

The Catholic Gentry of Warwickshire after the Gunpowder Plot

Jan Broadway

In sixteenth century Europe assassinations had dramatic and far-reaching consequences. In 1572 a botched attempt on the life of the Huguenot leader Coligny led to the massacre of St Bartholomew, when 3,000 Protestants were murdered in Paris. In 1589 the successful assassination of Henry III resulted in the succession of the Huguenot prince of Navarre to the throne of France as Henry IV, his conversion to Catholicism and a measure of religious toleration for Protestants through the Edict of Nantes. The assassination of William the Silent in 1584 dragged a reluctant Elizabeth into war with Spain on the side of the Netherlands. It also fuelled fears that the English queen would suffer the same fate, leading to the judicial execution of Mary Queen of Scots and increased persecution of the Catholic 'enemy within'. The Warwickshire catholic gentry, therefore, had good reason to feel anxious in November 1605.

Yet there seems to have been a surprising lack of persecution from the government following the discovery of the Plot. While the conspirators and those directly implicated were pursued, the net was not widely drawn. Henry Ferrers of Baddesley Clinton, who while not a recusant had catholic sympathies and strong familial connections with catholic families, had leased his house in Westminster to the conspirators – yet he seems to have received no unwelcome attention from the authorities. Within four days the king was telling parliament that while the reason for the plot was 'meerely and only Religion' it did 'not follow That all professing the Romish religion were guiltie of the same [treason]' and insisting that Catholics 'may yet remaine good and faithfull Subjects'.¹ In the provinces there was understandable panic and some over-reaction, but this did not lead to mass persecution of catholics. On 12th November the Warwickshire magistrates were writing alarmingly to Salisbury of the 'danger from the flocking into the county of mounted and armed recusants', but they had arrested by this time only 3 gentlemen, 7 suspected priests, 9 wives of conspirators and 27 servants. This does not have the appearance of a massive clampdown. Since Warwickshire was at the centre of the conspiracy, it is clear that the reaction to the plot was not the mass arrest of catholics.

But who were the Warwickshire catholic gentry in 1605? Because of the clandestine nature of their religion in the early seventeenth century it is impossible to be precise about the number of catholic gentry families. The degree of commitment to the old religion varied. Some people refused to attend the Protestant church and were prosecuted for this refusal. These recusant catholics are the easiest to identify, because they appear in the records. By the time of the civil war about 6% of

¹ A.W.R.E. Okines, 'Why was there so little government reaction to the Gunpowder Plot?', *Journal of Ecclesiastical History* 55 (2004), pp. 275-92, quoted on p. 276.

catholic families in Warwickshire had recusant heads, which makes it one of the more substantial gentry catholic communities in the country – only Lancashire, Monmouthshire and Durham had a higher proportion. In 1605 the severe financial penalties experienced by recusants under Elizabeth means that there were fewer openly recusant heads of households, but there were a number of gentry families where the head of the household attended services at the parish church, while the family privately continued to observe catholic rites. These semi-clandestine catholics were often disparaged as church papists. They are more difficult to identify, but many had members of their households who were openly recusant or were so themselves at certain periods of their lives. Finally there were those gentlemen who conformed to the Protestant settlement, but who harboured catholic sympathies and would have welcomed a return to Rome. The membership of this group is impossible to identify or quantify.

The most substantial Catholic families in Warwickshire were: the Throckmortons of Coughton - and their near neighbours the Smiths of Wotton Wawen; in the south of the county were the Sheldons of Weston, who also had a house at Beoley in Worcestershire, not far from the Throckmortons and the Smiths; further north near Birmingham were the Middlemores of Edgbaston; south of Coventry were the Morgans of Weston-sub-Wetherley and a recusant cadet branch of the Knightley family settled at Offchurch. There was also Baddesley Clinton, home of the Ferrers, which had been let in the 1590s to Anne Vaux, one of the women implicated in the Plot, and had been a venue for meetings of Jesuits. (You will note that Coombe Abbey, where Princess Elizabeth was living in 1605, was some distance from the centres of catholic population in Warwickshire.) The comparative strength of catholicism in the county arose from the support of these seigneurial families, who were among the richest landowners in the county. They were in a position to maintain household priests (often in the guise of tutors) and to provide discreet locations for catholic worship.

We know from Robert Cecil's papers that he was well informed about which catholic families regularly harboured Jesuits – his list included the Throckmortons. The secular priests were regarded as less dangerous, as they were less likely to proselytise amongst the poor. The priests who caused most concern to the authorities were not the chaplains of substantial gentry families, but those who preached to the urban and rural poor, such as John Sugar who had been executed at Warwick in 1604 and Roger Cadwallader who met a similar fate at Leominster in 1610. Although the Jesuits who frequented gentry houses were regarded as potentially dangerous, their presence in England was to a certain extent tolerated in the first years of the seventeenth century. Despite their good intelligence about Jesuit hiding places the government waited two months after the detection of the plot before moving against Garnet, Tesimond and Gerard – the 3 Jesuits directly implicated by their involvement with the plotters – it was only when it became obvious that they were not going to quietly leave the

country that the search of Thomas Habington's house in Hindlip was instigated that resulted in the arrest of Garnet and the unfortunate Edward Oldcorne. There was no general persecution.

I'll begin this account of what happened to the Warwickshire catholic gentry after the Gunpowder Plot, by looking at the leading families and their respective situations in November 1605.

