Berkshire and Oxfordshire Catholics and the Lenten Assize of 1588

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SUMMARY

An examination of persons convicted of recusancy between 1581 and 1592 in Berkshire and Oxfordshire shows that by far the greater number were convicted at the Lenten Assize of 1587/8. It is argued that with the country in a state of nervous expectation of a Spanish invasion the assize judges made more convictions for recusancy than previously, aided by a new Act of 1587 which streamlined the procedure. Those convicted in Berkshire were predominantly gentry living in the north of the county, whereas in Oxfordshire they came from all classes and were distributed throughout the county, and it is suggested that the authorities viewed the gentry families of north Berkshire with particular suspicion because of the influence on them of Edmund Campion, who had been arrested in the area. In both counties women formed 72% of the convictions and most of these were married women; the part played by women in preserving Catholic practice is discussed, and the convictions are seen as an expression by the authorities of their ongoing concern over this. The paper concludes with an alphabetical list of all those convicted of recusancy in Berkshire and Oxfordshire in March 1587/8.

Hide, Dorothy, wife of Humphrey Hide, gent. of Norcott convicted 4 March 1587/8 of 12 months recusancy from 1 September 1586.' This entry, taken from the Exchequer Pipe Rolls, is matched by many other Berkshire entries all with the same dates of conviction and period of recusancy.¹ The same phenomenon can be found in the lists for Oxfordshire, only there the conviction date given is a few days later, 7 March rather than 4 March, and the date for the commencement of 12 months' recusancy is also later. If all the appropriate entries are examined it emerges that whereas the total number of persons convicted for recusancy in the period 1581–92 was 45, the number convicted in 1588 was 22, that is 48% of the total. For Oxfordshire the figures are even more striking. The total for the whole period was 93, while the number convicted in 1588 was 76, or 81% of the total. Furthermore, of the 1588 convictions in both counties, only one person, John Hulse of Sutton Courtenay, had been convicted before. We are faced then with a steep rise in the number of convicted before.

One looks first to the political situation for an explanation.² In the 1580s Catholics were viewed by Elizabeth's Council as potential allies of Spain and enemies of England, an opinion reinforced by the statements of some Catholic leaders. In 1582, for instance, Robert Persons had asserted that 'almost all Catholics without a single exception regard the [Spanish] invasion with approval', and in 1586 an anonymous report assured the king of

¹ Hugh Bowler (ed.), 'Recusants in the Exchequer Pipe Rolls 1581-1592', Catholic Record Society, lxxi (1986).

² See A.J. Gerson, 'English Recusants and the Spanish Armada', American Historical Review, xxii (1917); J.B. Black, Reign of Elizabeth 1558-1603; Calendar of State Papers, Domestic.

Spain that a 'Catholic Army' of 25,000 would support him. In 1587 Cardinal Allen in a Manifesto justifying the invasion called on all the nobility and people of England to assist its progress. Whether or not such statements reflected the actual opinions of the ordinary Catholic, Elizabeth's Council took a number of steps between 1586 and 1588 to prevent committed Catholics from supporting the expected invasion, since (as it wrote to the Lieutenants of Sussex on 4 January 1588), 'it is also certaine that such as should meane to invade the realme would never attempt the same, but uppon hope (which the fugitives and rebells abroade do give and assure them) of those bad members that alreadie are knowen to be recusants'. Therefore instructions were sent to muster-masters to administer the Oath of Supremacy to all officers and soldiers. Orders were sent to justices of the peace to collect all armour and arms owned by recusants and to keep them in some safe place. Later the lords lieutenant of all counties were instructed that this confiscated armour should be sold to 'her Maiestv's well affected subjects', though the original owners were to receive the money paid. Notable recusants were to be committed to safe-keeping and the names of recusants in each shire were to be registered. In 1587 the names of justices of the peace in several counties were left out of the Commission on account of their wives' recusancy. At the same time England was preparing for war: numerous directions were posted out from the Council to the lords lieutenant concerning the raising of soldiers and their arming, and requesting the names of the gentlemen who would command them.

