

Scandalous and malignant?

Settling scores against the Leicestershire clergy after the first Civil War

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Abstract

During the English Civil Wars religious reformers forced thousands of clergy from their livings. Despite recent scholarship stressing the central role of religion in the conflict, analysis of clerical trials and ejections has not yet been fully integrated into the historiography of Civil War. The most complete set of surviving records for exploring this process are those of the parliamentary committee for Leicester. This study analyses these records to determine the motivations for ejections in Leicestershire. By taking a holistic picture of the evidence surrounding some cases, it calls into question previous assumptions, often made on the basis of articles of accusations alone, about the morality or religious persuasion of those ejected. Instead, it demonstrates that political considerations drove sequestrations, that the conditions of war exacerbated pre-existing social, economic and religious tensions within the county, as the desire for retribution for war-time losses found in the loyalist clergy a convenient target.

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During and after the first Civil War, as part of a sweeping programme of religious reform, the Long Parliament denounced, tried and removed from their livings thousands of clergy deemed to be ‘scandalous, ‘malignant’ or ‘delinquent’ in their behaviour. The scale of the ejections was huge, possibly even surpassing the successive clerical upheavals during the sixteenth-century Reformation.¹ Yet despite a recent historical emphasis on the role of religion in the conflict, understanding of the reasons for the clerical ejections and their effects on local communities have not always been fully integrated into the historiography of Civil War. Prior to 1643, ejections were coordinated centrally by parliament. From September 1643 onwards, parliament delegated prime responsibility for initiating ejections to parliamentary committees in the counties.² Of the handful of county committee minutes which survive probably the best set of records, but largely overlooked by historians to date, are those for Leicestershire, which form the subject of this paper.

Previous research has focused on the surviving committee records for the Eastern Association counties. Those for Lincolnshire and Suffolk were published in full by Sir Francis Hill and Clive Holmes respectively, while those for Cambridge and Essex have been analysed by Ian Greene and James Sharpe.³ The Leicestershire records have been somewhat

¹ A.G. Matthews (ed.), *Walker Revised* (Oxford, 1948), v-xxvii; I. Green, ‘The persecution of “scandalous” and “malignant” parish clergy during the English Civil War’, *English Historical Review*, 94 (1979), 508, 522.

² *House of Commons Journals*, iii, 231. For an account of the ejection procedures of Parliament’s Committee for Scandalous Ministers and then its Committee for Plundered Ministers, and the functions of county committees in relation to the latter, see C. Holmes (ed.), *The Suffolk Committees for Scandalous Ministers 1644-1646* (Ipswich, The Suffolk Records Soc., 13, 1970), 9-14.

³ F. Hill (ed.), ‘The royalist clergy of Lincolnshire’, *Reports & Papers of the Lincolnshire Architectural & Archaeological Society* (ns, 2:1, 1941 for 1938), 34-127; Holmes, *Suffolk Committees*; Cambridge charges are

neglected, being tucked away in a much larger collection of correspondence and documentation amassed by Exeter clergyman John Walker when compiling his 1714 publication commonly known as the *Sufferings of the Clergy*, an archive now held in the Bodleian Library.⁴ Although A.G. Matthews abstracted the Leicestershire proceedings in his authoritative work on the sequestered Civil War clergy, *Walker Revised* (1948), neither he nor any subsequent historian have explored them in any depth.⁵

The records for Leicestershire are important for several reasons. Firstly, they give much the most complete picture of clerical trial procedure. Elsewhere there are indications that incumbents challenged charges against them, yet evidence for the defence was rarely preserved. The Leicestershire committee was more punctilious in maintaining the appearance of due process: only in Leicester were written responses of individual clergy retained along with the charges against them, allowing historians the possibility of a more balanced assessment of what can appear at first glance a damning schedule of complaints. Copies of some witness depositions also survive, to flesh out the picture.⁶ Further evidence, from Leicestershire Archdeaconry court records, allows a much fuller investigation than previously attempted of the local conflicts which often prefigured Civil War clerical trials. Most significantly, Leicestershire ejections began in 1646, three years after those in the eastern counties, in a county at the heart of Civil War military activity, with a 37% rate of clerical ejection significantly above the country-wide average of 28% calculated by Ian Green.⁷ This

in British Library Additional Manuscripts 15672, see Green, 'Persecution'; Essex proceedings are in Leicester University Library MS 31 and British Library Additional Manuscripts 5829, see J. Sharpe, 'Scandalous and malignant priests in Essex: the impact of grassroots puritanism', in C. Jones, M. Newitt, S. Roberts, (eds), *Politics and people in revolutionary England* (Oxford, 1986), 253-73.

⁴ Bodleian Library, MS J. Walker (hence WMS) C11; C5, fos 60-79; J. Walker, *An Attempt Towards Recovering an Account of the Numbers and Sufferings of the Clergy of the Church of England* (London, 1714).

⁵ Matthews, *Walker Revised*, 231-47.

⁶ WMS C5, fos 60-79.

⁷ Green, 508, 522; rates varied from virtually 100% in London to below 20% in some counties, see F. McCall, *Baal's Priests: the Loyalist Clergy and The English Revolution* (Farnham, 2013), 130-31.

paper aims to analyse the Leicestershire committee records to understand the reasons behind the vigorous urge to eject clergy in this county. It will investigate the extent to which patterns of complaint articulated reflect a national pattern or more regionalised and contingent concerns. It will question the validity of relying on the evidence of accusations alone, showing that where other sources are available, they reveal a more complex set of motives behind these extraordinary upheavals in the English religious confession.

Correspondence in the Walker archive indicates that Walker obtained the Leicestershire documentation via a local solicitor, John Carte.⁸ Carte came from a noted family of antiquarians: his brother Thomas was the biographer of the Duke of Ormonde and the Leicestershire antiquary John Nichols borrowed extensively from the collections of their father Samuel, vicar of St Martin's in Leicester. Of John Carte Nichols writes: 'He employed all his talents in being useful to others ... an inclination which he indulged so far, that he utterly neglected himself'. Carte was certainly useful to John Walker: in a 1711 letter he describes how he 'extracted' Leicestershire witness statements (MS J. Walker C5) from a folio then in the possession of 'Alderman Hood'. This must have been Edward Hood who, as Mayor of Leicester in 1709 and in 1720 and the son of a previous mayor, had ready access to the city's records.⁹

Nichols describes Carte as a man of 'admirable parts' and 'unwearied application'. Carte himself stresses his diligence in transcription, assuring Walker: 'You'r not to wonder that severall words are not rightly spelled in the enclos'd Copy since therein I imitate the Original'.¹⁰ Nevertheless, we cannot be positive Carte's copies were not bowdlerised, like some other eighteenth-century transcriptions. However Carte also purloined for Walker some

⁸ WMS C5, fos 62v, 63r.

⁹ J. Nichols, *The History and Antiquities of the County of Leicester* (4 vols., London, 1800-4), IV, 744; also title page; A. Chalmers, *Chalmer's General Biographical Dictionary* (1812-1817), viii, 300; WMS C5, fo. 60r; www.leicester.gov.uk/about-leicester/lordmayorcivic/roll-of-mayors/.

¹⁰ WMS C5, fo. 63r.

original records of committee proceedings. MS J. Walker C11, a minute book dating from the 1640s, contains accusations against the clergy, their signed replies and their lists of questions for witnesses, known as ‘interrogatories’, along with a list of clergy summoned and orders concerning them made before, during and after trial. Carte indicated to Walker that he had sent up a manuscript ‘by Mr Martin’s directions’.¹¹ If this document came directly from the Town Hall, Carte probably had the Town Clerk’s consent: from 1708 onwards, receipts were required to remove Town Hall muniments.¹² Why were Leicester’s local governors happy to part with a document that had happened by chance to escape the destruction afforded to other committee proceedings? Probably because a corporation which has been described as ‘thoroughly disaffected from the revolution’ of 1688, with Tory, possibly Jacobite, sympathies during the early-eighteenth century, was highly sympathetic to John Walker’s High Church Anglican aims.¹³

The Leicestershire committee book minutes the dates when copies of articles of complaint were delivered to the clergy concerned, and warrants for them to examine witnesses in their own defence.¹⁴ To try the clergy, county committees used improvised written processes largely adapted from those of the newly-abolished ecclesiastical courts.¹⁵ The charge-sheet gave clergy a broad idea of the complaints against them, but not who had accused them or the evidence on which these charges rested. Prosecution and defence witnesses were generally examined at separate hearings. Clergy were not usually permitted to hear hostile witnesses give evidence, although exceptions were sometimes made, if

¹¹ WMS C5, fo. 78v: probably Simon Martin, a bookseller and alderman in the early eighteenth century, see J. Thompson, *A History of Leicester in the Eighteenth Century* (Leicester, 1871), 18, 26, 35, 49.

¹² A.K.B. Evans, ‘The custody of Leicester’s archives from 1273 to 1947’, *Transactions of the Leicestershire Archaeological and Historical Society*, 66 (1992), 113-4.

¹³ ‘The City of Leicester: Parliamentary history, 1660-1835’, *A History of the County of Leicester* (1958), IV, 110.

¹⁴ WMS C11, fos 3-4.