Because Sir Everard Digby had leased Coughton from the Throckmortons, this was the family that was most directly implicated in the plot. The head of the family in 1605 was Thomas Throckmorton, the son of Sir Robert Throckmorton and his first wife Muriel, the daughter of Thomas, lord Berkeley. His family were descended from a cadet branch of the medieval Throckmortons of Worcestershire and they were part of a familial network that embraced much of the Midlands. They were a prominent family with prestigious connections. Thomas had become head of the family in 1580. Four years later his cousin Francis Throckmorton was involved in one of the plots surrounding Mary Queen of Scots and was executed. In the last decades of the sixteenth century Thomas suffered 16 years of confinement. His wife Margaret had been daughter and co-heir of William Whorwood, attorney general to Henry VIII. Margaret had been orphaned as a child and Sir Robert Throckmorton had acquired guardianship of her in order to marry her to his son. In a similar way he had acquired the wardship of Sir Thomas Tresham and married him to his daughter Muriel.

Thomas Throckmorton was steadfastly recusant, for which he paid the statutory penalty for failure to attend church of £20 per month. Following the accession of James I the collection of recusancy fines had been suspended, but they had been reintroduced in the summer of 1605 because of the government's need for money. For Thomas the monthly fine represented a substantial but not a crippling outlay.

In 1605 Thomas and Margaret were living at Weston Underwood, their estate in Buckinghamshire. His son and heir John had died in the spring of 1604, leaving a young family. Following John's death, his widow Agnes had moved to Morehall, about 5 miles south of Coughton, which she held as her jointure. Hence, Coughton had been vacant and available for Sir Everard Digby to rent in the autumn of 1605. A dominant concern of Agnes and her father-in-law at that time was to secure the future of the Throckmorton heir Robert, who on his grandfather's death would become a royal ward and the sort of lucrative prize that Margaret Whorwood and Sir Thomas Tresham had been for his great-grandfather.

In November 1605 the Smiths were in mourning for the patriarch Francis Smith, who had died two months before. The Smith family had risen through the legal profession in the sixteenth century, enabling John Smith, father of Francis, to marry Agnes, the co-heir of the Harewells of Wootton Wawen, thus establishing the familial link to Warwickshire. By his own marriage to Mary Morton, Francis acquired an estate at Ashby Folville in Leicestershire, providing the family with a secondary

residence. Wootton Wawen lies some five miles to the east of Coughton and the links between the Throckmortons and the Smiths were strong. Francis had made Thomas Throckmorton, 'his loving kinsman', one of the overseers of his will. A fifteenth century tomb at Wootton Wawen, believed to be that of John Harewell who died in 1428, bore the arms of Harewell and Throckmorton (this illustration from Dugdale's *Antiquities of Warwickshire* shows the Throckmorton arms) – establishing a link between the Throckmortons and the family of Francis Smith's mother, although the details may have been hazy. This link between the neighbouring families had been strengthened in Elizabeth's reign by George Smith's marriage to Anne Giffard, whose mother Ursula had been a Throckmorton of Coughton. Francis Smith had succeeded his father as head of the family in the first year of Edward VI's reign at the height of the Reformation. Following the brief respite of Mary's reign Francis had practised a limited conformity, which was emulated by his son George. The Giffards of Chillington near Wolverhampton, however, were a strongly recusant family and Anne raised her children in the old faith. In 1600 John, one of George Smith's younger sons, had entered the English College at Rome and in his statement described his father and grandfather as 'schismatics', meaning that they attended Protestant services. John's elder brother Francis had been knighted in 1603, following the accession of James I, although he appears to have been openly recusant at this time. His wife Anne Markham came from a recusant family and their children were raised as Catholics. Following his father's death in 1607, Sir Francis was prosecuted for recusancy in Leicestershire for failing to attend church. However, having become head of the family, he seems to have followed the path of limited conformity practised by his father and grandfather.

When James I ascended the throne the Sheldons were a mercantile family recently risen into the ranks of the landed gentry. Ralph Sheldon was the son of William Sheldon of Beoley, Worcestershire, who introduced tapestry weaving into England. William had married the heiress of the wealthy wool merchant William Willington of Barcheston in Warwickshire and the Sheldon tapestry workshops were established at Barcheston in the 1560s. William also purchased the manors of Weston and Brailes. Ralph Sheldon built a house at Weston and also acquired the manor of Steeple Aston, Oxfordshire. He married Thomas Throckmorton's sister Anne and the couple had a son Edward and 9 daughters. In his will Ralph Sheldon was to express his 'hope to die in the verities of the Catholike Church'. Edward Sheldon was 43 in 1605 and married to Elizabeth Markham, the sister-in-law of Sir Francis Smith. They had three sons and three daughters, the eldest son William having been born in the year of the Armada. In 1604 William Sheldon had received a licence to travel abroad with his cousin Francis Plowden for three years. This tacit government acceptance that young Catholic boys would be sent abroad for part of their education is indicative of the type of accommodation of a limited degree of religious dissent that was threatened by the Gunpowder conspirators.

The presence of the Sheldons in the south of the county encouraged the growth of a catholic population in the vicinity of Brailes, where William Bishop had been born in Mary's reign. In 1621 he was to be appointed bishop of Chalcedon, the first post-Reformation English catholic bishop, although he died shortly after his arrival in England. The influence of the Sheldons on the religious make-up of the area is indicated by the presence of 57 recusants in Brailes in 1628.

