

## THORNER 1619-1621

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### Introduction

The Star Chamber case of Oglethorpe v. Clough, Beale, and Stephenson records a controversial rushbearing at Thorner, a village and civil parish located about 13 km northeast of the city centre of Leeds. Some members of the nearby parish of All Saints, Bramham (about another 7 km northeast), attended the rushbearing. Doing so was not unusual: traditional customs like rushbearings offered an opportunity to strengthen the communal bonds of people not only within parishes, but also between neighbouring ones. The rushbearing at Thorner, however, outraged William Clough, the Puritan vicar of Bramham,<sup>1</sup> who inveighed in a sermon against those parishioners who had attended the event and, according to the bill of complaint, against King James I for the tolerance of rushbearings expressed in the *King's Book of Sports*. The rushbearing at Thorner is incidental to the issues registered in the bill of complaint, but it does reveal attitudes, allegedly seditious attitudes, of William Clough that serve William Oglethorpe's case. Unfortunately the bill of complaint does not establish that William Oglethorpe attended the rushbearing at Thorner. Perhaps he supported such festive customs in principle, being one of the local gentry, one of the ancient family of Oglethorpe that occupied Oglethorpe Hall, for whom traditional ways of expressing and building community were worth preserving.

<sup>1</sup> For more information about Clough's legal problems at this time and later, see David Cressy, *Dangerous Talk: Scandalous, Seditious, and Treasonable Speech in Pre-Modern England* (Oxford: Oxford University Press, 2010): 111-112, and Ronald A. Marchant, *Puritans and the Church Courts in the Diocese of York* (London: Longmans, 1960): 186-88).

**1619-1620**

TNA: STAC 8/225/30

**mb 3**

***Bill of Complaint of William Oglethorpe***

To the kynges most excellent Maiestie

In most humble <sup>^</sup>manner Complayning sheweth vnto your most excellent Maiestie your loyall and obedient subiect William Oglethorpe the younger of Oglethorpe in the Countie of yorke Esquire That wheras William Clough of Bramham in the Countie of yorke Clerke is and for diverse yeares last hath been vicker of the

parochiall Church of Bramham aforesaid being within the dyocesse and province of the Archbishopprick of yorke and during the tyme of his incumbency there in diverse sermons by him preached in the said parish Church as also in diverse other assemblyes vttered and spoken diverse seditious indecent and irreverent speeches against your royall maiestie and your highnesse godly and religious governement of your Realmes and dominions whereby he seemed to distast your highnesse said governement and to perswade others to be of like seditious myndes to himselfe and more especially in a sermon by him preached in the parochiall Church of Bramham aforesaid in a great assembly and congregation of diverse of your highnesse loving subiectes, vpon a sunday in the month of August in the seaventeenth yeare<sup>1</sup> of your highnesse most happie raigne over England the said William Clough out of his seditious disposition most contemptuously and irreverently inveighed against your most excellent Maiestie first by taking occasion to speake against some of the parishoners for being at a rushbearing at thorner the sunday before vttered these wordes following or the like in effect *videlicet* there was a sermon in deed at Thorner a morrall man such preist such people but my text is thou shalt keepe my saboath and reverence my sanctuarie this the king of heaven commandes now the king of earth (meaning your Maiestie) being but a mortall man he comands to breake the saboath, whether it is better to obey God or men iudge you, But if you will haue the reason why the king (meaning your Maiestie) makes lawes against Godes lawes in giuing tolleration to those May games and rushbearinges he (meaning your Maiestie) did it for playne feare for the saftie of his bodie being in his progresse and so continuing in like rayling speeches he finished his sermon, for which said seditious irreverent and contemptuous speeches and for diverse other contemptes and abuses touching and concerning Causes ecclesiasticall the said William Clough was heretofore *videlicet* in or about the beginning of december which was in the seaventeenth yeare of your said highnesse raigne over England convented to appeare at york before your Maiesties Commissioners for causes ecclesiasticall within the province of yorke to thend that therevpon and vpon due proceedinges had therein he might abyde such censure therein for his demerittes as should be agreeable with your Maiestes godly ecclesiasticall lawes And the said William Clough having accordingly appeared and answered before your highnesse said Commissyoners for causes ecclesiasticall your said subiect and diverse others were afterwarde *videlicet* on or about the second day of March now last past commanded by warrant and other legall processe from the said Commissioners to be examined as witnesses in that suit in obedience whereof your said subiect and a great number of parishoners who were supposed to haue beene present at the aforesaid sermon were sworne and examined as witnesses against the said William Clough in the said suit before the said Commissioners<sup>2</sup> and your said subiect in and by his said examination did not in any sort falsly testifie or declare any thing against the said Willm Clough but as he was bound both by his oath and his dutie to your most excellent Maiestie declaring the truth.

