## SIMON MAYNE, REGICIDE, AND DINTON HALL

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# SIMON MAYNE<sup>1</sup>, REGICIDE, AND DINTON HALL

#### DAVID R PICKUP

The article examines an agreement in writing to set up a school in Dinton, near Aylesbury in the 1650s in the context of the wider role of Simon Mayne in local and national politics. Simon was born in 1612 into minor gentry. He was prominent in Buckingham politics on the side of Parliament and in 1645 became a Member of Parliament. In 1649 he was one of the commissioner judges at the trial of Charles I. He was refused a pardon at the Restoration and was detained and then tried as a Regicide. He died while still in prison under a sentence of death in 1661. The reader is invited to examine Simon's role nationally and locally throughout the changing loyalties of the period.

Tipped loosely into the seventeenth century Dinton Churchwarden's accounts<sup>2</sup> is a non-descript sheet of plain paper. Sadly it is showing its age. It appears to be a note of an agreement signed by a number of the residents of Dinton, near Aylesbury. Two of the signatories put their marks rather than sign their names. The document is written in formal, semi legal language. Was it a draft document or an agreement between friends and neighbours who did not want to involve expensive lawyers?

The document (Fig. 1) reads as follows:

30 August 1651

It is agreed between the churchwardens of Dinton and Mr Simon Mayne that the school house in Dinton shall be conveniently repaired by the churchwardens and it shall be used and employed for the use of a schoolhouse if a schoolmaster may be had and that thereby the same may be employed for that use and so long there shall be 6s 8d paid for the rent thereof per annum and it being kept in good repair by the Churchwardens it shall be kept in such good repair. The said rent shall be paid accordingly and the said Churchwardens for their(selves) and the said Mr Mayne for payment of the rent and for keeping of the same in good Repair do undertake accordingly mutually each to the other the date and year above said

The signatures of Rich [illegible] Jo Lane Thomas Smith Edward Cutler Simon Mayne William Goodchild the mark of Francis Hunt the mark of Thomas Wheeler<sup>3</sup>

The destruction of monastic and chantry schools in the previous century was being replaced by village schools of various kinds. In theory all schoolmasters had to be registered and approved by the bishop but in practice not all were. Many schoolmasters were clergymen who did not yet have a living. It was a poorly paid profession but seen a possible route to obtaining a benefice.

The village schools were less likely to be directly connected to the established church. Some were charities and others set up by subscription. The rising gentry classes established the new schools to provide educated boys to serve and aspire to the growing professions and trades. The schoolmasters would teach elementary reading writing, arithmetic and scripture during a ten hour day during which the learning was encouraged by regular beating. Sometimes the schoolmasters were barely literate themselves or immoral.<sup>4</sup>

At the top of the second column at the foot of the document, a signature stands out. This is a bold and confident signature of a man of influence who is the only one referred to as 'mister'. Yet two years earlier he had signed another, more formal document, with "small, nervous, handwriting;" a document that would lead to the execution, murder or

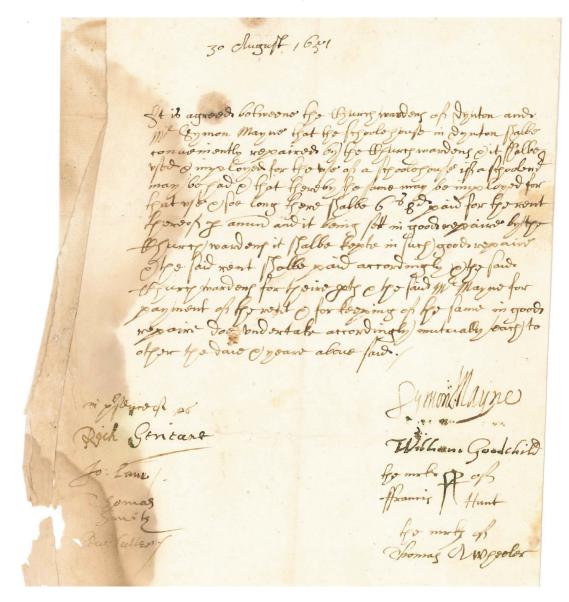


FIGURE 1 1651 agreement relating to the schoolhouse at Dinton (CBS PR 62/5/1: reproduced by permission)

martyrdom of his King and eventually to his own death in the Tower of London.