The Morgans of Weston-under-Wetherley were another family like the Smiths who had risen to wealth and prominence through the legal profession. Thomas Morgan of Heyford, Oxfordshire, was the son of a King's Bench judge. He had acquired Weston-under-Wetherley by his marriage to Mary, the daughter of Sir Edward Saunders, chief baron of the Exchequer. Sir Edward Saunders had acquired the manor from the Crown in the mid-sixteenth century. Although the Morgan links with Warwickshire were recent and limited, Mary Morgan was related through her grandmother to the Throckmortons of Coughton. Following the death of their two daughters as children, Thomas Morgan had left his estate to his great-nephew Thomas. The family surname had been preserved by Bridget Morgan's marriage to a kinsman, the Monmouthshire gentleman Anthony Morgan. On his death sometime before 1610 she married again – this time choosing Sir William Morgan of Tredegar. In 1605, however, it was the recently widowed Mary Morgan who was living at Weston, where her parents and two daughters were buried in the parish church. Both Mary and Bridget Morgan were prosecuted for recusancy.

The Middlemores had acquired Edgbaston by marriage with an heiress in the 15th century. Richard and his wife Anne appear on the Elizabethan recusant rolls, but Robert appears to have conformed sufficiently to have avoided prosecution. His wife Priscilla was the daughter of John Brooke of Madeley, Shropshire and a first cousin of the leading Leicestershire catholic Sir George Shirley. Despite his catholicism Sir George Shirley had served as sheriff of Northamptonshire in 1602 and his son Sir Henry was to pursue a career in local politics. Priscilla's brother Sir Basil Brooke was to be treasurer to Henrietta Maria. Through this marriage the Middlemores became part of a family circle with links to the court, where conformity was practised in order to qualify for public office but their catholicism was tacitly acknowledged. Like William Sheldon, in 1604 Richard Middlemore had received a licence to travel abroad for 3 years so that he might receive a catholic education, but at the end of this period he would return to England and be admitted as a student to the Middle Temple, suggesting an intention to follow in the footsteps of Brooke and Shirley relations.

Not only did Coughton figure in the Gunpowder Plot, but Sir Robert Throckmorton provided a thread that linked a significant proportion of the wider Catholic gentry community to the conspiracy. John Throckmorton and Edward Sheldon had both been first cousins of the conspirators Francis Tresham and Robert Catesby. Being in his 40s Edward Sheldon was unlikely to have fallen under the

spell the charismatic Catesby and his eldest son William was presumably too young – although it is possible that he was sent abroad in 1604 to keep him out of harm's way. Had he lived John Throckmorton might have become involved – the experiences of his father closely matched those of Sir Thomas Tresham, with whom he had been raised after Tresham was orphaned and it is the perceived injustice of the treatment of his father that is thought to have persuaded Francis Tresham to become involved with the conspirators. Although the Warwickshire branch of the Digby family were protestant, Sir Everard Digby's estate at Gayhurst was close to Weston Underwood, where Thomas Throckmorton was living in 1605 and his mother had remarried the Staffordshire catholic Sampson Erdeswicke, a friend of Henry Ferrers. There were also familial links to a previous group of Jacobean conspirators. Edward Sheldon and Francis Smith were married to the sisters of Sir Griffin Markham, who had been convicted of treason alongside Sir Walter Raleigh two years before. These links are not, however, necessarily evidence of an enclosed catholic community that bred conspiracy – rather they demonstrate how the ownership of land in a particular area encouraged the development of close links between neighbouring families. Although the Markhams were associated with Ollerton in Nottinghamshire, they also held the manor of Kirkby Bellars in Leicestershire, close to the Smith estate of Ashby Folville. Moreover, the mother of Sir Griffin, Anne and Elizabeth Markham was Mary, the daughter of Ryce Griffin and Elizabeth Brudenell, both of whose families had Throckmorton links.

In 1605 the religious differences which divided the Catholic gentry from their Protestant neighbours were counterbalanced by a shared past and a similar outlook. Barely two generations had passed since the Protestant settlement, which was no time at all when the ties of kinship were acknowledged for generations. These ties were reinforced by the coats of arms that decorated churches and manorhouses, in which generations of family relationships were recorded by quartering and impalement. (This is an illustration of part of the display of his family's arms erected by Sir Everard Digby's stepfather Sampson Erdeswicke in the parish church of Sandon, Staffordshire.) For some of those called upon to pursue the plotters in the Midlands, the family ties were very close. John Digby, who was sent by Lord Harrington to inform the king that the plan to seize Princess Elizabeth had failed, was a kinsman of Sir Everard and his grandmother was a Throckmorton of Coughton. In the immediate aftermath of the Plot the justices of Worcestershire and Warwickshire complained that Sir Walter Leveson 'who married William Cole's daughter' would not help them apprehend the conspirators, although he was in the vicinity. The significance of the mention of Leveson's wife was that her father was a recusant and by extension had raised his daughter as a catholic. Leveson's sister Elizabeth had married into the recusant Giffard family and hence was linked by marriage to Anne, the wife of George Smith of Wootton Wawen. Since he was a justice Leveson must have shown some enthusiasm for Protestantism, since only peers were likely to be appointed to the bench despite

