PART IV – CHAPTER EIGHT
UNLAWFUL ACTIVITY ASSOCIATED WITH PARKS

The enclosure of huge tracts of land, demarcated by high, substantial fences, often stretching for miles across the countryside, was bound to have a largely negative impact on local people. Such parks dominated the landscape, had to be skirted round and avoided, and restricted the development of neighbouring communities. Harrison complained of commons being encroached upon by parks and wrote of the 'curse of the Lord' to have the country converted into parks, which took land from mankind in order to make 'walks and shrouds of wild beasts.' In this period there is no overt evidence of protest against new imparkment in Kent, but whether new or long established, parks provided constant visual symbols of power, privilege and exclusivity. Resentment against parks was likely to have been further enflamed by the body of discriminatory law designed to limit the hunting and taking of game to the upper strata of society. Elizabeth I's proclamation that game 'belongeth to the men of the best sort and condition' not only reflected the royal and aristocratic attitude, it also added a new concept by implying that deer and other game, rather than being regarded as wild (as in the past) could come under the ownership of the few. James I's perception of unlawful hunting and deer stealing as an affront to royal power and aristocratic privilege led to the tightening of the game laws to enhance royal prerogative and to buttress aristocratic prestige. This elitist attitude and the restriction of hunting rights provoked underlying tension and defiance, which created social conflict, sometimes erupting into violence. Because the game laws were blatantly class based and arbitrary, they did not command universal acceptance, and where the ordinary man continued to exercise his ancient

3 Walter J., 'A "Rising of the People"? The Oxfordshire Rising of 1596' in Past and Present 107 (May, 1985) pp.110-112, Sir William Spencer's new park at Yarnton was targeted in the Oxfordshire rising against enclosures in 1596.
right to take game unimpeded, parks provided an arena in which the clash of ideologies
was played out.  

The extent and nature of unlawful activity associated with parks in Kent will be
examined in this chapter. After a general introduction to the subject (i), an attempt will
be made to indicate the extent of disorder associated with parks in Kent (ii). The legal
context of unlawful activity in parks (iii) will precede an analysis of the nature of park
violations (iv), interspersed with case studies centred on Penshurst (71) park, on
Sissinghurst (79) park and the activities of Sir Alexander Culpepper, and on
Cobham (23) park and the activities of Humfrey Latter.

(i) Introduction

As far as is known this is the first county-based study of park crime
concentrating solely on parks in the reigns of Elizabeth I and James I, although Fletcher
tackled similar issues for the reigns of James I and Charles I in a wider study of the
county community of Sussex.  

Among other studies, which help to put Kentish
activities into a wider context, are those into hunting and poaching from 1485 to 1640
by Manning, and research by Thompson, Munsche, Hay and Beaver, albeit
predominantly investigating the conflicts in royal forests and chases and for later
periods.  

Insights into the politics of popular disorder and crime by Wood, Manning,
Sharpe, Clark, Hay, Langbein and Cockburn et alia also have a bearing on the subject.  

With no royal chases in Kent, and the crown largely abandoning the remnant
forests of Northfrith (89-91) and Southfrith (93), near Tonbridge, the county did not

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Landscape of Cambridgeshire and Huntingdonshire*, p.52; Langbein J.H., 'Albion's Fatal Flaws' in *Past
and Present* 98 (February, 1983) p.108.


8 Thompson E.P., *Whigs and Hunters* (Harmondsworth, 1975, reprinted 1985); Hay D., 'Property,
Authority and the Criminal Law' in *Albion's Fatal Tree* (Reading, reprint 1988) pp.189-253; Munsche
and Poachers* (1993); Beaver D. C., *Hunting and the Politics of Violence before the English Civil War*
(Cambridge, 2008).

9 Wood A., *Riot, Rebellion and Popular Politics in Early Modern England* (Basingstoke, 2002); Manning
in Kent, 1558-1640' in *The Economic History Review*, New Series, 29 no.3 (August, 1976) pp.365-382;
Hay, 'Property, Authority and the Criminal Law'; Langbein, 'Albion's Fatal Flaws,' pp.96-120; Cockburn
experience the user right disorders so vividly portrayed by Manning and Beaver.\textsuperscript{10} These were concentrated on forests and chases in other parts of England, which covered wider areas and where bounds were more open, and where human settlement and custom had intermixed for centuries. To Manning disorders represented proto-war behaviour in times of peace, and to Beaver the symbolism of the hunt as the depiction of honour and power politics.\textsuperscript{11} Elizabeth I's and James I's concentration of visits to the west of the capital drew attention away from Kent, the centre of Henrician hunting, and so it was not exposed to the tensions created by royal interest in areas such as the forests of Windsor and Waltham.\textsuperscript{12} In the Midlands and the north of England parks became the focus of disorder led by 'restless gentry and yeomen trained and experienced in the use of arms who found fewer opportunities for employment in military enterprises or aristocratic retinues', and after an escalation of attacks on deer parks in Derbyshire, Sir Francis Bacon commented on the 'copy cat' element in other counties 'where the baser sort of people ... will not stick to presume to do the like.'\textsuperscript{13} In Sussex, but mostly in Charles I's reign, Fletcher considered deer stealing to be endemic, not least among the lesser gentry who thought hunting in their neighbour's parks 'the best sport an idle country life could offer, and who were bold and difficult to catch.'\textsuperscript{14}

The very presence of parks might well have evoked underlying hostility in Kent, but when it surfaced evidence indicates that it was not sustained, but sporadic and concentrated on different parks at different times, with motivation as varied as the participants. The degree to which unlawful activity in Kent was endemic will be discussed in section (ii), but from the known incidents the level of violence was generally low. Even during the economic crises of the 1590s when parks were more likely to suffer incursions to vent grievances or to gain sustenance, incidents were mostly small-scale involving a limited number of participants and targeting individual parks, when other factors, to be outlined in due course, made them particularly vulnerable.

\textsuperscript{10} Chase = A hunting ground, a tract of unenclosed land reserved for breeding and hunting wild animals; unenclosed park-land (http://dictionary.oed.com).
\textsuperscript{12} Beaver, \textit{Hunting and the Politics of Violence before the English Civil War}, pp.53-124.
\textsuperscript{13} Manning,\textit{ Hunters and Poachers}, pp.210-211.
\textsuperscript{14} Fletcher, \textit{A County Community in Peace and War}, pp.28-29.
Tentative suggestions to explain this pattern would include the social mix of the county, with early enclosure, moderate estates, no dominant landowner, and minimal multiple park ownership.\textsuperscript{15} There was also a relatively low level of gentry absenteeism in the county, whose resident owners acted more sensitively towards their local communities following earlier experiences of the Kentish rising in 1549 and Wyatt's rebellion in 1554.\textsuperscript{16} The gentry also had a tighter control over governance.\textsuperscript{17} William Lambarde in his 19 speeches to the grand juries of the Quarter Sessions in the period 1582 to 1601, did not highlight unlawful activity centred on parks as a problem, and his references in 1582 to 'untimely walking in the night,' and in 1593 to 'night walkers and night hunters' are open to interpretation, and might well apply to other activities apart from illegal hunting.\textsuperscript{18}

As will be shown, some unlawful activity involving parks in Kent might have been a symptom of protest against parks \textit{per se}, but other factors such as poverty, greed, envy, bravado or criminality are equally apparent. Historians, such as Sharpe and Manning, have pointed to the complexity of offences against and in deer parks, which ranged from the poor driven to take conies for the pot; through more organised intrusions by loose groups for gain; through to the gentry-led incursions for sport, or from envy, and including the more symbolic incidents to air grievances to which Beaver, in particular, has drawn attention.\textsuperscript{19} Where there is sufficient documentation, this complexity is confirmed for Kent, with episodes, which initially appear to be simple, revealed to involve a diversity of participants, motives, and actions, and which have been highlighted in case studies.

(ii) The extent of disorder associated with parks in Kent

Taking all the documentary evidence assembled so far, it is possible to indicate the extent of known illegal and suspicious activity against parks and how many parks

\textsuperscript{17} Ibid. pp.125, 131, 142, 146.
were affected, but impossible to judge how complete a record this reveals. Figure 8.1 shows the known park violations in Elizabethan and Jacobean times. Minor misdemeanours, such as fishing in the river Darent in Otford Little park, to major, multiple incursions with violence such as occurred at Penshurst in 1600, are each treated as one incident in this. The table has been compiled mainly from Quarter Session and Assize Session calendars, from cases coming before the court of Star Chamber and from family papers including the De L'Isle and Dudley, Lambarde, Lennard, Stanhope and Sutherland collections.

A total of 30 of the 53 active deer parks in the Elizabethan and Jacobean periods were affected by a degree of incursion. The 68 records, some more detailed than others, were unevenly spread through the period, being more numerous from the mid 1590s up to 1610. However, this result is skewed by the chance survival of records, especially those of the Quarter Sessions, which effectively only cover the period from the 1590s to 1618, with no records before 1580 and very sparse coverage of the 1580s and of the later years of James I's reign. Moreover, suits in the court of Star Chamber are numerically biased for James I's reign because, unlike the catalogue for Elizabethan suits, the catalogue for James I's reign compiled by Barnes specifies the nature of the complaint, making it easier to search for relevant suits. Manorial courts are invaluable in revealing attitudes to poaching from a poor man's viewpoint, but because of the labour involved in going through the records for a whole county, innumerable minor park infringements, similar to those found for West Wickham in Kent, lie undiscovered.

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20 See Figure 8.1 'Deer park violations, 1558-1625' (Appendix 9 p.338-340).
21 CKS QM/SRc/1612/59 & 110; TNA STAC5/S2/20.
22 CKS U1475, U1500; CKS U1450, U1590; StaffsRO D593; Barrett-Lennard T., An Account of the Families of Lennard and Barrett (private printing, 1908); Read, William Lambarde and Local Government, pp.15-54.
23 See Figure 1.3 'Active parks in Kent, 1558-1625' (Appendix 2 pp.318-319); 1559-1569 = 4, 1570-1579 = 7, 1580-1589 = 8, 1590-1599 = 11, 1600-1609 = 32, 1610-1619 = 6.
24 Extant Quarter Session documents in CKS relevant to this study include CKS QM/SR1, engrossed Session rolls, 1600-1605; CKS QM/SB, Session papers, 8 entries pre-1592, 1593-1618, and 5 to 1628; CKS QM/SI, indictments, 2 pre-1592, 1593-1617; CKS QM/SIq, inquisitions, 1593-1616; CKS QM/SRc, recognizances, 3 pre-1592, 1592-1618; CKS QM/SM, draft minutes, 1593-1617; Melling E. (ed.), Kentish Sources VI, Crime and Punishment (Maidstone, 1969) pp.1-3.
Apart from the quirks of archival survival and retrieval, documentation of the legal system at every level can also obscure the extent of park crime. Lambarde's random notes in 'Ephemeris' is a reminder that magistrates alone or in pairs outside the court, could deal with petty offenders, with their decisions endorsed by the next Quarter Sessions under offenders' names rather than under the type of offence.²⁶ On the whole, official documents of the Kent Quarter Sessions and Assizes record the barest details of the culprits' names and nature of the offence, although some of the 1000 Quarter Session depositions for Kent, covering the years 1595 to 1609, relate to parks and give fuller backgrounds to the crime.²⁷ In this context, they are enlightening because they open up a range of previously unsuspected park violations, both against the park named in the indictment, and against other parks; for example, offenders at Sissinghurst(79) had also hunted in Eridge park, a park in Rotherfield (probably Hamsell park, 43) and in the Ashdown Forest, all three venues being in Sussex.²⁸

Another way in which the 'shadowy outlines' of indictments under record park crime is that they do not always indicate a park offence.²⁹ Hindle points out that indictments were 'a product of several variables' and could be regarded 'as an index of judicial control rather than as plausible evidence of the scale of criminality.'³⁰ They were a tool to aid law enforcement, but did not necessarily reflect the true nature or extent of crimes committed. This limitation is only apparent in cases where other evidence, such as the depositions, survives, and there are examples in Kent, which serve to illustrate that indictments alone are inadequate indicators of park violations.³¹ On occasions where there was insufficient evidence for the indictment of a more serious offence, an indictment for a lesser misdemeanour was substituted in order to secure a conviction; as when John Fosten was indicted for firing a gun because there was no

²⁷ Melling E. (ed.), Kentish Sources VI, Crime and Punishment (Maidstone, 1969) pp.31-32; other depositions can be found in estate papers such as the De L'Isle and Dudley collection at CKS and the Sutherland collection at Staffordshire Record Office; Cockburn, Crime in England 1550-1800, p.55, gives an indicative, but not direct comparison, of the number of persons indicted for poaching, 1559-1603, as 21 in Essex, 8 in Hertfordshire and 66 in Sussex.
²⁸ CKS QM/SB/168, 21/3/1597.
corroborative evidence for the deer theft he admitted.\textsuperscript{32} On other occasions, a minor offence might be superseded by a more serious offence, as when felony took priority over park offences in the case of Humfrey Latter, apprehended during an illegal hunting spree, but eventually indicted for burglary.\textsuperscript{33}

Manning noted the increased interest in park crime taken by higher courts, such as the court of Star Chamber, but was unable to determine whether this reflected an actual rise in such crime or better detection and reporting.\textsuperscript{34} Thirteen court of Star Chamber cases have been traced for Kent, and another four out-of-county suits were examined because men from Kent were involved.\textsuperscript{35} Suits varied in their complexity and in the completeness of their documentation, depending upon what stage they reached or whether the suit had been withdrawn at some stage because of its inadequacies or following an out-of-court settlement. However, the potential for underestimating the full extent of park violations became clear from the multiplicity of related offences both in the same park and in more than one park revealed in the plaintiff’s bill of complaint or once suspects were subpoenaed and questioned.\textsuperscript{36}

There were, of course, innumerable park infringements, which were neither discovered, reported, prosecuted nor documented, and they form part of the ‘dark figure’ of general crime.\textsuperscript{37} The unknown dimension of this figure probably fluctuated, but Edward Hext, well acquainted with the legal system as a Somerset magistrate and as clerk to the court of Star Chamber, estimated in 1596 that ‘the fyveth person that comytteth a felonye’ evaded trial. This 20 per cent might be indicative of the ‘dark figure’, but its accuracy cannot be tested.\textsuperscript{38}

\textsuperscript{32} CKS QM/SI/1597/12; Langbein, ‘Albion's Fatal Flaws,’ pp.104-105, draws attention to the practice of down charging.
\textsuperscript{33} See Case Study E p.300-308.
\textsuperscript{34} Manning, \textit{Hunters and Poachers}, p.169.
\textsuperscript{35} On closer examination TNA STAC5/S2/20, STAC5/S21/31, STAC/S41/5, STAC5/S68/33, STAC5/S74/15 concern the same suit in Penshurst Park in 1599/1600. See Figure 8.1 (Appendix 9 p.338-340).
\textsuperscript{36} TNA STAC8/5/13, 1604, covers many park breaks at Sissinghurst; TNA STAC8/294/6, 1606, mentions park breaks at Hamself and Groombridge.
\textsuperscript{38} Palliser, \textit{The Age of Elizabeth}, p.365, points to Cockburn, \textit{Crime in England 1550-1800}, pp.50-51, who inaccurately interpreted this ratio as 80 per cent rather than 20 per cent.
Although the realistic figures of park infringements can never be known, it might well be that, nevertheless, park crime did increase in the 1590s and 1600s, in accordance with the trend of crime in general, about which there has been vigorous discussion among historians, notably by Cockburn as regards property crime.  

Hindle in sumamrising Cockburn's research concluded that 'the overwhelming balance of probability is that waves of increased prosecution did reflect peaks of theft, which were themselves affected by economic conditions.' The social crises from 1590 to 1610 exacerbated by bad harvests from 1594 to 1597, put society under acute pressure, driving the hungry poor to commit more theft, and fear of disorder, together with distress over loss of goods during times of hardship, might have contributed to more vigilant enforcement, which drove up prosecutions.

The cumulative effect of incomplete records, the logistical difficulty of accessing all relevant documents, the under recording of park violations, together with an incalculable number of undiscovered and unreported offences, make it impossible to estimate the overall threat to parks in Kent from 1558 to 1625. Parks offered a continuing temptation, and magnates and their servants had to exercise constant vigilance to protect deer and other game. However, it would seem that serious park infringements were not of worrying or epidemic proportions. Lambarde's speeches and the thorough search of county legal records, though thin before the 1590s, reveal few sustained assaults on parks of the severity that would have been deemed to be a threat to wider public order. Park owners, such as the Sidneys of Penshurst, the Bakers of Sissinghurst and the Brookes of Cobham, whose parks suffered peaks of illegal activity, took firm action to apprehend the culprits and to regain control over their parks. However, it is likely that low-key, minor infringements were widespread, and, although not officially tolerated, perceived to be an inevitable aspect of park ownership.

