THE RELIGIOUS POLICY OF THE CECILS 1588-1598

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Thesis Submitted for the Degree of D.Phil.

Trinity Term 1993 [ie 1994] TT

ABSTRACT

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TRINITY TERM, 1993

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The thesis examines the Cecils contribution to three areas of religious policy during 1588-98: the control of protestant non-conformity; the loyalty of lay catholics; and the political and financial management of the episcopate.

Lord Burghley (William Cecil) supported strong measures against protestant separatists, but opposed Archbishop Whitgift's suppression of moderate puritanism. His criticism of the authoritarian claims of the church hierarchy won limited support from Elizabeth I, but when Whitgift pressed for the exemplary execution of leading separatists - against Burghley's will - the archbishop prevailed. The thesis argues, however, that at this same moment (April 1593) Burghley outmanoeuvred Whitgift in parliament by securing an anti-separatist statute that protected moderate puritans.

Burghley's central role in anti-catholic policy is shown to have reached a peak during 1590-93, to be replaced by a climate from 1594 in which councillors resisted his calls for the creation of ever-harsher sanctions against recusants. Burghley's justifications of his policies were rejected by Sir Thomas Tresham, and it is suggested that, increasingly, councillors began to re-assess the coherence and effectiveness of Burghley's measures.

The period also saw widespread changes among bishops in the established church: almost half the bench was replaced during 1594-98. Robert Cecil is shown - with Whitgift - to have been the main political patron in this process, and on occasion to have outwitted Burghley in pursuit of his own ends. Moreover, Cecil is also revealed as the crown's main agent (with Burghley's cooperation) in the diversion of church wealth to the county gentry, despite the resistance offered by some bishops.

It is concluded that the religious policies of Burghley, Cecil and Whitgift were held in a balance, and that this reflected the tensions of a decade which saw the beginnings of significant change in later Reformation politics.

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Acknowledgements

I should like to thank the trustees of the estate of the eighteenth century benefactor Miss Elizabeth Allen (*ob.* 1727) for their generous grant which enabled the early research for this study to be undertaken.

My Oxford supervisor Dr. B.R. White steered me around initial pitfalls and offered encouragement and sound advice. During the course of research, I have been assisted by staff at the British Library, Hatfield House, the Bodleian Library, the Cambridge University Library, Lambeth Palace Library, the Inner Temple Library, New College Library, Oxford, Hardwick Hall, the Huntington Library and the Public Record Office.

During the course of writing I have profited from the solitude of a variety of refuges, most of which have been remote and which have consisted of buildings representative of every style from that of the 1180s to the 1930s. Thanks go to owners at Willersey, Frinton-on-Sea, Kingham, Wick Rissington, Fenny Castle, Mallaranny, Houslyke, Ffald-y-Brenin, Chapel-on-Leader, Newton-on-Rawcliffe, Cattistock, St. Mary's (I.o S.), Amestry, and Cosham. In addition, it has been a particular pleasure to have worked at: Llanthony Priory; Lletty'r Hwsmon, Llanfachreth; and Halton Gill. At the latter special thanks are due to Anthea and John Cowan who ensured that writing could continue before a roaring fire and regardless of rain, gales and snow, and during power failures, through the provision of candles.

My principal debt, however, is to Dr. Penry Williams of New College. Not only did he read an early draft of the text, making decisive comments at a critical moment but, subsequently, and at short notice, he took over responsibility for supervision. Since that time, his patience, friendly guidance and incisive commentaries on successive drafts of this thesis - under very demanding circumstances - have served to leave me the latest in a long line of students to have been inspired by a great teacher.

Finally, I should like to thank Niraja Gopal, Carl-Friederich Bodighiemer and Rachel Watson for friendship at an early stage, Dr Ruth Mazo Karras for important encouragement during the summer of 1987, and Dr Peter Jackson, Dr Iain Phillips and Dr Jonathan Smith for sustained support over the duration of the project. I have, furthermore, received continuous encouragement, both patient and discreet, from my mother and brothers. Most recently, Ellen Renner has read the entire text, improving it on almost every page, typed and ordered the notes, and provided unstinting support in the final preparation of the manuscript.

Llanthony Priory
May 1993

LIST OF ABBREVIATIONS

APC	*Acts of the Privy Council*
BIHR	*Bulletin of the Institute of Historical Research*
BL	British Library
Bodl. L	Bodleian Library
Carlson, *ENT III*	*The Writings of Henry Barrow, 1587-1590*, ed. by L.H. Carlson, Elizabethan Nonconformist Texts, vol. III (London, 1962)
Carlson, *ENT IV*	*The Writings of John Greenwood, 1587-1590*, ed. by L.H. Carlson, Elizabethan Nonconformist Texts, vol. IV (London, 1962)
Carlson, *ENT V*	*The Writings of Henry Barrow, 1590-1591*, ed. by L.H. Carlson, Elizabethan Nonconformist Texts, vol. V (London, 1966)
Carlson, *ENT VI*	*The Writings of John Greenwood and Henry Barrow, 1591-1593*, ed. by L.H. Carlson, Elizabethan Nonconformist Texts, vol. VI (London, 1970)
CHR	*Catholic Historical Review*
CUL	Cambridge University Library
DNB	*Dictionary of National Biography*
HHL	Hatfield House Library
HMC	Historical Manuscripts Commission
HJ	*The Historical Journal*
ITL	Inner Temple Library
JEH	*Journal of Ecclesiastical History*
JBS	*Journal of British Studies*
LBL	Lambeth Palace Library
PH	*Parliamentary History*
PRO	Public Record Office, London

P&P	*Past and Present*
RH	*Recusant History*
TRHS	*Transaction of the Royal Historical Society*

Note: Piece and document numbers are supplied in square brackets after references to the Calendars of State Papers at the PRO; manuscript and folio numbers are similarly supplied after references to the calendars of Salisbury manuscripts at Hatfield House.

CHAPTER ONE

INTRODUCTION: POLITICS AND RELIGION IN THE 1590s

The historiography of the last fifteen years of Elizabeth's reign presents a paradox: the 1590s is a decade which has received considerable attention whilst, in certain respects, remaining strikingly under-researched. For example, while much is now known about social conditions in 1590s England and how these compared to the experiences of other European nations, large gaps remain in reconstructing the political careers of leading late Elizabethan statesmen. The most detailed narrative of domestic policy in England during 1589-1603 appeared as long ago as 1926 but this, and its most recent successor, are virtually silent about ecclesiastical affairs.[1] This uneven coverage explains in part Michael Graves' observation that, compared to the historiography of the early Stuart period, 'Tudor revisionism is inchoate and unorganised' in its treatment of the general political narrative.[2]

This thesis attempts to fill one of these significant gaps: the religious policy of the two leading English statesmen of the decade 1588-98.[3] Although the period covered is relatively short, the scope of the study is broad and explores in detail the Cecils' response to the three central religious policy issues of the day: irreconcileable protestant non-conformity;* the question of the 'loyalty' of lay catholics; and the political management of the Church of

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* The precise terminology adopted in this thesis to describe the various strains of disaffected protestantism is given in Chapter Two, note 1.

England, through finance, through lay patronage and through the creation of a new generation of bishops. These three issues have been chosen in order to set manageable bounds for this thesis whilst examining in some depth the complex relationship between ecclesiastical and broader political history during the period. A consequence of the latter concern is that whilst this thesis is focussed upon the policies of Burghley and Cecil,* the effectiveness of these is assessed in two broader contexts: the impact of the Cecils' policies upon the three groups selected for study - protestant non-conformists, lay catholics and bishops of the established church; and the influence of their policies upon the Queen and their fellow councillors - Hatton, Essex and, especially, Whitgift.[4]

The reconstruction of political narrative four centuries removed is inevitably hampered by the nature of surviving sources. The thesis is heavily dependent upon day-to-day correspondence and policy papers for specific evidence; consequently, it is unfortunate - as Burghley's modern biographer bemoaned - that given the vast number of Burghley's documents that have survived, only a very small proportion consists of his outgoing letters.[5] The same is true for Cecil, with the result that the attitudes and actions of bothmen have to be inferred in a majority of cases.[6] Whilst much can be reconstructed from the incoming correspondence, at other times it is necessary to dwell at some length on the

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* To avoid confusion, William Cecil (1520-98) is referred to throughout the study as (Lord) Burghley, his title from 1571; his son Robert Cecil (1563-1612: Viscount Cranbourne, 1604; Earl of Salisbury, 1605) is referred to as Cecil.

institutions and individuals that Burghley and Cecil promoted in order to reach a fuller understanding of their policy objectives, methods and results. For example, to understand Burghley's attitude toward catholic recusants (Chapter Four) it is necessary to examine his coordination of the recusant commissions of the 1590s, as well as his specific memoranda; similarly, the nature of Cecil's involvement in the episcopal promotions of 1594-98 (Chapter Five) is illustrated as clearly by the experiences of successive bishops at London, Winchester, Durham and other dioceses, as by his role in their original appointments. Equally significant in an assessment of the Cecils' achievements is their use of parliament, and the session of 1593 forms a crucial climax to the divisions within the council over protestant non-conformity and the fate of those who practised it (Chapter Two). The detailed reconstruction of this session (Chapter Three) also serves a wider purpose: it suggests that the religious history of parliament in the 1590s requires just as radical a re-think as Patrick Collinson has suggested is required for the 1580s; furthermore, it reinforces the need for a wider re-appraisal of Burghley's parliamentary record, much along the lines predicted by Joel Hurstfield in 1962 and since undertaken by G.R. Elton for the early part of the reign.[7]

Due to the nature of the documentary sources, the figure of Elizabeth remains aloof and remote, although her interventions and policy preferences emerge on occasion. The Cecils' dealings with Whitgift, however, are a central concern of the thesis. The poor relationship of Burghley and Whitgift, and the potential problem this posed for Cecil as he

courted royal favour, is a theme relatively unfamiliar to historians, yet of considerable significance throughout the 1590s. A succession of historians including Albert Peel, Sir John Neale, Patrick Collinson and Peter Lake have paused to notice an apparent angularity between Burghley and Whitgift but, as their historical concerns lay elsewhere, they directed their narratives to other considerations.[8]

In contrast, Conyers Read comments that the working relationship which developed between Burghley and his son was one of the most remarkable in English history, with the transfer of power carrying on 'unostentatiously, without friction and without jealousy'.[9] By and large this seems a fair assessment, notwithstanding those occasions when Cecil found it necessary to defy and even outwit his father in order to pursue a particular policy end of his own.[10] Neither Read nor Joel Hurstfield,[11] however, looked in any detail at the way in which this transfer of power was achieved, or what it revealed about evolving priorities in religious policy. How and when were different areas of policy transferred? In which areas did the Cecils' approaches differ significantly? Which spheres of Burghley's policy were of no interest to Cecil and why? In what areas did Cecil take hold of issues and give them fresh treatment? Did this bring his approach closer to that of Whitgift? Indeed, more generally, was the management of ecclesiastical policy characterised by disagreements amongst councillors - between Burghley and Whitgift in particular - and did this either hamper the government's objectives, or affect those religious groups against whom council policy was directed?

Some of these problems can be explored adequately through the documentary sources upon which this thesis principally relies; others, however, require that primary sources be supported with insights and related evidence from recent scholarship. In the latter context, a brief historiographical survey will serve to explain how such questions have been tackled. The evidence of contemporary manuscripts which bear directly upon the policies of Burghley and Cecil forms the primary and most important source material used throughout the thesis. In five specific areas, however, the work of modern scholars has been particularly helpful in setting the Cecils' actions within a wider context: Patrick Collinson and Peter Lake on the theory and politics of moderate puritanism; Leland Carlson on the hounding of radical puritans and separatists; F.X. Walker on the imposition of anti-catholic policy; Kenneth Fincham, Peter Lake, Nicholas Tyacke and Peter White on the theology of the episcopate and the established church more generally; and Sir Geoffrey Elton, David Dean and Michael Graves on the operation of the Elizabethan parliament. The work of these scholars was helpful in two respects: either they have a considerable amount to say thematically about long-running issues with which the Cecils were involved; or, less commonly, they dwell on events in the 1590s which were of concern to Burghley and Cecil, but from a perspective different to theirs. For the most part, the thesis adopts a chronological method with the intention of supplying, by the means outlined, a narrative of the Cecils' involvement in religious policy in the 1590s, which takes account of a basic historiographical principle of later Reformation study: that

political history and its events remained, during this period, intimately bound up with ecclesiastical affairs.[12]

A generation ago, it was believed that a general political malaise toward the end of Elizabeth's reign created a specific malaise in religious policy. Joel Hurstfield, following J.E. Neale, went so far as to suggest that, from the mid-1580s, the religious and political policies pursued jointly by Burghley and the Queen declined 'both in popularity and skill'.[13] In its extreme form, this characterisation of an ailing regime deployed cameos of Elizabeth's character such as the famous story of how she nursed the ailing Burghley 'with her own princely hand'. Anecdotes of this kind, coupled with evidence of her mistrust of the younger generation of politicians,[14] have led some Tudor historians to depict Burghley and the Queen as melancholy survivors who epitomised the mood of the times.[15] Most current scholarship, however, rejects this view as sentimental and points, instead, to the unprecedented political power of the Cecils during the 1590s: between 1590 and 1598 father and son held between them both principal offices of state (Lord Treasurer and Secretary) and were able to supplement the vast patronage opportunities of these positions with a dominance of the Court of Wards which was uninterrupted from 1561.[16] Moreover, Burghley's political dominance in the Privy Council increased as, one by one, the members that had constituted its inner ring since the mid-1570s died; within three years of Leicester's death in 1588, Burghley had outlived them all.[17]

The period covered by this thesis opens in 1588 when a set of circumstances conspired to bring into the political foreground many of the tensions which characterised the later reformation in England. In July the arrival of the Armada sent shock waves reverberating through the catholic recusant community; within three months the sudden appearance of Martin Marprelate caused equal consternation in the radical protestant community. Inevitably, both events stung the English government into a reaction. Burghley and, increasingly, Cecil, were in a position to dominate the management of religious policy during the 1590s. The extent to which they did so is considered in the following chapters.

CHAPTER TWO

THE THREE-TIER RESPONSE TO NON-CONFORMITY

The aim of this chapter and of that which follows is to show that there is a body of important but hitherto unused evidence bearing upon the political reaction against protestant non-conformity.[1] This evidence, it will be argued, illuminates clear differences between leading Privy Councillors - Burghley on the one hand, and Hatton and Whitgift on the other - which soured relations between them, and exemplified strikingly different interpretations from within the government of the political significance of disaffected protestantism. Specifically, it will be argued that whilst Hatton and Whitgift sought uniformly severe and exemplary measures against all protestant non-conformists, Burghley's policy had the effect of distinguishing between members of those organised groups which represented a clear threat to stable government, and those individuals whose dissent he considered a constructive contribution to church reform - particularly if they shared his criticism of the episcopate.

Furthermore, it can be shown that, whilst Burghley's approach led him to propose sanctions against the more extreme non-conformists, in practice he went to considerable lengths to lessen the impact of the repression against prominent members of both extreme and moderate groupings: within the existing law during 1588-92; under the proposed legislation before parliament in the spring of 1593; and after the passing of the anti-separatist statute in April 1593. Consequently,

the argument which follows suggests a modification of existing accounts of both the suppression of protestant non-conformity and the passage of religious legislation in the parliament of 1593.

Professor Collinson begins his account of the suppression of the puritan movement by positing that it was only with the death of Leicester, in September 1588, that the authoritarian ascendancy of Whitgift and Hatton could result in the implementation of policies which mirrored the Queen's own thinking. As a corollary, Patrick Collinson argues that Burghley's influence was completely eclipsed by this development and that he was disinclined to resist the 'considered, forceful policy' of the authoritarian group.[2]

Certainly, some puritans, when looking back on events, alighted on Leicester's death as a turning point. Thomas Digges, for example, considered that whilst the earl had been alive 'it went for current that all papists were traitors in action or affection. He was no sooner dead, but Sir Christopher Hatton ... bearing sway, Puritans were trounced and traduced as troublers of the state'.[3] Momentous as Leicester's death undoubtedly was for the puritan community - it severed an extensive network of patronage dating back to the 1560s - it is not true to say that it occasioned Burghley's loss of influence, or confirmed Whitgift and Hatton's ascendancy. Rather, it was an unrelated event which occurred in the following month that gave the authoritarian group its chance to mount a platform.

The appearance of Martin Marprelate's *Epistle* was a significant turning point in the fortunes of the protestant non-conformists. It set in motion a complex chain of reactions which, during the following four-and-a-half years, laid bare the obscured sub-strata of protestant dissent - from those near the surface who sought minor amendments in church practice, to individuals who sought the complete overthrow of the church and its replacement with self-elected assemblies. Between these extremes was a range of radical opinion espousing varying degrees of reform and renewal. But to suggest, as both Collinson and J.E. Neale have, that events during the period October 1588 to April 1593 are the story of a powerful group, represented by Whitgift and Hatton, dominating an enfeebled Burghley from whom all shades of radical opinion could expect support, is an over-simplification.[4] The analysis which follows is designed to complement the painstaking reconstructions by Collinson and Leland Carlson of the examinations and depositions of prisoners and witnesses, which have revealed the course of official investigations through the eyes of the examinees. Emerging less clearly from their accounts, but dealt with here, is evidence pointing to the emergence of three distinct categories of prisoner in the government's handling of the prosecutions. Also explored in the current study is evidence of an initial harmony between Burghley and the prosecuting team of Whitgift, Hatton, Puckering and Popham, and how this collaboration was subsequently to break down.[5]

(a) November 1588 - Autumn 1589: Burghley's response to the threat of non-conformity

Burghley's reaction to the appearance of the Marprelate tracts was characteristic. In November 1588, during the sensation following the publishing of the *Epistle*, he wrote with Hatton to Whitgift informing the archbishop that the Queen considered the tracts to be 'a daungerous example to encourage privat men in this covert manner to subvert all other kyndes of government' under the monarchy, both ecclesiastical and civil. The ecclesiastical commissioners, with the aid of Cobham, Buckhurst and Wolley from the Council, were to search out those responsible.

The Martinists' roving secret press could not be detected immediately with the result that new Marprelate tracts appeared regularly in the months which followed. As a counter-measure, the Queen issued an official response in the form of *A proclamation against certaine seditious bookes and libels*, published on 13 February 1589. The proclamation defended episcopacy, 'one of the three ancient estates of this realm', from the new attacks by seditious books, defamatory libels 'and other fantastical writings'. The purpose of the proclamation was to demand that those in possession of copies of tracts should send them to their diocesan bishop to be disposed of and, at the same time, communicate any knowledge of the identity or whereabouts of those responsible for their production. The author of the proclamation cannot now be determined conclusively, although its arguments and tone are characteristic of several councillors. Hatton's subsequent involvement in the prosecution of the nine puritan ministers suggests that he would have taken an interest in how the

perpetrators were to be detected, whilst the description of sedition and political instability was Burghley's customary hallmark. It is likely that Burghley was alarmed by the ferocity of Martin's personal attacks, which were described in the proclamation as 'matters notoriously untrue ... and beyond the bounds of all good humanity'. The proclamation's assertion that the Queen's prerogative was endangered echoed the chief concern of Knollys.[6]

From the outset it was determined that exemplary punishment would be sought against the perpetrators of the Marprelate tracts, and in this respect it is clear that Burghley was a leading advocate of harsh measures. With Hatton he instructed Whitgift that the High Commission was to 'serch out the authors herof and their complices, and the prynters and the secret disbursers of the same; and to cause them to be apprehended and committed'. Their directive also indicated that subsequent legal proceedings against the Martinists were to be dealt with directly by the Privy Council.[7] Moreover, there can be no doubt that, in the months following the appearance of the *Epistle*, Burghley consistently supported the drive against the perpetrators of the tracts. Whitgift, reflecting on the Marprelate affair, spoke of how Burghley 'doth detest such actions, being against all Christianitie and not tollerated among the heathen'. Cartwright, when later seeking support for his defence, knew of Burghley's outrage at the tracts and felt it necessary to assure him of his own 'mislike and sorrow' of the 'disorderly proceeding from the first beginning of Martin unto this day'.[8]

At the beginning of 1589, as Martin's third tract was circulating, Burghley became involved in a different kind of puritan controversy, however, and this served both to broaden his support of measures against the Martinists into a more complex set of responses to the puritan question and to divide the Council over the issue.

In his capacity as chancellor of Cambridge University, Burghley found himself caught up with the case of two puritan preachers who were fellows of Christ's College: Francis Johnson and Cuthbert Bainbrigg. Both H.C. Porter and Peter Lake have noticed this affair but have concentrated their analysis on doctrinal disputes among puritans in Cambridge, thus missing the wider policy significance of Burghley's intervention. In January 1589 both Bainbrigg and Johnson preached puritan sermons which could not be ignored. Bainbrigg had attacked both the university statutes and the majority of the clergy 'with a charge of corrupceon' whilst Johnson, 'condemning the forme of governm[en]t used in the Church', had proposed in its place 'one equality amongst all ministers'. Two weeks later Whitgift ordered their detailed examination by the Consistory Court. When this proceeding was blocked by the prisoners' refusal to take the *ex officio* oath, the vice-chancellor Thomas Neville informed Burghley that he had imprisoned them in the town jail. At the end of March Burghley responded to this action with a letter supporting Neville's action. He told the vice-chancellor that he was 'grieved' to hear of such 'contentious p[er]sons' who 'in open preachinge, took upon them very rashly to co[n]demne the Doctrine, ministry and other orders of the Realme established

for eccle[siasti]call discipline & the [Book of] comon Prayre w[i]thin this Church of England'. Neville had 'well proceeded' in imprisoning them and would have been justified in depriving them of their fellowships. In the meantime, Burghley required that further investigations be undertaken.[9]

The timing of this episode is of great interest. Having given the expected backing to the Cambridge authorities in March, Burghley presented them with a decisive change of heart in April. Specifically, Burghley revised his judgement of the prisoners' main argument which he had now had the opportunity to study - that the *ex officio* oath 'had not warrant from Canon or civil law'. A mere four weeks before Burghley had described such a defence as one of a series of 'cavillacons' which was 'so apparent [as to] not be allowed'. Consistory officials now complained that proceedings were being delayed because the prisoners claimed that Burghley would not have them sworn at all. At the beginning of May, the officials were informed by Burghley that he considered their action against Bainbrigg and Johnson 'a verie hard course'.[10]

The main reason for this change in Burghley's position seems to have arisen from his disquiet at the new authoritarianism of the church leadership and, particularly, its implications for moderate puritanism. On 9 February, at Paul's Cross, Bancroft had preached a sermon which became the manifesto of those promoting strong episcopal government. It was published and widely distributed in March. Whitgift subsequently credited the initiative for its publication to Burghley and Hatton.[11] This is possible. It is also possible

that, opportunistically, Bancroft had inserted strong claims about the authority of the bishops (which Knollys and others interpreted as claims *jure divino*) into what councillors had agreed would be a sermon restricting itself to an attack upon the subversion represented by Martin and the separatists.

Even if, as Whitgift suggests, Burghley had authorised Bancroft's sermon as a polemic against Martinism, Burghley nevertheless made it clear in parliament in March 1589 that he did not wish to be identified with the policies and practices of the current episcopal leadership. On 13 March he spoke in the Lords on the one religious bill to make any progress in the session. This was a bill which, according to Lord Talbot, was promoted by 'dyvers pure fellowes [who] are very whott and ernest'. It was on an old reformist theme and called for the abolition of plurality of benefices. It passed through the Commons and proceeded to a full reading in the Lords, notwithstanding the Queen's injunction, made at the beginning of the session via Hatton, that parliament should 'not to so much as once meddle with any such matters or causes of religion, except it be to bridle those, whether Papists or Puritans, which are therewithal discontented'. Despite this prohibition, Burghley made notes on the Commons bill and was probably its promoter in the Lords.[12]

In a brief *resumé* of the debate which followed the bill's first reading, Burghley made a speech describing its content as an issue which 'concerned the food of the soul' - in contrast to the bodily needs provided for by one of the financial bills under discussion. Burghley gave his general

support to the bill, which proposed one man to one benefice, and an observer wrote that 'wth some hard termes' Burghley made a general attack on 'all the Biss[hops]', particularly criticising their slackness and greed, and concluding that 'it was not to be suffered' to have neither service nor hospitality 'but all y^{e} fruites gathered & put in the purse'. It is possible that Burghley was being deliberately provocative by supporting a bill which proposed desirable measures that he knew Whitgift would not be able to raise the revenue to enact. At the same time, the bill allowed him an opportunity to renew his habitual attack on the bishops. Schedules reasoning against the bill show that Whitgift had organised an official line of argument to oppose it on financial grounds. His speech in the Lords has not survived, although it appears that in it he claimed that the Church of England led the reformed churches in terms of the proportion of its learned ministers. Furthermore, it seems from subsequent proceedings that the Queen supported Whitgift's approach and the tactics he used to kill the bill.[13]

In addition to the tension these events generated, relations between Burghley and Whitgift were probably strained further by Whitgift's attempt to discipline Bainbrigg and Johnson through the use of the *ex officio* oath at the beginning of the year. Burghley had lent support to Knollys' campaign against the use of the oath in mid-1584 following the imposition of Whitgift's subscription articles, and in his initial resolution against Bainbrigg and Johnson, Burghley had cautioned Neville to ensure that the prisoners were kept informed of proceedings against them - a clear indication that

the oath should not be used.[14] Consequently, by April 1589 Burghley's relations with the senior church authorities were not good. Moreover, the episode at Christ's had begun to assume a notoriety, both within Cambridge and beyond.[15] In Lent a preacher in the city was censured for a public sermon advocating refusal of the oath, and by the beginning of May officials at the Cambridge courts were left to wonder at Burghley's apparent reversal of position in their case, observing that he had 'been ever theretofore verie carefull for the suppressings of such contentious persons and maintenance of peace and all good order amongst us'.[16] Gradually, Burghley's support for Bainbrigg and Johnson's stand against the oath became apparent as the affair dragged on. In the third week of May the two preachers petitioned him 'once again', seeking release from prison and acknowledging the debt they already owed him for 'keping from us that extremity w[hi]ch we greatly feared' - probably their expulsion from the university. Although Burghley had earlier advocated such a sanction to Thomas Neville, the university vice chancellor, Burghley's opposition to any further proceedings against Bainbrigg and Johnson forced Neville to order the only logical outcome of the case. The prisoners were released on bail on 13 September after eight months imprisonment and at the end of the year a petition - defending Johnson and arguing against the public recantation subsequently ordered of both men - was sent to Burghley subscribed with the names of sixty-eight members of the university.[17]

In the context of the drive of the authorities against radical protestantism, the significance of Burghley's policy reversal over the Bainbrigg/Johnson case in April 1589 was not, as Peter Lake suggests, an example of characteristic indecision. Rather, this episode marks an important moment when disagreement broke out in the Council. During the preceding six months there had been unanimity over the need to deal harshly with the separatists and Martinists: Burghley had instigated the enquiries with Hatton in November 1588; he had worked on Hatton's opening speech to parliament in February 1589 which alluded to the Martinist outrage; he very likely worked with Hatton on the proclamation which appeared later in the month; he rewarded Dr. Robert Some, who acted as official church apologist against the positions held by the separatists; in March he had, unusually, taken part in an examination of Henry Barrow, the imprisoned separatist leader, using the occasion to endorse Hatton's call for harsher legal penalties against separatists.[18] Nine days later he confirmed the need for further proceedings in Cambridge against Bainbrigg and Johnson. Then, during the first three weeks of April 1589, and in response to the growing assertiveness of the church leadership, Burghley modified his position, continuing to denounce the separatists and Martinists, but lending support to the Cambridge preachers.

During the spring of 1589 members of the government found it increasingly difficult to present a united response to the threat of protestant non-conformity. The Consistory officials in Cambridge had already experienced the effects of this volatile political atmosphere. Inevitably, rumours began to

circulate; in May, catholic exiles in Paris were being told of 'the late division among the Council about the Protestants and the Puritans'. In addition to Burghley and Knollys, it is probable that Walsingham was also at odds with Whitgift's encouragement of a hardening of official church attitudes towards moderate puritans. At this time Walsingham was drawing up a detailed plan for puritan style 'exercises' in the City of London which were designed to counteract both the increased activity of the catholic mission and the Martinist 'malice of this time' which between them had, he considered, 'carried away a great nomb[er] from the p[ro]fession of ['true religion': deleted] the gospells'.[19] In the meantime, further Marprelate tracts were appearing as the roving Martinist press continued to elude detection. The church authorities' investigations were slow to gather pace. Bancroft's St Paul's Cross sermon had caused something of a diversion and Burghley had been busy with other matters of state, with parliament, and with the need to take over the secretarial duties of Walsingham, who was sick and absent from court.

It seems likely that Bancroft's sermon - and Whitgift's attempts to use the *ex officio* oath against Bainbrigg and Johnson as a test of some of its claims for episcopal authority - led Burghley to review his approach to the moderate puritan issue in the spring of 1589. Could the case against the Martinists and adherents of underground separatist congregations be shown to be different in law to that against the moderate puritans? Could the bishops' exalted claims be justified either legally or theologically?

In an attempt to tackle the first question, Burghley had involved himself, in March 1589, in one of the examinations of the separatist Henry Barrow.[20] Barrow made notes of the proceedings and these were smuggled out of the Fleet for circulation within the separatist congregation.[21] The polemic nature of these notes ensured that none of the councillors involved was portrayed as in the least part sympathetic to the prisoner. Whitgift and Aylmer fared particularly badly under Barrow's pen, with the archbishop and his office being described as 'a monster, a miserable compound ... neither ecclesiastical nor civil'. It was a complaint with which Knollys would have agreed and, privately, Burghley was probably sympathetic to the charge, being mistrustful of the new, expansive claims being made on behalf of episcopal authority. Nevertheless, in the public interrogation the councillors examining Barrow were duly dismissive of his case. Buckhurst called him a 'proud spirit', whilst an outraged Hatton declared that he 'had never heard such stuffe before in al his life'.

Such animosity from Hatton was to be expected. The points of significance in Barrow's account, however, are the exchanges between him and Burghley. Burghley began by describing Barrow as a 'fantastical fellow', an expression echoing the phraseology of the proclamation issued against the Martinist tracts the previous month, on which he had probably worked with Hatton.[22] When Barrow rehearsed the four reasons why he would not attend church - because it had false worship, a false ministry, false membership and false government - Burghley commented that this was 'matter ynough indeed. I

perceive', he continued, 'thow tackest delight to be an author of this new religion' and he went on to remark at Barrow's 'hotte braine'. There was an exchange between them over clergy being paid from the revenue of tithes - which Barrow considered unscriptural - but, most importantly in the present context, Barrow complained that the *Act to Retain the Queen's Majesties Subjects in their Due Obedience* (23 Eliz. I, *c.* 1), under which he and John Greenwood had been indicted, was 'not made' for protestant recusants.[23] In that case, Burghley promptly replied, 'ther must be streighter lawes made for yow'. According to Barrow's account this comment repeated an identical remark of Hatton's earlier in the examination, a further small sign of Hatton and Burghley's joint approach at this time. Burghley's reaction clearly indicates an acknowledgement of Barrow's complaint that the preamble to the 1581 legislation specified that the measure was designed to deal with those who seduced subjects 'to the Romyshe Religion'; it also shows that Burghley considered that a specific law to encompass separatists was required. When Barrow bemoaned such an eventuality Burghley made an enigmatic response: 'the Lord Treasurer answered that the queene's sword was not as yet drawen against us'.[24]

Having reached the tentative conclusion, as a result of his interview with Barrow, that one way to make clear the distinction between moderate puritans and separatists would be to frame specifically anti-separatist legislation, Burghley next set about considering the authoritarian claims of the bishops and how these related to their treatment of the moderate puritans. The obvious person to turn to in this

regard was Knollys, for whom such issues were something of an obsession.

Knollys had been silenced by the Queen in 1584 from continuing his campaign against the bishops' use of the *ex officio* oath. This, however, did not prevent him from mounting a fresh campaign in 1588 against the new claims that Bancroft had made for the episcopacy. Once more he began to complain about 'the undermining ambition and covetousness of some of our bishops' which led to the 'injurious printed and professed claim of their superiority over their inferior brethren to be directly from God's own ordinance, and not so directly from her Majesty's grant'. Knollys first wrote to Walsingham about it in March 1589 because, at this moment - before Burghley's policy reversal over the measures to be taken against Bainbrigg and Johnson - Knollys found Burghley 'partely persuaded' that the bishops' claims were harmless. Knollys endeavoured to persuade Walsingham that Burghley was mistaken, for he was able to report that both Whitgift and Thomas Cooper, the Bishop of Winchester, 'have protested, & playnely avowed unto me that the bysshops of England have a superioritie over theyre inferyor bretterne dyrectly *Jure divino*'. Knollys' main argument was that the claimed superiority of the bishops was a direct challenge to the *Act of Supremacy* (1 Eliz. I, *c.* 1).[25]

Before embarking upon his renewed campaign, Knollys had sought the opinion of John Hammond, a prominent civil and ecclesiastical lawyer. Apparently, within two months Burghley was persuaded that Hammond's perspective would make a suitable

starting point for a reconsideration of the issue, and in May 1589 he permitted Knollys to arrange an interview between himself and Hammond; in response, Knollys moderated his own campaigning and bided his time to allow Burghley to weigh the arguments. In July he reported to Burghley from Oxford assizes on dealings against catholic recusants, but also enclosed a copy of some articles being issued by Whitgift for the use of church officers (in this case the Archdeacon of Oxford) in connection with the Marprelate investigations. Knollys alerted Burghley that the articles took the opportunity to enquire after subversive puritan ministers as well as active catholics; with the Martinist press still at large, however, Burghley seems to have felt that as long as politically harmless and conscientious puritan ministers were not disturbed, and there was no threat of the use of the *ex officio* oath, then such investigations on the part of the church authorities were to be regarded as sensible and precautionary.[26] Nevertheless, Knollys' campaign against the superiority of the bishops over the lesser clergy had , by now, awakened Burghley's interest and had helped to focus some of his evident anxiety over the direction the church leadership was pursuing.

Having written to Knollys on 1 August reminding him that the opinions Knollys held against the bishops were 'verie dysputable', Burghley took time to ponder Knollys' arguments. He wrote again on 15 September stating that he considered all bishops and ministers to have equal authority from scripture, and that the superiority of one above the other was 'a posytyve ordenance by wy[s]dome of men'. In reaching his

conclusion, Burghley was influenced by the discussions he had had with John Hammond four months earlier. The weight of Hammond's opinion was not inconsiderable; he was a well-known authority in both civil and common law to whom the Council often turned for an opinion and it was his considered view on this question that, from the evidence of the New Testament, had it 'pleased her Majesty with the wysdome of the realme to have used no bysshopps at all, we could not have complayned justely of any defect in our Churche'. The position that Burghley finally settled upon - that the church hierarchy in England was a human device - he owed to Hammond's conclusion that the bishops' authority was only that vested in the 1534 *Act in Absolute Restraint of Annates* (25 Hen. VIII, *c.* 20), a measure further confirmed by Elizabeth's *Act of Supremacy* in 1559. As such, 'if it had lyked' the legislators to limit the authority of bishops 'to shorter termes', Hammond considered that the bishops could hardly have complained.[27]

Burghley's deliberations were further aided by the results of a private conference arranged over a meal between himself, Walsingham and Matthew Hutton to debate the theological arguments surrounding the authority of bishops and the authority of the monarch in causes ecclesiastical. Both Walsingham and Hutton were sympathetic to the moderate puritan position, and the occurrence of such a conference may be seen as a minor triumph for Knollys, who had simultaneously been complaining to Walsingham about the claims of the bishops; moreover, it seems that Burghley had gone to the trouble of preparing for the meeting by sending Hammond's opinion to Hutton for comment. The surviving account of the conference

is in a letter from Hutton to Whitgift, who had requested a full report. Hutton makes it plain that he was summoned to present his views on questions posed by Burghley and Walsingham, who pressed him on many points of detail 'as I take it, rather to prove me and to know mine opinion than that they misliked that which I said. For they seemed in the end very wel to allow of mine answers'. This concord was no doubt due to Burghley and Walsingham having chosen the sympathetic Hutton; evidently Whitgift regarded the conference with suspicion. From Hutton's account it does not seem that Burghley endorsed any of the specific views he put forward - views exhibiting a clericalism stronger than Hammond's, but some way short of Bancroft's. A measure of Burghley's informed concern is revealed in a friendly testimonial Hutton made in his letter to Whitgift: 'altho, my Lord, his mind be ful fraught with the affairs of the realm: yet when I heard him reason in these points, methoughts I heard a fresh University man dispute by art'. Hutton also commented that Walsingham similarly far exceeded his expectation in knowledge of matters of divinity.[28]

It would appear that Burghley's attitude to the authoritarian direction being taken by the church hierarchy during 1588-89 was one of uneasy compromise. Intellectually Burghley seems to have believed in a parity of ministers, sharing Knollys' view that the claims of some bishops were unscriptural and that Whitgift's style of church government made unreasonable demands upon the puritan clergy. He may also have agreed with the analysis of Bancroft's sermon made by John Reynolds, the Oxford puritan divine, which had been

forwarded to him by Knollys at around this time. Reynolds considered the sermon to be 'partly weak, and partly untrue'. As his policies over the preceding five years against catholic recusants had demonstrated, Burghley's dilemma was that he could join with Reynolds in taking

> greater comfort in labouring to discover and overthrow the errors of Jesuites and Papists, enemies of religion, than of Ministers of the Gospell and brethren professing the true faith of Christ,[29]

yet the practical difficulty Burghley faced was in deciding at which point puritan activity became politically unacceptable. He could understand and sympathise with the hardships suffered by puritans who acted in conscience from precepts about the parity of ministers, but he found it difficult to defend the potentially subversive activities of clergy who resisted Whitgift's subscription articles of conformity. By the autumn of 1589 these tensions were no nearer resolution. He continued to be out of sympathy with Whitgift and, on this issue, out of step with the Queen.[30]

(b) Autumn 1589 - October 1590: Growing tensions in the government's response

The result of Burghley's considerations of policy between March and October 1589 had been to move him to the position of advocating a new law to deal with the separatists and to reject the claimed superiority of the bishops over the lesser clergy, reinforcing his view that the merits of each individual case should inform judgment about those puritans who straddled the fine line between reform and subversion.

There can be no doubt that throughout 1589 he believed the Martinists to be a group that stood squarely for subversion. The breakthrough in the search for the Martinist press had finally come in August, with the arrest of three of the printers in the act of producing the eighth tract, *More Worke for Cooper*. An emergency meeting of the Council was convened at Walton-on-Thames at which Hatton and Burghley proceeded to examine the three men, who had arrived in London from Manchester the previous day. A special committee of examination was ordered, with instructions that the prisoners be further examined - with torture if necessary - at Bridewell and the Tower.

So long as Council colleagues focussed their attention on separatists and Martinists - to the exclusion of moderate puritans - Burghley could agree on harsh measures. It seems, however, that Whitgift felt the need to ensure Burghley's support, even to this limited extent.

Writing on the same day, he recalled the terms of his original commission of investigation - that because of the 'deserts and the qualities of their offences' it had been agreed to deal with the perpetrators of the Marprelate tracts through the civil rather than the ecclesiastical courts. Whitgift emphasised the political threat which extreme non-conformists represented, reminding Burghley that he and his fellow bishops 'susteane these injuries by Martynists for doeing of ower duties in supressing sects and wicked opinions', and that episcopal action was solely directed to 'mayntayning the state and government by lawe established'.

The following month a 'Summary of the Information' taken from the prisoners was compiled for Burghley's use. He made his own notes on the contents, extracting the names of key figures and condemning the tracts themselves as 'sediciouss'.[31]

Burghley, however, was not closely involved in the detail of the investigations, over which Hatton exercised increasing control. Thus Burghley was not among the eight councillors designated to assist in November in the interrogation of Sir Richard Knightly, the foremost social figure to be implicated as a Martinist, or in the subsequent examinations he underwent.[32]

A principal reason for Burghley's delegation of these investigations was the volume of government business which pressed in on him. Between them, Burghley, Hatton and Walsingham shouldered all important business in the Council, now that Leicester was dead, and weighty matters occupied their attention. At the end of 1588 Burghley was immersed in the arrangements for Drake's expedition against the Spanish coast. Parliament met in February and March 1589 with Burghley, as usual, directing government business in the Lords. Then Walsingham became ill and was out of action during March, April and May. As a result Burghley had to take on the duties of the Secretariat which, he wrote to Sir Thomas Bodley, left him chronically overworked. During the summer he was pre-occupied with the Scottish/Danish match and with arranging loans for Henry III in France and, after the French King's assassination in July, with loans for his successor Henry of Navarre; during the second half of the year he was

much taken up with Dutch affairs, although in the autumn he found time to establish a committee of censors of English plays. Whitgift was ordered by the Council to supply an ecclesiastical member for the committee as, by this time, Martin Marprelate had become a politically embarrassing celebrity figure in the comedies and satires playing on the London stage.[33]

Crucially, however, Burghley's need to delegate the detailed investigations into the Martinists' activities served to weaken his influence over the wider government response to the non-conformist challenge. His notes of September 1589 show that, to this point, he was apprised of the leading suspected Martinists. And yet the Martinist abettors were only one of a number of non-conformist groups that were coming to light as Bancroft's investigations on behalf of the church authorities intensified. The pursuivants in the midlands were accumulating evidence about ministers implicated in secret presbyterian synods. Yet another group were those individuals tentatively suspected of being Martin Marprelate himself. In the latter group were John Udall, John Penry and Henry Barrow. Furthermore, the investigations into the identity of the various non-conformist groups were tightly bound together. Martin's *Epistle* had included a defence of Udall, and this had led to four of Udall's former associates at Kingston-on-Thames being implicated as Martinist printers. Henry Sharpe's evidence led to the hunt for Penry and for the midlands printing presses. This search uncovered the documents of presbyterian synods which, in turn, implicated Cartwright and

other puritan ministers as suspected leaders of an underground presbyterian movement.[34]

By the end of 1589 Hatton was clearly identified as the chief prosecutor in the Marprelate investigations. Alongside him, a prosecution team of Whitgift, Puckering and Popham had emerged, an interrelated network of separatists, Martinists and alleged presbyterians had been uncovered and, gradually, Hatton's team was laying plans to ensure the stiffest penalties were carried against individuals of all three groups.

Early in 1590 this team tried five of the seven Martinist suspects already apprehended; all were fined and only Richard Knightly escaped imprisonment. Six principal suspects remained at large, however: the main printer, Humphrey Newman; the chief distributor, John Hodgskin; the suspected authors Penry, Throckmorton and Udall; and the publisher, Robert Waldegrave.[35]

During 1590 Burghley was closely involved in attempts to bring Penry and Waldegrave into custody, both of whom had gone to Scotland in order to escape arrest. Penry had arrived in Edinburgh in November 1589 and throughout 1590 Burghley worked with the English ambassador in Scotland, Robert Bowes, in an unsuccessful attempt to secure his extradition;[36] the Council warrant for Penry's arrest, issued in mid-1589, described him as 'an enemie to the State', and in a note on the case Burghley labelled Penry a 'seditious libeller'.[37] Concurrently, Burghley was involved in the efforts of Bowes to

limit the activities of Waldegrave, who had also arrived north of the border. It is significant that in this case Burghley does not appear to have sought extradition. This is probably because Waldegrave very quickly found employment as the King's printer, apparently because his printing expertise was far in advance of his Scottish contemporaries. James undertook to allow Waldegrave only to print under royal warrant, at which point - in November 1590 - the matter rested, it being clear to Burghley that there was nothing to be gained from pursuing Waldegrave's indictment.[38]

Burghley's personal involvement in the Martinist investigations was necessary in 1590 because the cases of Penry and Waldegrave required diplomatic intervention. Furthermore, there is no suggestion that his intervention - which had resulted in exchanges of royal letters - was made unwillingly. Within England, however, Burghley was content to leave proceedings against the other Martinists to Hatton's prosecuting group. As a result, the ecclesiastical commissioners, under Bancroft's direction, conducted thorough investigations in the midlands, particularly in Warwickshire and Northamptonshire, during the autumn, winter and spring of 1589-90, searching the houses of all known puritan activists. In the process they uncovered sufficient evidence of an organised, underground presbyterian movement to assure the prosecution team - by now assisted by the zealous ecclesiastical lawyer Richard Cosin - that an exemplary trial of its leaders was feasible in the Court of High Commission. The result was the celebrated case of nine ministers, led by Thomas Cartwright.[39]

It seems likely that Burghley first learnt of these plans in June 1590 - perhaps two months after Whitgift and Hatton's decision to proceed to a trial. Cartwright had written to Puckering on 20 May advising that he had been sent for by a pursuivant. This action, he had told Puckering, made it probable that the Hospital would be 'deprived of all manner of tolerable ministry' and this message was reinforced in a letter to Burghley five weeks later in which Cartwright complained of the 'great charges' out of his stipend at Warwick Hospital that would be required in order to attend preliminary hearings in London.[40]

Thus, in mid-1590 Burghley realised that a consequence of his delegation of the Marprelate enquiry was that the investigators' net was ensnaring moderate men who fell outside the scope of his directive of November 1588, which had been designed to result in the arrest of the Martinists. Certainly the proceedings had broadened considerably since the last detailed statement he had received concerning the investigations, the 'Summary of Information' of the previous September.[41]

News of the proceedings against the nine moderate puritan ministers came at a very difficult moment for Burghley. Walsingham had died two months earlier and, in the vacancy created, Burghley once more had to take on the considerable duties of acting Secretary, in addition to his own work at the Exchequer. A further consequence of Walsingham's death was that, even more than before, he had to rely in the Council upon Hatton, who was now his most substantial political

colleague. The loss of Walsingham also left Burghley as the sole surviving puritan patron in senior government - evidently a situation which led Cartwright to believe that an appeal to Burghley would yield important support.

Although Cartwright's judgement proved well-founded, there can be little doubt that, during this critical period in 1590, forces were at work seeking to obscure the differences of degree between the Martinists and the more moderate puritans. Burghley was presented with documents which seem designed to confuse; one such paper - a brief of charges to be levelled against the nine puritan ministers - was endorsed as 'concern[in]g y^{e} Martinists' in a manner which associated two distinct groupings - the authors, printers and distributors of the tracts, and the ministers associated with the presbyterian *classis* movement.[42] It is, perhaps, also significant that Popham, who as Attorney General was to become the prosecutor of the ministers in the Star Chamber, habitually referred to Cartwright and his colleagues by the extreme label 'seditious sectaries' and 'would not have them call'd Puritanes'. In contrast, it was the Marprelate tracts that Burghley described as seditious; when it came to the nine ministers he was careful to note on his own brief of the case that they were 'factios ministors' who advocated certain 'disorderly practices'. In the terminology of the 1590s there was a significant difference of degree between disorderly and seditious behaviour.[43] In a sinister development Burghley also had to discount, presumably as forgeries, a series of letters dated between April and June 1590, which implicated

Cartwright and others in a plot to assassinate Hatton, the Earl of Bedford and the Bishops of Winchester and London.[44]

Despite Burghley's known puritan sympathies, Cartwright could not rely upon his protection as a matter of course. Burghley's tolerance for non-conformity seems to have increased in proportion to the harshness of the political climate. In 1570 he had assented to Cartwright's expulsion from Cambridge on the advice of Grindal and Whitgift and, later in the 1570s in the climate of measured puritan reform which prevailed during Grindal's archiepiscopate, it is probable that Burghley considered some of the activities of the nine ministers to be unnecessarily provocative.[45]

By 1590, however, Burghley's support for the nine ministers was more likely. His most recent contact with Cartwright had been to secure his release from the Bishop of London's custody in 1585 on his return from self-imposed exile.[46] Furthermore, Burghley's more recent theological discussions concerning the authority of bishops had left him sceptical about the authoritarian claims made on behalf of the church leadership during 1589 and 1590. Nevertheless, Burghley had to consider his distaste at the proceedings against the nine ministers in the light of evidence he received about the dangerous practices alleged against some of them. One of his undated papers, which would appear to belong to this period, lists eight points necessary for the reform of parish 'exercises'. These public meetings for biblical exegesis and open prayer had long been an issue of dispute between the church authorities and the puritan ministers who

conducted them. The final point in the paper referred to deprived ministers who 'intruded them selves in sundry places to be speakers' in exercises and who thus destroyed the profitable content with 'invection againste the lawes, rites, pollicies & discipline of this Churche'. On this paper Burghley made his own note of 'names of persons obnoxious'. These included Cartwright, four others of the nine to be tried, Fen, Snape, Wight and Payne, and another old puritan campaigner and former *protégé* of Burghley's, Walter Travers.[47]

Three weeks after Cartwright had alerted Burghley to his plight, Whitgift wrote to Burghley, on 17 July, enclosing the High Commission prosecutors' 'Articles' against the nine ministers. In forwarding the articles Whitgift was no doubt acting out of formal courtesy rather than in a spirit of friendly co-operation. He told Burghley that in his own mind he considered it 'manifest .. that they are culpable' in most of the charges. Nevertheless, he probably realised that Burghley would not consider the case as clear cut. A few weeks earlier Burghley had written to the archbishop, using the very vocabulary of the puritan prisoners, in defence of a preacher silenced by Whitgift. The man, a Mr. Kendal, was 'not yett persuaded in his conscience touching some ceremonyes and subscriptions' (as could be said of each of the nine ministers summoned to appear in the court of High Commission), yet Burghley considered Kendal should be restored to the pulpit for 'the want that the church hath of good laborers to wede out this cockell and darnel'.[48]

Burghley's long-standing criticism of Whitgift, that harsh measures against puritan ministers retarded efforts to increase the educational standards of the clergy, made it likely that he would take up the cause of Cartwright and the eight ministers as their case progressed from the autumn of 1590. In response, Whitgift complained to Burghley that Cartwright, in a revision of his unpublished 'Confutation' (1586) of the New Testament translation by the English catholics at Rheims, had emphasised points of presbyterian church discipline. Burghley sought clarification from Cartwright, who assured him that 'touching the matters of discipline praesentlie in controversy, there is as much here as there is there, that is to say nothing at all'. Cartwright also took the opportunity to thank Burghley and his secretary Michael Hicks in a covering letter for the 'care' shown him, and for Burghley's continued support for him at Warwick Hospital.

