The Magnate and the Minister: Power and Property at Penshurst, 1651-59

GERMAINE WARKENTIN
University of Toronto

Alas now we found by sad experience what it was to be given up to the Earl of Leycesters mercy, which many in city & country were hold in Expectation of, but we had found ever Cruell beinge used thus with so much Extremity & rigor.¹

This agonized plea appears part-way through a document of seven leaves among the papers of John Thurloe, secretary to Oliver Cromwell, in the Bodleian Library. The date is March 11, 1657, and a version of the author’s petition appeared in printed form in 1660.² His name was the ironically fitting John Maudit—“cursed John”—and he was minister of Penshurst church from 1650 to at least 1658. In 1644 the brilliant and scholarly Royalist vicar Henry Hammond, expecting Parliamentary persecution, had fled. Three vicars (one of them apparently an alcoholic³) followed in six years.

---
¹ Bodleian Rawl. A.58, in the author’s hand, dated March 11, 1657, f.84.² Maudit’s pamphlet based on the Bodleian document (though with some variations that would dictate an eclectic edition should it ever be republished) is The practises of the Earl of Leycester against the minister of Pensherst: laid open in a narrarive [sic] sent to his late Highness Oliver Lord Protector August 5, 1658 (London: Printed by T.R. for the author, 1660). Wing, M1330.³ For Richard Jaggard, sequestered for drunkenness and other misdemeanours, see his biographical notice in A.G. Matthews, Walker Revised, Being a Revision of John Walker’s Sufferings of the Clergy During the Grand Rebellion 1642-60 (Oxford: Clarendon Press, 1948), 319. Jaggard, whom Council suspected of treason in 1650 (see Calendar of State Papers, Domestic Series [The Commonwealth], v. 2,1650: 17, 73, 92, 188, 535) had exchanged the living for that of Lymnpe, Kent with Richard Lee in 1645 (Foster, ed., Alumni Oxonienses 1500-1714, 798).
But in 1650 the Parliamentary committee charged with purging the Laudian ministry “intruded” Maudit into the Penshurst living. The earl of Leicester had served the king, though he was no royalist, and his sons Philip and Algernon were leading figures in the Parliamentary army. He had endured other unsatisfactory vicars and might well have accepted this one, but he did not, and it is there our story begins.

When I first encountered Maudit, I thought his name must surely be a pseudonym, but it is an actual family name, though his birth in 1619 in Exeter places him far from Chester, where the name occurs in genealogies. Maudit lived until 1674, just long enough to be licensed among the Nonconformist “teachers” in 1672. His conflict with the second earl is not only historically informative and dramatically fascinating, but opens up a fresh field of research into the Sidney family and Penshurst Place. An idyllic picture of Penshurst is drawn in Jonson’s “To Penshurst,” but as I argued in an earlier issue of the Sidney Journal, that may be remote from the reality; we know too little about the material life of the Sidneys—the objects they lived among, and the social, spatial and temporal context in which such objects were needed, made and used, bought, sold and traded, left to decay, are lost to our knowledge. Maudit’s petition gives us an exceptional picture of the material life of Penshurst estate and the second Sidney earl of Leicester, painted during the tensions of the Interregnum, in a document whose literary form and culture invite close analysis quite as much as the exactly contemporary anonymous romance about Penshurst, Theophania (1655, but written in the 1640s). Nothing, however, could be further from the portrait drawn in Theophania of a seventeenth-century English Arcadia than is Maudit’s story. Instead of the pastoral figures of romance, we find

---

Penshurst was also served by Lee (1646-7), and one J. Dryland about whom nothing is known.

4 For the licensing of Nonconformist ministers see A.G. Matthews, Calamy Revised, Being a Revision of Edmund Calamy’s Account of the Ministers and Others Ejected and Silenced, 1660-2 (Oxford: Clarendon Press, 1988), xv. For Maudit’s license, see his biographical notice, 345.