¹⁵ For a description of ecclesiastical court procedures see L. Gowing, *Domestic Dangers: Women, Words, and Sex in Early Modern London* (Oxford, 1998), 38-9.

defendants fought hard enough.¹⁶ After the local committee had heard all the evidence, the ‘proofs’ were certified to Parliament’s Committee for Plundered Ministers, who made the final decision on whether to eject.

MS J. Walker C11 contains numbered articles of accusation against thirty-seven of the seventy-five Leicestershire clergy listed in *Walker Revised*. In twelve cases, these are supplemented by witness depositions in MS J. Walker C5. In five cases, additional articles were later felt necessary to buttress the case for prosecution. For twenty clergy, documentation relating to the case for the defence survives. Seventeen clergy submitted a detailed written answer to the charges. Six devised interrogatories for witnesses; these often indicate the line of defence where no further documentation survives. Further fragmentary evidence, in the form of copied depositions, exists for ten clergy in addition to the main group of thirty-seven.

We can only determine who testified against clergy in the few cases where depositions have survived and sometimes, indirectly, from the responses of the accused. In the twenty cases for which witnesses are known, two-thirds involve depositions by only one or two accusers; the remaining six cases involve sets of accusers ranging from four to seven.

¹⁷ Half the named accusers come from the middling sort or below in social status; a quarter are husbandmen or labourers, the others servants, yeomen or artisans. Marks suggestive of illiteracy are given in a minority of cases. A quarter are gentry or other clergy. Two members of the Leicestershire committee give evidence: Thomas Hesilrige and Richard

¹⁶ WMS C11, fo. 76r: Nicholas Hall produced a second answer, ‘after his hearing the depositions of his accusers and their witnesses’; WMS C11, fo. 4 records an order for the deponents against Andrew Lamont ‘to be re-examined in his presence’, and a ‘speciall order’ allowing Richard Locksmith to cross-examine witnesses.

¹⁷ These include twelve of the thirty-seven clergy for whom accusations survive, and eight others; the surviving deposition evidence for Leicester appears fragmentary and may not represent all of the testimony presented.

Ludlam. Five women are listed out of forty-seven named accusers (11%), a considerably lower proportion than of the ecclesiastical courts.¹⁸

John Seldon called the Leicester Committee a ‘company of clowns’; William Lilly termed it ‘a scabbie Sect of covetous Sectaries’.¹⁹ Power struggles between moderate parliamentarians, lead by Henry Grey, earl of Stamford, and independents, lead by Sir Arthur Hesilrige, the M.P. for Leicester, came to a head in 1644, leading to intimidation and then a violent assault on Hesilrige by the earl and his supporters in 1644-5, which were censored by parliament.²⁰ Sir Arthur himself, according to his biographer Barry Denton, ‘made a speciality of persecuting malignants’; after 1644 the committee was firmly in the hands of his supporters, led by his brother Thomas, whose name heads a list of Leicester Committee men in MS J. Walker C5 ‘writ in this MS under their own hands’.²¹ The twenty-two men listed included only four original members of the more moderate committee of 1642: Thomas Hesilrige, William Stanley, mayor of Leicester, and two parliamentary officers, William Danvers and John Goodman.²² The Independents who now dominated the main committee, were ‘meare men in birth and fortune’, according to a longer-standing member, Martin Lister. Those serving on the sequestration committee may have been more ready to eject clergy than less radical individuals serving sequestration committees elsewhere.²³ They included another army officer, John Pratt, and only seven members of the main Committee of 1645; moderates such as Temple and Thomas Cotton who remained nominal members of the main

¹⁸ Gowing, *Domestic Dangers*, 49 quotes a proportion of 25% for rural areas and 43% for London.

¹⁹ B. Denton, *Only in Heaven: the Life and Campaigns of Sir Arthur Hesilrige, 1601-1661* (Sheffield, 1997), 125; W. Lilly, *The Starry Messenger* (London, 1645), preface.

²⁰ D. Costa, ‘Sir Arthur Hesilrige and the Development of Civil War in England’, (University of Oxford D Phil. thesis, , 1989), 248, 255, 316.

²¹ Denton, *Only in Heaven*, 66, 125; WMS C5, fo. 77r.

²²; F.E. Skillington, ‘The Trinity Hospital at Leicester’, *Transactions of the Leicestershire Archaeological and Historical Society*, 49 (1973-4), 8; D. Fleming, ‘Faction and Civil War in Leicester’, *Transactions of the Leicestershire Archaeological and Historical Society*, 57 (1981-2), 33; P. Temple, *An Examination Examined* (London, 1645), 15, lists members of the 1642 and 1645 committees.

²³ Costa, ‘Hesilrige’, 257; Lilly, *Starry Messenger*, preface.

committee appear to have either dissociated themselves from or been prevented from serving at clerical trials.²⁴

Unsurprisingly, three-quarters of the Leicestershire clergy were accused of religious offences, often ones which were established grounds for complaint in the 1604 canons: carrying out servile labours, conducting clandestine marriages in the case of Thomas Bird or, in ten cases, absenteeism.²⁵ Although framed by accusers to suggest general negligence, such absences seem more to reflect a desire for safety in wartime than neglect of pastoral care: ‘Lieutenant Browne threatning mee in a letter that hee would have mee pulled out by the eares’, William Parkes justified his temporary removal to Staffordshire.²⁶ Pluralism and non-residence, problems commonly linked with absenteeism in contemporary polemic, apparently caused little concern in Leicestershire, with only one clearly-justified case of each cited: Joseph Smith with three parishes, and Michael Honywood who, being President of Christ’s College, Cambridge, the patron of the living, was exempt from the requirement to reside at Kegworth and only rarely appeared there; he was in exile in the Netherlands by 1647.²⁷ The hiring of curates, another topic of controversy, caused more concern. Unsuitable candidates cited included the former Leicester shopkeeper employed by the invalid Rice Jem and several appointed by Edward Heron at Coston.²⁸ Heron countered with the names of a string of well-qualified graduates who had passed through his employment. Startling allegations that one of Heron’s curates had sired a bastard which ‘his whore was

²⁴ WMS C5, fo. 77r; Temple, *Examination*, 15; D. Fleming, ‘Faction’, 33

²⁵ G. Bray (ed.), *The Anglican Canons, 1529-1947* (Rochester, 1998); WMS C11, fo. 19r.

²⁶ WMS C11, fo. 56v.

²⁷ J.H. Srawley, *Michael Honywood Dean of Lincoln (1660-81)* (Lincoln, Lincoln Minster Pamphlets, No. 5, 1950); Nicholas Bennett, ‘Honywood, Michael’, *Oxford Dictionary of National Biography* (Oxford, 2004).

²⁸ See *The Curate’s Conference* (1641); R. Wilde, *The Benefice* (1684), written during the 1640s; WMS C11, fo. 24v.

hanged for murdringe’, seem curious, given that the individual remained unnamed in either Heron’s or his accusers’ version of events.²⁹

Exacting parishioners expected only the highest standards from incumbents themselves, complaining of Bernard Fleshwar of Saddington reading with spectacles and deeming William Holdsworth, curate of East Shilton, insufficient for ‘deliveringe ould noates for new sermons; for twenty yeares’.³⁰ The locus of grievance was often rooted well-back in the distant past, like Richard Locksmith’s decade-old archdeaconry citation for christening a child with the name Milstone.³¹ A corollary to this was accusers’ surprising indifference of to contemporary religious politics. Despite parliamentary ordinances against superstitious images in August 1643 and May 1644, only two Leicestershire ministers faced charges relating to ‘superstitious’ artefacts.³² Both were personal possessions rather than church decorations: a crucifix owned by John Hodges of Shakerstone, and ‘popish pictures’ supposedly hidden by William Hunt of Kibworth Beauchamp.³³ The impact of the contemporary campaign against popery prompted by the Irish uprising had evidently receded here by 1646: only three ministers faced vague suggestions of Catholic sympathies: Francis Squire, John Hodges and Michael Crosley.³⁴ In East Anglia such complaints were three times more common.³⁵

None of the Leicestershire complaints mentions the controversial Arminian doctrine. This was not necessarily for want of trying: Rice Jem complained of ‘Herrodians in his Congregation that went about to catch him in his words’. When one parishioner took ‘speciall notice’ of his preaching in favour of episcopacy, Jem decided that ‘he would preach noe more

²⁹ WMS C11, fo. 54.

³⁰ Ibid., fos 29r, 68r.

³¹ Ibid., fo. 36v.

³² *Acts and Ordinances of the Interregnum, 1642-1660* (London, 1911), 265-266, 425-426.

³³ WMS C11, fos 31r, 70r.

³⁴ Ibid., fos 31r, 69A, 67r.

