

INTRODUCTION

THIS guide is concerned with certain major sources for the history of Catholics and Catholicism in England, particularly at the local level, between 1559 and 1791: i.e. between the Elizabethan Uniformity Act which defined and punished the offence of recusancy in the sense of absence from the services of the Church of England on Sundays and holy-days, and the second Relief Act which ended Catholics' obligation to attend such services and which has been called 'from the standpoint of the local history of Roman Catholicism . . . a more important Act than the great Emancipation Act of 1829'.¹ Local history can seldom be written merely or mainly from purely local sources, as Dr Stephens's indispensable handbook makes abundantly clear,² and this is especially true of post-Reformation Catholic history, whose survival engaged the attention of successive Secretaries of State, of the Privy Council, of the major courts of law and of various departments of the central government, notably the Exchequer. Consequently much of this conspectus is devoted to central-authority records, chiefly in the Public Record Office but also in certain other official repositories. Further sections deal with Establishment-records of different kinds: those of local government and of the Church of England.

These pages concentrate on documents in which persons appear because they are or are believed to be Catholics or in which information (numerical, financial, etc.) is given because it relates to Catholics. We are not here concerned with documents in which Catholics may happen to appear for other reasons than their religion; thus the Subsidy Rolls of Charles I and of 1663 fulfil our terms of reference because Catholics were then liable to special impositions by virtue of their Catholicism and some Subsidy Rolls reflect these, whereas, while earlier and later Rolls contain the names of many Catholics, the latter occur in them not *as* Catholics but as ordinary tax-payers, largely undifferentiated from others in these documents.³ Similarly, although the Close Rolls are an essential source for property transactions (of Catholics as of non-Catholics), their specifically Catholic relevance dates from an early Hanoverian statute (3 Geo. I, c. 18) ordaining that certain Catholic wills and deeds might be enrolled on them⁴ and it is in this context that note is here taken of them. Our concern is with identifiable Catholics rather than with persons technically classed as recusants—with 'those who by their practice show what they are, as well as those who are convicted'⁵—and this involves a wide range of source-material, necessarily compartmentalised in these pages, though individuals do not fit neatly into such compartments and have to be pursued from one to another. It must, indeed, be emphasised 'that no Historian can afford to concentrate on a single group or a single type of Archives' for 'from their very nature

Archives have always their “opposite numbers” potentially in existence in another group. There cannot be letters in one group without a chance of the other end of the correspondence being represented in some other place. . . .⁶ Thus Exchequer exactions, both taxes and fines, are often recorded in local as well as central sources; the embroilment of Catholics with the law may be documented among family papers as well as in official records at various levels; liaison between the secular and ecclesiastical arms of the Establishment leaves traces in both types of archive. The Exchequer’s intricate system of accountability and the bureaucratic procedures of the Chancery resulted in ‘internal’ duplication or near-duplication capable of compensating to some extent for the non-survival of documents containing similar information, while other record-keeping practices may yield compensatory documentation in different areas: Quarter Sessions’ order books and minute books as well as rolls; the preservation of depositions, recognisances, etc., as well as indictments; the keeping of diocesan transcripts as well as parish registers. In the following pages an attempt is made to indicate such links between and within various types of archive and, while by no means every individual can in practice be pursued from one source to another, the total available evidence is such as to render questionable the somewhat dismissive assertion that, in one county, ‘The local Catholics had little history in the second half of the seventeenth century’⁷—though one should indeed beware of according them too much ‘history’ through extravagant deductions from slender data. Nor should partisanship bestow undeserved accolades such as those heaped, against the evidence, on a notable (but not notably Catholic) Bath doctor;⁸ on the contrary, as the editors of *Recusant History* have insisted, ‘The Catholic historian must submit the view which, moved by feelings of loyalty to his Church, he would prefer to see vindicated, to the same objective scrutiny as every other, and if the facts warrant its rejection, he must reject it’.⁹

The seven sections of this guide are devoted primarily to documentary sources in English official archives. Material outside this country is not discussed but a few words on foreign documentation covered by printed *Calendars* and P.R.O. transcripts will be found at the end of the ‘State Papers’ section. Neither are there coverage of the archives of Catholic institutions or detailed discussion of family papers (Catholic and otherwise) though these receive occasional mention. Both institutional and family muniments feature in the printed *Reports* of the Historical Manuscripts Commission¹⁰ and in the typed lists, etc., of the National Register of Archives¹¹ and are well represented in volumes of the Catholic Record Society.¹² Catholic institutional archives, their listing and description and the dissemination of such particulars, are now the prime concern of the Catholic Archives Society whose ongoing publications, notably its journal *Catholic Archives*, should be consulted for up-to-date information on diocesan and parochial archives and those of religious orders and congregations—and, occasionally, on Catholic family papers.¹³

Other sometimes relevant material not examined here includes such printed matter as newspapers, guides and directories, and contemporaneous writings of many kinds printed at the time or later.¹⁴ Fieldwork too has telling contributions to make, as witness Mr Michael Hodgetts's extensive work on priests' hiding-places,¹⁵ while scrutiny of the devotional articles and libraries preserved, or once preserved, in Catholic houses and missions adds further dimensions to the evidence not only of Catholic survival but of its character and *rationale*.¹⁶

Traditionally the study of post-Reformation Catholicism in England has perhaps overstressed its adherents' predicament *vis-à-vis* the authorities and has paid insufficient attention to their internal history, to 'the religious and social experience of the average Catholic'—an imbalance corrected decisively and with copious documentation by Professor Bossy.¹⁷ However, in order to discover who actually comprised the Catholic community, their locations, occupations and relationships, the consistency of their religious commitment and the extent to which this brought brushes with the law or involved obligations not shared with non-Catholics (two factors among the community's formative influences),¹⁸ there is no alternative to the combing of predominantly official documentary sources, many of which hardly make sense unless their legislative provenance is understood, though it must also be appreciated that the law in practice was often a very different matter from the law on paper. It is as true in this context as in others 'that anyone who describes a legal system must consider and compare theory and experience';¹⁹ equally anyone who would understand many aspects of the Catholic experience between 1559 and 1791 cannot ignore the legal framework within which that experience developed, for while laws may not 'prescribe who will win—and are not always followed—they do explain what the participants are up to',²⁰ the participants being, on the one hand, officialdom in various guises and, on the other, Catholics of varying degree (of both class and commitment). Consequently these introductory pages are followed by a survey, largely thematic, of the legislation affecting English Catholics during the period under review and generating much indispensable documentation. It is for the purpose of clarifying this—which, indeed, not infrequently exemplifies the contrast between 'legislative severity and administrative moderation'—and with no intention of perpetuating 'the hallowed emphasis on anti-Catholic penal legislation'²¹ that an outline of the latter is appended to this Introduction.

