonages of Orpington and St. Mary Cray, came up at three sessions in 1637-1639. Living at Orpington he had been assessed for poor relief 'for tiethes growinge in St. Marie Cray'; he received an absolute discharge.<sup>35</sup>

<sup>29</sup> F. 23. See *Arch. Cant.*, XXVI, (1904), 62 and H. R. Pratt Boorman and V. J. Torr, *Kent Churches*, (1954), 77.

<sup>30</sup> Ff. 85, 87v. Sandwich possibly did not secure its brief before the danger matured, for the steeple survived over twenty years, only to collapse in 1661 (Boorman and Torr, *op. cit.*, 30). There were two orders on this matter because Sandwich was in the eastern division and, apparently, consultation with the Master of the Rolls and the Chief Justice of Common Pleas preceded the grant by quarter sessions of formal approval.

<sup>31</sup> F. 122. See Sir Stephen Glynne, *Notes on the Churches of Kent*, (1877), 186, which refers to re-building, though the fire is not mentioned.

<sup>32</sup> F. 129. According to Hasted this brief was granted, being dated the 27th December, 1641. (E. Hasted, *The History and Topographical Survey of the County of Kent*, I (Folio ed. 1778), 115.)

<sup>33</sup> In the case of Snodland (f. 73).

<sup>34</sup> See *Kentish Sources IV: The Poor*, 51, and E. Cannan, *The History of Local Rates in England*, (1912), 82-84.

<sup>35</sup> Ff. 90, 95v, 108v.

## QUARTER-SESSIONS ORDERS IN THE REIGN OF CHARLES I

Orders about disputes contain on the whole the least stereotyped subject matter of any hitherto discussed. Two cases may be quoted here. In 1639 Edward Carryer of Sevenoaks, labourer, and his wife confessed at quarter sessions to maligning Sir John Sackville. Not being able to give any other satisfaction they promised to make 'the like confession of their said offence in the parish churches of Chevening and Seavenocke . . . in and upon two severall Sondays in tyme of divine service'. The nature of the Carryers' 'scandalous and injurious accusations' is unfortunately not revealed.<sup>36</sup> At the Michaelmas sessions of 1633, however, the accusations of John Allen against Robert Pitts of Birling, gent., were fully recorded. They included procuring his wrongful arrest and unlawful detention in the 'Brambles', Maidstone town prison, for eighteen days, during three days of which Allen was kept without victuals. The case was referred by the court to two justices, Sir John Sedley and Sir John Howell.<sup>37</sup>

This order, like others already mentioned, follows a very common pattern: after the discussion of a case the court referred its settlement to named justices. For all the work of quarter sessions as a court of prime importance in local government, it was on small groups of justices, specially delegated or in petty sessions, that the front-line defence of the law depended from parish to parish up and down the county.<sup>38</sup>

### THE ORDERS: SOME NATIONAL ASPECTS

The social policy of Charles I's government, particularly his personal government of 1629-1640, has long been a subject of controversy among historians.<sup>39</sup> In this policy the privy council's book of orders of January, 1631, was originally thought to have been exclusively directed to the enforcement of the poor law,<sup>40</sup> but Mr. T. G. Barnes's exhaustive work on Somerset during this reign has demonstrated that it also embraced 'the better administration of justice', 'the reformation of disorders and disordered persons' and the provision of information by the local authorities to the central government.<sup>41</sup>

Some examples have already been given of the reforming spirit enkindled in the 1630's in quarter sessions in West Kent. The means

<sup>36</sup> Ff. 103, 105.

<sup>37</sup> F. 51v.

<sup>38</sup> Some justices were given these assignments much more often than others. Thus, in the period 1630-1634 Sir John Howell and Sir Thomas Style were appointed twice as often as nearly all the other active justices, while the clerical justices were rarely nominated at any time during the reign. (See T. G. Barnes, *op. cit.*, 45-6, 59.)

<sup>39</sup> See *The Origins of the English Civil War—Conspiracy, Crusade or Class Conflict?* ed. P. A. M. Taylor, (1960) Problems in European Civilization, publ. Heath-Harrap.

<sup>40</sup> S. and B. Webb, *The Old Poor Law*, (1963 edn.) 76-79. The book of orders, however, is rarely mentioned in the general histories of the Stuart period.

