

CONTESTING THE RESTORATION LAND SETTLEMENT? THE BATTLE FOR REGICIDE LANDS IN STEEPLE CLAYDON, BUCKINGHAMSHIRE 1660–1700 AND THE SHAPING OF A VILLAGE.

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Between 1660 and 1670, Steeple Claydon in Buckinghamshire was rocked by violence during a dispute over the ownership of its manors and the lands. It occurred because two members of the Chaloner family, who had owned the manors for 100 years, were classed as Regicides and one was a signatory of Charles I's death warrant. They were not pardoned at the Restoration in 1660, two of the very few scapegoats for the activities of the republican government in England between 1649 and 1660. Thomas and James Chaloner were both dead by 1665, but a local squire, who was also a clever and ruthless property lawyer, joined with an avaricious courtier to seize the Chaloner family's estates using physical force and intimidation in the village, and later tenaciously pursuing them in law suits. This paper argues that not only that these activities show an ugly and neglected side of the Restoration land settlement, that may have been repeated elsewhere, but that these events were crucial elements in altering the social shape and mental outlook of the village for centuries to come. As a case study it helps historians in their understanding of the differentiation that took place in the social, economic and cultural character of English villages before the nineteenth century.

A persistent feature of the English land-owning elite since the Reformation has been its ability to adapt to changing political circumstances. Through the religious alterations between 1530 and 1660, political upheavals from 1642 through to 1832 and beyond, adaptability and compromise have been the hallmarks of English landed society. One of the great triumphs of that spirit was the Restoration land settlement.

The main features of the land market during the Civil War, and the settlement reached in 1660 were analysed by Joan Thirsk and Sir John Habakkuk, who reached similar conclusions¹. After Parliament's victory in the English Civil War, royalist lands were seized (sequestered) by the victors.

Most Royalist landowners recovered their lands by "compounding" with the new authorities who made them pay a fine linked to the value of their land. If they refused to compound with the victorious parliamentary party between 1646 and 1652, their land was sold. However Thirsk was able to show how most royalists whose land was sold recovered it in the course of the next ten years. It was bought by relatives or trustees either at the point of sale or in later deals. Church lands, taken from the Bishops and Deans and Chapters, were also sold, and at the Restoration, tenants found themselves having to buy new leases when the original landowners resumed their authority.² It was an additional cost, expensive but not ruinous

¹ Thirsk, Joan. 'The sales of royalist land during the Interregnum'. *Economic History Review*, 2nd ser., 5:2 (1952), 188-207; Habakkuk, H.J. 'Public finance and the sale of confiscated property during the Interregnum' *Economic History Review*, 2nd ser., 15:1 (1962), 70-88; for a local case study see Holiday, P.G. 'Land sales and repurchases in Yorkshire after the Civil Wars, 1650-70'. *Northern History*, 5 (1970), 67-92.

² Morrin, Jean 'Merrington: land, landlord and tenants, 1541-1840' unpublished Durham Ph.D. 1997.

because they had often paid less for their leases after the Civil War by doubting the legitimacy of the land transactions. The Crown resumed its own lands without compensation. However, speculators had bought up Crown lands at knockdown prices, and paid for them with army debentures (I.O.U.s) bought from demobilised soldiers who had received them instead of back pay. The tenants of Crown lands usually held them on long leases and were accustomed to chance events such as deaths triggering unexpected payments, so the reversion to the Crown and any subsequent renewal and legitimisation of their tenure was not such an extraordinary event.

Central to a peaceful Restoration land settlement were two decisions. One was the legitimisation of all but a small number of land transactions between the Civil War and the Restoration. The other was the Act of Indemnity and Oblivion that attempted to draw a veil over past allegiances and antagonisms. Most individual actions during the period 1642–60 were forgotten if not forgiven, and a few exceptions became the scapegoats for the actions of the Interregnum regime. The Regicides, those who had signed Charles I's death warrant, were not included and were tried and executed, or, if they had fled the country, condemned by an act of attainder.³ One exception, Sir Richard Ingoldsby, from north Buckinghamshire, had conspicuously rallied to Charles II in 1659 and 1660. However, other leading members of the Interregnum regime who had not signed the death warrant were also categorised as beyond pardon, and two, Sir Henry Vane and John Lambert, were tried and executed between 1660 and 1662.⁴

There is a general assumption that the rhetoric of reconciliation, and the measures taken to regulate property transactions led everywhere to a smooth transition. However, on the estates of the Chaloner family in Steeple Claydon Buckinghamshire, returning royalists attempted to seize land which had never been theirs, and the ensuing conflict was occasionally violent, and certainly intimidated the tenants and copyholders. The Chaloner estates at Steeple Claydon were managed during the Interregnum by James and Thomas Chaloner. Thomas

had actually signed Charles I's death warrant. At the Restoration their condemnation enabled William Smith, a powerful local Royalist with parliamentary and Court connections to obtain a Royal grant of the Steeple Claydon estate. This conflict between William Smith and the Chaloners at Steeple Claydon during the 1660s brought out tensions within local society. The initial tussle went on over a period of six years but arguably the repercussions shaped aspects on village life for the next 250 years. This study shows what could happen where lands were contested in the early years of the Restoration – years that also saw conflicts over the religious settlement and the rights of dissenters – and may not be unique. This atypical case study in which the Restoration was not marked by a smooth transition in landed society, can remind us of the residual local tensions that underlay the real tensions between Charles II's wish to damp down social and religious conflicts and heal the wounds in society, and the fervent royalism so often displayed, particularly in religion, by the Cavalier Parliament.

The Chaloner family's main estates were in north Yorkshire, and included the alum mines and works that were an essential raw material for cloth finishing. They had acquired the two manors in Steeple Claydon parish in the early years of Elizabeth's reign by a grant from the Crown, and a lease, later converted into a freehold, from the Bishop of Oxford.⁵ In the early seventeenth century Sir Thomas Chaloner was a tutor to Henry, Prince of Wales, as was his close Buckinghamshire neighbour, Sir Edmund Verney, who re-established his family seat in adjoining Middle Claydon in 1620. In the seventeenth century, the family had kinship links to county families such as the Fleetwoods, Cheynes, Ingoldsbys and Verneys.