³⁵ McCall, *Baal’s Priests*, 24.

before him untill tymes were better'.³⁶ Civil war made clergy wary of stirring up public controversy. Their employment of deliberately ambiguous phrases such as 'great Counsellors of the land' in prayers and sermons made entrapment difficult, so complaints against preaching usually remained ill-defined.³⁷ A charge of 'false doctrine' was easily parried by Nicholas Hall, alluding to 2 Peter iii. 16:

in ... many sermons ... about most pointes of divinitye (som of which are heard to be understood) some few things have been ... misintarpreted ... by some who he could not perswade by publique exhortation or private intreaties to confer with him.³⁸

Other reported samples of preaching were evidently rather crude attempts at deliberate misrepresentation. 'If God be God follow him, if Baall be God follow him' was the message reportedly preached by John Ross, chaplain to the earl of Huntingdon.³⁹ 'If the kinge should Comand a calfe to bee set up and worshipped hee would doe it rather then lose his Parsonage', George Tongue supposedly remarked, in suspiciously similar vein. Tongue insisted the court record the 'vileness' of this article and the lack of witnesses testifying to it in person.⁴⁰

Complaints about ceremonialism were as prevalent in Leicestershire as in other counties. But their pattern amply demonstrates, as Julian Davies has argued, that Laudian practices were not implemented uniformly, but with a level of rigour matching the liturgical inclinations of the Bishop.⁴¹ Leicestershire was in the rambling diocese of Lincoln, headed by Laud's adversary Bishop John Williams, who in 1635 had varied the metropolitan policy on altars, ordering communion tables to be railed in but not specifying their position.⁴²

³⁶ WMS C11 fo. 24v.

³⁷ Ibid., C11, fo. 36r; C5, fo. 67v.

³⁸ WMS C11, fo. 37v; 2 Peter iii.16: '[St Paul] ... speaking ... of these things; in which are some things hard to be understood, which they that are unlearned and unstable wrest ... unto their own destruction.'

³⁹ WMS C5, fo. 75r.

⁴⁰ WMS C11, fos 49v, 51r.

⁴¹ J. Davies, *The Caroline Captivity of the Church* (Oxford, 1992), chapter 6.

⁴² K. Fincham, 'The Restoration of Altars in the 1630s', *Historical Journal*, 44 (2001), 934.

Reflecting Williams's moderate position, Leicestershire accusers of the 1640s complained about ministers who had worn surplices, spent too much on linen table clothes and carpets, stood at the *gloria patri*, bowed at the name of Jesus, or denied communion to those not kneeling, but only a third of complaints of ceremonialism centred on the altar, half the rate for East Anglia.⁴³ By 1646, altars were no longer the incendiary topic of five years earlier and memories of former practices were often contested. Following suggestions that he had raised the chancel in steps to form an altar, and groped a woman for good measure to check whether she was kneeling at it, George Tongue spluttered in outrage: Kimcote's chancel was no more raised than it had been thirty years ago. Responsibility for turning the communion table altarwise rested with the churchwardens, who had been commanded to do so by their ordinary.⁴⁴ Others argued along similar lines that Laudian practices had been enjoined by authority, not personal inclination.

Some offered signs of their commitment to preaching in the hopes of mitigating the charges against them. Lincoln prebendary Edward Heron, whose will contains an uncompromising statement of his Calvinism, cited two decades worth of weekly lectures he had kept at Grantham and Melton Mowbray.⁴⁵ George Tongue, who had been reported to church authorities for puritan offences in the 1630s, recalled the 1400 sermons he had written and his practice of preaching twice on Sundays, despite existing orders forbidding it. For this, for not wearing a surplice and for lack of zeal as a surrogate he had, he said, faced complaints at a visitation, raised by Gilbert Stockton, the very parishioner now accusing him of Laudianism.⁴⁶

⁴³ McCall, *Baal's Priests*, 24.

⁴⁴ WMS C11, fo. 50.

⁴⁵ *Ibid.*, fo. 54r; National Archives, PROB 11/213, Edward Heron, D.D., will, 1648.

⁴⁶ WMS C11, fo. 50.

Despite such protests, none of those accused could readily be classed among the hotter types of protestant. But neither did most evince much zeal for Laudianism. What most typified them was their desire for conciliation and conformity. In former times, Thomas Hill admitted wistfully, he had bowed to ‘his Saviour when he hath heard his name’, but rarely did so now, ‘because he would not give offence to any’.⁴⁷ Submission, at least as the accused remembered it, also characterised the attitudes of their congregations towards the religious innovations of the 1630s. Only occasional malcontents had objected: an ‘unmanerly’ parishioner who disturbed others at Higham on the Hill, and then abruptly departed; at Saddington a ‘stranger’ who would not kneel and a ‘Mrs Baker’ who refused to enter the chancel ‘as her husband and all others did’ eight years previously; an alewife from another parish who objected to the elder Thomas Pestell’s doctrine at Packington ‘15 or 16 yeares agoe’.⁴⁸

The discipline of the church had continued 1500 years, Andrew Lamont was quoted as saying, ‘and now some giddy heads would alter it’.⁴⁹ Compliance ceased for many with the suppression of the prayer-book. Twenty-six of the thirty-seven accused ministers were cited for continuing use of Common Prayer, twenty-one for baptising with the sign of the cross and sixteen for neglecting to use the parliament’s new *Directory of Public Worship* (1645). The Leicester committee book gives testimony to the degree of argument the new service book provoked in Leicestershire parishes. Confrontations took place as parishioners and officials tried to force it on recalcitrant incumbents, using warrants from parliamentary committees where necessary. At Saddington, a parishioner apparently presented the *Directory* to Bernard Fleshwar during a baptism. Pressurised towards immediate

⁴⁷ Ibid., fo. 27r.

⁴⁸ Ibid., fos 16v, 28v, 30r. She also features in the 1633 High Commission suit against Pestell: see C. Haigh, ‘The troubles of Thomas Pestell: parish squabbles and ecclesiastical politics in Caroline England’, *Journal of British Studies*, 41(2002), 407.

⁴⁹ WMS C11, fo. 57r.

employment of an unfamiliar text, Fleshwar suspended the church service while he read it through first. He was, as he reported, ‘much molested’ by the antics of one Francys Palmer and his wife while he did so who later cried that the prayer book ‘should serve to light tobacco pipes’. ‘Leavinge the font’, Fleshwar concluded, ‘I returned to my desk very weary’.⁵⁰

Richard Locksmith, denounced for persistent use of Common Prayer, ‘though often taken from him’, complained that he had never received the new service book, a defence echoed by others, who claimed that this was a deliberate policy, to set them at odds with authority and, by implication, facilitate their ejection.⁵¹ Others were vocal in expressing distaste for the Directory: elderly minister Rice Jem called it ‘a Shallowe thinge and a Company of greene heads did they knew not what about it’.⁵² Theophilus Russett invited the Committee to replace him; he could not conduct services at Dalby, ‘except the Committee will allow him to read the book of Common prayer’.⁵³

Over half the Leicestershire clergy were cited for antipathy to puritanism or puritan practices such as extempore prayer. Francis Needham was described as ‘full of feares against professors of Religion’.⁵⁴ Richard Locksmith was said to have quarrelled with local sermon-gadders, while John Hubbock’s ‘false doctrine’ consisted of sermons scoffing and deriding ‘such as profess religion calling them puritanes’.⁵⁵ Yet, on the evidence of the Leicestershire committee book, this was hardly a campaign of religious ‘persecution’. Leicestershire clergy were litigious; Francis Standish of Sweptstone represented himself as exceptional for having

⁵⁰ Ibid., fo. 30v.

⁵¹ Ibid., fos 20v, 23v, 36v, 38v.

⁵² Ibid., fo. 24v.

⁵³ WMS C5, fo. 67r.

⁵⁴ WMS C11, fo. 43.

⁵⁵ Ibid., fos 36r, 63r.

no-one articling against him, nor any 'suites in law'.⁵⁶ Several were characterised as 'turbulent spirits' by accusers. Legal disputes with parishioners are mentioned in at least a third of the cases before the Leicester committee. Most had been involved in legal causes in the Leicestershire Archdeaconry in the 1630s.⁵⁷ Yet the causes of legal actions were usually secular. A feud between George Tongue and the son of the previous incumbent, Gilbert Stockton, played out via the church courts. Stockton denounced Tongue for puritanism; Tongue retaliated by presenting Stockton for 'not revering his father's grave' and refusing to be churchwarden.⁵⁸ Bernard Fleshwar was accused of prosecuting parishioners in the Commissary Court for '5-6 yeares to gather'.⁵⁹ According to Fleshwar, the person he sued was his brother-in-law Laurence Ireland, who 'suinge me in that court wishinge a plague of God on his wife my Sister and all parsons ... with some other such like evell words against the court', Fleshwar gave evidence when the judge proceeded against him.⁶⁰ In 1634 Fleshwar and Ireland had clashed over the meagre contents of Fleshwar's father's will; they were still at loggerheads twelve years later.⁶¹

In other parts of England, enclosure disputes were sometimes a contributory cause behind clerical ejections of the 1640s.⁶² In Leicestershire, they are not once mentioned in the Leicester committee book, a reflection perhaps of the amicable and regulated enclosure agreements which characterised this period in the county.⁶³ Tithe disputes were another matter: 'Are not divers of the ... witnesses ... in arrears to him for ... tithes?' demanded

⁵⁶ Ibid., fo. 42r.

⁵⁷ LRO, card index to Leicestershire Archdeaconry proceedings.

⁵⁸ WMS C11, fo. 50r.

⁵⁹ Ibid., fo. 29r.

⁶⁰ Ibid., fo. 30v.

⁶¹ Ibid., fo. 30r; LRO, 1D41/4, Box XIV/79, Ireland v. Fleshwere, 1634.

⁶² See K. Lindley, *Fenland Riots and the English Revolution* (1982), 98-9; HLMP, HL/PO/JO/10/1/154, articles against Symon Paige of Huntingdonshire, 28 July 1643; W. Cunningham (ed.), 'Common rights at Cottenham and Stretham in Cambridgeshire', in *Camden Miscellany*, 12 (Camden, 3rd ser., XVIII, 1910), 169-289.