#### **Family**

Simon Mayne was born into Buckinghamshire minor gentry. He was baptized at Dinton, Buckinghamshire, on 17 February 1612, presumably a few days after his birth. The son and heir of Simon

Mayne senior (1576/7–1617) of Dinton Hall, and his wife, Coluberry (d. 1629), daughter of Richard Lovelace of Hurley, Berkshire, sister of the first Lord Lovelace and widow of Richard Beke of Haddenham, who died in 1606.

Simon Mayne senior died on 13 July 1617, aged forty, and was buried in Dinton church. His will includes legacies of £20 each to a niece and a

nephew, to his two godsons and to seven stepchildren, with smaller sums to all his servants and to poor people in three parishes. Simon Mayne's mother inherited the Dinton estate, with reversion to their son on her death on 10 January 1629. The family's long lease from the Dean and Chapter of Rochester for property in the the nearby parishes of Haddenham, Cuddington, and Kingsey was left to their daughter, another Coluberry (or Celiberry), who married Thomas Boulstrode (or Bulstrode) of Upton, near Dinton, Buckinghamshire, with reversion to her young brother after fifteen years.

#### **Early Life**

In November 1630 Mayne enrolled as a student at the Inner Temple<sup>5</sup>. His first marriage, on 23 May 1633, was to Jane Burgoine (1613/14–1641), aged nineteen, eldest daughter of John Burgoine of Sutton, Bedfordshire, and his wife, Jane, daughter and heir of William Kempe of Finchingfield, Essex. After her death he married Elizabeth (*née* Woodward). The Bourgoines were a much wealthier and better connected family. They had three sons, Simon, Edward, and Samuel, a mercer.

#### The Civil War

The First Civil War started in Nottingham in August 1642. Throughout the war Aylesbury was a Parliamentary stronghold, both militarily and politically. The Royalist capital was at nearby Oxford, approximately 20 miles away. There were skirmishes throughout the Civil War between the two areas and Dinton would have been very close to the fighting. The forces would live off the land by purchasing or acquiring foodstuffs, and other supplies, causing considerable shortages and disquiet. There were constant concerns about the costs of soldiers billeted in local homes and arrears of wages owed to the army.

There were a number of significant incidents including a skirmish near Aylesbury on 1 November 1642. During Prince Rupert's retreat to Oxford he is said to have burned the poor country villages on the way. Perhaps it was out of spite or because the locals were less than friendly. In March 1643 Prince Rupert camped with 6,000 men at Stone, two miles from Aylesbury. In 1644 there were small battles and in January 1645 Royalists were encamped at a number of sites around Thame and Haddenham with Parliamentary forces in

Eythrope and Hartwell. Aylesbury town was well defended throughout the war<sup>6</sup>, but there must have been considerable disturbance in the villages between the two camps<sup>7</sup>.

Simon was related to many families who supported the cause of Parliament in the civil war, including his near neighbours Arthur Goodwin and Sir Richard Ingoldsby. An unanswered question is what military role if any Simon had during the war. He does not seem to have been prominent in political life in Westminster. Perhaps he and his family decamped to Aylesbury town when the fighting was at its worst. Many of his colleagues either served and led the local militia or left the county to serve in the army. Possibly his poor health prevented a more active military career.

Simon was a county magistrate.<sup>8</sup> In January 1642 Parliament and the King were united in trying to raise money for an army to deal with a rebellion which threatened the protestant community. A forced loan was raised and Simon contributed The only other Dinton £10.00. contributing the same amount was Sir Thomas Saunders. Simon's servants contributed £1 13 shillings.<sup>9</sup> After the King raised his standard against Parliament, he served on the grand jury of Buckinghamshire, which presented an address to Charles I for the dismissal of his army in 1642.

He served on the Buckinghamshire Committee from 1643. In Bucks the county leaders had all been either Royalists who had lost power or others who were kept busy outside the county in the army or Parliament. Local affairs were dominated by Thomas Scot from Little Marlow, a lawyer who became treasurer from 1644 to 1646. The committee were men who had previously been not significant like Mayne's half brother Henry Beke, Christopher Eggleston, William Russel, John Deverell and Christopher Henn, an Aylesbury butcher. <sup>10</sup>

Simon was appointed Solicitor of Sequestrations in 1643, which meant that he organised seizing estates from delinquents and papists. He only served until the following year. During his period in office the total value of sequestrations was £32,241, half from delinquents and the rest from papists, college rents, king's revenues, delinquent clergy and land lying waste. <sup>11</sup> On 14 June 1645, after the battle of Naseby, Cromwell is said to have stopped at his house, Dinton Hall.