Within two months, however, Cartwright was under arrest and writing to Burghley of 'her majesty's heavy displeasure' against him. In a defence of his conduct and his avoidance of controversial writings - not 'so much as a finger in the books under Martin's name' - he sought Burghley's aid, 'either by counsel, favour or both'. This appeal was not in vain, for Burghley took up his pen on Cartwright's behalf and wrote to Whitgift that in his opinion 'it were not good in Charitie nor to edification to have him too farr streyned uppon any old charge'. He also went on to warn the archbishop against any idea he might have that such proceedings against the ministers, even if conducted with exemplary learning and

courtesy, might reclaim 'theise kynde of men yt ar precise'.[49] The argument was an interesting piece of casuistry: that because Cartwright and his colleagues were 'precise', the law could not tame them and that, by implication, their prosecution was fruitless; but also that, despite their precision, their exact position had proved in the past too indeterminate to lead to a successful prosecution. To be labelled 'precise' was no compliment and, as has been noted, the nine ministers' behaviour appeared to Burghley at times to be 'obnoxious'. Nevertheless he had classified the group as being disorderly and factious rather than seditious, and from the time of Cartwright's arrest in October 1590 Burghley lent the nine ministers his support, in the knowledge that Whitgift could expect support from the Queen for their prosecution.

Burghley's backing of the nine ministers' defence from October 1590 onwards was in clear distinction to his attitude toward the Martinists and separatists whose activities disquieted him. This point had been illustrated earlier in the year when, three days after Walsingham's death, Burghley had drawn up a memorandum of the major issues facing the government. Amongst these was the need to 'suppress all the turbulent p^{r}cisians, who do violently sek to cha[n]g[e] y^{e} externall govnmet of y chyrch'.[50] The severity of the sentences that were passed against the Martinists within the year served as an expression of this intent. A growing group of imprisoned separatists, meanwhile, still had hope of Burghley as a possible intermediary between themselves and the church authorities. Burghley received at least four separate petitions and letters from them during 1590 but his response

appears to have been entirely negative: either he ignored them or, as on one recorded occasion, he expressed direct displeasure with their views and refused to have anything to do with them.[51]

During the second half of 1590, therefore, a clear picture begins to emerge of the proceedings that were to be taken against the various groupings of radical protestant opinion that had been uncovered. The separatist group had secured no political support. There were over eighty separatists now in prison as a result of various raids by the authorities on their secret meetings. There had been an attempt in the spring to reclaim some through disputation with Anglican divines, but these efforts had yielded no results and were soon abandoned. In September Burghley rejected the opinions of Barrow and Greenwood out of hand.[52] Meanwhile, the Martinists had fared no better. Seven of the lesser figures had been dealt with by Hatton[53] and the cases against the six that remained were being prepared by Bancroft's men in accordance with Council directions.

The fate of the moderate puritan group was enveloped in political contention, however. In the spring Burghley and Whitgift had skirmished over the treatment that the archbishop was meting out to puritan ministers, and Burghley mounted individual defences of four - Kendal, Buccock of Oxford University, Robert Cawdry and William Hubbock.[54] These clashes gave way in the autumn to open disagreement over Whitgift's decision to attempt a prosecution in the court of High Commission in order to make an example of Cartwright and

the eight colleagues selected to stand with him. The eight - Snape, King, Prowdlove, Fen, Wight, Lord, Payne and Jewel - had probably all appeared before the Commission by mid-April. Cartwright held out until October, but when he appeared, like his colleagues, he refused to take the oath *ex-officio mero* and was sent to prison.[55]

Cartwright's imprisonment marks the point at which Burghley intervened, once more, in the government's reaction to protestant non-conformity. This time, however, it was not, as in the Martinist investigations, to act in concert with Hatton and Whitgift, but to oppose them. A number of forces had conspired to fragment the coherence of the government's response: a deepening of Burghley and Whitgift's seven-year feud over the balance between clergy conformity and clergy reform; Hatton and Whitgift's decision to broaden the scope of the government clamp-down to include moderate puritans; and Burghley's mistrust of the new authoritarian claims being made about episcopacy. This mistrust was vindicated spectacularly, from his point of view, at the precise time of Cartwright's arrest.

To this point, it seems that Burghley had little or no direct contact with Bancroft, the figure to whom the nine ministers almost certainly owed their imprisonment. In October 1590, however, the fuse which Bancroft's St. Paul's Cross sermon had ignited in the Scottish kirk eighteen months earlier finally detonated. James VI could not ignore the kirk's published response *D Bancrofts Rashnes in rayling* ([Edinburgh], 1590) which denounced charges of 'deep

dissimilation' it alleged Bancroft had levelled against the King, and Burghley was informed by Robert Bowes from Edinburgh that James required due redress for the slander against himself and the kirk complained of in the pamphlet. This, it seems, was the final straw for Burghley. Bancroft was summoned 'by comandment' to a short but acrimonious interview at which he found Burghley 'greatly moved' and 'so highly offended' that he would not hear Bancroft's prepared defence.[56]

Bancroft had no higher office than that of Whitgift's chaplain, but he was now, in Burghley's eyes, the personification of a new breed of churchman who unnecessarily disturbed the lives of godly clergy, and who meddled in foreign and diplomatic affairs. Moreover, the anger within the kirk that Bancroft's sermon had aroused compromised both Burghley and James over their negotiation about Waldegrave's printing activities.[57]

(c) November 1590 - May 1591: The breakdown of co-operation within the government

The events of October 1590 could not but serve to increase tension within the government over the response to protestant non-conformity. Cartwright's imprisonment in the Fleet at the end of the month was, as Patrick Collinson has noted, 'a staggering blow for the puritan cause'. It was also an indication of Burghley's isolation from the combined outlook of Whitgift, Hatton and the Queen on the need for firm measures against moderate puritanism.[58] Burghley's sour reaction to the imprisonment had been to advise Whitgift not

to attend Cartwright's examination, lest he risk the accusation that he was conducting a personal vendetta; next, he wrote to Cartwright requesting that he be kept informed of events as they unfolded. This Cartwright proceeded to do, having first thanked Burghley for his 'favour' in opposing Whitgift's action.[59]

Initially there was little to report, as the refusal of the nine prisoners to take the *ex officio* oath proved to be an effective delaying tactic. Soon, however, Burghley was given an unexpected but timely opportunity to gauge precisely the Queen's opinion of Whitgift and Hatton's decision to prosecute the ministers. Knollys had been outraged by their imprisonment and approached Burghley in mid-November for advice as to whether he should seek an audience with the Queen to present his arguments about how the *jure divino* claims of the bishops challenged the royal supremacy. Burghley, it seems, advised Knollys to proceed and to keep him informed, a change of tactic from that of the previous year when Knollys had complained that Burghley had sought to 'brydell and staye me, from runnynge to faste befor your Lp: in the matter of her Ma^{ties} saffetie'. In due course, however, Knollys reported in indignation that he was amazed 'how her Majesty can be p[ersu]waded yt she is in as muche danger of suche as are called purytanes as shee is of the papyste'.[60] This confirmation of the Queen's attitude, taken with reports Burghley received of her 'heavy displeasure' against Cartwright, no doubt confirmed in his own mind the political wisdom of remaining on the sidelines for the present.[61]

Further evidence of Burghley's reluctance to tangle with the Queen during the winter of 1590-91 is provided by his resolution of the diplomatic incident occasioned by the Scottish Kirk's reaction to Bancroft's sermon. Having reprimanded Bancroft that 'the pulpitt is not a place to deale in much wth princes,' Burghley made Bancroft compose a written submission for James' satisfaction. Burghley forwarded the submission to Bowes in late November. James indicated in reply through his chancellor that the matter would be considered closed were Bancroft openly to preach in refutation of his earlier remarks. Burghley was subsequently able to convince the King, however, that opening the issue once more would only make it fester.[62]

In the meantime Cartwright had, as agreed, kept Burghley in touch with developments such as they were. In early November he had supplied Burghley with details of his first examination, but a lull had followed until March 1591 when he reported that, after eighteen weeks waiting for further proceedings by the commissioners, he now expected none before the following term.[63]

It is clear that Burghley was isolated from the intensification of the reaction against the nine ministers, detectable from October 1590. Consequently, it is ironic that he was, at this very moment, involved at the centre of the investigations into the presbyterian movement. The occasion was a rumour that there had been a presbytery held in St. John's College, Cambridge. Although Burghley's enquiries were to leave him satisfied that there had been 'no such like

disorderly meeting', it is a further irony that the rumours about the presbytery were not started, as William Whitaker the college master had suggested, to protest against the inconvenience of a new visitation but did, in fact, point to the last general conference of the presbyterian movement held in the master's lodgings in September 1589, a meeting at which both Cartwright and Snape were present.[64]

The full details of the conference were only to emerge later during cross-examination of the nine ministers in the Star Chamber. When Burghley made his enquiries, in his disciplinary capacity as chancellor of the university, thirty-five of the fifty fellows wrote to him denying all knowledge of the presbytery. Whether or not the alleged meeting had taken place, Burghley's investigation left him in no doubt as to the potential threat to political stability posed by an underground presbyterian movement. As a consequence of this he consulted Whitgift and in the new year assisted the archbishop in drafting five 'Articles for a General Acknowledgement of the Laws Ecclesiastical'.

The preparation of this document illuminates Burghley's attitude to the principles espoused within the underground presbyterian movement at a time - February 1591 - when the ecclesiastical commissioners' general investigations into protestant non-conformity were reaching their climax. Two drafts of the articles survive. The earlier draft, in Burghley's collection, is a straightforward, though detailed, series of articles of the sort that Bancroft or the ecclesiastical commissioners might have produced in 1591.

There was an article asserting the Queen's supreme power and authority in ecclesiastical matters; a second affirmed the Church of England and its sacraments and ceremonies as truly and lawfully established. There were also articles declaring that the present episcopal church government was scriptural and lawful, whereas any presbytery 'is not only unlawful but also very dangerous for the state of this realm'.[65] Among Whitgift's papers, however, the historian John Strype found a second draft with additional notes by Burghley. In each case Burghley's amendments expanded the sense of the articles and emphasised the point that the authority of the church derived primarily from the civil law. The effect of these amendments was to make the articles more inclusive. Thus, whereas the old version of the articles required the Queen's authority and assent to any change in church government, Burghley now required in addition that legal authority be forthcoming. It was formerly 'ungodly and seditious' to become a member of a presbytery; now this was broadened to include those who devised the presbytery.[66]

On paper, at least, Burghley's uncompromising opposition to the presbyterians' principal tenets was clear. Nevertheless, Whitgift could claim, with some justification, that when it came to applying such censures against those puritans who flirted with presbyterian ideas, Burghley was not prepared to see individuals made culpable. Rather, he was more likely to blame the bishops for the bad example they gave, for the discipline they failed to enforce and for the poor quality of clergy they tolerated, than to condone the censure of individual ministers. When puritan controversies

had re-emerged among the fellows of Christ's College Cambridge in October 1590, he had merely issued the mild order that the parties should 'foregeve and forgett' past wrong-doings.[67]

Burghley's suspicions of the new climate of episcopal authoritarianism meant that he was prepared to defend those whom he regarded as moderate puritans against any opportunity for the church hierarchy to over-step its function. As events unfolded this issue immediately came to the fore. From evidence in Burghley's papers it seems highly probable that he had turned to Robert Beale, the Clerk to the Privy Council and puritan lawyer, for advice on the appositeness of Whitgift's 'Articles for a General Acknowledgement of the Laws Ecclesiastical'. Beale's most serious criticism of them was that the third article seemed to advance a *jure divino* claim for the authority of bishops. Two days later, in his amendments to the articles to be put to the fellows at St. John's, Burghley carefully made the addition that the authority of the ecclesiastical government of the church was established 'by the law of the realm'. It was a further point he owed directly to his theological discussions with John Hammond the year before.[68]

It is likely that it was Burghley's revised version of the articles that was to be put to the fellows of St. John's.[69] Very soon, however, it became clear to Burghley that Whitgift and Hatton were going about 'earnestlye' enforcing the articles in their original high episcopal form. Beale told Burghley that Hatton and Whitgift were applying them vigorously 'thoroughout the whole realme', and according

to one of Anthony Bacon's correspondents, when Burghley discovered in early March how the articles were being extended to all public office holders and how their text upheld the authority of bishops as lawful by the word of God, he 'snubbed' them, saying that such authority was 'lawful by ye positive law, but to say it is lawful by ye worde of god, yt is another matter'. In his annoyance, Burghley may well have remembered hints in Bancroft's St. Paul's Cross sermon of the application of just such articles of subscription.[70]

Hatton and Whitgift's temerity in attempting to extend the scope of subscription to the high episcopal version of the articles caused a further worsening of relations with Burghley. It brought into the open the clear disagreement between them over the origin of the authority claimed by bishops; it challenged Burghley's premise that the established church and its senior officials were subservient to the ultimate authority of civil government; in an ironic way it represented a challenge to the political control of the church by the government similar to that which Whitgift discerned in even the mildest puritanism; and, more practically, it confirmed Burghley's view that neither Whitgift nor Hatton were to be trusted in their dealings over the puritan question.

Certainly, relations between Whitgift and Burghley were once again at a very low ebb. A contemporary observer noted that 'the pique between the Archbishop and Lord Treasurer about ecclesiastical proceedings may cause great quarrel between them', whilst a second noted how the church generally

appeared to be 'marvailouslye troubled about matters of government'.[71] This latter informant - Bacon's correspondent - noted that Burghley's intervention had had the immediate effect of suspending the application of the articles, although 'how long it will ther rest' he considered only 'god knoweth'. In the event, Elizabeth was persuaded to prohibit further use of the articles indefinitely. Although the surviving evidence is inconclusive, it seems likely that Burghley was responsible; Robert Beale, who later claimed the principal credit, had pointed out to him that the third article amounted to a *jure divino* justification for episcopacy. Burghley's probable response was to adapt Knollys's argument that such claims were prejudicial to the royal supremacy and to put the point to Elizabeth, who, on this occasion, was in agreement. Certainly, Burghley was much more closely involved in Knollys's campaign than Thompson's analysis of the episode has indicated.[72]

At this moment, in March 1591 - the legal trials of the nine ministers were still gathering momentum, yet this hitherto obscure episode concerning the five subscription articles marks a turning point in Burghley's struggles to limit the ability of Whitgift's regime to secure a prosecution against the moderate puritan prisoners. First, it built upon the success which the puritan lawyers had achieved in opposing the use of the *ex-officio* oath, a campaign which Burghley had supported since 1584 and which was now at its height.[73] Burghley kept himself closely informed about the differing arguments which had now become a fresh point of dispute in the old rivalry between the civil and canon lawyers. A series of

reasons intended to illustrate why the oath should not be allowed survives among his papers from this time, as does correspondence with legal observers who disapproved of the use to which Whitgift's men put it.[74] It is probable that in 1591 Burghley's own objections to the oath were twofold: that it reinforced a certain ecclesiastical authoritarianism with which he was out of sympathy, and that its use was against the 'conscience' of the defendant.[75]

In addition to blunting Whitgift's thrust against moderate puritanism, there was a second sense in which the episode of the five articles created a change in the political climate. For the first time a check was put on Hatton's influence with the Queen over the moderate puritan question. Furthermore, any lingering uncertainty in Burghley's mind as to the harshness of Hatton's position was dispelled by the revelation that Hatton and Whitgift had together attempted, in February 1591, to enforce a widespread subscription to the articles.[76] This action, their decision to transfer the case of the nine ministers to the Star Chamber,[77] and the result of Burghley and Hatton's joint involvement during the spring of 1591 in attempts to resolve the case of John Udall, the first of the principal Martinist suspects to be prosecuted, all subsequently combined to lead Burghley into open confrontation with Hatton over the treatment of the nine ministers.[78]

The first interrogation of Udall - limited to general interrogation about Martin and specific questioning about Penry's role in the tracts - had been conducted by commissioners headed by Buckhurst of the Privy Council over a

year previously, in January 1590. For six months Udall was held at the Gate House before appearing again, at Whitgift's manor at Croydon, before the judges of assize to answer charges that he was author of *A Demonstration of the Trueth of that Discipline*, and thus a felon under the terms of *An Acte against seditious Wordes and Rumours uttered against the Queen's most excellent Majestie* (23 Eliz. I *c.* 2). Udall was found guilty on 24 July 1590, and immediately discussions commenced as to the conditions required for a pardon.[79] Udall, however, had neither denied nor admitted authorship. He made a supplication to the Queen in November and pleaded for a pardon on the grounds that he had had no malicious or slanderous intent. Puckering and Clarke, the judges handling the case, deemed the submission insufficient, with the result that Udall promptly drew up a further version a week later - but this, his 'last and furthest relentinge', was also rejected. At the beginning of 1591 he petitioned for limited bail on account of sickness, and sought leave to attend sermons, the only result being that proceedings against him were reactivated. In February 1591 he appeared before the Southwark assize judges Puckering, Clarke and Edward Fenner. Sentence had not been passed the previous July at Croydon, but now the death sentence was read.

It is clear from Puckering's papers that the authorities had toiled for a form of submission from the prisoner so that the sentence of execution could be waived and the Queen appealed to for a pardon. At the Southwark trial an adjournment had been allowed on the middle day, Friday 19 February, for Udall to compose a third submission, but again

the form of words that he produced was considered ambiguous. With final judgement due the following day, Hatton hurriedly instructed Puckering that whilst it was necessary to pronounce the sentence of death in open court and thus to order Udall's execution, nevertheless the judges should, in private, order a respite 'till her majesty might understand of these our proceedings and her highness further pleasure be known'.[80]

The proceedings against Udall were becoming a test case. He had been found guilty of a capital offence and, moreover, he was proving a stubborn defendant, despite the attempts of the authorities to commute his sentence. He had written a brief to the judges outlining why the judgement against him at Croydon seven months before had been legally invalid and, in seeking release from prison, he had chastised Puckering and Clarke for speaking against him in court 'more to the delight of yourselves .. than (if you rightly esteem of it) you had just occasion'. He had produced three forms of submission which were unacceptable, and the proceedings at Southwark had degenerated into arguments over forms of wording. 'He spent an hour with us', Puckering told Hatton, 'debating to and fro but no matter yielded unto for any submission, such as we could like of'.[81]

What was to be done with the recalcitrant Udall? At this stage - February 1591 - it seems that the broad arrangement of Hatton and Burghley working together and delegating to Whitgift the detailed organisation of investigations into the Marprelate scandal was continuing. By now the investigations were almost complete, and the whole episode was moving to the

more contentious area of how to proceed against the ringleaders. Burghley was about to detach himself and become established as a point of last resort for those condemned. Hatton, meanwhile, may be perceived as hesitating in carrying out the due course of law. This probably owed more to uncertainty on his part over the Queen's position than to any views of his own concerning the just desserts of the prisoners. In addition, there was a belief in court circles that it pleased Elizabeth to have Hatton and Whitgift cast as zealots. Thomas Phelippes reported of the Udall case that 'it is thought the Queen will pardon him, because it reaches to life'. Consequently, Phelippes concluded, she could 'leave the blame of the rigour to light on others, having the honour of clemency wholly to herself'. Certainly, Whitgift was generally a despised figure among the indicted prisoners and the wider puritan community, and Hatton's death later in the year was to be a cause for celebration. Moreover, as the two men set about prosecuting the nine puritan ministers in the Star Chamber, they were to become the main object for denunciation by the religious fanatic William Hacket.[82]

The result of Hatton's caution at the Southwark assizes was that the papers on the Udall case were sent to Sir Thomas Heneage so that he could confer with the Queen. Her response was to send her chaplain, Nicholas Bond, to confer with Udall on yet another form of submission. It seems that moderate voices were within Elizabeth's hearing. Udall later credited Burghley with having been a benign influence with her, and Anthony Bacon's correspondence confirms that Raleigh was also

'made an instrument' with Elizabeth for Udall's reprieve at this time.[83]

Meanwhile, the proceedings in the High Commission against the puritan ministers had, from the point of view of the prosecution, been fruitless; attempts during the winter of 1590-91 to obtain confessions of their involvement in secret presbyteries had failed.[84] On 3 February Burghley received a copy of the new brief that was being drawn against them, and which was to be heard in the Star Chamber. Other documents that he received made it clear that the prosecution sought to secure an 'exemplary corporall punishment' which would serve 'for the terror of others' and that the punishment envisaged was banishment.[85] From Burghley's papers it is clear that the decision to use the Star Chamber was made by Hatton and Whitgift, based upon the supporting legal judgment of Puckering and the principal judges.[86] For a brief period in March the nine ministers entertained the hope that the disintegration of the High Commission proceedings might lead to their release on bail. Cartwright petitioned Burghley to this effect and shortly after sent Burghley a long petition addressed to the Queen with an accompanying appeal, signed by all nine prisoners, defending themselves against the charges that were alleged.[87]

The timing was not propitious. Relations between Burghley and Whitgift were extremely strained, and Burghley, who was aware of the intended escalation of proceedings against the prisoners, appears to have bided his time, still hoping that he could, at an appropriate moment, intercede

effectively with the Queen. Meanwhile Cartwright was visited in the Fleet by Bancroft and Edward Stanhope of the Ecclesiastical Commission, and was sent written questions from Whitgift, all in an attempt to elicit from him a separate confession from that of his fellow prisoners. In early May he made a final, inconclusive appearance in the court of High Commission.[88]

From the evidence reviewed, the weeks between February and May 1591 mark an important turning point in the government's overall reaction to non-conformity. Before this, Burghley was active in controlling the Martinist threat, satisfied to leave the indictment of the central participants to the ultimate authority of Hatton, content to endorse from the sidelines verdicts of felony made against them and happy to play his part in attempting to extradite Penry and Waldegrave from Scotland. In February 1591, however, the signs of a breakdown in such collaboration began to appear. First, Burghley had found it necessary to seek the Queen's prohibition of Whitgift and Hatton's extended use of the authoritarian version of the five subscription articles; second, he seems to have cautioned Elizabeth - and perhaps Hatton also - against the desirability of Udall's execution. When, in addition, Burghley learnt of the intention to transfer the case of the nine ministers from the court of High Commission to the Star Chamber, it was inevitable that relationships within government would come under further strain.

(d) May 1591 - November 1591: Stalemate in the government's proceedings

Having failed, earlier in the month, to persuade Cartwright to break ranks, the prosecution summoned all nine prisoners to make their first appearance in the Star Chamber on Thursday 13 May. Burghley was absent, but Knollys, who was present, sent him an eyewitness account of events, describing how he had been excluded from the 'consultation' between Whitgift, Hatton, Popham and the other prosecutors which had taken place beforehand to plan tactics. When asked by Hatton for his opinion of the conduct of the case, Knollys complained that he had not been 'made prevye to the cawses that were alleged'. The same, of course, was true for Burghley, who was the most conspicuous absentee that day. It is possible that he had decided that his defence of the prisoners would be more effective if he was not associated with the prosecution. This stratagem would leave the way open for a timely intervention when, as he believed it would, the prosecution case fell. At the outset of the case Burghley had predicted to Whitgift that legal proceedings against the nine ministers would fail. Indeed, the evidence supplied in the court of High Commission by the government's prosecutors had proved insufficient to demonstrate the organised presbyterianism that they suspected, and it is likely that Burghley now considered it would prove similarly impossible for the Star Chamber to prove that, merely from evidence in the ministers' own papers, their ideas were a seditious attempt to deny the *Act of Supremacy*.[89] In holding this view Burghley probably placed much confidence in the tactical advice that the defendants were receiving from puritan lawyers, particularly Robert Beale and Nicholas Fuller.[90]

At the end of the first day's proceedings, the nine ministers were instructed to appear again four days later, on the following Monday, to amplify their objections to the bill exhibited against them. In the meantime, the Privy Council met at Burghley's mansion at Theobalds on Sunday 16 May, and amongst the business considered was Udall's case. Only six councillors attended; Hatton was present but Whitgift was a notable absentee. It was decided to direct the archbishop to appoint two divines - Alexander Nowell and Lancelot Andrews - to confer with Udall and the convicted Martinists Hodgskin and Newman 'whose time of execution as yt is appointed draweth verie neare'. Burghley was to draw up the letter. But instead of directing the divines to the Martinists, Burghley's letter subsequently sent Nowell and Andrews to confer with Cartwright and his fellow prisoners. Immediately Hatton wrote to Burghley complaining that he had clearly intended the conference to be with Udall and observing that in the case of the Star Chamber defendants 'there may well be more leysure and adv[ert]isement taken'. No doubt this was precisely what Burghley sought to avoid. The evidence amassed against the nine ministers had thus far proved insufficient to secure either a judgment or an acquittal, and Burghley cannot have wished to see the case drag indeterminately into the future. It is also possible that Burghley used the device of a misdirected letter to put further pressure on Hatton, who seems from the correspondence to have been anxious to reach an agreed resolution to Udall's case before the date set for the prisoner's execution. Accordingly, he prayed Burghley 'to give direction for the speedie drawing' of the correct letter.[91]

Clearly the former cohesion between Burghley and Hatton in dealings with non-conformity was now at an end. It is also notable that from this point Burghley seems to have become much more closely informed as to the proceedings being taken against the nine ministers. He now obtained a full report of those parts of the nine ministers' answers which the prosecution considered insufficient, and at several points in the subsequent progress of the case, Burghley's papers provide the sole surviving documentary evidence. It is likely that Knollys was now supplying him with accounts of the proceedings to supplement those which Cartwright provided. Thus Burghley learnt that on their reappearance on 17 May the defendants' answers were deemed 'as insufficient as the first and in some cases rebuke the judge'.[92]

A lull followed, as 17 May was the last day of the Easter term. The resumption of the principal cross-examinations, which were intensive, occupied the second and third weeks of June. The last session was on Saturday 19 June, by which time Fuller's tactic of exploiting the thin evidence with inconclusive answers by the defendants had brought the case to a halt. The ministers had not appeared again when the Trinity term ended on 23 June. From July until the end of October a series of witnesses were produced in court by the prosecution but it gradually became clear that there was insufficient evidence for an indictment to be secured.[93] Supporters in Burghley's camp were heartened by events. Beale informed Whitgift with some satisfaction that unless specific intent for the 'execution' of presbyterian discipline could be produced then the prosecution would fall. Another eyewitness

- probably Knollys - later recalled to Burghley how Hatton 'and the rest' eventually had to abandon the proceedings for 'when all theyre wyttes were layed together there was no matter prov'd for anye meeting or conventicles sedyciouslye made and executed'.[94]

Whilst Hatton and Whitgift were labouring to secure conviction of the nine ministers during the summer of 1591, the climate was gradually becoming more favourable for Burghley to begin actively to intervene on the defendants' behalf. In mid-June James VI wrote an apparently unsolicited letter from Scotland to Elizabeth on behalf of Udall and Cartwright, 'of whose good erudicon and fruitfull travells in ye kirke we heare a very credible comend'. It is difficult to imagine from whom the King would take a cue to send such a letter to Elizabeth other than from channels controlled by Burghley. For James, a show of support for Udall and Cartwright represented a welcome opportunity to improve his own relations with the Scottish church; moreover, it was in Burghley's interests periodically to show a friendly disposition towards the King, both with short term diplomacy in mind but also against the time when the succession question became more urgent.[95] It seems probable that, in alighting upon the trials of the English non-conformists, he had identified an issue from which both he and the King could benefit, and so amend the awkward situation into which Bancroft had placed them the previous year. If Burghley was indeed the progenitor of the letter, he may not have intended Udall's case to become associated with that of the nine ministers. Nevertheless, the Queen's reaction would be a

useful gauge of her disposition toward the two sets of issues.[96]

It so happened that the following month an unrelated incident took place which was to provide a much clearer indication of the Queen's position. In addition, a report of the ensuing sensation sheds light on contemporary observers' opinions about the stance of different councillors concerning puritanism as well as the relationship between councillors and Elizabeth over the issue. On 19 July, Thomas Phelippes, the intelligence decipherer, scribbled a note commenting on the crazed declarations of William Hacket, a self-styled messiah from Cheapside. Hacket had used the agency of two 'prophets', Edmund Coppinger and Henry Arthington, to announce the second coming from the back of a cart in Cheapside. The prophets, however, had only reached the point of denouncing Hatton and Whitgift as 'traitors to God and the realm' before both they and Hacket were arrested. In the aftermath of the incident, Phelippes relates how the 'enemies to the Puritans' lost no time in taking great advantage of the affair. Indeed, it would seem that Bancroft and his interrogators already knew about the intentions of the trio, who had 'solicited all those they knew affected to their sect'. Burghley headed this list of sympathisers 'who pitied their follies'. In addition, it is known that Coppinger composed letters to Burghley, to Lady Ann Dudley, Countess of Warwick, and to the Queen, and that Bancroft had also discovered that Coppinger had talked to Job Throckmorton about his intended declaration.[97]

It was inevitable that Hacket would hang - he had denied the Queen's fitness to rule - and the Privy Council acted promptly. Both Burghley and Hatton subscribed to Council letters ordering Hacket's execution, which it did 'very wel like and allow'. The result of the affair, however, seems to have been one of those curious Elizabethan contradictions characteristic of periods of high political tension: although Burghley was said in court circles to be the puritans' leading sympathiser and the Queen was said to be 'more troubled than it was worth' about Hacket, it was Hatton and Whitgift who, according to Phelippes, received the direct force of her displeasure for carrying out her desire for reform of puritanism so thoroughly that they were responsible for inciting unstable visionaries such as the 'counterfiet Christ' of Cheapside.[98]

The nerves of those close to the Queen were strained. She was, it seems, in one of those moods where faithful councillors took the blame for acting in accordance with her will. Burghley had experienced this phenomenon acutely during his temporary estrangement from Elizabeth in the months after the execution of Mary, Queen of Scots, in 1587. Now it was reported that Whitgift and Hatton were blamed for causing the Hacket *débacle* and that for several months any courtier who might have sought to defend the non-conformists in Elizabeth's presence did not dare, 'being loath to lose himself to save others, so offended was her Majesty against them'. For their part, the nine ministers and Udall regarded the Hacket affair as a great set-back. The Star Chamber defendants lost their chief counsel, Nicholas Fuller, who was arrested in its

aftermath, and any hope they or Udall had of Burghley's mediation was delayed. As Udall put it, it was 'bootless to sue' for the present.[99]

It seems that a kind of stalemate set in for several months after July 1591: the Star Chamber case was failing to proceed; Whitgift and Hatton were wary of the Queen's redirected anger; the puritan prisoners postponed thoughts of any early release; and Burghley, now being credited by court observers as the leading puritan patron, probably decided to wait for events to turn in his favour. The Star Chamber Case looked set to fall, and Burghley could content himself that the temporary set back Hacket had caused was more than compensated for by the *opprobrium* that had landed upon Hatton and Whitgift. The sense of limbo was well caught in a letter that Cartwright sent to Burghley's sister-in-law, the resolute puritan supporter dowager Lady Elizabeth Russell, in August. He knew not, he said, 'what to desire ..[but] that which you think his Lordship can conveniently and with his good like effect, making no doubt that his honour standeth favourably inclined toward me'.[100]

(e) December 1591 - May 1592: Burghley's influence revives

On 20 November, the *impasse* was broken. After a short illness Hatton died following an attack of cystitis. The reaction in puritan circles was immediate and highly optimistic, the news bringing anticipation of some relief from their oppression. It was Francis Holyoake's view that 'great comfort is to the Church by the death of the Lord Chancellor

and the appearance of deliverance to the ministers that until now had none'. Specifically, Holyoake looked with expectation to an improvement in Burghley's influence and reported rumours he had heard of Burghley's 'good words' on the ministers' behalf. In December all nine ministers petitioned Burghley for bail 'expecting that favor from you[r] L[ordship] w[hi]ch e[i]ther equitie or a regardfull consideracon of o[u]r afflicted estate may require'. Burghley also received a call to action from a group of four leading Cambridge University puritans which included Whitaker and Lawrence Chaderton. They commended him on account of his 'wise care and godlie zeal for w[hi]ch we with all lovers of the gospell do heartilie praise god', and observed that now 'great impediments' had been removed, Burghley had a renewed opportunity to promote the cause of true religion.[101]

The first clear indication of progress in the prisoners' cause came in January when they obtained an appearance before the Privy Council, apparently at Knollys' instigation. By means of a new submission acknowledging the displeasure that their secret meetings had caused, their terms of confinement began to be relaxed.[102] Sensing the end of his ordeal approaching, Cartwright renewed his appeals to Burghley. On 15 January he reported that Wight, Fen, King, Payne and Lord had been allowed £40 bail to attend Sunday service and to exercise during the day. Ten days later he wrote again seeking Burghley's opinion on whether he should now submit a petition direct to Whitgift, which although drafted before Hatton's death two months before, he had not sent to the archbishop 'for that (in my Lord Chancellors life) he denied

me that favour w[hi]ch he granted unto other of my fellowes'. Apparently Burghley approved Cartwright's draft, for within a week he had personally approached Whitgift and won from him similar concessions for Cartwright as the other prisoners were enjoying. Whitgift even intimated to Cartwright's wife that her husband's release might be imminent. By the beginning of February 1592 it had become clear that Whitgift alone stood between the prisoners and freedom and that the terms of their release would be some kind of submission.[103]

This final development in the proceedings taken against the nine ministers coincided with a further attempt to resolve Udall's case. Unlike the Martinists Humphrey Newman and John Hodgskin, who appear to have escaped execution by signing submissions prepared by the government, Udall was still holding out.[104] His continued to remain the test case of how far the government was prepared to press punishment against a convicted non-conformist felon. After Hatton's death, and perhaps as a result of his hearing that the conditions of the nine ministers' restraint had been relaxed, Udall decided to approach Burghley directly. He drew a sharp contrast between 'some in Authority' - presumably Whitgift's circle - who were threatening to authorise his execution at the assizes beginning the following fortnight, and Burghley, whom Udall credited as having already influenced the Queen against the death sentence and who, he urged, would need to intervene with her again now. Udall was a skilful suitor and his letter went on to suggest that his release would be particularly appropriate 'especiallye nowe yt papistes are set at liberty and the prisons filled w[i]th gods servantes, her highnes'

most faithfull subiects'. The intended point was simple and well calculated to appeal to Burghley's interests: protestants were clearly less deserving of imprisonment than catholics who, *de facto*, denied the oath of allegiance.[105]

Politically, the situation was less clear cut. The Privy Council claimed it required the imprisonment of the leading recusant catholic gentry to frustrate the aggressive posturing by Philip II in Spain - political developments well beyond the English lay catholics' control. Moreover, the recusant gentry had been released in September 1591 when the perceived threat of a Spanish invasion receded. The fate of non-conformists who refused to 'tarry for the magistrate' was subject to no such external vagaries and, strictly speaking, they could be considered have brought about their own imprisonment. Nevertheless, Udall made a fair point when he implied that the severity of the treatment accorded to protestant non-conformists was, similarly, related to volatile domestic political considerations. In his own situation much would depend on the readiness and ability of Burghley to influence the Queen conclusively in favour of moderation.[106]

Udall's specific plea was to Burghley's 'care for the advauncement of religion'. Three weeks later he wrote in similar vein to Sir Walter Raleigh, who seems to have prompted Udall to compose yet another testimony setting out his beliefs on the relative powers of the Christian prince and the position of church elders. Raleigh, apparently through Essex's cajoling, was an active intermediary for the non-conformists at this time.[107] Burghley soon had a copy of

Udall's latest submission, probably supplied by Raleigh. It went further than his previous statements in meeting the assurances of conformity upon which Whitgift and the judges insisted. Udall denounced separatism, declared the Church of England to be the true visible church of Christ and endorsed its preaching and administration of the sacraments.

As a result of this new initiative Burghley took up Udall's case, working over the submission and noting amendments 'to be added' where he considered ambiguities remained. It is an interesting document providing a clear picture of where Burghley drew the line between a legitimate radical protestant stance and unlawful non-conformity. In particular, it reflected Burghley's concern to emphasise repeatedly his contention that episcopal authority was derived ultimately from statute law. Consequently, he required the insertion of a clause of legitimation for the royal supremacy. It was not enough to denounce separatism and endorse the Anglican priesthood; it was necessary to make it clear that orthodox views were only fully validated as a result of their being 'allowed by her Majesty, having the supreme government'. This central *proviso* was reinforced by conditioning clauses which Burghley inserted, indicating that in addition to testimony about Udall's past conduct there should be added statements of future intention and that insofar as these related to ministerial practice the touchstone should be 'the form established and confirmed in the book of common prayer etc.'.[108]

Such a moderate position was a far remove from Udall's imperious conduct and speeches at the time of his indictment when he had supported both the views expressed in Martin Marprelate's writings and the opinions put forward in the *Demonstration of Discipline*, the authorship of which he refused to deny. Also new was Burghley's detailed involvement in the case which, it seems, stemmed from his belief that now a more moderate political tide was running it might prove possible to intervene effectively. Burghley based the theoretical substance of his involvement on Hammond's precept that episcopacy was an order derived from political authority. As a result, his support for the non-conformists was a direct challenge to the authority Whitgift attempted to wield.

The key to a resolution in the cases of the nine ministers and Udall now lay in appropriately worded and signed submissions as a prior requirement in any *modus vivendi* with Whitgift. On the same day that Udall wrote to Burghley, Cartwright sent Burghley, *via* Michael Hicks, a new summary of the state of the case against the ministers 'co[n]teyning an answ[er] of all those things that are of any moment against us'. The intent, no doubt, was that with this document Burghley could intercede on their behalf with Whitgift. However, February passed with no new developments and this led Cartwright to revert to his earlier plan of sending the prisoners' petition for bail direct to Whitgift, at the same time enclosing a copy to Burghley. Signed now by all nine ministers, the petition referred to Whitgift's 'comfortable answer' about their impending release having been 'stayed in the hope and expectacon thereof'. The basis of the plea

rested on the prisoners' continued ill-health, now beyond cure in some cases, and a promise not to alienate their affections from the fellowship of the church of God 'notwithstanding we be of different judgement from y^our self and others in some of the controversies of o^ur Church'.

The ministers now faced a final hurdle. With the copy of the petition they sent Burghley a long letter in which they related how Whitgift's reply to their plea had been to set as the 'cautions and conditions' of their release a 'submission'.[109] As a result, during March and April Whitgift subjected the prisoners to more sets of interrogatories.[110] The first set, which the prisoners refused to sign, were the five articles over which he and Burghley had clashed the previous March. Even as the prosecution case was lost, Whitgift attempted to wring a final embarrassment from Burghley by exposing the inconsistency of his position. He had helped Whitgift to draft the articles and had authorised their use as an instrument to investigate allegations of presbyterianism at St. John's, Cambridge. Now the nine ministers whom he wished to see set at liberty told him bluntly that the articles would 'impose upon us a confession of guilt in the thinge we are charged with'.[111]

Whitgift had won a moral victory. At the beginning of April he dropped the articles and, on behalf of the Council, imposed a final set of thirty-seven interrogatories which were allowed to be answered either by reference to recorded submissions that the defendants had already made or by the composition of fresh doctrinal statements of a general nature.

The extent to which Burghley was involved is unclear, but the documentary evidence implies that Whitgift continued to control events, both in direct dealings with the prisoners and through the Council.[112] Cartwright's correspondence during the case suggests that he regarded Burghley's support as significant in determining its outcome; nevertheless, Cartwright seems to have acknowledged that progress would be very slow and that Burghley's influence was limited.[113] In recalling that Burghley had secured his release from Aylmer's custody in 1585 perhaps Cartwright had initially overestimated what Burghley could achieve in the political climate of 1590-92; Cartwright had, after all, found that his old friend Puckering was now, for career reasons, at the forefront of the team prosecuting him.[114]

Cartwright was, by some degree, the ablest of the nine defendants and from the start he was the spokesman for their written defences, preparing the statements and petitions which they all signed. In this way he did what he could to exploit Burghley's favour on their behalf. Nevertheless, it is notable that none of his colleagues apparently considered it worthwhile to cultivate Burghley's support directly, and when the climate eased it was to Whitgift - still the predominant political force bearing on their case - that they directed their petitions for bail.[115]

Clearly, Burghley's influence was limited before Hatton's death in November 1591. In the less austere atmosphere that subsequently emerged he was able to achieve more and surviving records may only hint at what he had been able to do. At the

end of January 1592 he persuaded Whitgift to relax the terms of Cartwright's custody and in the spring it seems he finally secured Cartwright's release from the Fleet after nineteen months imprisonment. On 21 May Cartwright wrote to Burghley from house arrest in Hackney thanking him for his 'favour before in prison and now much more in some libertie'.[116]

All nine ministers were released into house arrest during the spring of 1592 and were back in their home counties by the autumn, when Cartwright, Fen, Lord, and Wight felt able to petition Whitgift to have their preaching ban lifted 'in respect of the people perishing for want of teaching'. The case against them in the courts had failed and the tactic of refusing the *ex officio* oath had prevailed, even though it appears that the ministers were never fully cleared.[117]

* * * * *

By the autumn of 1592 much of the work of the authorities in exposing and attempting to suppress protestant non-conformity had been accomplished. Three tiers of non-conformity had been identified. First there were the nine moderate puritan ministers, led by Cartwright, who had been selected as leading representatives of an underground presbyterian movement and unsuccessfully prosecuted.

The second group consisted of the thirteen Martinists brought to trial or hunted for since the beginning of 1590. By June 1592 the cases of nine were resolved or near completion; three of the remainder, however, were still at

large. Waldegrave, the publisher, was under protection from James VI in Scotland; Penry, the suspected author, was in hiding; and the case against Job Throckmorton had been suspended in circumstances which remain mysterious.[118] Throughout the investigations Udall, the thirteenth suspect, had remained in prison, first in the Gatehouse and then in the White Lion. In May 1592, however, Burghley presided over a Council meeting at which Whitgift was present when Udall's case was once more on the agenda and it was on this occasion that Burghley's efforts on the prisoner's behalf began to take effect. The Council agreed that Udall should be sent a copy of his indictment which, if appropriately answered, could lead the way to the granting of a royal pardon.[119]

The final non-conformist group that had been apprehended was the much larger contingent of separatists associated with the underground congregations of Barrow and Greenwood. Of those imprisoned during 1589-90, the names of eighty-two have survived but there may have been more.[120]

In addition to the clear identification of these three groupings, the material reviewed in this chapter makes possible a far more detailed analysis than has been available hitherto of the response of different members of the government to the disclosure of widespread protestant non-conformity during 1588-92. This is important, not only in balancing Collinson and Carlson's defendant-oriented accounts and Lake's analysis of the moderate puritan position, but is crucial for an understanding of the context, sponsorship and passage of the anti-separatist legislation in 1593 which is

considered in Chapter Three. In particular, the close co-operation between Hatton and Burghley evident at the beginning of ther Marprelate investigations gradually weakened. By June 1590 it had broken down, to be replaced by antagonism resulting from Burghley's support for Bainbrigg and Johnson's refusal of the *ex officio* oath, his rejection of *jure divino* claims for episcopacy and his realisation that Whitgift and Hatton were intent upon an exemplary trial of moderate puritan ministers.

The gulf which separated Burghley's policies from those of Hatton and Whitgift became unbridgeable in October 1590 when Cartwright was arrested and when Bancroft's activities caused a diplomatic incident in relations between England and Scotland. Burghley's unrestrained anger in his interview with Bancroft was probably the culmination of a number of frustrations: his having authorised Bancroft's St. Paul's Cross sermon as an invective against Martin Marprelate only to see it used as a platform for *jure divino* theory and for reckless comments about foreign presbyterian churches; and the realisation that Whitgift had authorised Bancroft - probably with Hatton's connivance - to use the Marprelate enquiry as the pretext for a much wider set of investigations into moderate puritanism. To compound the situation, Burghley learned from Knollys that the Queen would be supporting the authoritarian drive. An additional problem, from Burghley's point of view, was the closely interrelated nature of the activities and platforms of the various non-conformist groups. This made the protection of the moderate element more

difficult, but did not alter Burghley's continued hostility to the separatist and Martinist groups.

A moderating influence over Burghley's inclination to defend individual puritans, however, was his political concern about *organised* presbyterianism. Consequently, he worked closely with Whitgift over allegations of such activity in Cambridge. This episode generated a number of ironies. First, despite giving the issue his time and attention, he failed to detect the presbyterian synod at which Cartwright and Snape were members; second, he assisted Whitgift in drafting articles of enquiry for use in Cambridge only to discover subsequently that the archbishop and Hatton were using them as a widespread instrument of investigation into presbyterianism nationally - an option presaged in Bancroft's sermon; and third, when the nine ministers were offered the articles by Whitgift in March 1592 as a condition of their release, they could not accept them.

In conclusion, two striking points emerge about the operation of the government's reaction to protestant non-conformity during 1588-92. First, it is evident that Whitgift was able to control the apparatus of government so effectively that Burghley's influence throughout the period was severely limited. Even in 1592, at the end of the inconclusive trial of the nine ministers, Burghley had to win concessions from Whitgift to secure Cartwright's release from prison; Cartwright's eight colleagues, meanwhile, remained convinced that only direct dealing with Whitgift was worthwhile. At first sight, Whitgift's dominance over policies for dealing

with protestant non-conformity at this time seems to mirror Burghley's pre-eminent authority over policy for controlling catholic recusancy (see Chapter Four). Whitgift pursued protestant non-conformists relentlessly; Burghley persistently harassed catholic recusants. It is Burghley's weakness in influencing the former policy which is more significant than Whitgift's acquiescence over the latter, however. When it came to anti-catholic policy it suited Elizabeth and Whitgift to follow Burghley's lead as all three were committed to the political philosophy which identified the Pope as anti-Christ.[121] In contrast, when Burghley and Whitgift clashed over protestant non-conformity policy, it was the preference of Elizabeth for Whitgift's outlook which was decisive during 1588-92.

Furthermore, the dynamic between Burghley, Whitgift and Elizabeth discussed in this chapter had a more general significance. This related to a vexed question which preoccupied the Elizabethan church: the extent to which lay politicians should exercise secular control over church affairs. This issue is considered further in Chapter Six. Here, however, it may be stressed that of Burghley's interventions during 1588-92, those which related to the theoretical basis of the government's actions were directed toward emphasising the limited authority of the English episcopate and its derivation from civil law. His rejection of the *jure divino* principle based upon Hammond's legal analysis, his reworking of the five articles to be used in the Cambridge presbyterian investigations, his determined opposition to Whitgift's attempt to enforce the articles on

the basis of theological authority, and his amendments to Udall's submission, all stressed that episcopal authority was derived from statute law and was confirmed in the ecclesiastical sphere through the Queen's legal authority as supreme governor of the church.

This stance of Burghley's was, in fact, little removed from Whitgift's published position on the nature of church authority (1574) which asserted that 'the external government of the church under a Christian magistrate must be according to the kind and form of government used in the commonwealth'. In this light, the basis of the fundamental tension between Burghley and Whitgift evident since the mid 1580s is best identified in what Peter Lake has called the 'sceptical, erastian, probably anti-clerical and certainly anti-prelatical strand of opinion that was dominant amongst the protestant ruling class' of later Elizabethan England.[122] Burghley's defence of a succession of moderate puritan ministers against their suspension from office throughout the period 1584-92 suggests he was not anti-clerical when it came to the parish clergy, but it is striking how close in vocabulary were his 'anti-prelatical' statements with those of Cartwright and Udall.[123] Moreover, dislike of episcopal authority was also expressed by those lawyers and moderate puritan ministers who argued at length - and ultimately with success - against the use of the *ex officio* oath. From May 1589 they were joined by Burghley, who became convinced that the legal arguments of Morice and Beale were correct and that Bainbrigg, Johnson and the nine ministers were legitimate in pinning their defence upon a refusal to take the oath.

As Lake has suggested, the hostility of this 'anti-prelatical' consensus probably deterred Whitgift from formally endorsing the *jure divino* position himself, even though opposition to it was a rallying point for his presbyterian opponents. Nevertheless, such claims had been put forward in print by John Bridges by 1587 and subsequently reached a wide public audience through the publication of Bancroft's St. Paul's Cross sermon of February 1589. Furthermore, it is clear that Knollys was successful in drawing Burghley's concerned attention to the political consequences of this development as early as May the same year. Consequently, even though Whitgift never made *jure divino* claims in print, when, in March 1591, Burghley was told that Whitgift was claiming authority 'lawful by ye word of god' for the wide enforcement of the five articles designed for use in Cambridge, he immediately and successfully sought their prohibition by the Queen. By 1593 this situation had, from Burghley's point of view, stabilised, and he told Knollys that 'the Bysshops have forsaken theyre clayme of superioritie over theyre bretherne latelye, to be by godes owne ordynance, and y^{t} nowe they do onelye clayme superyoritie over theyre inferyor bretherne from hir Ma^{ties} supreme government'.[124]

Elizabeth's motives, meanwhile, seem to have stemmed more from a desire to check Whitgift's authoritarianism than encourage Burghley's tolerance of individual moderates. Moreover, there was probably some foundation to rumours that it suited her, on occasion, to cast Whitgift and Hatton as zealots. In cases such as that of Udall she could consider a gracious gesture of clemency; in the aftermath of the Hacket

affair Whitgift and Hatton fell temporarily from royal favour on the grounds that their zeal had encouraged apocalyptic fanatics. Elizabeth, it seems, had no desire to see authoritarian claims being made by the senior clergy and used by presbyterian theorists as evidence of the strength of their alternative model of church government. Consequently, once the *jure divino* genie was out of the bottle, the Queen was better disposed to the counterbalance which Burghley's position represented.

CHAPTER THREE

LEGISLATION AND THE SUPPRESSION OF SEPARATISM

During 1592 a new and pressing problem had occupied Burghley - a shortage of money to conduct the campaign against Spain in France. Consequently, the decision was taken towards the end of the year to summon a parliament in order to raise money for the war. The analysis which follows concentrates on Burghley's involvement in other issues which arose during this parliamentary assembly: the framing of religious legislation in 1593; his and Whitgift's oppositional roles in its enactment; and the impact of the conflict between them upon the suppression of separatism. Furthermore, it assesses this material in the light of the conclusions drawn in Chapter Two and offers a fresh interpretation of two sets of documentary sources: material made available by Albert Peel and Leland Carlson concerning the detailed action of the authorities against separatists; and Sir John Neale's interpretation of parliamentary records.