⁶³ H.G. Hunt, 'The Chronology of Parliamentary Enclosure in Leicestershire', *English Historical Review*, 10 (1957), 265; J. Thirsk, *The Agrarian History of England and Wales* (Cambridge, 2011), IV, 254-5.

Richard Dawson in his interrogatories.⁶⁴ Thomas Pestell, according to his accusers, vexed his neighbours with suits, contravening former agreements and suing parishioners over tithes he had allowed to rot on the ground.⁶⁵ Most of the legal cases from the Leicestershire Archdeaconry involving sequestered clergy are tithe cases, many with multiple antagonists. The prevalence of such disputes may, as Foster argues, reflect the growing determination of clergy to assert their financial rights.⁶⁶ The clergy themselves saw things differently: ‘he hath beene misreckoned sundry tymes for tithes ... and yet hath taken it patiently’, John Somerfield protested. Bernard Fleshwar claimed to have resorted to prosecution no more than three times in seventeen years.⁶⁷ George Tongue hoped his tithe suites in the manorial courts a decade earlier would not be resurrected, ‘being now all in love and friendship’.⁶⁸

Where there were differences over religious practice, these often centred on the issue of Sabbath-day observance, which was cited in half the Leicestershire cases, compared to around a third in Essex and Cambridgeshire, suggesting a local enthusiasm for games which must have exasperated the Godly, particularly when incumbents encouraged it. John Hubbock of Nailstone, his accusers claimed, had bought sports equipment: a football, quoits and ‘shovelbord’ pieces, while toleration of handball at Kegworth had made it ‘as profane ... as any towne in the Country’.⁶⁹ But Scottish exile Andrew Lamont was evidently fighting a losing battle in trying to discourage ‘games of stooleball’ (an early form of cricket) there. Although some of his accusers ‘know it, and have thankt him for it’, he claimed, others indulged in such activities themselves.⁷⁰

⁶⁴ WMS C11, fo. 33v.

⁶⁵ *Ibid.*, fo. 9r.

⁶⁶ A. Foster, *The Church of England, 1570-1640* (Harlow, 1994), 68.

⁶⁷ WMS C11, fos 30r, 73r.

⁶⁸ *Ibid.*, fo. 51r.

⁶⁹ *Ibid.*, fos 21r, 63r.

⁷⁰ *Ibid.*, fos 57r, 59v.

Hunting was the pastime that most vexed Leicestershire accusers. The county's celebrated distinction in fox-hunting is attributed to its favourable topology: rich soil, large open fields, negotiable fences, its 'fine undulating surface' containing few woods and no dangerous heights or impassable rivers.⁷¹ Local predilection for the hunt clearly has a long history, for only in Leicestershire were clergy denounced in the 1640s for their excessive passion for the sport. Richard Palmer of Wymeswold, his accusers complained, 'in such like pastymes exercises himselfe twice or thrice every weeke'.⁷² 'They both are great libertynes and keepe beagles and hounds to hunt', state the articles against the two Thomas Pestells, claiming they had damaged crops, broken hedges and worried sheep in the process.⁷³ At this date it was not fox hunting, but hare-hunting, a fast-paced precursor, that was practised. The sport even found itself an integral place in church ritual if the Civil War complaints against the rogation-tide activities of its vicar Thomas Bird are to be believed,

hee did ride a huntinge in his perambulacion after an hare, in his surplice, and leapt over a gate, and so teare his surplice, that the parish was inforced to provide a new surplice to read prayer in; and to keepe the old one, for him to hunt in⁷⁴

Bird's defence confirms to some degree what seems at first sight a peculiar story:

a hare started and the people giving a great shout, his mare ran a way with him, and stoppt at ... a gate but did not teare the Surplice ... the old served without rent untill ... taken away⁷⁵

The tradition of clerical hunting became after 1619 a *cause celebre* after Archbishop Abbot accidentally killed a game keeper with a crossbow. Religious writers and lawyers debated whether the sport was a permissible pastime for clerics, particularly if, like Richard

⁷¹ W. White, *History, Gazetteer, and Directory of Leicestershire* (Sheffield, 1846), 37; *Nimrod's Hunting Tours* (London, 1825), 1; P. A. Scaysbrook, *The Civil War in Leicestershire and Rutland* (Banbury, 1996), 7.

⁷² WMS C11, fo. 48r.

⁷³ *Ibid.*, fo. 9r.

⁷⁴ *Ibid.* fo. 19r; the existence of such local hunting rituals is suggested by the antiquarian John Throsby's 1707 observation of an Easter Monday custom where the Mayor and Corporation of Leicester, with horse and hound and a large attendant crowd, processed to Leicester Forest for the 'mock hunting of a hare', in the form of a dead cat, see J. Throsby, *The history and antiquities of the ancient town of Leicester* (Leicester, 1791), 166.

⁷⁵ WMS C11, fo. 20v.

Palmer, clergy practised it on the Sabbath.⁷⁶ Issues of status, as well as propriety were involved. Hunting by the lower orders was banned by statute, with restrictions on poorer clergymen keeping hunting dogs or using weapons unless they possessed property worth £100 per annum, a sum beyond the reach of most clergy in poorly-endowed Leicestershire.⁷⁷ Richer clergy who indulged in the pastime tended to irritate their gentry neighbours by appearing to ape their betters, as the case of Joseph Smith demonstrates.

Smith was accused of procuring ‘scandalous and insufficient’ men to serve the cure, to free up his own time for the sport. Rector of three Leicestershire parishes, Sileby, Switheren and Hathern, Smith was one of the wealthiest clergymen in the country, perhaps because, as his accusers claimed, he employed himself ‘more in fisicke then in Divinity’.⁷⁸ As soon as the Long Parliament commenced in November 1640, the earl of Stamford had seized his opportunity to petition against Smith. Stamford’s petition is so revealing of contested ideas about clergy status, that it is worth quoting at length. The earl had banned Smith from keeping hawks or hounds within his own liberty, unless accompanying the earl himself, a command Smith apparently ignored. Met by the earl, with his hawks and spaniels ranging over the fields, Smith allegedly responded ‘peremptorilie’ with the sort of self-confidence often said to characterise the higher clergy before the Civil War, ‘he would hawke while the king lived, for that the lawes of England did allow it him, ... though you are a Peere of the Realme, he was Parson there.’ The earl replied that ‘he conceived – there was distance to be observed’, betwixt them. There followed a stand-off, in which the earl, whose aggressive character is confirmed by repeated attempts to intimidate Sir Arthur Hesilrige, accused Smith of being a ‘Mountebanke’, and then attempted to pull the head off Smith’s

⁷⁶ P. H. Ditchfield, *The Old-Time Parson* (London, 1909), 289-90; WMS C11, fo. 48r.

⁷⁷ 33 Henry VIII, c. 6 (1541); 13 Richard II, stat.1, c. 13 (1389).

⁷⁸ WMS C11, fo. 45r; see list of royalist clerical compounders in T. Dring, *A Catalogue of the Lords, Knights, and Gentlemen that have Compounded for their Estates* (London, 1655).

hawk. But Smith, too quick for him, clapped his hand on the earl's shoulder and released the bird, and the earl ended up looking foolish, as he caught and broke a ribbon 'which ... Smith wore Cross his bodie like a gallant'. Smith 'turning his hatt' and swearing, later accused the earl of violently assaulting him upon the King's highway. An impudent lie, the earl responded,

had he had a minde to have assaulted him, he should have done it with a strong hunting pole ... in his hand, but that he bare more respect to his function ... he should answer all his Insolencies, before my lord ArchBishopps Grace But then said the Earle you must put on a Canonically Coate, and not come with yor hawke upon yor fist and yor doggs at yor heeles ... ⁷⁹

Stamford, a devout puritan with history of involvement in attempts to remove deficient clergy, became lord-lieutenant of the county in February 1642, thenceforth leading the parliamentary cause in Leicestershire during the Civil War. Although he lost ascendancy over the Leicester Committee to the Hesilrige faction in 1644, he remained a main committee member, well placed to influence the decision to prosecute and ultimately eject Smith.⁸⁰ Likewise, Arthur Hesilrige's brother Thomas, who now held sway over the committee, was the only known witness against Samuel Cotton, incumbent of North Kilworth.⁸¹

Evidence of private influence over the sequestration process is made manifest in Leicestershire by the preservation of incumbents' replies in which several clergy cite those they believe to be orchestrating the case against them: the earl of Newport in the case of Richard Locksmith; Gilbert Stockton, in the case of George Tongue.⁸² Tongue launched a diatribe against the debauched lives of Stockton's associates who, he claimed, were rarely seen at church, having no 'setled habitacion save ... Alehouses'⁸³ Also evidently considering counter-attack the best defence, Thomas Pestell senior itemised the demerits of each of his

⁷⁹ Parliamentary Archives, HL/PO/JO/10/1/43, petition of Henry, earl of Stamford, 10 November 1640.

⁸⁰ See the case against Thomas Sturges, WMS C11, fo. 28r; Fleming, 'Faction', 5, 26-7; Costa, 'Hesilrige', 257

⁸¹ WMS C5, fos 71v-72.

⁸² WMS C11, fo. 35v.