<sup>41</sup> T. G. Barnes, *op. cit.*, 172-202.

by which the justices' administrative actions were co-ordinated, in and out of sessions, was the general order, laying down a policy to be followed in all cases.<sup>42</sup> The West Kent order book signalizes the impact of conciliar activity by an increase in the number of general orders. Between 1631 and 1638 quarter sessions issued eighteen of them, providing for the suppression or control of vagabonds or 'masterless men',<sup>43</sup> the treatment and supervision of prisoners in the county gaol,<sup>44</sup> the reform of the administration of the county funds,<sup>45</sup> and of procedure at quarter sessions.<sup>46</sup> Other general orders dealt with difficulties in the payment and assessment of poor rates<sup>47</sup> and purveyance,<sup>48</sup> and the Lord Keeper's instructions concerning briefs.<sup>49</sup> No more than four general orders were issued during the subsequent years of the reign.<sup>50</sup>

It is significant that the first two general orders of those mentioned dealt with the maintenance of order (Easter, 1631). The first empowered the justices of the western division to allow reasonable expenses to constables and borsholders 'for execucon of the statute in the punishing of rogues'.<sup>51</sup> This order goes at once to the heart of the local government problem—the unwillingness and inefficiency of unpaid officials at parochial level. The second order, invoking a recent recommendation of the judges of assize, commanded the justices in their 'monethly meetings' to require churchwardens to present recusants, so that the statutory fine of 12d. per week might be levied, 'whereby all ill affected to the religion now established and the disciplyne of the church of England may be discovered, and the poore relieved in these tymes of necessitie and soe great scarcitie'.<sup>52</sup> This order instances the common practice whereby the privy council exerted influence on quarter sessions through the assize judges, as well as by direct order. It also carries the assumption that petty sessions ('monethly meetings') were an estab-

<sup>42</sup> *Ibid.*, 79-80.

<sup>43</sup> Ff. 32, 44. This long order of Easter, 1633, misleadingly entitled 'Cottages', but covering a wide field of enquiry, is of great importance.

<sup>44</sup> Ff. 61, 98.

<sup>45</sup> Ff. 72v, 74v (2), 82v, 97, 99.

<sup>46</sup> Ff. 74v, 78, 78v.

<sup>47</sup> Ff. 63, 65v.

<sup>48</sup> F. 96.

<sup>49</sup> F. 91v.

<sup>50</sup> Ff. 135v, 151, 182, 185. There is at least one general order prior to 1631 (f. 19).

<sup>51</sup> F. 30. It is printed in *Kentish Sources IV: The Poor*, 25; cf. Barnes, *op. cit.*, 76-77.

<sup>52</sup> F. 30. The only surviving presentment roll for the period shows that a total of 109 persons had been presented for recusancy at the three western and two eastern sessions up to and including Easter, 1631. (K.A.O., Q/SR p. mm.2r, 5v, 8r). Only two other orders deal with recusancy: one concerns a special case in Sutton Valence in 1633, and the other is an interesting product of the ecclesiastical anarchy of 1647. (Ff. 44, 171).



lished institution,<sup>53</sup> and contains one of the few references in the book to the famine years of 1630-1631.<sup>54</sup> The relations between the privy council and the county of Kent during the personal government of Charles I are deserving of more study than the writer has been able to give them.

Of other matters of national importance reflected in the order book, purveyance is one that perhaps loomed larger in the previous reign. Most orders about it dealt with its assessment. Thus Toltingtrough hundred 'hath formerly beene taxed with twentie quarters of wheate per annum for his Majestie's house' (an order of Easter, 1642, stated); Luddesdown paid two quarters and Nurstead and Meopham together eight.<sup>55</sup> Three petitioners 'dwelling in West Peckham and Shibborne and occupying certaine barron land . . . in . . . Hadlowe,' considering themselves unfairly assessed, appealed to the board of green cloth (the responsible department of the royal household) for relief, only to have their complaint referred to quarter sessions. The justices were not helpful: 'This court (ran their order) does not conceive it warrants them to meddle with the said composiccon' and they proceeded to generalize on the principles of assessment (Easter, 1638).<sup>56</sup>