In this atmosphere of nervous preparation the assize judges set off at the end of the Hilary term in 1588 on their circuits.3 The judges of the Oxford circuit, which consisted of Berkshire, Oxfordshire, Gloucestershire, Monmouthshire, Herefordshire, Worcestershire, Staffordshire and Shropshire, had been since 1586 Chief Baron Roger Manwood and Justice Francis Wyndham. The two judges had before them twenty-eight arduous days of literally riding the circuit and sitting in draughty halls, often subjected to infection from the prisoners attending the court. (In 1577 an infection at Oxford resulted in the deaths of the judges, clerk of assize, lord lieutenant, sheriff, coroner and almost 400 others.) In these difficult conditions the pressure of ordinary criminal business was great and the extra work produced by the implementation of the recusancy laws was not welcome. In September 1581, after a new statute had raised the penalty for recusancy to f_{20} a month, the Council complained to the Oxford circuit judges, Justice William Ayloff and Justice Francis Wyndham, that it had heard nothing more about recusants mentioned in a certificate which the bishop had sent to the judges before the assizes. A correspondent writing to Sir Francis Walsingham about recusancy in Herefordshire probably summed up fairly accurately the problems of indicting and convicting men and women who were the friends, neighbours and business colleagues of almost all those involved in every stage of the process. 'Some recusants escape indicting through the corruptions of juries; some being indicted are winked at by justices in respect of kindred or friendship; some go untouched through the fault of the custos rotulorum, clerk of assize and sheriff, who do not their duties in orderly sending out process, or in forbearing to apprehend the offenders, when they may, or in committing some error or other whereby the execution of the law is deferred, and by means thereof many are encouraged to offend, and to make small account of the pains set down against them.' In these circumstances it was deemed necessary to streamline the procedure for dealing with recusants and this was achieved by the Act of 1587.4 A recusant could be indicted in three ways. A member of the public could delate a person to a magistrate, or during the assizes to

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³ For much of what follows see J.S. Cockburn, A History of English Assizes 1558-1714 (1972).

⁴ The bill 'For the more speedy and due execution of certain branches of a statute made in the 23rd year of the Queen's Majesty's reign' received the royal assent on 11 March 1586/7.



Fig. 1. Parishes of persons convicted of recusancy in Oxfordshire on 7 March 1588.

the grand jury itself. The diocesan authorities could hand on information about offenders received from churchwardens, which they did usually in the form of a certified list presented en bloc to the grand jury at the beginning of the assizes. Finally the constables could report cases of recusancy direct to the justices of the peace. The normal procedure after indictment had been to issue a writ to the sheriff to summon the indicted recusant to court for trial. If the accused person failed to appear a 'distress' followed for seizure of his goods and chattels. Finally an order for his arrest was issued. The 1587 Act curtailed this procedure. A

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proclamation against the indicted recusants was read out in court ordering them to submit themselves to the sheriff of the county. If one of them failed to do this he was automatically convicted. 'His conviction derived not from a formal judgment of the court, but from the mere fact, officially recorded of default of appearance after proclamation'.⁵

To return to the Lenten Assizes of 1588; in March 1588 Chief Baron Manwood and Justice Wyndham sat first in Berkshire where 22 persons were accused of twelve months' recusancy from 1 September 1586, and were convicted on 4 March.⁶ The judges then moved to Oxford and there, on 7 March, 76 persons were convicted of twelve months' recusancy from 26 September 1586. As we have seen, the scale of these convictions was unprecedented.

If the lists of those convicted are analysed some interesting points emerge. Firstly, the geographical distribution is very uneven. Whereas recusants are fairly well distributed over Oxfordshire, in Berkshire they are confined with only four exceptions to the north of the county (see Figs. 1 and 2). At first glance it looks almost as if the Berkshire downs formed some sort of barrier, those places lying south being more susceptible to Protestant influence from London perhaps, but this thesis will not survive an examination of the records of recusancy over the subsequent period, 1592–3, which reveals a much wider spread of recusancy over the whole county (see Fig. 2, bottom).

