

FACULTY RESEARCH BULLETIN



History and Political
Studies Department



SOUTHERN
ADVENTIST UNIVERSITY

Power for Mind & Soul

Loyalties to Family, Church, and State: Roman Catholics and Charles I

Lisa Clark Diller

[Sixteenth Century Society, 2023]

Catholics in England and Scotland worried Charles Stuart less than did his Puritan and Presbyterian subjects. He was married to a Catholic and the trappings of the Roman church which so alarmed Puritans were appreciated by the king as part of the “beauty of holiness.” Still, the religious conflicts on the Continent loomed large, and it hadn’t been long since the Gunpowder Plot during his father’s reign: Catholics remained dependent on the good will of the king and political community.

This paper will focus on English Catholic attempts to retain both their positions in their community and to pass along their faith to the children during the reign of Charles I. Catholics engaged in creative measures to keep their property and children from the reach of the state, maintain good political standing and healthy relations with their neighbors, while they worked for what they believed was best for their families.

It needs to be clear that in our time period, there was no sense of “parental custody” as we have in the modern era. Only heirs had a clear legal subordination to parents—but masters had rights over people, including children. “Guardians” were only for heirs, otherwise there was no sense of guardianship over children.¹ Masters had their authority by contract, whereas there wasn’t a “contract” between children and parents, so the law didn’t come into it. And there was no sense that a child needed someone legally to nurture them—and even less that they “belonged” to their parents. According to Holly Brewer’s study of this topic, the law didn’t care about children’s welfare, “but about their land and money.” “Parents had no formal claim even to keep their children with them, let alone control their labor, except, of course, in the case of heirs.” This was most significant in the case of the Poor Laws when children could be forced to labor. This is the context for Catholic parents dealing with control over their children’s education and faith nurture.

Under Elizabeth, most of the enforcement of penal laws against Catholic families and attempts at controlling Catholic education came from the crown rather than Parliament. The taking away of minors and giving them in

¹ Holly Brewer, *By Birth or Consent: Children, Law & the Anglo-American Revolution in Authority* (Chapel Hill: University of NC Press, 2005), 231-233, 236, 244.

wardship to Protestant relatives or powerbrokers in the region was based on the feudal right of the monarch.²

The more general penal laws against Catholics had stabilized by the time of Charles I. While this was an era in which religious tensions were high, Alexandra Walsham has pointed out that it was also a time for greater volunteerism within both Protestantism and Catholicism, with more folks being comfortable with communing across confessional lines, and the use of church discipline having less impact.³ For the most part, Catholic marriages were recognized, and Catholics with property paid regular fines with the idea being that they were mostly left alone.⁴ The court had long been associated with Catholicism, and Puritans assumed James and Charles were cultivating ‘popish’ influence.⁵ Charles’s own attitude to Catholics was both tolerant, and negatively tainted with the irritation he felt toward his wife’s piety.⁶ Still, many Catholics felt confident using their connections to the monarch to their advantage when they did fall afoul of an activist magistrate. For instance, William Petre (part of an English Catholic powerbrokering family) who had played a role in his local government until the 1625 enforcement of the penal laws, was given a pardon when Charles I married Henrietta Maria. Yet he wouldn’t conform to the Church of England, and Charles I had to intervene to prevent him from being tried for recusancy.⁷

In the 1620s when the bailiffs came to collect fines from the highly visible Catholic Blundell family, crowds of the family retainers and tenants attacked the authorities and took back the items they had confiscated. Other prominent

² A.C. F. Beales *Education Under Penalty: English Catholic Education from the Reformation to the Fall of James II* (London: Oxford University Press, 1963), 59, 60.

³ Alexandra Walsham, “Supping with Satan’s Disciples: Spiritual and Secular Sociability in Post-Reformation England,” *Getting Along?: Religious Identities and Confessional Relations in Early Modern Europe—Essays in Honour of Professor W.J. Sheils*, Nadine Lewycky and Adam Morton, eds. (Burlington, VT: Ashgate Press, 2012), 40-44.

⁴ John Bossy, *The English Catholic Community, 1570-1850* (New York: Oxford University, 1976), 136.

⁵ JCH Aveling, *The Handle and the Axe: The Catholic recusants in England from reformation to emancipation* (London: Blonde and Briggs, 1976), 126.

⁶ Aveling, 132

⁷ James Kelly, “Counties without borders? Religious politics, kinship networks and the formation of Catholic communities,” *Institute for Historical Research*, (London, 2017), 25.

Catholics in the county were also reported to have been rebellious and disrespectful and were arrested for contemptuous speech.⁸ It was reported at court that Blundell and other wealthy Catholics attempted to hide their wealth when it was being assessed, and for this and encouraging violence against the authorities, he was brought before Star Chamber.⁹ When Star Chamber fined him £2000, Blundell wasn't able to pay it, so petitioned the king. Charles I wrote a detailed letter explaining his leniency in accepting "such a sum of money as they are able to give" instead of the full fine.¹⁰

So it isn't surprising that there was an increasing concern that the Stuart monarchs weren't sufficiently committed to stamping out Catholicism. At the accession of Charles, the 1625 Parliament forced a petition on the king for the enforcement of the penal laws, especially against sending children abroad for education.¹¹ Scotland's parliament did the same. To make it even more clear, in 1628 "the Commons passed. . . a Bill. . . 'to restrain the passing or sending of many to be Popishly bred beyond the seas'."¹² The penalty for Catholic parents could extend to losing their lands and goods and being "disabled" from engaging in lawsuits, which allowed the gentry to consolidate their inheritance for their children.