6 Theophania has sometimes been attributed to a “Sir William Sales,” but this may be a pseudonym. For the little that is known about its date and authorship see Theophania, or, Several modern histories represented by way of romance and politically discours’d upon, ed. Renée Pigeon (Ottawa: Dovehouse Editions, 1999), and Victoria Kahn, “Reinventing Romance, or the Surprising Effects of Sympathy,” Renaissance Quarterly 55 (2002), 625-61.
an intruded evangelical minister preaching the gospel in the medieval church at the gates of Penshurst, a stubborn and angry magnate in the great house, and the personalities of the village and surrounding area in all their diversity.

Maudit was a person of small but genuine significance; formerly a student at Exeter College, Oxford, he eventually became Senior Proctor of the University, held a living in Abingdon, not far from Oxford, and had recently been a chaplain to the Parliamentary forces. Indeed, he had preached before Cromwell, and his sermon was published. Now "the Committee" had transformed him into a country parson in an unfamiliar and isolated Wealden parish. Like clergymen in similar livings, Maudit was supposed to depend for the support of his growing family on the glebe lands that went with his benefice. Such intruded ministers often found themselves warring with their flock, but in John Maudit's case, he was locked in a battle with the lord of the manor, one which was both desperately spiritual and solidly economic, and he writes about it in a long-sanctioned form: the appeal to the good magistrate. In a version I have somewhat digested, here is how he tells his tale. Addressing himself directly to Oliver Cromwell as Lord Protector, he writes:

My Lord My case is much one with the poor distressed men of Jabesh Gilead in King Saul's days, 1 Sam. 11.1 etc. ... I have truly [been] besieged many yeares by the Earle of Leycester whilst I have laboured in much Sincerely in the work of the Gospell heere, to gain poor wandring soules to Christ; who has for these 7 yeares cut off the dues of tithes which his Lordship should have payd for the mainchainence of me & my afflicted family, so that for want of dower we have been burthensome to our friends for a livelyhood. Besides the Earle also for these 6 yeares hath purposely devoured the gleb land, by makinge a warren next to

---

7 I am indebted to Hilary Maldicott for information from the Exeter College archives that was helpful in tracing Maudit's early career and securely identifying his hand.
9 The glebe was the land assigned to a clergymen as part of his benefice, which he farmed or rented out to help support himself and his family.
10 Quotations in these extended passages are all from ff. 82'-85' of Bod. Rawl. A58.
the land, so that we have lost in the judgement of judicious men about half the profits of the land yearly.

He hath also seized upon the wood & timber & trees at several times, & a parcell of the gleab land which he has rayled off from us for these 4 yeeeres together. And after all this and many more grievances, which have endangered the life of my wife through great frightes sometimes, & cast both of us into Sicknesse often: ... The word of god in Levit. 26. v. 14. 15. 1611 leadinge me to reproove those that cast off gods ordinances; I applied the word against the Earle of Leycester by name, for withdrawing from the presense of god for 5 yeeeres together, & greatly discouraging the reformation of religion in this place; as also for much cruell usage of me, & other unwarrantable courses, which he persevered in, not withstandinge many private addresses made to his Lordship by myself to convince him of the evil of his waeys, his rage growing yet higher & higher yeer after yeer. Whereupon the Earle layd in an accusation against me upon the statute de Scandalis Magnatum & got 500 [£] dammages at the Assize in Kent, some of the Jurie beeinge drawne on as they have since confessed with a pretence that the Earle would not take a farthing of the monie but onely have a high fine for his honour. But havinge once got the verdict he prosecuted it vigourously at the Upper bench bar [the King's Bench] to have it confirmed. The Judges beinge inclined to a commodation, & havinge a high sense of the grievous dammage, tooke the cause into mature deliberation, & arrested the judgement for 3 termes hearinge the counsells arguments on both sides.

Meanwhile applications were made to the Earle of Leycester by Major Generall Kelsey, Sir Michael Levys Sherriff, Lieutenant Col. Compton, Captain Browne, Dr. Thomas Godwinne, Mr. Neigh, Mr. Lochier, Mr.

