THE PROBLEM OF A PEW

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Early in 1640 a local rivalry in north Leicestershire came to a head. The ostensible or immediate object of acrimony was a pew in Loughborough parish church. The dispute reflected, however, wider differences amongst the elite in the north part of the county, a conflict between protagonists of gentle status over place and precedence in the locality.\(^1\) As we have been informed by the wider literature on early modern society and the interior of the church, the place of the pew represented also place in local society.\(^2\) That ordering was not confined within the parish, at least in this confrontation, for it extended into the whole of political society in the lower Soar valley. Conversely, the honour society which obtained amongst the social elite, intruded into the intimacy of the parish church. A small space became the *locus* of a controversy which extended into a regional contest for honour and precedence, and political influence; contrariants in a regional political contest intruded into the confined space of the church of one of the parishes over which their disagreement rumbled. Spiritual and sacred space was the focus of secular combat.\(^3\) Whilst controversy between parishioners over place in the parish church was the norm, less usual was action which ensued from regional political discord. In fact, the antagonists were already experiencing decline, and their dispute may well have been indicative of their failing fortunes.

We should begin by introducing the document with a transcription, and then proceed to elucidate the personnel and the local political context. Sometime, presumably in 1639, Henry Hastings, earl of Huntingdon, despatched to Sir Arthur Duck a case for legal opinion about the space of or for a pew in the parish church of Loughborough (All Saints). Controversy had arisen about the place, for the position was contested by Master Skipwith and Master Rugeley. Duck responded with his opinion on 21 February 1639/40:\(^4\)

\begin{quote}
In the Cause of my Lord of Huntingdon for a Pew in the Church of Loughborow, wherein his Lordship is opposed by Master Skipwith and Master Rugely, I have perused the proofes in both partes: and I finde the proofes for ancient possession of that seate by my Lordes Predecessores and those who dwelt in the house farre stronger then any proofe of possession of those who dwelt in the house of Master Skipwith and Master Rugely, but yet neither proofe sufficienete to maynteine right of prescription in a pewe. But for their title of being placed by Churchwardens in that
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\(^4\) Huntington Library (HL), San Marino, California, Hastings Manuscripts (HAM) Box 26, fldr 7 (un-numbered leaf).
pew which in the second place they alladge, I finde noe proofe thereof, but rather by their proofes appears the contrary: Soe that in this Case I finde nothing to barre the power of the Ordinary, but that the allowance of the seate belongs to him, as by Law it ought, and the placing by Churchwardens is not sufficient to exclude him.

And the Ordinary having sent in Commission to view and appoint a fitt seate for my Lord of Huntingdon, and the Commissioners having certified and designed the pew in question, and on Citacion to any that will shew cause to the contrary the defendants having appeared, and alladged causes but fayled in prooфе of any sufficient cause to exclude my Lord of Huntingdon, I take the Ordinary to bee now in Justice bound to continew this seate to my Lord of Huntingdon, and to condemne the defendantes in expenses having opposed this confirmation, and fayling in prooфе.

And were not the buisnes [sic] thus farre proceeded in but intyre, and my Lord of Huntingdon should desire this place to build a pewe in, wherein none else can clayme by iust title, I am of opinion itt could not bee denied him considering his degree, revennues, and power in that place.

And were this cause before mee in iudicature I should without scruple giue Sentence for my Lord of Huntingdon, and confirme the pewe to his Lordship/

Febr. 21. 1639

Arth: Duck

Unfortunately, the register of the Ordinary, the bishop of Lincoln, does not survive for these years, so there is difficulty in concluding the cause. The case for legal opinion was obviously solicited by the earl of Huntingdon and the opinion was fairly demonstrable in his favour, although there was some ambiguity about the proofs offered by both parties.

In this context, it is necessary to elucidate the status of the civil lawyer offering the opinion. A civil lawyer or civilian was consulted because the jurisdiction obtained to the ecclesiastical forum, as indicated by the referral of the cause at earlier stages to the Ordinary. The earl required a legal opinion from a legal professional with experience and substance. (Sir) Arthur Duck (1580–1648) was entirely appropriate for business of this weight. Duck is principally recollected as the author of De usu et authoritate iuris civilis romanorum, printed posthumously. Duck had been admitted in 1614 as an advocate of Doctors Commons, the canon law equivalent of the Inns of Court. Towards the end of his reign, James I had appointed him an advocate in the earl marshal’s court (concerned with matters of chivalry). When Laud was translated to the see of London, he enlisted Duck as the chancellor of the see, which, from 1635, Duck held in plurality with the same office in the diocese of Bath and Wells. From 1633, Duck acted on the ecclesiastical commission, in which capacity he dealt extensively with ecclesiastical business. As a commissioner for ecclesiastical causes, he established a considerable reputation. The earl had thus elicited the advice of one of the most distinguished civil lawyers of the time and, although solicited by the earl, the opinion is likely to be unimpeachable.