Committed Protestants tried to make the laws for collecting fines from recusants (the "sequestration and compounding process") more efficient so that the state could better get the money Catholics owed. This had a side benefit of allowing recusants to have regularity in what to expect from the state and to be freed from constant harassment from various levels of the magistracy.¹³ Still, in the Calendar of State Papers we find involved evidence that there were plenty of Protestants seeing a chance to make money from the wardship of Catholic children, which could be genuinely terrifying for the families. Protestant petitioners reported minors whose wardship they wanted the king to give them (with the attendant moneys).¹⁴ In the meantime, Catholic petitioners, such as Martha and her husband William Walton, asked the king

⁸ Frank Tyrer, "A Star Chamber Case: Assheton Vs. Blundell, 1624-31; 19, 20

⁹ Tyrer, 22, 23.

¹⁰ Tyrer, 34, 35

¹¹ Beales, 97.

¹² *Commons Journal*, i. 873-4, cited in Beales, 98.

¹³ Eilish Gregory, *Catholics During the English Revolution, 1642-1660* (Rochester, NY: Boydell Press, 2021), 6, 12.

¹⁴ From John Sackville to Endymion Porter SP 16/138 f. 59 March 4 1629

to help them get back land that they had lost due to confiscations for “popery.”¹⁵

So what were Catholic families to do in this situation? Parents both cared about their children’s faith and the expansion of Catholicism within England. These goals combined in the idea of the lay apostolate, which focused on lay Catholics bearing witness and spreading true Christianity within mission settings such as England. Ensuring an effective Catholic education through travel on the continent was one tactic for Catholic parents.. Parents wanted to save their children from contamination by heresy, but also to prepare them to be active missionaries to restore the true faith to England. This could happen by sending them to places of spiritual significance in Catholic countries, culminating in a pilgrimage to Rome. It was the Catholic priest Richard Lassels who thought up the term “Grand Tour” in the mid 17th century. This sort of historical and theological context could serve recusant young people for the rest of their lives.¹⁶

When Thomas Churchill’s parents died in 1637, he was left to Protestant friends and family, but his uncle (a secret Catholic priest) took him to Wales where he was converted and then sent him to Catholic schools on the continent. This could be a way to prevent orphans being raised by Protestants and thus ending a Catholic family heritage.

Even parents who practiced occasional conformity to the Church of England did not necessarily do so because of lack of religious commitment or financial greediness. The patriarchal responsibility of saving Catholicism for future generations may have appeared to some to require taking an oath, but they still took risks in sending their children abroad and keeping personal chaplains. They also connected their families through marriage and patronage. This wasn’t only true for the gentry, but also for the middling sorts of yeoman and artisans.¹⁷

Still, Parliament was frustrated that the king and the judges did not enforce the laws regarding recusant children well enough. In 1635 the Privy Council engaged in suppression of Catholic schools by using spies and trying to identify clandestine education within greater Britain and looking at the

¹⁵ Petition of William Walton and Martha his wife to the King Calendar of State Papers Domestic Series, of the reign of Charles I, April 31-March 1633, 16/205, f. 27

¹⁶ Corens, 78-80.

¹⁷ Alexandra Walsham, *Church Papists: Catholicism, Conformity and Confessional Polemic in Early Modern England* (London: Royal Historical Society, 1993), 78, 81, 107.

permits to go abroad.¹⁸ This happened very unevenly, but it was the regular worry about whether one's children would be safe on these trips or whether they might result in legal trauma that made Catholic education doubly fraught. The trials of separation, of travel to a new country and living in a convent school or returning to England to practice secretly—all of these were described by Catholic parents as a kind of martyrdom or holy suffering. Liesbeth Corens argues that the travel to and from the Continent was articulated as a kind of pilgrimage, allowing for spiritual growth.¹⁹

Dealing with the authorities, finding allies who would help in avoiding prosecution became a regular part of Catholics' lives. Thomas Whitaker was raised by two catholic parents, including a schoolmaster father. A local Catholic family sent him to do “higher education” at Valladolid after he'd done grammar with his father. Like many others who traveled back and forth he developed skills in escaping arrest. Once when he came back as a missionary priest in 1638 he was locked up in Lancaster Castle and escaped with the help of relatives and friends when his guards “took the liberty of making merry below stairs.”²⁰

Clearly the 17th century state was still struggling to be effective at enforcement. The reign of Charles was no better than his predecessors at providing regular control over the borders, with very ad hoc patrolling, very much depending on the diligence and bribe-ability of whatever officers were there. The paperwork that families used to take their children through the ports often listed “health” as the reason for needing to travel.²¹ In 1633, Capt John Pennington recounted that he had been unable to track down a “bark” filled with “divers young youths, gentlemen's sons, with him, to be bred in those parts, and likewise many priests” that had been smuggled out of England to the Continent.²² This sort of concern about the secretive element to Catholicism contributed to the regular association of their faith with treachery. Catholic families had to navigate their articulation of loyalty to the state with the forced situation of hiding some elements of their practice.