#### **Member of Parliament**

About September 1645 he was returned as a recruiter MP for the nearby borough of Aylesbury. 12 He was one of two MPs who replaced Sir John Packington and Sir Ralph Verney. Packington was a Royalist, while Verney had refused to take the Covenant and been given permission by Parliament to go abroad. They had been excluded from the Long Parliament. Packington had owned a lot of land in Aylesbury and there were protracted disputes about who would get it. Simon was a prominent figure in the local government of Buckinghamshire. The author of the Mystery of the Good Old Cause (1650) describes him as a 'great committee man, wherein he licked his fingers', implying that he had his hands in the till. Certainly, as early as October 1643 he had secured the sequestered lands he had formerly held under lease from the dean and chapter of Rochester. The author of Mystery also says Simon was one of the King's cruel judges and he was a "Constant Rumper to the last". The anonymous author of Mystery gives no further particulars of financial misdeeds. He may not have been an impartial critic<sup>13</sup>. The fact that Simon was either unwilling or unable to secure his later pardon may suggest he had not made a fortune for himself.

Aylesbury men petitioned Parliament to acquire Packington's property, and later to end their obligation to pay church tithes (a form of ecclesiastical tax). In 1648 Simon signed a letter to the House of Commons, along with Colonel Fleetwood and a Mr West, reporting the suspected delinquent behaviour of one John Chapman. The Commons resolved to have Chapman arrested and thanked the men for their loyalty and "good affections". 14

In 1648 he helped sponsor a petition from Buckinghamshire in support of the radical vote of no addresses, ending parliament's approaches to Charles I for a settlement. Local power was emphasized when, in September 1648, he and his cousin Henry Beke, George Fleetwood, and others signed a defiant reply to the treasurers of sequestration, following demands for a speedy account of profits from sequestrations for the county in their charge. In 1648 and 1649 there were petitions from the more extreme Levellers, which Simon may have known of and acquiesced in.

Although Buckinghamshire was not involved in the Second and Third Civil Wars, the locals would have seen the Royalist and Scottish prisoners travelling through the county after the Battle of Worcester. In 1653 the Barebones Parliament purged their enemies from county administrations, including Buckinghamshire. The whole clique led by Mayne went. 15 In 1656 he was one of a number of commissioners for Buckinghamshire who addressed a sycophantic petition to his "highness" the Lord Protector. 16

#### **Dinton Church**

Many churches in Buckinghamshire suffered during the Commonwealth period through deliberate vandalism, or Puritan efforts to remove what they saw as evidence of idolatry or Popery. Dinton Church had no surplice (priest's vestments) or cloth for the altar in 1662. This meant he had to right to appoint the Rector. We do not know whether he ever appointed a Puritan minister

#### Regicide

In 1649 Simon was appointed one of the commissioners for the trial of Charles I. 135 men were nominated for the role, with a quorum of twenty<sup>18</sup>. The first proposal had been for a panel of three judges with a jury of 150 commissioners. That was rejected in favour of 135 commissioners who were both judge and jury. 47 of those nominated never appeared. Several appeared occasionally. Simon attended on most days. He sat nine days out of thirteen at the Painted Chamber at Westminster and in Westminster Hall every day excepting 22 January (the day before the King was condemned). At his later trial he stated he had risen in the House of Commons to protest at the inclusion of his name in the list of the King's judges, but had been stopped by a fellow MP who hinted at possible loss (sequestration) of his estates if he persisted. Other judges also said they had only sat under duress. 19 Simon's signature is at the top of the sixth column on the King's death warrant. Wedgwood calls it "small, nervous, handwriting" and he recalled being told "What have you to fear? The quorum is twenty and there is forty here before you." There was a total of 59 signatures.<sup>21</sup> His regular attendance suggests he was supportive of the process.