Historians have found an interpretation of Burghley's role in these proceedings to be obscured by a lack of direct evidence. Nevertheless, there is a considerable amount of circumstantial and indirect material which, taken together, allows for an ample reconstruction. The analysis which follows builds upon the conclusions drawn in the previous chapter, where it was argued that personal friction between Burghley and Whitgift, bolstered by Burghley's more general antipathy toward the episcopate, led him to resist the rigour with which Whitgift sought to mete out the penalties allowed

by the law. These ranged from the suspension and deprivation of moderate puritan ministers to the execution of convicted separatists. Whilst Burghley appears to have valued the deterrent function of the laws, he was, it seems, reluctant to see harsh penalties imposed, even against the more extreme of non-conformists. In addition to this leniency, Burghley, in contrast to Whitgift, seems also to have accepted the validity of the separatists' complaint that they were indicted upon an anti-catholic law which omitted them from its scope.

Udall's case may serve as an illustration of Burghley's stance and a key to understanding the drama which was to unfold against the separatists in 1593. Udall had been the first prisoner from any of the protestant groups to be condemned a felon and, as has been shown, the judges, Puckering and Clarke, laboured to find a compromise at the beginning of 1591 to save him from execution. In the meantime, Burghley's position had changed from that of joint authoriser with Hatton of the prosecution proceedings to his becoming identified as sympathetic to appeals of last resort from those indicted; at the same time, Hatton had come to doubt that he was assured of the Queen's support for authorising the severest penalties against indicted Martinists. Furthermore, Burghley was probably responsible for James VI's letter to Elizabeth which supported Cartwright and Udall equally, and Burghley certainly helped Udall in the successful presentation to the Council of his case for a pardon in May 1592.[1]

Clearly Burghley had used his authority and position to spare Udall from the full force of the law; his preferred outcome to the case is less clear, however. Udall had pleaded - possibly at Burghley's suggestion - that his sentence be commuted to banishment, and a scheme was drawn up to send him as a minister to Syria or Guinea to work with the English merchants that traded there. In the event, Whitgift delayed proceedings, the Queen did not sign the pardon and Udall died, still in prison, in 1593.[2] Whilst the case had clarified some issues, it left others unresolved. In the first place, it established that Burghley supported the legal course taken against Udall yet was also willing to do what he could to save a convicted felon. In this respect the case was very different from Cartwright's, where Burghley took issue with the prosecution's reliance upon the *ex officio* oath. Second, Udall's case showed that, even with Hatton dead, the climate had not thawed sufficiently for either Whitgift or the Queen to sanction a lenient outcome. Third, there was nothing in the case *per se* to indicate that when parliament met Burghley would be opposed to the passing of a more direct law against the separatists to replace the less than satisfactory use in such cases of the *Act against Seditious Words and Rumours* (23 Eliz. I, *c.* 2) and *Act to Retain the Queen's Majesties' Subjects in Due Obedience* (23 Eliz. I, *c.* 1) of 1581. Such a measure would, in addition, honour Burghley's remark to Henry Barrow that if the separatists were unhappy with their indictment under an anti-catholic act, then a 'streighter law' should be drawn up to deal specifically with followers of this 'new religion'.[3]

It is argued in this chapter that, contrary to previous accounts of the parliament, Burghley was an active sponsor of the *Act against Seditious Sectaries* in 1593. But before such a case can be established, it will be necessary to show how this claim may be reconciled with the evidence which appears to support Neale's contention that Burghley's sole aim was to secure anti-catholic legislation from the parliament.

(a) Prologue: Burghley's case for draft legislation against catholic priests and recusants

The opening days of 1593 were busy with preparations for the assembly of the first parliament in four years as town corporations throughout the country followed instructions to select men 'sound in religion and otherwyse soe mete' to represent them at Westminster. As in all parliaments since 1572, Burghley was leader for the government in the Lords; in this new parliament contemporary reports indicate that Robert Cecil introduced the main Commons business. Consequently, the chief government spokesmen of the two houses were, as father and son, in a unique position to work toward shared aims.[4]

In the light of this it is disappointing that little survives by way of their written considerations of parliamentary business. One possible reason may have been a relapse in Burghley's health in mid-January; on the 18th he was said to be 'dangerously ill'. In view of the imminent parliament, as well as for its wider political implication, Burghley's illness was seen as a serious development. One Court observer considered that the whole realm depended upon him and that 'if he go there is not one about the Queen able

to wield this state as it stands'. Ten days later, and a mere three weeks before the opening of parliament, Burghley wrote to the Earl of Shrewsbury that he was still not recovered from his 'dangerous late sickness, in which I have not been hable of a good time to write'.

This illness may have hampered Burghley's effective participation in the Lords the following month; in addition, it suggests that much of Cecil's confidence and authority in the Commons derived from responsibility given him by his frail father. It is also possible that Cecil's leadership was made easier by the Queen's anxiety that Burghley's diminished powers should not adversely affect the control of business. If, as a result, Cecil was afforded special access to the Queen, it would have given him a particular advantage at a time when Essex was striving to mount an influential party in the Commons.[5] As it is, no direct evidence survives as to how Cecil assumed, from the commencement of proceedings, his central position in the lower house.[6]

Both Cecil and Burghley, in their speeches outlining the need for increased revenue, referred to a menacing alliance between the expansionist designs of the Spanish monarchy and an army in France sent by Pope Clement VIII who, asserted Burghley, 'never heretofore shewed his hostility otherwise than by bulls and excommunication'. From this and other evidence Burghley drew the conclusion that together, Philip II and Clement VIII:

> ply themselves to win a party in England to be ready and second his invasion, I am sorry and loathe to relate, and how far they have prevailed therein to

> gain so great a multitude of vulgar people, yea of some that are of wealth and countenance, to adhere to these invaders at their entry, with vain hope to attain to the place, honours and livelihoods of such as are now known true, natural Englishmen and good subjects.[7]

Cecil's maiden speech in the Commons also commended the subsidy by pursuing a similar theme. In it he advised the house that Philip sought to 'stirre upp Sedition amongst us by his Instruments the number alsoe of Papists dayly increaseinge'.[8]

Members can hardly have been surprised, therefore, when separate religious bills dealing with recusants and catholic priests were introduced into each house; the first in the Lords on Saturday 24 February, the second in the Commons the following Monday.[9] A further reason to have anticipated such measures was the likely intention of the government to give statutory backing to the provisions of a royal proclamation entitled *A declaration of great troubles pretended against the realme by seminarie priests and jesuits*, issued in October 1591.[10] The proclamation had had the effect of establishing a new recusant commission which was designed to apprehend incoming Jesuit and seminary priests through the interrogation of recusants of means who were believed to be both sympathetic to the catholic mission and in a position to further its aims. At the time of its appearance, authorship of the proclamation had been widely attributed to Burghley and, as the recusant commission proceeded, it had become clear to both dissident catholics and local government officials that Burghley was its driving force.[11] In January and February 1593, as parliament was assembling, late returns from county recusant commissioners were still arriving on Burghley's desk.[12]

By their nature, royal proclamations did not have the permanent authority of statutes passed in parliament. Many were designed to meet temporary emergencies such as plague or famine. Others in the Elizabethan period were drawn up to implement government policy when there was insufficient business of national importance to justify the calling of a parliament. The proclamation of October 1591 against Jesuits and seminary priests served this latter purpose in particular and Burghley appears to have used the resulting information from the county recusant commissions to prepare the case for fresh legislation against catholics. A schedule preserved at Hatfield House which lists principal recusants in twenty-seven counties was drawn up in the late summer of 1592 and probably dates from the time Burghley was beginning to prepare government business for parliament. It could be used as evidence of the threat posed by a well distributed catholic community in the event of a Spanish invasion, and of the legitimate public fear such a situation would create. In considering the need for a new anti-catholic statute, Burghley would also have been aware of the weak authority of the proclamation, particularly in the north. At the beginning of 1593 he received an account of conditions in Northumberland which confirmed this problem. Determined catholic recusants, it was reported, perceived 'that such a commission cannot hurt them', so that they were all the more 'forward in resetting of Jesuits and popish traitors'.[13]

On the Thursday after the official opening of parliament, the Queen made a second appearance in the Lords, this time to hear the Speaker's speech on behalf of the Commons. In it,

Sir Edward Coke took the opportunity to state the belief of the lower house that, due to the dangers of the time, it was requisite that 'sharp ordinances' be provided against those who threatened the Queen's security. The Commons re-assembled the following Monday, and its first business was the reading of a draft bill against recusants entitled 'An Act for the reducing of Disloyal Subjects to their Due Obedience'. As Cecil's introduction of the subsidy bill later in the day was his maiden speech, he can hardly have been responsible for introducing the recusant bill, a duty perhaps undertaken by another government spokesman, Sir Thomas Heneage. The appearance of the recusant bill at the beginning of parliament indicates that it was most probably a government measure. Meanwhile, two days earlier, on 24 February, the Lords had initiated their proceedings with a separate bill concerning catholic priests and lay recusants' freedom of movement.[14] It is Read's view, despite a lack of conclusive evidence about Burghley's direct involvement in the composition of the bills in the final form in which they were introduced into parliament, that he had 'much to do' with the drafting of the Commons' bill and 'a large part' in the drafting of the Lords' bill;[15] this seems probable in view of his pre-eminent interest amongst Privy Councillors in anti-catholic measures.[16]

Burghley's own copies of early drafts of both bills have survived as have two related documents among his papers - a summary by Popham of the opinion of the assize judges as to the necessary measures required to combat catholicism and a similar paper attributed to Richard Topcliffe.[17]

Furthermore, the bills prepared for parliament accord with what is known of Burghley's strategy for the specific control of catholics.[18] The Commons bill was directed at harbourers of priests and at other recusants, and provided for financial penalties against them; the Lords bill restricted personal freedom of movement, and also specified penalties to be enacted against priests. Taken together, the proposed penalties were harsh, and it is noteworthy that the types of offenders and offences singled out for punishment in the draft legislation matched those which had been revealed by the recusant commissioners during 1592: the detection of those who secretly maintained the catholic faith; 'mixed' catholic-protestant marriages; harbourers of recusants; the education of recusants' children; and the engaging of priests to baptise children. Moreover, Popham and the assize judges had supplied Burghley with ideas for measures to combat these offences prior to the parliament.[19]

In addition to evidence linking the contents of the bills to the commission which Burghley had directed and to his role in the preparation of legislation, his responsibility for their contents is suggested by two further considerations. First, records of the progress of the religious bills in parliament reviewed in detail below, show that, despite his health, Burghley was a dominant presence in the Lords and that, at crucial moments, he managed proceedings in tandem with Robert Cecil in the Commons. Indeed, the progress of religious bills in 1593 seems to have been beset by the tactical ploys of interest groups in both houses. Burghley, for one, was no doubt mindful of how a similar state of

affairs had, from his point of view, emasculated anti-catholic legislation in 1581, reducing its subsequent effectiveness to such an extent that he had had to undertake his own analysis of what could be achieved with the act as passed (23 Eliz. I, *c.* 1).[20] In the similarly volatile political atmosphere which prevailed in 1593, even the severity of the punishments prescribed in the two religious bills may provide clues as to the identity and tactics of their sponsors.

As first read in the respective houses, the punishments prescribed in the two bills were of the most extreme order - banishment and death. Furthermore, in significant details, the bills presented differed from earlier versions in Burghley's possession. In the case of the Lords bill, some of the penalties had been increased in severity by the time it was framed. As Burghley, above all Councillors, was the most insistent upon the need for fresh measures against the catholic community, perhaps this was a tactical move: as the debates progressed he could appear a moderate supporter of more lenient measures, whilst at the same time securing in statute the penalties which he had originally considered appropriate. The Lords committee considering its bill did indeed amend it, reinstating the more moderate penalties stipulated in the earlier draft preserved by Burghley.[21]

In the event, the parliament which sat from 19 February until 10 April 1593, spent much time considering a succession of bills about religion. This led Neale to devote a complete chapter in his analysis of the parliament to unravelling the subsequent passage of two religious bills introduced at the

beginning of the session. As a result of his reconstruction Neale concluded that proceedings had resulted in 'remarkable modifications to the government's original plan' of securing a pair of drastic anti-catholic measures. Instead, one bill had been transformed into a law against protestant separatists. Neale considered this development 'a revolution in parliamentary policy', inspired by a Whitgiftian faction; as such, concluded Neale, it was wholly against the wishes of Burghley and counter to the spirit of earlier Elizabethan parliaments.[22] Neale's account has stood for thirty years and been followed by subsequent historians;[23] but was Burghley outmaneouvred in this way, and did he oppose anti-separatist legislation?

Three sets of evidence will be drawn upon in the following reconstruction: indications as to Burghley's likely support for such a measure derived from his dealings with separatists and Martinists during 1588-92; evidence of his attitude to separatism derived from his involvement in the final suppression against the underground church which took place during March and April 1593 as parliament was sitting; and internal evidence derived from the proceedings in parliament itself.

First, what may be discerned from Burghley's record during 1588-92 about his views as to the punishment necessary for Barrow and Greenwood, and for Penry should he be captured? The *Act to Retain the Queen's Majesties' Subjects in Due Obedience* of 1581 (23 Eliz. I, *c.* 1) under which Barrow and Greenwood were held allowed for the death penalty if a

conviction was secured; similarly, sentence of death had been pronounced against Udall under the 1581 *Act against Seditious Words and Rumours*, but then deferred. As has been noted, there are records of two occasions when Burghley used Privy Council meetings at which Whitgift was present to press for a more lenient outcome of Udall's case.[24] Furthermore, by the spring of 1592 Burghley was working to secure a pardon for Udall in order to remit the death penalty and instead invoke a sentence of banishment.[25]

Burghley's tendency to seek leniency in the punishment of radical non-conformists does not, however, imply a lessening of opposition to their practices. His attempts in 1590 to have Penry and Waldegrave extradited from Scotland are a case in point.[26] Moreover, in the spring of 1591, when Robert Sydney discovered in Flushing a consignment of Barrow's treatises *A Plaine Refutation* (Dort, 1590-91, carrying a dedication to Burghley) and *A Brief Discoverie of the False Church* (Dort, 1590-91), Burghley ordered that the copies of both works be burnt on the spot. In the same incident Arthur Bellot, Barrow and Greenwood's printer at Dort, was captured and sent over to England by Sydney who told Burghley that he regarded Bellot as deserving 'rather pity than anger'.[27] Nevertheless, Burghley turned Bellot over to Whitgift, who had him imprisoned in the Marshalsea.[28]

From his record during 1588-92, nothing would indicate Burghley's hostility to specific, anti-separatist legislation. Indeed, from his remarks to Barrow, it seems that he was dissatisfied with the availability only of an anti-catholic

measure with which to indict non-publishing separatists. Similarly, episodes such as his complaint to Whitgift that Star Chamber proceedings were far too harsh for the nine ministers and his opposition to the use of the *ex officio* oath suggest that he was sensitive to the inappropriate use of legal instruments in cases of protestant non-conformity.[29] The evidence from 1593 is more complex, however; the parliamentary proceedings of February, March and April were intricate and unpredictable, as were the steps being taken simultaneously by the authorities to suppress separatism (see Table 3.1). It is the relative influence of Burghley and Whitgift over these events which forms the subject of the remainder of this chapter.

(b) 24 February - 17 March 1593: The progress of draft legislation against recusants

The detailed progress of the four recusant bills that were eventually read in 1593 is highly complicated; fortunately, Neale's reconstruction of the sequence of events is generally reliable.[30] Parliament rose on 10 April 1593, having agreed two new religious statutes. What had started out as two complementary anti-catholic bills, one in each house, had emerged as joint statutes, both originating in the Lords. One implicated protestant 'sectaries'; the other was directed against 'popish recusants'.[31] An Elizabethan act of parliament against a specific group of protestants had been passed - a landmark event in the history of the Elizabethan parliament. Did Burghley intend only anti-catholic legislation to come out of the parliament or did he

countenance - or even encourage - the amendment of an anti-catholic bill into an anti-separatist act?

Or does, after all, the *Act Against Seditious Sectaries* represent Burghley's final defeat in protestant non-conformist policy at the hands of Whitgift and Bancroft? This was the conclusion reached by Neale, who saw the church group as purposeful, providing a leadership in both houses that was 'conservative and Whitgiftian' and subject to the archbishop's personal control. This, Neale argued, represented a 'new repressive atmosphere' which left Burghley unhappy and 'outcountenanced'. Patrick Collinson has gone further. Whitgift and his supporters were 'masters of the situation' and 'instrumental' in securing the anti-separatist act.[32] Yet both of these verdicts owe more to an estimation of Whitgift and his methods than to a detailed recognition of Burghley's apparently central role in the production of draft legislation and his implacable opposition to separatism, clearly stated since 1588.

Unfortunately, the *Lords Journals* for this session are silent on the details of proceedings concerning the proposed religious legislation, with the result that conclusive evidence as to Burghley's and Whitgift's respective influences over the *Act against Seditious Sectaries* is missing. At the outset, however, a number of crucial problems with Neale's interpretation of events may be noticed. First, he was unaware of Burghley's strong and consistent opposition to separatism over the five years preceding 1593, or of his involvement in the authorities' suppression of separatism

which was occurring simultaneously with the parliament.[33] Second, he was unaware of the evidence which closely links the preparation of the recusant bills with Burghley's interests. As a result, Neale was vague about the origin of the bills and, consequently, puzzled at what he considered to be Burghley's unlikely sponsorship of similar measures later in the session. Third, his conjecture that the Queen was not involved is hardly credible and omits important evidence.[34] Fourth, he detected Whitgift's tactical intervention in the Commons debates on religion at several points (a 'flagrant breach' of procedure), while failing to consider how Burghley and Cecil might be reciprocating. Fifth, his picture of Burghley as the promoter of the bill against seditious sectaries and yet impotent in the management of the parliament's business is scarcely more convincing - Burghley took control of the difficult debates over the subsidy that were running simultaneously and, as Neale himself acknowledges, Burghley's old age and poor health were no barrier to his being the 'dominant' influence over the entire parliament in 1597-98.[35] In short, his account was designed to draw too black and white a distinction between the 'repellent' Whitgift and the 'liberal outlook and restraint' of the 'incomparable' Burghley, the Queen's 'perfect servant'.[36]

In the account which follows, an attempt is made to rectify these imbalances. The picture that emerges is of Burghley as architect, both of the anti-catholic act that was passed and, with Whitgift as a secondary supporter, of the anti-separatist statute. In this light, he may be seen as

using the occasion of a parliament, called for the raising of a subsidy, to increase the scope of religious legislation. Moreover, there is reason to believe, contrary to the prevailing view of historians of the parliament, that the measures which emerged more closely conformed to Burghley's preferences than to those of his political rivals.[37]

It seems likely that, sometime during the eight weeks before the parliament met, and in the light of the findings of the recusant commission compiled during 1591-92, Burghley sought legal opinion on the framing of fresh anti-recusant legislation and had two complementary bills drawn up which, potentially, dealt with the full spread of recusancy, both catholic and protestant. The first was to be introduced in the Commons, the second in the Lords.[38] It may even be that, as early as March 1589 - as a result of working with Hatton on the proclamation against *Schismatical Martinist Bookes and Libels*, and in the light of his examination of Henry Barrow - Burghley had resolved that a corrective law against protestant extremists was required to suppress the threat they represented to the government of the commonwealth. The parliament of 1589 had convened during February and March. There had, it would seem, been insufficient time to draw up a considered legal response to the separatist question. Moreover, Martin Marprelate's activities had made the question of puritan controversy so uncomfortable and volatile that the Queen had imposed a moratorium upon religious debate in parliament.[39]

In contemplating similar legislation for the session in 1593, Burghley would have been aware, however, of political difficulties in the introduction of such legislation. The precedent of 1581 was not encouraging[40] and later events were to prove that many in parliament in 1593 had been worried about finding themselves or their families implicated in far-reaching measures;[41] furthermore, a vocal puritan group in the Commons could be relied upon to resist any statute that implicated even the extreme protestants.[42] In addition, Burghley could anticipate pressure from an authoritarian church group headed by Whitgift to expand any anti-protestant legislation to include moderate puritans, whom Burghley would want specifically to protect. Finally, Burghley had also to consider the position of the Queen, and the extent to which she was sympathetic to Whitgift's wider intentions against moderate puritans.

In all Burghley's dealings with catholic recusants the issue which most preoccupied him was their ability to become - for Spanish propaganda purposes, if not from their own preference - a mobile faction ready to take arms against the government during a national emergency such as that of 1588. It seems to have been no coincidence, therefore, that of the two religious bills presented to parliament in 1593, the one which entered the Lords, and over which Burghley could assert direct control, dealt with the mobility of recusants and with the examination of suspected Jesuit and seminary priests entering the English mission field. This bill passed through both houses, emerging - broadly intact from Burghley's point of view - as the *Act Against Popish Recusants*.[43]

Part of the reason that the *Act Against Popish Recusants* passed through the Commons with hardly an amendment was that it came down from the Lords quite clearly specified as pertaining to those 'tearmynge themselves Catholikes' and who were 'Popish recusants'. There could be no ambiguity that it was they against whom the 'intent and true meaning' of the act was directed.[44]

It was ambiguity of drafting that dogged the passage of the Commons bill, however. The bill was first debated at its second reading on 28 February when Henry Finch, a leading puritan member of the house, pointed out that it could include protestants in its scope. Its preamble spoke out strongly against the Pope and against catholic enemies of the state but implicated all who absented themselves from church as tending to seduce good subjects 'from their natural and bounden duty of allegiance, and thereby to stir up sedition and rebellion'.[45]

That radical members of the Commons should have been especially vigilant for such ambiguities of drafting was hardly surprising given the intensity of the government drive against protestant non-conformity during the previous three years. Although the crack-down was in a state of limbo in the weeks before the parliament met, from the point of view of moderate puritans the situation remained menacing: the case against the nine ministers had not been secured but Bancroft, on behalf of the Whitgiftian group, had resorted instead to the preparation for publication of two books containing damning accounts of his investigation into non-conformity;[46]

Udall's case had reached an *impasse* - but only because the hardline group was unsure of its ground with the Queen; considerable numbers of separatists languished in prison waiting to be dealt with by the authorities; the arrest of Penry, the most wanted of those still at large, remained a government priority.[47]

By the time the Commons came to debate its recusant bill, however, the political atmosphere had become even more highly charged as a result of a sensational series of developments in the conflict between the government and the separatists (see Table 3.1). A fortnight earlier, on the eve of the opening of parliament, the separatist prisoner Roger Rippon died in Newgate. His congregation's response was to subscribe four shillings and eight pence to make a coffin with a libellous inscription describing Whitgift, Justice Richard Young and officers of the court of High Commission as murderers, not only of Rippon but of fifteen or sixteen others who had died in prison. The coffin was then carried in procession to Young's house in Cheapside.[48] For the authorities it was an intense provocation and the search for the entire separatist group was immediately stepped up. Furthermore, it is clear that Burghley was kept closely informed about events. He received a copy of the coffin's inscription,[49] and the Tuesday following the incident - the day after parliament opened - he received a petition composed jointly but anonymously on behalf of the congregation by Barrow and Penry.[50]

From Finch's speech during the Commons' second reading debate it seems clear that he had separatists in mind when

drawing the attention of the house to the possibility that its bill would entrap the sort of recusants who 'openly pretend to be of our religion, but do neither frequent our churches nor sermons, nor communicate with us'.[51] Moreover, it is likely that his meaning was quite clear to those present; the whole house would certainly have known of the scandalous delivery of Roger Rippon's corpse to Richard Young's house eleven days before; some may have heard both about Barrow and Penry's petition to the Council, delivered to Burghley the previous week and of the recent arrest by Whitgift's commissioners of Richard Bowman, a deacon of the separatist congregation.[52]

A diary account of proceedings in the Commons indicates that a considerable time was spent subsequently, both on this bill and its successors, in debating different interpretations of the term 'recusant'. From this source, however, it is clear that it was not only the separatist issue that concerned Finch and his colleagues, but the potential of the bill to implicate even moderate puritans.[53]

It seems likely that, in its inception, the original Commons bill was a measure for which Burghley was responsible; moreover, with its ambiguous drafting, it was a bill which - in the heated political atmosphere of March 1593 - would have the effect of testing the susceptibility of the lower house to a religious law that could be held to include moderate puritans in its scope. G.R. Elton has suggested that earlier in the reign Burghley deployed this parliamentary tactic deliberately: in 1571 over a bill defining the duties of

revenue officers and, most notably, in 1566 when attempting to force the issue of the royal succession.[54]

Supporting evidence for the suggestion that Burghley repeated the manoeuvre of a 'stalking horse' Commons bill in 1593 comes from a significant incident on the opening day of the parliament which indicates the middle course Burghley was trying to steer: he was committed to an anti-separatist statute, yet opposed to Whitgift and Puckering's likely intention of opening the legislation so far as to implicate moderate puritans. When Puckering asked for assistance in drafting his speech for the opening of parliament in which the government programme would be presented to both houses, Burghley prepared an outline for him which covered all areas of policy except religion. As Puckering delivered his speech he proceeded - seemingly unwittingly - to reveal the Whitgiftian position by indicating that, amongst other things, the session would need to have consideration of the 'discontentment' of catholics and 'the proceedinges of the puritanes'. This was certainly loose terminology that Burghley would have avoided and, no doubt, alarm bells immediately sounded in the minds of Finch, Nathaniel Bacon and other moderate puritan sympathisers from the Commons as they stood listening behind the bar in the Lords. The Queen herself did nothing to allay such fears. In a rather obscure comment to Speaker Coke she observed that the 'onely' function of the parliament was to promote the greater service of God; those who were found wanting would, she said, need to be 'compelled by some sharpe meanes to more due obedience' in such service. These words, echoing the terminology of the

1581 statute about which Barrow had complained, exactly coincided with the title of the Commons bill which caused Henry Finch such dismay and which, it seemed to some members of the Commons, was to be an instrument through which Whitgift's group could seek to implicate moderate puritans as well as separatists.[55]

After the Commons debate on 28 February the bill was delivered to a revisions committee. By 12 March the committee had altered it 'in every or most parts therof', reducing the severity of the proposed sanctions and narrowing the scope of the bill specifically to 'Popish recusants'. As Neale noted, the debates on this *nova* bill included speeches from both James Dalton and William Lewin, who now argued - apparently on Whitgift's behalf - for the inclusion of separatists in the penalties prescribed by the bill, so as 'to have Browneists as well provided for as the Papists'.[56]

The argument was a powerful one for the members of the house would all have known of further dramatic developments in Whitgift's pursuit of the underground separatist movement. On 4 March the ecclesiastical commissioners had arrested and imprisoned around fifty-six separatists who were attending a conventicle in Islington Woods. Penry was amongst those apprehended, but he managed to escape the same day. Two events rapidly ensued: that evening the Council issued a warrant for his arrest and, in the days that followed, began to undertake detailed and systematic examinations of the prisoners.[57] The interrogations were conducted by Richard Young, and most of the prisoners were asked about their

connections with Penry. More generally, Young and his assistants were able to build a detailed picture of the congregation, its officers, members, finances and worship. By 9 March there had been nine examinations.

Events now began to move rapidly. The following day, a Saturday, parliament was already in progress when three separatist women appeared and presented a petition written by Penry in the aftermath of the mass arrest. In the Commons copies had been handed to Coke and Cecil, who had refused to accept them and, in the Lords, Puckering had been given a further copy. It is unlikely that any other members - to the generality of whom the petition was addressed - had seen its contents. Penry had restated the argument that the church officers over-reached their authority, and he had appealed to have the separatists' case heard by the civil powers. Otherwise, he had protested prophetically, 'streames of innocent blood are likely to bee spilt in secret by these bloodthirstie men'.[58]

The petition arrived in the Commons three days before the debate on the *nova* recusant bill and Dalton and Lewin clearly felt that their arguments could capitalise on members' abhorrence of separatism. But their specific proposals were still vague - dangerously so for members such as Finch. Dalton's proposal was to substitute the term 'disobedient' in place of 'disloyal' subjects. After further committee consideration the issue was put to a vote on 15 March when 'the voice of the House was to have Popish recusants only'. Neale speculates that the reasons for the bill failing to

proceed beyond its third reading on 17 March may be attributed, in part, to 'the Whitgiftians'' view that, now it merely implicated catholics, it had lost its virtue.[59]

This seems quite likely. But so, too, does a more subtle and decisive tactical influence on the part of Burghley, who Sir Geoffrey Elton characterises as the 'manager-in-chief' of the Elizabethan parliament. If, as has been argued, Burghley's intention in 1593 was to make a 'streighter law' which encompassed separatism but which could not harm moderate puritanism, then the anti-recusant bill as originally read in the Commons hardly fits this description with its omission of any direct reference to a specific group of protestant radicals. Most probably, Burghley's intention was to use the Commons bill as a contentious measure around which Whitgift's supporters, and moderate puritans such as Finch, could argue, persuading the majority of members, in the process, that no broadly phrased definition of recusancy promoted by Lewin or Dalton should be permitted. This interpretation is very similar to Elton's conclusions about the passage of the 1571 bill concerning revenue officers: Burghley's first measure was 'intended to soften up' potential opposition 'before the real bill was moved'. Elton conceded that his conclusion was conjectural, but in the case both of 1571 and 1593 the justification for such a conjecture is the same: it fits the outcome of events better than alternative available explanations.[60]

With both Puckering and the Queen hinting at anti-puritan measures, the lower chamber had been put immediately on its

guard. In addition, it would seem significant that, when the original recusant bill re-entered the Commons in mid-March after committee revisions, Cecil and Heneage appear not to have spoken, whilst Dalton and Lewin argued for ambiguous amendments which could implicate a wide range of protestants within its scope. Cecil would, however, have been able to report privately to Burghley that, during both main debates in the Commons on 28 February and 13 March, the house, in its anxiety, had feared that moderate puritans - 'divers godly zealous poor men', as Finch had described them - could be vulnerable to the penalties in the bill if the defining clauses were ambiguously framed. Finch, indeed, had gone further, resisting even the inclusion of separatists in recusant legislation 'because they carry the name of our brethren' and were 'enemies' of catholicism. Nevertheless, Cecil and Burghley probably judged that it was not impossible that a majority of members might still be persuaded of Speaker Coke's suggestion that it might be preferable to have a new measure in which protestant recusancy could be more specifically defined.[61]

(c) 21 March - 10 April 1539: Executions and statutes

Although both houses of parliament now took a break from the controversy, behind the scenes the government's action against the separatists had taken on a new, sharper focus. On Sunday 11 March Barrow and Greenwood were examined. These proceedings were conducted by the senior judges Sir Edmund Anderson and Popham, both of whom were veterans of the Martinist cases. Attention was directed to the prisoners'

authorship of illegal publications, with a view to dropping the charges against them brought under the anti-catholic statute of 1581. Barrow and Greenwood had always complained about the use of this law against protestants and argument in the Commons' debates had been focussed on this very issue. Less controversially, therefore, a case was now made against the prisoners under the 1581 *Act against Seditious Words and Rumours* similar to that which had successfully been brought against Udall.

Burghley was probably aware of these developments, having been involved in the Council's response to the news of the arrest of the separatists on 4 March, and having been in the Lords when Penry's petition was delivered on 10 March. He probably also welcomed the adoption of the new charge against Barrow and Greenwood; it was a more appropriate use of existing statutes even though the act of 1581 had anticipated that the seditious words would be uttered in defence of Roman Catholicism.[62]

The examinations of Barrow and Greenwood were followed a week later by four interrogations of those suspected of aiding and abetting the separatists' publications. Lewin acted as one of the interrogators. On Tuesday 20 March Barrow and Greenwood were again examined as part of the preparations for their trial and that of three accomplices, Scipio Bellot, Robert Boull and Daniel Studley.[63] The trial took place over the following three days, 21-23 March, and all five defendants were found guilty of felony and sentenced to be hung the following day - Barrow and Greenwood for 'devysing' and

Bellot, Boull and Studley for 'publishinge and dispersinge' seditious books which the prosecution had contended were a denial of the Queen's prerogative.[64]

The events which followed were reminiscent of the uncertainty that had been caused by Udall's sentencing two years before.[65] Egerton now hurriedly wrote to Puckering requesting him to determine 'that yf Her Majesty's pleasure should be to have execucion deferred, it might be knowne this night' - almost identical instructions to those which he had received during Udall's prosecution in 1591. Puckering's advice seems to have been that if the condemned prisoners would agree to a conference with Egerton, no doubt with some form of submission or recantation as the intended outcome, then the Queen would allow the sentence of death to be deferred.[66] Three days later, on Monday 26 March, the meeting duly took place in Newgate prison. No headway was made, and Egerton found it 'fruytles' and 'ydle'. The fate of the separatists now depended, as it had for Udall, upon which of two options would prevail with the Queen. Exemplary execution was one choice, in part dependent upon whether Whitgift or the councillors Wolley and Fortescue who had both been in the prosecuting commission, wished to press for it. Moderation and royal pardon pending lesser punishment was the other option, in part dependent upon whether Burghley wished to argue for it.[67]

Up to this point the evidence does not refer to Burghley or Whitgift's direct involvement. It is likely that, as in the protracted proceedings against the Martinists, Burghley

was content to authorise the detection, imprisonment and conviction of separatists, but to delegate the detail both to the ecclesiastical commissioners under Whitgift's direction and to the judiciary under Egerton, the attorney general, and the two lord chief justices, Popham and Anderson.

It seems that at this stage, having granted a reprieve to all five men, it was decided to deal first with the two principal offenders, Barrow and Greenwood. Both prisoners probably realised that their best chance of mercy lay with the influence of Burghley and their own willingness to make some form of submission. On 26 March, the day that Barrow and Egerton met, Barrow made a written request for a 'christian and peaceable conference with some learned and moderate persons', and followed this request twenty-four hours later with a proposal to Egerton, that a formal 'disputacion by the Scriptures' be held between the separatists and divines from the established church.[68]

With this development Egerton decided to involve Burghley directly. He sought direction from Burghley over what to do about Barrow's requests; he also asked Anderson to stand in readiness should Burghley wish to confer with him. From his correspondence with Puckering it is clear that Egerton regarded Burghley's decision to be the most authoritative in determining the outcome. Burghley's response was to allow the conference - no doubt with a written submission as the intended outcome - but also to give Whitgift the opportunity to justify the refusing of a disputation. This Whitgift attempted to do, declaring that it was not 'equall, safe nor

fitte' and, to support his case, Whitgift - or his close advisers - deployed a mixture of theological and political arguments.

By arguing that religious controversies had already been resolved in parliament and should not now be examined by an 'inferiour authoritie', Whitgift was sensitive to Burghley's rejection of any suggestion of claims *jure divino* in the determining of forms of church government; by further contending that 'to call the ministerie of England into question is to strengthen the papistes', Whitgift fell back on the argument, widely deployed by successive members of the Elizabethan government, including Burghley, that the catholic threat could be effectively countered by the vitality of the established church.[69]

The reference to parliament was apposite, for Burghley had been busy in the Lords that week with a new bill against protestant separatists. It was headed 'An Act for explanation of a branch of a statute made in the twenty third year of the Queen's Majesty's reign entitled *An Act to retain the Queen's Majesty's subjects in their due obedience*, with additions to the same'. In other words, the proposed measure was to be a specific extension of the anti-catholic legislation of 1581 designed to encompass separatists such as Barrow.[70]

It is clear from subsequent events that Burghley intended to use this measure as the vehicle for achieving the kind of legislation he sought. Nevertheless, if he were to gain the upper hand over Whitgift tactically by securing the protection

of moderate puritans from the proposed measure, there were still considerable hurdles to be overcome. In the first place, the new bill had to be steered through the Lords. This was achieved very quickly - in five days, 27-31 March - and, according to Thomas Phelippes, it was passed 'by means of the bishops'. As the text of the bill has not survived, and only a few clues are provided by the subsequent debates to indicate it contents, it is impossible to be certain about its origins. The fact that it apparently received solid episcopal support in the Lords is not insignificant - Whitgift and his followers were evidently still anxious to gain some legislative reward for their endeavours to control non-conformity.[71]

Of greater significance, however, is the evidence that it was from this moment that Burghley and Cecil worked in concert to ensure that the bill was passed by the Commons. At the beginning of March they had used the device of a conference between the two houses to steer the subsidy debates onto a better course. On 30 March, it seems that they employed the same tactic a second time in order to redirect the recusancy legislation. Accordingly, Burghley met with Commons' representatives and announced that, in the light of the two versions of the commons bill having 'had noe proceedinge', the Lords had newly 'thought uppon a generall bill to that purpose'. He assured them that such considerations had not been 'agreed upon on any bill' but, when Heneage reported this to the Commons, members were sceptical. Most had no doubt heard that work on the bill had begun in the Lords three days earlier. It seems that Burghley's plans were an open secret, for the House replied that the action taken by the Lords was

out of order and that members of the Commons were not prepared to have their 'sentence preoccupated' in this way. Neither would they 'returne answer to the allowance of a bill before the bill came into the house'. Not surprisingly, the Commons were resisting becoming a rubber stamp for Lords' legislation. At this point Cecil rose to support Heneage and 'did urge' acceptance of Burghley's proposal. After an initial refusal, it was finally agreed that if the Lords sent down a bill, members would 'conferre of it accordingly'.[72]

The bill was considerably more specific than the Common's *nova* bill for which it was a replacement: it contained the defining phrase 'seditious sectaries' which was to be eventually agreed upon; it defined recusants as 'including generally all such as refused to come to the Church'; and Burghley re-iterated at the conference that it was the clear intention that 'this word "all" should take holde of all such'.[73] Although Henry Finch had first registered Commons opposition to any bill that implicated protestants over a month before, here was Burghley urging the lower house to consider the matter anew. Furthermore, when the bill was debated in the Commons, it is noteworthy that Cecil and Heneage this time joined Lewin in pressing for its acceptance.[74]

By now it seems that, with this parliamentary initiative, and with Egerton expecting Burghley's intervention over the sentence of Barrow and Greenwood to prove decisive, Burghley was at the centre of events with Whitgift. On 26 March a special commission to examine separatists was appointed, and

on Friday 30 March Burghley not only conducted the parliamentary conference at 2:00pm but was, with Whitgift, at the Privy Council meeting later in the afternoon which authorised the commencement of fresh examinations of the separatist prisoners.[75]

Also taking place on 30 March was a conference between Barrow and a group of church divines.[76] Evidently, Whitgift had successfully blocked Barrow's appeal for a formal disputation; nevertheless, if Barrow sought reprieve from death, this opportunity - probably supplied by Burghley - had now presented itself. Under similar circumstances the unpredictable Udall had placated the authorities sufficiently to allow moderating influences to prevail; Barrow, however, proved to be uncompromising. He told the divines that they followed anti-Christian callings and that, in comparison, his own iron fetters were the calling of a glorious martyrdom.[77] It seems that Greenwood was conferred with separately but with similar results. Both men held to their views, implacably reiterating their offer to argue their case from Scripture in formal disputation: seeing their time 'now was short in this world,' Barrow asserted that they were not inclined 'to bestow it unto controversies, so much as unto more profitable and comfortable considerations'.

The time was now at hand when it would become clear whether the Queen would sanction Whitgift's severe punishment or whether Burghley could yet contrive a moderate solution. 'Very early and very secretly' the following morning, Saturday 31 March, Barrow and Greenwood were taken to Tyburn for

execution. They were allowed to 'retyre themselves under a hedge' and then, 'being tyed by the necks to a tree', they were permitted some last speeches. The two condemned men proceeded to make their valedictions. Barrow relates the next dramatic minutes:

> Thus craving pardon of al men whome we had any way offended, and freely forgeving the whole world, we used prayer for Her Majesty, the magistrates, people, and even for our adversaries. And having both of us almost finished our last words; behold one was even at that instant come with a repri[e]ve for our lives from Her Majesty. Which was not onely thankfully received of us, but with exceeding rejoysing and applause of all the people, both at the place of execution, and in the wayes, streets, and houses as we returned.[78]

The news was soon being devoured by court observers, who saw the matter as one of direct confrontation between Burghley and Whitgift. Burghley, it was reported, had authorised the reprieve even 'as they were ready to be trussed up'. It was also said that his intervention was the direct result of a supplication made to him by Barrow and Greenwood 'that in a land where no Papist was put to death for religion, theirs should not be the first blood shed'. This supplication has not survived, but it seems highly likely that the prisoners would have appealed direct to Burghley. They probably knew of his efforts to save Udall and may have realised that he had now become involved with their case through Egerton. Francis Johnson, speaking on behalf of the separatists generally, probably had Burghley in mind when he stated that there were 'right honorable and godlie disposed personages of Sir Frauncis Walsingham's minde ... whoe have power, wee know, and good will, we hope', to further their cause.[79] Burghley's intervention had been spectacular and, unless deliberately

stage-managed, it represented a significant embarrassment for Whitgift's group.

At this point Burghley was, it seems, treading a tightrope, simultaneously championing an anti-separatist statute whilst directing clemency toward those who whom it would implicate. But, as perceptive observers would have noted, Burghley had resisted bloodshed in Udall's case, and the new measure in parliament substituted an order of banishment for the death penalty of the *Act against Seditious Words and Rumours* read at the trials of both Udall, and Barrow and Greenwood.

A catholic intelligencer reported a 'great multitude' of puritans having gone to Tyburn to witness the proceedings and that subsequently they returned 'flocking together in the city of London [and] began openly to murmur and to give oute threatening speeches'.[80] This, no doubt, created a tense backdrop to the Commons' consideration of the new anti-separatist bill which was given its first reading at their next sitting on Monday 2 April. On Tuesday 3 April other business dictated that the time available for debate on the second reading was insufficient in the view of the majority and so the debate took place on the following day. Cecil, Heneage, Lewin and Edwin Sandys all spoke for the bill, indicating that the measure now commanded 'official' government support across opinion in the Council. Cecil and Heneage were, no doubt, working to a brief from Burghley, whilst it would appear from subsequent events that Lewin and Sandys, with Whitgift's support, had fallen in with Burghley's

tactics but were still hoping for a broad measure against protestant non-conformity.[81]

Despite this pressure, puritan voices were raised in opposition - by Nicholas Fuller and Henry Finch in particular - concerned that the bill was still so drafted that more moderate puritans were endangered by it. And it is over the detail of the anti-separatist bill that Neale makes his case that Burghley sponsored it only reluctantly, being 'outcountenanced in Court and council by Whitgift'. Finch was disturbed by a clause which forbade speaking against any established religious laws so that, it was argued, critics of non-residency, pluralities and excommunication would fall within its scope. The bill's forbidding of conventicles he similarly greeted with hostility, partly as the term itself was vague and its 'reach .. was much feared', but also because the legal bounds of puritan 'exercises' had never previously been defined.[82]

Judging by events which were to follow, it seems that such clauses had been the price of Whitgift's support for the measure; most probably, however, it was Burghley and Cecil's judgement that such objections to the bill would be rendered academic by the insistence of the Commons on further changes. If so, this was confirmed when Finch summarised a set of shortcomings in the bill.

> There be great faults in the preamble and in the body of the bill. It pretendeth a punishm[en]t only to Brownests and such sectaries, but through out the whole bill [there is] not one thinge that concerneth only the Browneist. If we make a law against Baroests and Brownests let us sett downe some note of them who they are. But as this bill is (not to

> come to church or to speake against gover[n]ment established), this is not the opinion of the Brownests.[83]

The outcome, as Neale noted, was that the 'long' and 'weary' debating on 4 April led to the appointment of a revision committee which, the following day, shortened the bill and revised it so comprehensively that, in Neale's words, 'no innocent or merely indiscreet person could be entrapped, and certainly no Puritan'. This result satisfied the specific concerns of members and, in all respects, seems to have offered Burghley that which he sought: a clear extension of the 1581 *Act to retaine the Queenes Majesties' Sujects in their due Obedience*, the exclusion from its provisions of moderate puritans and the provision of banishment as the appropriate penalty - the outcome which had been decided upon for Udall. Barrow's interpretation of the situation, however, was that the threat of imminent death for Greenwood and himself remained acute. That week he addressed a final appeal to Lady Anne Dudley, Countess of Warwick, the puritan patron who had interceded with Whitgift on Udall's behalf; both he and Greenwood, Barrow told her, were still 'under this heavie judgement, every day exspecting execution'.[84]

Barrow's fears proved well-founded for, on Friday, 6 April both men were hanged, 'early in the morning'. Non-conformist blood had been shed and, in a significant respect, Burghley had been defeated. Whilst he had apparently judged the temper of the Commons sufficiently to secure almost certain acceptance of what, within the week, would become the *Act against Seditious Sectaries*, outside the lower house he had been outmaneouvred by political rivals who had judged that

the Queen was finally ready to support exemplary execution. Moreover, Thomas Phelippes was in no doubt that Barrow and Greenwood's fate was sealed by the annoyance of Whitgift and other bishops that, through the Commons' proceedings which ensured the safety of moderate puritans from the new legislation, much of the merit of the Lords substitution bill which Burghley had championed, was now lost. The executions, Phelippes observed, proceeded 'the day after the Lower House had showed their dislike of this bill.'

As soon as the news about Barrow and Greenwood broke, Burghley took issue with Whitgift publicly in the Lords where he 'spoke sharply' to the archbishop and to Richard Fletcher, the bishop of Worcester. He tabled a motion seeking a formal protest to the Queen, but it was not carried. Perhaps the Lords was weary of his subtleties over anti-separatist legislation; as it was, Barrow and Greenwood had been convicted as felons under the 1581 *Act against Seditious Words and Rumours*. Essex's view of the incident appears to have been supportive of Burghley in its way, and trenchant: 'the executions proceeded through the malice of the bishops to the Lower House'.[85]

What were the implications of this specific defeat for Burghley? Most clearly it shows that he still faced the prospect of the Queen supporting Whitgift against him on the separatist issue when she felt so disposed. Nevertheless, his steerage of the anti-separatist bill remained firmly on course, and in the remaining four days of the parliament he laboured hard to see the measure enacted.

On the day of the executions a conference of both houses was held at which Burghley led the negotiations. The Commons learned that the Lords thought it 'cared little for them, in that wee seemed to reject their bill and had soe mangled it'. The following day Commons opponents still wanted to redraft it, but Cecil persuaded the house to spend most of the day on a report stage, an extra committee stage, the third reading and a vote. Members were so weary that they were 'content to yield to anything, so we might rise'. Even so, some constitutionalists wondered whether the proceedings had been legitimate; certainly Cecil and Heneage had applied unrelenting procedural pressure to get the bill through. The revised bill made its final journey back to the Lords for a concluding vote, whereupon some peers sought further amendment. The final record of these extraordinary proceedings is an ironic and incongruous glimpse of Burghley and Whitgift, who together 'stood stiffly' in the Lords and insisted on the Commons wording so that the bill could be passed in the upper house before the end of the parliament.[86]

In its final form, the act directed its provisions, in the briefest possible of phrases, against the dangerous practices of 'seditious sectaries and disloyal persons'. A three month term of imprisonment was prescribed for those who refused to attend church services; if, after the three month period, the protestant recusants were not reconciled, they were to be banished upon pain of death should they return. The statute as enacted was also applicable to those who attended or organised 'unlawful assemblies, conventicles or meetings' held under pretence of religious exercise. Thus the

definition of a religious meeting which Finch had found disturbing was retained and this, perhaps, gave Whitgift's group the sense that some ground had been gained, even though Dalton's suggestion that the substitution of 'disobedient' for 'disloyal' persons had not been achieved. Nevertheless, as Neale has pointed out, the Commons committee revisions of 5 April, which were so disapproved of by the Whitgiftians, had had the effect of introducing new, milder penalties which 'required such an accumulation of offensive actions that no innocent or merely indiscreet person could be entrapped'.[87]

The material reviewed in this and the preceding chapter suggests that this outcome corresponded closely with Burghley's favoured solution to the problem of the protestant underground and that he had secured an significant tactical victory over Whitgift. The result would also seem to have been the culmination of some remarkable parliamentary procedure: by means of a Lords' intervention, and through the presence of Burghley and Cecil in the respective chambers, the legislation had been manoeuvred through. From surviving letters of Essex's, relating to the Cecils' deployment of similar tactics over the subsidy measures, it is clear that the Queen firmly approved of the Cecils' methods.[88] Perhaps, like Whitgift, Elizabeth was loth to lose the anti-separatist measure completely. By providing the royal assent, she evidently supported Cecil's efforts in steering it through the Commons in the face of further considerable opposition. In the end, he had had to persuade the members of the Commons to lock themselves in the

afternoon on the last Sunday of the parliament in order to secure the third reading.[89]

(d) Aftermath: Burghley, Penry and Johnson

The constitutional historian J.R. Tanner noted that as the *Act against Seditious Sectaries* allowed 'irreconcileables to leave England it put an end to the troubles of the reign as far as they vexed the surface of politics'.[90] Whilst this is broadly the case, the statute encompassed only those separatists apprehended after 22 May, the date it came into force.[91]

When parliament rose in early April there were about seventy separatists in prison under government investigation. During the previous month interrogation had been initiated under Whitgift's direction through the court of High Commission. Under the new commission for the examination of separatists,[92] however, a modified procedure was initiated in April, which directed that the results of the commission's enquiries be reported direct to the Privy Council. This was an arrangement mirroring the procedure adopted for the Martinist investigations in 1588 [93] and it allowed Burghley to be kept informed of developments. Penry had been recaptured on 22 March, and evidence from the forty-three examinations of separatists which survive suggests that the authorities concluded that none of the significant leaders of the congregation were still at large, now that both Penry and Johnson were in custody. Accordingly, the lines of questioning now concentrated upon the separatists' organisation, doctrine and the conduct of worship.[94] From

this point little survives to indicate Burghley's thinking or direct involvement in the remaining government action against the separatists, with notable exceptions in the case of Penry and, to a lesser extent, Johnson.