their catholicism – but the suspicion aroused by his lack of enthusiasm for pursuing the conspirators combined with his recusant connections led to his removal from the bench.² Sir Henry Bromley the sheriff of Worcestershire responsible for the search of Hindlip found himself in a similarly tricky position to Sir Walter Leveson. Although Bromley was a convinced protestant, his sister Muriel had married into the catholic Littleton family and it was at her house at Hagley that her brother-in-law Humphrey Littleton had sheltered their nephew Stephen Littleton and Robert Wintour after the collapse of the Plot. Countering the lack of enthusiasm that Leveson displayed for pursuing the conspirators was the marked lack of support they received from their fellow catholics. Although Humphrey Littleton sheltered his nephew – and paid the price – it is noticeable not only that gentlemen such as Thomas Habington and John Talbot of Grafton turned the fugitives away, but that they did not even bother to approach the majority of catholic households for help. Obviously in 2005 it is tempting to draw a parallel between the conspirators' relationship to the wider catholic gentry community and that of the suicide bombers and British Muslims in general – but with the significant difference that the process of integration of British Muslims over the last half century represents a mirror image to the gradual isolation of the catholics in post-Reformation England.

Nevertheless in 1605 the ties between catholic and protestant gentry remained close. In 1608 the sheriff of Staffordshire Sir Walter Chetwynd wrote to a neighbour, that someone had 'used a straunge speech to my men, sayinge that I was a kynn to recusants, and soe I am, and yow allsoe; and a favorer of them, wherein I was wronged'. Sir Walter's mother had been a Middlemore of Edgbaston, while his daughter married George Digby, the younger brother of Sir Everard Digby. His brother, however, was the evangelical Dean of Bristol, who in 1612 eulogised Prince Henry in his funeral sermon as an 'English Josiah', who would have fought against the 'Popish contagion'.³ Thomas Morgan's widow Mary was the niece of Lawrence Saunders, one of Bloody Mary's protestant martyrs, while her father, the judge Sir Edward Saunders, had apparently been demoted by Elizabeth for his catholic views. The Throckmortons of Haseley were as stridently Protestant as those of Coughton were Catholic and Thomas Throckmorton was first cousin of the man responsible for the Martin Marprelate tracts in Elizabeth's reign.

As time progressed, it was natural that catholics should increasingly marry catholics. Recusancy represented a financial burden on a family, which made catholic bridegrooms less attractive to prospective parents-in-law, while a catholic wife would wish to raise her children in her own religion. However, marriages did occur in Jacobean Warwickshire which crossed confessional boundaries. While the Ferrers of Baddesley Clinton were not recusant, they were catholic in their

² CSPD 1603-1610, p. 253; M. Rowlands, 'Rome's Snaky Brood', *Recusant History* 24 (1998-9), 147-65.

³ DNB article *Chetwynd, Edward*.

religious sympathies. This did not prevent a marriage between Edward Ferrers and Anne Peyto, the sister of the puritan Sir Edward Peyto in 1611. Among the trustees of the marriage settlement was Sir Richard Verney, who had been sheriff of Warwickshire at the time of the Gunpowder Plot.⁴ The practicalities of being local landowners meant that associations across the confessional divide were frequent and inescapable, but it is also apparent that there was much mutual respect and friendship. In 1596 Thomas Throckmorton had been in a dispute with his son-in-law Rice Griffin. The arbitrators suggested by Griffin included Francis Smith, Henry Ferrers and Andrew Archer, 'which are gentlemen and not lawyers in studye or practice'.⁵ The close connection between the protestant Archers, the catholic Throckmortons and Smiths and the church papist Ferrers remained close into the next generation. In pursuit of his antiquarian interests Sir Simon Archer, Andrew's son, would seek access to the studies of gentlemen regardless of their religious beliefs. Although he was known for his godly beliefs, he formed a close friendship with Thomas Habington in the 1630s and encouraged the association of their sons.

Just as the priests who preached to the poor worried the government more than the chaplains of gentry families, it was fear of the lower classes that seems to have generated most anti-papist feeling locally. In 1608 Henry Dingley of Hanley Castle in Worcestershire petitioned the justices of the peace 'praying them to call on the Churchwardens and Constables of Hanley Castle to lay open and prevent great abuses done there on Sabbath days and especially the great riot and unlawful assembly on Sunday last being Whit Sunday by forty persons at least many of them being recusants who daily increase in the said Parish'.⁶ The gentry were naturally concerned about what they considered 'unlawful gatherings' following the outbreak of agrarian unrest in the Midlands in 1607 caused by the shortage of grain. Significantly in terms of gentry relations the protestors had targeted both Protestant and Catholic enclosing landlords and the revolt had culminated in a violent confrontation with the Tresham family when a number of protestors were killed.

After 1605 the militant catholics were a spent force and the lack of enthusiasm for violent action in support of a catholic succession among the recusant gentry meant that they were not perceived as a political threat by their neighbours. Although anti-papist rhetoric remained significant in parliamentary debate, the hostility was directed towards the catholic powers and those that were perceived as their instruments within the court and government.

Although the Gunpowder Plot did not prevent the catholic and protestant gentry from establishing a *modus vivendi*, it did provide the government with an excuse to reintroduce punitive

⁴ SBT DR3/367.

⁵ SBT DR5/1316.