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5 Lincolnshire Archives Office REG/30 is the register of William Chaderton to April 1608; REG/31 is that of John Williams commencing in November 1640.
7 For another opinion by Duck in 1638, R. H. Helmholz, Roman Canon Law in Reformation England (Cambridge, 1990), p. 142, n. 73. I am grateful to Dick Helmholz for confirming that this is undoubtedly Duck’s signature.
8 Levack, Civil Lawyers; Helmholz, Roman Canon Law, p. 121.
The principal opponent of the earl was Master Skipwith, so it is necessary to elucidate the Skipwith affinity in north Leicestershire. An estate in north Leicestershire was acquired in about 1595 by Sir William (c.1564–1610). The relationship between the Sir William and the Hastings family began as a matter of patronage. The principal estate of the Sir William consisted of the manor of Cotes in the parish of Prestwold, but the family held land in the parish of Loughborough, and in Leicester too. Sir William attained the office of J.P. by 1593 and acted as sheriff of the county in 1597–98. Perhaps with the support of George Hastings, earl of Huntingdon, he was elected to parliament for the county in 1601. In 1604, however, Sir William and the earl collided over the return of members for the borough of Leicester. The earl, as High Steward of the borough, proposed the selection of Sir John Pulteney, but Skipwith was nominated by the Puritan recorder of the borough, Augustine Nicolls, and for the purpose collated as a freeman of the borough. Despite that difference, the relations between the noble family and Sir William remained cordial. In 1606/07, the dowager countess of Huntingdon appointed Sir William to a commission to enquire into the condition of her estate in Loughborough and Barrow upon Soar preparatory to taking a new ‘recognition’ from the tenants. Sir William presided (for a short time co-presided with Master George Belgrave) over the court baron for the manor of Loughborough by letters of attorney from the earl. After his death, an ornate monument was erected in Sir William’s memory in Prestwold church, the parish encompassing Cotes.

Sir William was succeeded in a third of the estate by his son, Henry; the remainder dedicated in trust for the rest of the family. Henry took up residence in Prestwold, as his mother continued in Sir William’s house in Cotes until her death in 1630. Henry was created baronet in 1622, and committed finally to the royalist cause. From soon after his acquisition of his baronetcy, Henry negotiated with the earl, for the earl was responsible, as Lord Lieutenant, for the military organisation of the county at a time of the demands of the early Stuarts. In 1625, Henry was appointed one of the new deputy lieutenants answering to the earl. For the next decade and more, Henry acted as a loyal representative of the earl, in the earl’s faction, in contests with other claimants to supremacy in the county: the Greys and the Shirleys.
Theoretically, the Skipwiths owed suit of court to the view of frankpledge held in Loughborough, the liberty of frankpledge extending to Cotes, Prestwold and all the hamlets within the parish of Loughborough. Normally, of course, the Skipwiths defaulted on this suit. In 1624 the memorandum of the default by Henry, esq., remarked that he owed suit as a free tenant (liber tenens) of Knight Thorpe (a hamlet within the manor of Loughborough); and that he was amerced 6d, accordingly.

This last entry introduces the Master Skipwith of the legal opinion; another Henry Skipwith, but the uncle of Henry Skipwith of Prestwold. The Henry Skipwith of the legal opinion was the brother of Sir William. This Henry Skipwith had a mansion in Knight Thorpe in the manor of Loughborough.

Associated with Master Skipwith was Master Rugeley, identifiable as Simon Rugeley (1598–1666). Simon was the son of Richard Rugeley of Shenstone. In about 1621, Henry Skipwith of Knight Thorpe had proposed to Richard Rugeley the union of their families through the marriage of Simon and Henry’s daughter, Jane. At that time, Richard declined, to allow his son to pursue his education, but it was no more than a deferral of the betrothal. In 1621 a marriage bond was arranged for the spousals of Simon Ridgley of Cambridge University and Jane Skipwith of ‘Dishley Thorpe’.

Why then did this dispute over a pew in the parish church of Loughborough occur? The earl, although the lord of the principal manor and holder of the view of frankpledge in Loughborough, remained an absentee lord. The cadet branch of the family, in the personage of Sir George Hastings, kt, did, nonetheless, reside in the town and parish, and held substantial lands of the earl, including Lemyngton’s House, for an annual rent in excess of a hundred pounds. The Skipwiths, however, also patronised Loughborough parish church. In 1612, in recompense for her contribution towards the building of a loft, the churchwardens granted to Lady Skipwith ‘room’ (space) for a seat for her servant, Thomas Somerfield. When the earl visited the town, the bells were rung, but the churchwardens’ accounts record this ringing infrequently, as in the 1s paid to the ringers at ‘my Lordes coming to Towne’ in 1635, and the same amount when he returned in 1638. Although the Skipwiths had a substantial presence in the church at Prestwold, they intended to establish their influence in the much bigger parish church in the significant local town, Loughborough. The Skipwiths owned a mansion in Cotes, equidistant between Loughborough and Prestwold. On the other side of the town, within the parish, another branch of the family, close kinship, had a mansion in Knight Thorpe. The pretension to the pew emanated from the Knight Thorpe branch, but the Skipwiths as a family had established a strong relationship to the principal parish church in their locality.