(iii) The legal context of unlawful activity in parks

Wrightson's observation that legislation in general emerged in a halting manner, yet reflected a common cast of mind and a certain consistency of purpose, holds true for

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legislation covering game in parks, which, by reserving certain rights to the privileged aimed to be and was discriminatory, and therefore was bound to be socially divisive.\textsuperscript{42}

The legal position as regards incursions into parks and damage to the game within them had developed in a piecemeal fashion since the statutes of Westminster of 1275. Because game animals and birds were considered to be wild and therefore no one's property, values were not attached to them and so, under law, their taking was not considered to be theft. Instead various other laws were devised to restrict hunting in parks, including trespass and all unlicensed forms of hunting, wounding or killing deer by weapons, dogs or equipment, such as nets. Deliberate damage to palings, fences or any fixtures or buildings around and in parks were also offences under the law. When further deterrents were deemed necessary general laws such as those against riot, rout and unlawful assembly were used, especially where several trespassers were involved.\textsuperscript{43}

By the act of 33 Henry VIII, 1541, updated periodically thereafter, the possession of crossbows and handguns was restricted to those with incomes above £100 a year, with a penalty of £10 for those contravening the law. Part of the preamble to the act recited the 'great peril and continual fear and danger of the King's loving subjects' and to 'divers keepers of forests, chases and parks' posed by the use of such weapons. Under this law it also became an offence for those legally holding crossbows and guns to order their servants or any other persons to shoot at 'any deer, fowl or other thing except it be only at a butt or bank of earth or at time of war.'\textsuperscript{44}

The Elizabethan parliament strengthened the law governing deer parks further to protect the interests of those who 'as of late and now do at great cost and charges make fish ponds with ... divers good fish for the provision of their household and emparked land for breeding and cherishing and increase of red and fallow deer for the same


\textsuperscript{44} Luders et alia, \textit{Statutes} III, p.830, 1541, 33 Henry VIII c.17.
reason, and have bred in woods and grounds eyries of hawks ... to their great pleasure
and commodity.45 By the act of 5 Elizabeth I c.21, 1562, wilful persons convicted of
damaging fishponds, breaking into deer parks, illegally fishing, killing deer or stealing
hawks or their eggs could face three months in prison, pay treble damages to the
aggrieved party and, after imprisonment, have to find sufficient sureties for seven years
good behaviour or remain in prison for that time.

In other ways some aspects of the game laws were softened. The effectiveness
of Henry VII's act of 1485, making it a felony to hunt in disguise at night, was reduced
after successive legal judgements gave more weight to common law, which did not
regard killing 'wild beasts' as a felony, and thus made the act virtually unenforceable.46
Under Elizabeth I unlawful assembly of between three and eleven people was no longer
classed as a felony punishable by death with confiscation of property, goods and
 chattels, but became a misdemeanour punishable by a one-year term of imprisonment.47
However, in the troubled years of the 1590s the attorney general interpreted the law
more harshly, considering that if trouble spilled over into several parishes, then riotous
assembly of over three people could become a treasonable offence.48

The earliest game act in James I's reign, passed in 1604, discouraged the
unlawful disposal of venison by imposing a fine of 40 shillings for every deer sold, and
lesser fines for other game.49 In 1605 those convicted of deer hunting without
permission and taking conies from enclosed grounds at night faced the penalties
imposed by the act of 5 Elizabeth I, 1562.50 At the same time the qualifications for
keeping hunting dogs, using ferrets, nets or any other equipment for taking game, and
using gun, bow or crossbow to take deer or conies were increased for the first time since
1541. The qualifications now became more restrictive and wholly dependent on the
possession of freehold property valued at £40 or copyhold property of £80 per annum,
and goods and chattels worth £200.51 Manning points out that because Henry VIII's law

45 Luders et alia, Statutes IV part I, p.449.
46 Thompson, Whigs and Hunters, p.58; Luders et alia, Statutes II, p.505, 1485, 1 Henry VII c.7 c.8.
47 Luders et alia, Statutes II, 1411, p.169, 13 Henry IV c.17: p.184, 1414, 2 Henry V c.8: IV part II, p.378,
1558/9, 1 Elizabeth I, c.16.
48 Manning, Village Revolts, pp.55-56.
49 Luders et alia, Statutes IV part II, p.1055, 1603/04, 1 James I c.27.
50 Luders et alia, Statutes IV part II, p.1088, 1065/06, 3 James I c.13.
51 Ibid; Luders et alia, Statutes IV part II, p.1055, 1603/04, 1 James I c.27.
had remained unchanged for so long, inflation in values had allowed the lesser gentry to hunt as time passed, but this pastime was now denied them.  

Until James I's reign the law had concentrated on the circumstances of the taking of deer in parks, rather than the theft of deer itself, but in 1610 deer stealing became a specific offence for the first time with the acceptance that an enclosed animal was not wild, but had an owner who could seek restitution for its loss and damage.  

The term 'deer stealer' had been introduced by the attorney general, Sir Edward Coke, in 1599, in recognition that the theft of deer from parks for profit, rather than as a product of unlicensed hunting for sport, might form the main motive behind some park incursions. A new word that further embodied this idea was 'poaching' which entered the English language in the early 1610s to describe the activities of organised criminal gangs set up to meet London's demand for game.

The impact of this body of law might have been oppressive, had it not been for certain obviating factors. Firstly, there was the difficulty of apprehending wrongdoers in the pre-police state; and secondly, the judicial system adopted procedures to try to balance 'the relative merits of maximum severity with proportionality.'

In section (iv) of this chapter there are examples of the role deer keepers and borsholders, otherwise constables, played in seeking out evidence and apprehending suspects for park offences. Deer keepers carried out searches of premises, confiscated property and detained those caught within parks, and borsholders were required to round up suspects, ordered to make arrests or accompany prisoners to gaol. However, these efforts varied in their effectiveness as borsholders and, to a lesser extent, deer keepers found it difficult to carry out their duties impartially. In close-knit societies they could find themselves 'torn between loyalty to the community in which they lived and their obligations to implement the dictates of superior officials,' a dilemma not made any easier where the elitist notion of the legislation surrounding parks and game

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52 Manning, *Hunters and Poachers*, p.60.
55 1611, R. Cotgrave, *Dictionary in the French & English Tongues*, *Pocher le labeur d'autruy*, to poche into, or incroach upon, another mans imployment, practise, or trade (http://www.oup.com).
was widely unpopular.\textsuperscript{57} As Wrightson has observed, although the state and the local communities within it shared a concern for social harmony, certain legislation had local implications, which might create new problems of order and obedience 'at the point at which precise national legislation came into contact with less well defined local custom.'\textsuperscript{58} Thus, there were occasions when culprits were not arrested, poorly guarded prisoners escaped, witnesses were reluctant to give evidence, and borsholders and deer keepers failed to gain the cooperation of the populace at large.

Once a suspect became caught up in court procedure, there were various ways in which the full impact of the offence might be reduced. Confessions were encouraged. The 1485 act reduced hunting by night from a felony to a misdemeanour for those who confessed.\textsuperscript{59} Under the act of 5 Elizabeth I c.21 VII, 1562, if, after arrest or even during the seven years a convicted person was bound over for good behaviour, he confessed the offence or offences against parks for which he had been convicted, and satisfied the magistrates of his penitence, he would be released from his recognizances – hence the admissions of park incursions made by prisoners.\textsuperscript{60} Convictions were hard to secure because confessions and witness accounts made in depositions were not admissible in court, where evidence had to be given in person, and Langbein found that in all cases dependent on only one witness the defendant was acquitted.\textsuperscript{61} Judges also preferred acquittal to issuing capital verdicts when those facing them were thought not to deserve death.\textsuperscript{62} As far as offences against parks were concerned, it became more difficult to secure a jury conviction so that, for example, between 1569 and 1624, of 105 men indicted for unlawful hunting in Sussex, only 12 were found guilty, of whom eight pleaded guilty, leaving only 4 to be found guilty by trial jury.\textsuperscript{63} With the diminution of the law's deterrent effect more owners took their grievances directly to the court of Star

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  \item Luders et alia, \textit{Statutes} Vol. II p.505, 1485, 1 Henry VII c.7 c.8.
  \item Luders et alia, \textit{Statutes} Vol. IV part 1, p.449-450; Manning, \textit{Village Revolts}, p.300.
  \item Manning, \textit{Village Revolts}, pp.292, 299.
\end{itemize}
Chamber, which goes some way to explain increased litigation there in the late sixteenth and early seventeenth centuries.\textsuperscript{64}

The gentry and aristocracy had mixed motives when using the court of Star Chamber in the prosecution of park and hunting offences, especially of those committed or organised by gentlemen. Some litigants might have wanted solely to seek justice, others to wear down opponents by involving them in time-consuming and costly procedures, but it is likely that most had both aims in mind.\textsuperscript{65} According to Barnes, illegal hunting suits comprised a highly specialised, but numerically insignificant, aspect of the court's work in which most suits emanated from the highly imparked and enchased areas of the south, west, Midlands and some of the home counties, with almost 25 per cent of an unspecified total number of suits, from 1596 to 1641, being brought to the court by peers.\textsuperscript{66} In Kent, with few resident peers, only Lord Abergavenny brought charges of illegal hunting and park breaking, the other plaintiffs being knights or gentlemen.\textsuperscript{67} In order for a suit to be heard by the court, charges often included the words 'riot' and 'rout' to imply that unlawful behaviour was more than a threat to the park, but might endanger the good order of the state.\textsuperscript{68} The seriousness of the accusations, 'for procedural advantage more often than a substantive charge', was designed to be intimidating and to add pressure for an out-of-court settlement.\textsuperscript{69} However, the inveterate defendant could also advantageously manipulate procedures, sometimes escaping punishment for several years, by using delaying tactics to wear down his accuser or by demurrer.\textsuperscript{70} The adroit use of the demurrer or special pleading during James I's reign swung the balance of the court of Star Chamber, from the plaintiff and towards the defendant.\textsuperscript{71} Hence few suits went the full course.

\textsuperscript{64} Manning, Village Revolts, pp.73, 81; Hindle, The State and Social Change, p.13.
\textsuperscript{65} Fletcher, A County Community in Peace and War, p.29; Barnes T.G., 'Due Process and Slow Process in the Late Elizabethan-Early Stuart Star Court' in American Journal of Legal History 6 (July, 1962) part I, pp.240-247.
\textsuperscript{67} TNA STAC8/221/23, undated.
\textsuperscript{68} Barnes, 'Star Chamber Litigants and their Counsel, 1596-1641,' p.13; Hindle The State and Social Change, p.76, 92 per cent of private suit charges in the court of Star included 'riot'.
\textsuperscript{69} Hindle, The State and Social Change, p.76.
\textsuperscript{70} Ibid. pp.16-17; Barnes, 'Due Process and Slow Process in the Late Elizabethan-Early Stuart Star Court,' I p.246-247; Manning, Hunters and Poachers, p.184.
\textsuperscript{71} Barnes T. G., 'Star Chamber Litigants and their Counsel, 1596-1641,' p.17.
Another factor undermining the enforcement of legislation was the issue of periodic general pardons by the crown, which included park infringements until 1610 when James I brought in restrictions specifically excluding deer stealers from the pardons.  

Pardons were conditional on future good behaviour and so, at their most effective, might have played a part in crime prevention. Apart from their judicial function, pardons were also a component of royal patronage, as when individual pardons were issued to aristocrats and gentlemen making them virtually immune from prosecution for illegal hunting or park breaks prior to the date of the pardon. The individual pardon could be very wide ranging, as is illustrated by letter patent of 27 June 2 James I, 1604, granted to Walter Roberts of Glassenbury, due to appear at the court of Star Chamber, accused of illegal hunting at Sissinghurst park in the previous reign. The pardon encompassed 'all manner of forceable entries riots routs unlawful assemblies conventicles conspiracies trespasses unlawful speeches and all such other offences as are supposed in and by the said bill of complaint committed.' As a result of the pardon the case was dropped.

The legislation on hunting, the protection of game and of parks might have been difficult to enforce, but was of symbolic significance in its attempt to regulate this privileged area of life which accentuated the gulf between the upper and lower extremes of society. The enjoyment of leisure distinguished gentlemen from the masses and, as Sir Francis Bacon expressed it, the laws existed 'to prevent persons of inferior rank, from squandering that time, which their station in life requireth to be more profitably employed.' The penalties for offences against parks were not as harsh as imposed by the Black Act of 1723, in which former misdemeanours were redefined as felonies, but as far as Kent park breakers and illegal hunters were concerned they were sufficiently punitive to make them wary of being caught, but not so desperate as habitually to use force to resist arrest. Overall, Herrup's assessment of responses to theft generally can

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73 Kesselring, K. J., Mercy and Authority in the Tudor state (Cambridge, 2003) p.3.
74 TNA STAC8/53/5, 1604; see Case Study A pp.262-268 and B pp.276-283.
77 Thompson, Whigs and Hunters, pp.270-277.
be seen to apply to park crime. She perceived the judicial system not as inherently flawed, but as administering justice alongside mercy, with petty offenders being dealt with more leniently than persistent offenders, who were more likely to feel the full force of the law. The legislation against park breaks and illegal hunting was enforceable to a degree, but how many evaded it will never be known.

(iv) The nature of park violations

The wide variation in modus operandi, social status of participants, motivation and range of incidents of illegal hunting and the taking of game from parks in Kent combine to underline the complexity of the nature of park violations. To date there have been two approaches – to categorise incidents and to analyse stages within incidents. Neither system works satisfactorily for park crime in Kent in Elizabethan and Jacobean times.

Way and Manning have used categories, but the criteria for choice of categories differ greatly from each other. Way's six categories of park violations are based on social class, numbers of offenders and specific types of offences. Her research spanned a vast period, from 1080 to 1760, so some of her categories were simplistic and more suited to the medieval scene, neither is it often possible to know the exact numbers and social class of the offenders involved. Manning, on the other hand, used motivation as the basis for his categorisation, identifying violations arising from the economic necessity of the poor, the commercial consideration of the criminal, and the social or political protest of the dispossessed or disgruntled. On re-examining what he acknowledged to be 'a complex phenomenon' he recognised that most park breakers had mixed motives and so he developed a more nuanced approach, with six categories, still based on motivation, although, for unexplained reasons, omitting the basic motive of economic necessity. Not all his categories, for example, court factionalism and local feuds being played out by targeting rivals' parks, manifested themselves in Kent, so

79 Way, *A Study of the Impact of Imparkment on the Social Landscape of Cambridgeshire and Huntingdonshire*, p.73 (i) poaching by individual or groups of under three non-gentry (ii) as (i) but by gentry and nobility (iii) peasant-led park breaks for tree felling, fishing, hunting and assault, typified by breaking park pale (iv) as (iii) but gentry/nobility led (v) park breaks by individual or small groups to gain or regain resources (vi) park breaks by various groups to recover impounded animals.
80 Manning, *Village Revolts*, p.316.
were not adopted for this study. Categories provide a useful overall insight, but do not encompass groups with mixed motives, both individually and across the group, so do not do readily convey the complexities of the subject.

Birrell's analysis of peasant poachers in medieval forests separated phases within incidents by comparing hunting techniques, the time and place hunting occurred, the company kept, avoidance of and reactions to detection, and the disposal of the deer carcasses. This works well within the context of one social group and over a long period covering large areas, such as forests throughout England. The approach served to identify similarities across a range of incidents and isolated more variable features, but it proved to be difficult to adopt when other social groups were included, and within the confines of one county for a shorter period. Moreover, subdivision creates disjointure in the overall intensity and impact of individual incidents and, in some cases, the interplay between them. After considering the strengths and weaknesses of the three historians' approaches, elements have aided this analysis, but have not been wholly adopted.

Having examined all known park incursions in Kent it is possible to pick out four distinctive strands, which is a word adopted to convey a more subtle, less rigid approach than that of 'category', because violations seldom fall neatly into slots, as will be illustrated from case studies interposed throughout. Sometimes the subtle interplay within an incident shifts emphasis from one strand to another, and sometimes, detailed documentary evidence incorporates multiple, often overlapping, incidents, or at the other extreme detail on which to make a judgement is lacking. Nevertheless, the adoption of strands gives a broad structure on which to build an analysis – the strands being (a) low-key subsistence poaching, (b) covert hunting by groups, usually gentlemen-led for sport or consumption of deer, (c) high-profile park breaks planned as a conscious form of protest, and (d) deer theft with a commercial or criminal element.

(a) **Low-key poaching**

Common sense would lead one to suppose that undetected low-key forays into parks for subsistence would be the norm, even though evidence is sparse. Typically, parks were broken into to catch rabbits, or perhaps the occasional deer, with or without dogs. Park breakers’ methods aimed to be ‘effective and discreet’ without sport-like intent, but carried out as unobtrusively as possible to avoid confrontation with deer keepers, and offering little or no resistance when caught.  