Although we are here concerned mainly with sources for Catholic local history, it must be emphasised that local history cannot be meaningfully studied without reference to its national and even international context, and local documents may be misinterpreted if viewed in isolation. For example a cessation of reports of religious nonconformity in 1672 does not mean either that it had withered away or that officials had become too slack to bother about it but that, under Charles II's Declaration of

Indulgence, action against it was officially suspended for a year. Nor does increased documentation a few years later imply any Catholic resurgence; it was just one product of the hostile hysteria aroused by the 'Popish Plot' (1678-81). Similarly, a spate of recusancy-convictions ninety years earlier, and again after 1605, sprang not from more widespread Sunday truancy but from the Armada crisis and Gunpowder Plot. Thus, it is necessary to appreciate background factors of nationwide as well as of local application: the legal position, parliamentary attitudes and government policy—influenced possibly by issues such as anti-Spanish or anti-French feeling or by Jacobite activity—as well as the attitudes of individual officials, civil and ecclesiastical: whether the State's servants, central and local, had 'puritan' leanings or Catholic sympathies (or Catholic relatives and friends); what enmities and rivalries they were embroiled in; whether an Anglican episcopate was characterised by anti-Catholic zeal or by indifference; when Sees were vacant and for how long.²²

It is essential to know something of the English Catholic body as a whole and of its main features in different places and at different times,²³ for comparison with the area and/or period being investigated; and to be conversant with current thinking and research on the subject. The fullest and most stimulating general surveys are those by Professor Bossy and Mr Aveling;²⁴ on the early recusant period there are two challenging recent contributions by Dr Christopher Haigh,²⁵ and Dr Eamon Duffy has just published an illuminating paper on eighteenth-century Catholicism and protestant dissent.²⁶ Keeping abreast of relevant published and unpublished work is facilitated by an annual 'Newsletter'²⁷ and there are more general bibliographies which can provide useful leads: the *Oxford Bibliographies of British History* and other, smaller works on particular periods;²⁸ the Royal Historical Society's *Annual Bibliography of British and Irish History*; the comprehensive *Writings on British History*, which also includes (from 1934) the journals, volumes of *Transactions*, etc., of historical, archaeological and antiquarian societies. Twentieth-century books and articles of preceding years are covered in an earlier series of *Writings on British History, 1901-33*, which does not, however, include societies' publications. These are detailed in the invaluable *Guide to Historical and Archaeological Publications of Societies in England and Wales, 1901-33* (ed. E. L. C. Mullins, 1968) while material of this kind prior to 1901 is often to be found in local bibliographies of varying vintage and value.²⁹ For an increasing number of areas there are specialist journals devoted to recusant history which contain much of value in terms of documentation as well as articles,³⁰ and local and general studies (and some documentation) have appeared in numerous other Catholic periodicals: *The Month*, *The Downside Review*, *Ampleforth Journal*, *Buckfast Chronicle*, *Ushaw Magazine*, *The Oscotian*, *The Clergy Review* and *The Venerable* (the last, in particular, printing important material from Roman archives).³¹

Other relevant printed, typescript and manuscript holdings may be traced through local libraries' subject-indexes, etc.;³² Catholic dioceses, religious houses and old-established parishes may preserve (apart from original documents) MS., typed or printed histories, transcripts, press-cuttings and other matter, some of it perhaps dating back to our period, while of wider significance is the Catholic Record Society's set of 'County Files' assembled from many sources by the late Brigadier T. B. Trappes-Lomax,³³ partly in connection with his contributions to the *Victoria County History*, in which authoritative series some volumes contain accounts of post-Reformation Catholicism³⁴ while others have more general chapters on ecclesiastical history.

For printed and calendared documentation of all kinds (central and local, civil and ecclesiastical) the Royal Historical Society's *Texts and Calendars: An Analytical Guide to Serial Publications* (ed. E. L. C. Mullins, 1958) is immensely helpful;³⁵ however, its clearly-stated terms of reference should be borne in mind since these exclude documentary material to be found among the contents of many local societies' periodical *Proceedings*, *Transactions*, etc., in local authorities' publications like the splendid series of *Warwick County Records* and in other contributions of varying provenance. For one significant field—that of parliamentary debates, often touching or taken up with Catholicism and furnishing the context both of legislation which was enacted and of bills which failed to pass into law—a very handy guide is available,³⁶ to be supplemented by material published since its compilation³⁷ including bibliographies in *The History of Parliament*, a work whose sixteenth- and seventeenth-century entries especially may have Catholic ramifications.³⁸

For documents in the Public Record Office (the principal subject-matter of five sections of this survey),³⁹ volumes 1 and 2 of the *Guide to the Contents of the Public Record Office* (H.M.S.O., 1963) are indispensable even though the recusant relevance of the documents is not always indicated. Also informative is H.M.S.O. *Sectional List 24* showing what P.R.O. material has been officially listed, calendared or reproduced in full, with a helpful preface outlining the various forms of publication and enumerating the facsimiles, produced by the List and Index Society, of many handwritten and typed Search Room lists, etc., shelved in the P.R.O.⁴⁰ These reproductions should not be confused with the printed series of *P.R.O. Lists and Indexes* and in the following pages references to the latter are italicised whereas 'List and Index Society' is not.

Among works of reference, those concerned with place-names will almost certainly need to be consulted (the *Concise Oxford Dictionary of English Place-Names*, the county volumes of the English Place-Name Society, a good gazetteer)⁴¹ as will the invaluable *Guide to the Local Administrative Units of England* published by the Royal Historical Society.⁴² For Latin abbreviations, etc., found in English historical documents there is C. T. Martin, *The Record Interpreter*⁴³ and, for help

when using Anglican documents, J. S. Purvis, *A Dictionary of Ecclesiastical Terms* (1962). *The Dictionary of National Biography* should not be overlooked,⁴⁴ nor should Catholic reference-works such as the old and *New Catholic Encyclopaedia*. Four other general compilations, though still useful, must, like many of those devoted principally to the clergy, be treated with caution.⁴⁵ Much more reliable, finally, are the clear presentations of basic 'background' data in successive volumes of *English* (later *British*) *Historical Facts*.⁴⁶

Much of the source-material here discussed arises directly out of Catholics' involvement with the law between 1559 and 1791—their infringement of it or their compliance with it—and many of the documents are meaningful only if seen in the context of the penal laws and the two Relief Acts (1778 and 1791). The comprehensive legal fabric, including its temporary augmentation during the Interregnum, and the first moves towards dismantling it, is merely sketched below. Considered thematically rather than chronologically,⁴⁷ its enactments fall broadly into three categories: statutes punishing rejection of the rites of the Established Church; measures penalising refusal of anti-Catholic affirmations; those directed against the upholding of Catholicism and activities in furtherance thereof. Of these three groups it was the second whose penalties, disabilities and irksome obligations came closest to unrelenting enforcement, but the less universally rigorous pressure of other types of legislation does not mean that they lacked corrosiveness; draconian measures may, after all, make an impact even if not implemented to the full. Apart from statutes penalising specific 'Catholic offences' there was legislation toughening the process of excommunication and providing for the punishment of local officials whose diligence left something to be desired⁴⁸ and whose consequent appearance in certain records is not without relevance to our subject.

