

## THE ORDEAL OF JOAN ACTON

by Wyn K. Ford

*In 1635 Joan Acton was a domestic servant at Heathfield vicarage. She had already attracted the unwelcome attention of John Butcher, who was employed at the time by her stepfather at his tannery in Hamsey, and he planned to abduct her with the help of some accomplices. Towards the end of June she was taken from the vicarage by a trick. By stages she was taken to Newdigate church in Surrey, where the couple went through a form of marriage. The affair ended at Cuckfield, where the party was resting on the return journey. This article is based on the full account of the affair given in the records of the archdeacon's court at Lewes.*

### INTRODUCTION

For a long time it has been recognized that Sussex suffered from 'poverty, disaster and lawlessness . . . in the 17th and 18th centuries'.<sup>1</sup> Riots have attracted attention,<sup>2</sup> but the less spectacular forms of lawlessness seem largely to have escaped detailed investigation.

The number of cases brought before the assizes in Sussex increased markedly towards the end of the 16th century.<sup>3</sup> The incidence of violent crime is remarkable, and bears comparison with the figures for Essex: 68 per cent of cases between 1559 and 1603 from Sussex concerned larceny, burglary or robbery, compared with 73 per cent from Essex; homicide and infanticide, on the other hand, were much more common in Sussex, but assault and rape occurred more frequently in Essex.<sup>4</sup> Of assault cases from Sussex about 35 per cent concerned allegations made against a group (the proportion was twice as high in Essex and Hertfordshire).<sup>5</sup> The Sussex figures for the reign of James I show a trend towards violence: the incidence of homicide increased to 10 per cent (again much higher than in Essex), and the actual number of assault cases increased from 31 to 42, although the total of cases heard fell by almost 75 per cent.<sup>6</sup>

If crime reflected economic conditions, then matters can hardly have improved during

the 1630s. Harvests were poor almost throughout the decade, and the level of prices fluctuated wildly. Between 1629 and 1631 they increased by a third, and a decline in 1632–3 was followed by a smaller rise in 1634; the same pattern was repeated in the following three years.<sup>7</sup> This state of affairs was a recipe for social unrest; even so, the events that lay behind a case before the church courts at that time aroused outright condemnation of the brutality that accompanied them.

The case concerned the attempted abduction of Joan Acton, a girl of 18 who had inherited a sizeable portion of her father's estate. Nicholas Acton, a yeoman of Ripe, had died some nine and a half years before.<sup>8</sup> The girl's mother, Margaret, had subsequently remarried; her second husband was William Lulham, a Hamsey tanner, who brought the action ostensibly on Joan's behalf to the archdeacon's court at Lewes after an unsatisfactory outcome at the assizes and at the Court of High Commission in London.<sup>9</sup> Since the business of the church courts at this period was with matters of morality as well as with church discipline and administration,<sup>10</sup> the depositions of evidence are noteworthy for their wealth of personal detail. Abductions were not unknown at this period;<sup>11</sup> but the circumstances of the present case,

coupled with the extensive evidence in the deposition books<sup>12</sup> concerning it, make it a story well worth the telling.<sup>13</sup>

### THE ABDUCTION

About the beginning of June 1635 William and Margaret Lulham were living at Cooksbridge in Hamsey.<sup>14</sup> The nuclear family seems to have included, besides the three daughters surviving from Margaret's first marriage to Nicholas Acton, four children from her second, the youngest of whom, Richard, the only son, was still an infant. There seems to have been a strong bond of affection between the mother and her eldest child. Joan was fully of marriageable age at the time; the evidence suggests that she was rather shy, and her ability to read and write was considered unusual enough to call for special mention, although it seems to have been by no means unknown among yeoman families.<sup>15</sup>

The household also included three servants employed in William's tanning enterprise. Two were tanners: Thomas Michell, aged 30, who had been working there for nine years, and William Goodgroome, aged 23, a Willingdon man who had worked in the business for seven years. The third was John Butcher, the ring-leader in the affair.

It is to Goodgroome that we owe an account of the early stages of the affair.<sup>16</sup> The matter had been frequently discussed by the three of them. Butcher repeatedly said 'that hee Cared not how hee Came by the sayd Joane Acton, so that hee Could have her & marry her'. He arranged with Michell to kidnap the girl from Heathfield, where she was staying, with a promise of 40s. for his co-operation. Since Goodgroome was privy to the plot, Butcher threatened to murder him if he divulged it to the girl's mother.

Perhaps, however, she had had wind of it already. There can be no doubt that it was her money rather than the girl herself that attracted Butcher. The debt to Michell of a substantial sum in wages suggests that Lulham's income was

insufficient to cover his outgoings, and the impression is strengthened by a series of mortgage arrangements between 1636 and 1640.<sup>17</sup> It seems reasonable to suppose, although there is no clear evidence, that it was Butcher's interest in the girl that prompted her departure for Heathfield to stay in the household of Francis Killingbeck, who had held the living since 1619. Some witnesses stated that she was a servant;<sup>18</sup> if so, that would be further evidence of Lulham's straitened circumstances. Killingbeck had interests in Hamsey as early as 1628/9,<sup>19</sup> and presumably had become known personally to the Lulham family. Possibly he already knew Joan well.