Sir Thomas owned both manors in Steeple Claydon. When he remarried in 1604 after the death of his first wife, he entailed the main manor on his four surviving sons by that marriage. He endowed his second wife and their heirs (four sons and three daughters) with the smaller, Rectory Manor. On his death in 1615 at the age of 51, his eldest son William succeeded him but died without

³ Thirsk, J. "The Restoration Land Settlement" *Journal of Modern History*, 26 (1954), 315–28. Habakkuk, H.J. "The land settlement and the restoration of Charles II". *Transactions of the Royal Historical Society*, 5th ser., 28 (1978), 201–22.

⁴ Hargrave State Trials II 3327–63; Statutes of the Realm V 231–3; Roots, I *The Great Rebellion* (1966) 257–79

⁵ VCH Bucks IV 226–8

heirs in 1634. According to the entail, the land then passed to his brother Edward, who had become a successful clergyman, chaplain to James I and Principal of St Albans Hall, Oxford. However, Edward had died, a victim of the plague of 1625, and was “privately buried at night” in Oxford, leaving his widow Elizabeth pregnant. William Chaloner’s will left the posthumous child, Edward, heir to the estate, but appointed his own younger brothers Thomas and James joint trustees during his infancy.⁶ They both became staunch supporters of the Cromwellian regime.

It was this trust for the under-age heir that gave Thomas and James control and administration of the Steeple Claydon estate. Thomas Chaloner appears to have been a colourful character. Wood describes him as a “zealous rumper”, a “boon companion”, “of natural religion”, and “of Henry Marten’s gang”. Aubrey wrote of his mischievous wit, and his delight in deliberately starting rumours, returning later to discover how they had spread and altered. Born in Steeple Claydon in 1595, Thomas studied at Oxford before travelling in France, Italy and Germany, and became M.P. for Richmond, Yorkshire in 1645. He was Master of the Mint, and a Councillor of State in 1651, and played an active part on the parliamentary and republican side throughout the Civil War and Interregnum.⁷ James, who was born in 1603, left less mark on his Civil War contemporaries, but had a considerable career. He followed his brother in politics and became M.P. for Aldburgh, Yorkshire in 1648. He had married into the Fairfax family, and was appointed by Parliament as secretary of the committee to oversee the reform of the University of Oxford, before becoming Governor of the Isle of Man in 1652. He pursued antiquarian interests, publishing a study of the Isle of Man, and undertaking genealogical studies of Shropshire, Cheshire and Staffordshire that were published after his death.⁸ Unlike his brother he married and produced an heir, Edmund Chaloner, who inherited his interest in Steeple Claydon.

As trustees for the Steeple Claydon estates

during the Interregnum, Thomas and James Chaloner appear to have used their increasing political power to intimidate other members of the family and extend their financial interests. Perhaps the parliamentary forces chose to encamp in Steeple Claydon in March 1644 before their assault on Hillesden House because the Chaloners’ influence would make the village friendly. In 1647 the Chaloner brothers were able to increase their influence in the village. Their half-brother, Henry, now owner of the Rectory Manor, joined the Royalists, and had been sequestered during the Civil War. He petitioned parliament to have his delinquency removed, and succeeded in having his fine of £1000 reduced by one third.⁹ What part Thomas and James played in that process is unknown, but later that year Henry effectively passed control of his Manor and lands in Steeple Claydon to them. In the same year they also extended their trusteeship for their nephew, Edward, although he was now twenty-two. Three years later, Edward was also persuaded to make over the family Alum works in Yorkshire to the brothers on a 21-year lease.¹⁰

There is every reason to believe that the Chaloner brothers intimidated their relatives and that these transactions were not undertaken freely and willingly. The young Edward Chaloner spent much of the 1640s and early 1650s in France, where he was in contact with his Buckinghamshire neighbour, Sir Ralph Verney, a parliamentarian in 1642 who exiled himself on religious grounds. Verney kept channels open to Thomas and James Chaloner and in April 1648 Thomas Chaloner wrote to Sir Ralph asking him to continue his “wonted respect to my nephew”.¹¹ The tone of the letter is one of wary cordiality. Sir Ralph at that time needed all the assistance he could muster from members of parliament as he battled to remove his sequestration. In August 1649 he wrote separate letters to the brothers requesting their help. The letter to Thomas was more personal, calling him Tom, claiming “many are friends in words, few in deedes” and ending, uncharacteristically fulsomely, “your most affectionate and most faithful friende

⁶ BL MS Lansdowne 984 fo 35

⁷ Wood, A C *Athenae Oxoniensis* III 531; Aubrey J *Brief Lives* II, 283.

⁸ Chaloner, J *A short Treatise of the Isle of Man digested into six chapters* (Manx Society Publications X, 1864) esp. pp.64–5.

⁹ *H.C.J.* v, 305; vi 36; *HLJ* x, 100b

¹⁰ VCH Bucks IV 226–8; TNA NRA 6723 ZFM/5 TNA. The National Archives henceforth.

¹¹ British Library Verney letter microfilm M636/9 (hereafter R9 or equivalent) Thomas Chaloner to Sir Ralph Verney 7 April 1648.

and servant".¹² Whatever the nature of the brothers' relationship with Verney, their hold over their nephew Edward was apparent in a letter that Edward wrote to Sir Ralph in 1648. He explained that he had no money, and no means of raising any, and felt entirely within his uncles' power. They had "all my writings [deeds] of my estate in their hands, and times being troublesome may give occasion to call my estate so in question."¹³

Both Chaloner brothers were active at Steeple Claydon during the Interregnum. Thomas spent some time there, and in at least one deed gave it as his place of residence. During the desperate civil war years, Sir Ralph had considered him as a possible tenant for a lease of the whole Middle Claydon estate. In 1656 Thomas built and endowed the village school in Steeple Claydon, and provided it with a clock. He bought bricks from Sir Ralph Verney for the building works, and included him as one of the trustees of the school. However, by one witness's account Thomas did not spend long periods in the village and confined his visits to a couple of weeks at a time.¹⁴