After the Restoration Mayne, as a regicide, was excepted from the general act of pardon along with 103 other men. A total of 49 of those 103, plus the two unknown executioners, faced the capital charge of treason.<sup>22</sup> He is said to have gone into hiding at

Dinton Hall. In June 1660 he surrendered to a serjeant-at-arms and was tried at the Old Bailey on 13 October. He was one of many regicides who offered little defence to the charge. He claimed to have been weak, ignorant and misled.<sup>23</sup> Bulstrode Whitelocke recorded that Mayne's wife retained him as counsel to prepare a petition to the king. In Whitelocke's diary for 13 June 1660 he records Simon's surrender to the authorities. The entry for 13 October 1660 states that Whitelocke "was retained of [as] Counsel for Colonel Lilburne and for Mrs Mayne upon a petition to the king."<sup>24</sup> Whitelocke was a practising lawyer and after the restoration built up his practice by acting for dissenters and men seeking pardon from the new regime. Whitelocke himself had to purchase his own pardon from Parliament, supported by references from Royalists he had been kind to.25 The single entry in the diary suggests that Whitelocke's involvement was very limited. At his trial Mayne made an inaccurate and incoherent defence: 'I knew not of the King's bringing up [to London], I was never at any Committee'. When asked, of the death warrant, 'see if your hand and seal be not upon it', he replied 'I acknowledge it is my hand, ... there was a gentleman told me I should be sequestered as a delinquent ... saith he, you will rather lose your estate than take away the king's life'26. He originally pleaded not guilty, but later changed his plea, stating he was "an ignorant weak man in the law" and that he had "no malice or ill intention" to the King.<sup>27</sup> When asked simply if he signed the death warrant he prevaricated. He admitted sitting in the court and did not admit it until asked the third time.

He was found guilty and sentenced to death but committed to prison. Only ten men out of all the regicides were executed as a result of the trial. A pamphlet was published called "Considerations humbly tendered by Simon Mayne to shew he was no contriver of that horrid action of the death of the late king, but merely seduced and drawn into it by the persuasion of others."28 The Tract argues his "own weaknesses" and "natural infirmities" rendered him incapable of being a "contriver or promoter" of the regicide. Simon, it states, was not in London when he was first nominated as a judge and was bullied into allowing his name to stand. Thomas Challoner often boasted that he had made Simon a man of courage and resolution. The tract further says during the trial he pretended to be sick

and stayed at an inn called the Golden Horseshoe near the Old Bailey. He later attended the chamber and signed the warrant. After the King's execution he claimed not to have purchased any of the Royal Family's property, or bettered himself at the expense of others. People had spoken out against the execution of the King in his presence, and Simon never reported them to the authorities. In 1657 there was an effort to track down Royalists, and Simon claimed to have forewarned some people including a Mr Digby, who would have had his estate sequestered in the Aylesbury Committee had known of it. He was never in any "Junto or secret Cabal", nor took the Oath of Abjuration or voted Non-Addressed to the king. The tract ends by referring to his "truly penitent heart", acknowledging the sentence on him to "be legal and just, and deservedly inflicted on him the most penitent of sinners."

It is not known who wrote or drafted the tract. It is probably true that Simon was never a leading advocate of the execution of the king or a leading light in national politics. He may have tipped off friends and showed some restraint in benefitting financially. By the late 1650s he had fallen out of favour, and he may have wondered what the future would hold for him if there was a change of government.

Mayne's health may never have been robust.<sup>29</sup> After his committal to the Tower his illness became fatal, and he died there on 13 April 1661 'from gout, with fever and convulsion-fits'. An inquest was held next day, and Sir Edward Nicholas gave the lieutenant of the Tower a warrant for delivery of the corpse to the widow 'for interment in the country without ostentation'. Mayne was buried in Dinton Church on 18 or 28 April 1661.

The lands sequestered from the dean and chapter of Rochester had been restored to them (and leased to a member of the royal household) but the Dinton estate, forfeited by Mayne, was regained by his widow in 1664, the conveyance being made by Christopher Egleton of nearby Ellesborough, who had known Mayne, and George Goswell of Beaconsfield. Elizabeth Mayne died in 1694 and was buried at Dinton on 10 August. Simon's son, also called Simon, was an MP. He was probably born in 1644 and held office under William III. He was elected for Aylesbury in 1691 and sat until 1696 and again 1705 to 1710.<sup>30</sup> The Dinton estate remained in the family until well into the next

century, when another Simon Mayne sold all his estates to John Vanhattem in 1727.<sup>31</sup>

#### **Dinton Hall**

What is believed to have been Simon's temporary hideout was discovered in 1804 during restoration work on Dinton Hall. The entrance to the hiding hole consisted of the four bottom stairs of a flight of stairs leading to an attic, which could be lifted to reveal a passage to a small room between two stacks of chimneys. Remnants of tapestries and carpets were discovered. The hiding place was destroyed in 1857 when the Hall was restored. Whether it was an old priest hole and whether Simon used it is not known definitely.