Can any explanation be offered for this peculiarity of the 1588 convictions in Berkshire? The parishes from which all but four of these recusants came were in the Abingdon deanery of the diocese of Salisbury, and an almost contemporary source, a survey made by Puritan clergy in 1586 and presented to Parliament to support their pleas for a learned, preaching ministry, makes an interesting comment about this area: 'all those [incumbents] both nonresidents and no preachers have their Benefices about Lyford, where Campion and his company were taken'.7 Is there any relationship between those benefices listed in 1586 as having either a non-resident or non-preaching incumbent and the incidence of convicted recusants two years later? Of the 123 Berkshire parishes listed in the 1586 survey 24 (19%) had resident preachers, whereas out of the 14 parishes with convicted recusants in 1588 only 1 (7%) had a resident preacher in 1586. If we examine recusancy over a longer period in order to get a bigger sample we get a similar finding. Of the 33 parishes from which recusants came in the period 1581-93, only 4 (12%) are listed in the 1586 survey as having resident preachers. It does therefore seem as if there is a connection between the absence of a dedicated ministry and the presence of recusants, although it is more difficult to determine whether recusants existed because there was not a diligent clergyman in the parish or whether that state of affairs was the result of a strong local Catholic presence. Even if it is granted that this connection exists we are still no nearer to an explanation of the concentration of recusant convictions in 1588 in the north part of Berkshire.

The compilers of the 1586 survey linked the activities of Edmund Campion to the lack of zeal among the clergy in that area. Berkshire had not been the only or even the main area of Campion's mission, but it was at Lyford, the home of Francis Yate, a convicted recusant, that Campion had been captured in 1581, and a few miles away in Oxford, only two weeks

⁵ Hugh Bowler (ed.), 'Recusant Roll No. 2', Catholic Record Society, Ivii (1965), p. xl.

⁶ I have not been able to discover where in Berkshire the judges sat for the Lenten Assizes of 1587/8. Lenten Assizes were certainly held in Abingdon in 1572/3 when the Abingdon Chamberlains' accounts record a payment of 13*s*. 4*d*. to 'Gybbines of the Cytie of Oxford glover for fower paire of gloves which were gevyn to the Justis at the first Assize holdin at the borough of Abington at Saint Valantynstyde' (Abingdon Chamberlains' Accounts 1557–81, fol. 135 d. Abingdon Town Archives, Stratton Lodge). Thereafter the only mention is of midsummer assizes.

7 Albert Peel (ed.), The Seconde Parte of a Register, Vol. II.



Fig. 2. Top: Parishes of persons convicted of recusancy in Berkshire on 4 March 1588. Bottom: Berkshire, showing parishes of persons listed in Recusancy Roll No. 1 (1592–3).

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		GENTRY	OTHER
BERKS	Men	4	2
	Women	14	2
	<i>Total</i>	18 (82%)	4 (18%)
OXON	Men	8	13
	Women	23	32
	<i>Total</i>	31 (41%)	45 (59%)

TABLE 1. SOCIAL STATUS OF PEOPLE CONVICTED IN BERKS, AND OXON, 1588

before, that copies of his 'Ten Reasons' had been left in the church of St. Mary the Virgin. His reputation was so great in Oxford that scholars came out to Abingdon to see him as he was conveyed to London.⁸ It is possible that the fact of Campion's arrest in the area both led to increased fervour among the local Catholics and a greater vigilance on the part of the authorities. Certainly most of those convicted in 1588 lived in the vicinity of Lyford. Furthermore, whereas in Oxfordshire the convictions were evenly distributed across the social classes, in north Berkshire they were concentrated in gentry families (see Table 1). This is not because there were very few recusants of lower social status in Berkshire. An analysis of the social status of all recusants convicted in Berkshire between 1581 and 1593 (which includes the 1588 convictions) shows that although 59.6% of the convictions were of gentry, 36.2% were of other classes. (The status of the remainder is unknown.) I think what we are seeing in 1588 in north Berkshire is a policy of targeting those families which because of their past associations and present influence were perceived by the authorities to pose a special threat at a time of national danger. Why only a handful of recusants were convicted in the southern part of the county in 1588 remains a mystery.

