

Documents Relative to the Sequestration of the Derbyshire Estates of Philip, first Earl of Chesterfield.

BY J. CHARLES COX, LL.D., F.S.A.



AMONG the Meynell MSS., at Meynell Langley, are various original papers pertaining to the Sequestration of the estates of the Derbyshire loyalists during the Commonwealth. The most distinguished Derbyshire supporter of the cause of the King was Sir Philip Stanhope, created Baron Stanhope of Shelford in 1616, and Earl of Chesterfield in 1626. When the Civil War broke out, the Earl garrisoned his houses at Bretby and Shelford, and seized on the city of Lichfield for the King. The Earl lost two sons (Philip and Ferdinand), as well as most of his fortune, in the wars, and was himself taken prisoner and kept in confinement until his death in 1656.

The following interesting and original documents pertaining to the Earl's Derbyshire estates and his family are now for the first time printed. They throw much light on the working of the Sequestration Acts during the Commonwealth. The members of the Derbyshire Archæological Society are again indebted to the courtesy of Godfrey F. Meynell, Esq., of Meynell Langley, one of the Society's vice-presidents, for the opportunity and permission afforded to the Editor of giving these transcripts.

Die Lune 1 Martii 1646

Ordered (upon the question) by the Commons Assembled in Parliament, That Phillip Earle of Chesterfeild shall have the allowance of Five pounds per weeke allowed him out of his owne Estate for his support, & the Committee of the severall Counties where his Estate lies are to take notice hereof and to yeild obedience thereunto.

H. ELSYNGE Cler.

Parl : D : Com :

By the Commissioners for Sequestrations for the countye
of Derby.

It is this present day ordered that Anne* Countesse of Chesterfeild on & after the 25 May next shall have & enjoy all & every the lands messuages farmes & tenements in Cubly in the said county (except the farme now or late in the tenure of Richard Ryley the severall grounds called Brickhill leas & Connygree & an other ground called Sanders Coppy late in the tenure of Mr. Williams) in leiu & satisfaction of the fifth part of the estate in this county sequestred from Phillip Earle of Chesterfeild her husband. Given under our hands Derby May the 14th 1650

ROBERT MELLOR.†

GER. BENNETT.‡

A Lease of the Derbyshire Estates of Philip Earl of Chesterfield granted by the three county Commissioners for a year at the rent of £1141.

Derb :

Whereas the Estate reall & personall of Phillip Earle of Chesterfeilde for his delinquencie against the parliament & by the

* The Earl of Chesterfield married, firstly, Catherine, daughter of Francis, Lord Hastings, who died in 1636, and secondly, Anne, daughter of Sir John Pakington, of Westwood, Worcestershire, and relict of Sir Humphrey Ferrers, of Tamworth.

† Robert Mellor was Mayor of Derby in 1647, and fellow-Commissioner with Gervase Bennett for the Sequestration of Estates in Derbyshire.

‡ Gervase Bennett was member for Derby during the Commonwealth, and also Mayor of Derby in 1645.

authoritie of the same is seized and sequestered to & for the use & benefitt of the Comonwealth & whereas the said Earle was heretofore seized of Certain Lands & Tenements situate lying & being in Brettby Sawly & Horsely & of one Farme in Cubley & certaine grounds there called Brickilne Leyes Cunnygray & Sanders Coppy in the possession of Richard Ryly and Mr. Nathaniell Williams or there Assignes now these presents witness that wee Raphe Clarke Robert Mellor & Gervase Bennett substituted and appointed Commissioners for Sequestrations in the said county have demised granted leased sett & to farme lett & by those presents doe demise etc unto Robert Swaine of Horsely John Pim of Draycott John North of Cubley & Arthur Lothbury of Hillton in the said county of Derby yeomen all the rentes lands and tenements with their and every of their appurtenances To have and to hold the said lands and tenements to them the said Robert Swaine John Pim John North Arthur Lothbury & their assignes for & during & untill the full end & Terme of one whole yeare from the five & twentyeth day of March now next following & fully to be compleate & ended yeilding & paying therefore to us to & for the use of the Comonwealth the Rent or Sume of Eleaven Hundred forty & one pounds of Currant English money in and upon the nine & twentyeth day of September & the five & Twentyeth of March now next ensuing by even & equal portions & also paying and discharging all & all manner of Taxes due & payable forth of the premises & paying the rent or sume of Forty pound unto Nathaniell Hallowes Esq^r & likewise well & sufficiently uphoulding repairing & maintaining all Houses & out-houses upon the premises in good & sufficient repair & making no waste of any part of the premises And it is further agreed & the said R. S., J. P., J. N., & A. L. for themselves & their assignes doe covenant & agree to & with the said Commissioners that for every aker of ground that the said R. S. etc shall plow by more than what is allowed & employed in Tillage shall forfeit to the use of the Comonwealth to be leaved by distress & sale the sume of five pounds And lastly it is covenanted & agreed by & betweene the said parties that in Case the said Rents be behind &