Killingbeck's evidence was that Michell arrived at his house on the morning of Wednesday 24 June 1635, and told him and his wife, in Joan's presence, that the girl's mother 'was very sicke, & therefore was very desirous to see her . . . & that yf ever shee would see her mother alive, shee must goe with him presently'. He had been sent expressly to fetch her on horseback with 'a Pillian'. Mrs. Killingbeck thereupon told the girl to get herself ready for the journey, and 'after the sayd Michell had eate (!) his Breakfast . . . he tooke . . . Joane up, behinde him & rod away with her'. Some days later Killingbeck was given to understand that Butcher had met the pair in the highway a mile or two after they had set out, and that the visit had been staged as a trick to get the girl away from his house.<sup>20</sup>

After leaving the vicarage at Heathfield, the couple went to 'an Alehouse Called Cross in the hand in waldron parrishe'. As they approached, they were met by Butcher. On seeing him, Joan 'was stricken with great feare', and suspected that she was the victim of a deception.<sup>21</sup>

At this point there arrived on the scene a husbandman named John Tutty, who was returning home to East Grinstead from Herstonceux with his wife Anne and his unmarried sister Elizabeth. No sooner had they dismounted than Michell and Butcher approached John Tutty to ask for his help in dismounting Joan. The whole party then entered the alehouse, where they 'did eate & drinck together'. But

Joan 'seemed to bee much perplexed', and Butcher's intentions were clear enough, unless Anne Tutty deposed with the benefit of hindsight. She took Joan 'out into the backside of the sayd house', and asked her why she sighed so deeply. The girl replied that she did not know what was to happen to her or where Butcher was taking her, and remarked that she would like either to remain with Anne (who evidently had won her confidence) or to stay at the alehouse 'till shee Could send to her frendes to fetch her thence'.

Butcher however had followed the two young women outside, and interrupted their conversation. He took Joan inside, and forced her to sit beside him, 'and would not suffer her to wagg from him'. Although the girl was plainly distressed, 'Crying that shee would goe home to her mother', he drank to her; and when she refused to 'pledge him' (i.e. give him a formal promise of betrothal), he forced her to drink, and 'did fling A glasse of Beere into her bosome'. By this time Butcher and Michell had clearly demonstrated their intentions by their behaviour. Anne decided to quit the alehouse, and invited Joan to go with her; but Butcher 'layd handes on the sayd Acton & would not suffer her to stirr from him'. Anne Tutty saw that he was becoming angry. Fearing that he might create a disturbance, she hurried off with her husband, remounted and rode off, leaving the three of them at the alehouse.<sup>22</sup>

There is no reason to suppose that the alehouses patronized by Butcher and his cronies were sleazy dens; indeed, at least two<sup>23</sup> seem to have been the reverse. Butcher evidently believed sincerely that he was to gain considerably from the undertaking, and did not scruple to draw on the money Joan had with her. There was no reason for him to be content with the worst hospitality; on the other hand, he was not reckless enough to squander his resources on inns, since such ostentation would have drawn attention to his party, and Lulham would have heard of his whereabouts.

However, Butcher was faced with a prob-

lem. He was determined to marry the girl, but she was refusing to become formally betrothed to him. Had she done so before the witnesses at the alehouse at Cross in Hand (a situation that doubtless he had contrived), then she would have committed herself to him in a binding contract that needed no validation in a church service; if the couple subsequently slept together, this would put the matter beyond doubt.<sup>24</sup> But she was putting up a stiffer resistance than he had anticipated.

He therefore tried to pacify her with 'many fayre speeches' before lifting her up onto his horse behind him, and the three set off for 'the house of Thomas Holcombe in Hurstpound', where they spent the night, the girl 'lying with the mayd of the house'.<sup>25</sup> Who Holcombe was we can only guess. He had at least one servant, and thus was a man of some standing. But there seems no trace of anyone with that name in Hurstpierpoint at that date. On the other hand, the name occurs in Keymer between 1618 and 1636,<sup>26</sup> and it may be that Michell's memory was at fault. Very possibly he was an acquaintance of the Butchers': within a couple of days Butcher's father had joined the party, and it may have been at that time that he realized that all had not gone according to plan.

Alternatively Holcombe may have been a customer of Lulham's; for the following day (Thursday 25 June) the party went to the house of a Cuckfield tanner, David Jessop. Here Butcher's violent nature seems to have been known already to George Reeve, who was employed in the tanyard. Reeve had been in Cuckfield for 12 years; as he was not a wealthy man, it seems most likely that he had not wandered far, save perhaps in the course of business. He seems also to have known Joan, for it was to him that the girl turned for help on the morning after their arrival, only to have her entreaties rejected for fear of reprisals from Butcher.<sup>27</sup>

Jessop seems to have been of Kentish yeoman stock; the Cuckfield parish register records the marriage of Davy Jessop of Penshurst and Joan Anstye, widow, in 1616, as well

as the baptism of two daughters of the couple, a year later and in 1620, and at the end of the preceding century there were two yeomen with that surname in the Hartfield and Withyham areas.<sup>28</sup> His tanyard may have stood on the north of the town towards Brook Street: there was a tanyard there in 1851.<sup>29</sup>

Joan must have had considerable stamina as well as a strong determination to return home to her mother. It seems that by that time Butcher had despaired of persuading Joan to become betrothed to him, and had determined to take her away for a marriage ceremony in church. He took Michell with him to procure fresh horses, after taking the precaution of hiding the girl's clothes to prevent her escape. But when they had gone, and she had failed to get Reeve's active co-operation, Joan decided to make her own way home. She went down Isaacs Lane (the present A273) as far as Valebridge Common, a tract of 137 a. that at that time boasted two windmills, a watermill and a large pond.<sup>30</sup>