¹⁸ Beales, 100; Scott Sowerby, *Making Toleration*, (??), 262.

¹⁹ Liesbeth Corens, *Confessional Mobility and English Catholics in Counter-Reformation Europe* (Oxford, 2019), 56, 80, 92-95.

²⁰ Richard Challoner, *Memoirs of Missionary Priests*, (London: Burns, Oates & Washbourne Limited, 1924), 486.

²¹ JCH Aveling, *The Handle and the Axe: The Catholic recusants in England from reformation to emancipation* (London: Blond and Briggs, 1976), 147-149.

²² SP 16/246, f. 36 Capt/Sir John Pennington to Sir Edward Nicholas Sept 9 1633

Within families financial and political conflicts overlapping with religious ones. For instance, the Salvin family had a bit of a crisis around these religious splits in the early years of the Civil Wars. John Salvin, who had been raised by a Catholic mother and sent abroad to a Benedictine school in Europe, petitioned Parliament in 1642 to get help preventing his property from landing in Catholic hands. He informed the government that his mother Rebecca, after his Protestant father's death, had insisted that John have a Catholic education. Along with her brother, John's uncle George Collingwood, Rebecca Salvin had allied with other Catholics to organize students for the "colleges beyond the seas." While John had come home and as an adult reverted to his father's Protestantism, he was both disgusted and alarmed by his mother's financial support for these schools, and the fact that she had cut off the maintenance he wanted for him and his children due to his Protestantism. He wanted the local authorities to help him in his attempts to keep his family's land under his control, and it seemed to him that the Bishop of Durham and other regional leaders weren't enforcing the penal laws against his family to the extent that he wanted.²³

The Civil War further complicated things for Catholics. On the one hand, for the most part their relationship with Charles as monarch became more straightforward. He could and did count on them for their loyalty. On the other, as Eilish Gregory has so ably demonstrated, they became a cash cow of sorts for whoever was in government as they represented a financial resource that had yet to be fully exploited. In 1643 Parliament passed a bill to seize property of religious delinquents including Catholics. Children of Catholics if they were minors were except from the penalty and wives' property from before marriage weren't to be seized either.²⁴

Gregory outlines the Catholic tactics of coordinating with Protestant friends and family in order to avoid loss of property. Many Catholic families sold their lands to a Protestant friend who held it in trust to them.²⁵ The petitions to Parliament to get their property back to be exempt from the penal laws are filled with references to Protestant tenants, neighbors, and friends who could testify to their good behavior. Clearly it was important to Catholic parents to make sure their children were on good standing with their communities.²⁶

²³ *To the Knights, Citizens, and Burgesses of the Commons House in Parliament now assembled Humble Petition of John Salvin, in the County of Durham, gent* (1642), 12, 13, 16; Simon Webb, *John Cosin: Prince Bishop of Durham* (Langley Press, 2020), 38-59

²⁴ Gregory, 33, 34.

²⁵ Gregory, 62, 117, 143-148.

²⁶ Glickman, 60-69; Beales, 61, 73.

Paperwork was required for travel and in order to get a travel pass, and Catholics in these contexts also called on their relations with Protestants as they gave their bond--even though it seems clear all parties knew they were planning to they planned to violate it.

Still, the Civil Wars made things more challenging for everyone, and reminded Catholics above all how much their security could be tied to the good will of a particular government. In the meantime, it's clear that most parents wanted both spiritual and financial security for their children. But thinking in the collective meant that such security could be communal. One child might not be baptized or married into the church. Another might not have an inheritance in order to keep the land and property together. English Catholics, depending on their financial and social resources, were able to accomplish those goals in a variety of ways, but to the extent that they depended on their connection to Charles, to that extent the wars made it harder for them.

But it is also clear that that they saw the hardships of travel, living apart, taking legal risks, as a critical element in shaping their character, in allowing them to be part of the legacy of suffering within Christian history. They wanted their children to feel tied to this, to have this identity. While scholars are working hard to demonstrate the ways Catholics were not merely passive and interior but were active politically and in their larger communities, we still have a long way to go. Even before the wars, Catholics were defending their rights and petitioning the government to shape the political context in which they lived and to impact cultural norms. Investigating the ways they communicated with their children, what they thought their rights and duties as parents were, and what their children thought about their situations should provide both a window into how English Catholics contributed to our ideas of childhood and the developing notion of privacy and family rights. And in fact, the long-term story here, which isn't always the outcome for historical research, is that they were fairly successful in maintaining their numbers into the seventeenth century and possibly even increasing them.²⁷ In spite of the constant stream of obstacles thrown in their way Catholic families were as successful as Protestants in passing along their traditions to their children.

²⁷ John Bossy, *The English Catholic Community, 1570-1850*, (New York: Oxford, 1976), 186-190,