unpaid after any of the said Termes in which it ought to be paid that then it shall & may be lawfull to & for the said Commissioners into the premises to enter & distraine & the distress there found to take leade drive away & sell March xiiij^o 1650

ROBT SWAINE

JOHN NORTH

JOHN PYMME

ARTHUR LOTHBURY

Sealed & delivered in the presence of Tho: Neighbour & W^m: Flint.

Die Mercury April 1651

Ordered by the Parliament that the Sum of Five ponds per weeke together with the Arrears thereof bee paid and satisfied unto Phillipp Earle of Chesterfeild or his Assignes in Lieu and Satisfaction of all Fifth parte of his estate And that the said Five pounds per weeke bee charged upon Goldsmithe Hall, And that the Commissioners for Compounding bee and are hereby Authorised and required to give warrant to the Treasurers of that Receipt to make payment thereof accordingly And the acquittance and acquittances of the said Phillipp Earle of Chesterfeild or his Assignes Testifieing the receipt thereof shalbe their sufficient discharge in that behalfe.

HEN: SCOBELL, Cler. Parliament.

By the Commissioners for Compounding octavo die
Apri^{is}, 1651

In pursuance of the order of Parliament above written it is ordered that the Treasurers at Goldsmithe Hall doe pay unto the said Phillipp E. of C. in Lieu & Sattisfaction of all Fifth part of his Estate the Sum of Five poundes per weeke with the Arreares thereof And these together with the Acquittance or Acquittances of the said E. or his Assignes acknowledgeing the receipte thereof shalbe to the said Treasurers a sufficient warrant in that behalfe.

EDW: WINSLON

JO: RUSSELL

JO: DERMAN

RIC: MOORE.

By the Commissioners for Compoundinge

9^o April 1651Gent^l.

Wee desire you to take notice that the Parliament have granted five pounds per weeke to be paid out of our Treasury to the Earle of Chesterfeild in lieu of his fifth part & therefore you are not to pay any fifth part to the said Earle's wife or children or to or for their use. Wee remaine

Yo^r affectionate freinds

*JO: BERNERS

†SAM: MOYER

RIC. MOORE

‡EDW: WINSLOW

For the Commissioners for sequestrations in the County of Derby sitting at Derby

these for the service of the Comon-wealth.

By the Commissioners for Compoundinge &c

6 May 1651

Gent.

Wee desire that you forthwith certifie unto us the true yearly value of the Estate of the Earle of Chesterfeild in your County Wee remayne

Your affectionate freinds

JO: BERNERS

SAM: MOYER

RIC: MOORE

EDW: WINSLOW

[Rough copy of reply at foot]

Gent.

According to your order of the vjth instant concerning the yearely value of the Earle of Chesterfeilds estate in this county we doe hereby certefie that the said Earles estate in this county is

* Josias Berners was one of the Council of State in 1659. He subscribed a letter with nine others to General Monk thanking him for his great service to the Commonwealth, and their own resolution to stand and fall with him in defence thereof; he was also of the Rump Parliament who agreed to settle the King's lands at Hampton upon Richard Cromwell.

† Samuel Moyer was member for London and of Barebones Parliament; he was one of the Council of State in 1653.

‡ Edward Winslow was an arbitrator of the differences about the ships left by the Danes in 1653, vide *Heath's Chronicle*, p. 357.