To the first of the three categories mentioned above belong all the recusancy laws proper, concerned with refusal (Latin *recusare*: to refuse) to attend Common Prayer services every Sunday and holyday,⁴⁹ as enjoined by the Elizabethan Act of Uniformity and by further statutes of the next half-century.⁵⁰ Initially the penalty was a twelvepenny fine for each absence, to be levied by the churchwardens and allotted to poor relief within the parish. This did not itself involve court-proceedings but persistent absentees, as well as Mass-goers and other popish offenders, could be called before various church-courts and be there subjected to a variety of sanctions: admonition, confiscation of illicit books and devotional objects, excommunication, penance, 'conference' with Anglicans, bonds, fees and fines, including heavy mulcts imposed by ecclesiastical commissions. Some such penalties, indeed, were regarded in ways which anticipate features of the secular fining system introduced in the 1580s; thus, their estreating into the Exchequer was envisaged and so was the granting-away of certain of them by letters-patent to a nominee of the Crown.⁵¹

It was in 1581 that there was instituted the system whereby conviction in the secular courts, which had already begun to concern themselves with recusancy,⁵² led to a statutory fine of twenty pounds for each four weeks' absence from church (i.e. £260 *p.a.*) payable to the Exchequer.⁵³ In default of such payment the convicted recusant could, by a later Act, be deprived of all his goods and the value of two-thirds of his landed property,⁵⁴ while under a subsequent statute, aimed at penalising wealthier papists 'in better proportion', such forfeiture could be claimed by the Crown even if the recusant was prepared to pay the monetary fine.⁵⁵ Moreover, the fining machinery could be set in motion immediately a recusant, once 'proclaimed', failed to appear in court; he might be unaware of the summons, 'delivered in a single proclamation by the court crier' and might not know of any proceedings against him until 'the arrival of the sheriff with a demand for the forfeitures involved'.⁵⁶ Further legislation distinguished between Catholic and protestant absentees from church,⁵⁷ obliged the former to certify their normal place of abode and not travel more than five miles from it without licence⁵⁸ and prescribed ferocious treatment for poorer offenders: to abjure the realm on pain of death.⁵⁹ Those who harboured recusant visitors or schoolmasters (themselves liable to imprisonment and disqualification from teaching) risked a fine of ten pounds per four weeks' absence, as did husbands of persistently recusant wives. Recusant widows might be deprived of two-thirds of their dower and jointure, might lose any right to their late husbands' goods and be prohibited from acting as the latter's executrix or administratrix, a similar prohibition being already in force against male recusants-convict, who were also banned from being guardians of minors, from holding official positions, practising law or medicine and presenting to benefices in the Established Church and from remaining in or near the capital (unless their sole residence was there)⁶⁰—this last limitation being activated from time to time by proclamation and Privy Council order on occasions of national emergency such as the 'Popish Plot' and various Jacobite enterprises.

Conviction (and indictment) for recusancy brought additional burdens in the form of double taxation for the subsidy and other assessments of Charles I⁶¹—and laid such Catholics open to subsequent sequestration as delinquents under a parliamentary ordinance of 1643⁶²—while further penalties could be imposed for other kinds of resistance to Anglican rites, it being an offence to refuse communion and to undergo baptism, marriage and burial at any hands save those of the Establishment,⁶³ whose ecclesiastical courts might also take cognisance of these offences.

Not only might Catholics call attention to themselves by declining to participate in Anglican ceremonies (a distaste shared with many 'puritans' and protestant nonconformists, especially Quakers); their religious allegiance could also be exposed by unacceptable oaths and declarations, with a variety of consequences for refusal. The Elizabethan Act of Supremacy, reinforced by the 1563 Act for the Assurance of the

Queen's Power, banned all such nonjurors from public office, from graduating at the two universities and from future membership of the House of Commons;⁶⁴ the oath of supremacy might also be tendered to persons recalled from overseas seminaries, etc., and could be used to test the reliability of any suspected papist.⁶⁵ Under James I, following the Gunpowder Plot, a new and designedly divisive oath of allegiance was introduced, its refusal disabling Catholics from practising law and medicine, dispossessing Catholic exiles and placing any co-religionist at the risk of suffering the penalties of *praemunire* (loss of all property and life-imprisonment),⁶⁶ while the Interregnum brought its own hazards, arising both from the oath of abjuration of 1643—repugnant to Catholics *as Catholics*, its refusal entailing forfeiture of two-thirds of their property, real and personal⁶⁷—and from the Sequestration Ordinance of the same year,⁶⁸ affecting some Catholics as royalists, their support for the King (aggravated by their religion) costing them total confiscation, apart from an allowance not exceeding one-fifth for the support of their wives and children, tied for a time to the protestant upbringing of the latter.⁶⁹ Nor did their or their heirs' taking of the oath, while a prerequisite for the lifting of sequestration, necessarily achieve this.⁷⁰ Additionally, they were, from March 1643, liable to continuous contributions, at double the ordinary rate, to the weekly (later monthly) assessment.⁷¹ In April 1655, 'as of late time there hath been a great neglect of putting the Laws in execution for convicting of popish recusants, by means whereof the penalties imposed on such persons cannot be levied or required', it was ordered by proclamation⁷² that the oath of abjuration should be rigorously administered and refusal of it declared tantamount to a conviction for recusancy,⁷³ activating Exchequer processes similar to those earlier entailed by that offence—itsself abolished in 1650⁷⁴ since, there being no longer an Established Church, the former definition of recusancy could not apply—and involving similar, though not identical penalties. Whereas the previous legislation had imposed a lunar-monthly fine of twenty pounds or, alternatively, forfeiture of all the goods and the value of two-thirds of the lands of the convicted recusant, this edict, reaffirmed by Act and order in 1657,⁷⁵ with an even more objectionable oath, stipulated the seizure of two-thirds of both real and personal property; and the 1657 Act further decreed that a man marrying a recusant wife should himself be treated as a popish recusant convict unless he took the new oath.

Following the Restoration of Charles II in 1660, the enactments of the Interregnum were annulled and earlier religious legislation revived in the Uniformity Act of 1662;⁷⁶ however, it was not until the second half of the reign that the pendulum of persecution, having moved in an anti-puritan direction during the first half, swung back against the Catholics with the further employment of discriminatory declarations, combined with the sacramental test, to oust them from the public service and the House of Commons (both of which they had entered despite existing prohibitions)

and, for the first time, from the Lords, while the Cromwellian equating of oath-refusal with recusancy-conviction was revived.⁷⁷ This concept of 'constructive recusancy' gained impetus after the Revolution of 1688-89, becoming the basis for special militia-contributions in the 1690s⁷⁸ and for a variety of other impositions, short- and long-term: double assessment for certain Aids and Poll Taxes to meet William III's war expenses,⁷⁹ doubled Land Tax (initiated in 1692,⁸⁰ renewed annually and continued throughout the eighteenth century); an additional £100,000 levy imposed in 1722.⁸¹ Individual apportionments towards this sum were related to the registered values, dating from 1716-17, of the estates of Catholic non-jurors⁸²—information which continued to be enrolled, by heirs and others, with Clerks of the Peace and their municipal equivalents until the 1780s,⁸³ but subject to no subsequent levy. Shortly after the Revolution, with a view to keeping Catholics well away from the capital, 'a panic measure', not persisted with,⁸⁴ ordained that, unless they carried on a trade there or had no other abode, they might have the Test-declaration of 30 Charles II administered to them and be adjudged recusants-convict on refusal. Rejection of this declaration coupled with the post-Revolution oath of fidelity (tendered to persons going to religious assemblies and here designed to distinguish papists from the protestant beneficiaries of the Toleration Act) also incurred the status and penalties of a popish recusant convict⁸⁵ and similar criteria, oath plus declaration or declaration alone, were used to debar 'recusants' so detected from occupying official positions, from presenting to benefices, from being barristers—though eminent Catholic lawyers could practice 'under the Bar', preparing cases for Anglicans to plead in court—and from voting in parliamentary elections;⁸⁶ from secure possession of their weapons and best horses (those worth over five pounds had to be sold or risked confiscation) and from normal rights of inheritance.⁸⁷ Henceforth the protestant next-of-kin had a claim prior to that of nearer 'constructive recusant' relatives—not that the claim was very often pressed, nor necessarily successful when it was.⁸⁸ In addition to such affirmations and avowals as were laid down by statute, Catholics might also be called upon to subscribe before the ecclesiastical authorities to certain Anglican tenets—a 'selective and spasmodic' procedure⁸⁹ affecting medical practitioners, midwives and schoolmasters (as well as holders of offices in the Established Church) and occasionally touching selected Catholics outside these occupations.