⁶ Worcs. Quarter Sessions records, 1/1/44/26.

legislation against recusancy. Half a year after the discovery of the plot and a month after the execution of Father Gerard, parliament acted to reinforce the Elizabethan recusancy legislation. From 1581 failure to attend church had been penalised by a fine of £20 per month. There were also other expenses – such as the need to supply a proxy for the local militia, since a recusant could not legally possess arms. Recusants were also required to remain within 5 miles of their houses and were required to swear the oath of supremacy if it was tendered to them. Failure to observe the restrictions on recusants could be punished by the forfeiture of their estates. In practice it was recognised that the landed gentry needed to move between their different houses to manage their estates and to travel to London to pursue their lawsuits and they regularly received licences lifting the restrictions on their movements. At the time of Elizabeth's death Thomas Throckmorton was paying out £260 per annum for his recusancy. In all Throckmorton's brother-in-law Sir Thomas Tresham had paid out a little under £8,000 between 1581 and his death in 1605. While such exactions were effective against the lesser gentry and encouraged many to outwardly conform, the social elite had estates that were able to bear the cost of recusancy. Although Tresham's fines were substantial, over 24 years they amounted to the equivalent of only 2.5 years income – a contributory cause of his debt problems, but problematic only because of his large family, his extravagant housekeeping, his building projects and his lawsuits. These contributory causes of Tresham's debts can also in part be attributed to his recusancy. Because catholic households provided shelter for fellow recusants and priests, they were typically larger than their protestant counterparts and hence more expensive. In 1612 Thomas Wilford wrote to his grandson Robert Throckmorton: 'I would also be glad to heare of the lessening of your howshold, otherwise you will growe as fast in debt as your Grandfather was wount to doe'. The complicated arrangements that catholics entered into for the settlement of their estates to avoid financial penalties and their comparative vulnerability to troublesome lawsuits also inflated their legal expenditure.

One of the immediate effects of the accession of James I had been a decline in the exaction of recusancy fines. In July 1604 Thomas Throckmorton was granted a release for the sums he owed for the previous 16 months. An extravagant king could not, however, in the long term afford to forgo this lucrative source of revenue and the following June Throckmorton was required to pay £200 to cover the previous 10 months.⁷ The reimposition of penalties hence preceded the Gunpowder Plot, but the conspiracy gave the government an excuse to place the exactions against recusants on a different plane. The collection of recusancy fines had always been problematic and yielded less profit to the government than they would hope. They were also, as we have seen, ineffective against the wealthy. Consequently, in the summer of 1606 parliament granted the king the right to seize two-thirds of a recusant's land. The valuation of the Throckmorton estates took place within the month. The land thus

⁷ Warws. C.R.O., CR1998/Box 62/14 & CR1998/Box 62/34.

seized would then be leased by the Crown, often back to the recusant landowner. This new system of confiscation and lease was potentially more flexible than the simple fine and could therefore be more popular with all parties. However, some landowners including Thomas Throckmorton preferred to continue to pay the established £20 fine.⁸

The financial penalties experienced by recusant catholics were severe, but for the elite they were not crippling and leading catholics continued to show evidence of their wealth to their neighbours. When the new rank of baronet was introduced into the English peerage in 1611 as a novel means of raising money for the impoverished king, among the first members were the Northamptonshire recusant Sir Thomas Brudenell, Robert Middlemore's cousin Sir George Shirley and Sir Lewis Tresham, brother of the executed Plotter. There appears to have been some pressure from within the recusant community for members not to flaunt their wealth. Agnes Throckmorton's remonstrance to her son over his keeping of racehorses: 'all the contry talketh of it, that [a] Papist hast so much monis that they run it away' suggests a combination of universal maternal concern about the extravagance of youth with a wish not to cause offence to protestant neighbours.

As we have seen, women formed the backbone of recusant society, particularly as their husbands came under increasing pressure to at least outwardly conform. Married women could be convicted of recusancy but as they were unable to own property in their own right and, since it was thought unfair to force a conforming husband to pay fines on behalf of a recalcitrant wife, they escaped penalty. However, once widowed, their possession of their dower meant that they were liable to pay fines – and they could be obliged to pay for earlier convictions. The benefit of the recusancy of Agnes Throckmorton was granted to Sir Richard Coningsby in 1607 as part of the compensation to him for surrendering the right to licence merchants to export tin. In 1609 Bridget Morgan's inheritance was subject to the recusancy legislation following the death of her husband Anthony Morgan. Within a year she married another kinsman – Sir William Morgan of Tredegar – and again became a *femme coverte*. When Mary Morgan, the widow of Bridget Morgan's uncle Thomas, wrote her will in 1609, she complained that 'myne abilitie is farre meaner and weaker then it is generally thought and taken by reason of my contynuall troubles and compositions'. At the time of her death she owed £250 – including £7 8s. 6d. owed to the king for half a year's rent on the two thirds of her lands that she held by lease from him. In these circumstances it was advisable for husbands to take steps to protect their estate from seizure as part of their widow's dower and the property settlements of catholics were therefore influenced by the desire to mitigate the danger to the estate, while providing widows with the means to maintain their position. The particular vulnerabilities of recusant widows made the daughters

⁸ M. Finch, *The Wealth of Five Northamptonshire Families 1540-1640* (Northamptonshire Record Society, 1956), 76-92; Warws. C.R.O., CR1998/Box 60/Folder 3/24; CR1998/LCB/20; CSPD James I, 1603-1610, p. 356.

of catholic families less desirable as brides than their conformist cousins. Thus economic factors tended to increase the likelihood of marriages being confined within doctrinal boundaries.