The route she was following was evidently well used,<sup>31</sup> and her captors had no difficulty in catching up with her. Michell reached her first, but it was William Chauntler, a husbandman from Hurstpierpoint, who apparently had been recruited for the purpose, who managed to persuade her to mount up behind him, with 'many protestacons that hee would carry her to her mother'. Michell helped the girl up, and the three of them returned 'altogether against her will to the house of one Berwicke A glover in Cockfield'. But Joan would not enter, 'where-uppon the sayd Chauntler tooke her in his Armes & forced her into the house'. However, she refused to unbend: 'shee would neyther eate nor drinke nor hardly speake'.<sup>32</sup> Of Berwicke we are told nothing further. A conveyance by Thomas Berrick of Cuckfield, glover, is dated 20 June 1649, and a Thomas appeared before the manorial court at Hurstpierpoint in 1630.<sup>33</sup> As he was a glover, he may have been a customer of Lulham; but Butcher seems not to have appeared at this point. It is possible that the initiative came from Michell, and the party went to Berwicke's house at his instance.

At this point Butcher's father Richard seems to have arrived, for he is mentioned among those in the party which arrived at Gatland's alehouse that day (Friday). We do not know where the alehouse was. It may have been at Whitemans Green, where John Gatland had a cottage in 1606/7. But he had died in 1612, some three and a half years before Edward's father, Thomas.<sup>34</sup> However, the location seems plausible in the light of what followed. Chauntler remarked that 'they Dyned & were merry together'.<sup>35</sup> Gatland himself went into more detail: they 'did bespeak A quarter of Lambe for their dinners',<sup>36</sup> and at the end of the meal, 'when the reckoning was brought in . . . Joane Acton did pull A litle Box out of her pocket wherein she kept her money, and did freely pay the whole shott', but doubtless under duress.<sup>37</sup>

From there the party went on 'to an Alehouse Called handcrosse in Slaugham'.<sup>38</sup> This evidently was a hostelry of some standing. The place appears on Norden's map of 1595 and on Speed's of 1610<sup>39</sup> as a hamlet on the edge of St. Leonard's Forest, to the south-west of Tilgate Forest and the north-west of two other large enclosures, and it seems to have stood on a well-used thoroughfare. Gatland tells us that the alehouse was kept by John Rolfe; this man's name appears twice at this period as that of an inn-keeper at Cuckfield,<sup>40</sup> but since it does not occur in the Cuckfield registers of the time perhaps Cuckfield is an error for the adjacent parish of Slaugham.

Rolfe's name is mentioned by another deponent. Elis Wood, a 40-year-old blacksmith in Lewes who had lived most of his life in Cuckfield, went to Handcross shortly after the events we are describing 'to receave for a house which hee hath there'. The community was still buzzing with gossip concerning the visit of Butcher and his party. Wood 'was told by John Rolfe the Alehouse Keeper . . . and his wife and some others' that the couple 'lay there the night before hee carryed her to be marryed, and that the sayd Joane Acton did there tell A mayd with whom shee lay and the sayd Rofes (!) wife that . . .

Butcher had brought her away by force and against her will'. The following morning Butcher had forced open the door of the room where she was sleeping, compelled her to rise, and had gone off with her.<sup>41</sup>

The route they took is not clear. Both Norden's and Speed's maps suggest that St. Leonard's Forest was enclosed; but it had been disparked in 1608, and the ironworks that existed there must have involved much passing in and out.<sup>42</sup> It seems probable, however, that the party went towards Ifield before turning west to Rusper, where they halted before going on to Capel in Surrey.<sup>43</sup>

The diversion to Capel from the direct route from Rusper to Newdigate, where the marriage service was eventually performed, can only mean that Butcher was seeking the curate there, who seems to have been known to effect irregular marriages, in order to legalize the relationship with the girl that he desired. At what stage in the proceedings he began to seek this solution we can only guess. Very possibly this course of action was suggested by his father Richard at Gatland's alehouse. Richard may have heard of the curate of Capel from John Butcher, who had a tenement on the boundary between Newdigate and Charlwood at the time,<sup>44</sup> and who may possibly have been related. It is unlikely that such activities would have been public knowledge at a distance; marriage without banns or licence was subject to severe penalties.<sup>45</sup> The fact that John Allen remained at Capel until 1644 suggests that he was not a noted offender, but merely a pliable man susceptible to the physical threats that a man like John Butcher might offer.<sup>46</sup>

The reaction of the people of Capel to Butcher's behaviour seems to have been dramatic. In the opinion of Joan Willet, the wife of the alehouse keeper there (like Gatland, described as a husbandman), it 'hath bin & is very scandalous & offensive in the parish of Capell and thereaboutes'; the general verdict, it seems, was that 'John Butcher & his associates . . . deserve death'.<sup>47</sup> Clearly it was not the kind of

thing to which they were accustomed, whatever practices might tempt their curate.