The third of the categories instanced earlier, encompassing aspects of the upholding of Catholicism, naturally finds a prominent place in much of the penal legislation, including a Commonwealth enactment extending the definition of 'delinquency' to cover harbourers of priests, persons attending Mass and those providing a Catholic upbringing for their children or grandchildren.⁹⁰ Criticism of the Book of Common Prayer and of the royal supremacy were proscribed from the very outset, as were papal authority, the Mass (both celebrant and congregation being liable

to mounting penalties), Catholic books, devotional articles, etc. The 'bringing in and putting in execution of bulls and other instruments from the See of Rome' became treasonable, as did the very presence in England of Catholic priests ordained since the start of Elizabeth's reign (and suspects could be imprisoned until they disclosed whether they were in fact priests) while capital punishment might also extend to priest-harbourers and proselytisers.⁹¹ Catholics had various reasons, stemming both from their religion and other causes, for going abroad—as exiles and fugitives, as members of religious institutions and communities and on other ecclesiastical and personal business (including the Grand Tour)—and all found a place in legislation forbidding their departure and demanding their return,⁹² as did children sent abroad for Catholic education (this being forbidden in England) and those sending them.⁹³ The last such Act, in 1699, 'peculiarly ferocious' but 'rather carelessly drafted', provided for payment of a hundred-pound reward for securing the conviction of anyone who sent children overseas for this purpose⁹⁴ and also for information leading to the conviction of a priest, who now became liable to life-imprisonment⁹⁵—as did Catholic schoolmasters, though informations against them carried no such reward. The same statute groped out to penalise Catholics not pinpointed through oath-refusal or legal proceedings, adopting the sweeping criterion, not easy to establish at law, of 'every Person making Profession of the Papist Religion' and disabling such individuals from purchasing land, while later Acts debarred those so or similarly described from presenting to church-livings,⁹⁶ from enlisting in the army⁹⁷ and from acquiring real property (or interests therein) by deed or by will unless such documents were enrolled either centrally or locally.⁹⁸ Finally by Hardwicke's Act of 1753, marriage-regulations were tightened-up in an anti-Catholic sense, though more by accident than design.⁹⁹

To the mass of statutory sanctions outlined above, reinforced and supplemented by proclamation, judicial ruling, etc., by the job-specifications of Cromwell's Major-Generals¹⁰⁰ and by ecclesiastical regulations,¹⁰¹ must be added further impositions and irritants: light-horse levies in the second half of Elizabeth's reign;¹⁰² anxieties concerning wardship;¹⁰³ 'voluntary' contributions, solicited with powerful clerical backing, to Henrietta Maria's appeal for Catholic support in the war-effort against the Scots;¹⁰⁴ various local pinpricks such as the fining of Catholics who perforce 'declined' offices for which their religion rendered them ineligible;¹⁰⁵ the denial of poor-relief to papists and discrimination against Catholic innkeepers;¹⁰⁶ bullying and blackmail by pursuivants and informers,¹⁰⁷ the latter given a boost by the 1699 Act which enabled them to extort money with menaces in the form of threatened exposure of priests, whose consequent imprisonment their superiors could afford (on pastoral grounds) even less than they could afford the payments which might avert it. These abuses were ended by Lord Mansfield's judgement in 1769,¹⁰⁸ virtually annulling the provisions

of seventy years earlier concerning the prosecution and conviction of priests, and these and other parts of the 1699 Act were formally repealed by the first Catholic Relief Act in 1778.¹⁰⁹ Catholics were now free to purchase and inherit land and priests and schoolmasters were in effect relieved of persecution provided that all subscribed to an unexceptionable oath of loyalty to George III. The recusancy-legislation, however, remained on the Statute Book, in company with the numerous penalties and disabilities imposed by the other penal laws until, in 1791, a second Relief Act¹¹⁰ removed many of these. The offence of 'popish recusancy' now came to an end,¹¹¹ as did the use of oaths to establish 'constructive recusancy', to exclude Catholics from the professions (though they remained in force to deny them both the vote and seats in either House of Parliament) and to oblige them to register their estates and enroll their deeds and wills. Catholic places of worship became legal provided they, and the names of the officiating priests, were certified at Quarter Sessions where, also, Catholics had to take a revised oath in order to benefit under this Act.

NOTES

¹ R. B. Pugh, *How to Write a Parish History* (1954), p. 86. See above, pp. 336-41 for an outline of relevant legislation.

² W. B. Stephens, *Sources for English Local History* (2nd edn, 1981)—a clear and comprehensive general guide (more informative on Catholicism than any comparable publication) whose valuable Introduction on basic printed material, including finding-aids to manuscript collections, is fuller than is feasible here.

³ For Subsidy Rolls, see *infra.*, pp. 382-4, 414. The post-Restoration Rolls also contain particulars of the benevolence or 'Voluntary Present' granted to Charles II in 1663 and of the Hearth Tax, to both of which Catholics contributed and for which corresponding local records exist.

⁴ See *infra.*, pp. 362-3

⁵ John Pym, quoted by C. Russell in *The English Commonwealth, 1547-1640* (ed. Clark, Smith and Tyacke, 1979), p. 152. See also P. R. Newman, 'Roman Catholics in pre-Civil War England: the Problem of Definition' in *R.H.*, 15, pp. 148-52 (also pp. 370-1).

⁶ H. Jenkinson, *Guide to Archives and other Collections relating to Surrey: General Introduction and Scheme* (Surrey Record Soc., 1925), p. 21.

⁷ A. C. Wood, *History of Nottinghamshire* (Thoroton Soc., 1947), p. 206.

⁸ Dr John Sherwood, variously described as 'a Catholic physician', as 'one . . . of those who would on no consideration bow the knee to Baal', as a 'devout Catholic physician' and as a 'recusant'—but see *C.R.S.*, 65, pp. 24-26 for a cooler estimate.

⁹ A. F. Allison and D. M. Rogers in *R.H.*, 6, p. 10.

¹⁰ Conveniently listed in *Sectional List 17* (H.M.S.O., periodically). There are two sets of indexes to persons and places: (i) in *H.M.C. Reports* issued between 1870 and 1911; (ii) in those issued from 1911 to 1957. See also E. S. Upton, *Guide to Sources of English History, 1603-1660, in Early Reports of the Royal Commission on Historical Manuscripts* (2nd edn, 1964) for leads under 'Recusants', 'Roman Catholics', etc. (see Introduction for terms of reference).

¹¹ Quality House, Quality Court, Chancery Lane, London, WC2A 1HP, where, *inter alia*, indexes under 'Government, Local', provide leads to Lieutenancy papers, those of sheriffs and those relating to Quarter Sessions, etc. In addition to its own compilations, the N.R.A. holds a copy of the catalogue of the archives at Ushaw College, Co. Durham.