One of the greatest fears for catholic families was that the heir to the estate would inherit as a minor and that his wardship would be awarded to a protestant. This had happened to Sir Everard Digby, who had been raised as a protestant by his guardian, while his younger brother was raised in the catholic household of Mary Digby's second husband Sampson Erdeswick, alongside their half brothers and sister. Although by the early seventeenth century the Court of Wards recognised the desirability of mothers being granted the care of their children, this was not the case with recusant widows. In 1633 it was reported that Charles Shirley, who had inherited the baronetcy on the death of his father Sir Henry at the age of 10, 'since he was taken from his mother my Lady Dorothy, and given to her brother, his uncle the earle of Essex, to be bred in Protestantisme, hath never since shewed any joy, and still refuseth to go to church or to praiers with them, saing that his father charged him upon his death bed to keep his religion'.⁹ In 1605 this was the fate that his mother and grandfather feared for Robert Throckmorton. Wardship was always a problematic issue for landowners, since guardians from beyond the family circle were interested in maximising their profits rather than managing an estate well or looking after the best interests of their ward. Guardians could also obtain the right to choose their ward's marriage partner – as Sir Robert Throckmorton had for Margaret Whorwood and Sir Thomas Tresham - and if the choice was rejected, they could demand compensation. Consequently, Agnes and Thomas Throckmorton were considering who would make a suitable bride for Robert as early as 1607, when he was 9, in the hope that he could be married before his grandfather died and he inherited the estate. In the event a licence was obtained so that he could travel abroad for three years and on his return he was married to Dorothy Fortescue, the daughter of one of the Throckmorton's catholic neighbours in Buckinghamshire, Sir Francis Fortescue of Salden. Dorothy's mother Grace was a granddaughter of the earl of Rutland, making this a prestigious match but one within the family's recusant circle. As was common with such early marriages, the couple went to live with the bride's parents at Salden. Thomas Throckmorton eventually died in 1614 and Robert, still only 15, became a royal ward. His marriage made his wardship far less valuable than it would otherwise have been and it was obtained by two of his Protestant kinsmen from Gloucestershire, William Norwood of Leckhampton and Richard Berkeley of Rendcombe. Dorothy died young around 1617 and Robert subsequently married Mary, the daughter of Sir Francis Smith of Wootton Wawen.

On acquiring the wardship of Robert Throckmorton, William Norwood and Richard Berkeley also obtained the right to appoint the Protestant minister of Coughton when the living fell vacant, as it

⁹ M. Questier, ed., *Newsletters from the Caroline Court, 1631-1638: Catholicism and the Politics of the Personal Rule* (Camden 5th Series 26, 2005), p. 209.

did in 1624. In the sixteenth century much church property – including tithes and the right to appoint to livings – was transferred into the hands of the gentry – catholic as well as protestant. Although theoretically recusants were required to transfer their rights to Protestant proxies, the Throckmortons nominated candidates for the living at Coughton, while the Morgans presented to both Weston-sub-Wetherley and Offchurch. Lay impropiators were also responsible for the upkeep of parish churches – and Catholic gentry had an interest in the fabric of buildings, which had often been built or augmented by their families, housed their monuments and might one day be restored to Catholic use. Ralph Sheldon in 1613 expressed his wish to be buried ‘in the north aisle of the Church of Beoley ... lately erected and builded by me’. The Smiths were responsible for repairs at Wotton and nearby Bearley. In the 1630s Sir Charles Smith, who became head of the family in 1628 on the death of his father Sir Francis, ‘did newe roofe and leade the Chancelle of Wootton’.

Many Catholic families continued to bury their dead and erect funeral monuments in the chapels that their families had established before the Reformation. In 1605 Francis Smith wrote in his will: ‘And for my bodie I will it to the earth from whence yt came to be buried in seemely and convenient manner within the chappell of the parish church of Wawens Wootton aforesaid and before the place where I have usuallye satt and as high and neare to the great windowe within the same Chappell as conveniently may be’. Two years later his son George specified that ‘A toombe in good and convenient sorte with portraictures and inscriptions that shalbe thought fitte be made over the bodye of my Father Fraunceys Smithe...a gravestone with inscription impartinge whose daughter & heire shee was maie be placed over the place of buriall of my Grandmother the Lady Anne Smithe. Moreover my desire is that either a brazen inscription maye be placed in the stone that lieth over the body of my Mother Marie Smythe or els that another stone impartinge whose daughter and wife shee was and yssue she had may be placed over the place of hir buriall’. George Smith himself was buried at Ashby Folville, the secondary estate where he had lived for most of his adult life. Sir Francis Smith, who was responsible for the eventual erection of this monument to his grandfather in the 1620s, also wished to be buried at Ashby rather than Wootton.

Thomas Throckmorton left a design for the monument to be erected to him at Weston Underwood. This may reflect the relocation of focus of the family’s estate to Buckinghamshire, or it may be that the church at Coughton was becoming crowded with the tombs of his father, grandfather, great-grandfather and, in pride of place in the sanctuary, that of his great-uncle Sir John Throckmorton. In 1604 Thomas Morgan had specified that he wished to be buried ‘in my newe Chappell’ at Heyford. When his wife died five years later, she owed £40 for her husband’s monument, but she herself preferred to be buried with ‘mine ancestors’ at Weston, where she and her husband had erected a monument to her two daughters.