⁸³ Ibid., fos 50r-51v.

accusers in characteristically prolix fashion, characterising his three main accusers, ‘Madd Stacy’, Richard Smith and Richard Dungthorpe as a drunkard, a religious extremist and adulterous wife-beater respectively.⁸⁴ George Rogers’s enemy was another clergyman. Erasmus Stourton had been contesting the Belgrave family’s right to present Rogers to the living, and attempting to secure crown presentation for himself, since 1604. His forty-year persistence has a ready explanation: valued at £100 per annum, the living of Blaby was one of the richest in the county.⁸⁵

The anti-clerical agenda of the 1640s merely facilitated the removal of incumbents by rival clergy or potential lay impropiators tempted by the income from sequestrated benefices.⁸⁶ Incumbents in the richer Leicestershire livings were more often ejected.⁸⁷ In all six unimpropriated livings worth over £150 per annum incumbents were ejected. The only one of the ten unimpropriated livings valued at over £100 per annum not officially sequestered was Thurcaston. This was in the gift of the puritan-inclined Emmanuel College, Cambridge which as recently as 1641 had replaced pluralist Sampson Danport with Ezekiel Wright, son of a radical puritan minister.⁸⁸ Of course under Charles I’s influence plum livings were perhaps more frequently offered to non-puritans. However three of the richer livings were sequestrated from incumbents who had been there since well before Charles I’s

⁸⁴ *Ibid.*, fo. 13r-16v, See C. Haigh, ‘Thomas Pestell’, 403-28, regarding Pestell’s long multi-party dispute with Joseph Johnson and Francis Stacey, the son of the previous rector at Coleorton.

⁸⁵ WMS C11, fo. 80v; National Archives, C 3/415/100; Bodleian Library MS Carte 77, fo.116v.

⁸⁶ As Holmes, *Suffolk Committees*, 17 comments, a system which allowed sequestrators to receive the profits from a living whose sequestration they had procured, was ‘hardly ideal’. In Leicestershire, Christopher Morrison, who testified against William Richardson, was appointed to receive the profits after sequestration, see WMS: C11, fo. 4v; C5, fo. 72r.

⁸⁷ Valuations given in Bodleian Library MS Carte 77, an early-Jacobean survey, see A. P. Moore, ‘Leicestershire Livings in the Reign of James I’, *Associated Architectural Societies Reports and Papers*, 29 (1907), 130-32, D. Crankshaw, ‘Elizabethan and Early Jacobean Surveys of the Ministry of the Church of England’ (University of Cambridge D. Phil. thesis, 1998), 421

⁸⁸ C.W. Foster, ‘Admissions to benefices, and compositions of first fruits in the County of Leicester, AD 1635–1660’, *Associated Architectural Societies’ Reports and Papers*, 37 (1923–24), 322; P. Collinson, J. Craig, B. Usher (eds), *Conferences and combination lectures in the Elizabethan church: Dedham and Bury St Edmunds, 1582-1590* (Woodbridge, Church of England Record Soc., 10, 2003), 270-2; Clergy of the Church of England Database.

accession: Rice Jem at Husbands Bosworth (£140 per annum, presented 1618), John White at Harby (£200 per annum, presented 1614) and William Pelsant (Market Bosworth, presented 1588).⁸⁹ Accusers were particularly persistent in their attempts to remove Nicholas Hall and Rice Jem. Hall, another fellow of Emmanuel, and a popular incumbent, according to his friend, Thomas Gadd, had been presented to Loughborough (£140 per annum) in March 1643 by the royalist earl of Huntingdon, a fact that cannot have counted in his favour.⁹⁰ He defended himself robustly twice-over, arguing that he had complied willingly with parliament's recent religious ordinances. But the second time he was unsuccessful; he was later forcibly ejected.⁹¹

Those with vested interests needed to frame their accusations as offences against the public interest, rather than their own. Given the prominence of parliament's campaign against ministerial scandal, this was often served best by focusing on suspected moral indiscretions. In Leicestershire, as elsewhere, this resulted in frequent charges of drunkenness. These tend to conform to a pattern first observed by Ian Green, using formulaic language and quoting stereotypical incidents: falling off horses, having to be led home, or the scripturally-sanctioned sign of 'staggering and reeling' cited in Dalton's *Country Justice*.⁹² This does not itself discredit them as evidence: as Laura Gowing explains, such apparent clichés were a combined product of the conventions of the clerk recording oral statements and the employment by witnesses of familiar formulas intended to make their stories plausible.⁹³ In any case the incidents described are often too precisely detailed and comically original to be entirely invented, like the tale that Thomas Bird of Somerby, drunk

⁸⁹ Ibid., 152, 163.

⁹⁰ Ibid., 170.

⁹¹ WMS: C5, fo. 95r; C11, fos 24-5, 37-8, 76-7; Parliamentary Archives, HL/PO/JO/10/1/289, petition of Nicholas Hall, 23 June 1660.

⁹² Green, 510; M. Dalton, *The Country Justice*, (1655), citing Job.xii.25, Esa.xxiv.20.

⁹³ Gowing, *Domestic Dangers*, 47-8, 53-4, 56.

on a Sunday evening, eased his backside into a pan of milk, then called for his wife to ‘wype his brich’.⁹⁴ In some sets of articles, we detect the *vir bonus* of royalist ideal, clergy ingratiating themselves with parishioners via humour and conviviality: the one a.m. bagpipe playing supposedly encouraged by John Dixon, or the antics of John Hodges of Shakerston, which his godly opponents endeavoured to cast as sinister,

hee is a Companion with filders and singers ... will singe Bawdy and ribaldrous songs, ... will Conjure ... hee did pull out of his pocket a paper, but what was in it, or what it Concerned none can tell for hee kept in his hand.⁹⁵

Claims of alehouse haunting (rather than actual drunkenness), tended to appear where the case for prosecution was weak, as in the cases of John Hodges and Michael Crosley, because, as defendants repeatedly insisted, such claims were irrefutable. The alehouse was ‘a publique place’ for meeting and conducting business, ‘upon honest and lawfull occasions’, as John Hubbock’s interrogatories describe it.⁹⁶ Thomas Pestell junior used it as a base for sorting out parishioners’ taxes to pay to the parliamentary committee at Leicester; John Somerfield met his churchwardens there.⁹⁷

That the *modus vivendi* of accusers was to create a negative interpretation of known incidents, rather than resorting to outright fabrications, is evident from the defence statements in the eight Leicestershire cases involving allegations of a sexual nature. Most defence strategies focus on placing a more positive narrative spin upon the same set of events, or arguing over circumstantial details; they rarely deny that the events took place at all. The most serious sexual allegations were those against Thomas Bird, accused of attempting to ‘force a woman in childbirth’. Bird offers a more likely scenario, as occurring some time after, rather than during, childbirth: ‘shee som 5 yeares since did send for him to in treat him

⁹⁴ WMS C11, fo. 19r.

⁹⁵ WMS: C5, fo. 74v; C11, fo. 31r.

⁹⁶ WMS C11, fo. 63v

⁹⁷ Ibid., fos 12r, 63v

to church her and hee went into the house, but did attempt no such thinge'.⁹⁸ Bird's case excepted, sexual allegations in Leicestershire cases rarely match the East Anglian tendency towards baroque extremity, preferring more quotidian complaints of pre-marital fornication or bastardy, often ones which had been well turned over by the recently-abolished ecclesiastical courts. The charges against John Somerfield, with their relatively weak complaints against his religious practice and Civil War loyalties, suggests a groundswell of local bad feeling accumulated in a series of incidents over quite some time, including a dispute over provision of the sacramental wine at Bagworth chapel. A more serious charge concerned fornication with a certain Mary Carter: 'for which they both did penance in Thorneton church.' This allegation had been made to the Archdeaconry court in 1638 but Somerfield had then been cleared.⁹⁹ John Hubbock's defence to the Leicestershire Committee described how he had taken exception to the female witnesses his clerical antagonist Chauncey had procured to denounce him in the Archdeaconry court in the 1630s: 'a lewd woman and a common whore', of 'dishonest conversation', living off the alms of the parish and bribed to give evidence against him. Very detailed surviving archdeaconry court depositions do suggest a rather weak case against him: twenty witnesses offer little more than hearsay surrounding an accusation of sexual propositioning, a convenient charge which avoided the need for solid evidence or the loss of anyone else's reputation.¹⁰⁰

Richard Palmer of Wymeswold was similarly denounced before the Leicestershire committee for 'attempting the chastity' of a women. In 1641 Palmer had lost a Leicestershire Archdeaconry Court brought by Anna Pywell, his churchwarden's wife. In lengthy surviving depositions Elena Mason, Anna Pywell's servant, describes Palmer as a man 'diligent and

⁹⁸ Ibid., fos 19r, 20r.

⁹⁹ Ibid, fos 72r, 73r; LRO 1D41/4: Box IV, no. 16, 1638; Box V, no. 116, 1639.