¹² The first 65 are listed in a descriptive catalogue issued by the Society in 1972, of which an updated version is projected. Secondary sources, some freer from error than others, for information on Catholic clergy associated with the English mission during our period are: for the seculars, Anstruther; for the regulars, Foley (Jesuits); Birt, *Obit Bk.* (Benedictines); Fr Thaddeus, *The Franciscans in England* (1898); W. Gumbley, *Obituary Notices of English Dominicans* (1955); B. Zimmerman, *Carmel in England* (1899). Biographical particulars in Foley are about to be supplemented by Fr Geoffrey Holt's forthcoming volume (*C.R.S.*, 70) and the sketchy data in Birt are massively amplified in the microfiche-set, *A History of the English Benedictine Congregation* (with introductory booklet by P. Spearritt and B. Green, 1978).

¹³ E.g. those of the Constables of Everingham, the Langdales of Holme-on-Spalding Moor and Houghton Hall and the Stapletons of Carlton, all discussed in my contribution to *Catholic Archives*, 3 (forthcoming) which will also contain, in Fr Justin McLoughlin's account of the English Franciscan archives, mention of further family papers (Penderell, Eyston and others).

¹⁴ For much of this material, see Stephens, *op. cit.*, *passim*. Poll Books (mainly printed) are, however, noticed here (*infra.*, p. 404) because of the light they may occasionally shed on the implementation of certain measures affecting Catholics. County- and town-entries in the B.L. *Catalogue of Printed Books* can provide a variety of 'leads', including items on Catholics, e.g. under 'Middlesex: Roman Catholics'.

¹⁵ See his series of articles in *R.H.*, 11-16, *passim*; also *Trans. Worcs. Arch. Soc.*, 39, pp. 1-15; 41, pp. 11-13; *Country Life*, 22 March 1962; *Worcs. Recusant*, 37, pp. 3-25. A photographic record of recusant houses, chapels, etc., is being assembled by Mr Leslie Brooks and others for deposit with the Catholic Record Society.

¹⁶ See, for example, the catalogues of the Challoner Bicentennial Exhibition at Westminster Cathedral, 1 July to 30 Sept. 1981, and of the exhibition *Church Art of Catholic Yorkshire* held at Leeds City Art Gallery in February 1979. On the library at Naworth, see Archbishop David Mathew in *On Hilaire Belloc* (ed. D. Woodruff, 1942), pp. 117-30. For recusant bibliography the essential starting-point is A. F. Allison and D. M. Rogers, *A Catalogue of Catholic Books in English printed abroad or secretly in England, 1558-1640* (*Biographical Studies*, 3, nos 3 and 4, 1956), supplemented by T. Clancy, *English Catholic Books, 1641-1700* (Chicago, 1974). Helpful guides to the literature of theological controversy in the early recusant period are P. Milward, *Religious Controversies of the Elizabethan Age* (1977) and . . . of the *Jacobean Age* (1978). A collection of Elizabethan cases of conscience is printed in C.R.S., 67, and the post-Tridentine English *primer* and other devotional works are studied in C.R.S. *Monograph* 3, of which see the review, with additional bibliographical references, by Sister M. Norman in *The Catholic Historical Review*, 68, pp. 519-21.

¹⁷ *The English Catholic Community, 1570-1850* (1975) and p. 6.

¹⁸ C. Haigh in *The Historical Journal*, 21, p. 185.

¹⁹ J. H. Baker in *Crime in England, 1550-1800* (ed. J. S. Cockburn, 1977), p. 15; also for not dissimilar remarks, Cockburn in *Legal Records and the Historian* (ed. Baker; Royal Historical Society, 'Studies in History', no. 7, 1978), p. 60.

²⁰ Baker in Cockburn, *loc. cit.*

²¹ The remarks quoted are by W. P. Haugaard, *Elizabeth and the English Reformation* (1968), p. 317, and by S. Gilley in *E.H.R.*, 96, pp. 220-1, respectively.

²² See Sir F. M. Powicke and E. B. Fryde, *Handbook of British Chronology* (Royal Historical Society, 2nd edn, 1961), pp. 202-66.

²³ See A. D. Wright, 'Catholic History, North and South', in *Northern History*, 14, pp. 126-51.

²⁴ Bossy, *op. cit.*; J. C. H. Aveling, *The Handle and the Axe* (1976), with a comprehensive bibliography. Earlier surveys are D. Mathew, *Catholicism in England* (3rd edn, 1955); E. I. Watkin, *Roman Catholicism in England* (1957); M. D. R. Leys, *Catholics in England* (1961), preceded by Mr Brian Magee's often-valuable pioneer work, *The English Recusants* (1938).

²⁵ 'The Continuity of Catholicism in the English Reformation' (in *Past and Present*, no. 93, pp. 37-69); 'From Monopoly to Minority: Catholicism in Early Modern England' (in *T.R.H.S.*, 5th series, 31, pp. 129-47).

²⁶ *Peter and Jack: Roman Catholics and Dissent in eighteenth-century England* (Friends of Dr Williams's Library, 36th Lecture, 1982).

²⁷ Starting as nine numbers of *A Newsletter for Students of Recusant History* (ed. T. A. Birrell, Nijmegen, The Netherlands, 1958-70) these are continued in the Spring issues of *R.H.*, which very little escapes. Illuminating bibliographical/historiographical surveys have been contributed by Dr A. Davidson to *The Local Historian*, 9, pp. 283-9 and by the Rev. F. Edwards, S.J., to *The Clergy Review*, 57, pp. 610-23 (plus, recently, J. Marmion in vol. 67 of that journal, pp. 193-8, and Professor Birrell in *The Tablet*, 2 June 1982, pp. 650-1). There are noteworthy editorials by A. F. Allison and D. M. Rogers in *R.H.*, 6, pp. 2-11; 13, pp. 153-6 and valuable papers by Professors Finberg and McGrath in *The Downside Review* (Summer-Autumn 1959), pp. 254-65, and *Blackfriars* (March and April 1963), pp. 108-15 and 156-63, respectively. Mr John Aveling discusses published works on seventeenth-century English Catholicism in Aveling, Loades and McAdoo, *Rome and the Anglicans* (ed. W. Haase, Berlin and New York, 1982), pp. 111-12, and Professor W. B. Patterson considers 'The Recusant View of the English Past' in *Studies in Church History*, 11 (ed. D. Baker, 1975), pp. 249-62.

²⁸ Relevant volumes of the former are Conyers Read (Tudor Period); M. F. Keeler's revision of G. Davies (Stuart Period); S. Pargellis and D. J. Medley (*Eighteenth Century, 1714-89*); in the latter category come M. Levine, *Tudor England* and W. L. Sachse, *Restoration England* (Conference on British Studies' Bibliographical Handbooks, 1968 and 1971, respectively) and J. S. Morrill's stimulating *Seventeenth-century Britain, 1603-1714* (1980) supplemented by his contribution to *History Today*, 32, pp. 51-52.

²⁹ See G. H. Martin and S. McIntyre, *Bibliography of British and Irish Municipal History* (in progress), 1, pp. 21-32, covering counties as well as other units.

³⁰ *Essex Recusant, London Recusant, Staffordshire Catholic History, Worcestershire Recusant, Kent Recusant History, North-West Catholic History, Northern Catholic History* (north-east), the first-named with a helpful *Cumulative Index, 1959-79*. A journal for south-west England is about to be launched.