The close physical proximity of the manor house to the parish church in many villages meant that the local Catholic gentry were often the parish priest's closest neighbours and possibly the only other inhabitants of his social and intellectual standing. The lord of the manor and the parish clergy also had a joint responsibility to maintain order and stability within the community. For the less evangelical clergy there must have been a considerable temptation to accept a very limited degree of outward conformity from their gentry neighbours. A temptation that could be aided by the building of large, enclosed pews, which meant that the congregation could see that the gentry were present in body at Protestant services without them needing to be there in spirit. In the aftermath of the Gunpowder Plot the ex-Jesuit priest Thomas Wright argued not only that Catholics could take the oath of allegiance to the Crown, but also that it was legitimate to attend Protestant churches 'not to hear service, but to hear sermons'. This casuistical reasoning was condemned by the pope in 1606, but must have appealed to many Catholics whose loyalty to the English Crown was as important as their loyalty to the distant pope in Rome. Few Catholic families from the elite gentry would have been present in the parish every Sunday, since they not only had more than one house, but would also spend time in London - the local clergy need only persuade themselves that their parishioners might have taken communion elsewhere, and there was no need to report them for recusancy. In 1586 the vicar of Wootton, John Mascal, was described as 'Idle negligent and Slouthfull, a man defamed and of tainted life', he held two further livings 'which he supplieth by his hirelings: whereof one upon a rumor of change of religion in mounsiers daies did shave his beard'. Although this is from a hostile, puritan source, the impression of the vicar who served the parish from 1580 to 1642 is not that of a man who would overburden the conscience of his just sufficiently conformist neighbours.¹⁰

In addition to giving the king the right to seize recusant land in 1606, parliament also introduced an oath of allegiance that could be demanded of anyone over the age of eighteen who had been convicted of recusancy or had not received communion twice within the year. While the Warwickshire Catholics would have had no objection to swearing allegiance to the Crown, the oath could be interpreted as denying papal primacy, which was problematical. Moreover, unlike the earlier oath of supremacy, it specifically ended with a confirmation that it had not been said with equivocation – although presumably the casuistical theories that let men swear oaths without being bound by them could apply to that clause as well as any other. In 1606 the best course for the Catholic gentleman uncertain whether he could legitimately swear the oath was to avoid being asked, and for a few years this does not seem to have been that difficult. The Protestant gentry of England were not on the whole eager to denounce their Catholic neighbours, who had demonstrated their loyalty by not riding to the aid of the Gunpowder conspirators. Those Catholics like the Smiths who minimally conformed were not

¹⁰ W. Cooper, *Wootton Wawen its History and Records* (Leeds, 1936), 120-1.

liable to take the oath and the more recusant such as the Throckmortons could generally avoid being required to take it. In May 1610, however, the assassination of Henri IV in Paris led to a wave of anti-catholic feeling. In June a proclamation was issued for the due execution of the laws against recusants, requiring those that had licences to travel to return home by the end of the month and not afterwards to go to the court or to within 10 miles of London without a special licence. All priests and Jesuits were required to leave the country by the beginning of July. The proclamation was followed by a tightening of the recusancy laws, which included an extension of the oath of allegiance to all subjects, not just recusants and suspected recusants. Significantly, however, this reaction to the assassination of the French king seems to have affected James I and his council rather more than the parliament – and for the catholic gentry of Warwickshire it was the willingness of the political nation to accommodate them that most affected their quality of life. The fear of assassination inevitably died down as time passed, - and with it the emphasis on the need for catholics to swear an oath to prove their loyalty - although the continuing financial problems of the Crown meant that the harsh fiscal penalties for recusancy continued to be exacted.

Towards the end of James I's reign his daughter Elizabeth – now married to the Protestant elector Palatine – became once more embroiled in violent political events, when her husband accepted the throne of Bohemia. After just one winter in Prague the couple were evicted by the catholic Habsburgs and the woman the Gunpowder Plotters would have made Queen of England became an exile in the Netherlands. The Protestant political nation urged the king to support his son-in-law's cause, but James I preferred the role of peacemaker. He had for some years been seeking a catholic bride for his son, but the negotiations were tortuous. In February 1623 Charles left England clandestinely with the Marquis of Buckingham to travel to Madrid and woo the Spanish Infanta in person. Eight months later he returned, unsuccessful and determined to seek a bride elsewhere. The visceral hatred of the catholic Spanish felt by the Protestant English at large was expressed by bonfires, sermons and general rejoicing at the prince's return. The pamphlet *Irelands Jubilee*, written by the chaplain to the earl of Cork, expresses typical delight for 'Prince Charles his welcome home With the blessings of great Brittain, her dangers, deliverances, dignities from God, and duties to God, pressed and expressed', linking 'the preservation of their mother England in the powder treason, and the reduction of their prince from Spaine'.¹¹ This association of the failure of the Spanish match with the Gunpowder Plot highlights how this was another period of uncertainty for the English catholics – and it is noticeable that the celebration of Gunpowder Day, instigated by Parliament in 1606, only became widespread towards the end of James' reign and increased in popularity with the accession of Charles I and his marriage to the catholic Henrietta Maria.

¹¹ Stephen Jerome, 1623.

With the entry of England into the European war in the final months of James' reign the recusant gentry were reminded of their outsider status, when the local magistrates arrived to collect their arms. Although legally catholics were not permitted to possess weapons, it was recognised that they were a necessity for gentlemen who were travelling or might need to defend their homes against rioters. Accordingly, catholics were tacitly allowed to keep weapons except at times of heightened tension, when the local magistrates would go and collect them. The suggestion that they were not loyal to Crown implicit in the removal of their arms at such times was a source of resentment for many catholic gentlemen. In 1625 Edward Sheldon went abroad to live, possibly encouraged in his decision by the perceived hostility of his neighbours. In truth, by the 1620s for the majority of English gentlemen the catholic threat was an external one represented by Spain and her cohorts abroad and by the Jesuits and their instruments within the king's Court, not by their recusant neighbours. Once the initial enthusiasm for the war had subsided, the *modus vivendi* was restored and the lack of persecution - and the advent of Charles' bride Henrietta Maria, who remained openly a catholic after her marriage - encouraged increasing numbers of catholic gentlemen to be open about their religious beliefs.