Yet neverthelesse the said William Clough thereby conceyving malice against your subiect he in revenge against your subiect did therevpon plott and devise how and in what manner and by what meanes he might bring your said subiect into vtter overthrow and to effect his said malitious and vngodly purpose he the said William

Clough about the twentieth day of Iuly last past in this present eighteenth<sup>3</sup> of your highnesse most happie raigne over England did practize confederate and Complot with his brother Robert Clough of Bramhame aforesaid husbandman Iames Beale of Bramham aforesaid his neare kinsman and ally and Clement Stephenson of North Dighton in the Countie of yorke laborer with diverse other persons (whose names are yet vnknowne to your subiect yet humbly prayeth that they may be inserted into this bill when their names shalbe discovered) how to take away your subiectes life creditte and estate your subiect being then seized of landes of inheritance and likewyse possessed of goodes and Chattells of good value and by the practize confederacy and complot aforesaid they the said William Clough Robert Clough Iames Beale and Clement Stephenson and thother persons as yet vnknowne did then and there agree amongst themselves and bynd them one to another by way of promisse or other wyse to chardge your said subiect to be a felon and to haue perpetrated committed and done some felonious act against your Maiestes lawes of this your realme of England and by that meanes to bring your subiect to vtter distruction.

And to that purpose it was agreed amongst them to accuse your said subiect <...> that he had comitted diverse felonyes and especially that your subiect <sup>^</sup>had about five yeares before that tyme feloniously taken or stolne one lambe which was the goods of the said Robert Clough and for that the said Clement Stephenson had bene servant to your subiect therefore he was accompted the fittest instrument for that purpose to accuse your subiect and therefore the said William Clough <sup>^</sup>Robert Clough and Iames Beale did with some great reward and with offers and promisses of further giuftes and rewardes perswade the said Stephenson to depose and testifie that your said subiect had felloniously stolne the said lambe and that the said Stephenson being your subiectes servant was privie therevnto the said William Clough withall to anymate the said Stephenson so to do alledged that such his accusation of your subiect would be a sure meanes to acquite him the said Stephenson thereof, wherevpon the said persons hauing fully agreed amongst themselves to accuse your said subiect as aforesaid, albeit <...> all of them well knew and were perswaded that your subiect was free from any touch or suspicion of felony and that in truth your subiect never committed the said supposed felony nor any other felonious act whatsoever yet neverthelesse in hope that by such their combinaton they might effect their wicked purpose the said William Clough did at Clifford within the said Countie in the presence of a great number of your Maiestes loyall subiectes falsely scandalously and malitiously publish and declare that your subiect <sup>^</sup>had comitted felony in stealing the said lambe and that your subiectes life lay in his handes for the same and shortly afterwardes viz in September then next following and now last past they the said William Clough Robert Clough Iames Beale and Clement Stephenson for the further execution of their said wicked conspiracy albeit that they well knew and were verily perswaded that your subiect was innocent and free from that pretended felony, yet neverthelesse out of their malyce and out of an earnest desire of revenge they then repayed to Wylford in the Westryding in the countie of yorke vnto Sir ffrancys Baylden knight then and yet one of your Maiestes Iustices and commissioners for the keeping of your Maiestes peace and for hearing and determininge felonyes in the said Westryding your subiect

being then an inhabitant within the said Westriding and there the said Willm Clough by the said practize conspiracy and combynation with the said Robert Clough, James Beale and Clement Stephenson did voluntarily and of his owne accord and of mere malice and out of a desire of revenge falsly and wickedly *preferr* a complaint to the said Sir ffrancus Baylden that your said subiect had at Oglethorp aforesaid and within the said West ryding feloniously stolne the said lambe or to that effect and therevpon procured the said Sir ffrancys Baylden to grant forth warrantes to call themselves and others before him to be examyned for the truth thereofe and to take severall examinacions of the said Robert <sup>^</sup>Clough James Beale Clement Stephenson and diverse others vpon their corporall oathes to depose theeffect of the said scandalous complaint to be true and therevpon the said Sr ffrancis Baylden sent forth his warrant to bring your subiect before him to the great disgrace of your subiect and your said subiect in obedience of your *Maiestes* governement and lawes of this realme did accordingly appeare before the said Sir ffrancys Baylden and answered the said uniuert accusation in such sort as the said Sir ffrancis Baylden *perceyving* their malitious and wicked purpose conspiracy and combynation did dischargd your subiect of making any further appearance to the same.