When Charles II was negotiating his return to the throne in May 1660, the Chaloner brothers were both exempted from the Act of Oblivion, and their lands forfeit to the Crown.¹⁵ James was already dead, after a career as Governor of the Isle of Man for the Commonwealth and Protectorate. At the Restoration he succumbed to a coup against his rule, and committed suicide, mourned by his mistress, the dowager Countess of Derby who had mixed the poison he drank.¹⁶ Thomas failed to persuade those promoting the Restoration that he was a reformed penitent, and realised his position was precarious. When Charles was proclaimed King on 8th May, Thomas rushed to Steeple Claydon. He forced the tenants to renegotiate their copyholds in return for cash sums, and set a day for

these to be confirmed at the Manor Court, all before the King's landing at Dover on 25th.¹⁷ He then fled the country, travelling to the Netherlands where he lived at Middleburgh at Mr Spange's house under the false name of George Saunders, until his death c.1665.¹⁸

It would be reasonable to expect that Edward Chaloner would now claim his Steeple Claydon estate. He had spent the war years in France, and had no direct connection with the Parliamentary regime, indeed had every reason to oppose it. Uncle Thomas had disappeared into exile. James was dead. He was apparently the undisputed owner of the Manor. Instead he was embroiled in a contentious and tortuous story which relied on a deliberate mistrust of all the evidence about Edward Chaloner's right to the estate, and of Thomas Chaloner's death. It involved forcible evictions, the terrorisation of the farmers and householders of Steeple Claydon, and a general uncertainty in the community for the next nine years.

These problems were instigated by Sir William Smyth, squire of Akeley, and Radclive cum Chackmore, just to the north of Steeple Claydon. William Smyth's seems superficially as staunchly a Royalist figure as the Chaloner brothers were Parliamentarian. He had led the defence of Hillesden House in the next parish to Steeple Claydon in 1644. He was captured, put in the Tower, but released in an exchange of prisoners. During the siege of Hillesden he had wooed one of the daughters of the house, Margaret Denton, and later married her.¹⁹ Later in the Civil War he ran the Royal mint in Cornwall, and attended the exiled Charles II's court in the Channel Islands. Returning to England he was arrested for Royalist conspiracy in 1658 and his house was searched for arms. At the Restoration, he secured a baronetcy in May 1661, and a

¹² Sir Ralph Verney to Thomas Chaloner and James Chaloner (2 letters) 8/18 August 1649 R10; for the Verneys political predicament at this time see Broad J 'The Verneys and the sequestrators in the civil wars 1642–56'. *Records of Buckinghamshire*, 27 (1985), 1–9.

¹³ Edward Chaloner to Sir Ralph Verney 17 May 1648 R9

¹⁴ On the school see Broad J *Transforming English Rural Society: the Verneys and the Claydons 1600–1820* (CUP 2004) p.254; See also National Archives C90/26a, C91/21/16 Deposition of Nicholas Aris.

¹⁵ *H.C.J.* viii pp.59–60 9 June 1660 and 12 Car. II c.30. The latter specified that all lands belonging to them or in trust for them on 25 March 1646

¹⁶ DNB; cf. HMC Appendix to 7th report p147; B Willis *A History of Buckingham* (1755) p.270.

¹⁷ Edward Butterfield to Sir Ralph Verney 21 May 1660 R17; he had already sold the residue of one 51 year lease in April: see 2/945 dated 5 April 1660.

¹⁸ TNA E112/363/63

¹⁹ Verney, F.P and MM *Verney Memoirs of the Seventeenth century* (4 vols London 1892–6) II pp. 191–2, 202–3;

Royal Patent to export tin to France. He confirmed his Royalist credentials by leading a posse of gentlemen who rode to Haddenham (Bucks) in January 1661 to put down a rumoured Fifth Monarchist rising. He became M.P. for Buckingham in that year and sat throughout the Cavalier Parliament. He appears a classic royalist country gentleman.²⁰

However there was a different side to Smyth. After studies at Trinity College, Oxford he trained as a lawyer at New Inn, and was called to the bar in 1641. As MP for Winchelsea in the Long Parliament he first opposed the Crown prerogative vehemently, publishing two of his speeches, but later switched sides. Apart from his military career, he was also an unscrupulous businessman. He used his minting activities in Truro and the Channel Islands to issue debased coin, presumably for personal gain. In 1647, he successfully negotiated a very cheap composition with parliament for his own family estates. His mother paid only £360, he £108, later reduced by half. The Buckinghamshire County Committee in 1650 protested that several 'good estates' had been undeclared, but was ignored by the Committee for Compounding in London.²¹ But he was also a land speculator. He used his legal and negotiating skills through the 1640s and 1650s to immense profit by buying and selling in the treacherous land and money markets. He bought up forfeited Royalist estates, as well as other lands. However, his most profitable relationship was with his fellow Royalists, the Wentworths, Earls of Cleveland. The Wentworths had become heavily indebted during the 1630s and their estates in Bedfordshire, and Middlesex (specifically the manors of Stepney and Hackney) were already encumbered with debt by 1640. Smyth appears to have been advising the family, involved in funding the debt before the outbreak of Civil War, and had been given a grant of Bedfordshire lands on a

99-year lease in 1641. Smyth's role looks to have been that of the trusted family advisor on whom the family became over-dependent and who ended up as a major financial beneficiary of their misfortunes. The Earl of Cleveland was goddaughter to one of his children. Smyth was in turn guardian to the heiress to the estates, Lady Henrietta Wentworth, and was close to her mother, Lady Honoria, whose estates he continued to manage to her death.²²

Smyth used their trust and friendship during the Civil War to buy up debts owed by the family, and by December 1651 his stake amounted to £32,567-10s-3d – an enormous sum. He used this to secure his own control over the Manors of Hackney and Stepney, which he proceeded to dismember and exploit to his own considerable profit.²³ There were over forty sales by 1660. Smyth's hold on the family remained secure despite a vitriolic petition by the Earl and his son to Parliament in July 1660. In it Smyth was described as having "sold and embezzled the same and has endeavoured to swallow up several thousand pounds for the debt, whereas in trust he has raised vast sums of money out of manor and lands". In the succeeding years, the family put through three private Acts of Parliament to attempt to sort out the debt.²⁴