¹⁰⁰ WMS C11, fos 63r, 64r; LRO, 1 D 41/4: Box XXV, no. 117, 1628-30; Box XII, no. 88, 1633.

painfull' in his calling, but 'some what troblesome'. Given that by 1639 Palmer had only been in his living two years, and had already commenced two defamation suites, this seems a fair assessment. But perhaps it was just symptomatic of increasingly polarised opinion following the Scottish rebellion, Hampden's Case and other significant events of 1637. In another suit Palmer and other associates denounced Joseph Wingfield for verbally abusing local clergy. Although Wingfield supplied horses for the King's campaign against the Scots, he had been overheard blaming church ceremonies for provoking the conflict, and denigrating bishops. It cannot be mere coincidence that Anna Pywell was Wingfield's sister. Palmer's second case originated in an action, brought by Palmer himself, for defamation, following a late-night altercation. Through repetitive multi-witness testimonies it is possible to gain some sense of what may have actually happened on a Friday night in November 1638, when Palmer and some friends, including another minister, Theophilus Rusted, went to Robert Pywell's house 'to be merrie together'. Robert Pywell himself was not there; his wife was perhaps running an informal alehouse. At eleven p.m., she attempted to get Palmer to go home and, when he resisted, called him a 'knave'.¹⁰¹

Unfortunately for Palmer, several witnesses heard how he responded, most damningly Rusted who, despite being Palmer's friend, later sequestered himself, testified in this instance against Palmer. According to Rusted, Palmer, 'stampinge with his foote one the ground', replied:

I tell thee I am in holy orders and doest thow call me K: thow arrant arrant arrant brazen faced whore.
K... the Towne and Country knoweth what thow art ...

Palmer then claimed to have seen 'one ... hold his hand upon ... Ann Pywells Comodyty for ... halfe an howre together' and that she 'should heare the next saboth daye in his sermon

¹⁰¹ LRO, 1 D 41/4, Box XXV: No. 135-47, Palmer v Pywell & Pywell, 1639-40; No. 154-15, Palmer v Swanne & wife, Defamation, 1639; Box XXVII, No. 15, Palmer v Wingfield, 1639/40.

what she ... was'. In response Anna Pywell apparently made the remark that roused Palmer to litigation, retorting that if she was a whore she was Palmer's whore, for he had attempted her honesty more than any man.¹⁰²

A suit that seemed a good idea in the political context of 1638 seemed somewhat less so by 1640. Perhaps regretting his decision to prosecute, Palmer attempted to settle with the Pywells in September 1640 with a drink and a pledge, even getting his wife to invite Anna Pywell to hear some music on the virginalls. But despite intercessions of an older minister Edward Blount on Palmer's behalf, in 1641 the Pywells brought a retaliatory action against Palmer. By no stretch of the imagination were Palmer's drinking and swearing model behaviour on the part of a parish priest. These were anti-clerical times, so the decision went against him. And, as Laura Gowing argues, in a legal contest between the stories told by prosecution and defence, 'the final outcome confirmed which story had won'.¹⁰³ Yet no testimony was ever presented to suggest how, and in what context, Palmer had attempted Anna Pywell's chastity, beyond her own unsubstantiated remarks that he did so, no more serious behaviour described to the court than that of shouting sexual abuse at a parishioner.

Allegations made to the Leicester committee usually exploited well-rehearsed arguments honed in previous, often unsuccessful, actions in the church courts, revolving around religious or moral offences which were well-established grounds for complaint. Given a balanced assessment of the relative plausibility of the interpretations placed on events by both accusers and defendants in the Leicester committee records, it is reasonable to conclude that the behaviour of some clergy – Richard Palmer, Thomas Bird perhaps – could have been better. Yet analysis of earlier, often extremely thorough, ecclesiastical court investigations of the same allegations rarely presents strong evidence to suggest grave

¹⁰² LRO, 1 D 41/4, Box XXV, No. 148-151, Pywell v Palmer, 1639-41.

¹⁰³ Gowing, *Domestic Dangers*, 42.

misdemeanour took place in quite the way later accusers implied. Gowing alerts us to the potential for ‘all sorts of other issues to become entangled with the crimes ostensibly at dispute’ in legal contests like these.¹⁰⁴ Economic and social considerations such as the value of the living and pre-existing conflicts with influential parishioners or rivals influenced the intensity of efforts to eject incumbents. Yet, with ninety-five percent of clergy accused of acts falling under the more serious political charge of malignancy against Parliament, the central issue behind the drive to eject clergy here was their allegiance during the recent years of Civil War.

Leicester was partitioned by the two sides and fought over throughout the war.¹⁰⁵ The charges here suggest a high level of political engagement. Claims of inflammatory anti-parliamentary prayers or preaching featured in half the cases. On the 5 November 1643, Bernard Fleshwar of Saddington, it was said, had compared parliament to the gunpowder plotters.¹⁰⁶ Several other quoted samples of supposed pro-royalist sentiments, however, related to denouncements of the invading Scots army in 1640, pre-dating the Civil War.¹⁰⁷

Charges more usually pertained to royalist sympathies than active royalist service. For clergy who were typically over thirty, married and settled in their livings, the military life offered few temptations: only five were accused (sometimes dubiously) of enlisting in the King’s army, a relatively low level of active participation matching that of the royalist gentry.¹⁰⁸ Nevertheless, clergy frequently made their political opinions plain: in the summer of 1642 two dozen clergy in clerical dress were reported to have shouted in favour of Henry

¹⁰⁴ Ibid., 10.

¹⁰⁵ R. Sherwood, *The Civil War in the Midlands* (Stroud, 1992), 26.

¹⁰⁶ WMS C11, fo. 29r.

¹⁰⁷ Ibid., fos 24v, 48v, 49v.

¹⁰⁸ Ibid., fos 19r, 41r, 49v, 69A, 70r; A. Roberts, ‘The depredations of the civil war in south-west Leicestershire’, *Leicestershire Historian*, 3 (1985-86), 3-13.

Hastings's reading of the King's Commission of Array in Leicester.¹⁰⁹ George Rogers, despite his advanced age, was said to have organised the Commission of Array, and read the King's Proclamation against inhabitants of Blaby who appeared at Broughton Astley for a parliamentary muster.¹¹⁰ William Parkes was accused of joining a group of 'malignant Clergie' lead by John Lufton, rector of Ibstock, to raise money for the King.¹¹¹ Twelve other Leicestershire clergy were charged with raising arms, money or volunteers for King Charles.

Proofs cited as evidence of royalist sympathies included the wearing of weapons or military-style clothing or over-friendly relations with royalist soldiers. Two residents of Sileby reported seeing their rector Joseph Smith riding amongst Hastings's cavalry at Leicester, in 'buff coat', his servant carrying a sword.¹¹² William Hunt of Kibworth Beauchamp apparently exercised 'his troope horse himselfe with pistolls ... in martiall way and shot them of in Kibworth parish'. After the royalist defeat at Naseby, Hunt had been spotted in Kibworth fleeing with other royalists to Leicester.¹¹³ Several of William Richardson's parishioners characterised him as a 'great friend' to the royalist garrison at Belvoir Castle. Riding amongst soldiers from Belvoir garrison, he reportedly shook a carbine at husbandman Christopher Morrison, saying he would not leave 'worth a groat', any Morrison in Garthorpe.¹¹⁴ Francis Standish of Swepstone faced multiple charges of malignancy: contributing and scouting for the royalists; being in Prince Rupert's army at Lichfield and Tamworth, meeting the Queen at Ashby. A single poorly-specified complaint

¹⁰⁹ Scaysbrook, *Civil War*, 25.

¹¹⁰ WMS C11, fo. 78r; Costa, 'Hesilrige', 123

¹¹¹ *Ibid.*, fos 29v, 56r; Matthews, *Walker Revised*, 240: Lufton himself was sequestered before 21 March 1645/6.

¹¹² WMS C5, fo. 70v.

¹¹³ *Ibid.*, fo. 73v.

¹¹⁴ WMS C5, fo. 72r.

against his religious observance, ‘He hath beene very Ceremonious and observant of the Common praire booke’, was seemingly added as an afterthought.¹¹⁵

If, as seems probable, these were active royalists, evidence presented in more borderline cases to support the lesser charge of delinquency often rested on specious interpolations of overheard speeches or behaviour, as those accused were quick to point out. A ‘fewe illiterate and malevolent people, who ... misrepresent his speeches’, complained Andrew Lamont; ‘a notorious untruth’ wrote Richard Dawson, rebutting claims that he had neglected his sabbath-day duties for card games with cavaliers.¹¹⁶ William Parkes was reported as saying that ‘they were all damned that took up arms for the Parliament’. All he had done, Parkes protested, was to read the title page of ‘Dr. Ferne’s book’ to someone wanting to borrow it, whereas ‘the informer says I speak my own opinion’.¹¹⁷ Rice Jem at Husbands Bosworth was denounced because, despite claiming to be disabled, he had climbed his church steeple to witness the battle of Naseby where, perceiving that the royalists were losing, ‘he seemed distracted and went away’.¹¹⁸

Whatever his true allegiance, Jem’s interest in the battle’s outcome was surely understandable. Leicestershire clergy who attempted to stand by the Church’s requirement that they continue residing within their parishes soon found their lives dominated by the militancy surrounding them. Conflict appears to have engulfed at least one Leicestershire parish as soon as the King raised his standard in not-far-distant Nottingham. Rebutting suggestions that he had joined the royalist army on the outbreak of war, George Tongue claimed that, for three weeks, ‘tumults’ had driven him from home,

¹¹⁵ WMS C11, fo. 41r.

¹¹⁶ Ibid., fos 33r, 59r.

¹¹⁷ Ibid., fo. 56v; presumably *The Resolving of Conscience* (Cambridge, 1642) by the royalist theorist Henry Ferne, beneficed in Medbourne, Leicestershire, see Matthews, *Walker Revised*, 235.