It is not surprising to find an order of Easter, 1641, at about the time when the Long Parliament was bringing Strafford to the block, complaining of the burden of purveyance: 'the composition for the King's Majestie's Houshold is become soe extreme burdensome to this county by reason of the continuall raysings thereof that the county cannott well submit any longer thereunto'. The court went on to appoint a committee of nine justices to treat with the board of green cloth on the matter.<sup>57</sup>

The chief national grievance of the 1630's, ship money, is not mentioned in the order book, but the latter contains a solitary but eloquent reference to the powerful court of star chamber. John Huggin of Brenchley and two others were indicted for riot at East Peckham on 18th July, 1632, at a 'private sessions' at Offham on the 13th August following, before Sir John Sedley, Sir Thomas Style and Sir John Howell, justices.<sup>58</sup> Long delays ensued. At the Easter sessions of 1635 when the case came up at quarter sessions for the second time, Sedley

<sup>53</sup> Mr. Barnes asserts 'the Book of Orders permanently established petty sessions' (*op. cit.*, 198). Dr. Hull states that they were established particularly early in Kent. (*Guide to the Kent County Archives Office*, prepared by Dr. Felix Hull, (1958), 40.)

<sup>54</sup> Cf. f. 29v.

<sup>55</sup> F. 131.

<sup>56</sup> F. 96.

<sup>57</sup> F. 124. Other orders about purveyance: ff. 27v, 51v, 65v, 67v, 95, 96. There are three orders of 1626, 1637 and 1640 concerning the supply of timber from Kent to the Royal Navy. (ff. 6, 88v, 113v).

<sup>58</sup> F. 49v.

QUARTER-SESSIONS ORDERS IN THE REIGN OF CHARLES I

proposed further delay, declaring 'that the busines was dependinge in the most honorable Court of Starr Chamber, and was there sett downe to receave hearinge the sixth day of May next'. In defiance of the justices' suggestion the indicted persons refused to consent 'to the withdrawinge of a jurie . . . and proceeded to geive evidence. And the court, not knowinge otherwise to hinder them, suffered it to proceede havinge first ordered that this declaracon as above said should be recorded.'<sup>59</sup> The justices possibly suffered some embarrassment at the prospect of the accused's forcing them to invade the jurisdiction of the greatest of the prerogative courts, and by their record strove to avoid responsibility.

In many places in England religious prejudice combined with the universal reluctance to pay taxes when the levy, inspired by Archbishop Laud, for the re-edification of St. Paul's Cathedral was imposed on local authorities. The order book recorded and quarter sessions confirmed an order made at the Kent assizes in July, 1634, for the raising of funds for this purpose, and the provision of a blacklist of the unwilling. Folio 60, bearing this order, was partly torn out of the book; a triangular piece measuring 7 inches by 3½ inches is missing at the top right-hand corner. The next page is similarly mutilated. It seems not unlikely that the ripping out of this order was a product of puritan passion and haste, the second page suffering accidentally, perhaps in the 1640's.<sup>60</sup>

Although to a very great extent quarter-sessions business after 1641 went on exactly as before, numerous orders present sidelights on the Civil War.<sup>61</sup> Very soon after the outbreak a notable procedural change was made, when it was ordered (Michaelmas, 1642) that only the constables of the appropriate division should attend quarter sessions. This was done on the grounds that if the constables were absent they were fined, but if they were present they did not 'performe any service nor served in any jury, which seemeth rather to be a greivance to the subject then any promocon to his Majestie's service'.<sup>62</sup> The change, however illegal in theory, was a reflection of the accepted practice of dealing with western business at Maidstone at Easter and Michaelmas, and eastern at Canterbury at Epiphany and Midsummer.<sup>63</sup> It certainly

<sup>59</sup> F. 73. For other orders on this case see ff. 59v, 71, the last of which mentions a 'private sessions' on the 2nd September, 1634.

<sup>60</sup> Ff. 60, 61.

<sup>61</sup> See the contemporary Sussex order book. (B. C. Redwood, *op. cit.*, xxi.)

<sup>62</sup> F. 135v.

<sup>63</sup> As Dr. Hull has pointed out, the justices did not limit themselves rigidly to the work of one division (F. Hull, *op. cit.*, 2). Some eastern business was dealt with at Maidstone before 1642; e.g. cases from Wye in 1625, Eastry in 1630, Sandwich in 1637 and Ashford in 1640 (ff. 4v, 26, 87v, 115), not always without friction or other difficulty. After the 1642 order there is evidence that the justices tried to restrict their jurisdiction to cases from their own division. See the Midley case of 1644 and that of an unnamed eastern parish in 1647. (Ff. 148v, 169).