1631s. 11d. per annum over & above 4s. yearly paid forth of the rectory of Sawly to the Bishop & now purchased by Mr. Hallowes a member of the Parliament for this County and allowed by your order for one year from the 25 of March last past let for 1426s. cleare over & besides all taxes & other out rents. By

Your humble servants

Derby May 12^o 1651

By the Commissioners for Compoundinge &c

29 May 1651

Upon the petition of Alexander Stanhope youngest sonne of Phillip Earle of Chesterfeild (a cobby whereof is hereunto annexed and attested by our Register, It is ordered that it be referred to the Commissioners for sequestrations in the County of Derby to peruse & examine the matter of the said petition with witnesses on oath touching the Deeds therein mentioned & certifie the true state of the case with the proofes & what other they know touchinge the premises to us sealed upp within three weekes after notice thereof And it is referred to Mr. Readinge to state & report the case to us.

EDW: WINSLOW JO: BERNERS
WILLM MOLINS RIC: MOORE.

Rec: July 17^o 1651.

To the Hon^{ble} Committee at Goldsmither Hall

The humble petition of Alexander Stanhoppe* youngest sonne of Phillip Earle of Chesterfield

Sheweth

That your petitioner's said Father the vjth day of Aprill in the xijth yeare of the late King Charles did for the provision education & mayntenance of your petitioner demise unto

* Alexander Stanhope was the only surviving son of the first Earl of Chesterfield by Anne his second wife, and was in his 17th year at the date of this petition. After the Restoration, he was Gentleman Usher to the Queen, and subsequently, by William III., was appointed successively Ambassador to Spain and to the Low Countries. He died in 1707; his eldest son, James, was the first Earl Stanhope.

Thomas Packington William Paryter Richard Evans & Edward Burton all those 3 inclosed groundes called the 3 padocks parcell of the Mannor of Horsley in the County of Derby, & all those now inclosed groundes lately severed from Horsley Parke there divided into two Inclosures, & one house or tenement in the tenure of Robert Swayne two barnes & all other buildings standing on the premises under the rent in the said lease mentioned, The benefitt of which lease was intended & declared as well by the sayd Earle your Petitioners Father as by the sayd Trustees to be to the use of your Petitioner, as by the syd Lease & declaration under their hands & seales appeareth.

The Premises appearing to bee & really & bona fide for your Petitioners provision education & lyvelyhood as is afore-sayd, The Petitioner humbly prayeth the said Deeds may bee allowed, notwithstanding any sequestration of his sayd Fathers estate, & that he may receive the rents yssues & profittes of the premisses henceforth during the said lease and the Arreares due by virtue thereof, the petitioner having nothing else for his mayntenance education & subsistence

Thus he shall daily pray etc

ALEXANDER STANHOPE.

Copia vera ex^d

T Bayley.

Depositions of witnesses taken the July iij^o 1651 before R. M. & G. B. commissioners of Sequestrations for the county of Derbyshire by vertue of an order In the Ho: of Commons for Compounding etc the 29 of May 1651 upon the petition of Alexander youngest sonne of P. E. of Chesterfeilde.

Henry Harris of Droitwich in the county of Worcester gent aged 58 or thereabouts maketh oath that he did see the deed now shewed unto him bearing date 18 April 1645 sealed and delivered by Tho Packington & to his best remembrance it is about 11 yeares since but is Certayne it was a litle befor the war broke forth but knows nothing of the reasons nor anything of the uses

only his hand is thereunto subscribed as a wittnesse & is his owne hand writeing.

HENRIE HARRIS.

George Savage of Dodder Hill in the county of Worcester gent aged 68 or thereabouts upon his oath saith he saw Mr. Tho Packington seale & as his act & deed deliver the deed now shewn unto him dated 18th April 1645, & to his best remembrance it was sealed a little before the war broke forth, and his name thereunto subscribed is his proper hand writeing.

GEORGE SAVAGE.

W^m Bennett of Breby in the county of Derby gent aged about 58 upon his oath saith he did see the E. of Chesterfeild W^m Pargiter Richard Evans & Ed. Barton seale and deliver the deed now shown unto him dated 10 Apr 1645 but knows not the tyme of the sealinge and deliveringe but remembers it was sealed before the said E. was prisoner or the Close taken at Litchfeild and thinks it was about 3 months before the taking of the sayd Close but knows nothing of the uses. And also did see the E. of C. seale and deliver the deed now shown him bearing date 16 April 1645 & thinks that was sealed at the same tyme as the other was sealed

WILLIAM BENNETT.