Burghley's dealings with Penry are important in throwing further light upon his preferred proceedings and on his ability at this time to secure their enactment. It had been over four and a half years since the Privy Council had issued a warrant for Penry's arrest. Penry, never one to mince words, had described this warrant in his *Reformation No Enemie* (Edinburgh, *circa* January 1590) as the work of Whitgift - 'John Cant' - who, 'both in respect of his anti-Christian prelacy over God's Church and for the notable hatred which he had ever bewrayed towards the Lord and his truth, I think one of the dishonourablest creatures under heaven'. Condemned in parallel with Whitgift was the Privy Council, standing accused, in Penry's eyes, of holding an 'ungodly and wicked course' to the 'injury and violent oppressions of God's saints and ministers'. God, he warned, would afflict the Council 'with an heavy plague'. This intemperate style had suggested to the authorities that Penry might be Martin Marprelate and, as early as July 1589, Burghley had noted him as a leading suspect; subsequently, in 1590, Burghley had attempted unsuccessfully to have Penry extradited from Scotland to answer further specific charges.[95] During March 1593, between the arrest of the congregation at Islington and his own recapture, Penry had assumed the voice of the underground movement. He also seems still to have identified Burghley as the separatists' most likely source of relief. When the

petition to parliament failed on 10 March Penry wrote to Burghley complaining that the congregation's attempt to submit their case to the members via Coke and Cecil had been frustrated. He chose to assume that Burghley did not know of the petition and advised that, if he were wise, Burghley would 'look unto the dealing and to see it amended, except you wold have every man to embolden him self to do what his hand hath power to effect in this land'. This advice amounted to a prediction of widespread subversion. Contrary evidence, however, emerged from the examinations of the separatist prisoners, which indicated that they had been unwilling to 'shew them selves forth publiquely ... lest it might be a meane to stirr a rebellion'.[96]

Penry, however, was not so easily silenced. Even after his arrest on 22 March he invoked the wrath of God indiscriminately: Burghley was told that, unless he recognised the justice of the separatist cause, 'the Lord will laugh at your anguish of soule, even at your feare'; the Council was advised against the 'shamfull ruine' which befell those 'whoe strive and fight for the beast, that is the relligion of Antichrists'; Richard Young, the principal examiner on the separatist commission and an alderman of London, was warned that 'persecutors bee so blinded in the just judgement of god as they canot see them selves to bee the men whom they are'.[97]

The most reckless of Penry's writings dating from the time of his arrest was a petition to the Queen, a copy of which had reached Burghley. This document struck at the root

of the Elizabethan settlement of religion and, as such, was as much an attack on Burghley's ecclesiastical policy as that of the Queen. Penry argued that the politics of religious government had stifled the church. The Queen was told that through her government of the church, which Penry claimed did not suffer the gospel to reach further than the end of her sceptre, she was 'not so much an adversary unto us poor men, as unto Christ Jesus, and the wealth of his kingdom'. Not only this, but had Queen Mary's reign continued to the present, 'the Church of God in England had been more flourishing than at this day it is'. There were several laws which the expression of such views flagrantly breached and, had the Queen seen the petition, the author's execution would have been in no doubt. Puckering had certainly seen it and it was used in evidence at Penry's trial in May along with other incriminating papers that fell into the prosecutors' hands.[98]

Following an appearance before Egerton on 15 May, it was decided to bring Penry to trial six days later. On 16 May Penry marshalled arguments in his own defence and supplied these to Burghley: his 'private intercepted writings', he maintained, were jottings of random thoughts of his own or, more often, were the objections made against him by others;[99] his petition to the Queen was a digest of the opinions of people in Scotland he had met concerning the state of the English church; his own intention had been to seek the Queen's permission to become a minister in his native Wales.[100]

Penry's case was heard on 21 May, but no conclusion was reached and the trial was adjourned. By this time Burghley

seems to have encouraged Penry with some hope, for the day after the trial opened, Penry once more turned to Burghley, sending him a long document known as his 'Protestation' which he urged him to 'reade and duly to weigh' before acquainting the Queen with its contents.[101] In the covering letter he expressed specific appreciation to his would-be patron:

> Beeing lykely to troble Yo^{r} Lordship wth no more letters, I doo wth thankfulnes acknowledg yo^{r} Hono$^{r's}$ favor towarde mee in that yo^{ur} hand hath been always open to receive the writinge w[hi]^{ch} I have presumed to send unto yo^{u} fro[m] tyme to tyme.

In addition to this testimony of Burghley's support, Penry's notebook suggests that Burghley had arranged a secret meeting with Penry in the time of 'desolate estate and Perill' - before his arrest although it is not clear whether this meeting took place; Penry, for his part, was worried about securing access to Burghley without his identity being revealed and he also expressed a fear of being betrayed by Burghley 'into the handes of the men that seek my lyf'. There remains, nevertheless, nothing in Penry's subsequent correspondence to suggest that he suspected Burghley of malign intentions; on the contrary, he clearly identified Whitgift's regime as the source of his troubles, referring to 'the malicious injustice and hatred of mine enemyes the prelates'. The startling implication of these secret arrangements is that Burghley had contact with Penry at a time when there was a Privy Council warrant in force for his detection and arrest.[102]

That a subsequent meeting took place between him and Burghley as the judicial proceedings reached their climax

seems clear and it is evident that Burghley sought clemency for Penry as he had for Udall, Barrow and Greenwood, even though Penry's case would seem to have been even more hopeless than that of the others who had died; he had sent Burghley papers of the most incriminating kind. Notwithstanding, Burghley was apparently still resolved that, in this most inflammatory of cases, as in others, protestant blood should not be shed. Before the trial, in a letter to Burghley, Penry had observed how 'you draw towardes your grave by age, I drawe towardes my end by untymly death'; now, with the sentence imminent, Burghley intervened.

The trial had been adjourned on 21 May but was re-convened four days later at the Queen's Bench. A new indictment was read, accusing Penry of transgressing the 1581 *Act against Seditious Words and Rumours*, the charge used against Udall, Barrow and Greenwood before him. In particular, the passages from *Reformation No Enemie* and from the petition to the Queen were cited and he was found guilty of felony and sentenced to death. That weekend Burghley summoned Penry and reviewed the situation with him.[103] Either Burghley had already interceded with the Queen, or felt that with the aid of Penry's 'Protestation' he could do so, for on Monday 28 May Penry wrote thanking Burghley for his 'speech used unto me' and for Burghley's suggestion that the 'wanted clemency' of Elizabeth might be forthcoming. Such hopes were in vain, however: as with efforts to save Barrow and Greenwood, Burghley's influence was ineffective and the day after this last letter Penry was hanged at Southwark.[104]

Of the four radical non-conformists whom Burghley attempted to preserve from the gallows in 1592-93, none now was left alive. The new legislation which he had worked hard to achieve had come too late to save Udall or Penry; Barrow and Greenwood, meanwhile, could be said to have been executed, in part, because of the legislation and the circumstances surrounding its passage through parliament.

The new law replaced the death penalty prescribed by both 1581 statutes - the *Act against Seditious Words and Rumours* and the *Act to retain the Queen's Majesty's Subjects in their Due Obedience* - with a sentence of banishment in the most severe cases, including those where offenders had refuted the Queen's ecclesiastical authority through speeches and writings. Whilst Burghley's direct responsibility for the banishment clause in the Lords bill which eventually became the *Act against Seditious Sectaries* cannot now be established beyond doubt, this seems most likely in the light of his pre-eminent authority in parliament and his attitude to the four test cases of 1592-93. Moreover, each of the four radicals had proposed in their appeals to Burghley that if their unconditional release was out of the question, the Queen might find it acceptable that they 'goe beyonde seas' and 'depart the land to some foreign church'.[105] Nevertheless, Whitgift's preferred outcome had carried the day. In addition to emphasising Whitgift's authoritarian style of church leadership, the deaths of the separatists further antagonised relations between Burghley and Whitgift and served to remind Burghley that there were some aspects of religious policy over which he could not maintain complete control.

Events in 1593 suggest that, whilst Burghley was able to get his way in parliament, the Queen remained unmoved by his defence of protestant radicals: she supported her archbishop in their exemplary execution. Penry's death in May 1593 marks the apogee of this harsh regime, however, for the legislation which Burghley had championed was to have the effect of sparing other lives; its specific provisions made the use of either 23 Eliz. I, *c.* 1 or *c.* 2 obsolete in the prosecution of protestant non-conformists.[106]

Under the *Act against Seditious Sectaries* the prescribed penalty of banishment became effective in August 1593. The surviving imprisoned separatist officers were now led by Francis Johnson, who wrote to Burghley in June asking if the new statute made their release more likely and offering 'to departe whithersoever it shall please God to bringe us'. The fact that none of the seventy or so prisoners were bailed that year, and that Johnson and his colleagues' release was delayed for four years, suggests that, as in Udall's case, Whitgift's influence with the Queen served to delay a resolution.[107]

Indeed, the practical implications of banishment as a mass penalty may have been controversial. Sir Walter Raleigh was not convinced of its feasibility and had told the Commons so during the second reading debate on the Lords bill against separatists. He pointed out that there were practical drawbacks:

> If two or three thousand Brownists meet at sea, at whose charges shall they bee transported, or whither will you sent them? I am sorry for it. I am afraid there is neare 20 thousand in England, and when they

> be gonne, who shall maintaine their wives and children?.[108]

The separatists, however, viewed banishment positively, not only as a reprieve from death or imprisonment but as a granting of their desire for freedom of worship. When, in 1597, the leading separatists were finally allowed to leave for Canada, Johnson told the Privy Council of their satisfaction that through:

> the providence of the Almightie, and Her Majestie's most gratious favour, wee may not onlie worshippe God as wee are in conscience perswaded by his Word, but also doe unto Her Majestie and our country great good service, and in tyme also greatlie annoy that bloodie and persecuting Spaniard about the Baye of Mexico.[109]

In the event, the Canadian project foundered, with the result that the separatists found their way to Amsterdam in September 1597.[110]

It is appropriate that the long episode which marked the government's reaction to protestant non-conformity should end with Francis Johnson's optimistic words. His story illustrates in practical terms the division between Burghley and Whitgift. He was arrested by the ecclesiastical authorities, examined under direction by Whitgift, released on Burghley's intervention, re-arrested by Whitgift's men and ultimately banished under a law sponsored by Burghley which tempered the harsher proceedings favoured by Whitgift.

* * * * *

Historians who have reviewed Burghley's role in the political suppression of non-conformity have found it obscure:

for Albert Peel, Burghley remained 'an enigmatic figure' who ultimately failed to take up the radicals' case; Carlson comments that he exercised policies of 'caution, conservatism and tolerant understanding' but that 'to the Separatists Lord Burghley was a broken reed'; Tanner remarks that the *Act against Seditious Sectaries* 'transferred the odium of repression from the bishops to the courts of common law'; to Peter Lake, Burghley appeared 'eternally hesitant' and 'extraordinarily reluctant to take sides'; for Collinson, Burghley was 'never more like Polonius' than in the parliament of 1593.[111]

From the evidence reviewed in this chapter, none of these judgements has been substantiated: Burghley's policy, it has been argued, was coherent and deliberate. If to historians and to some of his contemporaries Burghley's position appeared opaque, the separatists to the last attributed their troubles directly to Whitgift and the bishops.[112] Barrow and Johnson even make it clear that they considered Burghley and Whitgift to be in direct conflict over their fate.[113]

This tension between the leading churchman and leading statesman in England has proved a vivid context for understanding the decisive events of 1593; moreover, their climax has been shown to be the most dramatic expression of a protracted clash of wills over the appropriate sanctions to be employed against protestant malcontents, sustained throughout the preceding three and a half years, and detailed in Chapter Two. Over a still longer perspective, the discord between Burghley and Whitgift of 1588-93 may be seen as but a more

open expression of the mistrust and antagonism which had existed between them since Elizabeth's elevation of Whitgift to Canterbury in 1583.[114]

Despite the fragmentary nature of the evidence for 1593 it is difficult to escape the conclusion that the deaths of Barrow, Greenwood and Penry were willed by Whitgift, who justified them to the Queen. To the archbishop the separatists were, it seems, an irreducible menace; at the same time, their preaching and writings alienated and, on occasion, panicked Elizabeth. Equally inescapable is the conclusion that Burghley's attempts to shield protestant non-conformists of all stamps from the severest penalties were only partially successful. For it seems clear that the creation by Whitgift of three protestant martyrs was the price Burghley paid for his dominance over parliamentary proceedings and his achievement in fashioning a statute which would, in future, clarify the legal bounds of protestant non-conformity in a manner protective of moderate puritanism, and ensure that the ultimate penalty need no longer be invoked against those who transgressed.

CHAPTER FOUR

LOYALTY AND REPRESSION: THE RECUSANT GENTRY AND RECUSANT COMMISSIONS

Conrad Russell has recently argued that whilst in the 1580s 'almost every English Protestant feared popery' as an immediate threat, 'after 1587 and 1588, however, the physical danger slowly receded in to the background' as domestic catholics gradually diminished in number. The purpose of this chapter is to explore the *rationale* for, and effectiveness of, the two main policies through which the government - led by Burghley - directed pressure against the catholics in the aftermath of the Armada: the restraint of the catholic recusant gentry and the wider application of penal sanctions against catholics through the recusant commissions.

If Russell is correct in asserting both that the English catholic presence 'began to seem less obviously dangerous' as the 1590s wore on and that 'a divergence slowly appeared' among prominent protestants as to the nature of the catholic threat, how successful was Burghley in justifying severe measures against catholics and, in so doing, articulating the dominant strain of government policy? Neither question has been explored in detail hitherto, but the surviving evidence is detailed and illuminating.[1] This material, it will be argued, supports Russell's claim and shows that, whilst Burghley's concern to increase the range of measures for controlling catholicism was unflagging throughout the 1580s and 1590s, and in the earlier part of this period reflected government aspirations, as the 1590s progressed he was increasingly unable to convince either the catholic recusant

gentry or his colleagues of the justification for the case that measures of increased severity be taken against them. Specifically, it will be argued that Sir Thomas Tresham, as spokesman for the catholic gentry, defeated Burghley in debate on the question of the fairness of the political treatment he and his co-religionists received. Furthermore, it will be contended that, by negotiating with the gentry over the terms for their imprisonment and, after 1593, by declining to implement Burghley's more ambitious plans for re-invigorating the recusant commission, the Council made it increasingly difficult for Burghley to ensure that the government maintained a hard line anti-catholic policy. This latter contention is supported by a discussion of evidence indicating that during the 1580s and the period 1590-92 in particular, Burghley was able to use the Council as an instrument for the execution of his own, detailed anti-recusant policies, but that by 1594 his influence had begun to diminish until the point was reached in 1596 when Whitgift could successfully countermand Burghley's established policy intentions in order to use the recusant commission for his own ends.

(a) 1577-89: The emergence of anti-recusant policy

Burghley had been actively pursuing anti-catholic legislation as early as 1563,[2] but it was during the 1570s that the danger posed by catholicism seemed to increase rather than to diminish.[3] He considered that the numerical strength of English catholics had risen ten-fold between 1558 and 1575, and during the 1570s he cited the question of catholic loyalty as a consideration in important political issues: it was an argument in favour of military intervention in the Low

Countries and a matter that would be inflamed whichever way the Queen responded to the Alençon marriage proposals.

In the view of Burghley and the Council, there was an escalation of the problem with the arrival of the first missionary priests from the seminary at Douai (from 1573) and the Jesuit College in Rome (from 1580).[4] Recent work by Christopher Haigh has sought to show that the mission's actual success in re-invigorating English catholicism has been considerably overstated, first because there was a strong catholic element in the parishes surviving from the reign of Mary and second because the mission itself was ineffective in two crucial respects: it failed to create a national mission field, over-concentrating its efforts in the south-east near to the ports; and it failed to minister to the whole community, focusing a disproportionate amount of attention upon the gentry.[5] It is unlikely that such shortcomings were apparent to Burghley. Many of the most vivid accounts of open catholic practice came to him from the north where, in his experience, the reliability of county government officers and particularly that of the justices was most suspect.[6] Furthermore, it was the influence of the mission upon the gentry which Burghley most feared, notwithstanding the failure of the northern earls to provide a rallying point for catholic disaffection. Consequently, in numerous memoranda in the decade after 1577 he sought that measures be taken against the gentry: 'letters [to be] directed to the bishops to call and commit so many of the better sort of the recusants within their diocese' [*c.* 1577]; 'with the meaner sort, courtesie will serve more than argument; with the higher sort auctoritie

is a match' so that it is necessary for 'all the principal laymen being manifest recusants, remaining on bonds be sent for' [1580]; 'prominent recusants in the counties to be offered the oath of supremacy, and if they refused, to be subject to *Praemunire*' [1583]; 'the principall me[n] of welth being papists do gyve comfort and exa[m]ple to many inferiors and of consequence ther tena[n]nt[s]s ar forced for ther lyvelihoods to follow them' [*c.* 1584]; orders need be given 'for restraynt of Recusants y^{t} ar of most matter in lyve[li]hood and tena[n]ts' [1587][7].

The inception of a formal policy of restraint against the recusant gentry was a plan drawn up by Burghley and Walsingham, probably in late 1577, which allowed for the holding of the 'better sort' of recusants in ten appointed castles from Porchester in the south to Wigmore on the Welsh borders and Barnard Castle in the north.[8] The first step towards the implementation of this programme was made in June 1580, when the Privy Council instructed the Council of the North to round up 'some of the principal persons of the most mark' from among the recusants of Lancashire for internment in Halton Castle, Cheshire. It was declared that the 'meaner sort' of people were being led astray by 'sundry principal gentleman of that country' and that, as a result, the Queen had granted a new ecclesiastical commission for the diocese of Chester to enforce the Council's actions and to impose increased recusancy fines.

Such measures had no precedent, and it seems that there was some dispute as to whether an ecclesiastical commission

could exercise such powers. As a consequence of the uncertainty, a further instruction had to be sent three weeks later enclosing an 'Opinion of the Judges' on the matter, which stated that canon law allowed the bishops to punish recusancy as an ecclesiastical crime.[9] The Council's policy of restraining leading recusants now gathered pace. Instructions relating to their restraint in Norfolk and Suffolk, and for the 'appointing of castles in sundry counties' to receive others, were made in July 1580. Burghley, meanwhile, sought to ensure that 'all the deposed ecclesiastical papists' (the surviving Marian higher clergy) were sent to Wisbech castle.

The Council's resolve to proceed with the policy seems to have gathered urgency with the news of the arrival of the Jesuit missionaries and the anxiety caused to the government by the appearance of Edmund Campion's pamphlet 'Bragg and Challenge'. Writing in the 1590s, Sir Alexander Culpepper recalled that it was for this reason that 'the most p[ar]t of the principall Catholicks in England' were imprisoned toward the end of the year. By May 1581, however, it seems that virtually all had been released, possibly because of severe overcrowding in the prisons.[10]

The policy of restraining the recusant gentry was one element of the government's drive against catholics; complementary to this initiative was Burghley's leading rôle in the development of the recusant commission for the detection of lay catholics and priests. The initial impetus for such a commission arose - as with measures against the

recusant gentry - from government concerns about the impact of the catholic mission. Probably in response to the arrest of the first seminary priest in June 1577, and certainly at the urging of John Aylmer, Bishop of London, Walsingham convened a conference of councillors, bishops and lawyers to decide a framework for systematic policy to deal with those who absented themselves from church and so contravened the *Act of Uniformity* (1 Eliz. I *c.* 2). The result was not only Walsingham and Burghley's jointly formulated proposal for imprisoning the gentry but also a decision that, diocese by diocese, the bishops should enquire into 'such as refuse to come to church'.[11]

In addition to the uncertainty about bishops' powers to imprison recusants already referred to, doubts surrounded the legality of their imposing fines upon recusants. By 1580, however, a legal resolution of this point allowed Burghley to advocate that 'all such' who refused church attendance 'may be convented and fined and imprisoned by virtue of the ecclesiastical commission'.[12] The legal basis for the imposition of higher recusant fines was further clarified in 1581 by the *Act to retain the Queen's Majesty's Subjects in their due Obedience* (23 Eliz. I *c.* 1). This statute also anticipated that a more extensive system of detection might be required to help the justices of the peace and of assizes in their duties, but did not prescribe what form such a system should take.[13]

During the course of the 1580s a system of detection was gradually instituted. From 1583 the Council began to utilise

the county commissions of lieutenancy - part of the system for defence and armaments - in the creation of commissions to act in specific causes related to recusancy. In 1584 financially able recusants were made to provide horsemen for service in the Irish campaign. In 1585 the procedure was repeated with respect to Leicester's army in the Netherlands. On this second occasion, however, the instruction was combined with more general orders for the investigation of catholicism - both recusancy and the detection of ordained missionaries - in the light of the *Act against Jesuit and Seminary Priests* given the royal assent seven months earlier.[14] This latter exercise proved extremely successful from the government's point of view. Investigators reported a much fuller picture of the distribution of recusancy than had been available previously and, as a result, the military provision levied from recusants considerably exceeded expectations.[15] An allied policy which the Council revived extensively during the early 1580s was the mustering of defence forces through the county lieutenants.[16] In Burghley's mind the issues of the musters, the recusants and the missionary priests were linked by considerations of national security. As a result, when the hasty preparations for defensive measures against the armada were issued at the end of 1587, the Council instructions, including those for the restraint of recusants, were issued through the county lieutenants, who once more sent in surveys of recusant strength county by county.[17]

Surviving papers indicate the dominant involvement of Burghley and Walsingham in these innovations. Burghley took a leading role: he was responsible for drafting the 1580 royal

proclamation denouncing traitorous exiles and their 'secret complices at home'; he personally issued the orders to the counties in 1584; he instructed Walsingham in the procedures to be followed in October 1587; and he drew up the precautionary instructions issued in December concerning recusants arriving at the ports. In addition, there is ample evidence from the various papers and memoranda he drew up throughout the 1580s that he was continually exploring new ways of tackling the recusant question.[18]

Amongst the measures which Burghley initiated were a number through which the Council placed additional burdens upon the recusant gentry. During 1583-86 these were restricted to the cost of supporting the musters and did not endanger their normal liberty;[19] in February 1587, however, Burghley was unsuccessful in an attempt to secure their restraint as a safety measure against the possibility of an uprising following the execution of Mary Queen of Scots.[20] Only in January 1588, with the threat of imminent invasion, was Burghley able to secure the re-imprisonment of the group of leading catholic laity.[21] In addition to gaining conciliar support for such a measure, Burghley may have had to win the approval of the Queen. In 1580 Elizabeth was sufficiently alarmed about security to call a parliament to legislate against catholicism and a leading recusant was later to recall the dismay of the catholic gentry when the arrival of the secular and Jesuit missions began their troubles by causing 'greate offence of her Ma[jes]^{tie} and the Counsell'; the depth of the crisis at the end of 1587 was equally unnerving for the authorities and led Burghley to introduce the reasoning which

was to be repeated throughout the 1590s that, by their imprisonment, the recusant gentry 'may do no harm or be any comfort to the enemy'. In both 1580 and 1588 Burghley was successful in justifying the need for their restraint.[22]

In the feverish state of defensive preparations against the Armada, Whitgift, as senior ecclesiastical commissioner, was put in charge of the security of the catholic gentry.[23] At first they resided in the custody of 'some of the very principallest of the clergy' but in July 1588 it was decided to send the leading group of seventeen to the security of the bishop's palace at Ely in order, as Sir Thomas Tresham was told, 'to frustrate the enemies expectacon of fyndinge anie succour among them'. Meanwhile, at least nineteen further prisoners were held concurrently in other strongholds. They remained in prison throughout 1588 until Whitgift had them summoned to Lambeth at the beginning of December where, contrary to their hopes of release, they were each placed under house arrest in London on £2,000 bail.[24]

In the light of Burghley's specific contention that it was the Spanish military danger which justified their imprisonment, the treatment of the catholic gentleman after mid-1588 was severe. The immediate threat of the Armada had receded by the end of August, and the navy was demobilised during September. There was no renewed expectation of an attack in 1589; nevertheless the catholic gentry continued under house arrest throughout the year, only being allowed a break for ten weeks in late summer to return home to put their affairs in order.[25] Their continued restraint may have been

influenced by a report that a Spanish invasion of Ireland was imminent, and that a subsequent enemy landing at Milford Haven was planned. One of the conditions of their release from prison into house arrest was to give assurance on bail that they would resist any foreign attempt upon England.

The recusants' plight may also have been influenced by news of catholic activity in the northern counties. From Carlisle it was reported that the Jesuits and seminary priests were once more resorting to the great houses. Their numbers were said to be greatly increased in Westmorland, whilst in Chester the catholic recusants flourished 'for lacke that the mynisters doe not in their severall cares presente them'. It was probably with reports such as these before it that the Council wrote to Whitgift in September requesting that he send a list of the recusant gentry, several of whom in recent months had had their individual bonds renewed under conditions which allowed them greater freedom to travel away from London. Their 'abyding in sundrie conteyes', it was considered, was 'an occasion of the falling awaye of many in Religion, a mater tymely to be regarded'. It is highly likely that Burghley was responsible for the wording - the sentiments echoed those he had recorded throughout the 1580s and linked the influence of the catholic gentry with increased recusant activity at large.[26]

A further worry for the government was the influence of the sons of the catholic gentry who were sent abroad for their education and who then returned to England. At the time of the catholic gentry's first discharge from prison by May 1581,

one of the conditions of bail was the prohibition of their sons from travelling abroad. This perceived danger, which coincided with Burghley's concern about the growing number of refugees on the continent, had led in December 1587 to the order he gave that the oath of supremacy be tendered to individuals entering at the ports.[27] During 1589, in an attempt to tackle both questions, he drafted a list of eleven 'Artycles whereof fugetyves & refusers to come to churche may be examined'. Their purpose was to demonstrate the necessary connection between recusancy and political disloyalty and thus the justification of his firm policy against lay catholics.[28]

From the surviving evidence for 1577-89 it is clear that, between them, Burghley and Walsingham defined both the scope and content of the government's policy against catholic recusants.[29] Whether they assumed distinctive rôles for the purpose is unclear from the evidence which survives. Walsingham may have taken charge of the consultations which inaugurated the policy in line with his responsibilities as principal secretary; it was Burghley, however, who seems to have supplied most of the impetus for its articulation. The royal proclamation of 1580 and subsequent Council orders were framed from his drafts; only over the imprisoning of the gentry - a proposal to which he continually returned - does he appear, on one occasion at least, to have been overruled. The volume of Burghley's memoranda on the recusant question, the closeness with which these match the measures adopted and the absence of evidence that other councillors preferred alternative policies all suggest that Burghley articulated

and, to a large extent, implemented the government's recusant policy during the 1580s.

(b) 1590-93

Burghley assumes control

In February 1590 fresh reports of Spanish intentions against England, compounded by Walsingham's terminal ill-health led Burghley, once more, to turn to the recusant question. Sometime in the middle of the month he surveyed the issue in a written 'Consideration' designed, as the title said, 'to withstand the dangers [that] grow by sufferance of a multitude of recusants to be at liberty'.[30] He began by noting the scale of the problem. 'First: the numbers are greater than be certainly known'. And yet he considered that government efforts were having some effect for, 'upon the view of the certificates of the latter commissioners for Jesuits,[31] there may be gathered some estimation of them in every country'. Burghley decided on a number of new measures. His first priority was with those 'as have livelihood and credits' with neighbours, with tenants and in the community. Those of the gentry who had been imprisoned formerly he thought 'were fit to be newly restrained'. In addition, he sought the custody of 'others of like quality in remote parts of the realm: but especially in the maritime counties'.[32]

There were two immediate effects of Burghley's renewed concern about the threat he felt the recusant gentry posed. First, on 8 March, the Council sent letters to the county lieutenants enclosing a list of principal catholics and requesting the additional names of those 'they might have

notice of, and of their ability, living and calling'. A second result of Burghley's memorandum was a further Council letter to Whitgift the next week authorising him to proceed with the re-imprisonment of the gentry, at that time once more under house arrest in London.[33] Ostensibly this was a response to the new reports of an impending Spanish invasion, but the defensive preparations which were enacted during February, March and April were precautionary and apparently not carried out with the urgency of 1588.[34] Nevertheless, the catholic gentry appeared before the Council on 19 March, whereupon Whitgift read out the causes for their re-imprisonment. They were to be allowed seven days to see to business affairs before reporting to their appointed prisons on 26 March.[35] Burghley laboured to show that the decision was directly and exclusively linked to the Spanish threat. He specified that 'signification' was to be made to them that their incarceration was not ordered

> so much for doubt of any disloyal attempts by themselves [but] to notify to the rebels and enemies abroad, that whatsoever outward and inward trouble the enemy or the rebels would hope to stir up within the realm, they are not to look nor hope to have any assistance by those which shall be committed.

It was a further elaboration of the *rationale* Burghley had deployed in October 1587 and in marked contrast to the official reason for the first imprisonment suffered by the recusant gentry in 1580 - the consequence of their being held to have led the 'meaner sort' astray in matters of religious faith.[36]

That Burghley's signification was duly made to the prisoners in 1590 is attested to by a long and interesting

letter from Sir Thomas Tresham which he 'scribbled' to the Council on the 25 March 'in scanted time of hasty departure unto Elie prison'. Tresham refuted Burghley's justification for their re-imprisonment on three grounds: that their conduct since 1587 had convinced observers at home and abroad of their 'true English hearts and loyalty'; that the Armada of 1588 had indicated that the enemy regarded their imprisonment as 'no impediment' to the execution of planned hostilities; and that now, in 1590, the evidence of an impending invasion was far less strong than in 1588.[37] Despite the weight of Tresham's arguments, the same group of catholic gentry were all back in prison by the end of March, this time in three separate strongholds. Seventeen were to be held at Ely, and sixteen at Broughton Castle in Oxfordshire or at Banbury. They remained in prison until October and were then subjected to a period of house arrest which, in Culpepper's case, lasted from November 1590 until September 1591. [38]

Running in parallel with the new measures against the gentry occasioned by Burghley's memorandum of February 1590 was a tightening of existing arrangements for the wider detection of recusants of lower means and social standing. Accordingly, amongst the points in his 'consideration' of recusant matters was the need for action to be taken 'that the mean sort of recusants, being obstinate, and of bodily ability to do hurt, might be committed to the custody of the sheriffs'. Their livelihoods were to be protected but their armaments confiscated and passed over to the justices of the peace. Once more, Burghley's concerns were reflected in the Council letters issued to the county lieutenants on 8 March.

In addition to the new measures against the gentry which he had recommended, the Council ordered that a re-assessment be conducted of the number of all known recusants who had thus far eluded the £20 per month fine imposed by the statute of 1581. Their names would also be used, the Council declared, 'to th'end there maie be order taken for disarming them' so that, as Burghley had proposed, the weaponry could be redirected to loyal protestant subjects. Within two weeks of this order, replies from the counties were being returned to Burghley direct,[39] a swiftness and manner of reply that bears testimony both to the flurry of activity prompted by the renewed fears of a Spanish invasion and an acknowledgement on the part of local officials that, with Walsingham gravely ill, Burghley was to be regarded as acting principal secretary and indisputably the driving force behind that Council's orders.[40] A number of memoranda dating from March and April reinforce this impression and point to the coincidence of measures for the strengthening of defences and to Burghley's co-ordination of information about recusants.[41]

When Walsingham died on 6 April after a year's serious illness Burghley appears to have expected Elizabeth to make a new appointment promptly.[42] Until such time as an announcement was made, however, he stepped in to act as temporary director of government affairs, being by far the most senior and experienced of an 'inner ring' of councillors.[43] On 9 April he drafted a memorandum through which he sought to distribute amongst the Council some of Walsingham's responsibilities in order that his colleagues might 'put things in execution'. It was a long list: the

Marprelate investigations; the navy; the ordinance; the borders of Scotland; the musters; Ireland; France; the Low Countries; Spain; the Hansa; Denmark; trade with Russia and the Ottoman Empire; relations with Venetian and other Italian merchants; the secret service in Spain, the Low Countries and Italy. At the head of the list, however, he noted the need to 'have care y^{t} all papists and recusants w^{c} by ther welth and creditt may seem dangerous, be restreyned and punished accordig to y^{e} laws'.[44]

It was characteristic that Burghley should have chosen the recusant question - and the restraint of the recusant gentry in particular - as his first priority. The strong impression is that, as in the previous decade, he laboured harder against the recusants than other councillors during the 1590s, and that the surveillance and harassment of English catholics continued to preoccupy him to the time of his death. Certainly, neither Cecil nor Essex concerned themselves so much with catholicism, except insofar as it touched upon the secret activities of the catholic mission. Even a firm protestant such as Knollys, from whom active support might have been expected, does not seem to have lent it. Whitgift, as the senior ecclesiastical commissioner, was responsible for executing the policy, but he sometimes worked against Burghley's intentions in pursuance of his greater concern to detect moderate puritan non-conformists, and does not appear to have been as concerned as Burghley about finding new ways to harass catholic recusants.[45]

Notwithstanding, Whitgift remained an important figure in ensuring the effectiveness of the measures Burghley sought. For, whilst the county lieutenants and deputies had, in recent years, become responsible for burdening prominent recusants with some of the charges of the war against Spain, the diocesan bishops and the officers of the church courts retained the main responsibility for the routine detection of recusants. Moreover, Burghley specified that legal proceedings brought against individuals were properly a matter for the ecclesiastical commissioners. There survive for 1590 summary papers of the recent examination of recusants prepared by the Ecclesiastical Commission for Canterbury under Whitgift's direction. Once drafted, these summaries were sent to Burghley.[46]

Evidence about the work of recusant commissioners during 1590 is patchy, although where some reconstruction of their administration is possible, it is clear that this was coordinated by Burghley. In the north, for example, it appears that commissioners worked steadily. In December 1590 Burghley received a detailed digest of the convictions for recusancy in the counties of Chester, Lancashire and Yorkshire. When calculations were made of the assessment of debts owed for the £20 per month fine, a total of 297 recusants was identified as liable within the three counties, with £54,000 being owed in unpaid fines; a separate statement put the total number of recusants in all the dioceses of the northern province at 1,948.[47] Burghley, meanwhile, was also aware of reports of the detailed state of religion in Lancashire, where commissioners encountered particular

problems in controlling recusancy. The bishop's secretary reported a large increase in the number of seminary priests and recusants and Burghley went to the lengths of having a special map drawn of the county so that he could chart the religious disposition of leading recusants. Information was detailed enough for him to mark with a cross the location of those gentlemen requiring special observation.[48]

During April and May 1591 the recusant commissioners in Durham began a new drive against catholic families, who were made to promise not to receive any priests in their houses. The recusants' outlook was pessimistic, one telling a colleague the 'the p'secution of Catholyckes begynethe to be greate and is verey lyckelye to be greater'. The Durham exercise was apparently confined to the local area but was the precursor to a national campaign launched later in the year. Even if Burghley was not solely responsible, he was already beginning to be singled out for criticism by disaffected catholics. By one he was called the 'Wizard of England', so hated that he would not live long if the Queen should die.[49]

If Catholics now began to fear for their future, worse was to come. A further consequence of Walsingham's death was that Burghley inherited a number of his intelligence agents. During 1590-91 this allowed Burghley to build up a somewhat *ad hoc* picture of English catholic activity abroad, particularly that associated with the mission to England.[50] In 1591, especially, Burghley actively collected information about the movements of priests and the instructions forwarded from Rome and Spain to the catholics operating secretly in England. It

is probable that this intelligence prompted him to intensify his anti-catholic measures and, in so doing, to strive to enhance the effectiveness of the recusant commission.

The result was a royal proclamation issued in November 1591, decrying in its title the 'great troubles pretended against the Realme by a number of Seminary Priests and Iesuits [who] worke great Treasons vnder a false pretence of Religion'.[51] The purpose of the proclamation was to establish a new commission designed to apprehend the missionary priests by means of a 'particular inquisition' to be levelled against freeholders suspected of having harboured them. The proclamation specifically referred to the fugitives Robert Parsons and William Allen (the latter 'now for treason honoured with the Cardinal's hat') as the moving spirits behind the new surge of priests arriving in England before pointing to the parallel threat posed by the expansionist designs of Philip II whose invasion of France, according to the proclamation, was supported by his 'vassal', the newly elected Pope Gregory XIV.

From the outset catholics assumed Burghley to be the proclamation's author. Whilst there is no direct evidence as to authorship, it is clear that in the months before October 1591 the information which Burghley received from his agents was being used to construct the picture of the mission which the proclamation specifically decried. Moreover, he is known to have drafted many of the most important Elizabethan proclamations. Much of the language in the proclamation of October 1591 strongly echoed themes from his famous propaganda

pamphlet, *Execution of Justice in England* (1583) and a draft order of his direction to the Lord Chancellor to issue the county commissions under the great seal has survived at Hatfield.[52] With the proclamation was issued a set of printed 'Articles annexed to the Commissioners how to proceed in the execution thereof', dated 23 November. These articles were sent with royal letters to each county commission. The counties were to be divided among a number of commissioners, each being responsible for the enquiry in his own section and the commissioners were to meet all together at least every forty days. Certificates of the names of recusants and those who harboured suspected fugitives were to be sent to the bishop of the diocese, his chancellor and the archdeacons concerned; those identified as fugitives were to be apprehended and brought before the recusant commission itself.[53]

From the detailed instructions issued by the Council throughout 1592, as well as from the glimpses in the surviving returns, it is clear that the investigations at this time were an enquiry into the strength of lay recusancy considerably more thorough than any previously undertaken; before this date, the most comprehensive exercise had been the diocesan surveys of 1585 in connection with the Netherlands campaign. In terms of its political purpose and intent, however, the commission of 1591-93 most closely mirrored Burghley and Walsingham's original action against the recusant gentry in 1580; as on that occasion, measures against the lay recusants in 1592 heralded the passing of anti-catholic legislation in parliament the following year.[54] Moreover, it is evident that

in 1592 Burghley was widely held to be the driving force behind the catholics' troubles. Many of the returns of the commissioners were sent directly to him, and catholics at home and abroad saw him as the architect of recusant policy. In all likelihood he was not only the author of both the proclamation of October 1591 but also responsible for the detailed instructions issued by the Council to the counties as the commission gathered momentum. The most significant of these related to measures which Burghley had championed personally over the previous decade. In July it was ordered that the recusants should be disarmed, in August commissioners in all counties were told to prepare the recusant gentry for restraint in their former prisons, whilst in the north Huntingdon was to secure the

> principal of the obstinate persons ... in some place of strength within the county ... according to the instructions formerly observed in the like cases at Ely and Broughton where sundry persons of like condition are presently to be committed.[55]

By September, the gentry were back in prison where they remained for twelve months and, in October, all justices of the peace were made to retake the Oath of Supremacy.[56]

Historians have noted that the recusant commission which operated during 1591-93 was the most ambitious of the reign. Recent accounts have seen the policy which underpinned it as emanating from 'the government' and have not sought to emphasise Burghley's leading role.[57] Yet it is evident that Burghley's particular concerns - the specific proposals identified in his wide ranging review of the recusant question in February 1590, his instructions to fellow councillors in

the vacuum following Walsingham's death in April and the use of his intelligence information in the proclamation of 1591 - were all decisive in shaping the evolving agenda of the recusant commission. The need for a thorough survey of the strength of the recusant community and the restraint of its social leaders was no longer, as in 1590, a response to the threat of Spanish invasion but, rather, a reaction to the menacing manoeuvres by the fugitive catholic community on the continent; in Lancashire, a county about which Burghley remained particularly concerned, the Earl of Derby found himself dealing with instructions sent personally by Burghley, in addition to a steady stream of Council letters.[58]

By the time parliament assembled in February 1593, the commission had provided Burghley with a detailed picture of recusant strength. One inventory among his papers, drawn up around the beginning of September 1592, consisted of those recusants in twenty-seven counties who were in prison, on bail or still at liberty. Although the list ran to 476 names, it gives little more than a hint of the results of the commission for half the counties of England. Many county returns did not record the three categories of recusants, with the result that those known to be in hiding were omitted from this summary document. Furthermore, it is evident from the fuller returns which survive for other counties that the list was selective. The inventory does, however, provide a clue as to one of the main purposes of the commission and against this criterion, indicates a measure of its success. In the summary schedule only gentleman recusants were named - those who could shelter priests within their households or of whom the enemy abroad

might have expectation of armed support and influence in the event of an invasion. It was a categorisation which strongly echoed Burghley's internal security priorities and, in that the commission had identified a new group of at least 400 recusants who were neither amongst those contributing to the Netherlands campaign in 1585-86 nor amongst those regularly paying fines, it indicates that the enquiry of 1591-93 was successful in demonstrating that the scale of the recusant problem was greater than had previously been shown.[59]

In his review of the Elizabethan recusant commissions, Roger Manning notes, in passing, that 'the task of keeping track of recusants and their visitors was made easier by an Act of Parliament of 1593'. As discussed in Chapter Three, Burghley was closely involved in the preparation and passage of this legislation and whilst there is no conclusive evidence which links Burghley's co-ordination of the results of the commission with the drafting of the anti-recusant bills presented to parliament, the circumstantial evidence is strong, most notably his possession of both bills in draft and Popham's paper summarising the judges' recommended legal sanctions for curbing the patterns of recusancy revealed to the Council by the recusant commissioners.[60]

Certainly, the results of the commission had, by early 1593, furnished the kind of widespread information about the strength of recusancy which Burghley had urged in 1590, and this was evidently used both to justify the introduction into parliament of new and harsher anti-catholic measures and to determine what these should be.[61] The statute which emerged

(35 Eliz. I *c.* 2) supplemented the financial penalties of the act of 1581 (23 Eliz. *c.* 1) by enacting measures to restrict the movements of convicted recusants to a five mile circuit of their houses, and to this extent the passing of the *Act against Popish Recusants* satisfied Burghley's immediate aim of securing severer legislation against catholic recusants. In 1593, however, the anti-catholic measures with which Burghley had been so closely associated reached their apogee. As was to become apparent, the sacrifice of the parallel Commons bill in the interests of securing the specific anti-separatist legislation Burghley sought, helped to ensure that after 1593 he lost rather than gained ground in his relentless campaign against catholic recusancy.[62]

Justifying anti-recusant policy: propaganda and debate

Whilst Burghley's rôle in shaping the government's anti-recusant policy during 1590-93 is often obscured by the unanimity with which the Council endorsed the measures outlined in his proposals, it has been argued here that his was the predominant voice. Certainly, this is how it appeared to Burghley's catholic opponents and the reactions of two distinct catholic groups to his recusant policy is now examined.

First, it is evident that Walsingham's death had raised a hope in catholic missionary circles that under Burghley's sole jurisdiction their burdens might diminish. Catholic priests whom Walsingham had employed as agents and who subsequently approached Burghley, appealed in flattering terms to his 'high character abroad for wisdom, valour and clemency', and

reminded Burghley of his assertion that he would not persecute individuals for matters of private religion. In similarly optimistic vein, when the recusant gentry were released from prison in October 1590, one of the priests commented upon 'the relaxation now afforded them by [Burghley's] moderation, for it is noted that since the cause of Catholics came into his arbitrament, things have gone on with a wonderful suavity'.[63]

However, within weeks of the establishment of the new recusant commission in November 1591 the mood among catholic exiles had changed. Thomas Phelippes, the intelligence specialist, now began to receive dispatches in which his continental agents relayed local reports of a new policy against catholics in England of 'persecution ... coldly executed' and generating 'much dismay'.[64] The exile Richard Verstegan seems to have been responsible for this new attitude amongst catholic fugitives. Moreover, Verstegan directly attributed authorship of the proclamation to Burghley and blamed him personally for the worsened situation in which English catholics found themselves. Based in Antwerp, Verstegan supplied leading English catholics - Allen, Parsons, Garnet and Southwell - with reports of affairs in England and news from the Low Countries. Verstegan told Parsons that, by means of his 'inquisition' against catholics, Burghley 'meaneth to make himself dictator *in perpetuum*'. Indeed, Verstegan regarded Burghley as the dominant force in England after the Queen. 'The Lord Treasurer still rules the roost', he reported in 1592, in a seemingly accurate assessment of Burghley's dominant role in co-ordinating the recusant commission.[65] Yet whilst Burghley was the councillor most

active in promoting anti-catholic measures, Verstegan's polemical account of how Burghley had 'become exceedingly insolent', inciting the nobility and the people to steadfast hatred so that 'he dothe dayly growe more and more odious' to all, gave Parsons a distorted picture of reaction to the government's measures. In Kent, for example, the commissioners resolved themselves determined to be 'both neighbourly and friendly' with the fourteen prominent recusants they had summoned in March 1592 and one of those present, Sir Alexander Culpepper, recorded that the commissioners used him 'verie curteouslie'.[66]

Similarly, Verstegan supplied Parsons with an exaggerated picture of the routine business of the county recusant commissioners. The articles sent with the proclamation to the counties in November 1591 had outlined the procedure to be adopted and specified in detail the nature of the examination to be given in which it was specified that:

> you shall not presse any person to answeare to any questions of their conscience for matters of Religion otherwise then to cause them answere, whether they doe usually come to the Church and why they do not.

This was a somewhat milder state of affairs than Verstegan had reported to Parsons in a letter of March 1592. By this time the commissioners were active in every shire and Parsons was told that in every parish, committees of eight (including the minister, constable and church wardens) were engaged in a weekly interrogation from house to house, during which 'the servantes of recusantes they do eyther perswade by flattery, or compell by torture, in hanging them up by the handes' in

order to extract information about priests or fugitives being secretly harboured. This, Verstegan concluded, was the terror of the 'new Cecillian Inquisition'. These allegations of torture were soon in circulation as catholic propaganda for Parsons responded to Verstegan's news by composing an anonymous and widely read answer to the proclamation entitled *A Declaration of the True Causes of the Great Troubles pre-supposed to be intended against the Realm of England* (Cologne?, 1592). A complete section directly attacked Burghley as the author of the proclamation and mastermind of the recusant commission and was circulated in some manuscript copies under the title of 'Cicell's Commonwealth'.[67] In the *Declaration* Parsons gave out that there were 30,000 catholics in prison in England and that two-thirds of the population was catholic before going on to speak of Burghley as a 'tyrant', of a 'Councell whose willes by him are violently overruled' and of Burghley's 'persecuting of God's Churche'.[68]

In the voluminous records extant for the commission of 1591-93, there is no surviving evidence of torture or brutal inquisition against English lay Catholics for their faith. However, when the proceedings of the commissioners unearthed priests, there is no doubt that government investigators turned to torture. In early 1594, for example, Burghley was involved in the examinations of the captured Jesuit Henry Walpole who, under Richard Topcliffe's direction, was suspended by manacles for six or seven hours at a time.[69] In such a climate it is hardly surprising that, once Burghley was identified as the instigator of the recusant commission, he was regarded as a mortal enemy in catholic missionary circles.

Moreover, the strengths of the attack upon both Burghley and a commission designed, in part, to frustrate the aims and methods of the mission, gives some indication of its impact. In Robert Southwell's view, the proclamation of October 1591, with its concentrated attack on Jesuits and seminary priests, was a deliberate smoke-screen put out by Burghley to obscure the harshness of the new drive against the laity:

> Now let indifferent thoughts judge whether the Treasurer with reason make so many outcryes against Catholicks and brute such imaginary feares of a few disarmed priests, who nether have power, wit, nor pollicie to medle in the disturbance of the realme, having only folowed their bookes, as his own spies and infinite others can witnesse upon their owne sight and knowledge. But these are but false larums [alarms] to draw men's considerations from greater miseries and general calamities that land daily over the whole realme, and are only upon the fickle uncertainty of Her Majesties's life.

Southwell went on to impute discreditable motives for the stringency of Burghley's anti-catholic measures, identifying these as Burghley's financial greed - the 'infinite bribes, extortions and traffickes' of the fines and sequestrations of recusants - and his unscrupulous political ambition.[70]

The outright hostility of catholic fugitives to Burghley's recusant policy is unambiguous. For a more subtle indication of the authority of his policy it is necessary to turn to the spirited critique made of it by the recusant gentry at home. Their trials were bound up with that aspect of anti-catholic policy most unequivocally associated with Burghley, for it is clear from the evidence discussed earlier[71] that the detailed policy implemented against a stable, ageing group of around forty of the catholic gentry[72] was initiated and sustained by Burghley (with Walsingham to

1590) and executed through the Council. If, after 1588, Sir Thomas Tresham was justified in doubting the seriousness of the military situation, this did not prevent him and his colleagues from suffering a series of re-imprisonments (see Tables 4.1 and 4.2). Although there seems to have been none in the Council as concerned about the perceived threat as Burghley, equally, there was apparently no significant opposition to his policy. In addition, there is evidence that he kept the Queen fully informed and consulted with her about decisions that might prove contentious.[73]

The outcome for the catholic gentry was an unhappy one. They were to be imprisoned repeatedly throughout the 1590s upon, it may be argued, increasingly weak grounds. In 1592, it is likely that Burghley justified such action on the basis of reports of widespread recusancy in the counties being made by the county recusant commissioners. This evidence, he believed, was sufficiently strong to endorse a claim he had been making for the previous ten years: that the increase in catholicism could only be accounted for by the influence of prominent catholic gentry. Accordingly, Council letters were issued requiring their imprisonment in regard of the 'notable backwardnes and defeccion in religion of late time growen generallie amongst [the Queen's] subjects of this realm, especially sithence the last libertie and leave graunted to such principall persons as were formerlie committed'.[74] This was a large claim. It could not be substantiated directly from the evidence submitted by the recusant commissioners during 1592 and is the opposite of findings suggested by recent scholars such as Christopher Haigh, who maintains that

a main failing of the catholic mission was its lack of impact upon the majority of catholics because 'scarce priestly resources were devoted disproportionately to the spiritual needs of the gentry'. It seems, however, that in the aftermath of the Armada crisis and a renewed invasion scare in 1590, the climate generated by the recusant commission in 1592 created a mood which was sufficiently hostile to catholics to enable Burghley to carry the argument in Council that the influence of gentry who practised catholicism was sufficient to justify their imprisonment.

Certainly Tresham did not consider it worthwhile to re-open the debate with the authorities over the reasonableness of the action taken against him and his colleagues. He subsequently took to referring to their imprisonment as being 'for recusancy' rather than for any reason of state security.[75] There were to be further periods of imprisonment for the catholic gentry as a result of Burghley's intervention - in 1594-95 and 1596-97. On these latter occasions, however, Burghley had to be content to fall back on his old argument, justifying their imprisonment as an emergency measure to ensure national security. In 1594 it was the sensation of the alleged Lopez plot; in 1596 there were, once more, widespread fears of a Spanish invasion. He retained his ability to exploit a popular fear that, in times of relative peace, the recusants presented a threat to security through their influence over the political loyalty of the English catholic community.[76] The grounds for his claim, however, were never again as strong as they had been in 1592.

Clearly, Burghley was responsible for ensuring that the government imposed a policy of punitive measures against the catholic gentry between 1580 and 1597. But how much support and acceptance did this policy command, either in principle or in its implementation?