Most of those who came before the courts were husbandmen or artisans, such as carpenters, living near the parks, which they entered to take a few conies for their own consumption or to supplement their income. Deer would be more difficult to take, hide and dispose of, and an ordinary man was less accustomed to eat venison. Conies were netted or ferreted, but in most cases the methods employed were unspecified. Warrens seem to have been most vulnerable from April to September when the conies were at their fattest, but on one occasion they were taken as late as November. Poachers went out during the hours of darkness as well as during the daylight hours, although the indictments seldom mentioned the time of day. Usually two to four men worked together, but on 2 April 1602, the largest known group comprised five husbandmen and a weaver from Lenham, who broke into two warrens, one lying in Sir Edward Wotton’s park at Boughton Malherbe (10 or 12) where they netted a dozen conies.

There is no evidence that any of these cony thieves resisted arrest. Most chose to run away, as did a servant and three husbandman, although one was apprehended, after gamekeepers in Birling (6) park discovered them packing away their nets after catching four conies to eat in an alehouse ‘to be merrie together.’ Fines were reduced if misdemeanour was admitted, or perhaps to meet an individual’s ability to pay. When four men broke into Tyler Hill (94) park in 1609 the two yeomen were fined three shillings and 6s 8d respectively, while the husbandman was acquitted, perhaps either because he had confessed or his straitened circumstances led to him being treated more

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84 Birrell, ‘Peasant poachers in the medieval forest,’ pp.82, 83, 87, 88.
86 CKS QM/SB/1279, 29/7/1617.
87 Birrell, ‘Peasant poachers in the medieval forest,’ p.70
leniently. Two husbandmen from Mersham who pleaded guilty to stealing two rabbits together worth eight pence from Mersham Hatch(61) park in 1608 were each fined 3s 4d. While better-connected men were able to find sureties, not all poorer folk could. Two carpenters and a labourer who hunted conies in Birling(6) park in 1587 were bound over to appear at two days’ warning with sureties, ‘each two for the other, in ten pounds apiece’, while another two carpenters caught ferreting rabbits in Knole(50) park in 1605 found sureties of £20 each from a husbandman and a musician. In contrast, miscreants, like husbandman John Snell, who stole five rabbits from Lynsted(58) park in 1579, were unable to avoid prison because they failed to find sureties.

Husbandmen and other workmen were less likely to take the initiative to kill deer in parks for their own consumption, tending to play minor parts on the fringe of groups with a wider social mix when they did participate in deer hunting and deer stealing incidents. Among the exceptions were Peter Maye of Sissinghurst, featured in case study A below, and Humfrey Latter of Cobham, featured in case study E, who initially might have been driven into illegal hunting by poverty, but whose activities could be interpreted as a form of social protest, and who soon became enmeshed in criminal circles, or themselves were motivated partly by criminality. Most workmen stuck to taking rabbits for the pot, but an element of doubt even creeps into the obvious, if indeed, as Thompson observed for a later period, simple theft ‘may turn out to be, in certain circumstances, evidence of protracted attempts by villagers to defend ancient common right usages, or by labourers to defend customary perquisites.’

A: Case Study – Sissinghurst(79) park in the mid 1590s

This study illustrates the importance of the extant depositions in enabling historians to glimpse ‘the mentalities, attitudes and aspirations’ experienced by those suffering economic hardship, and the temptation a nearby park, like Sissinghurst(79), posed. The first incident takes up the strand of low-key park infringements, and the

88 CKS QM/SI/1615/2/5.
92 Birrell, ‘Peasant poachers in the medieval forest,’ pp.77-78.
93 See Case Study E p.300-308.
95 Sharpe, Crime in early modern England, p.121.
second was multi-layered growing out of necessity, but containing elements of
disaffectation and profiteering. The shortcomings of using indictments to indicate the
level of park crime are evident in this case study. But for the depositions the first
incident would not have appeared in the court records because no indictment followed,
and the indictments in the second case were for the illegal use and possession of gun
and crossbow, with no mention of misdemeanour against parks.

Sissinghurst(79) was a particularly vulnerable park towards the end of the
sixteenth century, because the death of John Baker in 1596 in his forties meant that the
inheritance was left to his young ten year-old son, Henry. The estate was taken over by
the court of Wards and Liveries to be administered by Sir Henry Gultemford, Sir Thomas
Walsingham and Sir Thomas Baker until eventually, in 1601, Sir Thomas Baker of
Cranbrook was given full wardship, but in the vacuum it proved difficult to maintain
order in the park.97

Historians have highlighted the particular economic problems faced by the
depressed cloth industry centred at Cranbrook, the town near Sissinghurst in the Weald
of Kent, which were intensified by the bad harvests of the 1590s.98 Tension between
the clothiers and the Baker family dated back to the 1560s when Sir Richard Baker
enclosed woodland to reserve for use by ironworks. This enclosure deprived cloth dyers
of a vital source of fuel and by the 1590s when iron making was booming, encouraged
locally by John Baker, Sir Richard's son and owner of one of the mills, it had also led to
shortages of domestic fuel. While blast furnaces and gun foundries were working to full
capacity during the war years, the cloth industry was adversely affected by a fall in
demand during the depression.99 Unemployment and underemployment, exacerbated by
an increase of 40 per cent in the population of Cranbrook from the 1560s to 1590s,
combined with high grain and fuel prices, caused widespread hardship and unrest
among the clothiers and their workforce.100 A conspiracy to sack Baker's ironworks

96 CKS QM/SB/154; QM/SB/162,163,168; QM/SB/387, QM/SRc/1602/197.
97 CKS U24/T283; TNA STAC8/53/4, 1605.
98 Clark, 'Popular Protest and Disturbance in Kent, 1558-1640,' pp.366, 371-373; Manning, Village
Revolts, pp.274-275.
p.63.
was uncovered in December 1594, and other direct action was also planned.\textsuperscript{101} There are grounds to think that one form of popular protest was to target Sissinghurst(79) park, and it would not be surprising that incursions into the park were seen as another means to express anger and frustration, although neither Clark nor Manning specifically made the link. Manning in his later work cited two of the Sissinghurst cases, one, involving Peter Maye, to be featured shortly, which he placed in the crime category, and the other as an example of the actions of a youthful gentry hunter, namely Sir Alexander Culpepper, whose exploits are explored in case study B.\textsuperscript{102} There is no date overlap between this gentleman hunter and the workingmen of modest status in case study A, although the background circumstances of the area are common to both case studies.\textsuperscript{103} Sir Alexander Culpepper's exploits were complex, but the fact that he so readily found local men to aid and abet him might well have been influenced by the hardship they were suffering and the strong local resentment against the Baker family. In all the instances involving Sissinghurst(79) park, despite the unpopularity of the Baker family and the distress in the area, it is significant that there were no allegations that the deer keepers colluded with the illegal hunting.

The first low-key incident in this case study underlines how great a prize a deer carcass was to a workingman and is the only example in Kent, during the period under review, of an opportunistic discovery of a dead deer, which was more common in easily accessible forest areas.\textsuperscript{104} The accused displayed great reluctance to become an informer, but might well have been the victim of an informant because the incident only came to the attention of the authorities one month after the event, shortly after it had been discussed at a small household gathering comprising husbandman Anthony Banks, Thomas Lawrence and Agnes Greenhill. On 4 January 1596, Thomas Roberts of Glassenbury examined the three deponents present at the gathering, starting with Anthony Banks, whose more detailed description of the incident might indicate that he was the informer. The three deponents claimed that Thomas Carpenter had witnessed a deer being killed in Sissinghurst(79) park by a crossbowman, whom he recognised and who had fled on seeing him.\textsuperscript{105} As reported by Anthony Banks, Thomas Carpenter,

\textsuperscript{101} Manning, Village Revolts, p.274. 
\textsuperscript{102} Manning, Hunters and Poachers, pp.164-165, 174-175. 
\textsuperscript{103} TNA STAC8/53/5, 1604; see Case Study C p.283-289. 
\textsuperscript{104} Birrell, 'Peasant poachers in the medieval forest,' pp.77-79. 
\textsuperscript{105} CKS QM/SB/154.
thronged that 'he had happened on such a booty as he should never meet with the like again while he lived,' decided to retrieve the prize himself, but left the scene to find Anthony Banks to help him carry the deer away. However, having failed to make contact, Thomas Carpenter returned to the park to find that he had lost both the deer and the arrow, which he had hidden, although he spent over an hour searching for them. According to Anthony Banks, Thomas Carpenter defended his decision not to report the matter to the deer keeper by declaring that he felt there was no point, 'to what end should I hurt the fellow that had killed the said deer and not benefit myself thereby.' When Thomas Carpenter himself was examined, he flatly denied all knowledge of the incident, and as to mentioning an arrow he explained that he had been misheard and that he was complaining about poor ploughing, 'for that his ploughman at the first setting on did not draw the first furrow as straight as an arrow.' Whether or not credible, the case was unproven and no charges were brought against him. Thomas Carpenter's reluctance to name the deer killer might have come from altruism, from the desire to avoid revealing uncomfortable details about his own proximity to the killing, from fellow feeling for or fear of retaliation from the culprit, or from an unwillingness to cooperate with the Baker family, but his pleasure at the chance discovery of the deer carcass was real. As reported by Anthony Banks, Thomas Carpenter was disappointed to have lost the deer, from which he would 'have caused ii pasties to have byn made therof.' Clearly, Thomas Carpenter wanted to benefit from the consumption of at least part of the deer, but his motives for concealing the identity of the deer's killer were far less straightforward, and his words indicated sympathy for the culprit, with a degree of acceptance by a kindred spirit that no great wrong had been committed, an example, perhaps, of how attitudes towards park offences differed between the lower orders and officialdom.

The second case for which Thomas Roberts of Glassenbury started taking depositions in March 1596 covered park infringements in several parks, again perhaps drawn to the attention of the authorities by an informer. The common thread concerns the activities of Peter Maye, a Cranbrook weaver, who became caught up with others, such as John Fosten, who might well have been the criminals Manning considers them

106 As Carpenter needed help to move the deer it would have provided venison for more than two pasties, but the depositions do not mention what plans he might have had for the rest of the carcass.
to be. However, the background revealed by Peter Maye's apprentices implies that Peter Maye was driven into illegal activity by financial circumstances rather than starting out with criminal intent. Manning argued that Peter Maye was using a legitimate occupation as cover for criminal activity, but it seems more likely that the depression in the cloth industry drove a failing weaver to kill deer for survival, before being drawn into the desperation of criminality.

Evidence from Peter Maye's former apprentices, William Welche and Pascal Barrington, who had served him four years, stated that for three years they had lived with Peter Maye at Masolden wood before moving with him to Goldford, much nearer Sissinghurst(79) park, in their fourth year of service. Significantly, it was only after the move that Peter Maye's unlawful killing of deer began. The apprentices deposed that at Goldford they had been given 'sundry times meat of the heads and necks of venison' and that the venison had been served with Peter Maye's retort 'they were better eat that than nothing.' In this context the move to Goldford can be seen as part of the downward spiral of an impoverished craftsman. Once at Goldford Peter Maye acquired a crossbow and arrows, which he concealed under a loom instructing the apprentices to hide them outside if anyone came to search the premises. More damningly, two or three times a week, after the household had gone to bed, Peter Maye, on hearing a whistle outside, with his crossbow under his cloak left the house for two or three hours, 'but seldom sped for that he went most usually to shoot along by the pale side.' Once the two apprentices had to fetch deer from the weaving shop and help cut it up, and at other times they delivered deerskins to be dressed.

One of the unique aspects of this case is the focus on deerskins. Further questioning about the skins showed that Peter Maye had become drawn into a wider network of procurers and receivers to such an extent that he became frightened of exposure and threatened that 'he would kill or procure to be killed whosoever should betray any of the former doings.' However, in his deposition he claimed to have acquired eight skins legitimately from John Hoben, the deceased deer keeper of Thomas

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109 CKS QM/SB/162.
Pelham esquire, whose park was in Sussex.\textsuperscript{110} This was a clever move since the dead man could not talk! These skins were dressed by a glover, Richard Cradock from Goudhurst, to whom he paid four shillings for four skins, but did not know what had happened to the rest. The four skins he could account for went to Henry Judd, a weaver from Cranbrook, by barter for assorted items including remnant sage coloured cloth, a chest, ruff bands and four shillings, with a total value of 16s 2d, a huge profit if the four shillings paid for dressing them was his only outlay.\textsuperscript{111}

All this was plausible, but he concluded his deposition by gratuitously mentioning that John Fosten had visited his house at Goldford with a crossbow and had shot an arrow from it out of his window, an offence John Fosten later admitted when he also confessed to the possession of a gun, for which he was eventually indicted.\textsuperscript{112} Perhaps John Fosten was mentioned in order to divert attention away from Peter Maye's killing of Sissinghurst deer, and his possible involvement on the fringe of a more organised unlawful trade in venison and deerskins. If the deponent, John Fosten, was the will maker of 1624, he was a victualler, well able to dispose of venison through trade distribution outlets, and Peter Maye had been drawn into his circle, graduating from killing deer for his own consumption to killing them for profit.\textsuperscript{113} In this context the deerskins would have been a saleable sideline. Such an interpretation would explain Peter Maye's frequent night excursions on cue with his crossbow, his possession of deerskins, and his use of threats to intimidate erstwhile informers.

John Fosten's deposition, like Peter Maye's, was silent about any intrusion into Sissinghurst(79) park, so the depositions of Peter Maye's apprentices about their master's night time visits there were uncorroborated.\textsuperscript{114} John Fosten admitted handling three deer and their skins from Sussex venues, where, according to him, they had been acquired legitimately through contacts in the Ashdown Forest, Rotherfield and Eridge

\textsuperscript{110} Manning, \textit{Village Revolts}, p.48, perhaps at Halland near Heathfield, which had been the focus of riots when 1200-acre park was enclosed from common land in the mid-sixteenth century.
\textsuperscript{111} Wrightson, \textit{Earthly Necessities}, p.93, points out the economic interdependence between individuals in rural settlements.
\textsuperscript{112} CKS QM/SI/1597/12; CKS QM/SB/163.
\textsuperscript{114} The Couchman surname was common in the district, but perhaps there were family links with Giles Couchman involved in the incident in Otford Great(62) park in 1584 (see pp.274-275) and Thomas Couchman co-hunter with Sir Alexander Culpepper in the early 1600s (see p.279-280).
walks in the year prior to the deposition. The first deer had been quartered in Peter Maye's house – half being sent to Thomas Raynes of Burham, on the Medway some miles away, and almost half going to John Fosten himself, leaving Peter Maye with the skin, neck, chine and one shoulder. That Peter Maye received the leftovers gave a plausible reason for serving them to his apprentices, although he did not include this in his deposition. The unexplained use of Peter Maye's house to cut up the deer is the only indication that he and John Fosten had any connection with each other as far as venison and deerskins were concerned. John Fosten had paid a Sussex deer keeper three shillings for the second deer and its skin and an unspecified fee for the third. Both these deer had been carried wrapped in their skins to Couchman's house in Goudhurst, and divided between the three huntsmen, with the skins being left for a glover living there. Because this glover was unnamed, doubt arises as to whether the skins purportedly legitimately obtained by Peter Maye and by John Fosten were the same deerskins, but the numbers differed and it was likely that both, or Peter Maye as the proxy of John Fosten, had been supplying deerskins to the glove workshops of Cranbrook, and that these deerskins had come from deer shot by Peter Maye in Sissinghurst(79) park.

Having examined the evidence, Thomas Roberts ordered the borsholder to arrest Peter Maye under warrant for possession of a crossbow - again no specific offence against parks appeared. However, on his way to Maidstone gaol, he was rescued and released by John Weller, a clothier, and Thomas Philip, a painter, both from Cranbrook and whether he ever faced trial is unknown. The rescue makes one wonder about the role of the borsholder in his escape, and whether there was sympathy for Peter Maye's plight, with many in Cranbrook so disaffected and antagonistic towards the Baker family that they did not regard his behaviour as criminal.115 On the other hand, there was so much intermarriage between clothier families that his escape might have been organised by an elaborate family network, which, as Keith Wrightson expressed it, 'bound people together within particular localities in a manner which gave "a strong particularity" to the economic culture of the time.'116 A less generous interpretation is that the criminal network to which he was allied wanted to avoid further revelations about its activities. All these possibilities reflect the intertwining of various strands of the unlawful taking of deer and underline the complexity of unravelling them.

116 Wrightson, Earthly Necessities, pp.84-85.
(b) Covert hunting for sport, usually gentlemen-led

Whereas low-key poaching aimed at skilfully and quickly dispatching prey with minimum fuss, gentlemen who initiated covert hunting relished the excitement of the sport. Covert hunting was an offshoot of the general hunting culture, which might involve lesser gentlemen who were excluded from the sport by the high qualification criteria, and without their own parks or the social connections to gain access into the parks of others.\(^\text{117}\) On these unlawful hunting expeditions, dogs, especially coursing greyhounds, accompanied the hunters, who often rode on horseback. Although gentlemen were not averse to breaking into local parks, they also travelled to more distant venues. Covert hunting by day differed from covert hunting by night, and the contrasting approaches might, at first glance, be seen as separate strands, but the leading participants were often the same gentlemen, as with Sir Alexander Culpepper, Richard Waller and John Styler, who feature in case studies B and C.\(^\text{118}\) In covert hunting by day, the group might comprise up to four men, who, if challenged, concocted an apparently plausible excuse for their presence in the park, but under cover of dark, the groups tended to be larger and more intimidatory in order to scare off deer keepers or to meet them head on if necessary.