[Rough copy of reply appended to the Depositions.]

Gent.

In observance to your order of the 29 of May last which we received the 17^o July, upon the petition of Alexander Stanhope youngest sonne of the Right Hon^{ble} Phillip Earle of Chesterfeild wee have herewith sent you the depositions that such witnesses as have been produced for the prooffe that the deed and lease in the petition mentioned and know nothing farther touchinge the premises save only that by the deed of the 16 Apr. purporting a power in the said Earle to make leases reserving the old rents is covenanted that 30^s reserved upon this lease with the residue that the said Mannor will make up 300 *li* per annum over and above

reprises. Whereas the whole Mannor is not above 300 *li* per annum upon the present rents without rebatement & the lands now claymed are sett at 82 *li* this present yeare.

So remayne Your humble servants.

Derby Aug: 2^d 1651

Worthy S^r

My Lord desires to bee very kindly remembered to you & to Captaine Millers. I have sent you here a copie of ye order, for the Treasurers of Goldsmiths Hall will not pay the money without a certificate from you & the rest of the Commissioners. You know that wee have had nothing of the Five pounds per weeke since our Lady Day last was Twelve moneths. Robert Swayne or some other in his stead shall wait upon you for a certificate which my Lord intreats both you & the rest of the Commissioners to send under your hands of the truth of the businesse that may satisfie the Treasurers att Goldsmiths hall. My Lord intreats you it may bee sent the next post. Thus with my service to your selfe & Captaine Millers with the returne of my humble thanks for your many favours to mee I rest

Your servant

WILL^m GYLES.

1^o July 1651

To the right wor^{ll} and his much honoured friend Jarvis Bennett
Esq att Derby these present, or in his absence to Captaine
Millers Darbie.

[Draft of reply follows on the letter.]

Gent

Att the instance of the agente for the Earle of Chesterfeld we do hereby Certefie that since our enterance there hath no five pounds per weeke nor any part thereof beene paid to the said Earle but all fifth parte of his Estate hath beene dewly paid as the same half became due & it was paid the 15^o of March last, & of the remainder of the rents then due being 484 *li* is part of the money paid in unto you since by

Your humble servante.

July 7^o 1651.

By the Commissioners for Compounding etc 9^o Aprilis 1652

Upon the petition of Phillip Lord Stanhope* only sone and heire of Henry Lord Stanhope deceased (a copy whereof is hereunto annexed & attested by our Register). It is ordered that it be referred to the Commissioners for Sequestrations in the severall Countyes of Darby & Leicester to peruse the sayd petition & examine the matter & contents thereof with witnesses on oath for prooffe of the petitioners deed whereby he claymes the premises mentioned in the sayd petition & certifie the true state of the case & prooves with the cause & tyme of Sequestration & from whom the said premises were first sequestrated & what else they know materiall in the businesse to us sealed upp with all convenient speed. And it is referred to M^r Readinge to Examine the petitioners tyle & state & report the case to us.

EDW: WINSLOW

JA: RUSSELL

WILL^m MOLINS

RIC: MOORE

To the Honor^{ble} Com^{ttee} for Compounding etc

The humble petition of Phillip Lord Stanhope only sonne & heire of Henry Lord Stanhope deceased

Sheweth

That the Mannor & Soake of Sawly with the appurtenances in the County of Darby & Leicester upon good and valuable considerations was sold by Phillip Earle of Chesterfeild unto Henry Lord Stanhope your pet: father dec^d as by Deed inrolled dated 14 June 1633 will appeare & your pet: sayd father enjoyed the same untill the tyme of his death. That your petitioner being an Infant at the tyme of his death Phillip E. of C. his grandfather through y^e neglect of your petitioner's mother his Guardian re-entered upon the sayd Mannor by reason whereof since the late warrs the same hath beene sequestrated as belonging to your pet: grandfather for his delinquency, That

* Henry Lord Stanhope, eldest son of the first Earl of Chesterfield, died in 1634. His only surviving son, by Catherine, eldest daughter and co-heiress of Thomas Lord Wotton, was Philip, this petitioner, who succeeded his grandfather in the earldom, and died in 1713.

your pet: having noe present meanes of subsistence some of his friends very lately made enquiry into y^e former settlement made by his Grandfather uppon his deceased Father & upon search found the sayd Deed of bargaine & Sale of the sayd Mannor unto your pet: Father.