³¹ Lists of relevant contributions to the two last-named appeared in the *Newsletter* mentioned in note 27, above (9th and 8th issues, respectively). *The Dublin* (later *Wiseman*) *Review*, now defunct, also printed

items of recusant interest, as did earlier publications such as *The Rambler* (of which see list in *R.H.*, 6, pp. 80-89). In *The Dublin Review*, 198, pp. 284-310, is 'Early Catholic Periodicals in England' by J. R. Fletcher and for one area there is a handy *Bibliography of Periodical Literature relating to the post-Reformation Catholic History of North-East England* (compiled by L. Gooch, 1977). Four of the *Rambler* contributions were reprinted in R. Simpson, *Under the Penal Laws* (1930).

³² See P. Hepworth, *Archives and Manuscripts in Libraries* (Library Association, 1964 edn); also, for libraries with original MSS., *Record Repositories in Great Britain* (H.M.S.O., periodically) and—more comprehensive, though not fully so—J. Foster and J. Sheppard, *British Archives* (1982) with a 'Key Subject Word List' at the end (p. 531 for 'Catholicism'). Libraries may also possess unpublished research on recusant history such as that by J. N. Langston in Gloucester City Library, referred-to in *Worcs. Recusant*, 40, p. 21.

³³ His comprehensive priest-index is also held by the Society, and is now being put on computer at Downside Abbey.

³⁴ *Chester*, vol. 3; *Leics.*, 2; *Oxford*, 4; *Staffs.*, 3; *Wilts.*, 3.

³⁵ Supplementary to this, and with somewhat wider terms of reference, is J. Youings, *Local Record Sources in Print and in Progress, 1972-76* (Historical Association, 'Helps for Students of History', no. 85, 1977).

³⁶ *A Bibliography of Parliamentary Debates of Great Britain* (House of Commons Document, no. 2, H.M.S.O., 1956).

³⁷ E.g. *inter alia*, *The Parliamentary Diary of Narcissus Luttrell, 1691-93* (ed. H. Horwitz, 1972); *The Diaries and Papers of Sir Edward Dering, 1644-84* (ed. M. Bond, 1976); *Proceedings in the Parliaments of Elizabeth I* (ed. T. E. Hartley—so far, vol. 1, 1558-81, Leicester, 1981); *Private Journals of the Long Parliament* (ed. W. H. Coates *et al.*, 1982); *Camden Soc.*, 4th series, 19 (the Short Parliament, 1640).

³⁸ Some of them (not all as yet published) kindly drawn to my attention by Dr Alan Davidson.

³⁹ Guides, etc., to other repositories are mentioned in the appropriate sections. I am very grateful to Dr C. J. Kitching of the Public Record Office for reading and commenting on the first four sections.

⁴⁰ Where amendments to the *Guide* are also filed. Attention should here be drawn to the ambitious microfilm programme of the Harvester Press Ltd, covering the complete State Papers (Domestic) of Elizabeth I and James I and of George I, II and III (to 1782), State Papers and Exchequer documents of the Civil War and Interregnum, Star Chamber material (James I) and 'State Papers' and other items in the manuscript collections of the British Library and the Bodleian Library, Oxford.

⁴¹ Notably Bartholomew's.

⁴² By F. A. Youngs: vol. 1, *Southern England* (1979), to be followed by a second volume on the northern counties.

⁴³ 2nd edn, 1910; reprinted Dorking, 1976.

⁴⁴ The full and *Concise D.N.B.* contain some slips and errors, e.g. *re* Dr George Oliver, the Exeter priest-antiquary, concerning whom the concise edition wrongly summarises the full entry, giving the impression that he was a Jesuit. On the Catholic bishop Thomas Williams the full *D.N.B.*, entry is corrected in *Yorks. Arch. Soc. Record Series*, 77, p. 189. A card-index of corrections, etc., is kept at the London University Institute of Historical Research; those up to 1963 are embodied in *Corrections and Additions to the Dictionary of National Biography* (Boston, Mass., 1966).

⁴⁵ Gillow; G. Oliver, *Collections Illustrating the History of the Catholic Religion in Cornwall, Devon, Dorset, Somerset, Wilts. and Gloucester* (1857); B. W. Kelly, *Historical Notes on English Catholic Missions* (1907); J. Kirk, *Biographies of English Catholics, 1700-1800* (ed. J. H. Pollen and E. Burton, 1909). For compilations concerned with Catholic clergy, see note 12, above.

⁴⁶ So far 1485-1603, ed. K. Powell and C. Cook (1977); 1603-88, ed. C. Cook and J. Wroughton (1980); 1760-1830, ed. C. Cook and J. Stevenson (1980).

⁴⁷ For an excellent chronological outline, see the *New Catholic Encyclopaedia*, 11, pp. 62-65, and, for other recent *résumés*, slanted towards particular periods, C.R.S. *Monograph 1*, ch. 1; C.R.S., 53, pp. 291-307; M. J. Havran, *Catholics in Caroline England* (1962), ch. 1; J. Miller, *Papery and Politics in England, 1660-88* (1973), ch. 3; R. C. Jarvis, *Collected Papers on the Jacobite Risings*, 2 (Manchester, 1972), ch. 24.

⁴⁸ 5 Eliz. I, c. 23 (*re writs de excommunicato capiendo*, 1563); 3 Ja. I, c. 4 (1606) and the short-lived Interregnum Act of 1657 mentioned *supra*, p. 338 (both affecting negligent officials). On excommunication, see also *infra.*, pp. 362, 404, 430 and, on the 1563 Act, N. L. Jones, *Faith by Statute* (Royal Historical Society, 'Studies in History', no. 32, 1982), pp. 180-1.

⁴⁹ Holydays are listed in C. S. Meyer, *Elizabeth I and the Religious Settlement of 1559* (Saint Louis, U.S.A., 1960), pp. 71-72. Additionally, by 3 Ja. I, c. 1, attendance every fifth of November, in thanksgiving for the failure of Gunpowder Plot, was made compulsory; the statute does not impose the penalties attaching to recusancy but offenders might be in trouble with the ecclesiastical courts (see *infra.*, p. 430 for example). Non-observance of 30 January—the 'martyrdom' of Charles I—could lead to similar proceedings (*ibid.*); solemn commemoration of this anniversary was introduced in 1660 (12 Cha. II, c. 30) as was the annual celebration of Charles II's return from exile, 29 May (12 Cha. II, c. 14).

⁵⁰ To 1610 (7 Ja. I, c. 3). The Uniformity Act was 1 Eliz. I, c. 2 (1559). Regnal years and chapters of all statutes are here cited as given in the official *Chronological Table of the Statutes* (H.M.S.O.). Texts of most of the relevant Acts will be found in *Statutes of the Realm*, 4-9 (to the end of Anne's reign); the few subsequent enactments, including those for Catholic Relief, are printed in *Statutes at Large* (Ruffhead, ed. Runnington), 5-12. For anti-Catholic measures of the Commonwealth and Protectorate, see Firth and Rait. See also *infra.*, p. 389, note 91.

⁵¹ Documents illustrating both points are printed in F. Peck, *Desiderata Curiosa* (1799 ed.), 1, Bk 3, pp. 88-89; see also E. Rose, *Cases of Conscience* (1975), p. 46; *A.P.C., 1580-81*, pp. 103-04; *Chetham Soc.*, new series, 110, p. 72 (which does not indicate that the fines on Lancashire recusants may have been for Mass-going rather than for absence from church). See also P. Tyler, *The Ecclesiastical Commission and Catholicism in the North, 1562-1577* (Leeds, 1960), *passim* (pp. 70-71 for £200 fine imposed on John Swinburne for sponsoring Masses in the early 1560s).