When the party arrived in Capel, Joan 'was very ill & weake'. The men carried her into the alehouse, '& asked for A roome & withall Called for Cushions which they beate up . . . & set her downe in A Chaire'. Joan Willet suggested that they might take her to a doctor, but they refused. The girl cried to be taken home to her mother, saying that she would not go further. She remained resolute, and at length Butcher agreed to take her home, influenced no doubt by the curiosity being shown by others in the alehouse, and admitted that they had tricked her into coming with them. The party remained for about three quarters of an hour, but at length Joan was carried out 'with her legges hanging Downe', and lifted on to the back of a horse apparently semi-conscious.<sup>48</sup>

As previously, Butcher had no intention of taking Joan home. Instead he continued his quest for the curate of Capel. It is clear that he must have been told at Capel that Allen was to be found at Newdigate, for there is no obvious reason why he should have gone there. George Steere had been rector of the parish since 1610, and was to remain so until 1662. There seems no reason to think that he was an indifferent absentee; his second wife (whom he was to marry at Lindfield in 1639) was the widow of his neighbour at Charlwood, and he was a member of the Presbyterian *classis* at Dorking. He also endowed a scholarship tenable at Oxford or Cambridge.<sup>49</sup> What Allen was doing in Newdigate we do not know. But it was in the church there that Butcher ran him to earth that same Saturday. Since this is the crucial point in the whole affair, it is natural that the evidence should conflict; but Allen's own account is the fullest, and he is supported by Michell. Chauntler and Gatland give a different complexion to the episode, Gatland going so far as to put affectionate words into the girl's mouth on their way to the church: ' "John, as soone as wee bee marryed wee will goe over to my mother", and in all things shewed herself very



willing'. He also claimed that the girl had asked him to give her away.<sup>50</sup>

Michell, however, stated that while they were still at Capel 'shee had told them shee would not speake when shee Came to bee married . . . and did utterly deny to bee married to the sayd Butcher'.<sup>51</sup> This is entirely consonant with Allen's evidence. Butcher with Joan 'stood at the Church gate with some other Company & their horses tyed up to the Church rayles'. Gatland and Humfrey entered the church together. Humfrey had joined the party apparently at Handcross, whence, according to Gatland (who also had caught up with them there, at Richard Butcher's invitation), Joan had dispatched him to Horsham to buy her wedding ring.<sup>52</sup> It was he who pleaded with Allen in the chancel to conduct the ceremony, but Allen did not state in evidence whether or not he consented. The pair then called to the others to enter the church. Michell tells us that Joan 'was very unwilling to goe in', although she yielded at length to Butcher's threats.

They all entered the chancel, and Allen, probably apprehensive of physical violence were he to procrastinate, began to read the marriage service 'without the bannes of matrimony first published or any lycense in this behalf obteyned', as he freely admitted. But the service did not proceed far, for 'when hee Came to the Charge' (presumably 'Wilt thou have this man . . . ?') 'the sayd Joane Acton made noe answer at all, but stood looking Downe uppon her handes & as one altogether stupid & senseless', a comment made by several witnesses of the girl's demeanour. She remained bemused, for she seemed unable to repeat after the minister the *verba de praesenti* of the espousal, saying, 'I Joane take John', and omitting the penultimate and all-important 'thee'. By this time Allen was uneasy; 'when hee Came to demaund the Ringe, hee began to bethinke himself that hee should doe ille yf hee proceeded any further'. He 'put on his hat', and intended to end the proceedings. But Butcher and his companions coerced him into continuing, and

'hee went on in such sort as is before menconed . . . , Joane standing silent and the sayd Butcher and the rest of the Company standing round about her', in an attempt to force her to make the appropriate responses. Allen's remark that gossip of 'the evill Carriage & misdemeanor' of John Butcher in the matter had been given wide currency leaves us in little doubt that Joan was under considerable stress both inside and outside the church. The curate also assured the court 'That the sayd pretended marriage . . . is not nor was registered in the Churche Booke of Nudigate', thereby casting further doubt on the validity of the whole affair. He must have considered that the ceremony was invalid, and had ensured that there was no official record of it.<sup>53</sup>

It seems clear enough that the marriage was nothing more than a charade. The bringing of this action itself is sufficient evidence that the necessary parental approval had not been forthcoming for the marriage of a girl under the age of consent; there had been no previous betrothal or espousal; and the conduct of the ceremony itself had been irregular, not least because the necessary preliminaries of banns or licence had been ignored.<sup>54</sup> Finally, the burden of evidence shows quite clearly that the girl herself was resolutely opposed to the match. In Michell's opinion, 'the pretended marriage . . . was by Compulsion, feare and without the Consent of the sayd Joane Acton and Contrary to the lawes of this Realme'.<sup>55</sup> He was in a position to know the facts.

The same day the party returned to Gatland's alehouse in Cuckfield. Their arrival caused such a disturbance that it attracted the attention of the neighbours, and we have a detailed description of events. Anne Allen, the wife of a tailor who lived next door, saw Joan resisting the attempts of 'one of the Company' to get her into the house at the back, where presumably they had tethered their horses. Butcher appeared on the scene, 'Caught her by her savegard [a protective outer garment worn while riding] and forced her into . . . Gatlands house'.<sup>56</sup> The rumour got around that 'A

mayden was brought to . . . Gatlands house that was Carryed away by force and marryed against her will'. This aroused the curiosity of Emma Cooper, a local girl whose baptism was recorded at Cuckfield on 15 December 1616 and who was then working as a 'servant to Mr Chaloner', perhaps Ninian Chaloner, and who was sufficiently educated to sign her name.<sup>57</sup>

That evening Emma went to the alehouse. Gatland was away from home, but his wife suggested that 'yf you goe up the Stayers there, & look in at the hole in the Chamber Dore you may see her'. The girl did so, and as she arrived outside the door she heard Gatland's wife remark 'that she hoped that hee would get the goodwill of . . . Joane when shee was gone' as she left the room by another door. This suggests that the couple had been allocated the best room, above the hall in the main body of the house, with a door leading into the bay at either end.<sup>58</sup>

Butcher was then 'unbraced and almost ready to goe to Bed'. He told Joan to take off her clothes. But Joan could only fumble 'about her Band', and showed obvious signs of distress, complaining 'that shee Could not pull of her Clothes', whereupon Butcher made a show of drawing his knife, swearing that he would cut them off if she did not remove them herself. Joan roused herself, and decided to make a dash for it. She reached the door where Emma was standing, wrenched it open and knocked Emma to the ground. But Butcher grabbed her, and demanded to know where she was going, and why she was not going to bed with him. Joan replied that she did not know whether she was married, but that 'shee would goe to Bed yf shee might ly alone', a clear indication that she was not prepared to consummate the marriage.