A second point which emerges is that 16 out of the 22 Berkshire and 55 out of the 76 Oxfordshire convictions, 72% in each case, were of women, and in both counties the greater number of these were wives, 13 out of 16 in Berkshire and 31 out of 55 in Oxfordshire. A reduced but still high proportion of women is to be found again in the recusant roll for 1592–3, the figures there being 54% of the total for Berkshire and 54% for Oxfordshire. In Berkshire 90% of the women listed in 1592–3 were wives. No figure can be calculated for Oxfordshire since the marital status of the women is not invariably given in the list.⁹

Marie Rowlands has discussed the reasons for the predominance of women in recusant history and has concluded that this was linked to the 'daily tension for English Catholic families between compromise and resistance': the paterfamilias made compromises to preserve his family, and with it the continuance of Catholicism, while the women were able to resist; and where the head of the family was a woman the balance swung in favour of resistance.¹⁰ This thesis is borne out by evidence related to some of the families mentioned in the lists we have been considering. A description of just such an accommodation was given by John Platt in 1602 when at the age of 23 he joined the English College in Rome. His mother, Mary, was among those listed in 1593 as owing £300 in fines for fifteen months' recusancy. 'My father was a nobleman, or as we say in England, gentleman, with property from his father commonly estimated at almost £500 a year. He lost some of this because of adversities and inconveniences suffered by his wife and children on account of the Catholic

¹⁰ Marie B. Rowlands, 'Recusant women 1560-1640', in M. Prior (ed.), Women in English Society 1500-1800 (1985).

⁸ Evelyn Waugh, Edmund Campion (1947), pp. 136-8.

⁹ M.M.C. Calthrop (ed.), 'Recusant Roll No. 1, 1592-3', Catholic Record Society, xviii (1916).

faith, but with enough to live well according to his position and lack nothing for himself. He himself was always a schismatic and content that my mother always have a priest living with them; he had nine children (three sons and six daughters), of whom six are Catholics . . . The names of the principal houses where he commonly lives are Petwick, Challow and Sparsholt, not far from each other, and he is related by blood or connected by marriage to the Fettiplaces, Yates, Hides and other principal families of those parts, most of whom are catholics and religiously well disposed.²¹¹ In 1588 Dorothy Hyde of Northcourt, Abingdon, and Bridget Hyde of Letcombe Regis were both convicted of recusancy. Both these women had been described by the spy Thomas Dodwell in a list drawn up by him in 1584 as recusants whose husbands, although described as schismatics, nevertheless were accused of entertaining various priests in their houses.¹² An interesting instance of compromise and resistance is provided by the family of Richard Hyde of Sutton Courtenay. Elizabeth, his wife, was convicted of recusancy in 1588. As for Richard, in 1593 he received from the Crown two thirds of the lands of the deceased James Braybrooke whose recusant widow Martha was a kinswoman of the Hydes.¹³ Richard later became sheriff and was knighted.¹⁴

A smaller but still sizeable proportion of the women recusants were widows or spinsters: 18% in Berkshire in 1588 and 44% in Oxfordshire. They perhaps felt free to follow their convictions since no-one depended on them, but their stand was heroic since they could be reduced to penury if they persisted, and imprisoned if they were unable to pay the fines.

Why did the authorities bother to indict and convict married women since the financial penalties their recusancy incurred could not be enforced during the lifetime of their husbands? The persistent recusancy of wives was a great concern to both Church and civil authorities, and numerous attempts were made to deal with this problem by legislation but with only limited success.¹⁵ In 1580 the bishop of Winchester wrote that although there had been some success in persuading various persons in his diocese to come to church many of their wives 'do not only continue obstinate by refusing . . . but also do use at their ordinary meetings among themselves very unreverend speeches of the Religion now established defacing the same as much as in them lieth'.¹⁶ Even if it was impossible to ensure total conformity such flagrant flouting of the law could not be let pass without some move being made against the women concerned. We should not anyway underestimate the unpleasantness of being publicly pointed out as a breaker of the law: very few people enjoy standing up for their principles when such a stand meets censure, even if no worse follows. Wives who persistently refused to conform could be imprisoned, and poor women without influential husbands to work for their release might languish many years in prison and even die there.17 If a woman convicted of recusancy was widowed, two thirds of her dower could be seized. The public naming of these women, even if no further action was taken against them, was perhaps also intended to act as a warning to their husbands that they also were under surveillance and they had better keep within the letter of the law. It is unfortunately common enough for governments to exercise control over dissident elements by threats to their dependents.18

11 'Responsa Scholarum', Catholic Record Society, liv (1962), p. 115, translation by J.C. Gosling.