Smyth's London legal and business career was by no means separate from his existence as a Buckinghamshire squire. His marriages to gentry families – first the Dentons of Hillesden, and later the Norfolk Hobarts – had strong legal connections, as many members of both families had been lawyers and judges over several generations. Smyth was closely tied into gentry society in the county, yet Sir Ralph Verney was consistently wary of the bumptious and manipulative Smyth, despite close kinship and neighbourly connections, and the sharing of lodgings in the Hobart household in Lincoln's Inn Fields. He had nevertheless used

²⁰ For some details of his civil war activities see Keeler, M.F. *The Long Parliament: 1640–1* (Philadelphia 1954) pp.344–5, and for post-Restoration outlines see History of Parliament CD Rom. William Smith to Sir Ralph Verney 30 January 1660/1 R17.

²¹ Green, M. A. E. (ed) *Calendar of the Proceedings of the Committee for Compounding, &c., 1643–1660* (5 vols. London, 1889–93) (hereafter CCC) pp. 1634, 1770–1.

²² Fea, A. *The Loyal Wentworths* (London 1928) esp. pp.51, 53–64, 170–8, 189–90, 209. HoL RO Main 2/760 gives further details; cf. Joan Thirsk 'The sale of delinquents' estates during the Interregnum' University of London PhD thesis 1950 p.47 describes Smyth as a 'land jobber'

²³ CCC p.2167; *History of Parliament* CD Rom. House of Lord's Record Office Main papers 2/760 gives further details of the intricacies of these transactions.

²⁴ HMC 7th Report p.112 dated 2 July 1660. Main act is 15 Charles II private c.16. In the last of these extended the trust term for an additional year to help complete the process

Smyth's legal skills during the Decimation crisis of 1656. However, in 1660 Smyth became MP for Buckingham, a position coveted by Verney.

Another reason for Verney's ambiguous view was Smyth's attempt to annex the Chaloner estates at Steeple Claydon. Through the Duke of York (the later James II), perhaps through the good offices of his partner in the enterprise, Richard Lane, a royal groom of the bedchamber, Smyth obtained two grants by Letters Patent. These gave him full rights over the lands confiscated from Thomas Chaloner by virtue of the Act of Attainder used against absconded regicides.²⁵ All the lands in the Act were listed in the Exchequer Commission of 1661, which must have made Smyth and Lane feel confident in their grants.²⁶ Soon after the second grant, Smyth went to Steeple Claydon, arriving on 10th December 1660. By 17th December he had asserted his authority by demanding new entry fines from all the manorial tenants.²⁷ However, his particular targets were Charles and Ann Chaloner. Charles was probably the grandson of Henry Chaloner, the eldest son of the younger branch of the family who had been granted the Rectory Manor in 1634. Ann was his recently widowed mother. Henry had been forced to mortgage part of his estate, and sell more to raise over £2000 in 1642, and made further sales in 1647. He died in 1651.²⁸ Thomas and James appear to have been able to gain control of the Rectory manor, for in 1650 Ann's husband (another Charles) took a lease of the manors and whole estate from them at a cost of £400. In 1660 the whole estate was valued by outsiders at £450 pa, and consisted of 5 farms and 28 other cottages and smallholdings in the village. The manor house, in which the couple lived, was a roomy stud and plaster building. When precisely Charles had died is unclear, but by 1661, Ann, the widow, was living in Steeple Claydon with "many children".²⁹

The next stage in Smyth and Lane's enterprise took place in June 1662, when he asked to inspect

Ann Chaloner's lease and offered to make her a new one on the same terms if it were found to be defective. Ann refused, fearing this was a trick that would enable Smyth to get hold of her deeds, but Smyth then threatened to summon the county sheriff to evict her. She claimed in a later court case that she was intimidated by Smyth, who apart from being an MP was "of great power and much feared in the county". She therefore handed over her lease, expecting to receive a new one. Smyth, however, claimed that she had surrendered it, and ordered her to leave the property. This was an excuse to demand a considerable additional entry fine of £500 from her, for which she felt she had no option to seal a bond. Nevertheless, at Lady Day 1663, Sir William Smyth's servants arrived at her door and demanded that she leave. This action was a formal act of taking possession, and she was allowed back into her house after a short while. At this stage, the Chaloners were so intimidated by the harassment that they offered to leave and give up all claims to the property in return for a payment of £1500. However, Smyth arrogantly rejected the offer and came down to Steeple Claydon in person on 1st May 1663, and, according to Ann Chaloner's testimony, demanded that she leave her house, saying he would allow her return immediately. However, when she complied, this time her refused to let her back in.³⁰

This set the scene for a major confrontation between the two sides. According to Ann Chaloner, three weeks after her eviction she received legal advice that she had a right to re-enter the property. She returned to Steeple Claydon and took possession "peaceably". The parson of adjoining Middle Claydon described the process in a letter to his patron, Sir Ralph Verney:

We have great stirs at present at Steeple Claydon. Capt. White came down late Saturday night from London, discharged the tenants publicly in the

²⁵ Claydon House Mss (hereafter CIH) 2/963 is a copy of the grant of 25th June 1660, further amplified in 2/403 which makes it clear that Smyth and Lane were operating together.

²⁶ TNA E178/6148 listed 5 farms and 28 cottages and smallholdings in Steeple Claydon with their occupants.

²⁷ British Library Verney letter microfilm M636/19 (hereafter R19 or counterpart) Edward Butterfield to Sir Ralph Verney 10 & 17 December 1660 R19.

²⁸ CIH2/543, 2/563.2/602 for 1642; CIH 2/651, 2/982 for 1647; Henry's will dated 23 May 1651 2/836

²⁹ TNA C10/469/72 Ann Chaloner vs. Sir William Smyth deposition of 30 November 1663; E178/6148 dated 1661; Huntington Library, San Marino, Ca. STTM Box 5 dated 1661; Willis, Browne *A History of Buckingham* (1755) p.270.