Emma met Anne Allen at the foot of the stairs, and told her what was happening. Goodwife Allen was evidently something of a busybody. She mounted the stairs, and remonstrated with Butcher. As she was speaking, Joan escaped 'into another Chamber', probably through the same door by which she had escaped previously. But Butcher went after her before she had time

to fasten the door, to be met once again by Joan's refusal to go to bed with him. By this time the girl was panic-stricken, and Anne Allen advised Butcher not to pursue the matter. But he was clearly infuriated by the woman's interference, and exclaimed 'By God I will lye with her to night, or else never', although he was plainly determined to secure her property.<sup>59</sup>

In the end he had his way, and the next morning (Sunday) Gatland returned home and found them together in bed.<sup>60</sup> It seems that he had also managed to compel her to wear a ring, for Lulham deposed that he found her with 'A Ring uppon her finger' when he caught up with them that day 'at the house of Edward Gatland in Cockfield', but that she had managed to assure him that she was not married, claiming that 'John Butcher did put that Ring uppon her finger and had forced her and [had] layen with her against her will'. Lulham went on to depose that she had clung to him when she saw him, and that Butcher conceded defeat by wrenching the ring from her finger. This seems entirely in character; but Chauntler's version is worth noticing. According to him, Lulham arrived 'with an Officer with him to take . . . Joane from her husband'. But Joan moaned, and besought Butcher 'for Godsake Good husband stand Close to me, for I feare my father in lawe [i.e. stepfather] will doe mee some harm'—a sentiment that seems to have been justified by subsequent events, however fanciful this account may have been.<sup>61</sup>

The appearance of the 'officer' agrees with Lulham's own evidence, for he deposed that, after seeing how much Joan had suffered, 'hee Charged A headborow [or constable]<sup>62</sup> of Cockfield with the sayd Butcher till the morrow', when they both appeared before the local justices. In the mean time Joan had been removed out of harm's way to 'the house of Mr Allen', where she was questioned by the local curate, James Sicklemore, who curiously enough was to become schoolmaster at Charlwood not long afterwards. In the light of her experiences, it is scarcely surprising that he found her confused;

'very stupid & sensles' is the expression he uses, and the words are echoed elsewhere in the depositions.<sup>63</sup>

Joan does not seem to have recovered by the time she appeared before the justices; Lulham goes so far as to state that she was unable to stand at the hearing. Butcher even produced what purported to be a marriage certificate made out by John Allen; but the justices were sufficiently unimpressed to refer the matter to the assize judges a week later.<sup>64</sup>

### EPILOGUE

There is one last episode to notice in this affair. After the events we have described, 'about the beginning of Easter Tearme' 1636, John Butcher was on his way to London with his father Richard, Gatland, Humfrey and Chauntler, to appear before the High Commission on 5 May.<sup>65</sup> The party stopped 'at the house of Hughe Price in Godstone Called the Bell',<sup>66</sup> and started to argue among themselves over their expenses on the journey. Richard Butcher evidently was meeting the incidental expenses of the party, but had had enough of their bickering. He went down into the inn kitchen, where he found the landlord's wife, Elizabeth, at work with two servants, John Sturges and William Cowthery, a Hever man aged 42 who had come to Godstone six years earlier. Butcher explained the matter to Goodwife Price, and informed her that he was not prepared to meet any further expenses of the party.

Apparently he still considered it possible that his son John might somehow gain Joan and have control over her inheritance; if that was to happen, said he, the others would have as great a share of her estate as would John. But John himself overheard what his father had been saying; fearing that such comments might prejudice his case, he followed him into the kitchen to ask Elizabeth Price to take no notice of his father's remarks.<sup>67</sup> But enough was said to indicate the extent of the younger man's indebtedness to his associates; Michell's absence

from the party is to be noted, and his name disappeared from those summoned before the High Commission.<sup>68</sup>

There is evidence that Lulham also was financially embarrassed as a result of this litigation. In 1636 he began to raise money by means of mortgaging his property in Hamsey. On 2 July, before the case came before the archdeacon's court, he leased his land in this way to Edward Chauntler, a Laughton yeoman, for £200. This money he seems to have repaid promptly, for a year later we find him raising a further £130 in the same manner from Nicholas Allve, citizen and grocer of London. Perhaps Lulham met Allve through Thomas Lulham, citizen and cutler of London, who witnessed the deed. Thomas was probably William's younger brother, baptized at Hamsey on 2 March 1605/6, and possibly to be identified with the Thomas Lulham who had paid over ship money in the preceding January on behalf of the constable of Shoreham.<sup>69</sup> He took a prominent part in the later development of these affairs.