In seeking answers to these questions it is fortunate that two detailed accounts of events have survived, written by recusant gentlemen who were amongst the group repeatedly interned. From the well-known Tresham papers (found behind a wall in the family house in 1828), it is possible to reconstruct the arguments the recusants employed. Tresham was held by the government to be the leader 'over all the recusants that they depend on him for advice and direction' and as a consequence, his correspondence was conducted directly with the Council. From the colourful account of Sir Alexander Culpepper, much of the actual dealings between the prisoners and the Council can be reconstructed, even though his memoir may have been written for a specifically catholic audience.[77] From Culpepper's narrative it is clear that, in addition to their series of imprisonments, the catholic gentry were subjected to long periods of house arrest, with the result that during the seven and a half years from November 1587 to Easter 1595 they spent only eighteen months at home (see Table 4.1). Even this period of freedom was conditional upon a surety of between £1,000 and £2,000 bail and the requirement to appear again before Whitgift at twenty days' notice.[78]

Turning first to the conduct of the policy against the catholic gentry, it is clear that the recusants were able both to persuade a majority in the Council of the harshness of their plight and to secure a series of relaxations in the terms of their imprisonment; other evidence, however, suggests that it is safe to assume that Burghley viewed such concessions with unease.[79] From the Culpepper narrative there emerges considerable detail as to how the recusant gentry established the right to negotiate their terms of imprisonment with representatives of the Council. This dialogue began about October 1588 - after the Armada threat had receded - when Thomas Legge, the vice chancellor of Cambridge University, and Andrew Perne, the Dean of Ely, were deputed by the Council in London to present the prisoners held at Ely with a 'protestation' for their signed approval. This was an unnecessarily detailed form of submission in the view of the prisoners and they all refused to sign it. A compromise followed. The catholic gentlemen were told to compose their own forms of submission, each in his own chamber. However, when they had done so, the submissions were 'not wholly approved of' by the Council in London, which required modifications to each. Councillors required an affirmation of the duties of the loyal subject in the English protestant state; the catholic gentry had replied with a bald assertion of allegiance to Queen and country. As a result the Council was now insisting upon an additional refutation of the Pope's right to depose a protestant prince.

Honour, it seems, was important to both sides. Having suffered punishment for the sake of the catholic faith, the

prisoners in their individual submission had refused to deny the spiritual authority of Rome. For its part the Council desired statements from the recusant gentry condemning the political actions of the papacy for use in foreign policy propaganda. Although it accepted the individual, unmodified submissions of the prisoners there is some evidence that councillors remained unhappy about them; nevertheless, the prisoners' submissions soon became the subject of an important concession by the Council to the principles being argued by the detainees.[80] Their release from prison into house arrest in December 1588 was officially ordered by the Council on account of their 'verie dutifull protestacion of their alleageance towardes her majestie'. As a result, when Whitgift made a condition of their bail a clause requiring good behaviour to the state, they refused to sign, arguing that their loyalty was self-evident from the individual submissions signed the previous month. Upon further consideration, this position was accepted by the Council and the prisoners were given bail without having to submit to the offending clause. After this, it was difficult for the Council to argue that Philip II's hopes, either of them or of their influence over the English catholic community, were justified.[81]

Upon the recommital of the catholic gentry in 1590, there was a further altercation between them and a group of Councillors including Whitgift who was, once more, coordinating arrangements. As before, the Council had required the Broughton group to sign a bond of good behaviour and, again, the prisoners refused, complaining in no uncertain

terms that such a condition 'was meeter to be offered to Roages and vagabonds than to Gentlemen'. Again the gentry won a concession and Culpepper relates that they departed after a long debate in which it was agreed that the prisoners were bound 'to the good behaviour towards her Ma[jes]tie and the state onelie'.[82]

The indignation of the catholic gentlemen had clearly been roused. The letters of their confinement in 1590 had specifically stated that they were imprisoned, not because of their disloyalty, but because Philip II had asserted that they would be ready actively to favour an invasion. This justification was but a redefinition of the argument against which the prisoners had strongly objected two years before, and the internees clearly felt that such speculative and unsubstantiated reasons for their committal required some concessions in their terms of restraint. The Council was conciliatory. When it was complained from Ely that only foul air was to be breathed and foul water drunk, the prisoners were readily granted fresh supplies of water and the liberty to ride in the surrounding country with their keeper, who was given general instructions to 'use them as there might be no just occasion of complaint mynistered unto them'. Similar relaxations were allowed at Broughton.

When the gentlemen were bailed in October 1590 they won further concessions. The Council was persuaded to drop the requirement demanded of them that, as a condition of bail, they should attend church, submit to the local bishop an admission of their conformity in religion, avoid all other

contact with recusants and employ only servants who conformed to the established religion. Instead the Council allowed the catholic gentlemen's plea that 'in regard of Christianity, Conscience, Nature, Comon Charitie, Humanitie and the impossibilitie of performance', such conditions should not be insisted upon.[83]

Whilst it is not possible to distinguish Burghley's role in these Council proceedings, it is clear from Culpepper's narrative that the recusants fiercely disputed both the necessity of their continued imprisonment and the aspersions it cast upon their loyalty. In contrast, Burghley's many memoranda on the subject insist on the necessity of the policy and his unsympathetic dealings with individual prisoners suggests that, amongst councillors, his was a hard line position. In 1590 the Council declared that it was relaxing some of the conditions of imprisonment on the grounds that the sole purpose of its policy was to have the recusants 'under safe custody, but not to be punished in suche sort wherby their health might be impayred'. Yet, the same year Burghley disallowed an appeal by Tresham's wife that, on account of her husband's health, he should be permitted to transfer to Broughton Castle from the bad air of 'that filthy and fennish country' around Ely and, in 1592, Burghley personally investigated the case of Edward Rookwood of Suffolk but 'would not yield' to his petition that he should not go to prison due to 'an ulcer broken forth of his hand'. Instead, Burghley instructed Whitgift to see to it that Rookwood was taken into custody.[84]

Burghley's attitude toward the condition of the gentlemen's restraint appears to have been relatively severe; nevertheless the surviving evidence suggests that he encountered several difficulties in his attempts to justify the policy. The first of these concerned the durability of his main argument - that their imprisonment was an essential security measure and was in no way prompted by their catholic beliefs. In 1588, the greatest national emergency of the reign, their restraint, at first in the custody of leading churchmen and then by imprisonment at Ely, had not been difficult to defend; the whole country was in turmoil and this could be seen as a further prudent measure. Later in the year, Burghley went to considerable efforts to explain his policy by composing anonymously a detailed propaganda pamphlet dealing with the question. It laboured to portray English subjects 'without respect of Religion' as equally loyal to the defence of the realm in the Queen's service. Thus the restraint at Ely of 'some few principall Gentlemen' was not

> for any doubt that they would with their powers have assisted [the Spanish] army, but onely thereby to make it known to all friends [of Spain]...that there should be no hope to have any of them, or of their friends, to assist [the armada].

Burghley called as evidence of their loyalty Tresham's submission made before the arrival of the Armada that the catholic gentry, if permitted, would have served in the front line of the Queen's army against the Spanish forces. In addition, Burghley referred to 'a generall murmur of the people against all such Recusants of reputation' which, he maintained, 'was the cause of staying of these Gentlemen at Elie'.[85]

In 1588, it was possible both to commend the recusant gentry for their loyalty whilst imprisoning them nevertheless. The conditions in 1588 had been exceptional, however, and Tresham acknowledged the willingness with which he and his colleagues had endured restraint 'for the most good of our prince and country'. Perhaps only in 1599 was there to be an equivalent sense of alarm at the prospect of invasion[86] and it was inevitable that some of the original force of Burghley's justification would be diminished at times when the situation appeared less dangerous. In March 1590 when the recusants were imprisoned 'to th'end the enemy might be frustrate of that hope of assystance' it had of them, Tresham countered that 'verie manie Protestants' saw no likelihood of an attack and that wagers were being laid 'five to one, Tenne to one, yea twenty to one, that no Invasion will bee here attempted this yeare'. Burghley noted in a memorandum that any enlargement of the prisoners would 'notify' the enemy to expect 'assistance' of an invasion, but Tresham argued in reply that his colleagues' 'actions of civil duty', including willing imprisonment, had established them in the eyes of all as 'faithfullist true English subjects'.[87]

In particular, Tresham sought to show that this new confinement was unjustified because popular opinion no longer reflected the official view that the catholic gentry represented the kind of threat that they were thought to have posed in 1588. The question of their allegiance, he argued, could finally be put beyond doubt, if the prisoners' desire was granted to

> be employed, unarmed in the foremost and before the foremost ranks of our [forces, that] though not able to repulse the enemy, yet to receive the first [hurt to] our naked bodies, thereby to leave undoubted spectacle of our loyalty.[88]

Tresham successfully called Burghley's bluff with this offer of active military service, for if he and his colleagues' undoubted loyalty were proved, Burghley's policy would be rendered invalid. Possibly as a response to this difficulty Burghley experimented for a time with two fresh arguments. The first - deployed during 1589-90 - was theological and was embodied in the 'Artykles whereof fugetyves & refusers to com to churche may be examyned' that he drafted in 1589. The recusants were to be asked whether their primary obedience was to the voice of the bible or the voice of the church, to the faith of Christ or the decrees of the church. The nub of the issue was arrived at in the eighth article:

> If there be noone other grownd of youre recusancye to com to your paryshe churche, but bycawse the churche of roome [Rome] dothe forbyd youe to com unto it; Then howe shall hir Ma[jes]tie safelye trust youe for a trwe subiect to hir parsone, crowne and dyngnytye, when that Churche dothe comand you to dy[s]obaye hyr; & to depoose hir Ma[jes]tie?[89]

Burghley was attempting to show that if, as he anticipated, the replies to the other articles were likely to indicate that there was nothing in the Church of England's order of service, in the doctrine presented there, or in the sacraments administered through it, that was objectionable to the recusant, then it must follow that the issue of central contention was spiritual authority over English catholics claimed by the Vatican. If this were the case then the

recusants' political loyalty was necessarily called into question.

Apart from the obvious practical drawbacks in testing this reasoning through interrogation - many recusants would regard it as quite tenable to consider themselves debarred from Church of England services and, at the same time, loyal subjects - Tresham and his colleagues attempted, in turn, to discount the argument on theological grounds. They pointed out that, whilst Burghley and the Queen claimed that the recusants' restraint was not made on religious grounds, the reason they could not attend church was that in their consciences they feared it to be 'sinful for men of contrary religion to frequent contrary service .. as they here at home (who are of later religions) even now do practice and publish'. This effort to deflect the discussion away from papal authority proved surprisingly successful, for when Burghley's argument was applied in practice by the Council in November 1588, the gentlemen tendered general oaths of allegiance, these were accepted by councillors as sufficient indications of loyalty and the Council subsequently backed down in its attempt in October 1590 to enforce attendance at church as a condition of bail, recognising the 'impossibilitie of performance' from the prisoners' point of view.[90]

By the end of 1590 Burghley's continued justification for imprisonment of the catholic gentry on security grounds had clearly begun to lose its authority, both with the prisoners who had accepted its necessity in 1588 and in the Council where the consensus was for an acceptance of a number of the

prisoners' contentions, even when these contradicted official policy. The arguments were largely on the prisoners' side: the cause of their imprisonment was claimed to be national security, but the realm was in no danger commensurate with that of 1588; the ultimate test of loyalty - to fight in the front line - had not been allowed; Burghley's argument that the spiritual and political authority of the Pope were necessarily inter-connected had not prevailed; the Council had retreated over the requirement of church attendance and other expressions of conformity as a condition of bail. The tenuous nature of Burghley's argument was reinforced the following year when he received an independent intelligence report from John Cecil, the catholic agent, that in Spain the English catholic gentry were perceived as 'very good subjects and great adversaries of the Spanish practices'. Other councillors may have heard similar reports for, as Albert Loomie has shown, at no time during 1586-98 did Philip II or his close advisers regard the English catholic gentry as an important military consideration.[91]

As a further response to the increasing weakness of the Council's position, Burghley abandoned the theological argument for the imprisonment of the gentry that he had tried to develop during 1589-90, instead experimenting with a second alternative to the argument of national security. Consequently, in August 1592 the Council redeployed the argument which it had first enunciated in 1580, when it ordered the re-imprisonment of the recusant gentlemen on the grounds that theirs was the dominant responsibility for the growth of catholicism in general.[92] This was, it seems, the

only justification available at a time when the Spanish threat had receded and the realm was quiet. Nevertheless it is significant that the Queen supported Burghley in this more general reaction against catholicism, and the hardening of the government's anti-catholic stance is best viewed as part of a concerted effort - along with the extensive recusant commission that Burghley was coordinating at this time - to create an antipathetic climate of opinion toward recusants in advance of the introduction of two officially sponsored anti-catholic bills in parliament the following February.[93]

The shifting ground upon which the Council justified Burghley's policy against the recusant gentry between 1580 and 1592 is an indication of its fragility. Moreover, in the war of words between Tresham and Burghley during 1588-90, Tresham had argued from the stronger position. He had equated the continuity of catholicism with political loyalty, maintaining that his colleagues gave as strong an allegiance 'as any of our ancestors did to her Highness' worthy progenitors, when greatest union of religion was among them'. Moving to the present he had been able to claim, with some force of argument, that their 'matchless insistence of religious loyalty' was reinforced by a constancy to the state obvious to both sides in the Anglo-Spanish war. In addition, he argued that their routine imprisonment was an illustration of the 'habit of implacable hatred' between England and Spain, a cast of mind that, he predicted, would have to be abandoned before peace initiatives could be entertained. In 1590 Tresham even made a proposal to Burghley for a conference 'with some of your divines and ours' to see if a device could be employed

whereby they could attend Church of England services without committing a damnable sin. Under such circumstances, he declared, Church of England worship would be 'most willingly embraced and performed'. If such a suggestion seems naive in the climate of the 1590s it should, perhaps, be set alongside Burghley's own proposal, in the anonymous *The Copie of a Letter .. to .. Mendoza* (1588) that it

> be charitably co[n]sidered, whether there might not be some dispensation from the Popes holiness, for some fewe yeares, to tollerate their comming to the Church, without changing of their faith; considering a great number doe stande therin, not for any thing (as they say) used in this Church, that is directly contrarie to Gods law, but for that the Rites and praiers (though they are collected out of the body of the Scripture) are not allowed by the catholique Church and the head thereof...by which remedie of tolleration a great number of such as will bee perpetually Catholiques, might enjoy their livings and libertie.[94]

Burghley's authorship of the *The Copie of a Letter .. to .. Mendoza* does not appear to have been suspected by contemporaries. Despite the fact that it was written as government propaganda, it is possible to detect in Burghley's suggested papal toleration of catholics attending Church of England worship an acknowledgement of the catholic gentry's dilemma: its innate loyalty to crown and country compromised by allegiance to spiritual authority which was shared with, and claimed by, an aggressor power. Whilst Burghley did not expect any concessions from the Vatican, he did implicitly recognise the impossible situation which faced English catholics who paid the £20 fine for non-attendance at church and it was a point that councillors conceded in negotiations with the prisoners in 1590.[95]

(c) 1594-97: Burghley's influence in decline

During the three years following Walsingham's death in 1590 Burghley had held unprecedented control of government affairs and, in contrast to disagreements with colleagues about puritan control, on the recusant question his influence appears to have been dominant. Yet, despite the impact of the recusant commission, it seems that some councillors began to doubt whether, after all, there was such a resurgence of catholicism or whether such a claim was politically advantageous. Cecil, for example, considered it expedient to state in the Commons in February 1593 that although the number of catholics appeared to be increasing, perhaps, in reality, they were 'at least wise beinge more manifested'. Moreover, with a body of opinion in the Council favouring moderate dealings with the recusant gentry and with many parliamentarians in both houses resistant to a broadening of the assault against recusancy, it was becoming more difficult for Burghley to ensure that government policy maintained a hard line against lay catholics.[96]

A further difficulty for Burghley was his declining health. He was ill for much of the early part of 1594 and ailed severely through most of 1595, after which time he passed most of his executive responsibilities to Cecil and was only able to make intermittent contributions to government. In such circumstances it appears that Burghley concentrated his recusant policy efforts on an attempt to broaden the scope and maintain the impact of the commission of 1591.

Before any such general measures against the English recusant community could be considered, however, the attention of the government was urgently re-directed towards security matters. Specifically, members of the Council were involved in November 1593 in the arraignment of Richard Hesketh, a fugitive found guilty of conducting secret negotiations for a catholic succession. This revelation and the sensational allegations of a plot to assassinate the Queen with Spanish backing, levelled against Roderigo Lopez by Essex in the third week of January 1594, caused considerable alarm. No conspiracy so apparently dangerous had been uncovered since that of Babington in 1586. Then Burghley had supervised investigations with Walsingham; now it was Cecil - to whom Burghley had turned over most of his intelligence activities since 1591 - who worked with Essex to uncover the alleged plot by Lopez.

In response to Hesketh's trial, the Council issued letters to the county recusant commissioners in December 1593 requesting a 'catalogue' of those recusants with sons abroad. It is likely that Burghley was behind this instruction. Certainly he was responsible for orders issued soon after for maritime commissioners to organise the stopping of strangers at the ports. By 18 March the justices of Essex had 'agreed upon the course' to be taken in their county and ordered the examination of their first suspect. In the north-west, meanwhile, the Mayor of Chester was given assistance by the Irish Council, which sent under guard from Dublin 'certain young stringlinges of England' who had attempted to set off for the seminaries on the continent. Around this time it is

also likely that Burghley was involved in the establishment of a special commission charged with identifying suspected recusants resident within ten miles of London.[97]

The Lopez scare afforded Burghley an opportunity to heighten government anxiety about the catholic threat. He does not, however, seem to have been able to channel such anxiety into Council acceptance for the renewed and expanded recusant commission that he sought. Whilst his poor health may have hampered his activities, it seems likely that the prevailing view in the Council was more significant and did not equate necessary short term measures to hamper the mission and its agents with an increased threat from the English catholic laity. Moreover, if Egerton's view was representative, there was also a realisation amongst councillors that the new statute was seriously flawed and unlikely to effect either greater conformity of recusants or lead to an increase in revenue from fines should the commission be renewed.

In January 1594 Burghley set out his view of the security situation in a 'memorial' of things 'required to be put in execution towards spring'. Amongst the items he considered necessary were measures to be taken against recusants. These were clearly intended to ensure that the commission maintained its impetus over the months ahead. Whitgift was to review the recusants 'of quality' who had been released from Broughton and Ely the previous October and record where they were currently 'bestowed'. In the country generally, Burghley proposed that further, detailed work be undertaken by the

bishops, acting through diocesan ecclesiastical commissions, so 'that the number of such ill contented persons might be known and they defurnished of any armour or such like and suspended from any office they might hold'.[98]

In early March, a week after Lopez had been brought to trial, Burghley turned once more to the recusant question in an attempt to breathe new life into the recusant commission. In tackling what he described as the 'multitude' of recusants, he proposed that the commissioners should examine the 'qualities and livelihood' of all recusants certified by the commission of 1591-93 and ascertain what measures had been taken against them 'either for their imprisonment or for seizure of their lands' as allowed by the 1587 *Act for the More Speedy and Due Execution* of 23 Eliz. I *c.* 1. To make a start, Burghley offered to supply Exchequer records of those who were paying the £20 fine as well as the 161 recusants who were supplying two-thirds of their rental income to the government, in order that the commissioners could direct their investigations accurately beyond this group. Burghley anticipated that a result of this new initiative would be the need for more prisons and he earmarked the castles at Donnington in Berkshire, Somersham in Huntingdon and Leeds in Kent for the reception of recusants. In addition, Burghley called for specific action against recusants' wives, recommending that commissioners restrain those certified until such time as the bishop or ordinary was satisfied as to their reformation. At the end of his notes, Burghley summarised what was now to be the specific *rationale* for a revitalised recusant commission:

> To avoid any general murmur in the realm for the restraining these recusants, it shall be notified that it is not done by any way of punishment, but to make it appear to foreign adversaries, and to traitors and rebels abroad in these doubtful times, that if they attempt to invade the realm, they shall not have any aid or assistance from such persons; for though many such recusants so restrained may offer their loyalty and obedience to the Queen and her realm against such invaders, their overtures cannot be known to foreign enemies or will not be believed; and it is therefore expedient for the public quiet to have them restrained of their liberty, but yet to live in all convenient conditions for health and sustenance.[99]

In effect, Burghley was seeking to enlarge considerably the group of recusants being heavily penalised financially and/or imprisoned. The gentry was not to be regarded as an elite group but as the top-most of several tiers of recusant groups, each of which should be identified by the commissioners and penalised according to its means.[100]

There was, it seems, only one immediate consequence of Burghley's memorandum. The recusant gentry who had been freed five months earlier were now summoned once more; a group appeared before Whitgift on 8 March, and was committed to the bishop's palace at Ely the fortnight following. Otherwise, contemporary records are silent concerning any initiative from the Council to renew or expand the terms of the recusant commission. Moreover, the evidence, which suggests that a declining number of the ageing group of gentry were re-imprisoned in 1594, adds to the impression that Burghley was unable to effect the more extensive action that he considered necessary. Certainly, intelligence correspondence during 1594-95 makes no reference to a major tightening of government action against the recusants, and a fugitive newly arrived on the continent from England in June 1595 told Charles Paget,

the catholic exile in Brussels, that the 'persecution' in England against catholics was 'more tolerable than it was'.[101]

By 1595 Burghley's health was bad. Nevertheless there are indications that during the first part of the year he was particularly concerned about the cost of the war. His main solution was to press for the repayment of money loaned to the low countries. Characteristically, he saw a way of supplementing such income from added demands made of the recusants and his proposal in March for a special levy on 'recusants ferbear[in]ge to come to y^{e} church' for provision of light horse for the Irish campaign was adopted by the Council. In May he made a note 'to view all stables and account how the horses are deployed'.

Although the evidence is inconclusive, it appears that by mid-1595 the Council tolerated rather than welcomed Burghley's continued proposals for a further harshening of measures against recusants. He recommended that local officials should decide how many recusants were to contribute to the new levy and that county commissions be given discretion to extract 'such su[m]es of money as you shall thynk resonable'. In the event, it seems that the Council, directed by Cecil and Whitgift, chose a very small number - probably those gentry released from house arrest in the spring of 1595 - who were sent Council letters direct. Ferdinando Paris of Cambridgeshire, for example, was addressed as 'our loving friend' in Cecil and Whitgift's letter, and was given the alternative of supplying 'a man meete to serve on horsebacke' or paying a £20 fine.[102]

In such a political climate, to demonstrate the urgency of his proposals, Burghley had to rely upon clear evidence that a Spanish invasion was imminent. Certainly, the alarming news of Spanish landings in Cornwall in July awakened his fears about national security, and from this time forward he put much of his remaining energy into defensive measures, the mustering of the gentry and the clergy, and into measures to bring greater order to the north and to the borders. It also seems to have given him the momentum for one final attempt, during 1595-96, to secure a new, expanded recusant commission.[103]

The state of Burghley's health was particularly poor throughout September, October and November 1595, but it did allow him short periods of respite. On 15 November he took advantage of such a break and drafted new instructions about recusants. Whitgift and Hutton were to cause 'inquisitions' to be made in each diocese, recording the number of recusants in every parish and their 'state or degree' - landowners, householders, fugitives, those indicted, and those who paid the fine - and what manner had been used to reform them 'by instruction'. By certifying the names, numbers and qualities of the offenders, Burghley assured himself of the familiar argument that it would become 'known how needful it is to restrain such recusants, to prevent their giving comfort to the enemy'.[104]

Whereas Burghley's previous attempts in early 1594 to revitalise a systematic and nationwide recusant drive had been shelved, the mood within government at the end of 1595 was

more receptive. It was reported from Court that fear of invasion 'doth breed incredible fears in the minds of most men', the case for a new catholic survey was given consideration in the Privy Council and it was decided to order Whitgift to make an 'inquisition of the southern province'. On 26 November the instructions were issued, worded in part directly from Burghley's memorandum.[105]

Burghley's evident intention was to restore the recusant commission to the sophisticated and comprehensive form it had reached after the proclamation *A Declaration of the Great Troubles Pretended* of October 1591. But whereas in 1591 the commission had been given to the county lieutenants who were to 'send to' the bishop, chancellor and archdeacons for certificates, the instructions in 1595 were to be carried out through the new ecclesiastical commission for the southern province which had been granted in September. This body, in turn, would instruct the diocesan bishops to confer with 'some special justices of the peace, well devoted'. Burghley, concerned as always about security, may have considered that the change of procedure was necessary because the lieutenants and their officers were too pre-occupied with the defensive muster to take on both duties; Whitgift, as events were to show, was anxious to involve his diocesans directly and so take control of proceedings.[106]

Whatever the nature of the discussions, it was resolved that the commission be carried out by the bishops. The orders for the diocese of Peterborough survive and reveal important information about operation and procedure. Burghley penned

his draft instructions on 15 November, and the Council sent letters to Whitgift a week later. Whitgift then passed the complete administration for the southern province to Richard Fletcher, the Bishop of London, with the result that it was 5 December before Richard Howland received his diocesan instructions in Peterborough. He had until 18 January to make his return. Such a chain of bureaucracy allowed Burghley's original intention to become blurred and, most significantly, Whitgift had altered the purely anti-catholic nature of the operation. He specifically instructed Fletcher to 'admonish the Bishops and others in the certificates, to make a distinction between Popish and other recusants'. In Whitgift's instructions to his own dean and chapter at Canterbury he asked for a return of both 'popishe' and 'sectarie' recusants. He was thus able to add to Burghley's framework an objective of his own - local investigations by the bishops into scale and geographical extent of radical puritanism.

It is certain that, had he known of it, Burghley would have opposed this extension of the remit of the recusant commission. His memoranda of 1594 and 1595 had re-iterated the argument that measures against recusants would foil Spanish hopes of their assistance - a *rationale* that he always used in a specifically catholic context. As it was, he had no direct involvement in the procedure now that Whitgift had taken charge. Moreover, it is likely that Whitgift was responsible both for preventing the extension of the survey to the northern province (where he probably felt Hutton would have little sympathy for a survey of fervent protestants), and

for the open-ended wording in the Council's order which placed all non-conformity within its scope, and thus encompassed those protestant recusants implicated by the *Act Against Seditious Sectaries* who 'obstinately refuse to repair' to church. For the puritan community, these events were a further confirmation that Whitgift held sway, and the archbishop's intervention represented the exact state of affairs fearfully anticipated by Henry Finch in the parliament of 1593 when the catch-all bill against recusants was debated in the Commons.[107]

Only two references to recusancy in the dioceses in the southern province appear to have survived in central government records from the survey of 1596, both reported to Robert Cecil by recently appointed bishops. William Day commented in a letter how at Winchester 'the country abounds' with recusants and Jesuits, whilst at Worcester Thomas Bilson sent a detailed survey of his new diocese which he had found 'as dangerous as any place I know'. In most respects Bilson's survey, dated 17 July, fulfilled the criteria laid down in the Council letters to the bishops of the previous November. He listed twenty-three of the wealthiest recusants by name and fifteen 'gentlewomen' who refused the church but whose husbands attended. Bilson, ever the career bishop, did not fail to make mention for Whitgift's benefit of 'a number of men precisely conceited against her Majesty's government ecclesiastical, and they trouble the people as much with their curiosity as the other with their obstinacy'. He chose not to list the names of these protestant recusants, however.[108]

Bilson's inclusion of protestant recusants and his justification to Cecil of a request for a diocesan ecclesiastical commission, due to the prevalence of 'either sort' of recusants, was a small but significant episode. Burghley now found himself at odds with, and outmanoeuvred by, the church authorities. He and Whitgift sought different outcomes from the recusant survey and, with Whitgift and Cecil working closely together over episcopal appointments, newly appointed bishops reflected this source of patronage when reporting conditions in their dioceses. Whereas Burghley's intention had been to use the administrative structure of the church to conduct a national recusant drive against catholics, his initiative could be turned by churchmen, looking to Cecil, into an opportunity to re-assert strong ecclesiastical control over all kinds of non-conformity. Viewed in this light, Bilson's recusant survey in July 1596 may be said to mark the eclipse of Burghley's direct influence over English religious policy. As early as 1590 Burghley had seen Whitgift wrest from him control of the investigations into protestant dissent. Whitgift and Cecil's predominant influence over the appointment of bishops was established by the end of 1594;[109] by 1596, Burghley's effective direction of the operation of recusant policy was at an end.

It seems probable that Burghley intended the diocesan returns instituted in November 1595 to be an addition to, rather than a replacement for, the established county system. More certain is evidence that, concerned by what he considered to be a 'greate revolte' to recusancy reported by Hutton's officials in the north, Burghley made a final, unsuccessful

attempt in February 1596 to launch the national county-based commission he sought.[110] He worked over the wording of the articles issued with the 1591 commission, redrafting some sections, and wrote to the high sheriff and commissioners for recusants in counties for which he took responsibility - Essex where he was lord lieutenant and Northamptonshire where there was no lieutenant but where his elder son Sir Thomas Cecil was one of the sheriffs. The letters revealed that in the recent past the commissioners had had their expenses increased to move them 'to be the carefuller' in detecting and recording recusants. 'Yet', complained Burghley, 'that service hath been little the more advanced thereby'. In order that 'more care' be taken, he was now renewing the commission, 'seeing the well executing of the same commissions in some counties hath of late brought manie of them to Submission and conformitie'.

In 1592, Burghley had been able to exploit a consensus within government that the Council should be used as the instrument to drive a major, national anti-recusant initiative. Now he was reduced to writing - almost apologetically - in his capacity as a county officer to officials in Essex and Northamptonshire to explain that conformity was 'more desired than any benefitt of the service and is th'only end of the Statut' (29 Eliz. I *c.* 6). Battling in this rearguard manner, Burghley willingly granted petitions from commissioners to retain the profits of fines from newly indicted recusants even though he was aware that abuses and corruption amongst officials in the local commissions was an increasing problem. In June 1597 he even authorised the

Sussex commissioners to receive five shillings for each case brought to trial.[111]

On health grounds alone, it is clear that, by 1596, Burghley was no longer able to orchestrate a comprehensive recusant commission of the sort undertaken during 1591-92. Furthermore, even though he continued to command considerable authority in government as an elder statesman, there are indications that he was now no longer able to put forward anti-recusant proposals which articulated the consensus among councillors. Whitgift's ability to redirect some of the commission's activities in 1595 is one indication that Burghley's influence over catholic policy was weakening. Further confirmation of this trend is supplied by the evidence that Burghley was unsuccessful, both in 1594 and 1596, in securing conciliar agreement to the imprisonment of a much larger number of recusants than the small and diminishing gentry group[112]

Throughout the summer and autumn of 1596 the country was braced for a Spanish assault that never came. When, in November, this anxiety reached its height with reports that the invasion force was ready to embark, a number of familiar safeguards were enacted by the Council. Cecil made notes of the Council's resolutions and dispatched these to Burghley, who was sick but who had already drawn up his own memorandum anticipating most of the points. Burghley referred to the clergy muster but, characteristically, proposed considerably more detailed action against recusants than the Council had provided for. He recommended the custody not only of the

'principal' recusants currently on bail who, he proposed, should be recommitted to Whitgift's custody but also, as in 1594, the imprisonment of a considerably wider group: all known recusants who were householders, men, widows or bachelors, or whose children were known fugitives. In order to starve the enemy of 'commodities', he even went so far as to recommend the removal of grinding stones from watermills and the cross-sails from windmills.[113]

The upshot of this burst of activity - which included the convening by Burghley of a committee on 'Martial Affairs'[114] - was that Council letters were issued for the confiscation of recusants' horses and armour but not, as Burghley recommended, for the restraint of the generality of known recusants; in contrast to Burghley, it would appear that a majority of councillors was content to regard the provision of the five mile circuit restrictions allowed for in the statute of 1593 as sufficient to ensure national security. The Council did, however, follow his recommendation in ordering that those of 'quality' were to be summoned again as an additional cautionary measure and, in early December, there were groups recommitted to Banbury and Ely where they remained until December 1597. [115]

* * * * *

Burghley's memorandum of November 1596 is the last of his papers on recusant affairs that has survived. It shows that at this late date he could still initiate conciliar action for the detention of the hapless recusant gentry as a security

measure. From the evidence presented in this chapter, however, it is apparent that whilst Burghley's determination to harass recusants remained undiminished, nevertheless, as his health and energy declined, so did the vigour with which the Council sought to find new ways to penalise recusants.

The parliament of 1593 was, it seems, a turning point. Building upon a decade of incremental measures which they had promoted jointly, Burghley embarked, after Walsingham's death in 1590, upon a vigorous three-year campaign against recusancy. The turmoil of 1588 sparked the reign's most ambitious recusant commission, and it is clear that by 1593 Popham and Egerton were amongst those pressing for increased statutory sanctions against recusants.[116] As the 1590s wore on, however, a mood of belligerence gave way to one of reconsideration and even resignation. Cecil's remark in parliament that recusant numbers were becoming better known rather than registering an absolute increase, may be seen as a signal of the change. Certainly, by 1595-96 Council interest in the wider imprisonment of recusants was insufficient to allow the sanctioning of Burghley's more ambitious plans. Instead, Whitgift was using the anti-separatist statute that Burghley had masterminded to broaden the scope of the recusancy enquiry beyond anything Burghley himself desired, and bishops such as Bilson were feeding the results to Cecil.[117] In its actions against recusants, the Council had moved from a position during 1588-92 when it regarded the recusant problem as a significant threat to security and to internal order, particularly in the north, to a set of responses which, by 1596, suggested that recusancy was but a

persistent nuisance which, at times of military alarm, required to be neutralised by routine precautionary measures. In the remainder of this chapter, it is suggested that there were three principal reasons for this change.

Assigning 1593 as a turning point hints at a first reason for the growing gap between Burghley's ideas for further anti-recusant measures and the Council's belief that these were practicable. This was the realisation by councillors and the judiciary of the continuing inadequacy of laws for dealing with recusancy, the nature of the opportunity that had been missed in the parliament of 1593 and the seeming intractability of this problem. Within four months of the dissolution, Egerton was lamenting that 'it were pitie lawes so well meant should be fruitles, .. ether to worke in the delinquents that conformitie which was expected, or that proffitt to her majestie that is due'. F.X. Walker's detailed analysis has shown that this was a threefold problem: the set of statutes passed between 1581 and 1593 was incoherent in its enforcement provisions; the opportunity presented by the dual bills prepared for parliament in 1593 to rectify this situation had been lost; and the reach of existing statutes, coupled with inadequate local enforcement, held no deterrent for the poorer recusants who made up the majority of practicing Catholics.[118]

Burghley's role in the two vital sessions of 1581 and 1593 was central, but it is clear that he struggled for control. In 1581 he seems to have played the central part in securing Elizabeth's consent to the need for new legislation

and in the steering of a compromise bill which satisfied both houses. Nevertheless, the resulting legislation failed to define how the new £20 fine was to be exacted - a major weakness requiring a further defining statute in 1587 - and Burghley had to resort to writing a commentary on the act of 1581 interpreting how it could be made to work.[119] In 1593, as in 1581, Burghley possessed draft copies of the various anti-recusant bills presented and, similarly, the resulting statutes created problems of enforcement. Walker concludes that the loss of the dual bills prepared by Popham's colleagues in 1592-93 considerably retarded the anti-recusant drive, a loss which has been shown in Chapter Three to have stemmed from the abandonment of the anti-catholic measures of the first Commons bill in favour of securing Burghley's preferred version of a statute directed against separatists.[120]

Both the statutes passed in 1593 were ambiguous in scope, however. Whilst Burghley seems to have made a tactical error in commending a recusancy investigation in 1595-96 through the bishops, he could hardly complain when Whitgift used this opportunity to include in its terms of reference provisions from the *Act Against Seditions and Sectaries*. Burghley himself was equally apt to interpret the application of statutes broadly, as in the instance when, with the support of a majority of the judges, he and Egerton invoked clauses from the same statute as grounds for harrying the wives of catholic recusants - an interpretation to which many in the Commons were specifically opposed.[121] Moreover, the *Act against Popish Recusants* turned out to be seriously flawed

from Burghley's standpoint. Catholics successfully argued that the five-mile circuit restrictions implied that recusants held prisoner should be released and allowed home - a consequence of the statute that probably contributed to the decision to release the gentry in October 1593 and which made it inevitable that, in future, Burghley could only justify their re-imprisonment as an exceptional security measure arising from Spanish aggression.[122]

The failure of legislation in 1593 to establish a more comprehensive, coherent and enforceable range of measures with which to combat catholic recusancy may have provided a second reason for the Council's increasing unwillingness after this date to follow Burghley's policy lead. This is the likelihood that leading councillors were either content with, or resigned to, the scope of measures to keep recusancy in check that had been established by 1592. Those broadly satisfied with the range of measures in place probably included Essex, who was identifying himself with a tolerant attitude toward catholicism by 1593; Cecil, who was beginning to develop policies which were in marked contrast to those of Burghley; and, perhaps, Whitgift.[123] Supporters of this stance could point to a considerable increase in exchequer revenue from recusancy fines, since the passing of the statute of 1587 (29 Eliz. I *c.* 6) which both made enforcement easier and allowed for means-tested fines and their payment through the confiscation of recusants' lands.[124] In the absence of Council support for a renewed recusant commission on the scale of that of 1591-93 Burghley continued to advocate the further

application of the 1587 statute by local commissioners as the main weapon with which to combat recusancy.[125]

Those resigned to the imperfect nature of available anti-recusant measures may have included Egerton and Popham. Certainly, both were aware how far the outcomes of the parliament of 1593 fell short of an ideal system for the control of catholic recusancy. Councillors who, like Popham, would have preferred clear-cut, anti-recusant sanctions had seen how, in both the parliaments of 1581 and 1593, compromises and tactical manoeuvres had been necessary - in 1581 to steer a course between the interests of ecclesiastical and civil lawyers and, in 1593, to overcome resistance in both houses to harsher anti-catholic measures.[126]

As it was, councillors had to be content to work within the legislation that had been achieved during 1581-93, the shortcomings of which were clear and, seemingly, increasingly unresolvable. Most problematic from the government's point of view was the inability of Exchequer officials to collect recusants' fines (see Table 4.3).[127] Particular problems included: the reluctance of many local officers to bring charges against recusants; the degree to which recusant cases settled into the slow routine of local assize and diocesan business during the 1590s; evidence that corruption among local officials in recusancy cases was on the increase; and the misappropriation of revenue into local government treasuries.[128] In addition to these difficulties, there were also some signs that open defiance of the authorities by recusants was growing. When, in 1598 for example, the Council

decided to raise a levy for the Irish campaign from over 100 recusants, the results were the opposite of the compliance experienced during similar schemes in 1585 and 1586; two years later the Council was still chasing 43 recusants who had refused to pay. The episode was, Walker concludes, a 'stale repetition' of the policies - and machinery for carrying them out - first proposed by Burghley and Walsingham thirteen years earlier: 'there was not a hint of administrative reform or inventiveness'. This situation had not changed by the end of the reign when the government, led by Cecil, proved apathetic to the opportunity for renewed recusant legislation which arose in the parliament of 1601. [129]

A third and final reason for Council ambivalence in pressing for harsher anti-recusant measures after 1593 seems to have arisen from political pressures which forced councillors to re-assess the appropriateness of Burghley's policy. Its continuing cohesion was certainly a problem. Until 1592 Burghley pursued a parallel yet distinctive pair of policies against the recusant gentry and against the lay catholic community more generally; the first he justified on account of the Spanish military threat, the second as an attempt to frustrate the efforts of priests in the English mission field. With the blurring of this distinction, first when he alleged in August 1592 that the gentry were the cause of increased catholicism, and second in March 1594 when he proposed the widespread imprisonment of lesser recusants in order to diminish the Spanish military threat, the coherence of Burghley's dual policy was undermined; moreover, it was

from this point that Council support for a new recusant commission was unforthcoming.[130]

More problematically, whilst Burghley's unyielding anti-Catholic stance satisfied some of the Council's objectives, in other respects it failed to anticipate changing political circumstances. On the positive side, from Burghley's point of view, the Queen supported his restatement of policy in 1592 [131] and the Council continued to authorise the periodic re-imprisonment of the gentry throughout the 1590s. As the decade wore on, however, it became clear that those punished in this way were carrying an increasingly disproportionate burden within the catholic community; between 1587 and 1593 a group of around thirty of the leading laymen enjoyed a mere eighteen months of liberty, several were imprisoned on three further occasions between 1594 and 1599 for a total of twenty-seven months and fourteen of their number are known to have contributed, between them, a total of £54,079 in recusancy fines during 1582-1602, a figure which represented 48% of total Exchequer revenue from this source at an average sum of £3,863 per individual (see Table 4.4) Furthermore, as early as 1593 Essex was actively intervening to alleviate the hardships of Tresham, the spokesman for the recusant gentry.[132]

It was less satisfactory from Burghley's point of view, that public awareness of the huge burden which the recusant gentry carried served to emphasise rather than cast doubt upon their political loyalty and may have contributed to a swing in popular opinion behind Tresham and his fellow internees. By

March 1590 Tresham was pointing out to the Council that the loyalty of the gentry was not only self-evident but widely acknowledged - both by their gaolers in 1588 whose opinion 'in that time of undoubted trial I pass over in silence, as [it is] well known to your honours,' and now by the whole realm which recognised their political constancy such that 'both court and country, parish and pulpit, are full thereof'.[133] Tresham's picture of widespread consensus after 1588 about the loyalty of the recusant gentry can hardly be taken as objective but probably indicates the direction in which popular opinion was moving; moreover, by 1594 Burghley had accepted the threat that such a change in opinion posed to the credibility of his policy. In that year he instructed that the standard argument about national security was to be re-employed 'to avoid any general murmur in the realm for restraining [of] these recusants'.[134] This was a far cry from the situation in 1588 when both Burghley and Tresham reported that there was general antagonism toward the prisoners, and it hints at the extent to which Burghley's position was coming under strain.[135]

Moreover, there was a further, more fundamental way in which Burghley's relentlessness against catholics was becoming an anachronism. He probably realised that an accommodation of the catholic problem would eventually require a measure of limited toleration; in day-to-day policy terms, however, his harsh treatment of the recusant gentry made such an accommodation impossible.[136] Rather, it was their negotiations with a wider group of councillors which hinted at what the future might hold. For, whilst Burghley suggested

that tolerance would first be required by a dispensation from the Pope which allowed English catholics to attend services of the established church, it seems that some councillors were minded to consider making concessions in the reverse direction. As early as October 1590 a group that included Whitgift had recognised the 'impossibilitie' of the position facing the catholic gentlemen and excused them from such basic conditions of bail as keeping an exclusively protestant household and church attendance.[137] The following year, in a separate episode, Cecil showed that he, too, was seeking to develop a more flexible catholic policy than that pursued by Burghley; his encouragement of would-be catholic agents in the summer of 1591 was in marked contrast to Burghley's distrust and testiness and was a pointer to the limited toleration he was to offer to some catholics during the archpriest controversy of 1598-1603. Furthermore, although Cecil's policy toward catholicism was in an embryonic state in the early 1590s, his encouragement of agents, his guarded remarks in parliament in 1593 and his furtherance of Whitgiftians such as Bilson and Bancroft were all indicative of the direction in which he was moving.[138]

The result of all of these political pressures was that, in the long term, Tresham's stand on behalf of the catholic laity was vindicated. Not only did Burghley find Tresham's arguments difficult to refute in their exchange of 1588-90, as has been argued in this chapter, but in the last year of his life Burghley adopted one of Tresham's contentions - that Anglo-Spanish hostilities fostered unchristian sentiments - and used it when he began to work hard for peace with Philip

II. The ultimate justification for Tresham's position, however, was to come five years after Burghley's death when in 1603, with Anglo-Spanish tension considerably eased, the Privy Council under Cecil's direction appointed him to the important and patriotic duty of declaring, in his home county of Northamptonshire, the peaceful accession of James VI of Scotland.[139]

CHAPTER FIVE

THE RENEWAL OF THE EPISCOPATE

In 1594 there arose, for the first time in thirty years, an urgent need to replace a sizeable number of senior bishops of the church. This chapter explores two principal aspects of the process which ensued during 1594-98 and takes up Patrick Collinson's suggestion that 'the ways in which Bishops emerged .. were devious and complex and deserve more careful study than they have yet received, particularly in the correspondence of successive archbishops with the Cecils'. First, the manoeuvring among candidates and between councillors over the selection of the senior clergy is examined in an attempt to reconstruct patterns of patronage and methods of appointment; second, an assessment is made of the Cecils' role in perpetuating the financial exploitation of ecclesiastical revenues during this period.

(a) Patronage and appointment

Ralph Houlbrooke has pointed out that the translation and elevation of bishops was not a continual process in Elizabeth's reign, but tended to be concentrated in 'rounds', with the result that more than three-quarters of such appointments occurred during five periods: 1559-62; 1570-72; 1575-78; 1583-85; and 1594-98. Of these, easily the largest rounds were the first and the last. The first generation of Elizabethan bishops remained substantially in place until the mid-1570s and was characterised by its commitment to the renewed protestantism of the church and to the advancement of learning. During the late 1570s and 1580s smaller re-shuffles

produced men more notable for their administrative and political strength, epitomised by the Queen's own *protégé*, Whitgift.

Burghley's influence was probably predominant in 1559-62 and of equal standing to Parker's in 1569-70. At the end of his life, however, Parker had anticipated - and approved - the rise of conservatives such as Goodman, Piers, Aylmer and Whitgift, and it seems that in 1575 Bishop Cox of Ely went so far as to suggest to Elizabeth that Whitgift, not then a bishop, would make a good successor to Parker at Canterbury. By 1576 there is evidence that Elizabeth was directly responsible for the appointment of bishops such as Aylmer at London and Freake at Norwich, who acted with greater severity against puritans than Burghley probably would have wished and contemporaries were in little doubt that the *debacle* of Grindal's disgrace exemplified the Queen's impulse to impose an anti-puritan discipline in the church. According to John Harington, Whitgift's subsequent elevation to Canterbury, in 1583, sprang from her resolve 'to admit none but a single man', and Sir George Paule spoke of how Elizabeth had already 'designed' Whitgift to succeed the dying Grindal.[1]

Despite the change of climate occasioned by the Queen appointing conservatives over Burghley's head, most of his and Grindal's suggestions for elevations and translations in the 'round' of 1575-78 had been accepted. Even in 1584, by which time the climate had changed still further and Whitgift's archiepiscopal purge of moderate puritan clergy was in full swing, Burghley's influence was not entirely eclipsed. Early

in the autumn of 1584 it seems that Whitgift took the initiative in furthering new episcopal appointments by sending Burghley a list of thirteen candidates for the vacant sees of Ely, Worcester, Bath and Wells, and Chichester, as well as fifteen candidates for nine vacant deaneries. Despite the range of choices Whitgift was suggesting, Burghley responded with a weary remark illustrative of the low point to which their relationship had sunk: even promising preachers were, he maintained, invariably disappointing upon their elevation to bishoprics. In the event, although Ely was not filled (notwithstanding a plan to demote Aylmer by transferring him there from London in the aftermath of his scandalous sale of episcopal timber), new bishops at Worcester, Bath and Wells, and Chichester all came from names on Whitgift's list. These moves created five vacant deaneries and, similarly, appointments to four of these came from amongst Whitgift's nominees. It is evident, however, that Whitgift's influence was not all-pervasive. Edmund Freake's translation to Worcester created a new vacancy at Norwich and in this instance, Whitgift's choice of John Young of Rochester was passed over in favour of the conservative Edmund Scambler. Since Scambler had appeared a menacing threat to the puritans of Peterborough during the crisis occasioned by Whitgift's subscription articles, they had cause gratefully to acknowledge Burghley's influence in effecting the bishop's removal in 1585 and his replacement by the seemingly more sympathetic figure of Richard Howland.[2]

1594: A 'multiplicitie of removes'

By the middle of 1594 a succession of deaths within the episcopate had made a general series of promotions a pressing necessity. Bath and Wells and Worcester had recently been filled by John Still and Richard Fletcher after both dioceses had lain vacant for over two years, yet six further sees required new bishops. Exeter had been vacant for only a few weeks but St. David's had been vacant for six months, Oxford and Bristol for two years and Ely for thirteen years. Winchester, a prominent and wealthy diocese, had been added to the list in April on account of Thomas Cooper's death; then, in June, the need for action became compelling when the bishopric of London fell empty on the death of Burghley's contemporary, John Aylmer.[3]

The matching of candidates to vacancies in 1594 was unlikely to be a straightforward matter, however, as the balance of power in the Council was, at this time, uncertain. Burghley, for example, was accustomed to playing a central part in such affairs but his health was beginning to fail: his long-standing gout was becoming worse and his attacks more frequent. In January 1594 he had written to Cecil that he was having to dictate letters, 'bey[in]g forced wth very fayntnes to kepe my couch'. The situation had not eased by April when he complained not only of 'my continuance of pain without remission' but of the disagreement among his doctors and how he had received 'from none any direct advice for my cure'.[4]

In contrast to Burghley, Whitgift was at the height of his powers and, given the Queen's general support for his

ecclesiastical policies, the archbishop could reasonably expect to play a decisive role in the renewal of the episcopate. He had, however, to accommodate within his plans the ambitions of two ascendant councillors: Essex and Cecil.

Whitgift's acquaintance with Essex went back to the 1570s, when Essex was a youth in Cambridge at Trinity College and Whitgift was the college Master. By 1594 Essex had been on the Council little over a year and it is unlikely that Whitgift had learned to trust the judgement of a man with so different a temperament and political instinct to his own; moreover, Essex had joined with Burghley in 1591 in defending Udall and there is clear evidence that Whitgift was responsible for ensuring that Essex did not become Chancellor of Oxford University the same year. Whilst, there is no extant correspondence - or even suggestion of contact between them outside the Council chamber - to provide clues to their relationship by 1594, Whitgift's contemporary biographer says that, after his early flirtation with radical puritanism, Essex 'grew very calm' and, noting Whitgift's influence with the Queen, offered 'to run a course for clergy causes'. Patrick Collinson, however, considers that Sir Henry Wotton's judgement is to be preferred, Wotton having observed that, despite bearing 'a kind of fillial reverence' towards Whitgift, Essex continued to court puritan sympathisers.[5] If Essex was continuing to divide 'his affection between two extremes' in the manner which Wotton suggested[6] his episcopal nominees might be expected to appeal to Whitgift, for there is clear and contrasting evidence that when it came to the

selection of personal chaplains, Essex favoured moderate puritans.[7]

By 1594, Whitgift probably considered Cecil a more likely ally. Although no correspondence between them appears to have survived before this date they had, nevertheless, been fellow councillors for three years - long enough for Whitgift to come to an assessment of Cecil's likely attitude to the appointment of senior churchmen. Moreover, in Cecil's most public statement on church controversies fellow members of parliament in February 1593 had heard him criticise the 'violence' of Morice's bill opposing the *ex officio* oath, a response which suggested that he would support that part of Whitgift's ecclesiastical policy which aimed at control and order.