³⁰ TNA C10/469/72. This is Ann Chaloner's version of events, constructed for the legal hearing and makes much use of her alleged female vulnerability: 'a disconsolate widow with many small children', and lack of professional advice.

church yesterday, from paying Sir William Smyth any more rent, from felling any more, or carrying forth any wood out of the woods, hath put Mrs. Chaloner into possession of the Manor House, and all this upon Mun Chaloner's score whose right they say three of four gent. of his friends have undertaken to assert, which puts both town and country into as much rejoicing as if it were a matter of more general concern here. Here will be more work for Sir William at his coming down. Sixty of the best trees are already felled in the Spring wood, and twenty more they intended, and as this day teams were appointed to draw them out of the wood, and a hundred more were ordered to be felled for the sale this year. What the issue will be I neither know nor care I was to buy some lop and top but prices were so great I durst not give half what the woodward asked me, and for the trees, none would be sold.³¹

The rationale behind the Chaloner challenge is clear. Immediately after taking possession of Steeple Claydon, Sir William Smyth had felled much valuable timber to realise a quick profit. The Chaloner coup effectively froze timber sales. Although they had sympathetic local gentry in support, Edward Butterfield viewed it as a desperate ploy with little chance of success: 'what they did was very sudden, and if they had not very good abettors to bear them out it must in likelihood be their ruins.' The implication of Butterfield's letter is that Ann was taking the desperate step of using the claims of Edmund Chaloner, son of the Regicide James, to justify her actions. Butterfield himself was warned by Smyth not to support the Chaloners.³² Smyth then returned with a posse of men, and the backing of the justices, and ruthlessly took possession. Edward Butterfield again provides an account:

The wind hath been very rough at Steeple Claydon this Whitsuntide. Sir William Smyth first sent fair offers of peace, but they were rejected. On Wednesday he came in person with Mr Risley and I think Mr Price and some men,

demanded possession fairly, but was resolutely denied by the women. The word was given and his men broke in presently upon them without any resistance and ye justices I conceive upon ye forcible entry made before sent Mrs Ch[aloner], her other son (and some others had gone too, but that they gave them ye slip) to Aylesbury to prison, threw her goods forth into ye street, where they lie still, and turned her cattle out of ye grounds, searched for others that had assisted them in ye town, and by this means hath struck so much terror into ye affrighted people they all stand aghast and are scarce wist what they think. If their friends from London that set them on work do not fetch them off manfully, there they may lie and repent for ought I can see.³³

Mrs Chaloner and her son spent the next month in prison 'a month's penance for ye like time of holding possession'. Butterfield expected them to be released thereafter, but apparently they remained incarcerated until 10th November. When Ann Chaloner was released she immediately took her case to Chancery, claiming Smyth refused to return her lease or the bond.³⁴

How had the village community reacted to the violence? Edward Butterfield suggests that most of them supported the Chaloners rather than Smyth, and had good reasons to. Smyth's forcible eviction of the Chaloners and ruthless activities affected them directly. He raised fines, confiscated leases and animals, and sought out the Chaloners' supporters in the town and intimidated them. He had also immediately set about felling substantial amounts of timber from Steeple Claydon woods, carrying it off for his own use and sale. The 1662 visitation returns reported that Smyth was refusing to pay for the village school.³⁵ Within a month of the eviction of the Chaloners, Butterfield reported that:

Sir William Smyth hath put them all into such a trembling at Steeple Claydon that they dare not whisper now a word against him. . . this popularity is costly and criminal.³⁶

³¹ Edward Butterfield to Sir Ralph Verney 26 May 1663 CIH 4/5/16

³² Same to same 1 June 1663 CIH4/5/16

³³ Same to same 15 June 1663 CIH 4/5/16

³⁴ Same to same 13 July 1663 CIH 4/5/16; TNA C10/469/72

³⁵ Brinkworth, E R C (ed.). *Episcopal visitation book for the archdeaconry of Buckingham, 1662* (Buckinghamshire Record Society, 7). 1947 for 1943. p.66.

Within six months, Butterfield wrote that the villagers and tenants at Steeple Claydon were in rebellion, refusing to pay Smyth either tithes or rent. In his opinion this was an effective tactic, as Smyth could do nothing about it without taking possession of all the houses in the villages, thereby losing the income from them.³⁷

Unfortunately we do not know the outcome of the Chancery case in November 1663. Perhaps it was a Chaloner success that emboldened the villagers to begin their rent strike. More importantly, at this point the wider Chaloner family became more actively involved and employed expensive but successful strategies to win Steeple Claydon back. Even before Smyth seized Steeple Claydon, Ann Chaloner and her son took legal measures including raising a mortgage for £2000 on the manor the day before Smyth arrived.³⁸ More importantly, the other Chaloner claimants on Steeple Claydon manor, Edward Chaloner from the elder branch of the family, now resident in Yorkshire, and Edmund the son of James Chaloner, seem to have settled their differences, with Edward buying out his cousin and undertaking to fight Smyth and Lane in Chancery until 1666. However, to ensure that he was covered against the threat of regicide taint, Edward first felt it necessary to put through a private Act of Parliament, which did little more than confirm family settlements.³⁹ By the end of 1664 the Edward Chaloner was in possession of Steeple Claydon and held a manor court there on his way from London to Yorkshire.⁴⁰ Two years later he increased his political influence in Buckinghamshire by marrying the daughter of Sir Richard Ingoldsby, a powerful neighbour, and interestingly one who had successfully avoided being excluded from pardon under the Act of Oblivion. It provided some counterbalance to Smyth's position as M.P and J.P in Buckinghamshire.