---

11 Lev. 26, vv. 14-16, reads: 14: But if ye will not hearken unto me, and will not do all these commandments; 15: And if ye shall despise my statutes, or if your soul abhor my judgments, so that ye will not do all my commandments, but that ye break my covenant: 16: I also will do this unto you; I will even appoint over you terror, consumption, and the burning ague, that shall consume the eyes, and cause sorrow of heart: and ye shall sow your seed in vain, for your enemies shall eat it.
Griffith, & Baron Parker that his Lordship would be pleased of his owne accord to remitt the dammages that were given him which would be more for his honour then thousands in reparition.

His Lordships answer to them was that the law should goe on till I was at his mercy, & then he would doe what he should think fittinge. At the length God moved the hearts of the Judges to send two messages to his Lordship, the one by the Earles sollicitor Mr. Pew, the other by Mr. Broughton the Clark of the Crowne; Orderinge Mr. Pew to write to his Lordship from them, that tho his Lordship had the judgement, yet he should forbeare to take out any Execution against me for my person or goodes, to molest me farther or disturb me in the work of my ministry, & withall appointed Mr. Broughton to goe down in person to the Earle & let him know the minde of the court therin ...

Mr. Broughton’s intervention produced no results for poor Maudit:

... the Earle grantinge us no time, but havinge a mind to our goodes, as well as our tithes & our land, next day after Mr Broughton departed puts the Execution (which notwithstandinge the Judges advertisement sent him by his own Sollicitor, he had got in readinesse by him before Mr Broughtons application) in force, & sends to the sheriff for a fieri facias [a writ of execution], & so seizes upon all the goodes he could finde of ours, within doores & without. Our kine, our barnes, & corne & wood, waggons, Hay & household furniture, hanginges, tables, chaires, beds & bedinge that were underneath us & our children, & the least inconsiderable implementes could be found even to a few apples.

In the right margin Maudit has noted (with underlinings), “The wordes pretended to be spoke in my reproof to the Earle of Leycester were these that the said Earle was a wicked man a cruell oppressor & an enemie to Reformation,” and it is at this point that he utters his lament about being given up to the earl of Leicester’s mercy.

The history of the legal case the earl brought against Maudit merits an essay in itself, and in fact in 1660 Maudit published a
pamphlet on this grievance as well. Maudit published a pamphlet dealing with the legal case itself: ANTI-PAPAL-H or a Defence of the Minister of Pennhurst in a Case Between him and the Earl of Leicester in Michælinas Term 1657 (London: Printed by T.R. for the author, 1660). (Wing, M1327).


14 "And the Court desired some body to intercede for the parson (the defendant) to the Earl of Leicester, that the damages of 500 [500 pounds] should be mitigated." 2 Sid. 21, 30-32, English Reports 1234 (1657), 1240.
under his feet it makes him so much the higher to insult ourselves. Is it a right eye that would content him? No my Lord, but if we may give a gesse our verie head would scarce satisfie him, not beinge contented with a surrender of this place, but endeavouring further the utter undoinge not only of my self but also of my poor afflicted family if god prevent not.

The pairing of Biblical rhetoric and economic issues is significant. Maudit is not placing his reliance directly upon God, but upon God’s magistrate on earth, Oliver Cromwell:

Whatsoever your Highnesse owne troubles may be in this heavy and burdensome place God has called you to (wherin we cease not to pray for you) yet I know you have a Christian Ear & heart open to receive the complaintes of gods poor oppressed people from all places; makinge it your chief work as our Lord the chief shepherd to minde the poor of the flock above your self, to carry the Lambs compassionately in your bosome, & gently drive that are with younge. (f. 82r).

It was thus very inconvenient that God should have taken the Lord Protector to his bosom on September 3, 1658, less than a month after the afflicted clergymen presented his petition. Only the recourse of print was left him; his printer, “T.R.,” may have been Thomas Roycroft, who was printing evangelical material about this time.