¹¹⁸ WMC C11, fo. 24v.

‘he durst not be publicly seene’.¹¹⁹ William Pestell had the misfortune to be minister at Coleorton, the seat of royalist Thomas Beaumont, whose house became the base for parliamentarians attempting to contain the depredations of royalist Henry Hastings at Ashby de la Zouch, thirty miles away. His brother Thomas described how William was beaten with ‘100 blowes’ by soldiers from the garrison ‘till all was blacke as a shooe and a most hideous spectacle’, an event ‘notorious in Ashby where his body was viewed by a great number of credible persons of quality’. Indeed, William Pestell’s former servant, Ann Harris, in an oral account sent to John Walker in 1705, still vividly remembered the names of the soldiers who had ‘harassed’ and beaten William Pestell, forcing the family to abscond.¹²⁰ ‘Neither minister nor people could quietly stay at home for one party or the other’ states a parish register comment from William Hunt’s parish at Kibworth Beauchamp.¹²¹ Attacks on clergy by parties of soldiers are recorded by contemporary sources in several places in Leicestershire.¹²² Travel, with its risk of road-side encounters with enemy forces hostile to the clergy, was even more risky. Hunt apparently required ten armed royalist soldiers to escort his child from the royalist garrison at Banbury to Belvoir nearer home.¹²³

Leicestershire clergy became perpetrators as well as victims of violence; there are far more complaints about assaults or threats of violence here than in counties less ravaged by war.¹²⁴ William Parkes was one of a number of clergy accused of inciting royalist reprisals against parliamentary activists, in his case against Belton inhabitants who had

¹¹⁹ Ibid., fo. 51r; a sizeable skirmish occurred on the 8th September 1642 at Harborough only ten miles away from Kimcote, see Scaysbrook, *Civil War*, 35.

¹²⁰ WMS: C11, fo. 10r, C1, fo. 239r; Sherwood, *Civil War*, 110-3; Scaysbrook, *Civil War*, 3.

¹²¹ R.E. Chester Waters, *Parish Registers in England* (London, 1883), 12.

¹²² See Scaysbrook, *Civil War*, 71, 116-9, Sherwood, *Civil War*, 112 regarding attacks at Loughborough, Rothley and Medbourne.

¹²³ WMS C5, fo. 70v.

¹²⁴ McCall, *Baal’s Priests*, 9.

returned him for non-payment of his taxes to the parliamentary garrison at Leicester.¹²⁵ Michael Crosley, it was claimed, had made a request to royalist forces that those responsible for getting him imprisoned there, ‘might be dealt with’ ‘according to their discretion’.¹²⁶ John Somerfield was said to have ejected a rival curate from a church with a rapier.¹²⁷ Samuel Cotton, rector of North Kilworth, assaulted his gaoler with a long knife while affecting a mass break-out from a Leicester prison.¹²⁸ John Somerfield and Bernard Fleshwar were cited for brawls with parishioners, incidents confirmed by their interrogatories, which attempt to second-guess what will be deposed against them. Fleshwar, accused of being ‘a notorious feighter with man woman and child in Church field and towne’, replied, ‘And for the breakinge of John Baxters head with a crabtree cudgell in the Churchyard I uterly denye it’. ‘Do you ... beleve that he was ... drunke ... when he was sett upon by Nicholas Hartlesse, wheeler of twaine ... that he did strike Nicholas and pull him by the haire of the head?’, asked Somerfield, an incident unmentioned by his accusers.¹²⁹

There was little respect for passivism in Civil War Leicestershire. Parishioners pushed clergy to commit; rival armies tried to force allegiance. In 1644 parliamentary forces summoned all local clergy and church officers to Leicester to take the Solemn League and Covenant. Those who refused were to have their estates sequestered and to be sent to London in custody.¹³⁰ Failure of clergy to take or promote such oaths became one of the most significant causes of sequestrations nationwide.¹³¹ In retaliation, the royalists

¹²⁵ WMS C11, fo. 56r.

¹²⁶ Ibid., fo. 67r.

¹²⁷ Ibid. fo. 72r.

¹²⁸ WMS C5, fo. 72r.

¹²⁹ WMS C11, fos 30r, 72-3r.

¹³⁰ *House of Commons Journal*, iii, 423-4, 11 March 1643/4.

¹³¹ McCall, *Baal's Priests*, 105.

at Ashby were said to have abducted one hundred clergy to circumvent their oath-taking. Bernard Fleshwar was perhaps one of them, as his defence refers to being imprisoned by the royalists and ‘threatned hanging at the signe post at Laughton for Covenantinge’.¹³² In their replies to the Leicester Committee, several Leicestershire clergy pleaded that earlier refusals to take parliamentary oaths must take royalist coercion into consideration. Nicholas Hall had ‘pleaded for his and his peoples exemption’ to save ‘their lives in these dangerous times’, Thomas Hill that his taking the covenant be ‘respected’ while the King’s forces were nearby. Hill admitted reading the King’s proclamations in church but, he argued, refusal would have ‘exposed’ him to the ‘fury of the kings party’. Nevertheless it was quite apparent that Hill had little desire to take the oath.¹³³ Thomas Rawson of Hoby was the most obdurate royalist. He ‘never tooke the Covenant’, his answer declared, ‘nor ever shall doe’.¹³⁴ Scottish exile Andrew Lamont, who had migrated south to avoid taking the Scottish Covenant, knew he had little chance of escaping sequestration from Claybrooke in 1646. He conceived ‘being a stranger and of slender fortune’, that he had been more ‘severely treated’ to take it than others. As the royalists were no longer ‘powerful in this County’, he was now willing to do so, although his use of the standard rider ‘so far as it was agreeable to the word of god’, hinted that previous scruples remained.¹³⁵

Lamont denied claims that he had withdrawn to the protection of a royalist garrison. Hostile parliamentary propaganda demonised those sheltering in royalist garrisons as

¹³² WMS C11, fo. 30v; *A Perfect Diurnall*, 9 March 1643/4, E.252[23], 256. The prisoners were eventually released by raiding parliamentary horse from Leicester, see B. Whitelocke, *Memorials of the English Affairs* (1732), 83.

¹³³ WMS C11, fo. 26v-27r.

¹³⁴ *Ibid.*, fo. 34v.

¹³⁵ *Ibid.*, fo. 58.

‘malignant priests’ who ‘drink and roar, and domineer and swear’.¹³⁶ Those observed at any time at Lichfield, Ashby or Belvoir could expect little sympathy.¹³⁷ Many chose to debate the circumstances surrounding their presence there nonetheless, concocting a rich variety of excuses as they claimed, with varying degrees of credibility, that they visited under duress, had been driven there by the accident of a companion’s sickness while visiting their mother-in-law (Francis Standish) or attended only briefly and reluctantly whilst in service to the earl of Huntingdon (Richard Dawson and Thomas Pestell junior).¹³⁸ Francis Standish conceded that his trunk had been sent to Ashby, ‘but how or when I know not, which when it cam unto my knowledge that it was there, I sent for all the things in it, away by parcells and left the empty trunke there’.¹³⁹

Particular attention was paid by parliamentary authorities to a number of clergy present in Leicester around the time of its unexpected storming by the royalists in May 1645 after which, according to one estimate, over 700 people were buried.¹⁴⁰ Even royalists had been shocked at the way the town had been so ‘miserably sackt’, ‘without distinction of people or places’.¹⁴¹ Several clergy were denounced for colluding with the occupiers.¹⁴² Bernard Fleshwar, attempting to deflect the charges, claimed that, along with other key local inhabitants, he had been summoned there by warrant.¹⁴³ Francis Needham found a draper and his wife to testify that he had visited only briefly to relieve their family. Needham’s case

¹³⁶ Scaysbrook, *Civil War*, 73.

¹³⁷ Many Leicestershire ‘delinquents’ listed in the records of the Committee of Compounding were targeted for sequestration on account of their residence in local garrisons, see A. Everitt, *The Local Community and the Great Rebellion* (London, 1969), 16.

¹³⁸ WMS: C5, fo. 71r; C11, fos 12r, 33r, 41v, 54v-5r.

¹³⁹ WMS C11, fo. 41v.

¹⁴⁰ Scaysbrook, *Civil War*, 92-3; P. Courtney, Y. Courtney, ‘A Siege examined: the Civil War archaeology of Leicester’, *Post-Medieval Archaeology*, 26 (1992), 57; *A Narration of the Siege and Taking of the Town of Leicester* (London, 1645), E.289[6], 11; other reports estimate the numbers killed on both sides as around 300, see *A Perfect Relation of the Taking of Leicester* (London, 1645), E.288[4], 3.

¹⁴¹ E. Walker, *Historical Discourses* upon several occasions (London, 1705), 128; Scaysbrook, *Civil War*, 91.

¹⁴² WMS C11, fos 34r, 70v, 80r.