Smyth and Lane did not, however, give up their claims to the regicide lands, or at least to some financial benefit from their grant. After the Chaloners regained possession in 1664 Edward Butterfield reported that Smyth was 'very prosperous and very ambitious, and will do anything whatever he can to get hold of the title to Steeple Claydon.'⁴¹ With money behind him Smyth could afford to prolong matters for years on points of minute detail. Having lost the battle for possession in 1664/5 Smyth and Lane first laid claim to the money that Thomas Chaloner had raised from the Steeple Claydon tenants in 1655 and 1660 by sales of leases. The Chaloners' successful defence to this was that Thomas and James Chaloner had never had legal possession of the family lands and manor, and that the regicide brothers had taken over Steeple Claydon from Edward Chaloner as ruthlessly and menacingly as Smyth and Lane after the Restoration, 'by their powerfulness in the late time of troubles.'⁴² Smyth and Lane then switched the attack to one on the legitimacy of the Chaloner family succession, forcing the Chaloners to prove that Edward Chaloner was his father's son. He had been born posthumously when his father died in the plague of 1625 and searches were carried out in Oxford parish registers to show that his birth date made that plausible. A further line of attack focused on Thomas and James Chaloner, claiming that both were still alive and living abroad, and in possession of the manor. The Chaloners now had to obtain sworn witness statements from Middleburgh in the Netherlands to prove that Thomas had died there.⁴³ Two Exchequer Court cases to dragged on until 1670 when Smyth and Lane finally gave up all claim to the Chaloner estates in return for lump sum payments of £80 each.⁴⁴

At one level, the dispute came to an end in 1670 when Smyth and Lane renounced their claims on the manors. Ann Chaloner died in 1672, leaving

³⁷ Same to same 3 December 1663 R19

³⁸ CIH 2/404 25 May 1663

³⁹ 15 Charles II private c.16; see *HLJ* xi 502–34, *passim*. Interestingly, apart from all the Yorkshire MPs, Sir William Smyth was also on the parliamentary committee scrutinising the bill.

⁴⁰ CIH 2/405–7, Edmund Chaloner was paid £1700 in 1672 (after Ann Chaloner's death) raised by a mortgage from Sir John Lowther 2/411; Edmund Verney to Sir Ralph Verney 12 December 1664 R20.

⁴¹ Edward Butterfield to Sir Ralph Verney 11 May 1663 R19.

⁴² TNA E112/363/35/4.

⁴³ TNA E112/1/63 Easter 19 Charles II; Sir William Smyth to Sir Ralph Verney 4 May 1666, Sir Ralph Verney to Sir William Smyth 7 May 1666 R21; TNA E134/20 Charles II/Mich.38.

⁴⁴ CIH 2/408–9 22 November 1669 and 28 March 1670.

Edward Chaloner in undisputed possession. A chapter seemed to have closed. Yet in two respects it had not. There was one further twist to the tale of the Restoration land dispute. A positive legacy of the regicide Chaloners' occupation of Steeple Claydon had been the construction and endowment of the village school, a building that survives to this day. The schoolmaster's income of £12 per year came from a rent charge on a field in Steeple Claydon. However, the final act of those who challenged the Chaloners' legitimacy first undermined and finally removed that income before the end of the century. Smith and Lane seized the fields that paid the rent charge at the Restoration and a Visitation return noted that the rent charge was unpaid in 1662. The schoolmaster, John Berry only received his salary for one and a half years, and his wife insisted 'her husband should not teach school any longer for nothing'.⁴⁵ The village did not take this lightly. In 1668 they petitioned the Commission for Charitable Uses to no apparent effect, but twenty years later they were more successful. By that stage Sir Ralph Verney was the only surviving trustee and, and he was 76 years old. The villagers petitioned him to nominate five new trustees, and soon afterwards renewed efforts were made to secure payment of the rent charge. The timing of this new effort is interesting, coming soon after the Glorious Revolution and overthrow of James II. Perhaps those renewing the cause believed that the new regime would be more receptive.

The claims were made against one Penelope Lane, who unless it is completely coincidental, must have been a relative of Sir William Smith's accomplice, Richard Lane.⁴⁶ The initial ruling was made by Sir Richard Temple (a local JP) and found against Penelope Lane. However, she contested the judgement, renewing the idea that because the Chaloners had been Regicides, the schoolhouse endowment should be void and that she had bought the land (at the time of the Steeple Claydon land sales seven years earlier) without the rent charge. The trustees, led by Verney, claimed that charitable endowments were exempt from the Restoration strictures against the regicides.

To resolve the dispute, the Charity commission-

ers called for a local enquiry which took place in 1692–4. The commissioners who took local witnesses' depositions on 5 September 1693 at the Swan inn in East Claydon were local freeholders of lower social standing, but included Nicholas Merwin, a Winslow attorney used by many local landowners.⁴⁷ The final judgement upheld the demand for payment and ordered that £14 12s he paid for repairs to the school and its clock, with the remainder to Sir Ralph Verney as trustee. It also added the names of the local two local landowners – Thomas Piggott of Doddershall, and Alexander Denton of Hillesden – to the trustees of the school. However, Penelope Lane would not accept the findings and pursued the case to further hearings in Chancery in London. The case was tried on 8 December 1693 before the distinguished Lord Keeper, Lord Somers, who after reserving judgement and hearing further argument on 5 February, found in favour of Penelope Lane and declared that 'the said decree should be absolutely set aside and discharged.'⁴⁸ Funding for a free school was finally lost, a small victory for those who had sought to take over the Chaloner lands, but a significant loss for the villagers of Steeple Claydon.

The continuing controversy over the school was one of a series of events between 1660 and 1710 that permanently altered the character of Steeple Claydon as a community. In 1660 Steeple Claydon was roughly the same size and population as its neighbours East and Middle Claydon, with a resident squire and a range of freeholders and copyholders. The Hearth Tax returns suggest it had more small houses and fewer prosperous freeholders than East Claydon, and, but it was not markedly different in social structure. However, by the early nineteenth century it was a characteristic 'open' village, with one important but absentee landowner (albeit based in adjoining Middle Claydon) owning about one third of the parish, and most of the remaining land in the hands of small landowners. It was not enclosed until 1795. By then many small landowners and copyholders with marginal and unviable farms had turned to other trades, so that by 1798 the range of services available in the village, and to the surrounding area was among the

⁴⁵ Brinkworth *Visitation returns for 1662* p.66. TNA C91/21/16 depositions of Joseph Churchill and James Chamberlaine