Yet order was not Whitgift's sole pre-occupation. He had testified to a persistent desire for clergy reform since his elevation to Canterbury, and during 1585-86 convocation had been ordered to collect statistics of the numbers of licensed preachers in the dioceses in order to assess the state of learning in the church. This was followed by reforming articles of 1591 in which bishops were ordered to participate in their visitations, to perform confirmations with greater diligence and to 'travel abroad in the diocese to preach' outside visitation times. In this regard, Whitgift's own example was a model - he preached two sermons every Sunday throughout his seven years at Worcester - and his concern for clergy reform was an indication that men of pastoral ability were as likely to recommend themselves for bishoprics in his

eyes as those who could be relied upon primarily to maintain good order.

Moreover, despite their often poor relations on other matters, this was an area where Whitgift and Burghley were able to work together in a reforming spirit when considering church promotions. In 1586, for example, a prospective Dean of Worcester who had the support of Walsingham had successfully been blocked through an appeal from Whitgift to Burghley that the man was unlearned and kept an immoral family. Whitgift's view was that the careless patronage of such men accounted for 'all the evle bishops and denes now living in England, and yet where is greater zeal pretended' and he requested of Burghley continued vigilance and care 'to place fit men in such rooms of the church'. Three years later a further example of this co-operation occurred when a Dean of Bristol was recommended to Burghley for elevation. Before assenting to the request, he notified Whitgift who, after investigation, was able to inform him that the man in question was responsible, through inept administration, for the debts of the diocese to the Queen and was unfit to be a bishop on account of his 'verie high and wanton behaviour'.[8]

The death of the Bishop of London, John Aylmer, in June 1594, seems to have been the signal for all aspirants for ecclesiastical preferment to declare themselves. Each, however, had to assess his best route for seeking preferment and obtaining the decisive royal assent. In an uncertain political climate was this through Burghley, through Burghley and Cecil together, through Essex, or through Whitgift?

Although many hopeful candidates in the new round of church promotions of 1594 owed their earlier careers to Burghley, and would continue to receive his patronage, it was the relatively inexperienced Cecil who conducted most of the correspondence and discussions with Whitgift and the Queen over the new appointments. In May 1594 he received his first specific suit - for the Wardenship of Winchester College - the opportunistic, if premature, petitioner explaining that 'it is thought, upon the death lately of some Bishops, there will be some alterations'.[9] These changes were to occupy much of Cecil's time for it is clear that by October 1594 he was entrusted with the responsibility for nominating candidates on his frail father's behalf. Between mid-1594 and the end of 1598 a series of chain moves was set in motion which led Cecil to direct involvement in at least thirteen of the twenty-two diocesan appointments made (see Tables 5.1 and 5.2) and in the filling of several deaneries and Irish appointments, a process which led to the establishment of an effective working partnership with Whitgift. As well as helping to select appointments from a large number of candidates, Cecil also found himself involved in the financial affairs of the church for the first time. Several new appointees complained about finding themselves encumbered either with the debts of their predecessors or with smaller revenues than they had enjoyed in their previous positions, and there were disputes over money in dioceses such as Rochester which were unaffected by the moves.[10]

In mid-1594 the first priority was to fill London and, less than three weeks after Aylmer's death, Burghley told

Richard Fletcher, the Bishop of Worcester, that he would propose his election to the Queen. During the late summer, however, he was persuaded to change his mind (apparently by his redoubtable puritan sister-in-law Lady Elizabeth Russell) and to support instead the candidature of William Day, then Dean of Windsor and Provost of Eton.[11] Day's public career had been exclusively at Windsor and Eton, where he had held office for the preceding forty years and his career was marked by the failed efforts of his highly-placed friends to gain him preferment. As early as 1568 he had been recommended by Archbishop Parker for the see of Chichester but this, and the subsequent recommendations which both Parker (1570) and Whitgift (1584) made to Burghley that Day should be elevated to London had come to nothing even though, according to Thomas Windebank, Burghley was an active patron to Day by 1572.[12] He was a conscientious preacher, had been notably thorough in the destruction of images in the chapel at Eton and had sided with the radical puritan position over vestments in the 1560s.

On 19 September 1594 Thomas Ridley, who was the Headmaster of Eton and Day's son-in-law, wrote to Cecil reflecting on a conversation of the previous week when they seem to have discussed Day's promotion and attempts by Essex to prevent the plan. Burghley's proposal to install Day directly to the London see would have been an unusually senior promotion from a deanery. It had, however, been successfully blocked by Essex and Whitgift, who had themselves nominated Richard Fletcher as their own candidate. In the light of this, Ridley put to Burghley a tactical manoeuvre designed thwart Essex and to advance Day. Ridley's plan centred on the

fact that Essex had already suggested a candidate for the provostship of Eton in Henry Savile, the Warden of Merton College, Oxford; furthermore, Savile had made it known that he was so 'resolute' for the post that he would countenance no other. Accordingly, Ridley suggested that, should Burghley wish 'to make shew' over the incident - and put pressure on Essex to withdraw his support for Fletcher's move to London in favour of Day - 'the Dean should rather stay in place where he is' at Windsor and Eton than be promoted immediately elsewhere '[as] I am verily persuaded my Lord of Essex would rather yield [over Fletcher] than that he would have Mr. Savel disappointed'.[13]

This plan served to compromise Burghley in some respects for he was Savile's patron as well as Day's; nevertheless, Burghley seems to have followed Ridley's advice as Day remained at Windsor for the present - blocking, in the process, Lady Russell's plans for Savile, on behalf of whom she, too, was acting - and Fletcher's candidacy for London went ahead. Fletcher was one of Whitgift's chaplains but does not seem to have possessed the political flair commensurate with an appointment of such importance - the Bishop of London had particular responsibility for the detection of priests and fugitives landing at the coast and for the interception of underground books and pamphlets. Nevertheless, Essex and Whitgift had opted for a reliable candidate known to be approved by the Queen. He was, in the opinion of Sir John Harington, one who 'could preach well and would speak boldly and yet keep *decorum*. He knew what would please the Queen and would adventure on that though it offended others'.[14]

To this point Cecil's involvement seems to have been limited to representing, but not actively supporting, Burghley's candidature of Day. This caution was due to plans of his own which took little account of Burghley's preferences; it is also unlikely that Cecil would have supported seriously a candidate with Day's lack of qualifications for a key post such as London, particularly in the light of Burghley's having surrendered support for Fletcher to Essex. Having failed to secure Day's elevation to London, Burghley proposed him for Durham,[15] but this plan was to be thwarted by the intrigues which Cecil was creating to further the cause of the Dean of Durham, Toby Matthew. These intrigues were to have a considerable impact upon the complicated series of episcopal appointments that were settled between September 1594 and April 1595.[16]

Although Toby Matthew was Cecil's senior by seventeen years, they were described by Michael Hickes, one of the Cecils' chief secretaries, as old friends. Matthew was an able administrator with considerable personal ambition. His early career at Oxford had been prodigious - Vice Chancellor at the age of thirty-three, having already held the Presidency of St. John's and the Deanery of Christ Church; moreover, he had impressed the Queen on her visits to the university and subsequently became one of her chaplains. No evidence survives of contact between Matthew and Cecil prior to 1594 but there is clear evidence for Matthew's political indebtedness to Burghley. With Leicester, Burghley had secured the deanery at Durham for Matthew in 1585 and Burghley intervened subsequently on Matthew's behalf when the Queen

proved tardy about releasing payments to the new dean. Contact between them was renewed in 1593 arising from work connected with the recusant commission. Durham was one of the most lawless and strongly recusant areas of the country, and it was not difficult for Matthew to use the commission to forward his career. He took the opportunity to dispatch information directly to Burghley from January 1593 when his preliminary acknowledgement of his 'imperfections and indisposition to intermeddle with causes of this quality' was taken in good part.

Matthew's forwardness was rewarded when, in the autumn of 1593, Burghley engaged his services as an intelligence gatherer with a commissioning letter which Matthew found 'so favourably written that I know not how to thank you'. Burghley sought Scottish intelligence as well as recusant information from Matthew with the result that by April 1594 the dean was making payments to the Earl of Bothwell, an exile from the Scottish court with whom Elizabeth had been dealing in an attempt to create a party in Scotland that would crush the catholic earls. A sign of Matthew's confidence can be seen in his frank assessment to Burghley of James VI, who he described - in words the Queen might have used - as 'a deeper dissembler, by all men's judgements that know him best, than is thought possible for his years'.[17]

Such was the progress of Matthew's career that, in August 1594, he was in the south at Court and approached Burghley about a preferment. Unfortunately, his original letter is lost but it was evidently not a straightforward request for

consideration. Michael Hickes, through whom the letter was addressed, was to disclose it to Burghley 'wth such convenient exposicion & at such opportunitie' as he considered best. Whatever the request, Hickes reported on 1 September that Burghley had given it a 'deliberat reading' before giving the letter back to him for safe keeping. In Hickes' opinion Burghley did

> well apprehend the matter therein conteyned and doth so well conceive of the writer as there will not want his good furtherance as he hath already his good woorde.

Exactly which position Matthew was after is not clear although the sees of Bristol, Ely, Exeter, Winchester, Oxford and London were all vacant at the beginning of September. It is apparent, however, that Cecil was involved in Matthew's manoeuvring and that the matter had to be kept secret. Meanwhile, Hickes was content to 'hold the Candell to give light to the game whilst others play it'.[18]

Matthew's concern was to have his business concluded as quickly as possible. Whatever his pretext for being at Court, he felt that he could not afford to leave before all was settled. 'It is expected', he told Hickes, 'that I should not here or herabout make so longe abode', but he was resolved not to return to Durham, for 'I shalbe far off to remember others of myself; & to be certified howe things in tyme are lyke to work'. It is probable that, in the summer, Cecil had advised his friend that a number of vacant bishoprics were to be resolved in the autumn and that he would secure for Matthew what he could. Yet the covert proposal Matthew put to Burghley at the end of August is not easy to understand - why

should Burghley need to be involved at this stage if Cecil was to handle the negotiation? Whatever Matthew's objective was, September and October saw intensive negotiation about a range of episcopal moves with Cecil at the centre of the dealings. Burghley had been struck down again by illness in mid-July and was no better by September when it was reported that 'lying upon his couch he museth and slumbereth' and was generally 'unfit to hear suit'.[19]

The log-jam was still unbroken on 19 September when Ridley told Cecil that he was not 'out of hope' that Essex could be made to change his mind about Fletcher's removal from Worcester to London; moreover, Ridley advised Cecil that, in the days immediately preceding, Essex had been 'daily laboured by friends and hath .. very effectively been dealt withal to relent', and to allow Burghley's nominee William Day to be elevated. Burghley's support for Day sprang directly from Lady Russell's campaign on his behalf; for his part, Cecil no doubt used Burghley's illness as an expedient for letting Day's claim on London lapse, a candidacy he probably considered to be politically unsuitable and which may have stood in the way of Toby Matthew's ambitions.[20]

With the situation still unresolved, the dimensions of the issue were suddenly changed by the death of John Piers, the Archbishop of York, on 28 September. Burghley was out of action, but he managed to write to Cecil on 5 October urging him to take steps to fill the archbishopric:

> It is lykely many will gape after it. And I wish the chois war rather in hir majesty's own judgment

> then in the ambitioss desire of them which seke *qu[a]e sua sunt, non qu[a]e Dei et ecclesi[a]e.*

Perhaps Burghley had the ambitious Toby Matthew in mind and was discouraging Cecil from overreaching himself in support of the archiepiscopate for Matthew. In fact it seems to have been decided almost immediately that the next archbishop should be Matthew Hutton, the Bishop of Durham. As a result, the competition for Hutton's own place - relatively quiet and with a large income - soon confirmed Burghley's prediction that lobbying among factions within the Court would ensue. Despite this, official news of the elevation to York was not relayed north to Hutton himself.[21]

It is likely that Burghley was well satisfied with the choice of Hutton and had concurred with Huntingdon, the Lord President of the North, in recommending him to the Queen. Burghley and Hutton were on friendly terms, and Hutton represented the combination of competent administration, evangelical churchmanship and mildly puritan piety of which Burghley approved. Burghley's desire not to see an ambitious candidate appointed reflected his old complaint, made to Whitgift through the years, that the office corrupted otherwise sound men. Moreover, Burghley had sought Hutton's advice in 1589 when he had been considering the theological justification of the episcopacy, and Hutton's express reluctance now to take on the larger office no doubt appealed to Burghley's preference for a humble appointee.[22]

In the light of such sentiments, it was unfortunate for Richard Howland, Bishop of Peterborough, that he should have written to Burghley three weeks later, promoting his own

candidacy for translation to York. It was a letter similar to many others in Burghley's papers, and appears not unrealistic. Howland claimed that Peterborough was the poorest diocese in England, and hoped that the favour of Whitgift and of Burghley - 'my onlie patrone and p'ferrer' - would secure him something better. Already, he understood that he had been nominated by Huntingdon, the Lord President of the North, as a worthy candidate for York. In response, however, Howland received a stiff rebuke from Burghley, who informed him that he was misled over Huntingdon's recommendation and that he should hold out no hope for York. Howland, chastened by Burghley's unexpectedly severe reply, countered that, although he was the ninth most senior bishop, nineteen others had been preferred above him 'in theis multiplicitie of Removes'. Despite his protest, the impoverished Howland realised that his cause would not be advanced, and concluded that he was forced to 'lett fall my sale & withdrawe my self under the hatches'.[23]

Meanwhile, Burghley had concluded that his attempts to secure Day's elevation to London had failed; responding to further lobbying by Lady Russell, he now nominated Day in Hutton's place at Durham. For the moment, Cecil was content to pursue this nomination on his sick father's behalf, and he agreed the move with Whitgift - on the understanding that Cecil would confirm the appointment with the Queen. Day was informed in the second week of October, and wrote to Cecil with his acceptance.[24]

It is clear from surviving papers that October 1594 was the month when lobbying and consultation came to a climax. Cecil was still deputising for the indisposed Burghley, and he met Whitgift to discuss all the vacancies. As a result of this meeting, it appears that the destinations of the leading candidates for six senior posts were agreed, and that proposals for a series of moves involving a chain of sixteen potential vacancies were discussed.[25] Furthermore, it is evident that Cecil was working to a plan which closely mirrored Burghley's preferences; Cecil's discussions over six of the proposed senior appointments with Whitgift at this stage continued to endorse Day's move to Durham and included the suggestion that Toby Matthew should be elevated to Worcester. With the senior appointments provisionally settled, it was agreed that Cecil should put these to the Queen.[26]

Decisions now remained concerning Norwich and five of the more junior appointments which were under discussion: Chester; Bangor; Exeter; St. Asaph; and Llandaff. In preparation for his meeting with Whitgift Cecil had prepared a list of candidates for these sees. At their conference both men were readily able to agree about two of Cecil's nominations: the translation of Hugh Bellot from Bangor to Chester; and the elevation of William Redman from the archdeaconry at Canterbury to the bishopric of Norwich. It seems that Whitgift was particularly keen to see his own archdeacon elevated, for he met the Queen in pursuit of this aim and subsequently informed Cecil that Elizabeth considered Redman 'the worthiest man for that place'.

Not all of Cecil's nominations were so successful, however. In particular, he had proposed that William Hughes should be translated to Exeter, a move which he suggested would allow either Gervase Babington of Llandaff or Richard Vaughan, the Archdeacon of Middlesex, to fill the vacancy created at St Asaph. Instead, the meeting with Whitgift resulted in Babington moving to Exeter and Vaughan being nominated as his replacement at Llandaff.[27] From annotations to Cecil's list it seems that he now pencilled in Hughes for the vacancy created by Bellot's removal from Bangor; once more, however, Hughes' promotion was blocked by Whitgift who subsequently proposed alterations to those changes agreed at the meeting with Cecil. Although on that occasion it had been 'set down' that Vaughan, a future Bishop of London, should go to Llandaff, he was now nominated by Whitgift to Bangor, this diocese being 'something better'. This move, in turn, allowed Whitgift to propose a new candidate for Llandaff - William Morgan, the translator of the Bible into Welsh - a nomination which had the effect of shutting out Hughes, Cecil's protégé, from the entire sequence of moves. Such was the complexity of the whole arrangement that Vaughan's elevation to Bangor, the final link in this part of the chain, was not confirmed formally until January 1596, fourteen months later.[28]

While Whitgift and Cecil made progress with these more minor appointments, the task remained of securing the agreement of the Queen to promotions to the senior dioceses: London (awaiting the formal announcement of Fletcher), York, Durham, Winchester, Lincoln and, less importantly, Worcester.

Ely, Oxford and Bristol, meanwhile, were to remain vacant. On 4 November Whitgift wrote to Cecil urging 'further dispatch of the bishoprics', an indication that, at this time, Cecil was expected to be the one to deal with the Queen over all the episcopal moves.[29]

There can be little doubt that a major cause of the delay lay in Cecil's attempts to secure the best position for Toby Matthew. That Cecil could not expect to secure York for Matthew was clear, both from the letter he had received from Burghley cautioning against 'ambitious' candidates and from the resulting agreement to elevate Hutton. London was already all but filled and, at around the time that he had arranged that Day should go to Durham, Burghley settled that Matthew should take Worcester. These arrangements - agreed with Whitgift - were now all dismantled by proposals which Cecil put directly to the Queen.

Cecil emerged from these audiences having secured Durham, the wealthiest of the dioceses under discussion, for Toby Matthew. This was a minor triumph with which both he and Matthew must have been well pleased. It was achieved, he later told Hickes, by discussion with the Queen to the end that she could 'not suspect yt I looked to any thing but her service'. A scribbled note, which he instructed Hickes to destroy, reveals not only Cecil's motives in the whole operation but something of his attitude to Burghley and their relationship. In the first place, he acknowledged his satisfaction at achieving his aim after overcoming so many difficulties, whilst securing both the needs of the Queen's

service and his 'liberty' to pursue his own ends. Not the least of Cecil's difficulties had been Burghley's arranging for Matthew to go to Worcester. Cecil considered that this 'misjudged' Matthew's potential, which implies that Cecil regarded the relatively impoverished state of the diocese at Worcester to be more of a penalty than a promotion for his candidate. His persuasion of the Queen in the matter had been a risk, he told Hickes, for Matthew now had to live up to Cecil's account of him, especially in the first three or four months after being appointed - when 'the Eys of men wyll now be more vigilant and their Tongs more frequent'. Equally important, Cecil's relationship with Burghley would be under strain and, for this reason, he trusted Hickes to remain silent about his action. In this way, Cecil no doubt reasoned that it would be assumed at large that the change of plan had Burghley's support rather than being a matter of open disagreement between them.[30]

The remaining links of the chain now fell into place. On 1 December, 'in the preasens of all her counsell', the Queen was able to approve ten simultaneous nominations for 'the bishoppricks voyde and to be voyde'. Ironically, William Day found himself being told by Cecil to content himself with taking Fletcher's place at Worcester, as Essex and Whitgift had first suggested; the irony was compounded by Day's and Thomas Ridley's subsequent warning to Cecil in October that unless he moved quickly to secure Durham, the delay would 'breed innovations in some men's heads which are ready enough to cross such matters'. Not only this, Ridley had reported,

but there were rumours that Toby Matthew was a strong counter candidate.[31]

Thomas Bilson was offered the deanery at Windsor, but turned it down only to move to Worcester as bishop when Day subsequently refused to go;[32] William Wickham, meanwhile, was elevated from Lincoln to Winchester as Burghley desired and as Whitgift and Cecil had agreed, whilst Cecil secured royal agreement to other choices that he and Whitgift had provisionally arranged: William Chaderton's replacement of Wickham at Lincoln; and Hugh Bellot's promotion to Chester from Bangor. In addition, Cecil ensured the Queen's agreement to Whitgift's nomination of William Redman as Bishop of Norwich, and to Fletcher's translation to London.[33]

By 14 November the major outcome had been decided. Matthew, who had managed to linger at Court waiting for the decision, now sent a private letter to Burghley via Hickes. He thanked Burghley for his nomination for Worcester but presented him with Cecil's *fait accompli*:

> I am advertised that her Ma[jes]tie of her owne princelie consideration rather then upon anie suite of myne or Solicitation of my frendes, hath an intention (in case my L of Duresme be translated to Yorke) to place me in his roome.

Events had overtaken Burghley, who could not now intervene without openly opposing his son. Because he needed Burghley's official blessing, Matthew went on in mock earnestness to request his agreement, declaring himself 'reddie to doe or suffer whatsoever shalbe most [comfort]able to her Ma[jes]tie's pleasure with yo[ur] L[ord's] lyking and approbacon & not els'. Matthew entrusted the letter to

Hickes. He had written it rather than speak directly with Burghley, as he felt a meeting might 'offend' Burghley or lead himself to 'comitt some absurditie'. Hickes' instructions were to obtain Burghley's agreement, to retain the letter 'afterward in yo^{ur} custodie if you can' and then to pass it to Cecil for safe keeping. With this achieved, both Matthew and Cecil could consider the intrigue to be successfully concluded.[34]

Toby Matthew was back in Durham ten days before Christmas, and from there sent a more formal letter to Burghley, expressing thanks for his elevation. Matthew explained that he had been informed by the Council that he was to be elevated to Durham and was given to understand that in part this was due to Burghley's 'especiall furtherance'. This he declared, was a singular favour to one 'so slenderly as yet made known unto you untill of late'. It was at least one month since Cecil had successfully concluded his business with the Queen, but only now was Hutton officially informed that he was to be translated from Durham to York by the demeaning method, as he complained to Burghley, of 'a letter sent in a packet' for Toby Matthew to forward to him.[35]

Hutton's replacement of Piers at York must have been some consolation to Burghley, whose own nomination of Day for Durham had assumed Hutton's remove. Cecil's only inconvenience was a characteristically haranguing reprimand from his aunt, the well-informed Lady Russell. She criticised him, in passing, for his maintenance of an unfair system of ecclesiastical taxation which penalised newly appointed

bishops, but Cecil was specifically upbraided for his reckless support of Matthew, which Lady Russell clearly knew all about, and put down to his political inexperience. She considered Day more fit for Durham than Matthew, whose main abilities, she complained, were 'for the good of the Queen's service in the Scottish banks' - a caustic reference to the payments he had been making to Bothwell. She contrasted Cecil's motives with the wisdom of Burghley's nomination of Day to Durham, where Day's labours could only have worked for the good of the Queen's service (and, it may be noted, Day's financial advantage). In his original dealings with Michael Hickes, Cecil had assessed the risk he was taking; Lady Russell now summarised this succinctly. Matthew's activities could work out

> more to the contentment of some private man's humour than will [in the] end fall out perhaps to the good of her Majesty's service - wherein, as your good friend also, I wish you to be no doer for fear of afterclaps by her Majesty's indignation.[36]

No doubt others knew of Matthew's role in supporting agents around the Scottish Court, and of the payments involved. Rumours may even have been circulating that money was exchanged for his new promotion, the bishopric of Durham being a rich prize. In one letter Hickes was told by Matthew that he would receive 'dewe consideracon' for his service, and in April 1595 Matthew sent Burghley the huge sum of £100 in gold as a 'slender token' of his appreciation for Burghley's help - assistance that in comparison to Cecil's had been insignificant.[37]

By the end of 1594 it is evident that Cecil had become a central force in deciding how the empty places on the bench of bishops were to be decided. In particular, it is clear that he was able to take advantage of Burghley's incapacity by reassuring Whitgift that he could be trusted to represent both their interests to the Queen. By this date three moves are known to have been effected specifically by Cecil with Whitgift's support - William Redman to Norwich, Gervase Babington to Exeter and Richard Vaughan to Bangor. Each man was a Cecil protégé, although Whitgift was an enthusiastic supporter of Redman and was directly responsible for Vaughan's being sent to Bangor. Toby Matthew was Cecil's specific nominee for Durham, although it is likely that, from Whitgift's point of view, he was to be preferred to Day. William Chaderton (Lincoln) and Hugh Bellot (Chester) were agreed jointly by Cecil and Whitgift, as was Hutton's reluctant promotion to York shortly after Piers' death, a move which Burghley also supported.[38] This decision would appear to have balanced a number of interests: Hutton's political pragmatism would have appealed to Cecil, Whitgift and the Queen (he knew the northern province well and had proved his administrative ability) whilst his sympathy toward moderate puritanism appealed to Burghley but may have left Whitgift uneasy. Hutton told Cecil later that he considered 'my Lord Treasurer's hand was in it as in all other my preferments' and this would seem to confirm that, in commending Huntingdon's advice, Burghley was, indeed, supporting Hutton's nomination for the archbishopric. It was a nomination that Cecil was happy to support: it cleared the way for Toby Matthew's rise from dean to bishop at Durham.[39]

If, as seems probable, Burghley was partly responsible for Hutton's elevation, it demonstrated that he was still able to act in concert with Whitgift and Cecil over church promotions. His support for William Day, however, proved that he had also become isolated from them, for Day's case had become something of a farce; he had been nominated for three separate dioceses within three months and still remained Dean of Windsor.[40] In the process, Burghley had conceded that Essex and Whitgift would secure Fletcher's translation to London, whilst his other definite intervention - to secure William Wickham's elevation from Lincoln to Winchester - was to set in train a series of events there which would later come to oppress both Wickham and Day.[41]

What is to be made of Cecil's handling of this series of episcopal promotions? Certainly Whitgift indicated to Cecil that he was more than satisfied with his conduct of events. At the end of 1594 he congratulated Cecil on his handling of the whole proceeding in a panegyric which provides the earliest evidence of the close co-operation upon which they had embarked over this aspect of ecclesiastical policy

> I do think myself so greatly beholden unto you for your honourable and friendly dealing in this action for the bishoprics .. that though in many respects I did faithfully love you before, yet now you have more straitly bound me unto you.

Whitgift's effusive praise of Cecil for his handling of the promotions and private correspondence with episcopal colleagues at this time suggests that he was optimistic about the future and generally satisfied with the result. Four days before writing to Cecil he had told Hutton that the ten

nominations which the Queen had agreed were 'God be thangked, as good a choyse as can be desyered'.[42]

Not all modern historians have been so enthusiastic as Whitgift when assessing the significance of Cecil's rising influence, particularly since Christopher Hill first pointed to the context of financial exploitation within which much of the patronage of the later Elizabethan episcopate was set. Alan Smith, for example, has seized upon Cecil's intrigues with Toby Matthew as an indication that his conduct exemplified a decline in public morality in the 1590s, describing the affair as 'a devious and disreputable plot' to secure the appointment of the 'notoriously corrupt' Matthew'.[43] More recently, Patrick Collinson and Felicity Heal have modified Smith's judgement,[44] Collinson by pointing out that Matthew's enormous payment provides 'one of the more patently documented cases of simony in the Elizabethan Church' - and that it was paid to Burghley; Heal, meanwhile, suggests that although Matthew undoubtedly accumulated considerable wealth, he achieved this by turning to his advantage a law that - with Burghley's specific approval - provided for the denudation of ecclesiastical revenues.[45]

Episcopal finance is examined in greater detail later in this chapter. Here, it is appropriate to reflect upon the Toby Matthew affair for what it reveals about the significance of Cecil as an ascendant political patron.[46] In this context, Joel Hurstfield is a less censorious critic than Smith and maintains that episcopal intrigues were 'no impediment' to the declared ecclesiastical ideals of either Burghley or Cecil and

could, indeed, assist the more professional execution of church government. Hurstfield is mistaken, however, in claiming that, in 1594-95, Burghley and Cecil were equally successful in pursuing such ideals.[47] The Bishop of Durham's position - still, in part, a secular 'ruler' of the county palatine - was as political as it was pastoral[48] and little in the religious policy that Burghley was proposing at this date seemed to face such issues. Indeed, his nomination of the cautious and conservative William Day to Durham was apparently due, as much as anything, to the influence of the old man's formidable sister-in-law.

In Toby Matthew, Cecil was manoeuvring around his father in order to advance a church politician of considerable ability and drive who was as ambitious as himself and, potentially, a valuable asset to both local and central government. For local government of the border region, the regime in London depended heavily on the bishops of Carlisle and Durham. In the western borders such work led Henry Robinson of Carlisle into debt, due to the relative poverty of the diocese; at Durham, however, Matthew was able to deploy his ample diocesan resources in support of such duties and thus consolidate his political standing in the process. In the normal course of events Elizabethan bishops of Durham had a 'major role' in the organization of the militia within their county palatine as well as the right to appoint the secular offices of chancellor, attorney general and sheriff of the palatinate. Moreover, on the national scene Matthew's political ability was evident in his dealings with Bothwell and were, no doubt, the reason for his being charged with

negotiations for a treaty with Scotland in 1597 over border affairs.[49]

In the longer term, Matthew's career at Durham, and later at York, was to be a considerable success, as his talents were ideally suited to the job.[50] He had enormous energy - which he applied equally to the pastoral and political dimensions of his position. His own records indicate that he preached 1,992 sermons in the twenty-five years from 1583, an average of well over one per week, and he was unstinting in his efforts to bring peaceable order to the north east.[51] And among the seventy-six Elizabethan bishops, it was Toby Matthew rather than William Day whom Felicity Heal has singled out as one of only three who 'did not merely wait upon events .. [but who] sought to rule their lands once again with something of the authority of their Catholic predecessors'.[52]

1595-98: 'This tyme when all men acknowledge their patrones'

The frenetic activity that surrounded the series of episcopal moves between mid-1594 and April 1595 had been caused by the number of sees simultaneously vacant through the deaths of sitting bishops. Six of the appointments agreed upon by the Queen on 1 December 1594 were formally confirmed in the first four months of 1595. These included the senior offices of the archbishopric at York and the bishoprics at London, Winchester and Durham.[53] Between May 1595 and the beginning of June 1596 seven further appointments were confirmed. Two of these - to small Welsh sees - had already been agreed by Whitgift and Cecil in 1594 but had only now come to fruition;[54] of the other five changes, one vacancy had

arisen due to William Wickham's promotion from Lincoln, whilst the new appointee at Lincoln had, in turn, vacated Chester. Wickham's death after only four months at Winchester created a further vacancy, as did the death at Chichester of the veteran Thomas Bickley. Worcester, meanwhile, had been vacant since Richard Fletcher had left to go to London.

Evidence about the patronage enjoyed by four of the five new appointees is not conclusive, but strongly suggests that Cecil continued to dominate proceedings, accommodating, when necessary, such interventions as Burghley's uneven health permitted. The new men at Lincoln and Chester, William Chaderton and Hugh Bellot, were both amongst those agreed between Burghley, Cecil and Whitgift in October 1594, and both recorded their indebtedness to Cecil for their appointments in the spring of 1595. The circumstances surrounding Anthony Watson's elevation to Chichester in June remain obscure. What is certain is that William Day's long awaited, but subsequently brief and ill-fated episcopal career at Winchester was due to Burghley, and was the direct result of sustained lobbying by Lady Elizabeth Russell. As for Cecil's part in Day's promotion, it seems that, having blocked Day's move to Durham in favour of Toby Matthew, Cecil was content to endorse Burghley's nomination of him for Winchester rather than press for a more robust candidate.[55]

The appointment of Thomas Bilson to the vacant see at Worcester was the last in the series that occurred during 1595-96 and evidence survives to suggest that, during the spring of 1596 at least, Bilson was at the centre of a revival

of concerted competition for patronage. He seems to have owed his first important appointment (as Warden of Winchester College in 1582) to Burghley, for in late 1594 he sent Burghley a new year's gift, being 'carefull at this tyme, when all men [ackno]wledge their Patrones, to shewe some remembrance'. This initiative duly yielded results in mid-1595, for Bilson later testified that Burghley, of his 'own accord, without my suit, set me down to the Deanery of Windsor' now that it appeared once more likely to fall vacant as a result of Day's proposed elevation to Winchester. Bilson's response was equivocal, however, for although he told Burghley later in the year that rumours which had reached the Queen that he had 'refused' Windsor were false, his ambition had led him to aim directly for a bishopric.[56] In furtherance of this aim, Bilson had sought out Whitgift to press his suit for Worcester. He had, however, found that although Whitgift was sympathetic (he 'alwayes spake the best of mee'), the archbishop could not take up his cause, having been 'besieged .. by some about him' - most notably, Buckhurst - that Worcester should go to William James, Dean of Christ Church, Oxford. A consequence was that Bilson reverted to the Cecils, simultaneously petitioning Burghley and Cecil for the bishopric of Worcester in October 1595. In view of Burghley's spontaneous nomination of Bilson to the Windsor deanery earlier in the year, Bilson's letter of 31 October was somewhat grudging, and left Burghley in no doubt that he was a second choice patron:

> Yf my Lord Archbisshop were not overcarried by others in this cause, I would desire no better Iudge; .. but my Lord's facilitie being surprised by others, I am forced to appeale to yo^{r} honourable and

> indifferent wisdome and favo[r] synce her Ma[jest][tie] useth the advise of more then one in these matters.

On the same day, Bilson wrote in similar vein to Cecil. This characteristic thoroughness was subsequently rewarded when, in March 1596, Whitgift informed Cecil that the Queen's resolution was for Bilson to be appointed to Worcester and James to be Dean of Durham in place of Toby Matthew. Whitgift added somewhat tartly that he hoped that the legal formalities for James' appointment could be completed as swiftly as those for Bilson 'lest Dr. James might be disappointed of them both, to his utter discredit'.[57]

Whitgift's indignance was not directed at Cecil, however, but at Essex who was, once more, concerning himself with ecclesiastical appointments - and upsetting Whitgift's plans in the process. The evidence for this comes from an angry letter which Buckhurst sent to Cecil two months after Bilson's elevation to Worcester. This was chiefly to complain at the Queen's favouring Essex's suits for church preferments outside established channels of recommendation. The most recent instance, he told Cecil, concerned the vacancy created at the deanery at Christ Church, Oxford, by William James' move to Durham. Buckhurst, as chancellor of the university, sought to protect the prerogatives of his office which allowed him to 'recommend the worthy heads and governors of that place' to such appointments; he had nominated Thomas Ravis, one of the fellows of the college, as his candidate for Christ Church and the Queen had already given her assent to the move. Now, Buckhurst complained, Ravis' promotion was threatened by a suit of Essex's on behalf of a rival member of the college, Richard Eedes, and this was thought likely to succeed. As

this was the third such intervention by Essex, Buckhurst considered himself 'utterly disgraced in the University' and he threatened to 'yield up' his position, having drawn the conclusion that 'I must think my credit of no value and his to possess all'.

Furthermore, Buckhurst makes it clear that, notwithstanding Bilson's petitions to the Cecils, Essex was the councillor primarily responsible for Bilson's elevation, for although Buckhurst had 'first named D. James to Worcester and her Majesty assenting thereunto, .. my lord of Essex naming D. Bilson, he prevailed'. As a career churchman, and mindful that the Queen 'useth the advise of more then one', it is clear that Bilson had petitioned Essex along with Whitgift, Burghley and Cecil in the autumn of 1595, and Buckhurst's sour verdict on the whole affair amounted to a criticism of Elizabeth's indulgence of Essex at this time: it 'will not be found best for her Majesty to let the balance weigh all on the one side'.

Whitgift, it transpired, felt equally irritated at the result of Essex's intervention. In view of the fact that Whitgift had agreed provisionally with Cecil and Burghley in 1594 that James should go to Durham as dean, it was ironic that the only effect of his subsequent nomination of James for the bishopric of Worcester at Buckhurst's behest should have led to the outcome that was first proposed. In the meantime, however, Whitgift had, as he complained to Cecil, been 'a long and an earnest suitor', persuaded that James' 'worthiness' should secure him the more senior position; moreover, not only

had James' hopes been raised and subsequently dashed, but Whitgift had been prevented from supporting Bilson due to his having already 'moved' the Queen - successfully as it had seemed - to confirm James' elevation. The evidence is unambiguous that in the spring of 1596 Elizabeth was allowing Essex to change her mind about episcopal promotions that she had already agreed with her archbishop.[58]

The confirmation of Bilson's election to Worcester, on 11 June 1596, marked the end of the second phase of episcopal promotions; those of 1595-96. These had in part been stimulated by the vacancies created as a result of the first round of moves, during 1594-95. On the day of Bilson's confirmation to Worcester, the chain of moves was completed that had been sparked by the death of Aylmer at London exactly two years before, and which had been fuelled by the subsequent deaths of six incumbent bishops.[59] Within forty-eight hours, however, the new bishop of Chester, Hugh Bellot, had died and his decease was rapidly followed by that of three of his colleagues. Two days later, on 15 June, Richard Fletcher died, still in disgrace at London - an event which recreated the key vacancy that had begun the whole process in 1594; three months after Fletcher's death, a beleaguered William Day expired at Winchester and three weeks later, on 14 October, Day's contemporary, John Coldwell, died at Salisbury.

Once more the prominent dioceses of London and Winchester were vacant and for Whitgift, Fletcher's death brought an opportunity to make one of the key appointments of the decade, that of Bancroft as Bishop of London. In the political

climate of early 1597, it was no longer necessary - as in 1594 - to involve Burghley in early consultations, and Whitgift now dealt directly with Cecil. This was only after Whitgift had produced his famous employer's reference for Bancroft which had circulated at the Court. It is a remarkable document, not only for its fulsomeness, but also for Whitgift's bluntness about the calibre of the rest of the bench and for the public nature of his endorsement in a matter usually determined behind firmly closed doors. Having reviewed Bancroft's public career - his service with the Ecclesiastical Commission, his role as 'first detector' of Martin Marprelate, his prominent part in the prosecutions of Penry, Cartwright and the eight ministers, his notable sermon at Paul's Cross and his two books reporting the investigations into the underground presbyterian movement - Whitgift concluded that

> while he had been occupied for fifteen or sixteen years, seventeen or eighteen of his juniors (few or none of them being of his experience) had been preferred, eleven to deaneries and the rest to bishoprics. Of which number, some had formerly inclined to faction and the most as neuters, or expected the issue, so that they might as things should fall out, run with the time.[60]

Of the various interpretations which may be placed upon Whitgift's association with this unique public document, perhaps the most likely is that it represents the archbishop's public repudiation of the former influence of puritan-inclined, secular politicians such as Burghley and Leicester over the selection of bishops - a repudiation which he considered would not endanger the constructive relationship which he had now forged with Cecil. If so, then it was, in addition, a thinly veiled attack on Burghley's habitual

sniping at the church hierarchy; moreover, in most respects, the highlights of Bancroft's career which Whitgift had selected served to endorse policies for the stricter enforcement of conformity - the very development to which Burghley was opposed. Certainly, Burghley must have wondered at Whitgift's use of the kind of language with which he had himself criticised the bishops; moreover, he was, no doubt, angered by Whitgift's commendation of Bancroft's Paul's Cross sermon, the after-effects of which had endangered friendly relations with James VI.[61]

Early in 1597, at a time when Cecil seems to have begun favouring Bilson's candidacy for Winchester, Whitgift apparently decided that, to secure Bancroft's appointment, he had to bring either Cecil or Burghley with him. This was in order both to persuade the Queen to elevate his own private chaplain direct to the third most important position in the church, and to forestall any subsequent attempts to undermine Bancroft's position by his detractors. By 7 April Cecil had agreed to the move, to the delight of the archbishop. 'You have bound me unto you in this action for ever', wrote Whitgift, 'neither by God's grace shall you at any time have cause to repent of this your most faithful and kind dealing with me'. As an afterthought - and, perhaps, as an acknowledgement of Cecil's unfamiliarity with Bancroft - Whitgift felt the need to add a final assurance: 'as for Dr Bancroft, you shall find him an honest, sure and faithful man'. Whitgift then immediately wrote to Burghley - no doubt with glee - informing him of the agreement, and seeking a meeting to ratify the appointment. The old man, who was

enjoying a short remission from his poor heath, drew up a schedule of 'Bishoprics, Void to be Supplied' and placed Bancroft's name against the vacant see of London. The following day, 8 April, he and Whitgift countersigned the paper at Burghley's house in the Strand.[62] The Queen confirmed Bancroft's elevation three weeks later and, within a further fortnight, Bilson's translation to Winchester, a move which had also been recommended in Burghley's schedule and may, additionally, have been canvassed by Essex.[63]

Nevertheless, even when Burghley, Cecil, Whitgift and Essex all resolved upon a joint candidate, it is clear that Elizabeth could, on occasion, ignore their wishes. Most notable was the case of Richard Vaughan of Bangor, one of the candidates whom Burghley, Cecil and Whitgift had chosen for the vacancy at Salisbury created by John Coldwell's death, and whose suit Essex was simultaneously pressing. Yet the Queen confounded them all.[64] She had attempted to impose Henry Cotton on the fellows of Winchester College as their warden in 1596, but the members of the society had succeeded in upholding their statutes and resisting the appointment of an outsider. Bishoprics were, however, in the Queen's gift and Cotton was duly appointed to Salisbury in 1598. Sir John Harington later retold the story of how Elizabeth 'made a speciall choyce' of Cotton, who was her chaplain and godson, 'whereupon it is reported that she said that she had blest many of her God-sonnes but now this God-sonne should blesse her'. In deciding that Cotton should go to Salisbury - one of several diocese that she could have selected - Elizabeth was not only disregarding the specific candidature of Vaughan,

which Burghley, Cecil, Whitgift and Essex all supported - but also the alternative names for Salisbury, upon whom Burghley, Cecil and Whitgift had settled.[65]

New bishops for London, Winchester and Salisbury had now been found. Nevertheless, partly as a consequence of these appointments, partly through further deaths of bishops on the bench, and partly because of the decision to perpetuate long-term vacancies so that the crown could enjoy episcopal revenues - nine further diocese were, or were about to become, unoccupied. Bristol, Ely and Oxford remained vacant deliberately; during the period from July 1597 to November 1598, however, the remaining six sees were filled. Because of Elizabeth's intervention on behalf of Henry Cotton, Vaughan had to be content with the impoverished diocese of Chester, vacant through the death of Hugh Bellot. The diocese of Carlisle, also impoverished, had been empty since the death of its incumbent and was now filled by Henry Robinson, who moved from the provost's lodgings at Queen's College, Oxford, probably through the recommendation of Buckhurst, supported by Essex. Like Vaughan, Robinson was subsequently to be found appealing to Cecil for some relief from the financial burdens of his diocese.[66]

Three of the remaining appointments were chain moves in the wake of earlier translations. Gervase Babington, the Bishop of Exeter, took Bilson's place at Worcester; William Cotton, the Archdeacon of Lewes, went to Exeter; and Henry Rowlands replaced Vaughan at Bangor by moving from the deanery there to the bishopric. Finally, when the elderly John

Bullingham died at Gloucester in May 1598, the opportunity was taken to elevate Godfrey Goldsborough, the Archdeacon of Worcester, at the same moment as three of the other appointments were confirmed.

Babington's move, from the remoteness, poverty and debt of Exeter, to Worcester, where Bilson had been energetic in making his presence felt, was agreed upon by Whitgift, Cecil and Burghley in April 1597.[67] By August 1597, Essex had also become involved and was confident that the Queen would assent to Babington's translation. Essex's interest, however, lay in the subsequent vacancy which would be created at Exeter, as it was his intention to use this to fulfil a long-standing promise of a bishopric for Dr Robert Some, the Master of Peterhouse. At this point, Essex had to hand over the issue to Cecil, having 'dealt with the Queen' on Some's behalf but having failed to secure the appointment before he set off on his islands voyage on 17 August. Cecil asked Whitgift his opinion of Some, and was told that the archbishop was 'persuaded' that Some was a fit choice; at the same time, Whitgift urged Cecil to supply the vacant bishoprics 'with all convenient speed'. Nevertheless, though Babington's move was confirmed in October, a further thirteen months were to elapse before the other sees were filled, in November 1598. Whitgift himself took action to secure the Queen's assent for Goldsborough's move to Gloucester, informing Cecil of her decision in August 1598, whilst Rowlands acknowledged Cecil's favour in supporting his elevation from the deanery to the bishopric at Bangor. No record survives indicating to whom William Cotton owed his elevation to Exeter - but it is

possible that Cecil was responsible: the appointment blocked Essex's support of Some, which Whitgift had endorsed and which had been left in Cecil's hands by Essex upon his departure for the Azores.[68]

These last appointments in November 1598 brought to a conclusion the almost continual round of episcopal elevations and translations of the mid-1590s, during which thirteen bishops had died in office and over half of the dioceses in England and Wales had changed hands. In the space of four and a half years from mid-1594, twenty-two episcopal appointments had been made, involving nineteen individual churchmen. By the end of 1598, half of the entire bench had been in their current offices less than four years, and the average age of the episcopate had fallen from sixty-two to fifty-four, a figure which included two relatively elderly archbishops: Hutton, who was sixty-nine; and Whitgift, who was sixty-eight. With the deaths of Aylmer, Bickley, Godwin, Scambler and Piers, the final link was severed with those who had been active in the Edwardian church and could remember the original break with Rome, and with those who, in the case of Aylmer and Scambler, had been prominent churchmen from the beginning of Elizabeth's reign. In their place, a new generation of bishops had emerged, which would take the church well into the next century and into the next reign.

The promotions had been made in three phases. There had been a first, frenetic period between June and November 1594 which coincided with the deaths of Aylmer at London and Piers at York. This period saw the translations of Fletcher,

Wickham, Babington, Hutton and Matthew, and the elevation of Redman. The second round, from May 1595 to the beginning of June 1596, saw seven further changes, and was characterised by the need to appoint men to the middle-ranking sees in order to fill the places created by the earlier, more senior appointments. Four of these changes - the translations of Chaderton and Bellot, and the elevations of Morgan and Vaughan - had already been agreed in 1594 but were only confirmed later, whilst the elevations of Day, Watson and Bilson occurred as a result of two new deaths and a gap caused by an earlier translation. For two days in June 1596 the bench was at full strength (excepting the semi-permanent vacancies at Bristol, Ely and Oxford). Then Bellot's death at Chester on 13 June, and Fletcher's death at London forty-eight hours later, led to a third round of moves between April 1597 and November 1598. The need to fill the senior places of London and Winchester which had arisen in 1594 was now repeated and, in all, there were to be nine further changes. During 1597-98, vacancies were mostly filled by new bishops: Robinson; William Cotton; Henry Cotton; Rowlands; Goldsborough; and, most notably, Bancroft. Only in the cases of Bilson, Babington and Vaughan were recently appointed men given further promotion.

Throughout the period 1594-98, as the succession of appointments proceeded, the proportion of those on the bench who were newly elevated steadily increased. By 1598 such was the youth of the episcopate that of the eight most recent appointees, seven subsequently served out their days in office

without further promotion, and five survived into the second half of James' reign.[69]

(b) The Cecils and the corruption of ecclesiastical finance.

By the end of 1594 Cecil and Whitgift were working together to control the appointment of a new generation of bishops. Whitgift must have been encouraged that he could concur with Cecil's view of appropriate candidates, and that the era of Burghley's constant carping at him about the inadequacies of the episcopate was passing away.[70] This new harmony, however, had nothing about it to suggest an amelioration of the long-standing fiscal pressures under which the church laboured and for which the Cecils were, in part, responsible; consequently, financial concerns form a constant backdrop to the story of the appointment of new bishops during 1594-98.

Matthew Hutton's elevation from Durham to York at the end of 1594 had been an early case in point. Not only was Hutton annoyed by the inconsiderate handling of his move, but he clearly did not welcome his promotion. Due to its metropolitan status as well as the important place it occupied in the Council of the North, the archiepiscopacy of York brought with it a considerably enlarged workload. Moreover, a move from Durham would not only trigger a demand for Hutton to pay the tax on first fruits and tenths at York, but it would leave him with a reduced income. Whitgift was quick to acknowledge this latter problem: 'I have signified unto her Highness that you are better, in respect of living, now where

you are placed, and that I thought you would be loathe to remove'. Although Hutton knew he could not easily refuse the Queen's resolution, he nevertheless told Burghley that, at the age of sixty-five, it was:

> a thing, I assure yr Lo. that I did not desire being verie well pleased here & also so aged & decaied that it is more fitt for me to think of my grave then any honors in this world.

No sooner had Hutton written this than he fell ill for most of December 1594, in 'many ways troubled with infirmities, calling to mind considerations of another world'. He was to have no respite, however, for the first matter which confronted him as archbishop-elect was a demand from Cecil for the alienation to the Queen of an ecclesiastical lease at Marton in the North Riding, which was earmarked for subsequent diversion to Cecil's brother-in-law, George Brooke. Hutton considered such a dealing to be both unlawful and wrong, denuding, as it would, the income of his successors; he also considered that the affair had shortened the life of his predecessor, John Piers, and would now 'be a mean to bring my hoary hairs with grief unto my grave'.[71]

A solution proposed by Hutton, to offer instead the lease of lands 'of good value' granted to the bishopric of Durham by the attainder of Francis Dacre, was rejected by Cecil and Sir John Wolley of the Ecclesiastical Commission, who reprimanded the archbishop by rejecting his objections to their claim as 'nyceties' which could 'hardlie be admitted', and his behaviour as presumptuous, 'as though you bargained for the Bushopricke'. The resulting exchange was fierce. Cecil and Wolley demanded 'some better reasone if yow determyne to make

denyall', and warned Hutton that the Queen herself had 'interposed' to lend approval to their suit. The reluctant Hutton held his ground, declaring that he knew a case of simony when he saw it and that it was a 'canker of the church. I never hurt any ecclesiastical living in my life', he told Cecil, 'and I am loth to begin now when one of my feet is almost in the grave'. Hutton knew that Cecil's plans for Toby Matthew depended on his agreeing to move to York; if this is what made him bold, the strength of his position placed him in an ironic situation as he had had no desire to be promoted. 'The truth is', he said, 'I did never make suit to go to York, nor any for me to my knowledge'; he would, he avowed, rather stay at Durham to live 'a private life' where he would 'have little to do' but to pray for the Queen and, as Peter Lake has pointed out, continue to protect his own financial interests.[72]

The problems of defending church property rights which faced Hutton were endemic in the Elizabethan period and have been thoroughly explored by Felicity Heal.[73] In the process, Heal has shown that Burghley was an important supporter of legislation which legitimated many of the financial problems which faced incoming bishops. 1 Eliz. I, *c.* 19 empowered the crown, during episcopal vacancies, to exchange impropriated revenue for the temporal property of bishops and exempted the crown from any time restriction upon leases made to it by incumbent bishops. Burghley's justification of this act began by indicating the priorities among those benefits which he believed the statue to provide: 'I like no spoil, but I allow to have good things put to good uses, as to the enriching of

the Crown [and] to the help of the youth of the nobility ..'. As the reign progressed, Heal concludes that Burghley's operation of extensive episcopal patronage ensured that he 'saw no incongruity in exacting a price for his support in the form of leases and exchanges under the 1559 act', even though, in the event, most transactions of this kind were agreed by reluctant bishops voluntarily.[74] In this respect, Hutton's resistance to Cecil's demands over the Marton lease was unusually spirited; furthermore, it furnishes evidence that, by 1595, Cecil had adopted his father's methods and, in so doing, that he advanced a novel justification for the alienation of episcopal leases to the crown. His argument to Hutton was that the Queen's support for George Brooke's claim was sufficient, of itself, to ensure that simony could not apply in this or other cases where the county gentry became beneficiaries of ecclesiastical revenues as a result of the diversion to them of leases granted by reluctant bishops to the Queen:

> wee thincke it very absurde to make the personne of a prince and a subject anie thing lyke; for he that can least distinguishe cannot but see also that the case is whollie changed when a Bushop is a sutor for a Bushopricke by anie subjecte's mediacion, or takes a lyving upon condicion, and where a prince, that gives all, requires for some consideration but somewhat of him on whom (out of her owne free grace) shee is contented the whole shalbe conferred.[75]

As Cecil was to become involved in a number of similar cases during 1594-96, this probably became the standard argument he adopted when incoming bishops proved resistant to the financial pressures imposed upon them.