There were some standard excuses used by gentlemen who entered parks in daylight hours. However, their versions of events seldom stand up to close scrutiny, even though accusations against them in the court of Star Chamber suits, which often included the words 'riot' and 'rout', tended to be exaggerated and highly dramatised.\(^\text{119}\) Manning identified popular excuses as entering the park in pursuit of a stray or wounded deer, or putting the blame on headstrong dogs pursuing a deer, which they had scented in a park.\(^\text{120}\) In 1584, Giles Couchman claimed that his master's dogs had broken loose from his master's home in Groombridge, and followed his master's party into Waterdown forest, where they brought down a doe with its fawn.\(^\text{121}\)

Thomas Petley, a gentleman from Halstead, offered fabrication peppered with inconsistencies by way of explanation for his entering Hamsell(43) park, near Mayfield,
in Sussex in October 1605. He blamed his companion, Nicholas Hilliard, for initiating the unlawful hunting by taking the park gate off its hinges and pursuing and injuring a deer with a crossbow arrow, after which he himself had entered the park to help track down the wounded deer. The discrepancies between events as narrated in Thomas Petley's depositions and in Sir Richard Waller's petition of complaint, as owner of Hamsell park, make Thomas Petley's position as misguided innocent untenable.

Thomas Petley claimed that he and Nicholas Hilliard had passed Hamsell park on their way to Brenchley to meet Dr. Smarsett to discuss the suit of marriage between Nicholas Hilliard and the doctor's daughter. However, their journey from Halstead in northwest Kent to Brenchley near Tonbridge would not have required them to enter Sussex, or be near Mayfield. Nicholas Hilliard had carried a crossbow because the two men had agreed to kill any stray deer spotted on the way, yet he forcibly entered the park to hunt. There are contradictory accounts from Thomas Petley and the deer keeper about events following the wounding of the deer. Thomas Petley and Nicholas Hilliard claimed to have contacted the deer keeper immediately, as would have been within the code of gentlemanly behaviour, requesting him to put the deer out of its misery and to give them some venison from it. However, the deer keeper said that contact was not made until the next day. In both accounts, the crossbow ended up in the deer keeper's custody, according to the deer keeper because he had found it hidden in the park and, according to Thomas Petley, because he had left it in the deer keeper's safe keeping it being too cumbersome to carry.

Thomas Petley denied ever previously entering Hamsell park, but the owner of Hamsell park cited several occasions in the first ten days of October 1605 when Thomas Petley and Nicholas Hilliard had broken down the park paling and hunted deer for 'divers hours' at a time. Thomas Petley stated that on his outing with Nicholas Hilliard he carried only his rapier and dagger 'which he usually rideth withal, and no other weapons.' However, it transpired that the deer keeper already had in his custody two crossbows and a gun belonging to Thomas Petley, who said they were there by his 'sufferance and assent', without explaining how so many of his weapons had ended up in

122 TNA STAC8/294/6, 1606, but the Petley case (STAC8/190/17) has wrongly been placed with this case.
the deer keeper's hands, especially when he had apparently never before been in the park or carried them with him on the outing with Nicholas Hilliard.

Matters came to a head when Thomas Petley sent a party to break into Hamsell lodge because, according to his account, the deer keeper had not returned the crossbow or sent a 'piece of flesh' from the deer Nicholas Hilliard had wounded, as he had promised. All the weapons were retrieved and a bloodhound, whose ownership was disputed by Thomas Petley and the deer keeper, was taken. This deliberate act of bravado is an example of a practice adopted by gentlemen hunters in other parts of the country. Thomas Petley's story was clearly flawed, but there is insufficient documentation to be sure of his reason for targeting Hamsell(43) park so persistently in the opening fortnight of October 1605. However, there is a hint of grievance in his admission that he had asked the deer keeper for a deer on several occasions, 'but the said keeper never but once gave this defendant a deer.' His response to this perceived slight underlines the frustration of a gentleman reliant on others with parks to fulfil their urge to hunt and to acquire venison – the thrill of the chase here was tinged with the need to protest against exclusion from the privileged elite.

There are instances of individuals or small groups of yeomen entering parks to take one deer, but without details it is impossible to know whether they were acting on their own initiative. One particularly enigmatic park break shows the limitation of official court records without the attendant depositions and illustrates the likely presence of gentlemen who remained in the background when lesser men were caught. Six separate entries in the Quarter Session records indicate that when two husbandmen were arrested in Lyminge(56) park while hunting with bloodhounds on 14 September 1602 with 'other wrongdoers', more influential men were drawn into court procedures, perhaps to avoid being implicated through confession. There are several unusual aspects in the brief Quarter Session records that followed the arrest. First, on 22 September 1602, the two husbandmen pleaded not guilty and had an attorney to defend them; second, at their next appearance at court on 11 January 1603, the jurors did not appear and a habeas corpus writ was issued to enforce their presence at the next Quarter Session.

Sessions of 19 July 1603. However, on 8 March 1603, by writ certiorari proceedings were stopped in the lower court and the whole case transferred to the Queen's bench.\textsuperscript{126} In the meantime, in early October 1602, a few weeks after the arrest of the two husbandmen, there were three court hearings in which they were bound over to keep the peace, with the surety of Thomas Holford esquire of London, towards George Hills, the probable owner of the bloodhounds, and towards Philip Eastland, the deer keeper at Lyminge(56) park, who had helped arrest the men.\textsuperscript{127} The use of the binding over was typical of the period and enabled those in authority to control social behaviour in a way that was beneficial to the well being of the wider community.\textsuperscript{128} There is obviously a sub-text to all the court entries with influential backers providing legal help and sureties, and the implicit use of threats or bribery unduly to influence witnesses and jury.

Gentlemen, such as Sir Alexander Culpepper, Richard Waller and John Styler, alongside others of differing social backgrounds, readily entered parks at night as well as by day.\textsuperscript{129} There are relatively few examples of violence, but it was usually at night that fights between trespassers and keepers occurred.

No contemporary explanations for this violence have been found for Kent, but the tendency probably stemmed from the mindset of both sides. It is possible that deer keepers summoned up more determination to combat blatant park breaks, than to prevent low key poaching. There must be reason for Markham to have recommended that a deer keeper's lodge be built like a fort with windows at angles or with loopholes 'either to shoot, cast stones or scalding water' to prevent the deer keeper being cooped up by assaulting intruders, 'which is the practise of many subtile knaves', and, having kept them at bay, to 'despight their force' by issuing forth to 'defend himselfe and his charge against them.'\textsuperscript{130} This passage predicates the expectation of violence between unlawful hunters and deer keepers. Manning noted the mercilessness and lack of sympathy during confrontations between deer keepers and gentlemen park breakers, and

\begin{footnotesize}
127 Knafla, Kent at Law 1602, p.111, QM/SM/21/804-805, p.253 QM/SRc/1592, p.127 QM/SI/1603/909. George Hills, only two days before the Lyminge(56) park break, had entered Elham(30) park to course his bloodhounds.
130 Markham G., Maison Rustique, or The countrey farme (London, 1616) p.669.
\end{footnotesize}
attributed them to the brutalising influence of the hunting culture. In Kent most examples of violence stem from gentlemen-led groups reacting to possible arrest, and there are instances of excessive ferocity on both sides. Deer keepers were under tremendous pressure from intruders, and sometimes they and their deputies were outnumbered and powerless to enforce order, as Walter Double found at Penshurst (71) park in 1600. On other occasions the deer keepers were able to meet force with force, but occasionally, even though successfully quelling the opposition, they overreacted, as in Otford Great (62) park in 1586.

Why groups containing gentlemen should be more prepared to use violence is unclear; perhaps they were less wary of or had less respect for deer keepers. Loss of reputation might have been at stake, although the consequences of arrest were no more severe than for lesser men, and in many ways less so because aristocrats and gentlemen were seldom brought before the Quarter Sessions or Assizes, but might instead face the protracted proceedings of the court of Star Chamber.

Manning regarded poaching as 'the most violent of all forms of social protest other than armed rebellion,' and considered that gentlemen going into a magnate's park armed to the teeth 'apparently thought that knocking a gamekeeper over the head was half the fun.' Beaver, on the other hand, at least as regards conflict over Stowe park in the reign of Charles I, regarded scenes of violence to be 'carefully choreographed' with a controlled use of force. Avowed social protest of those who did not share the 'absolute and exclusive rights of private property' in the shape of parks and the 'wild' deer within them, or protest at a subliminal level, might well have played a part in violent behaviour, but one would have to know more about the individuals concerned before being certain of the degree of their disgruntlement, compared with the thrill of the hunt, the adrenalin of the risk, and the lure of the prize.

131 Manning, Hunters and Poachers, pp.191-192.
132 See Case Study D p.294-299.
133 TNA SP12/197/19 & 32, January 1586, see p.274-275 to follow.
134 CKS QM/Slq/4/29 & 30, one exception being the inquisitions into the activities of Sir Alexander Culpepper and his confederates, held on 7/12/1605, during the Quarter Sessions.
135 Manning, Village Revolts, p.298.
136 Beaver, 'Bragging and daring words,' p.172.
137 Manning, Village Revolts pp.4-5.
Of four known fatalities in Kentish parks, three were the direct result of nighttime raids into parks led by gentlemen, and in each there was a conspicuous absence of controlled use of force.\textsuperscript{138} In two cases during confrontations with deer keepers, two unlawful hunters were killed, and in the third, two deer keepers coming to the aid of another, who had intercepted intruders in Knole(50) park in 1589, mistook each other as the intruders, attacking with such ferocity that one was cudgelled to death.\textsuperscript{139} At Otford Great(62) park, on 9 January 1586, a small group of unlawful hunters, armed only with staves, were overwhelmed by nine keepers, obviously expecting trouble and equipped to meet it, because they were wearing helmets and carried swords, bills and staves. In the uneven struggle, three intruders were beaten 'most cruelly and unmercifully', even when they were lying helpless on the ground, resulting in the death of one hunter and leaving another 'very sore hurt'.\textsuperscript{140} When faced with the armed keepers, it would seem unlikely that violent resistance as 'half the fun' of the hunt, as Manning put it, would have sprung into the victims' minds.\textsuperscript{141} The only evidence of the third fatality is an inquest, the verdict of which has been obliterated by damage to the document. Eight men, whose social status ranged from gentlemen, through yeoman to servant and husbandman, broke into Scot's Hall(77) park on 15 December 1597 and had killed two bucks and two does with greyhounds before being confronted by the deer keeper with two other men.\textsuperscript{142} In the ensuing fracas, the deer keeper, being wounded and hard pressed by the larger group, fatally pierced William Richards, gentleman from Baston, in the chest with a piked staff.\textsuperscript{143}

Historians such as Manning and Beaver have noticed the practice of servants accompanying their masters on park breaks.\textsuperscript{144} According to Manning 'it was axiomatic that servants who hunted unlawfully were spawned by disorderly aristocratic and gentry households,' and this does seem to be the case in the Waller household at Leigh and the

\textsuperscript{138} Cockburn, \textit{Kent Indictments under Elizabeth I}, p.116, AC35/15/1/647, the fourth fatality occurred on 15/9/1572 when Lord Abergavenny's servant hunting for food for hawks in Hungershall(47) park accidentally shot John Baker, a yeoman of Speldhurst, hiding in vegetation to escape detection.


\textsuperscript{140} TNA SP12/197/19 & 32, January 1586.

\textsuperscript{141} Manning, \textit{Village Revolts}, p.298.

\textsuperscript{142} Cockburn, \textit{Kent Indictments under Elizabeth I}, pp.417-418, AC35/40/3/2545, 20/2/1598.

\textsuperscript{143} Manning, \textit{Village Revolts}, pp.298-299, mistakenly has the park breaker killing the deer keeper.

\textsuperscript{144} Manning, \textit{Hunters and Poachers}, p.178; Beaver, \textit{Hunting and the Politics of Violence before the English Civil War}, pp.47-51.
Willoughby household at Bore Place. During the raid on Otford Great(62) park in 1586, three of Thomas Willoughby's servants, together with a servant of Mr Waldegrave of Hever, and another of Mr Waller of Leigh, were present. Thomas Willoughby's son and two of his servants obviously already knew Otford Great(62) park and positioned the smaller groups to take advantage of passing deer they flushed out with the greyhounds. As will be seen in the case study C for Penhurst(71) park, the Waller brothers of Leigh took their servants with them when they unlawfully entered Penshurst(71) park in the 1570s. Servants might also enter parks without their masters' consent or presence. They had the advantage of having access to their masters' dogs, horses and hunting equipment, which could be used with or without permission; they were able to learn hunting techniques from an elite household; and they could acquire inside information about various parks frequented by their masters. As the organisers of the Oxford rising found in 1596, servants gave 'ready points of entry into other communities.' Travelling on errands, taking messages and accompanying their masters' from household to household made it easier for servants to concoct excuses for moving about the countryside than would be the case for farm labourers or artisans.

The name of servant Giles Couchman crops up in three disparate documents, and, if the same man, hints at the existence of servants employed because of their expertise in unlawful hunting. In 1584 Giles Couchman, then servant of gentleman, Charles Allen, was called to the court of Star Chamber to answer the charge of illegal hunting with greyhounds with his master and other Groombridge men in Waterdown forest. Shortly afterwards, Giles Couchman was briefly employed as an under keeper in Knole(50) park, where he failed to report a group of unlawful hunters he met carrying away a deer. Lastly, it was Giles Couchman, servant of Richard Waller of Leigh, himself heavily implicated in the 1570s incursions into Penshurst(71) park, who brought along one of his master's greyhounds for the Otford(62) park break in 1586. It appears highly probable that Giles Couchman moved from household to household to continue his dubious activities, sometimes in the knowledge of those who employed

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146 See Case Study C p.283-289.
147 Walter, *A "Rising of the People"* pp.105-106.
148 TNA STAC5/A1/8, 1584.
149 TNA SP12/197/19, 1597.
150 CKS U1475/L17.
him. One wonders whether he came from the same Couchman family, mentioned in case study A helping in the distribution of venison and deerskins in the Cranbrook area, and in case study B involved in unlawful hunting with Sir Alexander Culpepper in Sissinghurst(79) park in the 1600s.\(^\text{151}\)

Allegations against gentlemen who led covert hunting for their own pleasure and consumption often ended in court of Star Chamber suits, because the right to enjoy one's property without disruption and in privacy was important to park owners, and suits to uphold this are 'a powerful reminder that property was not merely a matter of material assets, but more fundamentally a matter of rights.'\(^\text{152}\) In this sense the idea of defending customary rights was not confined to the lower orders, but could be experienced by the upper strata of society. Park owners were determined to uphold their property rights against park violators from all spheres of life, who, in turn, felt they had the right to hunt without constraint.

**B: Case study – Sir Alexander Culpepper (1581-1629)**

Four court of Star Chamber suits were initiated against Sir Alexander Culpepper of Bedgebury between 1604 and 1606 and, following each other so swiftly, appear to have been a concerted effort to prevent his undertaking further illegal hunting in Sissinghurst(79) park, the Ashdown forest and Hamsell(43) park.\(^\text{153}\) Sir Thomas Baker of Sissinghurst brought two suits, Sir Edward Coke, the attorney general, on behalf of the crown, brought another and Sir Thomas Waller of Groombridge yet another.

Sir Alexander Culpepper's activities between about 1600 and 1604, when in his early twenties, will be dealt with broadly in chronological order of events. The motivation behind his reckless hunting is a matter of speculation, but possible indicators lie in his background. His father, Sir Anthony Culpepper, inherited the Bedgebury estate in the Weald from his father, Sir Alexander Culpepper, at the turn of the


\(^{152}\) Hindle, *The State and Social Change*, p.80.