12 H. Foley, Records of the English Province of the Society of Jesus, vi, p. 722.

¹³ Hugh Bowler (ed.), 'Recusants in the Exchequer Pipe Rolls 1581-1592', Catholic Record Society, lxxi (1986), p. 26, note 20.

¹⁴ Hugh Bowler (ed.), 'Recusant Roll No. 3', *Catholic Record Society*, lxi (1970), p. 2. Sutton Courtenay registers record the burial on 25 April 1615 of Sir Richard Hyde, knight.

¹⁵ Rowlands, op. cit. note 10, pp. 150-6.

¹⁶ Calthrop, op. cit. note 9, p. xx.

17 Rowlands, op. cit. note 10, pp. 15 and 153-4.

18 I am indebted to Mr. László Gróf of Chinnor for this observation.

Most of the people convicted on those two dates in March 1588 do not appear again in the records as recusants. In the recusant roll for 1592-3 only 5 of the convicted Berkshire people are mentioned, while for Oxfordshire the figure is (at the highest estimate) 12. At first glance this might suggest that the convictions produced conformity. However, recusancy does not seem to have declined in the area, rather the reverse. Fifty-seven persons are listed altogether in the Berkshire recusant roll of 1592-3 and 90 in the Oxfordshire roll. If the convictions of 1588 had produced conformity among those convicted one would also expect them to have had a deterrent effect which they do not appear to have had. Furthermore several people listed in 1592-3 came from families which had had members convicted at the earlier date, namely Yates of Buckland and Lyford, Fettiplaces of Childrey, Hydes of Shinfield, Braybrookes of Brightwalton, and in Oxfordshire the Horsemans of Haseley, and Walkers and Ardens of Kirtlington. Clearly Catholic practice was still strong in those families and we cannot assume that it was not so in the other families as well. It would seem that recusant lists can only be taken as an approximate indication of the numbers of recusants in any area. The names produced at assizes were not a comprehensive tally: they were probably selected according to criteria that we shall never fully know.

One final point: it would be interesting to know how such a conviction was viewed by the non-Catholic neighbours and associates of the person convicted. I have come across one pointer. As mentioned earlier Dorothy Hyde of Northcourt, Abingdon was one of those convicted on 4 March 1588. Notwithstanding this in September of that same year her husband Humphrey was elected Mayor of Abingdon. To quote Dr. A. Davidson, 'Over and over again one finds . . . that Catholics, open and concealed were not excluded from the general stage and that they were still friends, neighbours and kinsmen to the Protestants'.¹⁹

APPENDIX

(Abstracted from Catholic Record Society Vol. 71, 1986)

Berkshire recusants convicted on 4 March 1587/8 of 12 months' recusancy from 15 September 1586.

Men

Robert Cheney gent., West Woodhay Alan Eglamby yeom., Great Coxwell Humphrey Fettiplace gent., Buckland William Hopton 'clericus', Buckland John Hulse esq., Sutton Courtenay Edward Knappe yeom., Hampstead Norris

Women

'Marthea' Ashecombe wife of Oliver Ashecombe gent., Lyford Jane Boxe wife of William Boxe esq., Marcham Ann Cheney wid., West Woodhay Anne Coxe wid., Chilton Dorothy Fettiplace wife of Robert Fettiplace gent., Buckland Margaret Fettiplace wife of Jonn Fettiplace gent., Uffington Brigit Hide wife of Hugh Hide esq., Letcombe Regis

¹⁹ A. Davidson, 'Roman Catholicism in Oxon from the late Elizabethan Period to the Civil War' (Bristol Univ. Ph.D. thesis, 1970), p. 59.