In addition to the problem of leases and exchanges, the episcopate also had to shoulder a major burden in respect of

the Exchequer's tax demand. Bishops often struggled to produce their personal first fruits and tenths and had, in addition, to undertake and finance the effective collection of the clerical taxes of their clergy. Although Burghley proved sympathetic to the bishops' problems in administering clerical tax collection once he became Lord Treasurer, the invariable Exchequer procedure was to look to the seizure of episcopal lands and goods as settlement for overdue payments.[76]

Clearly one of the disadvantages of the rapid promotion enjoyed by some bishops in the 1590s was the usual requirement of paying first fruits on each occasion.[77] Richard Fletcher, for example, when bishop-elect of London early in 1595 faced a range of immediate problems familiar to incoming bishops: a requirement to pay the initial tax on first fruits and tenths for the third time in six years; the demand for a double subsidy; and the settling of his predecessor's debts (the profligate Aylmer). Moreover, at the same moment as Hutton was contesting the Marton lease, Fletcher found himself faced with a similar royal request - for the granting of a long lease in reversion of episcopal lands at Hertford and Broxbourne to Sir Edward Denny. Fletcher's fierce objection to the demand proved to be both less principled than Hutton's stand and, probably, more injurious to his career.

By Christmas 1594 Fletcher was in trouble with Elizabeth on account of his attempt to block the granting of the lease to Denny by advancing broader objections to the prevailing system of ecclesiastical finance and taxation. Early in

December he had selected 'two especial things' about which to complain to the Queen:

> One is the scandal which such conditions of coming to our dignities ecclesiastical bring with it, which not only at home doth give occasion against our credit and callings, but even in every lie and libel from beyond [the sea] is objected to the slander of her Majesty's happy government. The other is the great disadvantage it giveth to the bishopric and the successors therein, which is impossible, considering the great sums of money payable to her majesty for first fruits, tenths and double subsidies yearly to be supported without such poor help as come by fines in the see of London - which bishopric is left of late, as I suppose, never any [poorer than] since [the beginning of] her Majesty's happy government.

He told Cecil that he was putting to the Queen criticisms of the situation facing newly appointed bishops - the 'conditions' of their entry (leases and exchanges) and the level of their personal taxation - for 'the satisfaction of her royal contentment and the expectation of all'. The following day he urged Cecil 'to take the best opportunity for the reference of my reason with her Majesty' and so help 'sink' Sir Edward Denny's claim.[78]

From this correspondence it is clear that, like Hutton, the first issue facing Fletcher upon translation was pressure from Cecil to surrender a lease to the disadvantage of his new see. Fletcher knew of this demand within a week of the Queen's confirmation on 1 December of the group of episcopal moves that included his to London and Hutton's to York; letters to Hutton about the Marton lease, meanwhile, had been sent on 10 December.[79] The particular interest of these simultaneous cases, however, is in Cecil's response to the decision by both bishops to resist. Cecil's rebuke of Hutton so long as he refused to sanction the Marton lease was as

sharp as his subsequent sentiments were 'honeyed' when Hutton relented. Heal suggests that by waiting until after his consecration Hutton was attempting to avoid the 'smack of simony'; certainly Hutton was defiant and never withdrew the basis of his complaint, his last withering comment on the incident being to suggest to Cecil that he should 'always advise' the Queen on how best to 'advance the gospel, maintain the ministers of the word, and continue a most loving nurse to the church'.[80] In contrast, Fletcher gave way much more readily, professing himself in mid-December, to be 'sick and sorry out of measure' at having incurred the Queen's displeasure. To Cecil he excused his behaviour as 'answers .. that I spake in zeal and jealousy of my calling'; now, instead, he offered hyperbole: 'I cannot but acknowledge her Highness' most princely care for the preservation of the church endowments; wherein, .. her Majesty hath deserved great glory for all ages to come'. Moreover, he 'willingly' offered the leases in reversion to the Queen, an action to which he consented, in further contrast to Hutton, whilst he remained bishop-elect and his new see was still vacant.[81] Within a fortnight of Cecil's reporting to Elizabeth that Fletcher had capitulated, she gave the royal assent for his translation to London; within a further month, however, the bishop had fallen comprehensively from grace on account of his sudden re-marriage to the recently bereaved widow of a London merchant, Sir Richard Baker.[82]

The cases of Fletcher and Hutton illustrate an additional set of financial problems to those of alienations which commonly faced those bishops newly promoted in the 1590s: the

discovery made by Fletcher of outstanding debts owed by his predecessor, and the unwelcome prospect which faced Hutton that occupation of his new see entailed a reduction of personal income. These problems were common at other times in the reign but, in the 1580s and 1590s, were compounded by the further burden of subsidies and levies - either cash or manpower - raised for the war with Spain.

As a result of his translation from Chester to Lincoln in April 1595, for example, William Chaderton found himself encumbered with all of these pressures. The bishop's 'humble and hearty thanks' to Cecil for his promotion were soon tempered by the realisation that, although he was leaving one of the poorest dioceses in the country, the finances of one of the largest English dioceses were very unfavourable: revenues receivable upon payments of the first fruits had been granted to the Dean of Lichfield; Chaderton's expected income for the following year would fall well short of the subsidy required; and his predecessor, William Wickham, had accumulated substantial dilapidations. Without some postponement of his charges to the crown, he told Cecil that he feared his house would become ruinous and, to add to his difficulties, the bishop had been barred from the triennial visitation, thus losing 200 marks from his income.

One solution to such problems was for bishops to seek permission to spread payment of their first fruits over a number of years and, from 1595 it was Cecil to whom they increasingly turned: William Morgan, translated from Llandaff to Exeter was granted four years in which to settle; Richard

Vaughan, elevated to the impecunious see of Bangor (where the 'exility' of Hugh Bellot, the previous bishop, had compounded financial problems in the diocese) was allowed to pay over five years; and Anthony Watson, moved from the deanery at Bristol to Chichester, was successful in securing deferment of first fruits over six years, after nine months of petitioning Cecil.[83] These cases, and those of Richard Howland at Peterborough and John Bullingham at Gloucester - who both ran into serious debt during the 1590s and who had to give account of themselves to Burghley - indicate the degree to which Exchequer and financial considerations continued to dominate the careers of many bishops towards the end of the reign.[84]

The most protracted and complex diocesan case with which Burghley and Cecil became involved in the mid-1590s was that of Winchester, where between 1594 and 1597, there was a succession of four bishops. Moreover, events at Winchester also serve to illustrate two broader issues: the conflicting ideals among councillors concerning reformed Elizabethan church government; and the contrasting perspectives from which Whitgift, Burghley and Cecil pursued the renewal of the senior church hierarchy in the 1590s.

Whitgift was typical of the senior hierarchy of the Elizabethan church in that he sought the promotion of an episcopate that could combine pragmatic, administrative ability with the gradual promotion of improved financial conditions for, and educational attainment among, the clergy.[85] In contrast, Burghley's ideal episcopate - a humble preaching prelacy capable equally of handling

sophisticated taxation and revenue generation - was undermined by his own tendency to dismiss the office of episcopacy as corrupting in itself.[86] In practice, this led to a significant tension in Burghley's approach which was sustained during the 1590s. On the one hand, he sought men of piety above place seekers; on the other, he sanctioned a punitive financial system with which only the most able and energetic administrators were able to cope. Yet these were the men whom he dismissed as 'ambitious' and 'covetous', whilst some of his own candidates, those whose sympathies towards moderate puritanism he supported, readily fell victim to debt and insolvency.[87] Whitgift was familiar with this syndrome[88] but now he also had to accommodate Cecil's power and influence. These, as he was to learn, would be directed toward perpetuating the very considerable financial burdens carried by the dioceses, some of which were of dubious legality when they involved the systematic plunder of diocesan assets.[89]

Against this background, Toby Matthew may be seen to represent in many ways Cecil's ideal bishop, while Matthew Hutton represents Burghley's model. Both were men of considerable ability and pragmatism who also displayed an individual piety. Matthew was a skilful financial administrator, was industrious in his public preaching and seems to have reconciled political ambition with pastoral concerns in a way which appealed to Cecil; Hutton was also an able financial steward and was sympathetic to puritan spirituality in a manner that satisfied Burghley.[90]

Not all bishops, however were of the calibre of Matthew and Hutton. It was among the less able men that the victims of the Elizabethan episcopal system were to be found and it is at Winchester in the 1590s that such contrasts of fortune are most vividly illustrated. The bishop, from 1584 until his death in April 1594, had been Thomas Cooper. Chiefly remembered as the author of *An Admonition to the People of England* (1589), and as the bishop most savagely caricatured by Martin Marprelate, Cooper was one of those administratively capable bishops whom both Burghley and Whitgift considered suitable to run a prominent and wealthy diocese. Moreover, Cooper's earlier career had been notable for his harsh attitude toward catholic recusants and for what Patrick Collinson has described as his 'seminal' contribution to raising educational standards among the clergy. Both activities were well designed to draw warm support from Burghley, his patron; by 1589-90, however, it appears that Cooper's engagement with Marprelate, in accordance with his role in the scholarly and polemical duties of a senior churchman, had served to blunt his former reforming zeal.[91]

This change, Cooper's emergence as a spokesman for a more conservative episcopate, and Burghley's lack of sympathy with it, had been illustrated by debates in the parliament of 1589 over a bill against pluralities of benefices and non-residence. The bill arose in the commons as a private member's motion and advocated the provision of one clergyman for each benefice, with some allowances for the shortage of men in training. It owed its quick passage through the Commons to Knollys, who chaired its committee revision;

however, when it reached the Lords a clash between Whitgift and Burghley took place. Burghley appears to have opposed the Queen's resolution to confer personally with the bishops, a proposal which would have effectively killed the bill, and which Whitgift had commended to the House.

In the present context the interest of the episode lies in the sources of the arguments used by Whitgift and Burghley. From Burghley's papers it is clear that Knollys, the promoter of the measure at the committee stage in the Commons, had drawn a series of arguments to refute critics of the bill, and that Burghley based the core of his speech around these. Meanwhile, Cooper was one of those who drew the arguments for Whitgift's speech, the tenor of which was supported by the Queen. Cooper stressed the unprecedented number of 'sufficient and tollerable' preachers in the church; these, by contemporary estimates, numbered three thousand, or one for every three parishes, a volume which he ascribed firmly to the reforming orders generated by the bishops and 'by consent laid downe'. Here was an expression of Whitgift's belief in pragmatic reform within the limitations imposed by existing constraints - in this instance the system of financing benefices which left most too poor to attract able men. Meanwhile, Burghley had obtained a copy of Cooper's arguments. Burghley's response to them was to support, with only minor reservations, the provision of a bill which J.E. Neale has described as 'hopelessly visionary' and which were unrealisable due, in part, to the levels of taxation set by his own Exchequer and the support he gave to Cecil over the continuing alienation of episcopal revenues. Burghley, it

seems, had difficulty in distinguishing the progress made in church reform through the successive efforts of Grindal and Whitgift - which he acknowledged in his speech - from his dislike of a politically strong episcopate. On this occasion Burghley took his cue from Knollys, in whose eyes the bishops could do no good, and who was about to awaken in him a mistrust of the *jure divino* campaign which Whitgift and Cooper were mounting at this moment.[92]

In addition to his increasingly prominent role in church politics, Cooper's local responsibilities at Winchester included the considerable task of managing a diocese, the income from which accounted for about ten per cent of the entire revenue of the church. In this sphere, too, his career was a notable success and there is no evidence surviving to suggest that he left his successor in debt: in 1587 he advised Burghley that he was 'I thancke God .. out of debt, and so I meane to kepe me' and Heal suggests that Cooper was one of the very few Elizabethan bishops who had either the 'capacity or the will' to follow Whitgift's example in increasing the yield of their lands. Cooper's achievements, however, were probably tainted in Burghley's mind by his developing support for some of Whitgift's more authoritarian policies: Cooper's assertion in his notes on the 1589 bill against pluralities and non-residence, that the *ex officio* oath was 'a thing oftentimes most necessarie in the gov[er]n^{e}m[en]t of the Church'; that ministers deprived under the subscription articles of 1583 were 'verie headie, rash and contentious'; and that parliamentary critics of the established church - of whom Burghley could be described as one in 1589 - 'will like

nothing that cometh from the Bisshop[s] but must have beginning of themselves'.[93]

When Cooper died in August 1594 Cecil initiated a succession and, by November, had secured the Queen's approval of Burghley's candidate, William Wickham, as the new bishop. Wickham was a considerably less imposing figure than Cooper, both managerially and in terms of financial acumen, and probably represents Burghley's antidote to the drive and authoritarianism for which Cooper had become renowned. Upon leaving the diocese of Lincoln, Wickham passed on delapidations of over £1,000 to William Chaderton, his successor and once removed to Winchester, Wickham encountered immediate complications over the grant of various leases of episcopal land.

As Fletcher and Hutton were discovering at the same moment, the Queen was intent upon using the temporary vacancies of 1594 as an opportunity to bestow rental incomes from wealthy sees to prominent gentry; like his colleagues, Wickham's response was wary, if less openly defiant. At Winchester, it was proposed that Wickham should grant a sixty year lease in reversion to the Queen on behalf of Sir Francis Carew. Immediately after the Council meeting of 1 December 1594 at which Elizabeth agreed to the moves of ten new bishops, including that of Wickham to Winchester, Cecil was supervising the drafting of a list of manors, rectories and demesne lands which could be offered to Carew. By 14 December Wickham had been informed by Cecil that some alienations would be required of him and Wickham replied guardedly that, since

he was 'a stranger to and unacquainted with the things desired', he needed to be further informed about the claims. That Wickham's cautious response coincided with Fletcher's direct challenge to the general alienation of episcopal revenues may explain Cecil's next move, which was decidedly threatening. He advised Wickham that the Queen would withhold the *congé d'élire* for his translation to Winchester until Wickham had promised to comply with the demands made of him. What, enquired Cecil, was Wickham prepared to offer to 'gratify' Carew and so allow his election to proceed? Wickham held his ground: 'I am a mere stranger to the state of that Bishopric and utterly ignorant of the thing required', he told Cecil on Christmas eve, but it is clear that he was becoming concerned about the implications of the Carew claim. For now, however, he merely informed Cecil that he was always 'ready to submit myself to any [of] her Majesty's commandment[s] which may stand with a good conscience'.[94]

By mid-January 1595, with the royal assent as yet unforthcoming, Wickham's concern was giving way to alarm. His personal enquiries had indicated that some of the proposed transactions would constitute 'extraordinary and unlawful leases' and would render him a 'spoiler of that see'. As a result, he by-passed Cecil and appealed to Burghley, his patron, that the granting of the leases in the Queen's name should be halted. This tactic was fruitless for Burghley turned out to be as resolute as Cecil that Wickham should meet the royal demands which had been made. Consequently, Burghley wrote in mid-February to Cecil advising him to 'be careful touching the proceeding to be had' at Winchester. Although

Wickham's appointment had received the royal assent two days earlier, it seems that the bishop had still not given way to the Carew claim and Burghley told Cecil that Wickham was not to be installed until 'there be sufficient provision made and assurance to her Majesty of such rents and annuities as ought to be assured'. These included the additional demand that Wickham agree to renew the order of previous bishops that rental income to the value of £400 *per annum*, largely from the manor of Taunton Deane, be passed to the Queen. By now Wickham was urgently suing for the temporalities of his see, but Cecil refused to consider this petition until he had 'submitted himself' to the royal claim. In response Wickham pointed out that Cecil had been unnecessarily abrupt in ordering him to 'stay' his petition, for the writ of restitution made the alienation of Taunton Deane a conditional proviso; consequently, Wickham submitted 'in all humility' to this claim before, once more, redirecting his case to Burghley, this time in an appeal for temporalities which were granted to him in mid-March 1595.[95]

It seems, however, that Wickham continued to resist Sir Francis Carew's claim. Unfortunately, the details of Carew's demands in early 1595 do not survive, with the result that is not possible to say with certainty why Wickham succeeded in holding out for longer than Hutton and Fletcher had managed over the similar claims they faced; perhaps Carew's claim was already so large that the Cecils were uncertain about pressing it, for Burghley told Cecil in February that Egerton was 'wary how to proceed' in the Winchester case, even though, as Cecil told Wickham, the Queen was 'extraordinarily disposed' to

Carew since this was 'the first suit that ever he made unto her'. It is apparent, however, that Wickham's translation to Winchester was overshadowed by the relentless series of financial demands made upon him and that the formalities of his appointment were delayed at each step. But this was no less than Cecil had first threatened in December when he advised Wickham that 'before your election be fully completed' Carew would need 'to know what to trust to' and what had been 'promised' by the incoming bishop. Meanwhile, throughout the first half of 1595 Wickham was debarred from exercising his new ministry, no doubt the primary concern of a man whose 'gravity, learning and integrity' had commended him to the Queen and who, according to Harington, was 'esteemed a very good preacher' by his contemporaries. Whether he could have held out against Carew's claim indefinitely must remain speculation, for Wickham died in June 1595, before a date for his consecration had been set. His appointment was thus never confirmed and he died, in the words of his successor, 'before he came hither', without a living (Chaderton having been confirmed as Bishop of Lincoln in Wickham's stead three weeks earlier) and with accumulated debts to the crown of £1,933/1/.[96]

What conclusion is to be drawn from Wickham's brief non-career at Winchester? The fragmentary evidence from his miserable four months as bishop-elect creates a hazy picture of fiscal intimidation coupled with clerical strain and duress. Wickham's experience is an example of the darker side of Burghley and Cecil's calculated financial exploitation of the system of episcopal patronage, and when this was coupled

with the premature death of a recently promoted bishop in precarious financial circumstances, the result was a political and financial *débacle*. Clearly, Wickham had had no time in which to reach an agreement with the Exchequer of the kind obtained by several diocesans for the spreading of the charges on first fruits; nevertheless, his experience suggests that, so long as he resisted alienations to the crown, the Cecils placed a series of obstacles in his path to occupancy of the see.[97]

If Wickham's experience casts the Cecils' dealings over episcopal patronage in a murky light, questions about Burghley's failing judgement and further evidence of the unsavoury methods they both adopted are brought into sharper focus by the appointment of the next bishop, also a *protégé* of Burghley's. He was William Day, the Dean of Windsor and Wickham's brother-in-law. Day was a confessional cleric of the kind that Burghley encouraged, described by Elizabeth Russell as a 'godly and worthy labourer in God's vineyard' and leaving after his death 'very good remembrance .. for his great .. painfulness in preaching'. Nevertheless, his three decades in the comparative backwaters of Eton and Windsor had left him ill-equipped at the end of his career to take on the financial and administrative burden of the see of Winchester and to restore it to better fortunes.

Day's elevation had been due to the influence of Lady Russell, and had only come about after Burghley's recent attempts to install him successively at London and Durham had been frustrated by a combination of manoeuvres by Whitgift,

Essex and Cecil.[98] The result was that in December 1594, Day found himself being asked to go to Worcester - the third bishopric to which he had been proposed in three months. Shortly before Christmas, Thomas Ridley notified Cecil that Day, his father-in-law, had resolved to accept Worcester 'notwithstanding whatsoever he might allege of matters past for his humble refusal thereof, and desire he hath to remain where he is'. Nevertheless, rumours of Day's reluctance to accept Worcester continued to circulate and were certainly known to Lady Russell. On Boxing Day 1594 Ridley again wrote to Cecil on behalf of Day, who was sick, restating the dean's acceptance of the see and urging 'such convenient expedition in this matter as you can afford, for that delays breed feigned suggestions, as you see'.[99]

Ridley's careful work as a mediator was soon to be undone, however, as, in the first week of January, Day withdrew his acceptance of the nomination. He had received, for the first time, a valuation of the diocese and now told Cecil that he had been 'much deceived' in his choice, having learnt that, for a small rise in income, he would become liable for a much higher return to the crown. Diligent pastor that he may have been, Day clearly had no appetite for political and financial management on this scale. After receipt of a royal rebuke - no doubt echoed by Burghley in annoyance at the behaviour of his candidate - Day appealed to Cecil against having to make the move: 'I doubt not but that her Majesty's meaning is my preferment', he wrote, 'but in truth if I should take it, it would utterly beggar me'.

It is likely that Day's fears had some basis. Worcester had lost land to the crown but had not had its valuation for tax revised downwards accordingly, and it is probable that Day - already in his mid-50s - would have found the demands of the first fruits coupled with the subsidy a heavy burden to bear, entailing a number of years of severely reduced income. Having made preliminary calculations, Day attempted to convince Cecil that the move to Worcester, in comparison with his living at Windsor, would be financially ruinous:

> before I can be furnished for the place, I shall not only lay out all that little that I have, but enter far into debt out of which if I should live many years (as I am neither like nor look for) I shall not rid myself, living in such sort as that living requires.[100]

For reasons that are unclear, Day was spared from taking Fletcher's place at Worcester and the see remained vacant throughout 1595. His troubles, however, had deepened by the beginning of the following year for in January 1596, in an extraordinary move, Day was confirmed at Burghley and Cecil's behest as the next Bishop of Winchester in succession to the unfortunate Wickham. Day's despair can be imagined: the charges of the second richest diocese in the country (after Durham) were compounded by his predecessor's premature death, £1,933 in debt to the crown.[101]

In February, Day made a timid appeal to Burghley and Cecil for financial aid 'as you two alone have brought me to the place I am in', and it is clear from surviving papers that he made some attempt to wrestle with the problems he inherited; the faithful Thomas Ridley - now an officer of his

father-in-law's diocese - testified that, upon his arrival, Day had begun to tackle the 'repairing of the houses of his see, which in some places are greatly ruinated'. Day, however, had little initial capital against which to secure his financial stability; he had to rely on 'borrowing of my friends' and, like several of his colleagues, he attempted to negotiate with Cecil for an extension of the period in which first fruits were due. His main difficulty was the same as that of others before him: how to satisfy the demands of the crown whilst protecting his income and that of his successors.

In particular, Day inherited from Wickham the unresolved dispute with Sir Francis Carew whose claim, he now discovered, was for leases in reversion to the value of one-third of the entire rental income of the diocese. Moreover, Day found himself, like Wickham before him, denied his temporalities by Elizabeth and Cecil as a means of exerting further pressure that he yield to Carew. In mid-February 1596 he appealed to Cecil that his financial situation had become impossible, having been 'taken from my former living and not restored to my present state'. Also similarly to Wickham, Day subsequently diverted his appeal from Cecil to Burghley in the hope that his patron would prove more sympathetic to his cause. By the end of March Day was desperate and pleaded with Burghley that he was 'noe longer hable to mayntayne my familie'. Even without his temporalities - and by now indebted to his friends - he complained to Burghley that he had 'offered, thoughe muche against my will, to Sir Roberte to make a thousande marks to bestowe where it shall please her

highness' and now begged to be admitted to his temporalities rather than be forced to despoil the see any further.[102]

The reason that Day now appealed to Burghley was that although the pledge to Cecil was already made, Day had clearly offered a lower sum than that which Carew was claiming. Burghley's response was unyielding for, within two days Day wrote to Cecil once more, this time offering £1,000, seeing 'that nothing else will content Her Majesty, as also for the clearing of my Lord your father, and yourself, who are thought too far to favour me'. Even this sum, it seems, was less than Carew's full claim, for Day, still anticipating trouble, apologised 'for not granting more and for standing resolute in defence of my bishopric' as, by both duty and conscience, he was bound. This capitulation was enough to secure his temporalities but not sufficient to satisfy a cool Carew who complained to Cecil that Day was too 'strait laced' with him. Carew told Cecil that he would have considered a payment of £1,000 'clear to his purse' as reasonable, but since he had already spent £100 in pursuit of his claim, and promised a further £400 in gifts, he considered that Day's offer remained inadequate; the Queen, he argued, would think that 'she hath bestowed a great suit upon me in passing the lease, and will therefore expect greater entertainment and gifts at my hands than by this means I shall be able to bestow.'

At this point, in April 1596, Day's dealing with the Cecils over his financial problems disappear from view in the records which survive. Nevertheless, compounding Day's anxieties in the last few months of his life was the

uncertainty of inflation budgeting. In the year to April 1597, diocesan officials revised upwards their estimate of the annual revenue due to the bishop by three per cent, while the price index for 1596-97 - at its most inflationary after three years of bad harvests - rose by 53% across a range of grain commodities (before falling back in subsequent years). Day, however, did not live to receive the updated assessment of his income, clear his personal debts, or reach a final settlement with Carew, for, like Wickham, he did not survive the first year of his elevation.[103]

Day's claim to Cecil in June 1595 that he had 'never sought any further preferment' than the deanery at Windsor was certainly false; nevertheless, it is clear that the translation to Winchester which Burghley and Cecil had engineered was not a move that he relished. Within a month of his confirmation he was anticipating that financial worries would make him 'much repent that ever I was made bishop, and wish that I had rather ended my days in lower estate, with quietness, than now in my old age in higher place, with grief and vexation of mind'. Cecil probably considered that the dean should have thought more carefully before engaging his friends and relations - Lady Russell and Ridley - to pepper himself and Burghley with suits for advancement, for Day seems to have been oblivious to the haggling and asset management required of most incoming bishops. Perhaps Cecil had deliberately acquiesced in advancing Burghley's *protégé* to a position he knew would prove ruinous - Day had, after all, burnt his fingers over the diocese of Worcester and, on reflecting upon this experience, may have been sincere in his

request to Cecil that he entreat the Queen 'in my old age not to put me to seek another country, a strange air, new acquaintance and another living without sufficient maintenance'.[104] The decay of diocesan assets at Winchester during the effective vacancy of 1594-96, and Day's anxious old age hardly made him a forward-looking nomination and, in the context of cementing his ascendance in episcopal patronage, Cecil may have calculated that Day's elevation would prove a failure and thus serve to demonstrate that the wisdom of Burghley's patronage was no longer to be relied upon. More immediately, a further consideration in Cecil's mind probably included the likelihood - correctly as it turned out - that someone in Day's weak position would prove more compliant than Wickham in granting the Carew lease.[105]

However the surviving evidence is interpreted, the appointment by Burghley, with Cecil's backing, of Wickham and Day to Winchester is an unhappy episode. Neither survived their appointment by more than nine months and, from the point of view of diocesan officers and the bishops' executors, their premature deaths meant that neither had proved successful in shouldering the burdens of their new responsibilities; the economic health of the diocese had deteriorated and the re-financing of their personal households had hardly begun. In both their pastoral concerns and their administrative efforts they were in marked contrast to Cooper, who, later in his career, had combined his managerial abilities with a theological pragmatism of Whitgift's stamp. The qualities of quiet government and godly piety for which Wickham and Day were renowned in their earlier careers may have commended them

to Burghley, the episcopal patron; as it turned out, neither quality preserved them from the demands he made of them as government creditor - or from the pressures applied by Cecil, who as the Queen's agent was intent upon undermining the resources of the see for the benefit of the county gentry.[106]

Against this troubled background, the emergence in May 1597 of Thomas Bilson as Day's successor is significant as, in every respect, Bilson was the man to emulate Cooper's successful tenure of the diocese during 1584-94. Immediate similarities between the two are apparent. Most notably, Bilson matched Cooper in financial astuteness and in a scholarly acumen that buttressed Whitgift's style of church government based upon a strong episcopate. Bilson's principal work, *The Perpetual Government of Christe's Church* (London, 1593), the final and most comprehensive of the Elizabethan defences of established church discipline in response to the presbyterian movement, was in the tradition of Cooper's *Admonition to the People of England* and, as its title suggested, consisted of an enthusiastic justification for the government of the church and its practices through the authority of the episcopate. As the bishops' succession was held to be in direct succession from the apostles, so their functions were deemed apostolic:

> we must not frame what kind of regiment we list for ministers of Christ's church, but rather observe and mark what manner of external government the Lord best liked and allowed in his church, even from the beginning.[107]

Furthermore, Bilson was highly ambitious. During the first half of 1596 - by which time he had successfully secured the vacant see of Worcester - he had been closely involved with Cecil in the resolution of his successor as warden at Winchester College where a dispute had arisen between the Queen and the fellows. Elizabeth wished that Henry Cotton be elected immediately to a fellowship that was not vacant, but this proposal contravened the fellows' statutory oath, which forbade the resignation of any of them prior to a notice period of four months. When it was proposed that Cotton should succeed Bilson as warden, the fellows of New College, Oxford became involved, since their joint founder's statutes directed that wardens were to be found from among the two societies and elected by vote among the Oxford fellows. Bilson's role in the disputes showed him at once prepared to fulfil the Queen's will - at the price of an innocent fellow being charged with perjury - and to support an internal candidate for the wardenship against Cotton.[108]

Although Bilson seems to have owed his place at Worcester to the intervention of Essex early in 1596,[109] the assistance Bilson gave Cecil over the Winchester College disputes during April and May indicated that, once nominated, he had lost no time in commending himself to Cecil. Indeed, Bilson was almost over-eager to bring himself to Cecil's attention and had to be advised by courtiers to abandon his plan of waiting upon Cecil to ask for his 'assistance in doing homage to the Queen', as protocol required Bilson to remain away from Court until his homage had been offered. What may have intrigued Cecil most was that, within a week of his consecration, Bilson

found himself writing to Cecil to deny rumours which Whitgift, Buckhurst and Lady Warwick had all heard, that he had impoverished Winchester College during his sixteen years as warden. 'There is a secret suggestion made in the ears of great personages', he told Cecil, of 'how rich I found [and] how poor I leave the college'; in his defence he claimed that his record had, on the contrary, been prodigious: there had been no sales of plate, 'moveables' or timber (the latter a notorious way in which some bishops denuded the resources of their successors); the integrity to the college of twenty leases which could have been let for the warden's personal gain were intact; and an increase had been achieved in the commons of the scholars of 100 marks *per annum*, when 'the continual dearths .. of late years have raised the price of their victuals to almost double the value they were at my first coming'. On casting his eye to the bottom line of the accounts, Bilson concluded that, despite costs of £1,000 in unavoidable law suits, he had improved the asset value of the college from £1,683/4/2^{d} in 1581 to £2,441/6/7^{d} in 1585, an increase of 69%.[110]

Neither did Bilson proceed to rest on his laurels for, within five weeks of his consecration at Worcester - the diocese turned down by Day because it was impoverished and lawless - Bilson had sent Cecil a detailed 'view' of the religious state of his new see, including lists of the wealthier sort of recusants and gentlewomen 'that refuse the church'. Furthermore, he took this opportunity to request a 'commission ecclesiastical', arguing both that the sanction of excommunication was no deterrent to 'the number and danger of

these [with] divers humours', and that a commission could more speedily implement church attendance amongst those who were refusing. The methods he proposed were ambitious and represented Burghley's ideal model of local action against recusants:

> first, by viewing their qualities, retinues, abilities and dispositions; next, by drawing them to private and often conference, lest ignorance make them perversely devout; thirdly, by restraining them from receiving, succouring or maintaining any wanderers or servitors that feed their humours; and lastly, by certifying what effects or defects I find to be the cause of so many revolting.

There could have been no greater contrast to the challenge of this diocese than that between Bilson's energetic and ambitious response and Day's timid withdrawal of the previous year. Bilson's approach clearly appealed to Cecil, and he cultivated Cecil's personal support in a manner wholly untypical of his less astute fellow aspirants, who continued to look first to Burghley. Moreover, within a week of his first dispatch from Worcester, Bilson's assiduous efforts of the previous three months had been rewarded; he was invited to Cecil's house in the Strand and was, he recorded, received there by Cecil very warmly.[111]

Within a further ten months Bilson was enthroned at Winchester and, this time, Cecil and Whitgift played a central part in his nomination.[112] By route of Worcester Bilson had bagged a prize of the kind he had sought since first bringing himself to notice as a politically adept scholar in the warden's lodgings at Winchester College and, as it turned out, he was to remain there - latterly as a Privy Councillor - until his death in 1616.[113]

Bilson's translation to Winchester in 1597 brought stability to the diocese after the turbulent events of the mid-1590s. The contrast between the fortunes of Burghley's nominees, Wickham and Day, has already been drawn with those of Bilson and Cooper: put crudely, Day (probably) and Wickham died in debt; Bilson (probably) and Cooper died wealthy.[114] The Winchester evidence suggests more subtle ways of assessing their individual records, however; for, whilst Cooper and Bilson were undeniably figures of greater drive and managerial authority, the debts of Wickham (in part) and Day (perhaps solely) were due to their deaths following rapidly after their nomination to the see. Neither had time to put their financial affairs on a sound footing and, in Wickham's case, his executors were liable for unpaid first fruits.

Furthermore, all four bishops resisted the financial pressures of their local laity: both those tenants who, in Cooper's words, were 'encouraged and emboldened to enter suits of law against me by most unjust causes'; and those would-be lease-holders among the gentry - most insistently Sir Francis Carew - who were participants in the royal plunder of vacant sees which Cecil orchestrated in December 1594.[115] Equally, all four bishops found resistance very difficult: Cooper, on his election in 1584, found that he had to pay £798/6/8^{d} in gifts (mainly to the Queen, Leicester, and Walsingham) out of diocesan revenue of around £3,000; Wickham and Day both had their tenure blighted by the huge claim that Cecil and Burghley pursued in the Queen's name on Francis Carew's behalf; and Bilson initially sent Carew away from an interview

empty-handed, only changing his mind after receiving a stinging royal rebuke.[116]

Despite these parallels, the inescapable conclusion remains that Cooper and Bilson revelled in the challenges of their role whereas the correspondence of Wickham and Day during their brief occupation of the diocese was full of anxiety and appeals to the Cecils' for relief from the burdens they imposed. More striking still is the way in which Bilson modelled himself upon Cooper. After 1597, Bilson accelerated Cooper's later practice of converting the terms of leases from a fixed number of years to the lifetime interest of the lessee, and there is evidence that both men were adept at the manipulation of financial information: Heal points out that Cooper presented the Exchequer with a significant undervaluation of the revenues of the diocese and Bilson certainly used selective inflation indicators to distort the picture he gave Cecil of the Winchester scholars' increased standard of living during his tenure as warden.[117] No doubt such enterprise was one reason why both men - and their families - were able to prosper at Winchester,[118] and the favourable relations that Bilson came to enjoy with Cecil suggests a degree of mutual respect of each other's methods.

Perhaps the decisive test of this latter relationship came in May 1597 when Carew once more lobbied for the four-figure sum that he had been attempting to extract from the diocese since 1594. This was Carew's third such campaign, matters having been left unresolved upon Day's death, and this time he took the initiative by conferring directly with

Bilson, possibly because he had heard that the bishop-elect was likely to prove more compliant than his predecessors. The result, Carew reported to Cecil, was that he found Bilson 'very willing' to have the matter referred to Cecil 'and to agree to any sum of money you shall think meet for me to have'. Consequently, Carew promptly asked for 2,000 marks - almost the exact figure that he had sought unsuccessfully from William Day.[119]

With Carew's claim seemingly satisfied, Bilson's translation was confirmed two days later. At this point, there was a hiatus, however. Within a fortnight of Bilson's confirmation the imperious Carew was complaining to Cecil that although the bishop had agreed to royal leases of the agreed asset value, these were of insufficient length - thirty to forty years - to yield anything but a 'slender profit'; accordingly, Carew pressed Cecil to 'draw' from Bilson either '2,000 marks in money' or leases that would yield an equivalent sum. From this, and from a letter which Bilson sent to Cecil four days later, there can be no doubt that although outwardly compliant, Bilson was prevaricating, both over the sum and how it was to be paid, and in order to defend himself from accusations of simony. For Bilson now made it clear to Cecil that he did not wish to agree a 'competent recompense' for a man of Carew's 'sort and service' until he had examined the diocesan assets in more detail 'and might be in state by law to make a lease, for before anything I do will be good, I must pass restitution, composition and installation'. Cecil's response was prompt and to the point: he told Bilson to settle with Carew and to settle speedily.

It is also evident that, as broker in the deal, Cecil played the parties against each other, for Carew was told to be satisfied with £1,200 and Bilson was informed that the Queen was given to understand that he sought to 'defer' her request. The result was that both now declared themselves satisfied: Bilson wrote an obsequious letter to the Queen professing himself ready to satisfy Carew 'with as much speed as possible' and, upon sealing the leases a week later, Carew immediately set measure in train to administer his new assets.[120]

Thus the episode was concluded, two and a half years after Elizabeth had first agreed to Carew's claim and with Cecil having pressed it upon three successive bishops-elect. Bilson had indeed attempted a postponement but had had to defer instead to the pressure which his patron had applied. Nevertheless, the bishop was not entirely outmanoeuvred: although Carew gained five major manors of the see for 60 years, Bilson, in return, was allowed four years in which to pay his first fruits and awarded summer rents from the diocese of Worcester which otherwise would have reverted to the crown as a result of the vacancy created by his translation, three weeks before the end of the quarter. As Bilson had himself devised this latter concession it is evident that Cecil was sympathetic to the argument that he should not be 'this half year the worse for removing from Worcester .. and so by changing untimely, I be utterly excluded from the provisions of both places'. Felicity Heal has concluded that the details of Bilson's settlement of the Carew claim 'show a placing of personal advantage before the interests of the see' but this

is, perhaps, somewhat harsh: Cecil and the Queen were in no mood to tolerate episcopal resistance at any stage of the long-running dispute and, as Heal has argued elsewhere, negotiations over first fruit payments by a number of incoming bishops was a legitimate tactic in the struggle to improve episcopal fortunes during the 1590s. [121]

A number of conclusions may be drawn from this detailed reconstruction of events at Winchester, coupled with the similar disputes into which Hutton and Fletcher entered with Cecil. The evidence of 1594-97 shows first that the granting of leases remained a potent problem for incoming bishops even if, as Heal has suggested, the practice had reached its peak in the 1580s. Whereas Burghley was a prominent beneficiary in the 'great scramble' for leases which had occurred then,[122] by 1594 Cecil was central in the supervision of alienations to the crown on behalf of the gentry when a further wave of claims was triggered by the provisional appointment of ten new bishops by the Queen on 1 December. Of the seven cases where confirmation of new appointments followed in the first six months of 1595, at least five bishops-elect faced immediate claims for leases to be granted to the Queen.[123]

Second, whilst Heal has shown that by the 1590s the financial situation of the bishops as a whole was beginning to improve, there were still notable casualties. The very fact of being caught up in the royal promotions was enough to ensure that Fletcher and Wickham died in considerable debt to the crown as neither had gained the Exchequer agreement secured by many of their colleagues upon elevation or

translation, to exemption from first fruit charges, or their executors' exemption from payments outstanding at death. Day, on the other hand, had gained this insurance clause but had had to borrow heavily from friends when he arrived at Winchester.[124]

Third, whilst there may have been a falling off in the 1580s of the episcopal resistance to crown alienations, evident among the first generation of Elizabethan bishops, in the 1590s there was a revival of this tradition. Wickham - the most dogged of the new resisters - bemoaned such leases as 'extraordinary and unlawful': the size of Carew's claim was certainly extraordinary, and in 1594-95 Hutton and Fletcher concurred with Wickham's latter judgement and mounted notable challenges to the dubious legality of the demands they faced.[125]

* * * * *

This account of the financial experience of some of those bishops elevated and translated in the round of promotions of 1594-98 indicates that, from the outset, Cecil took charge of negotiations over crown leases. There is, however, no conclusive evidence that he was, at this time, a personal beneficiary beyond the obvious political influence that it enabled him to exert and the likely receipt of small gifts from his clients such as those customarily made at the new year. Meanwhile, Burghley remained active at the Exchequer until at least February 1595, in his complementary role of ensuring that the crown received such 'sufficient provision'

as could be obtained routinely from the promotion of bishops.[126]

Thus the Cecils, father and son, dominated the financial aspects of episcopal patronage and in this sphere were able to work in close harmony. When it comes to an overall assessment of the processes of purely political patronage in the round of 1594-98, however, the picture is less clear cut, although two sets of issues stand out. The first relates to Court politics, lay-clerical relations and the machinery of government. For example, new light is cast upon the transfer of power from Burghley to Cecil, the role of Essex, and the influence of Whitgift upon fellow councillors and with the Queen. In addition, significant detail about the processes of episcopal appointments can be reconstructed. A second theme, linked to the first and of more recent concern to historians, is the emergence, from the 1590s onwards, of differentiated models of churchmanship among the ecclesiastical hierarchy. What patterns may be discerned among the new generation of bishops appointed during the 1590s, and do these accord with patterns of patronage?

Turning first to the mechanics of episcopal promotion in the mid-1590s and the role of various councillors in this process, perhaps most striking is the control of events displayed in the working partnership of Cecil and Whitgift and how, on occasion, this was nearly upset by the clumsy actions of Burghley.[127] This situation first arose at the beginning of the period when Burghley was persuaded to switch his nomination for London from Fletcher to Day; as a result of

this, Cecil appears to have resolved that he would have to act independently of Burghley and in tandem with Whitgift, a new alliance which was further facilitated by Burghley's persistent ill health from 1594 onward. By early November 1594 Cecil and Whitgift would seem to have come to an agreement about the translation to important, senior positions of Fletcher and Hutton (the latter with Burghley's probable approval), but it is not known whether Whitgift knew of Cecil's plan to insert Toby Matthew at Durham in place of Burghley's nomination of William Day. It is clear, however, that for more junior appointments, Cecil proposed specific candidates, including Babington, Bellot, Chaderton, Redman and Vaughan, and that Whitgift was happy to concur with these proposals after suggesting some modifications of his own. Similarly, in April 1597, it is clear that Cecil and Whitgift worked together in agreeing the key appointment of Bancroft, and the translations of Bilson, Babington and (unsuccessfully) Vaughan.

It is further evident that, procedurally, Cecil was the main agent in securing the Queen's assent for the episcopal changes at these two critical moments. In 1594 Whitgift is to be found urging Cecil to 'further the dispatch' of the bishoprics with the Queen as much as he could, and on each occasion Whitgift expressed himself 'greatly beholden' and 'bound unto' Cecil for his 'honourable and friendly dealing' over the bishoprics.[128] At less crucial moments, it appears that Cecil was also generally responsible for the formal ratification of appointments, by drafting the bishops' *congés d'élires* and by presenting these to Elizabeth for signature.

Thus, in May 1595, Whitgift urged Cecil to draft letters for Morgan and Vaughan 'with convenient speed'; in March 1596 he asked Cecil to 'present to her Majesty the bill' for the moves of Bilson and of Dr William James to the deanery at Durham and, in August 1598, Whitgift asked Cecil to see that the remaining episcopal vacancies be 'supplied with all convenient speed'.[129]

That Cecil, rather than Whitgift, was technically responsible for the appointment of most of the bishops explains the indebtedness which several expressed to him in correspondence. Chaderton, Bellot, Robinson and Rowlands all acknowledged Cecil in this specific way; nevertheless, whilst Cecil must certainly have supported their candidatures, it is possible that they were Whitgift's original nomination or joint choices of both men.[130] On other occasions Whitgift used audiences with Elizabeth to confirm nominations before entrusting the procedural details to Cecil. In November 1594, for example, he discussed with her the likely reluctance with which Hutton would contemplate moving from Durham to York. Six months later he 'moved' the Queen to make decisions over Vaughan and Morgan and, in March 1596, he was informed personally of her 'resolution' that Bilson should be elevated.[131]

Undoubtedly, Burghley's influence was in decline. Before the end of 1594 he was increasingly incapacitated and already losing the initiative over appointments. His consistent, ten-year struggle against Whitgift's policies for church leadership was now finally being lost, as Cecil and Whitgift

embarked upon a working partnership in which Burghley's stated preference for bishops of a particular puritan piety was rejected in favour of candidates for senior positions who displayed political, managerial or administrative abilities. In this respect, the fruits of the partnership between Cecil and Whitgift were the emergence in 1597 of Bilson at Winchester and, particularly, of Bancroft at London. Moreover, as Heal has suggested, the theory of episcopacy which Bilson and Bancroft advanced marked the beginning of a turning point, not only in political theory but in the longer-term prospects for episcopal wealth, a development which Burghley would, no doubt, have viewed with decidedly mixed feelings had he lived to see it.[132]

Burghley's ill-health and his submission to the moderate puritan suits of Lady Elizabeth Russell contributed to his loss of effectiveness. As early as November 1594 Cecil had concluded that the *debacle* over Day's candidature to London allowed him to pursue appointments such as Matthew's without reference to Burghley's wishes; meanwhile, Burghley's voice was insistent in favouring 'grave' and 'godly' bishops such as Wickham and Day, but he then conspired with Cecil to burden his appointees with huge rental demands and the denial of temporalities until they agreed to pay. Nevertheless, despite his now marginal role as a political patron, it is notable that Cecil and Whitgift still felt obliged to consult with Burghley at an early stage in appointments. Even though, in several cases, subsequent deals were struck between Cecil and Whitgift, initial plans discussed with Burghley led to the promotions of Fletcher, Wickham, Hutton, Matthew, Day and

(probably) Ballot in 1594-95 and in those of Vaughan, Bancroft and Babington in 1597.[133]

The episcopal appointments of the mid-1590s also serve to illustrate the way in which Cecil was beginning to exercise his individual power of patronage. The obligations which he incurred among the county gentry on account of his principal role in diverting crown leases has already been discussed. In the ecclesiastical sphere it is instructive, in particular, to contrast his harsh treatment of Fletcher and Hutton with the protection he afforded to Bilson. Fletcher received the royal rebuke (which may have helped to seal his eventual disgrace in the bishopric that Essex had secured for him) when Cecil presented the Queen with the bishop's blistering attack upon the 'scandal' of episcopal finances.[134] In contrast, when Bilson was facing potential difficulties in mid-1596, he enjoyed Cecil's support. The politically dangerous dispute with the Queen over his successor as Warden of Winchester College probably led to the rumours that he had diverted college revenues into his own pocket and that the Queen was incensed against him and his patrons, including Cecil. Throughout this awkward period Bilson enjoyed Cecil's close support, and acknowledged the 'favourable affection' with which he was received at Cecil's house at the time. Moreover, Cecils' rebuke of Hutton for having 'bargained' for the archbishopric of York was the rejection of a proposal through which Hutton sought to protect the ancient assets of the diocese by offering the Queen leases recently acquired in Durham through attainder; in contrast, Cecil was happy for Bilson to propose and negotiate financial deals upon his

arrival at Winchester, even though these related to the bishop's personal income and did little to offset the impact upon diocesan finances of the loss sustained by the granting of the Carew lease.[135]

Bilson probably secured this protection because of his political ambition, his financial astuteness and his readiness to use money to further particular ends; such worldliness evidently appealed to Cecil - all the more so if combined with pastoral diligence in preaching and visiting. These dual qualities were exemplified in full measure by Toby Matthew, the most favoured of Cecil's *protégés*, a bishop about whom rumours of financial irregularities also circulated and the coiner of the adage: 'God loveth, and so do princes, a cheerful giver'.[136]

The picture emerges during 1594-98 of Cecil the pragmatist and Burghley the elderly statesman caught between pious hope and financial custom and practice. Both men were, as Joel Hurstfield has noted, undoubtedly involved in 'diverting episcopal revenues into private pockets', and both were thus responsible for perpetuating an ignorant and often absent clergy, 'in scandalous contrast to the fanatical devotion and ability of the Catholic priests, on the one hand, and the puritan ministers on the other'.[137] By the mid-1590s Burghley's response to the problem was feeble - as Wickham and Day discovered to their cost. More subtly, Cecil's support for robust, pragmatic bishops such as Matthew and Bilson ensured the perpetuation of opportunities for the financial gain of lay politicians, but did nothing to hinder Whitgift's

goal of gradual, sustainable reform,[138] led by an episcopate that, toward the end of the century, was beginning to enjoy improving financial stability and rewards, as well as increased theological authority.[139]

Whilst Cecil assumed the leading role in the actual appointment of bishops during 1594-98, it is notable that Essex's fitful involvement was sustained throughout. Essex's influence on such preferments was that of a wild card. He could act independently - as in his support for Bilson (in the autumn of 1595) and Richard Vaughan (in late 1596); at other times, such as over Fletcher's nomination for London in 1594 and William Tooker's replacement of Bilson as Warden of Winchester College, he acted in concert with Whitgift; on yet other occasions, he worked with Cecil to secure minor appointments.[140] As late as the spring of 1597 he was addressed as a would-be godly patron by fifteen 'gentlemen of the best sort in Hampshire' in an unsuccessful attempt to secure the preferment of their dean and Essex's *protégé*, Martin Heton, to the bishopric at Winchester.