\(^{153}\) TNA STAC8/53/4, 1607; TNA STAC/53/5, 1604; TNA STAC8/5/13, c.1604; TNA STAC8/294/6, 1606.
seventeenth century. Both the father and grandfather of the younger Sir Alexander Culpepper were recusants, the older Sir Alexander Culpepper suffering imprisonment, very heavy fines, and years of banishment from Bedgebury for his beliefs.\textsuperscript{154} It would not therefore be surprising if his grandson had become disaffected with authority after the family experience. The family's capital had been eroded by recusancy fines and by the late 1590s part of Bedgebury(4) park had been rented out and the rest followed when Sir Anthony Culpepper inherited it. As a keen huntsman, Sir Alexander Culpepper resented the loss of the family park, as was implied in his justification for hunting in Hamsell(43) park because many of the Bedebury deer had been transferred there.\textsuperscript{155} Deprived of the family park, Sir Alexander Culpepper availed himself of his neighbours' deer, particularly in Sissinghurst(79) park which was still well stocked and lay not far from Bedgebury, but even closer to Glassenbury, home of his father-in-law, Sir Walter Roberts. Sir Alexander Culpepper was certainly closely associated with members of the Roberts family in his hunting pursuits, and the social unrest in the Cranbrook area as evidenced in case study A meant that he was able to gather many willing accomplices around him over a number of years.\textsuperscript{156}

As ringleader of the unlawful hunting, he gathered a large following of over 20, although he usually went out with smaller groups at any given time. This loose 'federation of convenience' encompassed a broad social spectrum of individuals with different agendas; gentlemen out for the thrill of the chase, clothiers resentful of the Baker family, apprentices and servants following their masters, labourers keen to find food for the table, butcher and inn keeper in a position to profit from the cutting up and distribution of the venison.\textsuperscript{157} While the composition of participants might vary for each incursion, there was strong overall group identity. The court cases revealed the close nature of this fraternity with its members remaining loyal to each other and not confessing when brought before the court of Star Chamber or the magistrates. Moreover, the potential weaker links, such as apprentices Alexander Weller junior and

\textsuperscript{154} Buckingham C., 'The troubles of Sir Alexander Culpepper of Goudhurst' in \textit{Kent Recusant History} no.1, (Spring 1979) pp.20-24; see Chapter Five p.152.
\textsuperscript{155} BL Cart.Harl.76.A.22, 1596; BL Cart.Harl.77.C.44, 1607.
\textsuperscript{156} See Case Study A p.262-268.
Richard Botten, disappeared from Cranbrook before being brought to trial at the Quarter Sessions.\(^{158}\)

The records are silent about what happened to the numerous deer that Sir Alexander Culpepper and his fellow huntsmen killed, but the presence of Francis Hampton, a butcher, indicates that suitable premises were on hand to cut up deer professionally, while the alehouse of Anthony Lake would have provided a convenient venue for the distribution of venison, because little suspicion would be aroused by various comings and goings. How deeply involved Sir Alexander Culpepper was with this putative network for the disposal of deer is unknown, because no one was questioned on this aspect of activities.

In the first suit, Sir Alexander Culpepper, sometimes accompanied by other gentlemen, was charged with leading at least seven hunting expeditions into Sissinghurst(79) park between October 1601 and March 1603 during which many deer were killed and wounded.\(^{159}\) These night raids were typical of covert hunting by gentlemen in which up to a dozen men at a time participated. On their first forcible entry into the park on 24 October 1601, they faced up to four deer keepers, whom they 'grievously beat and wounded.' Although the high-profile huntsmen were not at that stage apprehended, the deer keepers either knew or discovered some of the intruders and, in the early hours of the morning, burst into the room where two apprentices of the clothier, John Weller, perhaps the same John Weller who had secured Peter Maye’s escape, were still in bed. Although both young men, Alexander Weller junior and Richard Botten, denied any wrongdoing, within two days they were questioned by the magistrate, and later appeared in court to be bound over with recognizances of £20 each to answer the charge of hunting at night in Sissinghurst(79) park.\(^{160}\) In this instance it has been possible to match up apparently unrelated Quarter Session depositions with the court of Star Chamber suit to show that, rather than the apprentices participating in low-key crime, which might have been supposed from the Quarter Session indictment, they were in fact acting with a wider, more organised group of disaffected local people.\(^{161}\) Had they been acting on their own in Sissinghurst(79) park, it is unlikely that the

\(^{159}\) TNA STAC8/53/5, 1604.
\(^{160}\) CKS QM/SB 387.
\(^{161}\) TNA STAC8/53/5, 1604.
recognizances would have been set so high or that they would have been found. In addition, perhaps lest they implicate more important people, not surprisingly they failed to appear for their trial at Maidstone Quarter Sessions of 13 April 1602, when their recognizances were forfeited.162

Undeterred by the arrest of the apprentices, Sir Alexander Culpepper and the others continued to hunt unlawfully in the park over the next ten days, culminating in two does being killed and carried away on the night of 2 November 1601 after 12 men had broken into the park and hunted and chased deer with seven greyhounds. The incursions continued into James I's reign, until eventually in October 1604 Sir Thomas Baker took Sir Alexander Culpepper, Richard Roberts, Walter Roberts and 20 other named men, including three with the familiar surname of Couchman, to the court of Star Chamber. Unfortunately for Sir Thomas Baker, Sir Alexander Culpepper and Walter Roberts evoked the King's personal free pardon granted to them on 27 June 1604 to justify not answering any questions relating to wrongdoings in Elizabeth I's reign or up to the date of the pardon.163 The court of Star Chamber suit was therefore dropped. However, the Quarter Session records show that, although unable to pursue court proceedings against the leaders, belatedly in September 1604, nearly four years after the Sissinghurst(79) park breaks, four Cranbrook men named in the suit were indicted for taking part in the violent raid of 24 October 1601 and in the illegal hunting of 2 November 1601, but there are no subsequent records to show the outcome.164

The incident which provoked Sir Thomas Baker's first suit, occurred early in June 1604, when typically for daylight park breaks by gentlemen, Sir Alexander Culpepper was accompanied only by his kinsman, Walter Roberts, and two others, his father's servant and Thomas Couchman. Significantly, Sir Alexander Culpepper refused to answer any questions about the more serious earlier night time raids into Sissinghurst(79) park, which would endanger the fraternity if he divulged any information. He justified the June 1604 incursion with a barely plausible, but typical excuse given by gentlemen who entered parks by day. He claimed that the four, having failed to track one of his father-in-law's stray deer from Glassenbury(37) park, were

162 CKS QM/SRc/1602/197; Knafla, Kent at Law, 1602, p.89, no.580.
163 See p.258.
164 CKS QM/SR1[Q/SR5]16 m2 (C p.204).
returning home past Sissinghurst(79) park when his greyhounds scented a deer and 'without any instigation or knowledge of him' broke away and ran into the park killing a deer there, which he found and took away. Here he adopted a common ploy of blaming his dogs, but failed to explain why he had appropriated the deer without seeking out the deer keeper to report its death. Thomas Couchman helped him remove the deer, because his father's servant, with some strength of character in view of his subservient position, had refused to do so.\textsuperscript{165} It might have been this incident that led Sir Alexander Culpepper and Walter Roberts to obtain free personal pardons from James I dated 27 June 1604, exempting them from punishment for this and all previous unlawful hunting, although why James I would have signed the pardons for illegal huntsmen is open to speculation. Sir Thomas Baker still opened court of Star Chamber proceedings, perhaps there being a time lapse in the completion of the legal documents conveying the pardon.

After his first experience of the court of Star Chamber, Sir Alexander Culpepper diverted his attention from Sissinghurst(79) park to find a softer target, namely Ashdown Forest in Sussex, where both red and fallow deer roamed. This royal forest of nearly 14000 acres was difficult to control, especially as the pale was in a very poor state of repair.\textsuperscript{166} In November and December 1604 he illegally hunted in the forest accompanied by two Sussex gentlemen, Thomas Stillion of Mayfield and Lewes Monnoxe of Waldron, both likely to be familiar with the neighbourhood as residents of parishes adjoining the forest. On at least three occasions within a month eight to ten other men accompanied the three gentlemen on hunting sprees in the forest, killing a total of 14 red and fallow deer.\textsuperscript{167} This time the attorney general submitted a bill of complaint, but that is the only extant document for the suit.

A year later Sir Alexander Culpepper concentrated on hunting in Hamsell(43) park, near Mayfield, entering 'divers and sundry times' in the company of Thomas Stillion who, according to Sir Thomas Waller, the owner of the park, 'hath long been a great and common hunter of deer.'\textsuperscript{168} Sir Thomas Waller also suspected that the men had hunted in his home park of Groombridge(40), and took them before the court of

\textsuperscript{165} Manning, *Hunters and Poachers*, p.185.
\textsuperscript{166} Smith Ellis, W., *The Parks and Forests of Sussex* (Lewes 1885) p.16, on 3/3/1605 Thomas Sackville, earl of Dorset, obtained permission to fell timber to repair the pales in order to preserve the game in which the King delighted.
\textsuperscript{167} TNA STAC8/5/13, c.1604.
\textsuperscript{168} TNA STAC8/294/6, 1606.
Star Chamber to urge punishment as a deterrent to 'other evil disposed persons' who would otherwise be encouraged and emboldened to follow their example. Once again the defendants remained silent about more serious charges, admitting only to a lesser one. Thomas Stillion said he had only once entered Hamsell(43) park with Sir Alexander Culpepper when one of their dogs had caught a fawn which subsequently escaped, and claimed that Sir Alexander Culpepper's justification for hunting without the deer keeper's permission had been because 'his father not very long since gave .... many deer for the storing of the said park.'

This remark reflects Sir Alexander Culpepper's keen feeling over the loss of deer from Bedegbury(4) park and his underlying attitude that he almost had a right to hunt deer not only here, but wherever they were to be found.

Sir Thomas Baker instigated the fourth court of Star Chamber suit after Sir Alexander Culpepper reverted his attention to Sissinghurst(79) park, with matters reaching a climax on the night of 16 November 1605. This park break differed from previous ones in that no attempt was made at stealth, the maximum damage was inflicted, and buck stalls, or nets to entrap deer, were employed. Thus undertones of symbolic, brazen protest were coupled with possibly criminality, although the circumstances triggering this particular incursion are unknown.

On the evening in question, Sir Alexander Culpepper met Richard Roberts, gentleman, and local men including eight clothiers, a hatter and a labourer in Thomas Lake's alehouse. From this assorted crowd, Sir Thomas Baker singled out a hardcore of five, headed by Sir Alexander Culpepper, as being 'common night walkers, deer stealers and hunters in parks and chases,' with the others aiding and abetting them. The presence among the unlawful hunters of a significant number of clothiers, including members of the prominent Courthop, Love and Couchman clothing families, might merely reflect the make-up of the local society or the desire to hunt for its own sake; on the other hand it is possible that the continuing undercurrent of grievances against the Baker family found expression in park breaks, which lesser men were emboldened to undertake with Sir Alexander Culpepper at their head. Individuals, normally divided

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169 TNA STAC8/294/6, 1606.
170 TNA STAC8/53/4, 1607.
socially and culturally, were prepared to band together for convenience to achieve their own varied purposes, and conventional barriers were lowered as they drunk 'great and excessive quantities of beer' until eleven o'clock.\textsuperscript{172} Whether the fraternity became careless through drink, had become overconfident, or planned the raid as overt protest against Sir Thomas Baker or his deer keepers, they moved off noisily towards the park almost two miles away. Once there with greyhounds, buck stalls and crossbows they killed two does, and wounded and chased many deer out of the park. The wanton wounding and dispersal of the deer, if not exaggerated by Sir Thomas Baker as a strategy to embellish his case, can be construed as a gesture of protest in that it was untypical of the honourable conduct of a hunt.\textsuperscript{173} Lastly, the use of buck stalls, with the potential to entrap several deer at a time on a commercial scale, is indicative that some of the huntsmen were motivated by profit rather than sport, although there is no evidence to show whether Sir Alexander Culpepper had become embroiled in this side of activities.

Those loyal to Sir Thomas Baker, not daring to tackle the hunting fraternity directly, reported events to him and, using his position as high sheriff of Kent, having summoned his servants, he led them to arrest the park breakers in the early hours of 17 November 1605. During the search, three of Sir Thomas Baker's servants came across Sir Alexander Culpepper, Richard Roberts and three others in a wood alongside the park and in the ensuing struggle the servants were wounded. Two inquisitions were held at the Quarter Sessions on 7 December 1605 concerning the unlawful hunting and the failure of the five men to 'yield their bodies,' before proceedings were initiated in the court of Star Chamber.\textsuperscript{174}

The clash between the 'patriarchal' culture of Sissinghurst manor, headed by Sir Thomas Baker, and the culture of the unlawful hunters, meeting and plotting in the alehouse, was very apparent on the night of the 16/17 November 1605.\textsuperscript{175} There were those in the community who disapproved of disorder and were prepared to report back to Sir Thomas Baker, even though their attitude might be at odds with their fellow parishioners.

\textsuperscript{173} Hindle, \textit{The State and Social Change}, p.82.
\textsuperscript{174} QM/SIq/4/29 & 4/30.
\textsuperscript{175} Thompson, \textit{Customs in Common}, p.22.
It is difficult to interpret Sir Alexander Culpepper's full role within this diverse group, but it seems unlikely that he was merely a youthful gentleman hunter indulging in unlawful hunting just for sport. James I's pardon of June 1604 was dependent on good behaviour, but Sir Alexander Culpepper continued his unlawful hunting in as headstrong a manner as before. He might have been driven by the passion to hunt, but his actions might equally have stemmed from disaffection and protest against authority, or from frustration following the loss of his family's park. His partnership with members of the local community was mutually beneficial in providing him with ready recruits, while enabling the harassment of the Baker family, so apparent in the later reign of Elizabeth I, to continue. \(^\text{176}\) Whether Sir Alexander Culpepper himself financially profited from the deer taken remains unproven, but the inclusion of the butcher, the alehouse keeper and the buck stall owners indicates that some, at least, were in a position to profit from his activities.

Although the four suits were never completed in the court of Star Chamber, the three still pending together with the direct confrontation with Sir Thomas Baker's servants in the early hours of 17 November 1605 might have been enough to rein in Sir Alexander Culpepper, because no records about further disorderly behaviour by him have been found.

**C: Case study - Penshurst(71) park in the early 1570s**

Unique in Kent, because of their completeness, are the papers relating to an arbitration by mutual agreement following numerous incursions into Penshurst(71) park in the 20 months between January 1572 and September 1573, with violations against Otford(62) and Northfrith(89-91) parks also admitted. \(^\text{177}\) The De L'Isle and Dudley papers include the agreement to go to arbitration, 26 examinations (of which two have been lost through damage to the document), and the arbiters' final judgement and penalties. The documents are similar in style to those that would have been prepared for a court of Star Chamber suit, but no corresponding suit has been found in that court's records, so the complaint was entirely settled out of court. From the depositions it is possible to re-create the dynamic of unlawful behaviour in Penshurst(71) park where

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\(^{176}\) See Case Study A p.262-268.

\(^{177}\) CKS U1475/L17.
more than 30 men were involved, to a greater or lesser extent, and at least 27 deer were taken. The park breaks were condoned by four corrupt under keepers, and began with disparate incursions by lesser men, which escalated in scale when gentlemen hunters took over.

At Sissinghurst the deer keepers remained loyal, while unrest in the community intruded into the park, but at Penshurst where there is no indication of popular unrest, the under keepers succumbed to pressure. Their initial reluctance to enforce order might have been brought about by the wish to remain on good terms with those outside the pale. Like constables they would lay themselves open to 'scorn, derision and assault' from below if they stood firm, but there was also pressure from above to perform their duties diligently. These under keepers were torn between loyalty towards the owner, care for their animals, and the bribes and threats of those wishing to take a share of the game. Temptation proved too strong for them.

The vulnerability of Penshurst park lay not in the unpopularity of its owner, Sir Henry Sidney, but in his long absences from 1566 to 1571 as deputy in Ireland, and from 1571 to 1575 as President of the Council in the Marches of Wales, followed by a second spell of service in Ireland from 1575 to 1578. Although his head deer keeper, John Smith, remained loyal, the collusion of four under keepers, his brother, Henry Smith, Edward Cole, John Crippes, and Raffe Terry was patent. The depositions show that they waited until John Smith was off-duty or away, because otherwise they 'durst not enter in because Smith the head keeper was then abroad in the park.' However, when he was absent and they were on duty they let in and accompanied unlawful hunters on numerous occasions.

Three of the under keepers gave no reason for their disloyalty, and no deposition survives for the fourth, Edward Cole. At first they appear to have been persuaded to let friends in as a favour; occasionally they received a share of the venison, but monetary inducements eventually proved most alluring. When the servant of the lord mayor of

178 See Figure 8.2 'Illegal activities in Penshurst park, 1572-1573' p.285; Herrup, 'New Shoes and Mutton Pies,' p.829.
181 CKS U1475/L17, Peter Woodgate's deposition.
182 See Figure 8.2 'Illegal activities in Penshurst park, 1572-1573' p.285.
Figure 8.2 - Illegal Activities in Penshurst Park, 1572-1573
Compiled from CKS U1475/L17

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# hunters
London, John Rivers of Chafford, a neighbour of the Sidneys, received ten shillings for riding to London to deliver his master a poached buck, he gave two shillings to Raffe Terry. Whether the lord mayor knew the deer's provenance remains unanswered. The hunters paid the under keepers 2s 6d or three shillings as a group for one course with greyhounds. John Styler, a gentleman from Leigh, involved in the later hunting, enticed Henry Smith and John Crippes with bribes totalling 26s 8d. However, Edward Cole aimed at higher rewards. On two occasions he killed deer himself, and his disposal of nine deer also leads to the suspicion that he was supplying venison for profit. In the later phase of unlawful hunting, when gentlemen dominated the activity, inducements turned to threats as the under keepers were drawn in deeper than they wished, although there were limits to their compliance.