At the beginning of September 1640, he witnessed another mortgage by which William raised a further £200 from Josiah Phinehes, citizen and leatherseller of London; and in the following November Thomas obtained a 21-year lease for £10 of some other land in Hamsey that William occupied. Within eight years, however, Thomas had moved to Croydon and had been adjudged bankrupt. The lease was assigned to William Awcock of Lewes (could he have been Lulham's proctor in the archdeacon's court?) on 29 September 1648. The last we hear of William is on 22 October 1661, when he relinquished his interest in the land to Awcock.<sup>70</sup>

The case dragged on until 23 May 1637.<sup>71</sup> The court's president found the evidence inconsistent, and postponed a verdict. Our examination of the depositions indicates how harshly the girl was treated, and any suggestion to the contrary by Butcher's associates is inconsistent both with the testimony of the independent witnesses summoned by the court<sup>72</sup> and with the tendency of the evidence as a whole.



Of the later fate of the two principals we know virtually nothing. There was a John Butcher who owed £250 in 1649 on a mortgage when the matter was brought before the Committee for Indemnity;<sup>73</sup> but whether this had anything to do with the defendant in this case can probably not be established. Of Joan we have a little more information. We have seen that she was reckoned to be under her mother's control at the time of the affair, and it was her mother for whom she was said to have cried repeatedly during her ordeal. She seems to have been a docile child—indeed it was her docility that was her undoing—and we may well believe that this, reinforced by their special relationship, created a bond of affection between mother and daughter.<sup>74</sup>

But what happened to her after Lulham took her home to Hamsey we cannot tell. Evidently she was kept strictly under the watchful eye of her parents. Michell stated that they had harshly treated her, and implied that she had not recovered from her ordeal. Perhaps he exaggerated.<sup>75</sup> The parish register is silent about her, and we may presume that she survived; had she died, we should expect that especial care would have been taken over recording her burial, in view of her inheritance.

One thing, however, seems clear. The witnesses in general seemed to have been shocked by the treatment Joan endured; yet they evidently were reluctant to summon help, being more content to remonstrate with Butcher personally. This suggests that the forces of law

and order in the Weald were inadequate at this period, an impression supported by the strange role taken by Edward Gatland in the whole affair. This may seem odd in the light of the comments of Secretary of State Sir Thomas Smith.<sup>76</sup>

Violence, barbarity and childishness seem to have characterized the behaviour of the upper classes, and affluence attracted robbers. At the other end of society, oppression and neglect tended to blunt the sensibilities of the lowest orders. Between the two extremes there were a large number of lesser folk above the poverty level who were unmolested by their superiors and led comparatively uneventful lives.<sup>77</sup> Such were the people who were outraged at the treatment Joan received. Sexual misbehaviour seems to have been widely tolerated; what was so scandalous was the heartless violence meted out to the innocent victim of the affair, motivated as it was by personal greed rather than political considerations or even animosity.

That the details are recorded in such fullness is due to the energy shown by William Lulham in safeguarding his own interests. There is no means of knowing how many similar cases there may have been.

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#### *Notes*

<sup>1</sup>*Victoria County History, Sussex*, 2, 199.

<sup>2</sup>An early example is Jeremy Goring, 'The Riot at Bayham Abbey, June 1525', *Suss. Arch. Coll.* 116, 1–10; among later studies is K. J. Lindley, 'Riot Prevention and Control in Early Stuart London', *Transactions of Royal Hist. Soc.* 5th ser., 33, 109–26.

<sup>3</sup>*Crime in England, 1550–1800*, ed. J. S. Cockburn (1977), 53, 135.

<sup>4</sup>*Ibid.* 55.

<sup>5</sup>*Ibid.* 60.

<sup>6</sup>*Ibid.* 55. Cockburn comments that recent studies seem to support the contention of a Somerset justice in 1596 that 80% of offenders never appeared. His remark that the Sussex records are defective (pp. 67–9) is supported by the circumstances of the present case (see n. 9 below). He has also noted grounds to suspect the accuracy of indictments: *Jnl. of Soc. of Archivists*, 5, 227–8.

<sup>7</sup>Alan Everitt, *Change in the Provinces: the 17th Century* (1969), 31; E. H. Phelps Brown and Sheila V. Hopkins,