In a recent article, I discuss at length the angry, reclusive personality of Robert, second earl of Leicester, who in what appears to have been a psychological crisis shut himself up at Penshurst about 1644 with his library and his commonplace books, henceforth to emerge only infrequently into the world of public affairs he had occupied as courtier, ambassador and general during the nearly two decades since his genial father’s death. Yet the earl, who well knew he was heir to the idealised reputation of the Sidneys, and who had selected the learned Henry Hammond as Penshurst rector in 1633, seems to have withdrawn not from

---

religion—as his heavily annotated Bible shows, he was very devout—but into his private chapel.\footnote{16} It has been suggested that he in fact turned his favour to the neighbouring parish, Leigh; Penshurst straddles the boundary between the two parishes.\footnote{17} Leicester, however, was not a man to back down, and he seems only to have made sure that two family burials (in Penshurst Church) and a wedding (in Penshurst chapel) were conducted by Mr. Antrobus, the Vicar of Leigh. When in October 1651 his daughter Frances was buried in the church near her two sisters, he records scrupulously that it was done "with the permission of Mr. Maudit, the present rector of Penshurst pro tempore."\footnote{18}

Maudit may have been a scholar, but as the long preliminaries of his petition show, he was a literal and very flat-footed expositor of biblical truth. It does not take much to imagine the situation of this earnest academic, thrust by Parliament into a country vicarage in the Weald, and forced to support his family on the tithes of his parishioners and the fruits of the glebe. The magnate and the minister were destined for disaster. John Maudit suffered the most, losing it is clear much personal property and his appointment as well. It is not apparent what price the earl paid; throughout his life he quarrelled constantly with others, and in the 1670s he was complaining about ruffians who had invaded Penshurst and stolen some of his books.\footnote{19}

\footnote{16} The earl's heavily annotated Bible, nearly falling apart though showing evidence of the same binding as his library catalogue, is still at Penshurst. The chapel in Penshurst disappeared during nineteenth-century renovations; it may have been located to the west of the Great Hall, beyond the undercroft; see Susie West, "Studies and Status: Spaces for Books in the Seventeenth-Century Penshurst Place, Kent," Transactions of the Cambridge Bibliographical Society XII:3 (2002), 266-92, plate 3, p. 281.


\footnote{19} Violence of some sort haunted the earl's personal life. His "Diary of Events" for Wednesday, December 16, 1652 reports an altercation between the earl and his heir, Philip: "The Lord Lisle most unnecessarily and causelessly, undutifully, and impiously defyde and affronted me and not only so but assaulted and struck me in mine own house at Penshurst" (HMC Report on the Manuscripts of the Right Honourable Viscount De l'Isle, HMC, 1966, v. VI, 614). It is not known who provoked another quarrel, but in 1622 the earl, then Lord Lisle, had to explain at length why, in what may have been in this case a justifiable fury, he struck Lord Carlisle; see Arthur Collins, Letters and Memorials of State (1746), I, 121-27. CKS
But my concern is with “power and property,” and I want to tease out what information I can about the individual figures, material goods and social context that Maudit’s petition so richly offers us. If Maudit’s narrative frames itself as a petition to the Good Magistrate, and begins with a long list of Biblical parallels drawn from Old Testament examples of oppression, the narrative voice is strong and confident of its rights despite its anguish, and the narrative itself provides much concrete detail about the life of a seventeenth-century country minister. When we step back from the conflict of these two fated personalities, we find ourselves in the midst of an entire community: the parishioners whose tithes are in question, the middle sort and the gentlemen whom Maudit could draw on for support, the lord shut up in his great house with its private chapel. We see Penshurst not surrounded by tourist buses as it is today, but behind high medieval walls, with the fourteenth-century church at its gate and the glebe lands running down towards the nearby Medway. We see a village fairly isolated in the Weald, though not isolated from the wars of the previous decade, whose people clearly needed peace and quiet and were attempting to achieve it. We learn their names from the hearth tax assessments of 1663 and 1664.\textsuperscript{20} Dan Thiery, who has worked on this kind of petition in an earlier period, is impressed by the rich detail in Maudit’s, and says that in seeking mediation the local people were following exactly the procedure that was customary in such parish conflicts.\textsuperscript{21} And Maudit seems to have been able to turn to a wide circle of local acquaintances for help: Major General Kelsey, Sir Michael Livesey the Sheriff, Lieutenant Col. Compton, Captain Browne, Dr. Thomas Godwinne, Mr. Neigh, Mr. Lochier (who had