Dinton Hall also preserves Old Noll's (Cromwell's) Naseby Sword. This is said to have been a sword given by Oliver Cromwell, who may have stayed at the Hall during the siege of Oxford. The Revd J J Goodall in a letter to fellow antiquary Admiral Smyth recalled his father knew the sword when it was in a corroded state, but carefully kept in a silk cover with a baize cap for the hilt. Attached to it was a piece of vellum with indecipherable handwriting on it. The sword was examined in the nineteenth century by one of the Wilkinson firm, who stated it is of first-rate quality and has the maker's name engraved on it "Andrea Farrara".33

The sword (Fig. 2) has a straight steel blade, 31½ inches long. It is clearly marked on both sides with the name 'Andrea Farrara'. The blade has one small knick on it but is otherwise in good condition. It appears to have been cleaned. The hand guard contains a leather knuckle guard in reasonable condition, although the metal basket work has been damaged as it has received a knock. The sword has a wooden scabbard covered in leather which is much worn. It has a metal guard at the end.<sup>34</sup>

Andrew Ferrara or Andrea Ferrara was a maker of sword-blades highly esteemed in Scotland in the 16th and 17th centuries. Sir Walter Scott notes that the name of Andrea de Ferrara was inscribed "on all the Scottish broadswords that are accounted of peculiar excellence". Scott said that Ferrara may have been a Spanish or Italian craftsman who was brought to Scotland in the early 16th century to instruct the Scots in the manufacture of the high-quality steel blades current in Renaissance Europe. The swords rarely broke, even under immense force.

#### The Dinton Hermit

Dinton Hall and the Ashmolean Museum each hold one shoe, said to be relics of John Bigg, who was Simon's clerk. He is said to have been a good scholar of "tolerable wealth", but took to a hermit's life after the Restoration. He lived in a nearby cave by begging. He would only ask for leather which he nailed to his clothes, and kept three bottles hung from a girdle. The bottles were for strong beer,

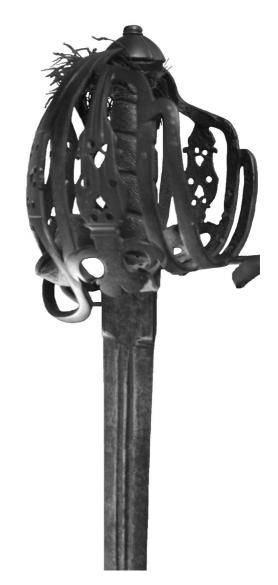


FIGURE 2 Detail of Old Noll's (Cromwell's) Naseby Sword (photo: Carol Lynch)

small beer (weak beer), and milk. He had a reputation for frightening and being very "lewd" with women, who he would entice into his cave. He was buried in 1696.<sup>35</sup> There are a number of accounts of him <sup>36</sup> which would confirm his existence, but it is unlikely he was Charles I's executioner or that he was in hiding, as his lifestyle would have attracted attention. After the Restoration the new government tried to discover who Charles' executioner was. He was described as a young man in his twenties, which would fit with Bigg. The name is preserved in a local public house and a house called Bigg's Cave.

#### Conclusion: Simon Mayne, saint or sinner?

Simon probably took his chances as others did. He entered local politics partly to fill a gap left by Royalists and the absence of Buckinghamshire MPs in London. There is little evidence to suggest he greatly benefited financially from his career. He played little part in national politics and signed the King's death warrant at a period when anti-Royalist feelings were in the ascendancy. He was not a leader in the republican movement, but he seems to have attended the trial willingly. Towards the end of the Protectorate he lost power and may have regretted his earlier actions. His prevarication during his own trial is curious. Many of his fellows were able to buy their way out of trouble and serve in the new regime. This was not for him, and his poor health did what his judges did not. He would have been pleased that fate and authority was forgiving to his family and descendants. Given the sweeping changes and temptations would we have done differently?

I am grateful to the librarians and staff of Aylesbury Lending Library, Buckinghamshire Local Studies. Thanks also to Mr Richard Vanbergen of Dinton Hall and Mr George Lamb for his comments.

