

John Rushworth
Historical collections, part 2
London
1680

Historical Collections.
The Second Part.
Containing the
PRINCIPAL MATTERS
Which happened from the
Dissolution of the PARLIAMENT,
On the 10th of March, 4. Car. I. 1628/9.
Until the Summoning of another Parliament,
which met at Westminster, April 13. 1640.

...

By JOHN RUSHWORTH of Lincolns-Inn, Esq.

LONDON:

Printed by J. D. for John Wright at the Crown on Ludgate-hill, and
Richard Chiswell at the Rose and Crown in St. Paul's Church-yard, 1680.

...

<volume 2 = 'part 2, volume 1'>

<268> 270

Mich. 10 Car.

Star-Chamber.
Attorn' Regis
vers' Roper
Knight.

Depopulation
and convert=
ing Arable
into Pasture.

100 l. Re=
ward to the
Prosecutor.
100 l. to the
Minister.
100 l. to the
Poor.

The Defendant being possessed of several Farm-houses, where=
to was commonly used in Tillage a great store of Land, and
several Plows kept and maintained thereupon, took all the said
Farms into his own occupation, and converted all the Lands there=
to formerly used in Tillage into Pasture, and depopulated and pul=
led down Three of the Farm-houses, and suffered the other Two to
run to ruine, and to lie uninhabited, although he might have had
as great, and greater Rents for them than he had before; and also
pull'd down, and suffered to go to decay, and be uninhabited, a
Water-Corn-Mill, which before groun'd store of Corn weekly; and
for this he was committed to the Fleet, Fined 4000 l. and at the
Assizes in Kent to acknowledge his Offence, and the Decreee to be
then read, 100 l. Recompence to the Prosecutor, besides his Costs,
and 100 l. to the Minister of the Town, 100 l. to be distributed to
the Poor, and he ordered to repair, and build again within Two
years, all the Farm-houses, Out-houses, and Corn Mill, and make
them fit for Habitation and Use, as formerly, and to restore the
Lands formerly used to the Farm-houses, and to let them at reaso=
nable Rents as the County will afford.

...

<volume 3 = 'part 2, volume 2' – Appendix>

106

The Decree at large concerning Depopulation against
Sir Anthony Roper, in the Court of Star-
Chamber.

In Camera Stellata coram Concil. ibidem decimo die Octobris
Anno decimo Caroli Regis. <10 Oct 1634>

This day came to be heard the matter of Complaint exhibited into
this Court by his Majesties Attorney General upon the prosecu=
tion, and by the Relation of John Philpot Esquire, against Sir Anthony
Roper Knight Defendant, for Depopulation, converting great quantities
of Land into Pasture, which formerly, for the space of about Forty

years, had been Arable, used to Tillage, and occupied as belonging to several Farm-houses, and houses of Husbandry in the Parish of Farmingham in the County of Kent, and for suffering the said Farm-houses, with their out-houses, to be ruined, and uninhabited, and one Water-Grist-Mill to decay and go to ruine, as by the said Information more fully and at large it doth and may appear upon full and deliberate hearing, whereof it plainly and evidently appeared to this Honourable Court by the Testimonies of several good and sufficient Witnesses, this day openly read in Court, that the said Defendant being seized in Fee of Five several ancient Messuages, and Farm-houses, and of a Water-Grist-Mill, lying in Farmingham, Evesford, Horton, Kirby, and Knightdown, in the County of Kent; One of which was called Pethams Place, or Pethams Farm, late in the occupation of Thomas Newington; to which Farm anciently belonged and was used, as Arable, one hundred, or one hundred and twenty Acres of Land, and whereupon was usually kept one or two Plows, and divers Servants employed in and about the Tilling, Manuring, and Husbanding thereof, to the great benefit of the Common Wealth, and of his Majesty. One other Farm-house, late in the occupation of John Newington, whereunto belonged, and was anciently used one hundred and forty Acres of Land as Arable, and whereon was usually kept one Plow for Husbandry, and half a dozen Servants employed in the Husbandry thereof. One other Farm, late in the occupation of one Roger White, whereunto also anciently belonged, and was used six or seven score Acres of Land as Arable, and for Tillage by the said Roger White, who ordinarily kept and employed six Servants in the Husbanding thereof. One other Farm, heretofore in the Tenure or occupation of Francis Best, whereunto was anciently used one hundred and twenty Acres of Land for Tillage, whereon one Plow was usually kept, and several Servants employed in the Plowing, Manuring, and Husbanding thereof: And one other Farm, heretofore in the occupation of one John Best, whereunto was anciently used one hundred and six Acres of Land for Tillage and sowing of Corn, whereon one Plow and six Servants were usually kept and employed in the Husbanding of the said Corn-Land; and all the said several Farms, when they were used in Tillage, were furnished with sufficient Houses, Barns, and Out-houses, necessary for Farmers to dwell in, who sold and vented to