In the 1630s the catholic gentry shared many of the concerns of their protestant neighbours about the autocratic nature of Charles I's government and the financial expedients he adopted. Although the king was not personally antagonistic towards catholics, like his father he relied on the income from recusancy fines as a lucrative source of revenue and this inevitably caused resentment. In 1635 Richard Middlemore obtained a lease of his own lands in Warwickshire for 41 years at £100 per annum, while Thomas Morgan paid £200 per annum for a similar lease on the land he had inherited from his mother Bridget. Two years later Robert Throckmorton obtained a lease of his lands in Warwickshire, Buckinghamshire and Worcestershire for £160 per annum, which is considerably less than the £20 a month that his grandfather had paid, but still a substantial sum. Sir Charles Smith broke with the conformity of his predecessors and became openly recusant, but he had the advantage of powerful friends at court. He acted as executor to the countess of Buckingham and in 1634 the countess of Denbigh successfully petitioned for a protection for him against prosecution for recusancy. The financial penalties of being a catholic encouraged the ghettoisation of the community, since Protestant families were reluctant to accept the risks associated with marrying recusants. It is noticeable that in Warwickshire the marriages between catholic families began to spread across a wider geographical area. Hence Mary and Bridget Morgan, the sisters of Thomas, married Richard Middlemore and Ralph Sheldon, Edward's younger son. Meanwhile, the wealthiest Warwickshire catholics were able to secure partners from among the catholic aristocracy, with Ralph's brother William Sheldon marrying Elizabeth, daughter of Lord Petre, while Sir Charles Smith married Anne, a granddaughter of Lord Dormer.

On the outbreak of the civil war the catholic gentry of Warwickshire had little choice but to support the king, although they did this with varying degrees of enthusiasm. The parliamentary party was hostile to papists and, while in some parts of the country it might have been possible to adopt a posture of neutrality, with Warwickshire lying at the heart of the conflict this was not a realistic option. Appropriately Sir Charles Smith, who had escaped the penalties of his recusancy, was a committed royalist, who was made baron Carrington and given an Irish viscountcy in return for his financial backing of the king. His younger brother John, who had gained military experience with the Spanish forces on the Continent, returned to England to support the king in his conflict with the Scots and joined the royalist army on the outbreak of civil war. At Edgehill he retrieved the royal standard after its bearer, Sir Edmund Verney, was killed and for this was knighted on the battlefield. He was killed in action in 1644 and was buried in Oxford cathedral. The Morgans were also enthusiastic royalists. Thomas Morgan was killed at the battle of Newbury fighting for the king. He was succeeded by his half-brother Anthony, who had been knighted by Charles I two days before Edgehill and commanded a royalist regiment from the summer of 1643.

Other Warwickshire catholics were more lukewarm in their support of the king. Robert Throckmorton paid £1095 for a baronetcy in 1642, suggesting that he expected something in return for his financial support. Coughton was taken over as a parliamentary garrison and then besieged and taken by the royalists. Throckmorton was described as 'driven away from his house at Weston unto Wooster, his house at Coughton made a garrison and the gathows disma[n]tled and the hows quit ruined, his estate given unto the Prince Electer'.¹² It is noticeable that Throckmorton fled to the royalist garrison at Worcester, rather than the king's headquarters at Oxford. It is indicative of his lukewarm royalism that Throckmorton was penalised as a recusant after the defeat of the king, but not as a royalist delinquent. Richard Middlemore seems to have been equally unenthusiastic about the conflict. His house at Edgbaston was taken over as a parliamentary garrison and suffered considerable damage. He was subsequently alleged to have been part of the royalist garrison at Worcester and to have taken part in the siege of Hawkesley House, near Northfield, another Middlemore property. His involvement in the conflict, however, seems to have been linked directly to the protection of his family's interests rather than demonstrating wholehearted support for the king. Ralph, the son and heir of William Sheldon, went abroad in 1642, thus avoiding becoming involved in the conflict. His father, having been born in the year of the Armada, was too old to be expected to fight, although his younger brother Edward did join the garrison at Worcester after being driven from his house in Gloucestershire. The family house at Beoley was apparently burnt in order to prevent it falling into the hands of parliament – an event that could not have increased the Sheldon enthusiasm for the king's cause.

¹² CR1998/Box 86/26.

The civil war emphasised how far the catholic gentry had become separated from their Protestant neighbours. Although the Warwickshire families re-established themselves after the Restoration, their exploitation by both sides in the conflict had increased their marginalisation from society. In 1605 Robin Catesby and his co-conspirators had felt denied their rightful place within civil society. Within half a century the catholics were effectively ghettoised. The Gunpowder Plotters were not the only cause of this, but their acts gave the government the excuse they needed to make catholics the milch cow of Stuart England. In 1605 the closeness of the catholic gentry to their protestant neighbours had helped to protect them when a real popish plot was discovered – two generations later the isolation of the catholic community made them vulnerable to the imaginary plot dreamt up by Titus Oates.