Dorothy Hyde wife of Humphrey Hyde gent., Northcourt, Abingdon Elizabeth Hide wife of Richard Hide gent., Sutton Courtenay Petronilla Hutchins wife of Thomas Hutchins yeom., West Hendred Ann Parkins wife of Henry Parkins gent., East Ilsley Alice Wikes wid., Ashbury Cicilia Wilmott wife of William Wilmott 'tanner', Wantage Alice Wirdnam wife of Robert Wirdnam gent., Wantage Martha Wirdnam wife of John Wirdnam gent., Wantage Jane Yate wife of Edward Yate, Buckland

Oxfordshire recusants convicted on 7 March 1587/8 of 12 months' recusancy from 26 September 1586

Men

Richard Aprice, alias Davie yeom., Wendlebury William Badger yeoman, Iffley William Berkeley 'laborer', Wendlebury Nicholas Betham gent., Adwell Robert Betham gent., Adwell William Bobinson yeoman, Watlington John Bourne gent., Chesterton William Bourne gent., Wendlebury Peter Fourde yeom., Somerton Thomas Hencocke 'tailer', All Saints, Oxford Roger Huett (), St. Mary Magdalen, Oxford William Pearson veoman, Cottisford Nicholas Rand yeom., Somerton John Stuttesbury gent., Souldern Edmund Tailor yeom., Drayton John Thompson gent., Broadwell Robert Thompson gent., Broadwell (?) Thomas Vachell gent., Ipsden Walter Walker husb., Kirtlington Adam White yeoman, Eynsham Richard Yonge yeom., Haseley

Women

Alice Aldworth wife of () Aldworth, 'Longe Coome' Katherine Anslow wid., Chastleton Ann Arden wife of John Arden gent., Cottisford Katherine Bailie wife of Thomas Bailie yeom., Broadwell Ann Barbor wife of John Barbor yeoman, St. Mary Magdalen, Oxford Joan Barnard wid., Stanton Harcourt Ursula Barrett spinster, Kirtlington Joan Betham spinster, Adwell Margery Bettain wife of Christopher Bettain gent., Adwell Cicily Bigge (), Crowmarsh Margery Bobinson wife of William Bobinson, veoman, Watlington Agnes Bomiell wid., Eynsham Winifred Bourne wife of John Bourne gent., Chesterton Margery Bourne wife of William Bourne gent., Wendlebury Joyce Bullein wife of John Bullein yeom., Hardwick Alice Cadwaliter wife of David Cadwaliter husb., Hardwick Susan Denton (), All Saints, Oxford Frideswide Edmondes wid., Stanton St. John Eliz. English wife of John English gent., Aston Rowant () Fitzhughes wife of Richard Fitzhughes gent., Charlbury Eliz. Hall wid., Somerton Agnes Hazelwood spinster, All Saints, Oxford

Jane Hitche wife of Thomas Hitche yeom., Wendlebury Margaret Hitchmore wid., All Saints, Oxford Eleanor Horseman wife of Abraham Horseman gent., Haseley Margery Huett wife of Philip Huett yeoman, St. Mary Magdalen, Oxford Mary Jackson spinster, Wendlebury Grace Joiner (), Crowmarsh Ann Lenthall wife of William Lenthall gent., Haseley Frances Lenthall spinster, Haseley Agnes Mercer wife of George Mercer husb., Hardwick Katherine Moore spinster, Hampton Emma Paxeton wife of Thomas Paxeton husb., Wendlebury Alice Philbe wid., St. Mary Magdalen, Oxford Margaret Pigott wife of Nicholas Pigott gent., Stokenchurch Margaret Pittes wid., Iffley Prudence Poore wife of Francis Poore esq., Bechington (Bletchingdon?) Alice Price, alias Davie, wife of Richard Price yeom., Wendlebury Joan Rand wid., Somerton Katherine Rand wife of Nicholas Rand yeom., Somerton Ann Rowland spinster, Cottisford Ann Smithe wife of Roger Smithe husb., Hardwick Eliz. Smithe wife of James Smithe gent., Somerton Joan Smithe, alias Hadden, wid., Wendlebury Bridget Stampe wife of John Stampe gent., Holton Dorothy Tompson spinster, Broadwell Jane Tompson spinster, Broadwell Eliz. Walker spinster, Kirtleton (Kirtlington?) Mary Walker wife of Walter Walker husb., Kirtleton (Kirtlington?) Margaret Wilkinson wife of Paul Wilkinson gent., Shiplake Mary Williamson wife of Robert Williamson gent., Crowmarsh Margaret Woodward wife of Thomas Woodward husb., Kirtleton (Kirtlington?) Eliz, Yate wife of Francis Yate gent., Kencott Eliz. Yate spinster, Kencott Marg. Yates wife of John Yates gent., Deddington

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