And for the further molestation and overthrow of your subiect the *William* Clough did at the same tyme wickedly and malitiously and for revenge and malice accuseth *perswade* sollicite and labore to suborne one Iohn Spinck your subiectes servant and one Richard Sayner another of your subiectes *servantes* to depose and sweare that your subiect had feloniously stolne two or three sheepe *which* subiect had before that tyme taken vp as estrayes within the manners of Oglethorp Bramham and Clifford, of *which* manners your subiect <sup>^</sup>was and is seized in fee & your subiect and all those whose estate he hath therein and tyme whereof the memorie of man is not to the contrarie haue beene accustomed to haue and take all Cattell *comming* as estrayes within the *precinct* of the said mannors and by vertue whereof your subiect had formerly taken vp those sheepe *comming* as estrayes within the said Mannors and not in any felonious manner as the said *William* Clough malitiously and scandalously did urge And albeit the said *William* Clough well knew that your subiect had such right to haue estrayes as aforesaid and that your subiect did by vertue thereof take and seize the said shepe and estrayes yet neverthesse the said *William* Clough for the effecting of his said malitious <sup>^</sup>purpose and revenge did sollicite and *perswade* the said Iohn Spincke and Richard Sayner to depose and sweare that your subiect had felonyously stolne those sheepe and with intent to suborne the said Iohn Spinck and Richard Sayner to testifie the same his accusation and for that purpose he the said *William* Clough did promise and offer great *guiftes* and rewardes to the said Spincke and Sayner and that he the said Sayner being an owner of groundes within his *parish* should be dischargd from payment of all manner of tythes and the said *William* Clough the better to draw them on to that accusation did falsly suggest to the same Spincke that the said Sayer had already confessed that your said subiect had stolne those sheepe, and did also suggest to the said Sayner that the said Spinck had confessed that your subiect had stolne those sheepe whereas the said Spincke and Sayner nor eyther of them had never so said nor could iustly say the same And albeit the said Spincke and Sayner would not giue consent

to the said William Clough his wicked *perswasions* therein yet neverthelesse the malicious revengfull mynd of the said William Clough to take away your subiectes good name life and estate doth thereby more playnly appeare, All *which* conspiracyes practizes combinations confederacyes complottes malicious and vniust accusations subornations contemptes and contemptuous wordes and speeches and other the misdemeanours aforesaid were committed perpetrated and done since your *Maiestes* last most gracious and generall free pardon and are not pardoned by the same and for as much as the same are not onely against diverse of your *Maiestes* most wholesome lawes and statutes of this your highnesse Realme of England but are also in themselves most vile and detestable and would be verie perillous vnto all your highnesse good and loving subiectes if such offences were not punished in exemplarie <....> and if that suche offenders should not vndergoe some severe censure May it therefore please your most excellent *Maiestie* to grant vnto your subiect your highnesse most gracious writ or writtes of Subpena to be directed to the said William Clough <....> Iames Beale and Clement Stephenson and to the other persons vnknowne when their names shalbe discovered thereby commanding them and everie of them at a certaine day and vnder a certaine payne therein to be limmitted appeare before your most excellent *Maiestie* and the lordes of your highnesse most honorable privie Counsell in your *Maiestes* high court of Starchamber at Westmynster then and there to answeere the premisses and therevpon to abyde such censure for their said offences as shalbe <....> with equitie and iustice And haue said subiect according to his bounden dutie shall dayly pray for your *Maiestie* in all health and happinesse long to florish and to raigne over vs

W Bell

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1621

mb 2

*Answer of William Clough*

<...>us Martis septo die Novembris 19<sup>o</sup> Iacobis Regis<sup>4</sup>

Harker

The plea and seuerall answeere of William Cloughe Clerke one of the *defendants* to bill of complainant of William Oggleshorpe thounger esquire Complainant