⁵² C.R.S., 53, p. 292.

⁵³ 23 Eliz. I, c. 1. However, the twelpenny fine for each absence was not abolished and continued to be levied spasmodically until the 1780s. C. Butler, *Historical Memoirs of English, Irish and Scottish Catholics* (1822 edn), 3, pp. 276-7, provides a 1782 example from Yorkshire and similar action was threatened in the same county five years later (City of Bristol Record Office: Clifton diocesan archives, 35721/1, no. 69).

⁵⁴ 29 Eliz. I, c. 6. An important and wide-ranging study of the 'implementation of the Elizabethan statutes against recusants, 1581-1603', is the London University Ph.D. thesis of that title by the Rev. F. X. Walker, S.J. (1961).

⁵⁵ 3 Ja. I, c. 4.

⁵⁶ C.R.S., 57, pp. xxxix-xl, *re* the relevant section of 29 Eliz. I, c. 6.

⁵⁷ 35 Eliz. I, cc. 1 and 2.

⁵⁸ 35 Eliz. I, c. 2; 3 Ja. I, c. 5.

⁵⁹ Not widely enforced, but convicted recusants earmarked 'to be adjured the Realm according to the Statute in that behalf provided' (35 Eliz. I, c. 2) are listed in one of the York House Books in 1599; see Morris, *Troubles*, 3, pp. 284-5; C.R.S. *Monograph* 2, pp. 224-5.

⁶⁰ Statutes already cited, plus 23 Eliz. I, c. 1; 7 Ja. I, c. 6; 12 Cha. II, c. 24 (debaring 'Popish Recusants', as distinct from popish recusants convict, from exercising 'the custody and tuition' of minors). 'Knowne recusants' (again not necessarily convicted) were also forbidden the 'lawfull recreation' permitted on Sundays by James I's Declaration of Sports (1618): see T. H. Clancy in *R.H.*, 13, p. 230; J. P. Kenyon, *The Stuart Constitution* (1966), p. 131. For the antecedent Declaration (1617) affecting Lancashire only and containing a similar ban, see *Lancs. and Cheshire Record Soc.*, 42, pp. xxiv-xxvi, and J. Tait in *E.H.R.*, 32, pp. 561-8.

⁶¹ And under the 1663 Subsidy Act of Charles II; see *infra.*, pp. 382-3.

⁶² Firth and Rait, 1, p. 255.

⁶³ 3 Ja. I, c. 5. This Act (sec. 10) affected marriages of convicted recusants only, but its provisions as to baptism and burial touched popish recusants in general. Later legislation, in the 1690s, attempted to tighten-up the registering of baptisms (and births), marriages and burials and called for the separate recording of children not christened with Anglican rites, at a charge of sixpence payable by the parents (6 and 7 Will. III, c. 6; 7 and 8 Will. III, c. 35).

⁶⁴ The latter also denied to 'all those who do professe the Popish Religion'—but without practical consequences—by the final Act of the Interregnum (Firth and Rait, 2, p. 1472), on either side of which the policy of excluding Catholics (not entirely successful until the 1678 Test Act, 30 Cha. II, st. 2) was reinforced by orders of the House as to the receiving of Communion by members: E. and A. Porritt, *The Unreformed House of Commons* (1903), 1, pp. 131-3.

⁶⁵ 1 Eliz. I, c. 1; 5 Eliz. I, c. 1; 27 Eliz. I, c. 2. On oaths, etc., see *The New Catholic Encyclopaedia*, 10, pp. 596-9; also A. M. C. Forster, 'The Oath Tendered' in *R.H.*, 14, pp. 86-96. The 1563 Act imposed the death-penalty for second refusal of the oath but Elizabeth circumvented this by ordering that it should not be tendered a second time; see Sir J. E. Neale, *Elizabeth I and Her Parliaments, 1559-1581* (1953), p. 121; Jones, *Faith by Statute*, pp. 170-6; also p. 98, note 56.

⁶⁶ 3 Ja. I, c. 4; 7 Ja. I, c. 6.

⁶⁷ Firth and Rait, 1, pp. 255-6.

⁶⁸ *Ibid.*, pp. 106-17 (27 March); 254-60 (18 Aug.), reinforced by later Acts for their better regulating, etc. (*ibid.*, pp. 1179-83, 1186-8, both Aug. 1648). See also Firth and Rait, 3, p. 116: 'Roman Catholics: Penalties imposed on', section C.

⁶⁹ *Ibid.*, 1, pp. 258, 769; 2, p. 333.

⁷⁰ See P. H. Hardacre, *The Royalists during the Puritan Revolution* (The Hague, 1956), pp. 57, 92-93, 116-17. This work contains a good deal on the position of Catholics, on which see also Aveling, *The Handle and the Axe*, ch. 7, and the same author's *Northern Catholics* (1966), pp. 301-18 for much salutary information.

⁷¹ Firth and Rait, 1, pp. 88-89. See also *infra.*, pp. 384, 413-14.

⁷² Original in Society of Antiquaries of London: Proclamations, vol. 12, no. 17 (26 April 1655). For other copies, see R. R. Steele (ed.), *Bibliography of Royal Proclamations . . . and of Others . . . , 1485-1714* (1910), p. 368, no. 3047 (also pp. cv-cvi, for remarks on proclamations of the Interregnum period).

⁷³ See also p. 339 above (*re* 'constructive recusancy').

⁷⁴ Firth and Rait, 2, pp. 423-6.

⁷⁵ *Ibid.*, pp. 1170-80 (Act 'for convicting, discovering and repressing of Popish Recusants'—an odd sequence); H. H. Copnall, *Nottinghamshire County Records: Seventeenth Century* (Nottingham, 1915), p. 135: instruction to sheriff that 'The proceedings against Recusants . . . are different from what the proceedings formerly were in cases of this nature, and are grounded solely upon the refusing or neglecting to take the Oath'.

⁷⁶ 14 Cha. II, c. 4.

⁷⁷ 25 Cha. II, c. 2; 30 Cha. II, st. 2.

⁷⁸ 7 and 8 Will. III, c. 16; 9 Will. III, c. 31; 10 Will. III, c. 18.

⁷⁹ 1 Will. and Mar., sess. 2, cc. 1, 5; 2 Will. and Mar., c. 2; 3 Will. and Mar., c. 6; 9 Will. III, c. 38.

⁸⁰ 4 Will. and Mar., c. 1, and subsequent Land Tax Acts, with a reminder in 9 Will. III, c. 10, sec. 56, about strict application of double assessment, its wording suggestive of past negligence by local assessors.
⁸¹ 9 Geo. I, c. 18, making Catholics the chief scapegoats of the Anglican/Jacobite plotting—genuine in the case of Bishop Atterbury, ‘almost wholly imaginary’ in that of Christopher Layer—of 1721–22, which ‘served Walpole well’. On this, see G. V. Bennet, ‘Jacobitism and the Rise of Walpole’ in *Historical Perspectives: Studies in English Thought and Society* (ed. N. McKendrick, 1974), ch. 4 (pp. 90 and 91 for words cited).