107

London and elsewhere yearly about forty or fifty Quarters of Wheat, besides other Grain, out of each Farm one with another, and many poor men and women were then and there set to work, and about twenty persons fit for War were maintained in and upon the said Farms; as also several Carts ready and fit to do his Majesty service, in carrying Timber for repair of his Navy, and otherwise, which the said Defendant nothing regarding, but respecting his own Commodity above the general good of the King, Country, and Commonwealth, hath of late years taken into his own occupation all the said several Farms, and converted all the Lands thereunto, formerly used for Tillage, into Pasture, to the great decay of Husbandry in those parts, although he might have had sufficient Tenants for them, that would have given as great or greater Rents for the said several Farms than they were formerly let for, and hath also depopulated and pulled down three of the said Farm-houses, and suffered the other two to run to ruine, and to lie uninhabited; insomuch, that whereas in former times one of the said Farms, called Pelham's Place, was a great defence and succour to Travellers who passed that way; the same, since the Depopulation thereof, have been a harbour for Thieves, and many Robberies hath been thereabouts committed, and moneys recovered by the robbed persons from the Hundred, which, together with the want of those Plows which were formerly kept there, hath been a great burden to that part of the Country, there being never a Cart now kept upon any of the said three Farms. And it also further appeared that the said Defendant hath not only depopulated the said several Farms, and converted the Arable into Pasture, but hath in

like sort, to the great inconvenience and prejudice to the said Town of Farmingham, pulled down, and suffered to go to decay, and be uninhabited one Water Corn Mill, which heretofore ground good store of Corn weekly. Upon grave and deliberate consideration of all which matters the Court did with a joynt Consent and Opinion declare, that the said Defendant was clearly guilty of the said Depopulation, and converting his Arable into Pasture, wherewith he is charged by the Information in manner as before is expressed, and that the said offences are punishable by the Common Law of this Kingdom, and fit to be severely punished the rather for that it is a growing evil, and hath already spread it self into very many parts of the Kingdom; and mean time if it be not met with= al, and prevented by the just Censure of this Court, grow very prejudi= cial and dangerous to the State and Commonwealth, and therefore their Lordships hold him to be a very great Offender, shall stand and be com= mitted to the Prison of the Fleet, and pay a Fine of 4000 l. to his Ma= jesties Use, and, at the next Assizes to be held for the said County of Kent, shall in the open Court, the Judges and Justices there sitting, ac= knowledge his said offences; at which time and place, for the better manifestation of his Offence to the Country, and to the end others see= ing his punishment may thereby hereafter be warned to forbear to com= mit the like offences: It is ordered that this their Lordships Sentence and Decree shall be publickly read, and further the Court considering and commending the pains, care, and travel taken by the Relator in bringing this Cause to Judgment, and being satisfied upon hearing of the Cause, that the Poor of the said Parish of Farmingham, and the Minister there have been severally damnified by the said Defendant; their Lord= ships have further ordered and decreed, that the said Defendant shall pay unto the said Relator a hundred Pounds for a recompence of his

108

Travel, besides his Costs of suit; and to the Minister of the said Parish of Farmingham one hundred Pounds; and to the Poor of the said Pa= rish one hundred pounds, to be distributed to, and amongst them, at the discretion of four of the next Justices of the Peace adjoining to the said Town of of Farmingham. And lastly, the Court hath or= dered, that the said Defendant shall within these two years repair and build again all the said Farm-houses, with their Out-houses, and the said Corn-Mill fit for habitation and use as formerly they were, and shall re= store the Lands formerly used and let with the said Farms to the said Farm-houses again, and let and demise the said several Farms to several Tenants for reasonable Rents such as the Country will afford, and that all the said Lands shall be again plowed up, and used for Tillage, as for= merly it hath been.

<C.F. January 2012.>