- in *Essays in Economic History*, ed. E. M. Carus-Wilson, 2 (1962), 195.
- <sup>8</sup>His burial was recorded at Ripe on 10 February 1625/6: E(ast) S(ussex) R(ecord) O(ffice), PAR 462/1/1/2.
- <sup>9</sup>*Calendar of State Papers Domestic, 1635-6*, 129, 502; P(ublic) R(ecord) O(ffice), SP 16/324, f. 12. The evidence that it was taken to assizes comes from four witnesses; there is no trace in the appropriate file: P.R.O., ASSI 35/77/7.
- <sup>10</sup>Cf. the recent studies of J. A. Sharpe, *Defamation and Sexual Slander in Early Modern England* (?1981); J. A. Vage, 'Ecclesiastical Discipline in the Early 17th Century . . . Archdeaconry of Cornwall', *Jnl. of Soc. of Archivists*, 7, 85-105; and, more particularly, M. Ingram, 'Spousals Litigation in the English Ecclesiastical Courts, c. 1350-c. 1640', in *Marriage and Society*, ed. R. B. Outhwaite (1981), 35-57; as well as the earlier work of J. S. Purvis, *Tudor Parish Documents of the Diocese of York* (1948); Arthur J. Willis, *Winchester Consistory Court Depositions, 1561-1602* (1960); and others.
- <sup>11</sup>A similar case is noticed by F. G. Emmison, *Elizabethan Life: Disorder* (1970), 195.
- <sup>12</sup>W(est) S(ussex) R(ecord) O(ffice), Ep. II/5/15-16. References to this source in the notes below will be by the last numbers (15, 16), which designate the individual volumes. Quotations are made by courtesy of the Rt. Revd. the Bishop of Chichester and with acknowledgements to the West Sussex Record Office and the County Archivist.
- <sup>13</sup>Additional sources cited below include the collections of deeds held formerly by the S(ussex) A(rchaeological) S(ociety) now deposited in E.S.R.O. and W.S.R.O.
- <sup>14</sup>Michell (15, f. 20) and Goodgroome (15, f. 23) both stated that in June Joan was living at Heathfield, but neither gives any indication of the length of her stay. The location of the Lulham homestead is inferred from his father's address as given in a lease of 1606/7 and from the terms of his father's will: S.A.S., PN 466; E.S.R.O., will register A 13, f. 12.
- <sup>15</sup>For some evidence from Kent see P. Clark, *English Provincial Society* (1977), 212-16. On the general question of the extent of literacy see R. A. Houston, 'The Development of Literacy: Northern England, 1640-1750', *Econ. Hist. Rev.* 2nd ser., 35, 199-216, and D. Cressy, *Literacy and the Social Order* (1980).
- <sup>16</sup>15, f. 23.
- <sup>17</sup>S.A.S., PN 478-80.
- <sup>18</sup>Killingbeck himself described her as 'an household servant': 16, f. 17v.; so also 15, f. 20 (Michell) and 16, f. 7v. (Lulham).
- <sup>19</sup>S.A.S., WS 7-9 (1628/9-1635). It is worth notice that in the next deed in the series (WS 10, dated 10 February 1637/8) Killingbeck was dealing with William Markwick, a Jevington yeoman, over some land in the parish of St. John sub Castro in Lewes; this suggests another possible link with William Lulham through his stepfather, William Markwicke of Lewes.
- <sup>20</sup>16, f. 17v. The deposition is in a hand quite different from that of the usual notary in these volumes. This suggests that Killingbeck's deposition was taken outside the normal run of office business, probably in haste to complete Lulham's case; but Killingbeck was himself initiating causes at the time, and possibly his deposition was written at his convenience.
- <sup>21</sup>15, f. 20v. (Michell).
- <sup>22</sup>16, ff. 3v.-4v. (Anne Tutty).
- <sup>23</sup>Those at Cuckfield and Handcross.
- <sup>24</sup>For a fuller statement see *A Dictionary of English Church History*, ed. S. L. Ollard and others (1948 edn.), 366-7; L. Stone, *The Family, Sex and Marriage in England 1500-1800* (1979), 30-2; and P. Laslett, *The World We Have Lost* (1965), 141-2. For the form of the betrothal see Purvis, *Tudor Parish Documents*, 72-3; and 17, f. 5v. Sometimes the contract was sealed by the exchange of gifts: M. Campbell, *The English Yeoman* (1960), 285-6; Willis, *Winchester Consistory Court Depositions*, 37-8.
- <sup>25</sup>15, f. 21 (Michell).
- <sup>26</sup>*Suss. Arch. Coll.* 58, 18 (1618); 9, 83 (1621); E.S.R.O., probate act book B 7, f. 13 (1636).
- <sup>27</sup>15, ff. 20v. (Michell), 38v. (Reeve).
- <sup>28</sup>*Suss. Rec. Soc.* 13, 22, 24, 106; 39, 3, 10, 27-8.
- <sup>29</sup>P.R.O., HO 107/1642, f. 201. 'Tanyard farm' still appears on the current O.S. 1/25,000 map (N.G.R. TQ 307275).
- <sup>30</sup>The site of the common is around N.G.R. TQ 325215; its extent in 1794 is shown on the map at *Suss. Arch. Coll.* 114, 81, and its area in 1624 is given in *Suss. Rec. Soc.* 34, 39. See also S.A.S., WA 28; E.S.R.O., ABE 1, f. 121v.
- <sup>31</sup>This is the impression given by a deposition in 1639, which mentions three journeys between Lindfield and Hurst-pierpoint: 17, f. 5.
- <sup>32</sup>This is Michell's version: 15, f. 21. Chauntler tells a different and less plausible tale: he makes no mention of Berwicke, and says that Joan was 'very willing to return againe' to Cuckfield: 15, f. 4.
- <sup>33</sup>E.S.R.O., DAN 1038; *ibid.* SAS/Acc 1322/116.
- <sup>34</sup>*Suss. Rec. Soc.* 13, 140, 144; 34, 29.
- <sup>35</sup>15, f. 4.
- <sup>36</sup>For specimen menus in 1589 see H. Hall, *Society in the Elizabethan Age* (1892), 212-33.
- <sup>37</sup>15, f. 4v. The most Giles Moore seems to have paid his female servants during the period 1656-79 was £1 10s. for half a year's wages, whereas he paid £1 17s. in 1663 for a dinner for twelve at 'The Tiger' in Lindfield: *Suss. Rec. Soc.* 68, 87, 171-9.
- <sup>38</sup>15, ff. 4 (Chauntler), 21 (Michell).
- <sup>39</sup>Cf. *Suss. Arch. Coll.* 116, 54.
- <sup>40</sup>P.R.O., ASSI 35/77/7, f. 22; 35/78/9, f. 39. Note, however, J. S. Cockburn's remarks of erratic practice: *Jnl. of Soc. of Archivists*, 5, 225.
- <sup>41</sup>16, f. 14v. For Wood cf. *Suss. Rec. Soc.* 54, 112 (1646).
- <sup>42</sup>*Suss. Arch. Coll.* 98, 126; cf. *ibid.* 116, 43-4; E. Straker, *Wealden Iron* (1931), 434-40. There must have been a well-established route through the forest.
- <sup>43</sup>15, f. 21v. (Michell).
- <sup>44</sup>*Surrey Arch. Coll.* 6, 268-9 quotes a licence of 12 March 1634/5; cf. *ibid.* 13, 151 for a reference in 1662.
- <sup>45</sup>W. E. Tate, *The Parish Chest* (1960), 64; Willis, *Winchester Consistory Court Depositions*, 36 (1575); *Hampshire Miscellany*, 1 (1963), 651-3, 655 (1608).
- <sup>46</sup>Cf. *Surrey Arch. Coll.* 9, 254-5.
- <sup>47</sup>16, f. 3v. (Willet).
- <sup>48</sup>15, f. 54 (Allen); 16, f. 3 (Willet).
- <sup>49</sup>*Surrey Arch. Coll.* 6, 279-80, 283-5; 31, 88-9; 62, 120; *Suss. Arch. Coll.* 100, 119.
- <sup>50</sup>15, f. 4v.
- <sup>51</sup>15, f. 21v.
- <sup>52</sup>15, f. 4v.
- <sup>53</sup>15, f. 54. Few presentments relating to the conduct of weddings seem to have come before the Chichester diocesan visitors during the century, but complaints of clerical laxity were fairly frequent: *Suss. Rec. Soc.* 49-50.
- <sup>54</sup>Both Campbell, *English Yeoman*, 285-8, and Stone, *Family, Sex and Marriage*, 69-75, emphasize the need of parental consent for a marriage involving property at this period.
- <sup>55</sup>15, f. 20.
- <sup>56</sup>15, f. 37v.
- <sup>57</sup>16, f. 3. Her father appears as John Cowper at her