Your pet: therefore humbly prayes that his tittle to the sayd Mannor & appurtenances may be referred to your councill to be stated and reported to your honors for your judgment therein.

And he shall pray etc

PHILLIPP STANHOPE.

Copied vera ex

Jo: Leech.

Depositions of witnesses taken before R. M. and G. B. comissioners etc by vertue of an order from the Honorable the comissioners for Compounding etc of the 9th instant in the case of Phillip Lord Stanhope touching his clayme to the Mannor of Sawly and the soake now void or sequestrated for the Delinquencye of phillip earle of Chesterfeild. Taken at Derby the 16th of Aprill, 1652.

Magdalen Greene of Long Eaton in the County of Derby, widow upon her oath saith that William Greene her late husband deceased was sarvant to Henry Lord Stanhope the peticoner's father and did receive the rents of Sawly and the Soake for about the space of two yeares before the said Henry died wich is about 17 yeares since and saith she hath heard her husband say that he has disbursed of the said Lord Henry money about building and repairing the Mills and house at Sawly about 1500^s. and conceived the peticoner was about a yeare old when ye Lord Henry his father dyed And this deponant further saith that immediately after the death of the said Lord Henry the new Earle of Chesterfield did enter upon the said mannor of Sawly & the soake & enjoyed the said untill the tymes of sequestration, & this deponent's late husband was employed as Baylife under him, and this deponent further saith that the name W^m Greene

endorsed as a witness on the backside of the deed now showed unto her bearing date the 14 day of June in the 9^o yeare of the late King Charles & made betwene the right Hon: Phill: Earle of Chesterfeild of the one part & Hen. Lord Stanhope soone & heire apparant of the said Earle of the other part she verily believes is the proper handwriting of the said W^m Greene her late husband deceased.

MAGDLENE GREENE.

[Richard Pearson, Robert Trowell, and Joseph Pym, all husbandmen of Draycote, bear witness to the same effect; Timothy Levinge, clerk of the peace, testifies to the genuineness of the signature of his father as witness to the deed between the Earl and his son Henry.]

Robert Benett of Derby in y^e County of Derby yeoman aged thirty-seaven yeares or thereabout sworne & examined. This deponent sayeth that hee verily behelden y^e name Thomas Levinge subscribed to y^e deed now showed unto him att y^e tyme of his examination dated y^e 14 day of June in the 9th yeare of y^e late king Charles & made betwixt y^e Earle of Chesterfeild of the one part & Henry Lord Stanhope his sonne & heyre of the other part was his the said Thomas Levings own handwriting & the Indorsement upon y^e same deed purporting an Inrollment of y^e sayd deed was all of itt y^e handwriting of y^e sayd Thomas Levinge, att which tyme & before & after hee this deponent was clerke to y^e sayd Thomas Levinge, & did in y^e tyme of his service Ingrosse a large deed by way of Inrollment in y^e county of Derby & beleeveth this deed to bee the same, and further this deponent remembreth y^e sayd Earle of Chesterfeild & y^e lord Wootton were mentioned in y^e same & certaine lands in Nottinghamshire & Derbyshire were therein contayned which are mentioned in this deed, which Inrollment with many others are lost & not to bee found in y^e now Clarke of y^e Peaces office in Derbyshire, & this deponent being now Assistant to y^e now Clarke of y^e Peace

for Derbyshire having y^e Custody of y^e Records under him, hath made dilligent search amongst all & cannot finde y^e same.

ROBERT BENETT.

Gent.

According to y^e order the ix. of this instant Aprill in the case of Phillip Lord Stanhope touching his clayme to the mannor of Sawly & the Soake we have herewith sent you the depositions of such witnesses as have been produced before us for the prooffe of his sayd clayme & doe farther certifie that the said mannor is sequestred as the lands & for the delinquencie of Phillip Earle of Chesterfeild & hath been under sequestration as the said Earle's estate since the year 1643. Which is all materiall in the premises that have come to the knowledge of

Gent. your humble servants.

Derby, Apr. xx^o 1652.