⁴⁶ Verney letter CIH petitions dated 23 September 1668 R22, 16 October 1689 R43

⁴⁷ TNA C91/21/16

⁴⁸ TNA C90/26A decree rolls

widest for a parish of its size in north Buckinghamshire.⁴⁹

Yet Steeple Claydon could have had a very different history. One of the outcomes of the Restoration land struggles was that the senior branch of the family, led by Sir Edward Chaloner, bought out the junior branch headed by Anne Chaloner and her sons. The elder branch had a considerably greater resources and a country seat in Yorkshire. Although Sir Edward may have clinched the deal in order to provide a united front against Smith and Lane, he could now use his ownership of both manors in Steeple Claydon to rationalise the estate and enclose the whole parish. Before the eighteenth century, enclosure could only take place if all those with substantive land rights – copyholders as well as freeholders – agreed to the enclosure. A single landowner whose property rights were integral to the enclosed estate could therefore block enclosure by refusing all inducements and resisting coercion. Not many small landowners had the economic resources to do so, and if their land was a single block it could be ignored and simply fenced off from all the other fields. However ownership of rights to common pasturage was a major impediment to an enclosure, as it affected the whole open field area, and any common waste.

In Steeple Claydon, the Chaloners steadily built up their landholdings so that by the early 1670s they controlled three-quarters of the parish – some sixty of the eighty yardlands. When it became apparent that they wanted to engineer a full enclosure, their neighbours, the Verneys, who owned all of Middle Claydon as well as a substantial estate in East Claydon, became alarmed. Rent levels in the 1670s in the Midlands and southern England were falling, and landlords had to choose between reducing their rents and losing good tenants. Sir Ralph Verney persuaded his son Edmund that enclosure in Steeple Claydon threatened to be ‘a great loss to you letting your grounds’.⁵⁰ The reason for this was that in seventeenth century north Buckinghamshire, and over much of the south Midlands, open field enclosures on heavier clay soils were overwhelmingly accompanied by the conversion of

the land to permanent pasture, which commanded higher rents. The Verneys had completed the enclosure of Middle Claydon on one side of Steeple Claydon by 1657, while the Dentons undertook a similar enclosure on the other side at Hillesden immediately afterwards in 1658–9.⁵¹

Fearful of the adverse effects on his prime source of income, Sir Ralph Verney successfully urged Edmund to buy not just land in the open fields, but cow commons. Once purchased he advised his son not to let his new land to the farmer of adjoining strips, or on leases of more than two years duration, in case the Chaloners then purchased the lease and completed the enclosure. Eventually, one and a half yardlands and half a cow common were purchased for £60. For this comparatively small sum the Verneys delayed the enclosure of Steeple Claydon for 120 years. The consequences went much wider. The Chaloners’ property strategy in Steeple Claydon depended on profiting from an enclosure and the increased rental income it would bring. By the late 1670s there seemed no possible way to accomplish their goal. When Sir Edward Chaloner died in 1680 his heirs decided to sell up the whole estate. Their options were limited. The simplest would have been to sell all their land to a single purchaser. However, any prospective buyer would also have wanted to enclose the parish to extract the same benefits as the Chaloners. Yet the Verneys would be as determined to prevent the enclosure by another owner. The Verneys were the only realistic purchasers of Steeple Claydon as a consolidated estate. Indeed they were offered it in 1680, but at a price they considered much too high – about £18,000. The opportunity came at a difficult time. The head of the family, Sir Ralph was obsessed with clearing his own (now small) debts, and believed that estate development was a matter for his heirs. Edmund Verney, his elder son, showed little interest in expanding the family patrimony. However, his younger son, John, had recently returned from the Levant after amassing a respectable sum as a merchant, and was planning to marry. It was a difficult negotiation, for John’s prospects as a younger son were limited, his landed

⁴⁹ J Broad, *Transforming English Rural Society*, pp. 249–52.

⁵⁰ M.G. Davies, ‘Country gentry and falling rents’ *Midland History* IV (1977) pp. 86–96; SRV to Edmund Verney 3 February 1672/3 R25

⁵¹ J. Broad, *Transforming English Rural Society* pp.73–7; J. Curthoys, ‘Land, Settlement and Enclosure in Hillesden, Buckinghamshire’ Unpublished MStudies thesis; Oxford University 1997 ch. 4

estates modest, and his capital not vast. The marriage settlement involved interlocking transactions providing his wife with a widow's jointure from an estate to be enlarged by future land purchases. His future wife's father even lent the Chaloners over £3000 on mortgage at the time.⁵² But the opportunity to buy Steeple Claydon came when terms had been finally agreed after much wrangling, and although the Verney toyed with adding yet another clause that would have made possible the exchange of John Verney's existing estate for land of equivalent value, discretion prevailed and Steeple Claydon was lost.

If the Verneys had bought the Chaloner estate in Steeple Claydon in 1680 they would probably have become near-exclusive owners of the whole parish within 50 years, just as they did in East Claydon in the eighteenth century. They would have enlarged farms, excluded migrants, and kept the population steady, or even reduced it. Instead, the village's economic and social structure took a quite different direction. When the Chaloners found they could not sell the estate as a single block, they decided to break it up. In 1683–4 they sold off most of their land in small farms, mainly to local farmers. We have details of 25 transactions, covering two thirds of the Chaloner estate, land which eventually ended up in Verney hands. At first sight, this was the transfer of copyhold estate into freehold estates enabling the existing farmers of Steeple Claydon to purchase their own farms. Fifteen Steeple Claydon men purchased farms in the sale, representing those who had money available to invest in land rather than in their farming enterprises. The urge to own your own farm could be strong, but as the case of Richard Goodwin, one of Sir Ralph Verney's tenants in Middle Claydon as well as a small farmer with one yardland in Steeple Claydon shows, it was attended with significant risks. Goodwin could only raise two thirds of the asking price of the land, and asked Verney to advance him the remaining £90. Verney refused on the grounds that Goodwin would have to sell some of his working capital – his cows and sheep – to pay for the land, and that this would make it difficult to make enough profit to pay his rent to Verney. Goodwin went ahead with the purchase despite his landlord's doubts. Verney's diagnosis was shrewd.