¹⁴³ *Ibid.*, fo. 30v; 400 people were said to have answered Hastings’s summons, see Scaysbrook, *Civil War*, 94.

was not, however, helped by claims that his son William had been observed amongst the royalist occupiers.¹⁴⁴

A 1647 petition to parliament demanded that the fines from royalists at Ashby be directed towards rebuilding in Leicester.¹⁴⁵ Parliament supporters who had been imprisoned, or seen their property plundered or destroyed had much to gain by exerting strong emotive pressure for recompense against anyone thought to have encouraged or profited from royalist depredations. ‘Hee much joyed when Collonell Purefies house and his corne was burned’ claimed Richard Dawson’s accusers.¹⁴⁶ Thomas Pestell found himself ‘miserably abused in report’ for taking ‘more then hee lost’ whilst retrieving his own plundered goods during the firing of the parliamentary garrison at Coleorton House, including ‘some fardells’ of ‘wooden stuff’ belonging to his neighbours.¹⁴⁷ Such charges could be strengthened by labelling clergy as royalist informers. Edward Heron of Coston was said to have ‘pretended reformation’ when he took the Covenant in March 1643. But, his accusers maintained, he was really a spy, having subsequently preached a recantation sermon, and spent two years in the King’s Garrison at Belvoir, ‘plottinge and contrivinge from thence to vex his neighbours, enforcing them by warrant ... to maintayne him from thence’, causing ‘many well affected persons to be imprisoned, plundred and destroyed in their estates’.¹⁴⁸ Heron refuted this. Coston was beyond parliament’s protection, he argued; all the neighbouring towns were under royalist command. The royalist governors of Belvoir and Ashby were competing to take the most prisoners. Living only six miles from Belvoir, Heron was soon abducted. He would had desired his liberty, he argued, could he have obtained it.¹⁴⁹

¹⁴⁴ WMS C5, fos 70r, 71r.

¹⁴⁵ Courtney, ‘Siege examined’, 59.

¹⁴⁶ WMS C11, fo. 32r.

¹⁴⁷ *Ibid.*, fo. 16v.

¹⁴⁸ *Ibid.*, fo. 54r.

¹⁴⁹ *Ibid.*, fo. 54v-55r.

In reality, with the county divided between parliamentarians in the south and four thousand royalists in Henry Hastings's north Midlands army raiding southwards from a corridor protecting the river Trent in the north, very few Leicestershire clergy probably had their hands untainted by association with military forces. The very high maintenance costs of these garrisons fell on local civilians; many suffered assessments from both sides.¹⁵⁰ Thus defendants and accusers often argued over what were fairly nice distinctions between coercion and collaboration in incumbents' relationships with soldiers. Nicholas Hall disputed at length whether his horse had been sent to the royalist garrison at Wilden ferry on the river Trent with his permission, or without it.¹⁵¹

Several clergy were accused of allowing their tithes to be organised for them via warrants from local royalist garrisons.¹⁵² Heavy personal losses from plundering - Thomas Pestell senior claimed to have been plundered eleven times - were aggravated by the fact that, without threat of force, tithes were often impossible to collect from parishioners who had suffered similar losses.¹⁵³ If incumbents cooperated with local garrisons, defaulters risked being hauled into garrisons until they paid up. This was said to have happened to some of Thomas Rawson's parishioners.¹⁵⁴ It is difficult to assess whether clergy themselves should be blamed for such actions. Tithe collection agreements were often tied up with demands from local garrisons for contributions from the whole parish, and not necessarily given as readily as accusers implied. Answering the charges against him, Rawson claimed that he had also been 'fetched' into Belvoir Garrison for his tithes along with his parishioners.¹⁵⁵ John Hubbock's accusers represented him as a 'very familiar' dining companion of the royalist

¹⁵⁰ Scaysbrook, *Civil War*, 45-6; Roberts, 'Depredations', 3, 7-8; Sherwood, *Civil War*, 83: Richard Symonds estimated this at £97,000 to support 1500 men.

¹⁵¹ WMS C11, fos 37r, 38v, 76v.

¹⁵² WMS: C5, fo. 70r; C11, fos 34r, 41r, 54r.

¹⁵³ WMS C11, fo. 16v.

¹⁵⁴ *Ibid.*, fo. 34r.

¹⁵⁵ *Ibid.*, fo. 34v; however he stated openly that his affections were for the King.

captain Dudley at Badgworth House, who had allowed Dudley to issue a warrant to secure his tithes, and donated his musket to Ashby garrison. But the parishioner who delivered the musket testified to the level of coercion involved:

Mr Hubbocke ... told him that the King's party was att his house and demanded his private armes ... he could not tell what to doe, and so this Examinant durst not keep them but carryed them to Ashby garrison

Another parishioner testified, 'Mr Hubbocke went about to divers houses in his parish and told them that he was to pay forty shillings monthly to the King's garrison at Ashby'. Hubbock's social prominence in the parish prompted the royalists to focus pressure for contributions on him; for the same reasons, parishioners took ample notice of his response.¹⁵⁶

Since 1640, replacing so-called 'scandalous ministers' had always been a central aim of parliament. At the end of the war, with the regime actively seeking reparations against royalist 'malignants', the process for punishing clergy was the most clear cut and draconian, involving not just the loss of private estates, but also the livings which ensured future income. Clergy who had made enemies before the war now found themselves subject to close scrutiny, as adversaries tried to discover cause to denounce them. George Rogers accused Clement Clarke and Clement Brooks, relatives of his rival Erasmus Stourton, of acting maliciously, eavesdropping at his house windows, discovering his horses to soldiers to confiscate, and 'crying out I was a malignant'. Those deposing against him, he stated, were either 'Clarke's creatures' or Brooks's kinsmen.¹⁵⁷ Andrew Lamont questioned how many of his accusers had themselves contributed to the parliamentary cause. Those who had themselves borne arms 'under the kings banners and colours', he argued, had no right now to pick 'a mouthe' out of his own eyes.¹⁵⁸ Given that committed royalist gentry are thought to have outnumbered committed parliamentarians

¹⁵⁶ WMS: C5, fo. 74v; C11, fo. 63r

¹⁵⁷ WMS C11, fo. 78r.

¹⁵⁸ Ibid., fo. 60r.

two to one in the county, there would be many concerned about more questionable aspects of their own past behaviour.¹⁵⁹ Denouncing clergy could be a useful diversionary tactic by accusers to deflect attention and situate themselves firmly in the victorious parliament camp. John Somerfield claimed that his accuser William Berkley ‘did pleasure Captain Dudley with a son for the kings service’, Thomas Pestell that his enemy Johnson had been seen at Ashby in a ‘redd Coate’.¹⁶⁰ In retrospect, the truth about wartime engagement was very easily muddied, on both sides of the trial process.

Conclusion

Sherwood describes Leicestershire as the ‘Belgium’ of Civil War England, a ‘debatable land’ partitioned by the forces of either side.¹⁶¹ The Leicester committee book reveals much about the challenges faced by clergy living here, and the process by which so many were stripped of their livelihood afterwards. When assembling a case, the custom, borrowed from the church courts, was to itemise the individual’s deficiencies in every aspect of their behaviour and lifestyle. Moral charges against the Leicestershire clergy range from the bizarre to a great preponderance of predictable complaints about non-puritanical lifestyles. The defence statements and church court records available here cast doubt on these as an accurate summation of the complex set of past circumstances and hostilities prompting claims of moral failure.

Political considerations lay at the heart of Leicestershire sequestrations. The proximity of war pushed individuals towards engagement, some as active or even aggressive royalists, others reluctantly to actions which could later be interpreted as cooperation with the

¹⁵⁹ Up to and including the earl of Stamford; see Costa, ‘Hesilrige’, 129, 137; Everitt, *Local Community*, 11, 16: Costa comments on the fluid nature of local allegiances.

¹⁶⁰ *Ibid.*, fos 16r, 73r.

¹⁶¹ Sherwood, 2.

enemy. The religious impetus towards sequestrations lacked the heat found elsewhere. A minority puritan agenda did exist, however, which had clearly evolved between 1643 and 1646, so that clergy were ejected here not so much for Laudianism or Arminianism, but for their conservatism in the face of religious reform. ‘Merry England’ pastimes like Sunday sports and hunting were also more of a live issue in Leicestershire than elsewhere, perhaps the result of a cultural clash between puritanism, for which Leicester itself was a stronghold, and the traditional pastoral communities which predominated elsewhere in the county.¹⁶²

In recent times, it has not been fashionable to single out economic and social tensions as the prime cause of the English Civil War. Yet, perhaps, as Cust and Hughes have argued, we should re-evaluate their role as one of its precursors.¹⁶³ Sherwood stresses the significance of local power struggles as a determinant of allegiance in Leicestershire. They lie at the heart of many Leicestershire sequestrations.¹⁶⁴ Clergy who had associations with royalists like the Hastings family or had been in conflict before the war with local magnates, parishioners or clerical rivals were unlikely to be given the benefit of the doubt by an Independent-dominated committee over suggestions of royalist delinquency or ceremonialism. Tensions were exacerbated by the losses of war: in less conflicted counties, ejections rates were lower, because more borderline cases escaped ejection. But the general pattern of complaint here, taking place as it did at the height of the wave of ejections occurring across the country, may be more typical of what took place in those areas for whom detailed evidence does not survive, than the earlier records from East Anglia. Leicestershire clergy were punished twice over, by the turbulence and brutality of the war itself, and by the bitterness it left in its aftermath.

¹⁶² Ibid, 27.

¹⁶³ R. Cust, A. Hughes, ‘Introduction: After Revisionism’, in R. Cust, A. Hughes (eds), *Conflict in Early Stuart England*, (London, 1989), 17.

¹⁶⁴ Sherwood, 27.