Three under keepers 'would not suffer' John Styler and his brother-in-law, Richard Waller, to use deer stalls or nets to catch prey in September 1573, so there was no hunting that day. However, under keeper, Edward Cole, allegedly would not have been so scrupulous, because John Styler said his group would return when he was in charge. Another refusal came when John Styler pressed Henry Smith over a tame red deer kept in the field of oats in the park, which Henry Smith 'would not for twenty nobles consent to the killing or spoiling of the same deer.' However, in the absence of under keepers, John Styler ordered his servant to kill the deer with a crossbow.

Unlawful hunting began early in 1572 when a group of three clothiers from Chiddingstone and, later, a group of five labourers from Hadlow entered the park at night with dogs borrowed for coursing. Each group brought down a fawn, which was shared between members of the group and the under keepers present.

After this modest beginning, unlawful hunting escalated when gentlemen, namely Richard Waller and his brother-in-law, John Styler, both of Leigh, the parish adjacent to Penshurst, became involved. With their inclusion the pressure, intensity and number of park breaks increased. John Styler listed 18 men who had occasionally joined their party, the group usually consisting of four to six at any given time. Three of the Hadlow men involved in the initial low-key coursing sometimes came, as did four of

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183 CKS U1475/L17, Henry Smith's deposition.
184 Ibid; noble = coin first issued 1351, worth half a mark or 6s 8d.
John Styler's and Richard Waller's servants, and, occasionally, two of Sir Walter Waller's servants from Groombridge Place, maybe indicating kinship between the Wallers of Leigh and of Groombridge. Thus, the hunters, ranging from gentlemen and neighbours of Sir Henry Sidney, through yeomen, clothiers, carpenter, husbandmen and servants, represented a broad spectrum of society forming a remarkable network, even on an ad hoc basis.

Suitable weather conditions, phases of the moon, the absence of the head deer keeper, and the availability of the corrupt under keepers were among the factors affecting the timing of park violations, but there were preordained meeting places where individuals assembled either to await the under keeper or, having gathered, to make their way to the park pale to be met there. As has been seen with the refusal of the use of deer nets, the under keepers exercised some restraint including the number and time of year the deer were killed. As John Styler testified they 'never had above one deer at a time and sometimes went without any deer', but 'the several times certain he can not call to memory.' Additionally, no doe or buck was taken out of their particular season. Of the 27 deer killed, ten were taken at night, one in the morning, while no time was given for the rest. The crossbow was the weapon of choice, bringing down nine deer, either after stalking on foot or on horseback. Otherwise, hunting with greyhounds, even at night, was undertaken on at least seven occasions.

John Styler sometimes enjoyed hunting for sport, but he also seems to have been profit-orientated. His desire to use deer nets to catch a greater number of deer and his order to kill the tame red deer were not the acts of a gentleman covert hunter. The killing of the tame red deer was pre-planned, because its carcass was quickly disposed of, one half being taken to Sir Walter Waller's house at Groombridge, and the other to Mr. Peckham's house at Yaldham, both some distance away. John Styler admitted to entering the park about a dozen times, and he and Richard Waller took 14 deer back to their homes to cut up and distribute, far more venison than they could possibly have immediately consumed. They might have been supplying the black market, although it

185 CKS U1475/L17, John Styler's deposition.
186 See Chapter Three p.91 for seasons.
187 8 teg = female deer in 2nd year, 5 fawn, 5 buck, 2 pricket = male deer in 2nd year, 2 female pricket, 2 sore = buck in 4th year, 2 doe and 1 tame red deer
is possible that they bestowed largesse venison upon family and friends at the expense of Sir Henry Sidney.

It is unclear how the spate of unlawful hunts came to light, but Henry Smith confessed that his brother, John Smith, the head deer keeper, had become suspicious about his frequent hanging around the park in early September 1573, and after that he had tried to withhold further cooperation with the park breakers. The under keepers feared that, with hunting out of control, the depleted herd would be noticed, especially when the inspection of the deer was due later in the month. They were proved correct because during the view of the deer, a dead buck was found with crossbow arrow in its haunch. Perhaps members of staff were then questioned and Henry Smith in particular confessed. His deposition is the fullest and most contrite about his role in the unlawful entries and how it affected his relationship with his brother.

The settlement process followed with impressive speed. Raffe Bosville and Thomas Lovelace, justices of the peace, examined 26 deponents on 28 February, 1 and 2 March 1574. On 6 March the unlawful huntsmen agreed to abide by independent arbitration, and the arbitration award itself was drawn up on 20 March - so within a month the whole affair was settled, in contrast to the long-drawn out and expensive process of taking it to the court of Star Chamber or prosecuting through the county courts. 188

John Styler(11) was fined £50, as a procurer of others, and Richard Waller £40 to recompense Sir Henry Sidney for the loss of deer and damage to his park. They were also required to seal and deliver a bounden condition with £40 before 1 May 1574 that they would not:

- hunt, course, hawk, fish or fowl or by any other means willingly destroy, kill any deer, conies or take any partridges, pheasants, fish or fowl in any park, grounds, waters or ponds of Sir Henry, forests, parks, chases, waters and grounds whatsoever or in same of Thomas Willoughby without licence or lawful authority. 189

The remaining culprits, except Thomas Woodgate, Kellame Willoughby and the corrupt under keeper Edward Cole, were fined lesser amounts balancing their ability to

188 CKS U1475/E31; CKS U1475/E42/1.
189 Perhaps to prevent reprisals against Thomas Willoughby's deer park at Bore Place(9).
pay with the number and nature of the offences. The under keepers, Henry Smith, John Crippes and Raffe Terry and ten others had to pay between £5 and £6 each. Five were given fines of between £3 and £4, while two of the initial hunters, who were labourers, paid 40 shillings each for trespass. A total of 20 marks from these individuals had to be paid by 1 May along with similar signed condition as required from the gentlemen.  

Raffe Terry had already left the employ of the Sidney family when the unlawful hunting was discovered and was working in Sussex, but in later years other members of the Terry family were trusted by the Sidney family to act as deer keepers, so Raffe Terry's lapses were not held against them. What happened to John Crippes and Henry Smith has not been recorded, but perhaps Henry Smith from Penshurst(71) park was later the deer keeper at Knole(50) park, who on 13 August 1589 was accidentally killed by fellow deer keeper and possible kinsman, Edmund Smith, when, in the dark, each mistook the other as unlawful hunters. No deposition survives for Edward Cole, who had handled more deer than any of the others, but it might have been one of the two missing. His omission from the award would lead to the conclusion that he had absconded and or was dead, but in view of his conduct the former seems more likely. The weakness of these under keepers had led to uncontrollable and unsustainable unlawful hunting and deer taking, but in the end, with the view of the deer, the loss of deer was discovered.

(c) High profile, brazen park violations

High profile park breaks display different characteristics from the other strands. Manning has termed them 'theatrical poaching' which might include ambush between feuding parties, blatant raids at night (though sometimes in disguise to prevent identification), parading in military style, and vaunting and boasting publicly about exploits afterwards. Some raids into parks were of a vindictive nature during which deer were killed not just for sport or venison, but in such numbers and with such disturbance as to wreak havoc on the herd, as the attorney general, Sir Francis Bacon, observed in 1615. As with covert hunting by gentlemen, but more common in this strand, sworn secrecy between members of the hunt meant that when participants were

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190 Mark = weight of gold, usually eight ounces.
192 Manning, Hunters and Poachers, p.47.
questioned during court proceedings, they either refused to answer, demurred or denied whatever accusations were made against them. Manning sees this type of illegal hunting as a symbolic substitute for war, during relative peaceful times within the country. Beaver has also researched this type of park violation and takes an even broader cultural approach by asserting that the pervading lure of the hunt, legal and illegal, lay in the power of its ritualised killing to constitute gentility and honour. Thus headstrong well-to-do individuals would defy the restrictions on hunting in forests, chases and parks in order to demonstrate their gentility and as marked protest against exclusion from the restricted circle of park owners and those with the legal right to hunt.

Sustained 'theatrical poaching' has not been found in Kent where there were no violent aristocratic feuds or vast areas of forest and chase in which user rights were disputed, both prerequisites for the very dramatic and sustained 'theatrical poaching' which Beaver and Manning have vividly portrayed. However, there were five park violations in Kent which illustrate some of the characteristics identified by Manning, and which were apparently triggered by a particular grievance within a local context, although sparse documentation means that the cause is not easily, if at all, identified. The language in the documents submitted to the court of Star Chamber for these suits differs from those related in the covert hunting by day or by night in that it contains words such as 'havoc', 'spite and malice' and 'spoil' to convey unnecessary wanton death and wounding of deer and deliberate damage to the park structures; and words such as 'vaunting', 'boasting' or 'scoffing' to show that the misdemeanours were openly discussed after the event.

A mass daylight protest in Canterbury(18) park in May 1609 differed from the other four examples in this strand of park violation in that it was not gentlemen-led, which suggests a different dynamic. It might well be that in this case Canterbury(18) park became a convenient focus for the venting of other grievances, rather than rising

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194 Manning, Hunters and Poachers, p.184.
196 Beaver, Hunting and the Politics of Violence, pp.10-11.
197 Beaver, Hunting and the Politics of Violence, Stowe, Waltham forest, Windsor forest, Course Lawn chase; Manning, Hunters and Poachers, pp.136-142, Berkeley v. Dudley.
198 Manning, Village Revolts, p.310.
from resentment specific to the park. This is indicated by the crowd gathering within the city of Canterbury itself 'under color of playeing at footeball or other such unlawfull game or exercise', before being led en masse by a brewer to Canterbury (18) park. 199 Once at the park the populace indulged in a destructive frenzy against pale and deer, which they did 'very much disquiet.' 200 The bill of complaint submitted by the attorney-general on behalf of the crown, which no longer owned the park, suggests that there were wider implications to this disorder than have yet come to light. 201

At East Wickham (29) and Cooling (24) parks, hunters openly boasting and glorifying park breaks of a vindictive nature point towards these incursions being high-profile. As sworn secrecy prevailed among the hunters the grievances being aired cannot be reconstructed. The incidents in both parks are poorly documented with only the bills of complaint and demurrers for court of Star Chamber suits being found, so it would appear that proceedings foundered.

East Wickham (29), near the royal parks at Eltham (31-33) was newly imparked by the Leigh family in 1610, so anti-enclosure protest cannot be ruled out, but a personal dispute between park owner, Sir Francis Leigh, and the two gentlemen unlawful hunters seems more likely. Trouble occurred in the summer of 1615 when two gentlemen, Francis Goodyer of Newgate Street, Hertford, and Lambert Cook of North Cray, a settlement not far from East Wickham, with others unlawfully hunted and killed deer in the park, and afterwards 'vaunted and boasted of their own misdemeanours aforesaid and glorying in their unlawful and riotous courses in the presence of credible persons.' 202 Then on 3 August 1615 the same two gentlemen hunted and killed an unusual 'fair large bald and crop eared buck of especial note', reserved for James I to hunt, and afterwards confronted Sir Francis Leigh and 'did many times in scorning manner scoff at your said subject for the loss of the said bald buck.' 203 Bearing in mind the caveats about exaggeration in plaintiffs' petitions, Sir Francis Leigh had reason to believe the killing of the special buck to be a deliberate insult not only to himself, but

199 TNA STAC8/16/2, 1609.
200 TNA STAC8/16/2, 1609; see also p.69.
201 Barnes, 'Star Chamber Litigants and their Counsel, 1596-1641,' p.9, between 1596-1641 only 52 out of 600 cases initiated by the attorney-general in the court of Star Chamber were definitely 'pro Rege', in furtherance of the greater interests of the crown.
202 TNA STAC8/198/18, 1617.
203 Ibid.
also to the king, and it seems that targeting the buck might well have been a symbolic act of defiance.

At Cooling(24) park, again no obvious reason for the protest can be surmised, but men, of unknown status, in February 1615 'out of spite and malice' brought in two greyhounds to hunt deer.\textsuperscript{204} This was the time of year when deer's stamina was low and the shock and general disturbance 'made havoc' of the herd, with deer 'spoiled destroyed and many killed and dead.' There was no attempt to avoid detection because tracks were obvious in the heavy snowfall, and, with the venison secured, it was not eaten in private, but in company with hearty enjoyment and relish at home or in alehouses, inns and other places, 'among their friends, associates and consorts braving and rejoicing thereat and greatly vaunting of their stolen venison.'\textsuperscript{205}

The military style parade was the distinguishing feature of the violation of Shurland\textsuperscript{(78)} park in 1605.\textsuperscript{206} This court of Star Chamber case is better documented than the previous three suits in this strand, and, reading between the lines, the unlawful entries into the park arose out of a change of ownership and land management, which did not suit the protesters.

Prior to 1605, the royal park at Shurland\textsuperscript{(78)} had been tenanted by Sir Edward Hoby, who put in sub-tenants, including Walter Tailor, gentleman, to farm the park which probably contained few or no deer at the time.\textsuperscript{207} Sir Edward Hoby's tenancy was terminated when James I came to the throne because he was £500 in arrears of rent, as one who, though 'blessed with wealth, had little acumen to preserve it.'\textsuperscript{208} James I then, on 1 February 1605, transferred ownership from the crown to his early favourite, Philip Herbert, earl of Montgomery, who, although only 20, had caught his eye because his

\begin{footnotesize}
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  \item \textsuperscript{204} TNA STAC8/23/11, 1620.
  \item \textsuperscript{205} Ibid.
  \item \textsuperscript{206} TNA STAC8/183/34, 1605.
  \item \textsuperscript{207} TNA E178/3925, January 1605, 300 acres of Shurland park were valued at 8 shillings an acre compared with valuations elsewhere on Sheppey of between 4s 6d to 8s 6d for arable and pasture land, and 8s 6d to 9s for marshland. Although the type of land use is not specified in the park, its high valuation indicates that it was being farmed.
  \item \textsuperscript{208} Knafla, \textit{Edward Hoby\textit{1560-1617}} (http://www.oxforddnb.com/articles13/13410) who wrongly locates Shurland as being in Derbyshire; Cave-Browne J., 'Shurland House' in \textit{Arch. Cant.} XXIII (1898) p.92.
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'chiefe delight was in hunting and hawking, both of which he had the greatest perfection of any peer in the realm.'

The new royal tenant was keen to create a hunting ground well stocked with deer and game extending over both the park and the demesne not only for himself, but also for the king and his guests to enjoy. The reversion of farmland to parkland upset local people and trouble flared up within a fortnight of James I's grant to the earl. In order to reinstate the deer park, the earl of Montgomery had terminated the sub-tenancies, no doubt resulting in financial loss to their holders, and he inconvenienced others by restricting access across the park, which William Auger, for example, had used 'divers times alone and sometimes in the corporation of others' to reach his business.

According to the bill of complaint, those most closely affected by the change of management orchestrated the protest under the leadership of Walter Tailor. Although the bill of complaint might well have exaggerated the outrages, it is significant that the wording was implicit of protest in contrast to the bills of complaint for Sir Alexander Culpepper, for example. It was alleged that several men had removed part of the paling around the park and in the demesne, and had hunted over the land. Finally, on 11 September 1605 about ten men armed and arrayed 'marched up and down the said park until they found the whole herd of deer.' They then let loose their dogs and killed several deer and 'having taken their full pleasure' marched from the park into the demesne land nearby where they killed a mature buck and other deer as well as taking pheasants and partridges. Sir Philip Herbert, earl of Montgomery, took the matter to the court of Star Chamber where the answers of the defendants displayed a wide discrepancy between allegation and counterclaim usual in such a suit. The accused claimed that, while Sir Edward Hoby was the crown tenant, they had been contracted to remove 20 rods of old paling lying in the middle of the park. They all denied

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210 TNA STAC8/183/34, 1605, bill of complaint.
211 TNA STAC8/183/34, Auger's answers; CPR 1/7/1580, p.180 no.1457, perhaps the William Auger, who in 1580 had been granted a 21-year lease by Elizabeth I to convert part of Shurland house into rented lodgings for local armed men to defend the Isle of Sheppey.
212 TNA STAC8/183/34, 1605, bill of complaint.
213 TNA STAC8/183/34, 1605, answers of Smith, Old, Griffin and Auger.
hunting, and no further documents were submitted to the court of Star Chamber, so the suit might well have been dropped.

It was easier to gain access to parks, however well paled or guarded, than any other asset belonging to an aristocrat, knight or gentleman, and so they were vulnerable to attacks which challenged park owners' power and prestige. Given the high status of parks, brazen park incursions were potent symbols of protest, which undermined the honour of park owners. Although these examples of high profile hunting, together with that which occurred in Penshurst(71) highlighted in case study D, were limited in scope and duration, they threatened the status of the park owners, who acted speedily against the perpetrators.