Over the next ten years Goodwin fell into increasing rent arrears, became indebted to Sir Ralph, and eventually had to give up his tenancy. His land in Middle Claydon was of greater acreage than his farm in Steeple Claydon. His decision to buy was one that he could not really afford and left him with a property of less than 20 acres that was not really viable as a farm on its own.⁵³

Although fifteen Steeple Claydon yeomen bought farms during the sale, only seven of them bought up their own copyholds. A majority bought other copyholders' lands, in the process destroying long-term family connections with particular farms. In one case we can see that this was because a family could not afford to buy its own farm. Benjamin Bates negotiated the purchase of a two yardland farm belonging to the Miller family. In the middle of the negotiations Miller begged Bates not to buy his family inheritance, and apparently succeeded in holding him off. However, Miller himself does not appear as a purchaser, although his land may be part of the one third of the Chaloner estate for which we have no sale records. There are other strong indicators that the sale of Steeple Claydon broke up well-established farm holdings. Several of those copyholders who bought their own farms were unable to raise the money to purchase all their lands, so had to make do with smaller acreages if they wished to continue farming. This in itself made their farms less economically viable, and more liable to eventual break up and sale. Other sale deeds show how new holdings were created by matching farmhouses and closes from one copyhold to the fields from another. One deed makes it explicit that the existing copyholder had the right to remain on his farm for the remainder of the year, but for others the sale meant eviction and the search for a new tenancy in Steeple Claydon or in the neighbourhood. Overall, the Steeple Claydon men who bought land in the sale did not buy themselves viable farms, but a stake in the property market. Of the 15 sales only six were of more than one yardland, or 20 acres. That in itself was no longer a viable farm holding by the end of the seventeenth century. Of the 15 Steeple Claydon family names involved in the purchases of 1683–4, only one is to be found amongst the owners at enclosure in 1795.

⁵² CIH 2/417–20 1679/80. Palmer could well have been acting as proxy for John Verney.

⁵³ J. Broad 'The fate of the midland yeoman' pp. 323–4.

Although the majority of the Chaloner estate was sold in 1683–4, the family failed to find buyers for the many of the cottages and one third of the land. Some of the younger branch of the family remained in the neighbourhood, amongst the poorer gentry of the district. Eventually most of the estate, including the manorial rights, advowson, farms and eleven cottages, was sold to the Verney family in 1704. William Chaloner sr. retained the house he lived in, but was in debt to the Verneys for the next ten years. When the Verneys took the estate over, they also helped the remaining Chaloners to jobs. One became the Verney steward, another was trained for the church and found a living in a village controlled by Sir John Verney's political ally in the county, Charles Cheyne, Lord Newhaven. Where did this leave Steeple Claydon? It now had no resident landlord. The 'roomy building of Studd and Plastered Walls' that had been the manor house was pulled down in about 1720, and a 'Farmer's or Tenant's house' in brick built in its place. Its early eighteenth century vicar was mentally unstable and unable to perform his duties properly, though the young Chaloner minister acted as curate.⁵⁴ Its community lacked elite leadership. By the 1720s it was the centre for deerstealing gangs, who assailed the deer parks in Hillesden, Doddershall and Middle Claydon. It is hardly surprising that an observer in 1723 characterised the community by saying that 'Steeple Claydon people are an uneasy sort of people'.⁵⁵

The events of the forty years between 1660 and 1700 were crucial in defining the character of landownership, social power, and social relationships in Steeple Claydon. It is a story of how a variety of different interests, for reasons of exploitation, self-preservation, and perhaps spite, combined to change a parish with gentry presence and relatively ordered social reputation to a village community that was suspicious, increasingly wary of authority, and aggrieved at the loss of its free educational provision on account of the private interests and spite of a landed gentry family. One set of rogues, Thomas and James Chaloner, used the disruption of Civil War with its sequestrations and exiles, to undermine the legitimate inheritance of the senior branch of the family. The Restoration, instead of reversing that situation, allowed another

set of adventurers, Smyth and Lane, to assert that the Chaloners' estates were tainted by Regicide and therefore forfeit to the King, enabling them to lay claim to the estates. It took the best part of ten years to restore the situation that most local people thought was proper, and brought the Chaloners back into full possession.

None of this prescribed the pattern of social and economic development that Steeple Claydon would take over the next 150 years, however much it may have altered trust in the landed elite amongst the farmers and cottagers, provoking a rent strike at one point. The Verneys' decision to block the enclosure of Steeple Claydon's open fields in the 1670s to preserve their own estate income, triggered the break-up of the Chaloner estate, and the creation of a 'peasant' village of smallholders and medium-sized farmers. It delayed enclosure by 120 years, and allowed population to expand rapidly. Steeple Claydon became an open village with dispersed landownership and a variety of skills and trades available to the neighbourhood, rather than an estate village with a community of specialised dairy farmers of the kind found in the adjoining parishes of Addington, Hillesden, Middle Claydon and East Claydon. It could easily have been a very different story.

This paper has shown, firstly, that the Restoration land settlement was not everywhere as smooth as it is often portrayed, but and could provoke complex battles and physical violence in specific localities. Steeple Claydon may be a unique instance, but it seems unlikely. But secondly, I have tried to show how such a land dispute could be the effective trigger of much greater social and economic changes in the economy and character of a village. When Sir William Smyth attempted to wrest Steeple Claydon from the Chaloners, he provoked a series of events that changed that community. The steps were not inevitable. But without the challenge, the senior branch of the family is unlikely to have intervened and bought out the junior branch, allowing a consolidation of manors and a considerable proportion of the land in the parish. That was a precondition for the attempt to enclose, itself fostered by the cost of fighting the legal battles. The events that followed were vital in the re-orientation of social and economic structures.

⁵⁴ J. Broad, *Transforming English Rural Society* pp.231–2; *Buckinghamshire Dissent and Parish Life 1669–1712* (1993) pp.90, 130.

⁵⁵ J. Broad 'Whigs and Deerstealers in other guises: a return to the origins of the Black Act' *Past and Present* 119 (1988) pp.61–4; CIH 4/5/68 Charles Chaloner to Ralph, 2nd Viscount Fermanagh, 18 December 1722