⁸² 1 Geo. I, c. 55; 3 Geo. I, c. 18; 9 Geo. I, c. 24; 10 Geo. I, c. 4 and subsequent related Acts.

⁸³ See *infra.*, pp. 414–15 (also pp. 385–6 for P.R.O. versions).

⁸⁴ Kenyon, *Stuart Constitution*, p. 456. This work has a section (ch. 13) on the Catholic problem in seventeenth-century England. The Act was 1 Will. and Mar., c. 9 (corrected by c. 17).

⁸⁵ 1 Will. and Mar., c. 18.

⁸⁶ Such disfranchisement was foreshadowed in the 1650s in the Instrument of Government and the Petition and Advice, 1653 and 1657 (Firth and Rait, 2, pp. 817, 1049). See also next note.

⁸⁷ 1 Will. and Mar., cc. 8, 15, 26; 7 and 8 Will. III, cc. 24, 27; 11 Will. III, c. 4. In parliamentary elections the oaths, etc., did not *have* to be tendered to voters unless a candidate so requested (7 and 8 Will. III, c. 27, sec. 18); this Act, confirmed and made perpetual by 1 Geo. I, st. 2, c. 6, was amended in 1794 (34 Geo. III, c. 73) by the provision that when candidates insisted on the tendering of the oaths, this duty should be delegated to commissioners appointed by the returning officer and not, as hitherto, be carried out personally by the latter.

⁸⁸ See C.R.S. *Monograph 1*, p. 51 and notes 371, 372; also *infra.*, p. 340 *re* dependence of Catholics’ inheritance upon their enrolment of wills and property-deeds.

⁸⁹ D. M. Smith, *Guide to the Archive Collections in the Borthwick Institute of Historical Research* (University of York, 1973), p. 20.

⁹⁰ Firth and Rait, 1, p. 255; also 3, pp. 116–17 for references to other Interregnum sanctions, some of them very short-lived, against papists and priests. Stringent measures against the latter and their ‘Harbourers, Receivers and Maintainers’ were called-for in the 1655 proclamation mentioned *supra.*, p. 338.

⁹¹ 1 Eliz. I, cc. 1, 2; 13 Eliz. I, cc. 1, 2; 23 Eliz. I, c. 1; 27 Eliz. I, c. 2; 29 Eliz. I, c. 6; 1 Ja. I, c. 4. There is much discussion of treason-legislation as it affected Catholics in J. Bellamy, *The Tudor Law of Treason* (1979). See also F. A. Youngs, *Proclamations of the Tudor Queens* (1976) and his article in *The Historical Journal*, 14, pp. 682–9, on the proclamation of 1 April 1582 anticipating the capital-punishment provisions of 27 Eliz. I, c. 2 and ‘apparently unique in the history of sixteenth-century law . . . in essence . . . creating a new law’ (Bellamy, *op. cit.*, p. 72). The Act of Indemnity and Oblivion passed at the Restoration of Charles II (12 Cha. II, c. 11) withheld pardon from Jesuits and other priests sentenced under 27 Eliz. I, c. 2 (if there were any in that category then).

⁹² 13 Eliz. I, c. 1; 14 Eliz. I, c. 6; 27 Eliz. I, c. 2; 1 Ja. I, c. 4; 3 Ja. I, c. 5; 3 Cha. I, c. 3.

⁹³ Statutes affecting Catholic schooling in England or overseas are listed in A. C. F. Beales, *Education under Penalty* (1963), pp. 272–3. In addition, the short-lived Schism Act (13 Anne, c. 7), repealed after five years by 5 Geo. I, c. 4, mentions in its preamble ‘sundry papists’ as well as the ‘other persons, dissenters from the Church of England’, whose educational activities were its main target.

⁹⁴ 11 Will. III, c. 4. The comments are, respectively, by Sir D. L. Keir, *Constitutional History of Modern Britain* (1964 edn), p. 278, note 1, and by M. A. Thomson, *Constitutional History of England, 1642–1801* (1938), p. 278.

⁹⁵ Earlier, more severe legislation against priests was not repealed, but was no longer enforced. Only one priest actually suffered life-imprisonment; for him see H. McDonagh, *Paul Atkinson, Franciscan Prisoner in Hurst Castle* (1960) and my review of this work in *The Dublin Review*, no. 486, pp. 383–4.

⁹⁶ 13 Anne, c. 13.

⁹⁷ 1 Geo. I, st. 2, c. 47 (see also *Statutes at Large*, 5, pp. 84–85).

⁹⁸ 3 Geo. I, c. 18.

⁹⁹ This Act (20 Geo. III, c. 33) is discussed by Professor Bossy in *Challoner and his Church: a Catholic Bishop in Georgian England* (ed. E. Duffy, 1981), pp. 126–36.

¹⁰⁰ For their instructions, some specifically anti-Catholic, see Kenyon, *Stuart Constitution*, pp. 348–50. See also *E.H.R.*, 10, p. 490 and, for the vehemently anti-Catholic William Boteler, in command of Bedfordshire, Huntingdon, Rutland and Northants., P. H. Hardacre in *Huntingdon Library Quarterly*, 11, pp. 1–11.

¹⁰¹ Particularly as embodied in the Royal Injunctions of 1559 (and repeated in numerous subsequent visitation articles and injunctions) and in the Canons of 1604, the latter printed in E. Cardwell, *Synodalia* (2 vols, Oxford, 1842) and the Royal Injunctions in, *inter alia*, H. Gee and W. J. Hardy, *Documents Illustrative of English Church History* (1896), pp. 417–42. For visitation records, see *infra.*, pp. 428–31.

¹⁰² For relevant data, and reference to underlying central (chiefly State Paper) documentation, see W. R. Trimble, *The Catholic Laity in Elizabethan England* (Cambridge, Mass., U.S.A., 1964), pp. 180–93, 248–52 (with a discrepancy in the totals given on p. 187) and, for additional information on one county, R. B. Manning, *Religion and Society in Elizabethan Sussex* (Leicester, 1969), pp. 141–2.

¹⁰³ See Aveling, *The Handle and the Axe*, pp. 138–9, 166; P. J. Doyle in *London Recusant*, 1, pp. 85–90.

¹⁰⁴ On this contribution (1639) see C. Hibbard in *R.H.*, 16, pp. 42–60.

¹⁰⁵ See C.R.S. *Monograph* 2, p. 110 for York examples.

¹⁰⁶ For these two types of discrimination, see *infra.*, p. 410.

¹⁰⁷ They have sections to themselves in two volumes of illustrative extracts, ed. P. Caraman: *The Other Face* (1960); *The Years of Siege* (1966), chs 23 and 7 respectively, and they figure prominently in an interestingly documented chapter of Havran, *op. cit.* (ch. 7). Pursuivant activity at Cheam, Surrey, is studied by B. Nurse in *London Recusant*, 3, pp. 102-14.

¹⁰⁸ To the effect that a man clad in the appropriate vestments and going through the motions of the Mass could not be assumed to be a Catholic priest; henceforth, evidence of ordination (unavailable in England) was required. See E. Burton, *The Life and Times of Bishop Challoner* (1909), 2, pp. 93-96.

¹⁰⁹ 18 Geo. III, c. 60. See also N. Abercrombie in Duffy (ed.), *op. cit.*, pp. 174-93.

¹¹⁰ 31 Geo. III, c. 32.

¹¹¹ But not the obligation to attend *some* place of Sunday worship (*ibid.*, sec. 9).