The said *defendante* haveinge nowe and att all tymes hereafter saved and reserved to himselfe all and all manner of advantage and benefitt of exception to thincertenties and insufficiencies of the said bill of complaint for plea vnto the supposed Sermon in the bill of complaint mentioned and the matters and <sup>^</sup>thynges therein suggested to be committed by this *defendante* he sayth that heretofore aboute two yeares agoe one Edmond Troutbecke being a *parishoner* within the said

parish of Bramham did exhibitt articles as informacion vnto the most reverend ffather in god Tobbye by godes providence lord Archbisshpp of Yorke primate and metropolitane of England and others his graces associates his Maiestes Commissioners for causes ecclesiasticall within the province and dioces of yorke against this *defendante* for speakinge and vtteringe the very selfe same wordes in the bill of *complaint* mentioned or the like in effect therein suggestinge or libellinge against this *defendant* videlicet that vpon the first Daye of August last *which* was Anno domini 1619 the said *William Cloughe* did preach within the *parishe* church of Bramham aforesaid vpon this text thou[s] shalt keepe my Saboth and in his preacheing did vtter theis wordes followeing to witt there was a preacheinge att Thorner the last Sondaye before att a Rushebeareinge and truth there was a preacher a morrall man a humane man such preiste such people indeede the Kinge of heaven doth bid you keepe his Saboth and Reverence his Sanctuary nowe the Kinge of England is a mortall man and hee bidde you breake yt chuse whether then [Y] Will you followe—nowe—I will tell you the reason *which* the kinge England makes lawes against godes lawes in that behalfe ye reason is because he durst doe noe other for plaine feare for ths safetie of his owne bodye in his progresse and soe with Rayleinge speaches he finished and ended his sermon To *which* said libell or Articles this *defendante* very shortly after putt in his answeare before the said Comissioners (as followeth<sup>5</sup> that he beleueeth that he did preach vpon Sondaye the first of August above mentioned within the *parishe* Church of Bramham aforesaide eyther that day or some other Saboth neare thereaboutes preached on this Texte (To Witt) Thou shalt keepe my Saboth and reverence my Sanctuary for I am the Lorde vpon *which* kepte this *defendante* as he had good occasion laide downe the true vse of a Saboth and reproveth the prophanes thereof amongst *which* to this *defendants* best remembrance he spoke against the prophaneinge of the Sabothe by the abuse of Rushebearinge and other such prophane exercises as hinder divine service and therevpon made on our <.....> exhortacion to his audiorie to bee carefull diligentlie to observe the dueties of a saboth for the kinge of heaven comaundeth yt to be kepte and mistake not yourselves if the kinges of the earth doe allowe lawfull recreacions on the Saboth yett they doe not allowe the prophanacion of the Saboth and otherwayes this *defendante* did not beleue the article to be true.

And this *defendante* further sayth that his adversaries ...<sup>5</sup>

<sup>1</sup> August in the seaventeenth yeare] 1619

<sup>2</sup> While Oglethorpe claims that he testified truthfully, he does not note, as Clough does in his answer, that the High Commission found him not guilty of the charges brought against him.

<sup>3</sup> twentieth day of Iuly last past in this present eighteenth] 1620

<sup>4</sup> septo die Novembris 19<sup>o</sup> Iacobis Regis] 1621

<sup>5</sup> [as followeth] *closing bracket missing*

<sup>6</sup> Clough's answer goes on to take up the issues not related to the rushbearing.

## Document Description

## **1621 Oglethorpe v. Clough, Beale, and Stephenson**

Kew, The National Archives, STAC8/ 225/30; English and Latin; vellum; 3 membranes:

mb 1: 1621; 152mm tall x 413mm across; modern folio number '1' in the bottom left margin; brown ink; quite faded. Contains the answer of James Beale, who makes not submission regarding the rushbearing.

mb2: 1621; 532mm tall x 645mm across; modern folio number '2' to the left in the margin; stained from top to bottom along the left side; generally clear and in good condition; contains answer of William Clough.

mb 3: 1621; 60mm tall x 745mm across; modern pencil folio number '3 End' in left margin; stained, wrinkled, and faded in parts; dorse blank except for "Lune Quinto ffebruarij Ann decimo octauo Ia' R' Harker" and, in the top left corner, a note of the principal parties to the case; contains the bill of complaint of William Oglethorpe, the younger.