D: Case study – Penshurst(71) park, May 1600

At Penshurst(71) park during the nights of 13/14 and 17/18 May 1600, in Whitsun week, two intimidatory park breaks exhibited malicious and symbolic characteristics which set them apart from other instances of park violations. The park breaks were planned publicly to humiliate the owner of the park, Sir Robert Sidney, and his deer keeper, Walter Double, apparently in retaliation for the dismissal of Richard Polhill from his post as deer keeper of the park, after which threats had been made 'that neither Double nor John Terry nor any other should keep the same park in quiet until Richard Polhill was placed there again.'

Events were as follows. On the night of Tuesday 13 May a group of 16 or more men forced their way into Penshurst(71) park, where they hunted a doe. When this escaped from the park they pursued it down a lane and, having killed it, struck off its head and put it on a pole on Ensfield Bridge, south of Leigh, smearing its blood around as they went. This valuable beast was deliberately wasted as a mark of contempt to its owner. Manning and Beaver stress the potent symbolism attached to the slaughter of deer with the daubing of the hunters with its blood in the 'blooding' ceremony as ritualised conveying of honour, especially when performed by the monarch. The ritualised symbolic insults at Penshurst showed disdain and lack of respect at the

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214 TNA STAC5/S74/15, Wilkins deposition; CKS U1475/L18/17, Wilkins interrogatories.
conventions of the hunt, with blood being smeared on inanimate objects, and the doe's head placed on a prominent landmark for passers by to see. Thompson associated the 'growing' symbolism of blood with revolt in the nineteenth century, but this Penshurst example would give it a much longer history.216

On the night of Saturday 17 May the unlawful hunters entered the park again, this time to be waylaid by the park keeper, Walter Double, and requested to leave. His courageous approach, when he was alone and vastly outnumbered, illustrates the loyalty of some deer keepers in the face of heavy odds. The unlawful hunters' response was to grab him, bind him hand and foot, and muffle him with his own cloak. He was guarded 'until the rest had taken their pleasure,' boasting on their return that they had killed five deer - a buck, a pollard sore, a pricket and two does carrying fawns.217 The hunters were particularly vindictive because in May does were heavily pregnant and likely to abort their fawns in the general alarm and fright. To inflict maximum loss the intruders went on to drive deer out of the park through a gate, which they had forced open, and through gaps they had made in the paling. There was no element of sportsmanship in the trespassers' actions, rather they were attempting to threaten the viability of the park by wreaking maximum damage on the deer herd and the park boundary.

At the departure of the unlawful hunters, Walter Double, was singled out for especially humiliating treatment, which was unusual and underlines the shaming element of the protest action.218 With hands bound and cloak over his head, he was placed behind one rider, who rode three miles to Southborough, west of Tunbridge Wells, where he was pinned into the stocks for the rest of the night until kindly people released him.219 The use of the stocks, an official instrument of punishment, adds to the symbolism of this park incursion, and might represent punishment for Walter Double himself, or a further gesture of calculated contempt and defiance at Sir Robert Sidney's authority. In the absence of evidence about whether Walter Double played any part in Richard Polhill's dismissal only conjecture remains.

217 Pollard soar = male fallow deer in its 4th year, with antlers removed, pricket = male fallow deer in its 2nd year.
219 See Map 8.1 'Locations featured in the Penshurst park violations, 1600' p.298.
Although Sir Robert Sidney was abroad, those acting on his behalf moved swiftly against the unlawful hunters. On Monday 19 May 1600, as soon as Walter Double had recovered, he bravely rode to confront the suspects at their base at Bayhall, one mile south of Pembury, but discovered nothing. However, some of the culprits must have been identified and the following day four of them, including Richard Polhill, were examined.

On 24 May Rowland Whyte wrote to Sir Robert Sidney about 'the barbarous courses of some in your park at Penshurst at a time so unfit to hunt and kill deer,' and just over a fortnight later he reported that 'some of the outragers in the Park began to be sorry, seeing it is made a Star Chamber matter.' Here he is tacitly acknowledging that the prompt decision to take the matter to the court of Star Chamber would have raised the stakes of the conflict by propelling it from the local into the national arena.

The owner of Bayhall was William Wybarne and his large house was the assembly point of the park incursions, ten of the 16 named 'disordered and evil disposed persons' being there during that Whitsun week. Mrs Thomas Chowne, the only independent witness, saw four or more of the suspects leave at 11 o'clock on Saturday night of 17 May with three greyhounds, and testified that they rode away for about three hours. Crucially, earlier in the day she had seen Thomas Myles, former servant of Richard Polhill, arrive to have quiet words with John Waller of Speldhurst, 'whom she supposeth then to set the match to hunt Sir Robert Sidney's ground.' Edward Gyles, a former servant of William Wybarne, disappeared shortly after Sunday 18 May and the interrogatories contain several questions about his whereabouts. Either he played a key role in events or both sides saw him as a weak deponent, who might have broken down under questioning.

223 CKS U1475/L18/11, information of Mrs Chowne.
224 CKS U1475/L18/3, Tichborne and Godfrey; CKS U1475/L18/14, Threale and Waller.
Evidence of the disturbances at Penhurst park occurs in the De L'Isle and Dudley papers as well as in the records of the court of Star Chamber. However, tantalisingly, there are significant gaps. There are no examinations of some key participants and there is no indication of judgement or whether the process was ever completed. The probability is that it was not, because delaying tactics were used in the form of the reluctance of the defendants to appear before the court, with an 18 month period from the date of the first examinations on 20 May 1600 to the last set of answers on 2 November 1601. Other obstacles to advancing the suit were the disappearance of a key potential deponent and the conspiracy of silence among the remaining defendants.

At least five park violators were gentlemen, living locally or travelling to the area from London, Surrey, Sussex and north Kent. Two men named John Waller took part - John Waller, gentleman of Speldhurst, and John Waller, keeper of North park, Godstone, Surrey. Waller was a common surname, but it may be no coincidence that men of that surname were implicated in the Penshurst park breaks of 1572 and 1573 featured in case study C. Another gentleman participant was George Wilkins, from Stoke in the Isle of Grain, suspected of carrying Walter Double behind him on horseback to the stocks. These gentlemen and other men questioned categorically denied ever being in Penshurst park. The lone eyewitness, Walter Double, was thus pitted against several gentlemen, and although willing to identify whom he could, he was given leave of absence from Sir Robert Sidney's service to recuperate. Indeed during his ordeal the intruders had beaten him 'without any pity or remorse of mind' and threatened to kill him unless he swore not to report the outrages then committed or later 'offer to resist them or any of their complices and adherents at any other times they should happen to resort to the said enclosed ground and hunt.'

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225 CKS U1475/L18/1-17: U1475 E42/2; STAC5/S2/20, 1600-1601; STAC5/S21/31, 1600-1601 (duplicates U1475/L18/2); STAC5/S41/5, 1600-1601 (duplicates U1475/L18/13); STAC5/S68/33, 1600-1601; STAC5/S74/15, 1600-1601 (duplicates U1475/L18/17). Nearly every procedure is represented in these documents.
226 CKS U1475/L18/5 lists 14 men who had not cooperated with the processes of the court of Star Chamber.
227 Threale, Tichborne, Tyrrell, Waller, Wilkins, Wybarne; see Map 8.1 p.298.
228 CKS U1475/L18/17, TNA STAC5/S74/15, Wilkins interrogatories.
229 CKS U1475/L18/2, bill of complaint.
The most plausible explanation for the violent and symbolic reaction to Richard Polhill's dismissal would be that he was a corrupt keeper at Penshurst(61) park, who had accommodated these men's desire for unlawful hunting, which was now being denied them. By choosing May for the protest, the unlawful hunters were deliberately flouting the rules of hunting, which desisted from disturbing fawn-bearing does, yet during both incursions does were killed. The two incursions occurred after dark, with no attempt at concealment, but beyond that each displayed different characteristics of high profile, brazen hunting. The decapitation of the deer, putting its head on public display and the careless daubing of its blood were, as Beaver put it, instances where 'the superficially eccentric often conceals the deeper pattern of culture,' in this case pouring scorn on the established order of society, conveying contempt for the norms of gentility and disdain for the Sidney family.\(^{230}\) During the second park break deer were killed or wounded without dispatch, another way in which rules of the hunt were ignored. Other deer were driven out of the park in a concerted effort drastically to deplete the herd. Finally, the humiliating treatment meted out to the deer keeper can also be seen as a direct affront to his employer. The insults to the honour of Sir Robert Sidney were so numerous and severe that it is little wonder that such speedy action was taken to refer the matter to the court of Star Chamber.

(d) **Poaching with a commercial or criminal element**

As with low-key illegal poaching, individuals or gangs of poachers in Kent are not well represented in documentary evidence, but possible commercial activity has been mooted in the previous strands, especially centred round vulnerable parks, as with clothier Peter Maye's dealings with deerskins in case study A and under keeper Edward Cole's and gentleman John Styler's disposal of venison in case study C.

Just as Kentish men, like Sir Alexander Culpepper, Thomas Petley and John Fosten, could easily enter Sussex for unlawful hunting and deer stealing, so outsiders could enter into Kent with the view to raid parks there. In October 1609 Bartholomew Pysley and Robert Walker, in their thirties and originally from Oxfordshire, were arrested on suspicion of horse theft in Westerham, and found to be carrying useful poaching equipment - a crossbow with four forked arrows, a bolt, a fowling piece, an

iron gauntlet, and two masks, 'one barefaced, the other of cloth with a great beard.'

Bartholomew Pysley had the means and the knowledge to be a poacher since he was a former deer keeper in parks such as the royal parks at Windsor and Hampton Court.

However, the strongest evidence of commercial poaching in this section relates to the activities of two Kentish men targeting local parks - John Hayes, yeoman of Cobham, and Humfrey Latter, a husbandman in his employ. Their violations in Cobham(23), Birling(6) and Canterbury(18) parks were complex covering several years from the mid 1590s to 1602, but reconstruction is possible because Sir John Leveson's initial examinations survive among the Sutherland family papers, and there is additional material related to the offenders to be found in formal court records.

E: Case study – Humfrey Latter from the mid 1590s to early 1600s

Humfrey Latter began poaching conies before he met John Hayes, but the key element to the crime wave was the association of Humfrey Latter with John Hayes at some stage during the mid 1590s, when they combined forces, killing both conies and deer.

The criminality of the Cobham poachers lay in their motivation for financial gain, their mode of hunting for supplying others rather than for the personal thrill and enjoyment, and their organised, fairly sophisticated distribution network. It is also noteworthy that no gentlemen took part in this illegal hunting and that poaching represented a part rather than the whole of their general criminality. John Hayes and Humfrey Latter with others also carried out a spate of burglaries for which they were eventually indicted, although they had first been questioned about park violations before they mentioned the burglaries. John Hayes' comment to Humfrey Latter 'why should one lack money when another hath plenty' reflected a general dissatisfaction with

232 StaffsRO D593/S/4/56/1 - I am grateful to Dr. Stephen Hipkin for drawing my attention to this material; CKS QM/SI/1598/2/11; QM/SI/1598/2/9; Cockburn, Kent Indictments under Elizabeth I, p.496, AC35/45/4/3019, February 1603.
inequalities of wealth and the feeling that any means to redress the balance in their favour were acceptable.\textsuperscript{235}

The poaching forays went smoothly until a couple of close encounters with park keepers led them both to give up poaching for a time. In about 1596, after Humfrey Latter had entered John Hayes' service, John Hayes was badly shaken after being spotted with Humfrey Latter and a companion pitching a net for conies in Cobham(23) park. He and the unnamed companion fled, while Humfrey Latter had the presence of mind to grab the dead conies and net before outrunning his pursuers. Perhaps with more to lose, John Hayes 'declared that he would not have been caught for forty pounds', but the more hardened Humfrey Latter considered the other two to be 'cowardly fellows'.\textsuperscript{236} What seems to have made Humfrey Latter himself more cautious was a confrontation with five keepers in Birling(6) park in 1597 when his four unnamed companions had to abandon two deer when the keepers 'set upon them', one shooting a crossbow arrow at them.\textsuperscript{237} At this Humfrey Latter seems to have stopped entering Birling(6) park.

Late in 1599, John Hayes and Humfrey Latter must have decided that burglary might bring better returns. They executed or aborted several burglaries, some of which were planned by John Hayes following tip-offs from Humfrey Latter, but they stopped when a victim recognised one of the burglars.\textsuperscript{238} It was after this scare in the autumn of 1600 that John Hayes and Humfrey Latter reverted to poaching, during which time Humfrey Latter, as John Hayes' husbandman, was living with him at a house called Platt overlooking Cobham(23) park.

Several factors made Cobham(23) park more vulnerable to intrusion by poachers at the turn of the seventeenth century. The presence of two inveterate miscreants with easy access to the park through a gate in the pale 'against the house' would have made the work of the deer keepers more difficult.\textsuperscript{239} John Hayes also used the excuse that deer had strayed onto his land where it was more acceptable to take action against them

\textsuperscript{235} Hipkin, 'Why should one lack money when another hath plenty,' p.55.
\textsuperscript{236} CKS QM/SB/1598/252, 1/5/1598, information of Alice and Margaret Bogas.
\textsuperscript{237} Ibid, information of Richard Bogas.
\textsuperscript{238} CKS QM/SB/1598/252; Hipkin, 'Why should one lack money when another hath plenty,' p.51.
\textsuperscript{239} StaffsRO D593/S/4/56/1, 3/1/1603, Latter.
for damaging crops.\footnote{Ibid. 16/12/1602, Latter.} In addition, poaching was more tempting and less risky because of the capitulation of Lord Cobham's keepers, Edmund Wekees at Cobham(23) park and William Jeggers at Canterbury(18) park, to both threats and bribes. During Humfrey Latter's earlier cony poaching in the late 1590s Edmund Wekees' son had reported his suspicion about him to Sir John Leveson, but no charge ensued perhaps because Humfrey Latter boasted that he knew how he could get even with Edmund Wekees.\footnote{CKS QM/SB/1598/252, information of Richard Bogas.}

Within a couple of years in the summer of 1601 Edmund Wekees was definitely under the influence of Humfrey Latter, and after a bribe of two angels, allowed John Heath, an innkeeper from Maidstone, and John Ellis, his brother-in-law from Canterbury, to course at ten o'clock at night in Cobham(23) park when they killed three deer. These two also took part in a coursing expedition into Canterbury(18) park with the Canterbury deer keeper's connivance.\footnote{StaffsRO D593/S/4/56/1, 1/9/1602, Latter; ibid. 1/9/1602, Weekes; angel = equivalent to a noble or 6s 8d.} Lastly, the corruptibility of the keepers seems to have coincided with the succession of Sir Henry Brooke, lord Cobham, in 1597, for whom there was little respect locally. Even before the discovery of the Bye plot which led to the downfall of the new Lord Cobham, John Hayes was heard to say that he was 'horny headed and shallow brained ... and would not keep his word, his father being very constant therein.\footnote{StaffsRO D593/S/4/56/1, 3/1/1603, Latter.} It is possible that the new owner of Cobham was more lax in the management of his estates at Cobham, and deer keepers and poachers alike took full advantage of this. Certainly, the domestic state papers abound in letters written by R. Williams to Lord Cobham about the mismanagement of his more distant land holdings.\footnote{CSPD 5 pp.511-515, CCLXXVI nos.36-51, ?1600.}

The mode of hunting adopted by John Hayes and Humfrey Latter had no sportsmanship about it. Whereas the use of the deer net was usually frowned upon by gentlemen hunters, except those, like John Styler in case study C who were bent on profit, Humfrey Latter had no qualms about using one to catch deer.\footnote{See Case Study C p.283-289.} He and four others caught deer this way on at least six occasions in Birling(6) park, before the
confrontation with the five keepers, yet despite being shot at they chose to abandon the
deer in favour of recovering the net, which would have enabled them to go on poaching.
In the second phase of poaching in Cobham(23) about six deer were shot with crossbow
arrow or gunshot by Humfrey Latter using weapons provided by John Hayes. While
gentlemen huntsmen regularly used crossbows, guns were not their choice of dispatch.
The crossbow was a silent weapon suitable for stalking and stealth, but the explosive
gunshot noise might have led to detection. Either John Hayes' house was very remote
from habitation or the men had little to fear from the deer keepers. Often the excuse
was made that the deer had wandered onto John Hayes' land eating oats, wheat or beans
growing there, but more often than not Humfrey Latter would take aim over the pale at
deer in the park.