## QUARTER-SESSIONS ORDERS IN THE REIGN OF CHARLES I

reflects the reforming spirit of the times, and it may also have been the outcome of the dislocations inseparable from wartime conditions in Kent.

The majority of the orders concerned directly with the war provided money from county funds to parliamentarian victims of the struggle. Thus, Richard Usmer of Boughton Monchelsea, butcher, being wounded in the arm and side at Yalding in fighting against the royalist rising in 1645, received a grant of £5.<sup>64</sup> Ralph Goldsmith of Erith, tailor, wounded by an explosion 'at the generall trayninge at Dartford' was awarded 50 shillings at Easter, 1646.<sup>65</sup> In the year of the Second Civil War, 1648, the court made ten such grants on behalf of soldiers (or their widows) who suffered in various military operations, including those at Deal Castle, Torrington (Devon), and Weymouth Castle.<sup>66</sup>

The reason given in a court order of Easter, 1644, for the suppression of the victualling house of John Reddall of Milton, near Gravesend, viz. that the house 'may become very dangerous to the state by receiving and conveyinge away of delinquents and disaffected persons' provides the only unequivocal example of the political suppression of a victualler in the order book.<sup>67</sup>

No wartime modification of established practice was made when the inhabitants of Goudhurst protested that they might find Rebecca Philpott and her two children a parish charge. Her husband, Thomas Philpott, had been living at Itchingham (Sussex)<sup>68</sup> when he went off to be a trooper, leaving his pregnant wife and child behind. She went home to her mother, the poor widow Jones, at Goudhurst to have her baby. At Easter, 1643, the court ordered her to be sent back to her place of settlement in Sussex.<sup>69</sup>

Finally it may be noted that the impetus given by the council's book of orders to the active prosecution of their duties by the justices seems to have continued to be effective long after 1640. With a total of 95 orders (one and a half times as many as the average for the whole

<sup>64</sup> F. 159; cf. a similar order of 1643, printed in *Kentish Sources II: Kent and the Civil War*, ed. Elizabeth Melling (1960), 25. The remonstrance of the faction of Sir Anthony Weldon against his rival, Sir John Sedley, in the quarrel among the Kentish parliamentarians (f. 169) is also printed here (*ibid.*, 27). Its significance is examined in detail in A. M. Everitt, *The County Committee of Kent in the Civil War*, (1957), 25-27.

<sup>65</sup> F. 157v.

<sup>66</sup> FF. 179v, 180v, 185, 185v (4), 186 (2), 186v.

<sup>67</sup> F. 146. In all there are only twenty victualling orders in the book, of which seven are for licensing, ten for suppression and three for enquiry. The few houses named are: 'The George', Leeds, 1632 (f. 36), 'The White Horse', Cranbrook, 1633 (f. 50v.), 'The Swanne', Eltham, 1635 (f. 76v), and 'The Prince's Armes', Bethersden, 1645 (f. 155v). The only other named inns are 'The Cock' at Cockheath (Hunton) where some justices were to meet specially in October, 1630 (f. 27), and 'The Bull', at Mereworth, mentioned in a highway order in 1640 (f. 114).

<sup>68</sup> Possibly an error for Itchingfield.

<sup>69</sup> F. 139.

## QUARTER-SESSIONS ORDERS IN THE REIGN OF CHARLES I

reign) in the four sessions of 1646 and 1647, quarter sessions sought to tackle the post-war backlog of routine matters in such spheres as the maintenance of roads and bridges, the settlement of the poor and the administration of the county gaol.

### ACKNOWLEDGEMENTS

The writer wishes to record his thanks to the Kent Education Committee for their grant in 1964 of a grace-term, during which he was able to engage uninterruptedly in research on Kent history, including the study of quarter-sessions records. In the second place he is indebted to the members of the staff of the county archives office for their kind help with palaeographical and other problems encountered in the course of transcribing the order book. He is particularly grateful to Dr. Felix Hull and to Miss E. Melling for reading and criticizing the paper of which this article is a brief abstract.