- baptism: *Suss. Rec. Soc.* 13, 21. On Chaloner see *Suss. Arch. Coll.* 44, 132-3. She was summoned by the court.
- <sup>58</sup>The doors might have been placed opposite each other for better ventilation: R. Neve, *The City and Country Purchaser* (1726 edn.), 23-4. See also R. T. Mason, *Framed Buildings of the Weald* (1969 edn.), 74; M. Wood, *The English Medieval House* (1965), 335.
- <sup>59</sup>16, f. 2 (Cooper); 15, f. 37v. (Anne Allen).
- <sup>60</sup>15, ff. 3v. (Chautler), 5 (Gatland), 22v. (Michell); 16, f. 9 (Lulham).
- <sup>61</sup>15, f. 3v.
- <sup>62</sup>E. Coles, *English Dictionary* (1676); Tate, *Parish Chest*, 175-6; cf., however, *Suss. Rec. Soc.* 48, 132.
- <sup>63</sup>16, f. 4; cf., e.g., 15, f. 39 (Holcom). On Sicklemore's later career see *Suss. Arch. Coll.* 45, 29; E.S.R.O., will register A 25, f. 159.
- <sup>64</sup>See above, n. 9.
- <sup>65</sup>The occasion of the journey is not stated, but it seems clear enough from the naming of the law term as the time of the incident instead of the normal calendar date, and the coincidence of this with the date of the hearing in London.
- <sup>66</sup>In 1773 the Bell inn at Godstone was of a standard sufficient to attract John Baker, a prosperous lawyer: *Suss. Arch. Coll.* 52, 53.
- <sup>67</sup>15, f. 49.
- <sup>68</sup>He was to claim later that Lulham owed him £20: 15, f. 22v.
- <sup>69</sup>*Calendar of State Papers Domestic, 1635-6*, 267.
- <sup>70</sup>S.A.S., PN 478-81, 484-5. In 1633 Awcock had been a member of the Fellowship of the Twelve in Lewes: *Suss. Rec. Soc.* 48, 60. For the Fellowship see *Suss. Arch. Coll.* 119, 157-72.
- <sup>71</sup>W.S.R.O., Ep. II/4/21, f. 20.
- <sup>72</sup>Anne Allen, Cooper, Reeve and (?) Sicklemore. Reeve worked for Jessop, and thus may not have been entirely impartial. On the other hand, two others who had no ostensible interest in the outcome, Tutty and Willet, were called by Lulham.
- <sup>73</sup>*Calendar of Committee for Compounding with Delinquents*, 3, 2099.
- <sup>74</sup>Stone, *Family, Sex and Marriage*, 120-1; *Thomas Tusser: his Good Points of Husbandry*, ed. D. Hartley (1931), 162. A more moralistic discourse to the same effect is in *Autobiography of Thomas Whythorne*, ed. J. M. Osborn (1961), 7-10.
- <sup>75</sup>15, ff. 39v. (Holcom), 23 (Michell).
- <sup>76</sup>Quoted by A. L. Rowse, *The England of Elizabeth* (1950), 384; but cf. the remarks of W. Addison, *Essex Heyday* (1949), 126-7.
- <sup>77</sup>L. Stone, *The Crisis of the Aristocracy, 1558-1641* (1967 edn.), 108-10; J. Hurstfield, *Freedom, Corruption and Government in Elizabethan England* (1973), 244; Clark, *English Provincial Society*, 236, 250.