\textsuperscript{20} 1663: CKS U1000/10/2; 1664: Q/Rth, and see Kent Hearth Tax Assessment Lady Day 1664, ed. Duncan Harrington, intro. Sarah Pearson, Hearth tax series, 2. Kent records, v. 29 (British Record Society and Kent Archaeological Society, 2000). C.W. Chalklin, Seventeenth-Century Kent (1965) says that about a third of the people surveyed had incomes too low to be included in the Hearth Tax of 1664; see Chapters XV and XVI (“Hearth Tax” is not indexed). In general, however, the ordinary person in Kent was better off than anywhere else in England except perhaps the Home Counties. See Chalklin, passim.

three hearths in 1663), Mr. Griffith, and Baron Parker. Kelsey is a
good old Medway family name; as for Sir Michael Livesey, he had
already had to deal with Lord Leicester on behalf of the Committee
of Kent, when in 1649 the earl had also been assailed in some
way at Penshurst by troops quartered at Sevenoaks. Of Mr.
Broughton and Mr. Pew we know less, but I wonder what the earl,
deeply versed in humanistic, canon and common law as his library
and commonplace books make evident, said to them when they
made their appeals for a resolution?

Turning to the glebe land, we see the learned minister at
farmer’s work, not harvesting souls as he might have in a town
living like Abingdon, but filling his barns as he had to in order to
survive. Leicester, however, had imperilled even this resource. In
the printed version of the petition, an addition suggests to what
levels a local debacle like this could sink. Earlier we saw that the
earl had intruded on the glebe land by making a warren on it so
that Maudit had lost half the profit of it yearly; the later version
complains: “my Lord (making a Warren for profit, not for
pleasure) hath enriched himself by multitudes of Rabbets sold to
London, which winter and summer were fed upon our ground.”

Wood, timber, trees, multitudes of rabbits, and a few apples. This
is far from the “ripe daughters” of Jonson’s poem, bearing
emblems of themselves in plum or pear. But at the same time it is
richly informative about the actual details of life on Penshurst
estate at a particular point in time. It prompts questions about land
management, the value of timber,”

---

22 See Calendar of State Papers, Domestic Series, of the Reign of Charles I (1648-
49), 292: “Sept. 28. Derby House. The same to the Committee of Kent and Sir
Michael Livesey. By the enclosed you will see the great irregularities and affront that
was put upon the Earl of Leicester at Penshurst by troops quartered at Sevenoaks,
find out those persons and proceed against them to make them exemplary, it being
of extreme ill-consequence to this kingdom that soldiers in pay of the Parliament for
preservation of the peace should by such exhorbitancies, disturb it more than any
other.”

23 Maudit, Practises, 7.

24 It suggests why there was yet more rage in the great house when Leicester’s
spoiled and handsome third son, Henry earl of Romney, descended on Penshurst to
cut down large numbers of trees for the value of their timber the minute his father
died in 1677: “... when the said late Earle lay on his death bed and some few days
before he died, and on the very day of his death & sometime after a great Number
of persons by the appointment of the said Henry Sidney did enter into & upon the
wood belonging to Penshurst aforesaid & did fell down about Eleven hundred of
good Timber trees from of the premises...” NA (formerly PRO) C10 195/28,
second skin of pt. II.
new phenomenon, the urban market), even the subsistence of rural vicars and their flocks.

Nor is the complexity of the issues raised by the terms “power” and “property” resolved by assuming that all the power was on Lord Leicester’s side, because it seems that in order to achieve his purpose, which was clearly to get rid of the minister who had insulted his honour (which he held very dear) he basically had to have a tantrum. It seems that nobody, from whatever station in life, could move this bitter, angry man. Not poor Maudit certainly, but not the judges, nor the Major-General, nor the sheriff of Kent, nor Baron Parker, nor the family lawyer, nor Mr. Broughton and Mr. Pew. This cautions us not to rush to judgement about conflicts which may have psychological origins as well as social, political and economic ones.