#### References

- I have adopted the spelling Simon Mayne throughout, though he is known also as Symon Maine
- 2. Centre for Buckinghamshire Studies (hereafter CBS) PR 62/5/1
- 3. Hunt and Wheeler were churchwardens
- 4. Tindal Hart, *The Man in the Pew 1558–1660* (John Baker 1966), 110–113
- 5. Education at an Inn of Court in the Seven-

- teenth Century was similar to a university education and did not necessarily mean a legal career was intended
- 6. George Lamb 'Aylesbury in the Civil War', *Recs Bucks* **41** (2001), 183–188
- 7. Robert Gibbs, A History of Aylesbury (Aylesbury, 1885)
- This is not itself indicative of Simon being a professional lawyer. A seventeenth-century magistrate would have administrative duties such a licensing as well as dealing with criminal matters.
- John Wilson (ed.) Buckinghamshire Contributions for Ireland 1642 Bucks Record Society 21 (1983)
- 10. David Underdown *Prides Purge* (Oxford 1971), 34
- 11. H.M. Johnson, 'Buckinghamshire 1640 to 1660 A Study in County Politics' unpublished MA thesis, University of Wales 1960, 141
- 12. Around one-third of the members House of Commons left Westminster to join the King's alternative Oxford Parliament in 1643. From 1645 onwards, "recruiter" elections were held to "recruit" or make up the numbers of MPs at Westminster
- 13. Author unknown *The Mystery of the Good Old Cause* (London 1650). This document is sometimes referred to as having a 1660 date, but the document is clearly marked 1650. British Library Shelfmark: G.16117
- 14. House of Commons Journal Volume 5 18 January 1648 http://www.british-history.ac.uk/report.aspx?compid=55445&strquery=simon mayne, retrieved 20 December 2012
- 15. David Underdown, *Prides Purge* (Oxford 1971), 340
- 16. House of Commons Journal Volume 7 26 May 1659 http://www.british-history.ac.uk/report. aspx?compid=55445&strquery=simon mayne, retrieved 20 December 2012
- 17. E R C Brinkworth ed., Episcopal Visitation Book for the Archdeanery of Buckingham 1662 Bucks Record Society 7 (1947), 26
- 18. Not all were judges or legally qualified
- 19. C. V. Wedgwood, The Trial of Charles I (1964), 101 quoting State Trials. A Complete Collection of State-Trials, and Proceedings For High-Treason, And Other Crimes And Misdemeanours; From the Reign of King Richard II to the Reign of King George II Third edition

London 1742 editor unknown Volume Two and S. Mayne, 'Considerations humbly tendered by Simon Mayne, to shew that he was no contriver of that horrid action of the death of the late king, but merely seduced into it by the persuasion of others', *A collection of scarce and valuable tracts* ... *Lord Somers*, 2 (1751), 196–7

- 20. Wedgwood p176, quoting State Trials
- 21. http://www.oxforddnb.com/view/printable/70599, retrieved 11December 2012
- 22. http://www.oxforddnb.com/view/printable/70599, retrieved 11 December 2012
- 23. Wedgwood p219
- 24. Ruth Spalding ed., *The Diary of Bulstrode Whitelocke 1605–1675* (Oxford 1990), 615
- 25. Ruth Spalding, *The Improbable Puritan: A life of Bulstrode Whitelocke* (London 1975), 229
- 26. State trials Volume Two p 398
- 27. State trials Volume Two p 398
- 28. See above note 13
- 29. 'Dinton Hall and Church' *Recs Bucks* **4**, (1870) 109. As early as 1635 and 1636 he and his first

- wife had received licences 'for notorious sickness' to eat flesh on fish days. However, the fact these licences were given to couples and families may say more about the quality of the fish than the health of individuals. Simon was in his early twenties at the time
- 30. Http://www.historyofparliamentonline.org/volume/1690–1715/member/mayne-simon, retrieved 19 December 2012
- 31. 'Dinton Hall and Church' Recs Bucks 4, (1870)
- 32. 'Dinton Hall and Church' *Recs Bucks* **4**, (1870)
- 33. 'Dinton Hall and Church' Recs Bucks 4, (1870)
- 34. The author visited Dinton Hall on 9 January 2013 and inspected the sword by kind permission of the present owner of the Hall, Mr Richard Vanbergen
- 35. 'Dinton Hall and Church' *Recs Bucks* **4**, (1870) 104
- 36. Including one by Thomas Hearne in 1713