Typically, John Hayes incited a willing Humfrey Latter to kill the deer by
handing him a fowling piece and bullets because he did not want to be 'acquainted
therewith.' However, once he took Humfrey Latter away from reaping to fetch a gun
hidden in the cart house to use to shoot at the deer, which John Hayes drove his way.
On most occasions both men carried deer away to John Hayes' barn to cut up. One doe
killed by gunshot was carried across fields rather than along the lane where they might
be seen and cut up on a Sunday while others were attending church. Of the deer John
Hayes and Humfrey Latter confessed to have killed, the Hayes' household with
Humfrey Latter partaking consumed one, one was killed as a gift for John Hayes' lawyer, but the others were unaccounted for so were likely to have been distributed on
the black market.

A coursing expedition to Canterbury park was an unusual venture for Humfrey
Latter, who acted as a facilitator rather than a participant seemingly because he knew
the keepers and the Maidstone men, who wished to course their dogs to enjoy the sport
usually confined to gentlemen. Humfrey Latter might have made contacts in Maidstone
from the 1590s when he sold stolen conies in the market.246 John Heath of 'The Star
Inn' and Thomas Sadgin, who kept a fulling mill, both from Maidstone, led the party,
staying at Canterbury with Ingram Ellis, John Heath's father-in-law, soon after
Christmas 1601. 'Old' William Jeggers, the deer keeper, was invited to sup in the Ellis

246 CKS QM/SB/1598/252.
household where 'after a sort deny, but after a while he consented' to give them a course in the park.\textsuperscript{247} The party joined by others went to the park with their dogs at about nine o'clock at night, meeting Humfrey Latter at 'The Three Kings' on the way.\textsuperscript{248} Both 'Old' and 'Young' William Jeggers supervised two courses, but after a couple of hours the dogs ran off and the deer keeper was so drunk that he lost his cloak. Humfrey Latter, who had stayed in the inn, was asked to retrieve the greyhounds and found that they had killed a fawn and a doe, which he reported to the deer keeper before returning the dogs to John Heath, receiving three shillings reward for his trouble.\textsuperscript{249} According to John Heath rather than pay money to William Jeggers, he sent him enough broadcloth to make a pair of hose.\textsuperscript{250}

Although in the second phase of poaching John Hayes and Humfrey Latter acted together as a team without involving others, disposing of a deer carcass commercially posed problems when it was not customary to sell it before 1603 and positively illegal thereafter.\textsuperscript{251} A fair degree of organisation and pre-planning was necessary to avoid carcasses being discovered in the possession of poachers and the Cobham network had at least two butchers and possibly more than one innkeeper strategically placed from Maidstone to Gravesend.

William Nash, a Maidstone butcher, took venison that had come from Cobham(23) park - one side of which was sent to the mayor of Tenterden, although the butcher claimed that this had come from a London supplier.\textsuperscript{252} Bartholomew Harding, a butcher from Cobham, was implicated with John Hayes in stealing a steer belonging to Robert Young, butchering it and carrying the meat off to market the next morning, and was indicted, although found not guilty, for stealing two cows in Charlton on 22 November 1601.\textsuperscript{253} With this record he might not have been averse to handling venison. Apart from John Heath's 'Star Inn' in Maidstone there is also a distinct possibility that there were outlets to be had in the inns of John Hayes' brother, Robert

\textsuperscript{247} StaffsRO D593/S/4/56/1, 3/9/1602, Heath.
\textsuperscript{248} Ibid. 16/8/1602, Latter; ibid. 22/12/1602, Keneston.
\textsuperscript{249} StaffsRO D593/S/4/56/1, 16/8/1602, Latter.
\textsuperscript{250} Ibid. 3/9/1602, Heath.
\textsuperscript{251} Luders et alia, \textit{Statutes}, 4 p.1055, 1 James I, c.27, see page 254.
\textsuperscript{252} StaffsRO D593/S/4/56/1, 5/9/1602, Nash.
\textsuperscript{253} Ibid. 22/12/1602, Keneston; Cockburn, \textit{Kent Indictments under Elizabeth I}, p.481, AC35/55/5/2933 m.21, February, 1602.
Hayes, who owned 'The Ship' and 'The Saracen's Head' at Milton-next-Gravesend and 'The Rose' in Gravesend itself.  

Humfrey Latter and John Hayes sometimes knew potential recipients in advance. On one occasion Humfrey Latter was sent to Maidstone to tell inn keeper John Heath that a deer was ready for him in Cobham(23) park. John Heath sent his servant with Humfrey Latter to fetch it, but the deer keeper had come across the dead animal first. William Jeggers, keeper of Canterbury(18) park, regularly killed to order as testified by Humfrey Latter, who kept in touch and even ran errands for him in the months following the coursing expedition. Robert Austen of Littlebourne who had received ten bucks during the summer and three does between Christmas and Shrove tide, handed over ten shillings to Humfrey Latter for the keeper. The deer keeper had also killed and disposed of twelve more does to six other recipients, not only for money, but also in exchange for pigs, wheat or malt. The number of deer killed by William Jeggers and his use of Humfrey Latter to distribute them seems to indicate that they were in excess of the deer keeper's usual quota, but the wording of Humfrey Latter's deposition is ambivalent on this point.

At other times John Heath and Humfrey Latter used their wide range of contacts to distribute venison not already specifically allocated to individuals. Although the London market with its anonymity was a strong lure for illegal game caught in Kent, John Hayes and Humfrey Latter found more local outlets. As Manning observed many recipients of venison, whether or not in London, neither enquired nor wanted to know of its origin. Evidence from Kent would support this, with examinees for park violations in Penshurst(71), Sissinghurst(79) and Cobham(23) listing several apparently respectable gentlemen as well as office holders to whom they had provided venison. The difficulty for law enforcement was that venison acquired legitimately was indistinguishable from that which was not.

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254 TNA PCC Prob/11/159, 1630, Robert Hayes' will listed these properties; Manning, *Hunters and Poachers*, p.167, links butchers and victuallers with the distribution of illegal venison.  
256 StaffsRO D593/S/4/56/1/1, 16/8/1602, Latter.  
258 See for example pp. 267, 284, 287.
The deposition of Francis Keneston, a Cobham tailor, linked Gravesend with the disposal of venison. He had once refused to help Humfrey Latter take two deer there. After this refusal, Humfrey Latter borrowed Bartholomew Harding's horse to carry them to Gravesend by himself.\footnote{StaffsRO D593/S/4/56/1, 16/12/1602, Keneston.} Humfrey Latter also travelled to London at least once to visit 'The Greyhound' near Lord Cobham's house in Blackfriars perhaps for a pre-planned meeting or to widen his network of contacts. The language of his deposition is obscure at this point and not helped by damage to the document, but it would appear that he was tackled about stealing deer and at the same time was asked to discover the identity of other deer stealers.\footnote{StaffsRO D593/S/4/56/1, 16/8/1602, Latter.} His journeys as far afield as London, Gravesend, Maidstone and Canterbury are quite remarkable for a hired husbandman and tend to lead to the conclusion that his occupation merely provided a cover for his criminal activities.

The second phase of poaching ended after about two years, although it is unclear how it was detected. Humfrey Latter was first questioned about his activities on 16 August 1602.\footnote{StaffsRO D593/S/4/56/1, 16/8/1602, Latter.} He opened up under examination, as did the others who were interrogated later. At the first examination he restricted information to hints about the corruptibility of the Cobham park keeper, 'Old' Weekes, and the under keeper, 'Young' Jeggers, and at length described the deer coursing expedition to Canterbury. He did not mention John Hayes nor did he admit any wrongdoing himself, except that he had found a deer in Cobham park on Monday 26 July at three in the morning, perhaps that was when he was caught. As the investigation intensified much more emerged and Humfrey Latter fully implicated John Hayes. However, both still stuck to their poaching partnership and did not mention the more serious burglaries and one incident of highway robbery. Their undoing seems to have been brought about by John Hayes, who must have lost his nerve when interviewed on 20 January 1603, admitting to several burglaries of houses selected by Humfrey Latter. The upshot was an appearance at the County Assize for both men, and John Juden, for the burglary of William Baker's house in Cobham on 29 December 1600. John Juden and John Hayes were found guilty and sentenced to be hanged, while Humfrey Latter confessed and was
remanded without sentence because he pleaded for a pardon. Hence none of the numerous park and poaching violations entered the formal court records.

John Hayes, hanged as a felon, died a wealthy man. In the 1596 list of Cobham farmers possessing grain stocks, he had five quarters of wheat, 100 quarters of barley stocks and 90 quarters of oats (compared with the largest stocks of 150, 60, 120 quarters held by George Wraight). In 1602 he farmed 200 acres of arable land in Cobham, some of which he owned. By law his possessions escheated to the crown, but it would appear that his brother, Robert Hayes, did not declare all his brother's assets and he was taken to the court of Star Chamber in 1623 for perjury in this regard. According to the feodary escheator, John Hayes owned eight acres of land called Yorkes, eight acres of land called Bakers, a house and several parcels of land called Owletts, a messuage by Cobham church, a croft called Scarletts, all in Cobham, unspecified lands in the Newington parish and a messuage in Gravesend. These properties were being held in the hands of third parties until they passed to his brother, Robert Hayes, who claimed that the lands were held by gavelkind and not in capite and therefore were not subject to confiscation. Robert Hayes won because he passed these lands to his sons in his will of 3 March 1630. Owletts remained in the Hayes family until modern times and is now a National Trust property. An inquisition held on 12 June 1604 valued John Hayes goods and chattels at £84 11s. Items included his furniture, domestic and agricultural tools, cart and horses, cows, sheep, pigs and chickens, all of which went to his wife, Margaret. Additionally, at his death about 20 men owed him the vast total of over £1000 from various obligations and agreements. Although small-scale dealings in credit are well documented in this period, John Hayes extension of credit seems to have been unusual.

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262 Cockburn, _Kent Indictments under Elizabeth I_, p.467, AC35/45/4/3019, February 1603, year of burglary given 1602, but the examinations of January 1603 refer to three years previously i.e. c.1600.
263 StaffsRO S/4/14/14.
265 TNA STAC8/33/4, 1623.
266 TNA PPC prob/11/59.
268 TNA E178/3924.
269 Wrightson, _Earthly Necessities_, p.93.
Humfrey Latter's financial gains were more modest. He pocketed money from the sale of stolen conies, horses and silver spoons and received tips for various errands and deliveries, but there is no evidence that he made substantial profits from his multifarious crimes. However, his life was spared. He remained in prison until he was pardoned and released in 1605. His strategy of confession and guilty plea before the magistrates resulted in a better personal outcome, but nothing is known of him after his release.²⁷⁰

Conclusion

By concentrating on one county a kaleidoscopic image of park violations has been revealed, participants having contrasting backgrounds, sub cultures, expectations and methods of operation. Deer could be taken by stealth for the table, in exuberance for sport, in the bitterness of protest, and in significant numbers for private distribution. Normal social barriers between gentlemen, servants, labourers, artisans, yeomen and small businessmen were lowered where unlawful hunting occurred. Social norms were overthrown and social distinctions became fused in the joint enterprise. Kent has produced ample examples of the complexity of park violations, but in the absence of other county studies no judgement can be made as to the county's typicality.

The four strands of park violation had different characteristics, but, as has been shown in the case studies, where evidence allows a closer examination, incidents were seldom clear-cut. They were multi-layered and complex, with strands interwoven, and with varying shades coming to the fore as situations developed. To place park breaks into categories, therefore, imposes restrictions, which tend to impede a deeper and wider understanding of the scope of park crime and the social conflict it reveals. Lowly individuals undertook poaching of small game to satisfy immediate household needs, but they also took part in covert hunting initiated by gentlemen. It might be gentlemen operating in ones or twos by daylight, or with larger groups from a broad social spectrum at night, that dominated covert hunting, but some were not averse to profiting from the deer taken. Covert hunting for sport was not devoid of an element of protest, and protest incursion of parks, though designed to inflict as much damage as possible,
was not without an element of sport, and even some who profited from poaching also indulged in the occasional course for pleasure.

The three parks, Cobham(23), Penshurst(71) and Sissinghurst(79), for which information has survived more fully, show that there was a substantial sub-culture of park violation in which networks of perpetrators, receivers and contacts formed extensive albeit loose-knit organisations of mutual cooperation. If this was true for those three parks during the years of unlawful activity, it is possible that parks throughout Kent experienced similar disruption, glimpses of which can be snatched in court records and private papers. However, it might be argued that Cobham(23), Penshurst(71) and Sissinghurst(79) were exceptions rather than the norm. The assumption in that case being that had other parks experienced similar problems more documentary evidence would have come to light. The abundant records of the De L'Isle and Dudley family mean that the likelihood there is that there were two concentrated sets of disturbance, with the upsurge in the 1570s being triggered by lax park keeping.

Manning implied that many deer keepers were former poachers, who came from poaching backgrounds, but the Kent examples do not entirely back this up. Experienced deer keepers, like modern detectives, would need to be steeped in the ways of their opponents in order to combat them effectively, but as has been shown in an earlier chapter, evidence suggests that deer keepers tended to come from respectable yeomanry stock, to which they reverted in retirement. Many took great care of the deer in their charge and had good relationships with the park owner, and at least eight deer keepers, whose names are known, stood up to determined poachers, so to that extent their records are impeccable. Some deer keepers, who were regular poachers, such as Edward Cole of Penhurst(71) park or Giles Couchman of Knole(50), might well have infiltrated parks, but as in Cobham(23) and Penshurst(71) parks, another scenario is that weak deer keepers were tempted by bribes or terrorised by threats into aiding or ignoring unlawful hunting and the taking of deer. Corruptible deer keepers could exacerbate

272 See Chapter Three pp.77-81.
273 CKS QM/SIq40/30, Henry Cliffe; CKS U1475/L18/2, Walter Double; CKS QM/SB/710, Philip Eastland; TNA STAC8/53/5, Edward Leedes; Cockburn, *Kent Indictments under Elizabeth I*, p.417, AC35/40/3/2545, Robert Reames; CKS QM/SB/162, Philip Round; CKS QM/SI/1599/24/2, Edward Smith; CKS U1475/C36/3, Terry.
incursions into parks, but parks controlled by loyal deer keepers, such as Sissinghurst(79), were not immune from park crime either. The impression is that deer keepers who had the robust backing of park owners were more likely be loyal and have the incentive to stand up to intruders and to protect the deer, than those whose owners offered a weak or indifferent response. Culprits who could be identified by powerful owners were taken to the Quarter Sessions or Assizes locally or, in extreme cases, to the court of Star Chamber, where the suspects would incur inevitable cost and inconvenience in addition to any punishment that might be imposed.

Perhaps, because by Elizabethan times most Kentish parks were well established, widespread disorder arising out of disputed user rights, dislocation of settlement or social disruption was not experienced in the county. Undoubtedly there had been earlier resistance to parks in Kent, as evidenced by the first recorded incident of 'blacking' or disguise at Redleaf park, near Penshurst, in 1450, and by the act of 1 Henry VII (1485) arising out of the prevalence of illegal hunters 'with painted faces, some with vizors and otherwise disguised to the intent that they should not be known, riotously and in malice of war arrayed' harassing forests, parks and warrens across the Weald of Kent and neighbouring Surrey and Sussex. The dozen new parks enclosed in Kent in the period under review are not documented as causing unrest, but lurking in the background is the 'dark figure' of unrecorded crime so certainty is elusive. In Suffolk 25 new parks between 1551 and 1602, and in Cambridgeshire and Huntingdonshire 20 new parks were created, considerably more than in Kent, but how much resistance there was to these has yet to be studied. Manning's analysis of anti-enclosure riots in England from 1558 to 1625 supports the notion that Kent, as part of southeast England, was less disturbed by protests against new parks than elsewhere. He found that imparkment caused only 8 per cent (of 105 cases) of anti-enclosure riots in Elizabeth I's reign, and 2 per cent (of 119 cases) in James I's reign, and that the ten southern counties, including Kent, experienced only 17 per cent of all anti-enclosure

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274 Thompson, Whigs and Hunters, p.58; du Boulay F.R.H., Documents illustrative of medieval Kentish Society (Ashford, 1964) Kent Records XVIII pp.245-255; Luders et alia, Statutes II p.505, 1485, 1 Henry VII c.7 c.8 made illegal hunting at night or in disguise a felony.

riots in both reigns. However, such attempts at statistical analysis must be treated with caution because patchy evidence often fails to enlighten the researcher about whether the parks themselves were the focus of protest or whether park violations reflected wider transferred protest. Conversely, simmering anti-park protest might have contributed to protest not directly aimed at parks.

It is impossible to quantify the extent to which the presence of parks evoked social conflict in Kent. The very fact that large tracts of enclosed land were given over exclusively to the elite was bound to have been resented by many, if not all, local inhabitants, and, in the broadest sense, it is possible to regard park breaks at every level as tangible signs of protest against the privacy and power of the park owner. However, in Kent park violations seem to have been neither widespread nor coordinated, and when they looked as if they were becoming more serious, concerted efforts were made by the owners to bring perpetrators under control. Honour and status were upheld, but as Hindle has observed at state level, the social fabric was fragile with potential for conflict never far away.

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