Nevertheless, it is apparent that what is at issue here is a major seventeenth-century problem, that of rights. Lord Leicester, resting his argument on established law, held to a strict interpretation of his rights as a magnate, and Maudit asserted his right to be decently treated. But oddly enough, Leicester and Maudit were—in terms of this historical moment—on the same side, for each in his different way was asserting an individual right. As Alan Cromartie has pointed out, Chief Justice Glyn, who wrote the judgement on the appeal, clearly recognized this in finding for Lord Leicester. Glyn was no royalist, but he was signalling a movement from the lord as possessed of rights inherent in his noble status to the lord as influential individual. The current interest in “rights talk”—the idea that rights are linguistically constituted—finds a corresponding instance in the discourse of the petition itself.

The social role of the magnate in relation to his fellow aristocrats in Kent is an issue here, but so too is the fact that the afflicted minister was actually able to collect together the supporters he did, from many stations of life, it seems. Were they sympathetic in religion to him? An easy conclusion to draw, but

---

25 Maudit’s counsel pointed out in his argument “I wonder how it is that noble men are so greedy of damages degenerating so much from the excellencies of their ancestors, whose aim have only been by way of indictment to repair their honours, not to improve their purses.” 2 Sid. 21, 30-32, English Reports 1234, (1657), 1239.
since Kent was notably conservative, it might in this case be inaccurate. Perhaps their motives were those typical of community leaders in England in the medieval and early modern period, who would try by what means they could to keep village quarrels from erupting into physical conflict. Then there’s the role of the judges, who looked with jaundiced eye on Leicester’s claim, frankly terming it barely actionable, and awarded him damages in hopes he would not claim them. Who were the bailiffs that Leicester eventually persuaded to execute the judgement, and what was their relation to the community? Were they hard-headed London men without ties to the village? Were they local people in some way dependent on Leicester? Who among those named in the Hearth Tax assessments might have aided the noble recluse? And we should certainly try to find out more about Algernon Sidney’s activities at this time, since as Jonathan Scott has shown, this was precisely when he was working with his father on the affairs of the estate and advising him closely on legal issues. “In the course of the Earl’s disputes with his own secretaries, employees, and tenants,” writes Scott, “Algernon served as estate manager and policeman.”28 Algernon is unmentioned in any of the documents connected with the Maudit case I have so far examined, but I live in hopes.

There are details in rent and tax rolls about those barns, cattle, apples, and rabbits, and the people who took care of them.29 And there are further questions we are prompted to ask: what were the crops like in the 1650s? Was there sickness in the village and on the estate during those years? Who among the litigious was taking whom to court, and why? The expanding markets for the produce of Kent pose their own question: did Penshurst estate innovate by sending produce to the London markets? How was the estate itself run—by a steward responsible to the lord, or dispersed under the tenant-bailiffs J.R. Wordie has described in the Midlands?30 What data do the family papers on deposit in Maidstone yield about land-use, the buying and selling of produce and animals, leasing patterns, the flow of rental income, problem tenancies, and so on?

29 Here Stephen Hipkin’s exemplary work on the Romney Marshes suggests what new sources of information could be opened up if we were to try. See Stephen Hipkin, “Tenant Farming and Short-Term Leasing on Romney Marsh, 1587-1705,” _Economic History Review_ 53.4 (2000), 646-76.
The considerable series of Sidney accounts, running from 1542 into the eighteenth century, would surely support such an analysis.

Why should the career of a Sidney scholar, begun with work on the sonnet sequence *Astrophil and Stella* attempt, in its later stages, to pose such questions? For me, to describe, re-imagine and understand this fascinating material is just as potent an entry into the romance of Penshurst as are the narratives ordinarily seen as central to the romance of the Sidneys. Maudit’s experience is not constituted simply by the sad tale he relates; rather, it opens a door into the textures of rural seventeenth-century life that study of the Penshurst estate would richly reward if we were to move on from the Arcadian, familiar, and courtly stories that are told about it, to consider it in all its aspects.