Neither does there appear to have been a common churchmanship typical of those to whom Essex lent patronage. His support for Heton came from a tendency, similar to that of Burghley, to promote the placing of pastoral leaders in the church; in Essex's case, this was a deliberate emulation of Leicester's example. As Dean of Winchester, Heton had - through preaching, through the 'wise direction of his life', and by the testimony of leading puritan-inclined laymen - 'already mollified the obdurate hearts of irreligious

subjects, so as no predecessor's severity has wrought like effect'.[141] Bilson's theology, on the other hand, was antipathetic to even moderate puritanism, inclining more toward 'severity' and Whitgift's authoritarian style. Essex's intervention over the appointment of a new chief Clerk to the Privy Council similarly contradicted his role as a puritan patron. This post had been held by Robert Beale since 1562 but, in the spring of 1595, Essex sought to have Beale removed in favour of his own secretary, Thomas Smith.[142]

Late in 1598, Essex was still being credited with working to secure specific appointments resulting from episcopal elevations. It is also clear that, at times, his influence with the Queen was thought to be greater than Whitgift's. In the spring of 1596, immediately before the Cadiz expedition, for example, his was the loudest voice for Bilson's suit. Furthermore, there were occasions when he claimed direct responsibility for effecting appointments; in August 1597, for example, he 'dealt with' the Queen directly over the bishoprics of Exeter and Worcester, and saw to the drawing up of the *congés d'élires*.[143] Of the nineteen bishops elevated or translated during 1594-98, it can be shown that at least five owed their promotion to Essex's sole or partial involvement.[144]

The emergent picture, however, does not suggest that Essex had been able to create a sustained factional advantage from the numerous changes that had occurred among the senior church hierarchy. In particular, he failed to make a mark in the crucial first stage, during June to November 1594, when

key posts were vacant and when his domestic political ambitions were still at their most potent. Of the initial group of appointees, only the ill-fated Richard Fletcher at London was a nominee of Essex (and Whitgift) - an association which no doubt increased the Queen's caution in accepting his future suggestions. Moreover, if Essex's activities had any factional overtones, these arose in his contest with Buckhurst rather than in any attempts to block the Cecils' episcopal candidates on a routine basis. This confrontation came to a head in 1596 when a series of Essex's ecclesiastical nominations had the effect of disrupting the customary rights of patronage which Buckhurst enjoyed as Chancellor of Oxford University - an office which he had secured in 1591 in direct competition to Essex.[145]

In contrast to Essex's fitful interventions, Whitgift and Cecil came together at key moments - in November/December 1594, in May 1595 and in August 1597 - to secure the series of appointments they sought.[146] In February 1598, two days before Cecil embarked upon his embassy to the French King to discuss the potential for peace with Spain, Whitgift wrote warmly to Cecil of the satisfaction he had derived from the way in which their working relationship and personal friendship had developed:

> Understanding that you are shortly to take your journey, and not having opportunity myself to see you, I could not but visit you with these my letters only to testify my true affection and unfeigned love towards you for your just deserts and continued kindness toward me.[147]

Here, as elsewhere, it is noticeable that, in his dealings with Cecil over the renewal of the Church leadership during

1594-98, Whitgift's role was, at most, that of an equal with his fellow councillor rather than, as might have been expected, a voice of dominant authority befitting the Queen's experienced and trusted archbishop. His involvement with Fletcher in 1594 was an unfortunate beginning; he missed an early chance to put his weight behind Bilson in 1595; and, in 1597, he saw his recommendations of Robert Some for Exeter and Richard Vaughan for Salisbury rejected.[148] Of all the episcopal appointments made, only that of Vaughan at Bangor, William Morgan at Llandaff and Richard Bancroft at London can be shown to have been at Whitgift's particular behest whilst, in a majority of cases, candidates emerged from joint discussions between Cecil and Whitgift on the understanding that Cecil would subsequently deal personally with the Queen. Furthermore, before 1597 he rarely seems to have dealt directly with the Queen deferring, instead, to Cecil.[149]

Having examined the mechanism of episcopal promotion in the 1590s and reconstructed the pattern of patronage which underlay it, what can be said about the churchmanship of newly promoted members of the bench, and can it be shown in any way to relate to the political patronage they received? First, it is apparent that these nineteen bishops displayed a wide range of attributes in office; there were preaching pastors, custodians of order, administrators, Court bishops, scholars, and inactive prelates, as well as several bishops who combined more than one of these main roles.[150] In contrast to this variety, no bishop appointed during the period appears to have placed himself outside the dominant Calvinist orthodoxy characteristic of the Elizabethan church. Thus, whilst

Nicholas Tyacke has traced the stirrings of 'anti-Calvinism' to developments within the universities during the 1590s, such ideas were yet to be reflected in the senior church hierarchy. On the contrary, Tyacke has shown that both archbishops of the period and at least seven of the new bishops held fast to double and absolute predestination.[151] In this context it is evident that Whitgift remained personally, and thus as patron, firmly of the Calvinist generation; perhaps more significantly, Cecil is to be found at this date endorsing such firm predestinarians as Matthew and Babington, both of who lived to see their patron gather around him, after 1606, such 'proto-Arminians' as Richard Neile and Samuel Harsnett.[152]

Turning to an assessment of the relation between political patronage and the churchmanship of bishops on the question of church government, a similar picture emerges, for it is evident that the most active patrons - Cecil, Whitgift, Burghley and Essex - between them favoured men of every point of view: evangelical pastors; those sympathetic to puritan scruples in the 'Grindalian' tradition; and those who took a harsh stance toward moderate puritanism.

Clearly it is difficult - as well as unwise - to identify an overall pattern relating churchmanship to patronage from such a varied picture, based upon highly uneven evidence. Nevertheless, a number of strong connections between groups of bishops and their patrons may be discerned. The example of Burghley's *penchant* for Grindalian figures such as Day and Hutton has already been noted.[153] Similarly, it is striking

that of the four bishops most closely associated with Whitgift's patronage, Bancroft and Redman were 'conformist' custodians of his own stamp whilst Vaughan and Morgan were diligent administrators and promoters of religious education; Vaughan had assisted Morgan with the translation of the Bible into Welsh and worked with Whitgift on the drafting of the Lambeth Articles.[154] A third noticeable trend is that the bishops who were backed most unequivocally by their patrons either already had, or went on to enjoy, royal favour. Matthew (promoted by Cecil), Bancroft (Whitgift), Wickham and Day (Burghley), Fletcher (Essex and Whitgift) and Bilson (Essex, in 1596; Whitgift, Cecil and Essex, in 1597) were all either royal chaplains, future Court bishops or future Privy Councillors. Strikingly, modern scholarship has shown that this group of royal favourites, to whom may be added Watson, Vaughan and Henry Cotton, exhibited a wide range of churchmanship: Vaughan, was a preaching pastor; Matthew, a preacher/administrator; Watson, an 'inept time-server and pluralist'; Bancroft and Henry Cotton, were custodians of order; Wickham and Day, were mild Grindalians; Fletcher, was a Grindalian 'careerist'; and Bilson, was an ambitious politician and scholar.[155] A fourth, unmistakable, trend is the high incidence of bishops who were possessed of sees which included the county of their birth. Almost half of the bishops under consideration may be included in this group, many of them middling bishops jointly backed by Whitgift, Cecil and Burghley, and many of them destined for Welsh or northern dioceses.[156]

In summarising the evidence available to him in 1977, Ralph Houlbrooke concluded that 'strong protestant commitment, the qualities regarded as most desirable in a bishop at the beginning of the reign, gave way, especially after the mid-1570s, to administrative capacity'. The evidence reviewed in this chapter has shown that, despite the wide variety of episcopal styles adopted by those promoted, Houlbrooke's verdict stands for the more prominent promotions of the 1590s - even if he underestimated the continuity of the protestant ideal as represented in such new bishops as Babington, Robinson and Matthew. Moreover, it has been shown that Whitgift and Cecil were, between them, more than any others responsible for fashioning senior churchmen who exhibited an expertise that was predominantly political and administrative.[157]

Perhaps the greatest surprise is Whitgift's failure to dominate proceedings more fully, in contrast to the significant influence exerted, as early as 1594, by the relatively young and inexperienced Cecil. For Cecil the period was one of steady consolidation; furthermore, the threat that Essex might marshal a church 'party' had failed to materialise. As a result, by 1598, a revitalised and youthful senior church hierarchy largely owed its position and livelihood to Cecil.

CHAPTER SIX

CONCLUSION

The central concern of this thesis has been the Cecils' involvement in the three main arenas of central government religious policy in the decade after 1588: the reaction against protestant non-conformity sparked by the appearance of Martin Marprelate, increased action against catholic recusants in the aftermath of the Armada, and the forces which moulded the wholesale renewal of the Church of England episcopate between 1594 and 1598.

The final chapter is organised in three parts. The first section consists of conclusions drawn from the preceding narrative about the relative influence of the Cecils and other leading members of the English government over the month-to-month management of religious policies during the 1590s. In the second section, the record and achievements of the religious policies of Burghley and Cecil are compared and conclusions arrived at about their different concerns and methods. In the final section, both sets of conclusions are drawn upon in a discussion of the triangular relationship between Whitgift and the Cecils, which is considered against the broader canvas of lay-clerical relations and changes in the theological context of religious policy in the 1590s.

(a) Religious policy in the 1590s

Religious policy in England was dominated by a very few individuals during 1588-98; in order of significance they may be listed as: Elizabeth, Burghley, Whitgift, Cecil, Hatton

and Essex. Within this overall assessment, however, one central trend stands out. This is the erosion of Burghley's influence, from a dominant position in April 1590 when, as acting secretary, he filled the vacuum created upon Walsingham's death by laying out - with religious policy at the head - a set of priorities covering the entire range of 'public affayers' then facing the government and directing that 'principal persons of y^{e} Counsell ... put things in execution'. As councillors acted upon this instruction, this study has shown that Burghley's physical decline was matched by a progressive diminution of his influence over religious policy: over the reaction to protestant non-conformity from mid-1590 (notwithstanding his achievements in the parliament of 1593); over anti-recusant policy from the end of 1593; and over episcopal patronage from the autumn of 1594.

As Burghley's influence declined, that of his son grew. Cecil adopted an active role in the patronage of new bishops - partly, it may be assumed, from financial motives. His lack of prominent involvement in the control of either catholic recusancy or protestant non-conformity during these years, however, would seem to indicate Cecil's greater ease with the delegation of such issues to a strong episcopate, in marked contrast to Burghley's perennial suspicion and criticism of bishops. This change was of specific benefit to Bancroft, who now received high office with Cecil's support, and of more general assistance to Whitgift, whose pursuit of strong church government was now less politically encumbered than at any time since his elevation to Canterbury in 1583 - Cecil's rise having compensated, in political terms, for Hatton's premature

death. Meanwhile, Essex's role in shaping religious policy was ultimately incidental. His initial adoption of Leicester's mantle of godly patronage had evaporated by 1592; he proved unable to turn frenetic activity during the parliament of 1593 to lasting advantage; and, notwithstanding his sustained interest in intelligence work and considerable political application during 1591-97, he was largely unsuccessful in the role of Court patron. Furthermore, although Essex was lobbying for the appointment of his candidates to bishoprics as late as 1597, insofar as he had a religious policy, Paul Hammer has argued that this was concerned with the cause of protestantism in the international sphere.[1]

Despite a suggestion in recent scholarship that the late Elizabethan political order became unbalanced through the creation of a smaller, politically homogeneous Council which limited the range of policy options presented to the Queen,[2] there is evidence that in at least one important sphere of ecclesiastical policy - the authority claimed and methods pursued by the church hierarchy in controlling protestant non-conformity - Elizabeth was able, in the 1590s, to exploit the divergence which existed among councillors.

As Peter Lake has observed, the Queen resisted moulding her policies around 'moderate puritanism and popular anti-popery' - exactly Burghley's position - because this would have greatly limited the extent of her 'personal control over the shape and ideological tone' of the church, over the conditions endured by domestic catholics and over the course

of foreign policy.[3] Burghley was reminded of the Queen's resolve to follow her own counsel - and of the political advantage this afforded Whitgift - when she told Knollys in January 1591 that she was in 'as much danger of suche as are called purytanes as shee is of the papyste'. Nevertheless, as if to underline her independence from specific advice, Elizabeth was to check Whitgift's drive against moderate protestant non-conformity when, two months later, Burghley persuaded her to prohibit the widespread use by Hatton and Whitgift of a version of articles of enquiry into covert presbyterianism which stressed the divine origin of episcopal authority. Furthermore, during the Hackett affair, in July 1591, Whitgift and Hatton appeared to take the brunt of her ill-tempered anxiety when it was reported that she blamed the disturbance on their zeal in imposing conformity.[4]

The Queen was at the heart of the government apparatus, and it seems that her control over its legislative and canonical functions - through, for example, the royal assent required for statutes and episcopal appointments - meant that she seldom saw the need to intervene directly in the routine application of religious policy.[5] Moreover, the principal episodes analysed in this study indicate that the pressure of events led to the generation of rival proposals which kept individual councillors from assuming too dominant a position. Although Burghley secured broadly the religious legislation he sought in 1593, it is clear that this was achieved in the face of strong tactical opposition from Whitgift's group, which otherwise controlled the suppression of protestant non-conformists and secured the executions of Barrow, Greenwood

and Penry. In the case of non-statutory measures against the catholic recusants, Burghley's control of the recusant commission during 1591-93 was in marked contrast to the subsequent disinclination of fellow councillors to adopt his recommendations for ever-harsher anti-recusant measures. And, in the case of the renewal of the episcopate, Cecil's control of the levers of policy did not imply that his own nominees were always appointed.

(b) The religious policies of Burghley and Cecil

Taken on their own, conclusions such as these, which arise from the detailed narrative of events presented in this thesis, fail to provide a balanced picture, for although Burghley experienced mixed fortunes in his pursuit of religious policies, on the broader political scene his influence was pre-eminent. Moreover, as the 1590s progressed, Cecil scaled the same political heights as his father, but did so with a set of religious policies which was, in most respects, designed to anticipate changing political circumstances. This combination is suggestive of two aspects which characteriased Burghley's religious policy: the difficulties which he encountered in the 1590s highlight intrinsic political problems to which his specific policies were, perhaps inevitably, only a partial response; in other respects, however, they are suggestive of an increasing inflexibility in his old age. In contrast, whilst Cecil's approach to religious policy issues serves, in a similar manner, to indicate the persistence of ideological difficulties to which politicians in the Elizabethan period

were prone, in his case the policies he developed hinted at new solutions to these problems in the coming years.

In at least one respect, however, Cecil chose to adopt policies which perpetuated a specific contradiction in Burghley's record. The Cecils' joint attitude toward the Church of England at this time was paradoxical, for both Burghley and Cecil looked to the established church as the central instrument for maintaining a correct balance in the government of religious affairs; it should remain part of the universal church, yet be reformed and ordered by the monarch as supreme governor - both civil and ecclesiastical. Despite this priority, they used their power of patronage systematically to impoverish the operation of the church as an institution - and in so doing perpetuated a vicious circle of low clergy stipends and poor quality ordinands through the appropriation of church revenues for secular gain.[6] In the 1590s, this practice followed the long-established lead of the crown and in exploiting it, Cecil was taking advantage, early in his career, of specific opportunities to establish political and financial obligations among his clientele. This opportunity turned out to be temporary, however, for James I considerably eased the financial burden on Jacobean bishops when, in 1604, he made alienations of episcopal property to the crown illegal (1 Jac. I, *c.* 3).[7]

More usually, Cecil's religious policies diverged from those of Burghley during the 1590s and these differences are now examined in greater detail. In the last decade of his life, Burghley found himself increasingly challenged in

religious policy by the slow growth of new concepts such as freedom of thought, individual 'conscience' and freedom of worship which, for him, represented the most perplexing political challenge of the age. Burghley clearly recognised the power of such ideas, both intellectually and judicially, yet he shied away from the profound implications that they presented for political order and control.[8] He confronted this paradox most strikingly in the context of moderate puritanism. Having satisfied himself, in 1589, of the argument that hierarchical church government through episcopacy was merely 'posytyve ordenance by wy[s]dome of men' and not a theological necessity, he became, upon Walsingham's death the following year, the most powerful and active puritan apologist in the land.[9] Yet, the strong and implacable opposition to Whitgift and to the Queen over the reaction against moderate puritanism which Burghley maintained during the four years from the beginning of June 1589 to the end of May 1593 was not an unambiguous position, for it was based upon a mixture of theological reasoning, political idealism and personal antipathy toward Whitgift.[10]

Neither is it sufficient to conclude merely that Burghley wished to see a Grindalian-style Church of England.[11] Certainly he desired that but, during the late 1580s and early 1590s, the unprecedented political force of the opposition against lay puritan patronage mounted by Whitgift cast Burghley in the unaccustomed role of lobbyist rather than insider. Consequently, during 1589-93, Burghley's ideal of a reformed Christian polity led him to sympathise with the 'conscience' of the protestant non-conformists and, in so

doing, to oppose the methods - execution of separatists and deprivation of moderate puritans - by which the leaders of the established church sought to exercise their authority. Moreover, the suppression of non-conformity had wider implications for Burghley's position, for in 1593 it forced him to confront one of his own nostrums - '*omnia licent, omnia non expediunt*' - and to determine how this philosophy could find expression in the design of the anti-separatist legislation to which he was committed. With its logic of treason and expulsion from the commonwealth of those who consciously rejected the claims of the church to define citizenship,[12] the statute that emerged left Burghley free to do all he could to save those whom Whitgift wished to take to the scaffold, for Burghley undoubtedly preferred banishment to capital punishment in protestant cases - even for the most reckless such as Penry.[13]

In the catholic context, the same tension between individual conscience and the regulating authority of church government led Burghley to adopt an entirely opposite position. Consistently during the 1580s and 1590s, he was the councillor who invoked the harshest penalties against loyal recusants, and his fear of Rome, and of its influence in the volatile Europe of the counter-Reformation, fed on his chauvinism and insularity.[14] Consequently, he consistently equated catholicism with disloyalty and regarded this form of recusancy as particularly destabilising.[15] Moreover, in his dealings with international catholicism he became altogether more wary as the reign progressed, moving from a position in the early 1570s when he established numerous contacts with

catholic fugitives, through the 1580s when he busied himself countering catholicism through the coordination of anti-catholic propaganda, to his stance after the crisis of 1588 when, it seems, Burghley would have *liked* to have believed in the loyalty of the catholic laity but acted with inveterate caution, invoking the menace of Philip II more readily than that of the Jesuits.[16] Furthermore, Burghley's analysis led him to regard the catholic problem as more politically menacing than that posed by protestant non-conformity; as a result, when both moderate puritans and lay catholics appealed to 'conscience' as justification for their actions, he experienced greater difficulty in accommodating the catholic position. In 1588-90, for example, he laboured - on the whole unconvincingly - to justify to Sir Thomas Tresham his harsh dealing with English catholic recusants, maintaining that they were not punished for their beliefs but because of external political events.[17]

Cecil, on the other hand, demonstrated from the outset of his career that he - like Essex - accepted not only the distinction between the private conscience and public behaviour of English catholics, but that he believed that it needed to be acknowledged and actively encouraged in an attempt to weaken the fugitive movement. As early as 1591, Cecil assured his first catholic employee, John Snowden, that he could fraternise with fellow English catholics on the continent in 'conscience', so long as he secretly retained 'purpose to do service'[18] and Cecil subsequently adhered to this principle consistently, exploiting it adroitly during the archpriest controversy (1598-1603) and proposing it formally

in Oaths of Allegiance which he was to offer to the secular priests in 1603, 1606 and 1608.[19]

Because Cecil was able detach himself dispassionately from the issue of freedom of conscience in a way that Burghley never managed, he was able to identify the Catholic question as, primarily, a problem of practical politics. Thus, whilst he remained quite as convinced as Burghley about the security threat posed by catholic fugitives and, in particular, the Jesuit order,[20] Cecil took a more relaxed view of the threat posed by recusants at home; moreover, from the early 1590s, Cecil's closest friendships were developed among catholics or crypto-catholics - first the Shrewsburies, and later the Suffolks and Worcester.[21] There were, however, disadvantages in this approach and a specific consequence of Cecil's relatively relaxed treatment of catholicism was that, unlike Burghley, he attracted criticism for appearing to offer less than whole-hearted support to the protestant cause.[22]

Originating in the 1590s, this concern on the part of contemporaries was, no doubt, exacerbated by Cecil's attitude toward puritanism in the early part of his career. Amongst the mass of his papers which survive from before 1600, there is not one which shows he had an interest in the issue and it seems clear that, in the 1590s, he gauged puritanism to be of no personal political significance. Much to Lady Russell's displeasure, for example, he did little to support Burghley's insistence on a bishopric for William Day, the 'godly and worthy' Dean of Windsor but, rather, ensured that Day's successor at Winchester would be the authoritarian figure of

Thomas Bilson; moreover, the tolerance with which Cecil responded to Bilson's financial negotiations was in marked contrast to the rebukes he administered to Matthew Hutton who, like Day, conformed more closely to Lady Russell's episcopal ideal.[23] Furthermore, it is evident that Cecil considerably assisted Burghley in steering the anti-separatist legislation of 1593 through the Commons, and this action, in the absence - in Cecil's case - of Burghley's record of 'godly' patronage, probably put moderate puritans on their guard. By 1601, Cecil was definitely being courted by them, and there can be no doubt that he responded with conciliatory gestures, but this was after the fall of Essex and at a time when James VI, upon whom all things were becoming focussed, was making a play for the English puritan community.[24]

Ultimately, the differences between the ways in which Burghley and Cecil conducted their policies are a reflection of differences of personality and political technique. Of the two, Burghley agonised more about decisions and consistently adopted a scale-balance, *pro et contra* method for resolving difficult problems.[25] His mix of piety and intellect left him fully aware of the fundamental tensions of Tudor government: between the expedient and the just; between the controlling force of the government machine and the increasing power of appeals to individual 'conscience'; and between the effective operation of the established church and its exploitation through misappropriation of resources. At the end of his life he was preoccupied with these dilemmas. 'You may say my conceits are spiritual', he wrote to Cecil, but 'so ought all human actions to be governed'; in another letter he described

the conflict with acute succinctness: 'you see I am in a mixture of divinitie and polycy, preferring in polycy her Majesty afore all others on the earth and in divynitie the King of heaven above all betwixt Alpha and Omega'.[26]

Cecil, on the other hand, was more reserved and cool in temperament; he seems to have given orders based upon a more relentless political calculation and he certainly never developed Burghley's habit of writing out the opposing arguments to a problem. Cecil's sympathetic working relationship with Whitgift and his eschewal of the role of puritan patron are the most obvious areas of religious policy in which he departed from Burghley's example during the 1590s;[27] it is also evident, however, that he was simultaneously moving away from Burghley's catholic policies, favouring a more active dealing in the factionalism which, by the later 1590s, was dividing the catholic exiles and providing Bancroft with an opportunity to establish himself alongside Whitgift as a cleric of national political standing.

Nevertheless, whilst Cecil's religious policies were, in many respects, more responsive to the problems of the day than those he inherited from Burghley, they served to attract criticism from both sides of the religious divide. One epitaph which greeted his death was that which depicted a 'juggler' of religious policy:

> He feigned religion and zealous affection
> Yet favoured the papists and gave priests protection.[28]

Furthermore, it is clear that Cecil was fully aware of the dissatisfaction that his religious policies increasingly engendered. So much was this the case that he felt it

necessary, when composing the preamble of his will, to leave behind him:

> 'some such testimonye of my particuler opinion in poynte of faythe and doctrine as might confronte all those who, judging others by themselves, are apt to censure all men to be of little or noe religion which by their calling are imploied in matters of state and government under great kinges and princes, as yfe there were no Christian pollicie free from irreligion or ympietie'.

In practice Cecil had stayed true to Burghley's *dictum* that righteous policies were those which furthered the interests of the crown but, as Pauline Croft has shown, at the time when Cecil wrote this justification of his record, public opinion concerning those in government had reached a level of deep distrust unprecedented in Burghley's lifetime.[29]

(c) Whitgift, Burghley and Cecil: religion and politics in the 1590s

Whitgift has played a prominent part in this thesis and, in many respects, the triangular relationship between the archbishop and the Cecils contains within it those conflicts and harmonies which characterise the relationship of religion and politics in the 1590s. In this concluding section, this theme is discussed within the contexts of two broader developments of religious government in the 1590s which have been implicit in the preceding narrative: changes in the nature of lay-clerical relations; and changes in the theological context of religious policy.

In the Elizabethan period the patronage networks that moderate puritan sympathisers such as Leicester and Burghley could operate arose from the secular offices they held. When, in 1589, Burghley intervened in the case of Bainbrigg and

Johnson in his role as Chancellor of Cambridge University, he was emulating Leicester's governance at Oxford; three years earlier, Whitgift's attempt to enforce the wearing of the surplice by Oxford college fellows had come to nothing once Leicester's intervation seemed likely.[30] For the generation of strongly protestant politicians, of whom Leicester and Burghley were prominent representatives, the replacement of Grindal with Whitgift in 1583 brought latent conflicts between secular and clerical jurisdiction into clearer focus. As was discussed in Chapters Three and Four, these latent conflicts were not expressed in anti-catholic policy, as councillors were united in identification of the Pope as anti-Christ.[31] In contrast, Chapters Two and Five have shown that by the mid-1590s, Whitgift's ascendant position alongside the less antagonistic Cecil, signalled that the political conditions which had produced one strain of the protestant dialectic of the 1570s and 1580s - in Lake's words 'a struggle between the narrowly defined clerical interest groups for the sympathy of the laity' - had been transformed.

Two new sources of tension between the secular and clerical leadership had arisen, however, to replace the earlier ascendence in ecclesiastical affairs of secular political patrons. The first was centred on the more confident assertion of episcopal authority - promulgated by church apologists such as Bancroft and John Bridges - which Burghley had rejected by September 1589. Although Whitgift privately endorsed such assertions, they went considerably further than the relativist position that he had advanced in print in the 1570s. Antagonism from Burghley, it might be

thought, would not significantly have concerned those writers who were finally led to espouse *jure divino* arguments but, as Lake has further pointed out, such apologists displayed a 'thoroughly ambivalent approach' to lay-clerical relations. This, he claims, arose from their need 'to convince a sullenly anti-prelatical if not anti-clerical ruling class of the need for swift and harsh action against presbyterians'. Yet, as this study has shown, by the time that Bilson, Bancroft, Sutcliffe and Saravia were presenting such ideas in print during 1590-1593, Burghley was the only major politician left to be persuaded, and his influence over the fate of the presbyterians was tenuous;[32] more plausible as an explanation for lay-clerical antagonism is Lake's suggestion that such writers were really criticising the continuing spoliation of the wealth of the church by Burghley, Cecil and the Queen.[33]

The second new tension in the 1590s between the clerical and secular leadership centred on the wisdom of attempting to establish firm definitions in theology and doctrine. In this sphere, however, it was Whitgift who found himself on the defensive, as a result of his decision in 1595 to intervene decisively in the disputes then raging in Cambridge over predestination. In November, with the assistance of Richard Fletcher and Matthew Hutton, he authorised the publication of the Lambeth Articles, which detailed the conditions under which the elect and reprobate are predestined; moreover, Whitgift specifically commended the articles as 'sound doctrine and uniformly professed in the Church of England and agreeable to the Articles of Religion established by authority'.[34]

The response of Burghley and Cecil to the Lambeth Articles was, perhaps, the sole occasion on which they were united in public criticism of Whitgift. In a manoeuvre very reminiscent of the way in which Burghley persuaded Elizabeth to prohibit Whitgift's use of subscription articles in March 1591,[35] Burghley moved to block the Lambeth Articles, and he was almost certainly responsible for passing a copy of them to the Queen - a copy that had been shown to him by the supralapsarian Calvinist William Whitaker, who had prepared the articles in draft. This resulted in Cecil informing Whitgift in early December 1595 that the Queen ordered suspension of the Articles, 'predestination being a matter tender and dangerous to weak ignorant minds'. Elizabeth apparently consented to Burghley's argument that, in preparing the articles, Whitgift had overstepped the undertaking given to Henry VIII in the submission of the clergy not to call synods or councils without royal permission and, in an account of the episode written thirty years later, Cecil's letter was said to have been followed by an interview in which the Queen 'shrewdly strent and rebuked Whitgift'.[36] Neither Elizabeth, Burghley nor Cecil seem to have been happy with the prospect of a public definition of a doctrine that had previously been implicit and intangible. Burghley went so far as to state that, although the finer points of theological argument about predestination 'were too high mysteries for his understanding', he nevertheless considered the articles to be potentially destabilising, as they 'charged God of cruelty and might cause men to be desperate in their wickedness'.[37]

This episode - in which the Queen sided with her lay councillors' concerns about the political ramifications of officially endorsing Calvinism - leads to a consideration of the role of theology more generally in the religious policies of Whitgift and the Cecils. Whitgift's position was essentially one of uneasy compromise. In particular, his was a relativist position which argued for distinction between 'those chief points of heavenly wisdom which bring salvation' and 'other things' .. 'necessarily required in such as take upon them the government of others'. Yet, because Whitgift never moved publicly either to a *jure divino* or a proto-Arminian position after 1590, he remained stuck, theologically, in what Peter Lake has described as 'the conceptual difficulties inherent in reconciling evangelical Calvinist values with the defence of the status quo' - essentially a *cul-de-sac* for the 'conformists' who dominated Church of England thinking in the sixteen years after 1574.[38]

Whitgift's reluctance to move in a more authoritarian theological direction is interesting and may suggest a recognition that, whilst it suited the Queen to harass protestant non-conformists through a strong episcopacy, she nevertheless sympathised with Burghley's suspicions of theological claims for clerical authority. Paradoxically, this left Burghley free to challenge other aspects of doctrinal orthodoxy. For example, the hopes of the more extreme Cambridge Calvinists that they could enlist Burghley's support for the Lambeth Articles had clearly proved misplaced.[39] Moreover, Burghley's comment that he found the articles incomprehensible suggests a false modesty; for

although he rarely took a close interest in theology, Hutton's testimony from 1589 indicates that Burghley could dispute theological questions fluently and, in 1594, he was to be found returning to an investigation of theological questions - predestination and the place of godly princes in the establishment of true religion.[40]

Furthermore, whilst there is considerable evidence that Burghley and Cecil shared a common personal piety and devout protestant faith,[41] this does not seem to have been grounded in the credal Calvinism conventional in late sixteenth-century England.[42] From December 1595 to March 1596 Burghley lent consistent support to Peter Baro, the Calvinists' main opponent in Cambridge, observing that, in his view, Baro had been persecuted for 'holding the truth'. Burghley's death, in 1598, came too soon, however, for his unease with credal Calvinism to be channelled toward emergent issues of church government which were beginning to rival its dominant orthodoxy - issues such as the visibility and continuity of the church, or the role and nature of 'worship'.[43] Cecil, on the other hand, was responsive to this theological change; whilst, in 1595, he seems to have followed Burghley's rejection of unconditional predestination on the grounds of its potential for political instability,[44] from around 1606 the expression of Cecil's personal protestantism began to display an increasingly 'complex position in which his doctrinal and aesthetic sensibilities were moving in the direction later identified with Laudianism'.[45]

Lay-clerical tension of a new kind and the theological challenge to dominant Calvinism seem, in this decade, to have signified the beginnings of a gear-change in the religious politics of the later Reformation period in England. Notwithstanding this, the specific and competing religious policies pursued by Burghley, Cecil and Whitgift in the 1590s were held in a tension of their own, displaying contrastingly rigid and flexible elements. Of a rigid, reactionary sort may be counted both the policy of the Cecils which perpetuated the continuing diversion of ecclesiastical revenues to secular patrons *via* the crown, and the theory of church government which informed Whitgift's policies.

In contrast, Burghley's stout defence of Peter Baro in 1595-96 marked him out as a leading critic of credal Calvinism.[46] The significance of this position, however, was that, although Burghley seemed aligned with some of the directions beginning to be sketched out by proto-Arminians, the lay defence of episcopal church government which he fashioned owed nothing to the *jure divino* line of argument but was, instead, backward-looking and Bucerian in inspiration. Nevertheless, when coupled to his political *credo* of expediency and ordered government, Burghley was readily able, in 1589, to adopt Hammond's prescription that episcopacy derived its authority from civil law. Moreover, by following this route, Burghley created a secular *rationale* of church government which was potentially more flexible in operation than Whitgift's, allowing him simultaneously to criticise the bishops, to act the puritan patron *and* to resist presbyterianism. Whitgift, meanwhile, was discomforted by the

political implications of the credal Calvinism he avowed. It was a tension which, in Peter Lake's words, emptied much of his vision of the role of the visible church of its 'positive religious significance'[47] and led him to the uncomfortable position of simultaneously promoting the Lambeth Articles whilst sharing Burghley's view that predestination through unconditional election was politically destabilising.[48]

Despite his apparent advantage, however, Burghley found it increasingly difficult during the 1590s to exploit the potential of the secular, 'Erastian', yet reforming ecclesiology he had developed: his was the sole surviving puritan patronage network on the grand scale; the Queen had swung behind Whitgift's distrust of puritanism; and Burghley's antagonism toward those in episcopal office - now politically more of a hindrance than an asset - had helped to marginalize his influence over the selection of new bishops.

Moreover, despite his 'godly' upbringing, there is no evidence to suggest that Cecil sought to emulate important aspects of the model of ecclesiology that Burghley espoused.[49] Instead, the kind of flexible religious policy which Cecil attempted to develop was primarily informed by the political climate of the day: his lack of overt sympathy toward moderate puritans before 1601, for example, and the comparative flexibility of his dealings with catholic clergy - a policy developed within months of Burghley's death in August 1598.[50] Furthermore, Cecil's religious outlook seems temperamentally to have been closer to that of Whitgift than Burghley. Both Pauline Croft and Peter Lake have described the doctrinal

outlook of Cecil and Whitgift in similar terms - as 'austere' and 'fatalistic' - and this may provide a key to understanding the close *rapport* in religious policy that developed between them from the autumn of 1594.[51] Certainly, their co-operation from this time signalled the passing of a decade of unprecedented tension between leading lay councillors and the senior archbishop of the established church. In addition, it signalled the eclipse - at the highest political level - of that model of church-state relations, based upon a reforming, prophetic tradition, which first flourished in the reign of Edward VI, which had owed much to the Cambridge residency, during 1549-51, of the Strasburg reformer Martin Bucer, and which remained a political force until Burghley's retirement from puritan patronage at the beginning of 1596.[52]

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CHAPTER ONE

1. P. Clark, *English Provincial Society from the Reformation to the Revolution* (London, 1977); *The European Crisis of the 1590s*, edited by P. Clark (London, 1985); E.P. Cheyney, *A History of England from the Defeat of the Armada to the Death of Elizabeth*, 2 vols (London, 1914-26); W. MacCaffrey, *Elizabeth I: War and Politics, 1588-1603* (New Jersey, 1992). In foreign affairs, the standard account to 1595 is now R.B. Wernham, *After the Armada: Elizabethan England and the Struggle for Western Europe, 1585-1595* (Oxford, 1984).

2. M.A.R. Graves, *The Tudor Parliaments: Crown, Lords and Commons, 1485-1603* (London, 1985), p. 8.

3. 'The next decade should see some dramatic advances in Tudor historical scholarship ... most in need of revision is the central political narrative', S. Adams' review article 'England Under the Tudors', *HJ*, 33, no. 3 (1990), 677-81 (p. 677).

4. Political biography for the period remains underdeveloped. For Hatton, see E.St.J. Brooks, *Sir Christopher Hatton* (London, 1948) - now very dated. For Essex, see P. Hammer, '"The Bright Shininge Sparke": The Political Career of Robert Devereux, 2nd Earl of Essex', (unpublished Ph.D. thesis, University of Cambridge, 1991). For Whitgift, see P.M. Dawley, *John Whitgift and the English Reformation* (London, 1955) - now very dated, with no consideration of Whitgift's relationship with Burghley. For a good discussion of Whitgift's political and theological thinking in the 1570s see P. Lake, *Anglicans and Puritans?: Presbyterian and Non-Conformist Thought from Whitgift to Hooker* (London, 1988), pp. 13-66. For Cecil, see references in the bibliography to an important series of articles by Pauline Croft. For a note on works about Burghley, see below n. 5.

5. C. Read, *Mr Secretary Cecil and Queen Elizabeth* (London, 1955), p. 10. This work and Read's *Lord Burghley and Queen Elizabeth* (London, 1960) form a massive narrative biography which is consistently reliable in its wide use of sources, if now dated in some of its interpretations, such as the extent to which faction dominated the Elizabethan political scene. B.W. Beckinsale, *Burghley* (London, 1967) has useful material on Burghley's personality, and A.G.R. Smith, *William Cecil, Lord Burghley: Minister of Elizabeth I* (Bangor, 1991) is a short up-to-date assessment. Coverage of the 1590s is the least satisfactory aspect of Read's second volume, see R.B. Wernham's review in *EHR*, 76 (1961), 502-03.

6. In the three main archives - the Lansdowne MSS, the Salisbury MSS and the State Papers (domestic) - the rate is approximately thirty-three incoming papers on religious matters for every dispatch or memorandum from the Cecils during 1589-98. Of approximately 2260 relevant

documents in the three collections, forty-six are written by Burghley and twenty-one by Cecil.

7. See G.R. Elton's *The Parliament of England, 1559-1581* (Cambridge, 1986); P. Collinson's review of Elton's *Parliament*, *JEH*, 42, no. 3 (1991), 490; P. Collinson, 'Puritans, Men of Business and Elizabethan Parliaments', *PH*, 7, part 2 (1988), 187-211; J. Hurstfield's review of Read's *Burghley*, *History*, 47 (1962), 23; Graves, *Tudor Parliaments*, pp. 117-51 for the very prominent role ascribed to Burghley in parliamentary management. For a more cautionary view, see Adams' 'England under the Tudors', p. 678.

8. *The Note Book of John Penry*, edited by A. Peel, Camden Society, third series, no. 67 (London, 1944), p. xxii; J.E. Neale, *Elizabeth I and her Parliaments, 1584-1601* (London, 1958), pp. 242, 288; P. Collinson, *The Elizabethan Puritan Movement* (London, 1967), p. 271; P. Lake, *Moderate Puritans and the Elizabethan Church* (Cambridge, 1982), pp. 228-29.

9. Read, *Burghley*, p. 409.

10. See, for example, the elevation of Toby Matthew to the bishopric of Durham, discussed in Chapter Five.

11. Hurstfield, *Freedom, Corruption and Government in Elizabethan England* (London, 1973), *passim*.

12. P. Collinson, 'Towards a Broader Understanding of the Early Dissenting Tradition', in *The Dissenting Tradition: Essays for L.H. Carlson*, edited by C.R. Cole and M.E. Moody (Athens, Ohio, 1973) pp. 3-38 (pp. 3,11); D. MacCulloch, *The Later Reformation in England, 1547-1603* (London, 1990), p. 65; Lake, *Anglicans and Puritans?*, p. 92; C. Russell, *The Causes of the English Civil War* (Oxford, 1990), pp. 36, 103; N.R.N. Tyacke, *Anti-Calvinists: The Rise of English Arminianism* (Oxford, 1990), pp. 4, 27, 87-88; P. Collinson, *Godly People: Essays on English Protestantism and Puritanism* (London, 1983), pp. 379-80. For a different perspective see L. Stone, 'The Revival of Narrative: Reflections on a New Old History', *P&P*, no. 85 (1979), 3-24; a response is G.R. Elton's review of L. Stone's *Past and Present Revisited* (London, 1979), *HJ*, 31, no. 3 (1988), 761-64.

13. Hurstfield, *Freedom*, p. 91.

14. See Elizabeth to Lord Willoughby, 21 March 1601, printed in *The Letters of Elizabeth I*, edited by G.B. Harrison (Westport, Conn., 1968), pp. 284-86; Burghley to Cecil, 10 July 1598, printed in T. Wright, *Queen Elizabeth and her Times*, 2 vols (London, 1838), p. 488; M.A.S. Hume, *The Great Lord Burghley* (New York, 1898), p. 496; [T. Phellippes to T. Besner], *Cal. SP Dom., 1591-94*, 38 [238/157]; Essex to Sir W. Knollys, printed in T. Birch, *Memoirs of the Reign of Queen Elizabeth*, 2 vols (London, 1754), II, p. 390; *The Elizabethan Journals*, edited by G.B. Harrison, vol. III (London, 1938), pp. 324-25.

15. J.E. Neale, *Queen Elizabeth I* (London, 1934), pp. 354-55; Neale, *Parliaments, 1584-1601*, p. 432 and, particularly, J.E. Neale, *Essays in Elizabethan History* (London, 1958), pp. 59-84. A. Esher, *The Aspiring Mind of the Elizabethan Younger Generation* (Durham, N. Carolina, 1965), pp. 227-41. It is still possible to encounter this interpretation. See, for example, J. Guy, *Tudor England* (Oxford, 1988), p. 437 and Clark (ed.), *The European Crisis*, pp. 15-16, 23, 309.

16. J. Hurstfield, *The Queen's Wards* (London, 1958); Hurstfield, *Freedom,* pp. 177, 188. For an analysis which depicts Burghley as the dominant manager of all official parliamentary business from 1559-97, see Graves, *Tudor Parliaments*, pp. 115-53.

17. S. Adams, 'Eliza Enthroned? The Court and its Politics', in *The Reign of Elizabeth I*, edited by C. Haigh (London, 1984), pp. 55-77 (p. 63). For the full catalogue of an 'extraordinary succession' of Privy Council deaths, see R.B. Outhwaite, 'Dearth, the English Crown and the Crisis of the 1590s', in *The European Crisis of the 1590s*, edited by P. Clark (London, 1985), pp. 23-43 (p. 24), and P. Williams, *The Tudor Regime* (Oxford, 1979).

CHAPTER TWO

1. Terminology adopted in this thesis is as follows: 'protestant non-conformists' - all those whose loyalty to the order of the established church came under suspicion by the authorities; 'moderate puritans' - those who identified with the example of Thomas Cartwright; 'radical puritans' and 'separatists' - those who formally broke away from the established church and organised their own congregations; 'Martinists' - those associated with production of the Marprelate tracts.

2. P. Collinson, *The Elizabethan Puritan Movement*, (London, 1967), pp. 386-87.

3. T. Digges, *Humble motives for Association to maintaine Religion established* (1601), pp. 24-25; see Collinson, *EPM*, pp. 387-88.

4. See, for example, Collinson, *EPM*, pp. 387, 428; J.E. Neale, *Elizabeth I and her Parliaments, 1584-1601* (London, 1958), pp. 288, 291, 297. Collinson does not find Burghley a sympathetic figure, see P. Collinson, *Godly People: Essays on English Protestantism and Puritanism* (London, 1983), p. 304 where he discusses the 'kind of pained and self-righteous [attitude] which was characteristic of the sixteenth century and of Cecil especially'.

5. Collinson, *Godly People*, pp. 403-16; L.H. Carlson, *Martin Marprelate, Gentleman: Master Job Throckmorton Laid Open in his Colors* (San Marino, Calif., 1981), pp. 31-52, 75-91.

6. Burghley and Hatton to Whitgift, 14 Nov. 1588, British Library, Lansdowne MS 103, fol. 102; the proclamation is printed in *Tudor Royal Proclamations*, edited by P.L. Hughes and J.F. Larkin, 3 vols (London, 1964-69),III, 34-35. For Knollys, see below, pp. 22-25.

7. Burghley and Hatton to Whitgift, 14 Nov. 1588, BL, Lansd. MS 103, fol. 102.

8. Whitgift to Burghley, Canterbury, 24 Aug. 1589, BL, Lansd. MS 61, fol. 5; Cartwright to Burghley, quoted [without date or reference] in A.F. Scott Pearson, *Thomas Cartwright and Elizabethan Puritanism, 1535-1603* (Cambridge, 1925), p. 451.

9. Whitgift and five commissioners to Thomas Neville, Vice-Chancellor of Cambridge University, 19 Jan. 1589, in H.C. Porter, *Reformation and Reaction in Tudor Cambridge* (Cambridge, 1958), pp. 157-58; Burghley to Neville, Westminster, 27 Mar. 1589, copies in British Library, Sloane MS 3,562, fols 9^{v}-11^{v}; Public Record Office, State Papers, Domestic, Elizabeth I (hereafter SP 12), 223, fols 64^{r-v} and Cambridge University Library, Baker MS M.m.I 41, pp. 322-24. For a discussion of the case from the point of view of the 'puritan in office' see P. Lake,

'The Dilemma of the Establishment Puritan: The Cambridge Heads and the Case of Francis Johnson and Cuthbert Bainbrigg', *JEH*, 29, no. 1 (1978), 23-35.

10. Bainbrigg and Johnson's defence to Neville and his assistants, 12 Mar. 1589, BL, Lansd. MS 61, fol. 31; Burghley to Neville, Westminster, 27 March 1589, BL, Sloane MS 3,562, fol. 10^{r}; Vice chancellor and some heads of houses to Burghley, Cambridge, 23 April and 4 May 1589, BL, Lansd. MS 61, fols 11, 36.

11. See A. Peel, *Tracts Ascribed to Richard Bancroft* (Cambridge, 1953), p. xix.

12. Gilbert, Lord Talbot, to Earl of Shrewsbury, 3 Mar. 1589, Historical Manuscripts Commission, *Reports on the Manuscripts of the Marquess of Bath, at Longleat*, various editors, 5 vols (London, 1904-80), V, p. 100; Neale, *Parliaments, 1584-1601*, p. 199, from Lambeth Palace Library, MS 178, fols 75-81; Burghley's notes on the Commons' bill against pluralities, BL, Lansd. MS 104, fol. 5; notes of his own speech in the Lords, Inner Temple Library, Petyt MS 538, vol. 52, fols 32^{v}-36. See C. Read, *Lord Burghley and Queen Elizabeth* (London, 1960), p. 444.

13. Report of the Lords' debate, 13 March 1589, BL, Lansd. MS 396, fol. 60. Neale believes that a subsequent puritan speech from Arthur Lord Grey of Wilton suggests that Whitgift had announced the Queen's intention to refer the matter to a conference with the bishops, thus killing the bill. If this was the case then Burghley's further interjection on behalf of Lord Grey and against the bishops is a clear sign that on this issue he was isolated from the Queen and was unable to disturb the confidence she vested in Whitgift. Report of the Lords' debate, Neale, *Parliaments, 1584-1601*, pp. 227-28, from ITL, Petyt MS 538, vol. 52, fols 32-33^{v} and BL, Lansd. MS. 396, fols 59-66. Whitgift's reasons against the pluralities bill, British Library, Cotton MSS, Cleopatra F II, fol. 246 and *Calendar of State Papers of the Reign of Elizabeth, 1581-90*, edited by R. Lemon, Public Record Office (London, 1865), p. 583 [12/223/14] and BL, Lansd. MS 68, fol. 92.

14. Collinson, *EPM*, p. 270; Burghley to Neville, 27 March, 1589, *Cal. SP Dom., 1581-90*, p. 585 [12/233/31].

15. Evidence from 1591 suggests that Burghley's sympathy with Bainbrigg and Johnson's legal defence had not escaped the notice of Robert Beale, clerk to the Privy Council and puritan lawyer, see below, n. 72.

16. Account of the censure of a Cambridge preacher, BL, Lansd. MS 61, fol. 58; Vice-Chancellor of Cambridge University and some heads of houses to Burghley, Cambridge, 4 May 1589, BL, Lansd. MS. 61, fol. 36.

17. Bainbrigg and Johnson to Burghley, from the Tollbooth, Cambridge, 22 May 1589, BL, Lansd. MS 61, fol. 40; see

Porter, *Reformation and Reaction*, p. 160; sixty-eight scholars of Cambridge to Burghley, Dec. 1589, BL, Lansd. MS 61, fol. 56; Bainbrigg had by this time retracted his sermon and was a signatory. Bainbrigg had recanted on 14 December; later in the month Johnson was expelled from the university with Burghley's agreement, see Burghley's notes on Johnson's appeal, BL, Lansd. MS 61, fol. 57^{v} and Lake, 'Dilemma', pp. 23-35.

18. Lake, 'Dilemma', p. 28; Burghley's draft for Hatton's opening speech to parliament, [before 4 Feb. 1589], BL, Lansd. MS 104, fols 62-63; for the relevant portion of Hatton's speech, see Carlson, *Martin*, pp. 58-59. For the evidence about Robert Soame, see *The Writings of Henry Barrow, 1587-1590*, edited by L.H. Carlson, Elizabethan Nonconformist Texts, vol. III (London, 1962) (hereafter Carlson, *ENT III*), pp. 152-53. Barrow's fourth examination, at which Burghley was present, on 18 March 1589 is reprinted from British Library, Harley MS 6,848, fols 14^{r}-18^{r} in Carlson, *ENT III*, pp. 178-89.

19. C. Paget to T. Barnes, May 1589, *Calendar of State Papers of the Reigns of Elizabeth and James I, Domestic Series, Addenda, 1580-1625*, p. 270 [15/31/27]; Walsingham's proposals for London 'Exercises', ?April 1589, PRO, SP 12/223/112.

20. The interview with Barrow, a month after Bancroft's sermon, is the only recorded instance of Burghley's direct involvement with separatists before his attempt to reprieve their leaders in 1593, see below, Chapter 3. A raid by the officers of John Aylmer, the bishop of London, in October 1587 had secured the arrest of twenty-two adherents at a conventicle in London, including the leading figure of John Greenwood. Barrow, a second leader, was arrested six weeks later when visiting Greenwood in the Clink. See *The Writings of John Greenwood, 1587-1590*, edited by L.H. Carlson, Elizabethan Nonconformist Texts, vol. IV (London, 1962) (hereafter Carlson, *ENT IV*), pp. 305-06.

21. The account of Barrow's fourth examination, 18 Mar. 1589, is printed from BL, Harl. MS 6,848, fols 14^{r}-18^{r} and from *The Examinations of Henry Barrowe John Greenwood and John Penrie* [Dort?, 1593-96] in Carlson, *ENT III*, pp. 178-89. For dating, see *ibid.*, pp. 173-77. The examination centred around the relationship of separatism to the law, a theme of direct concern to Burghley. Other examiners included Whitgift, Hatton and Buckhurst, and it seems that the Privy Council had been stung into action on account of a petition which a bold separatist had managed to thrust into the Queen's hand five days before, see Carlson, *ENT IV*, p. 278.

22. Carlson, *ENT IV*, pp. 188, 179.

23. The Act specifically encompassed those who upheld the 'pretended authority of the See of Rome', *Statutes of the Realm*, edited by A. Luders, T.E. Tomlins and J. Raithby *et al.*, 11 vols (London, 1810-28), IV, part 1, p. 657.

24. Carlson, *ENT III*, pp. 179, 181, 183. Barrow says that when directly challenged about the use of the anti-catholic law of 1581 against them, Burghley lamely replied that such actions 'might be upon such occasions be done by law', *ibid.*, p. 185.

25. W.D.J. Cargill Thompson, 'Sir Francis Knollys' Campaign Against the *Jure Divino* Theory of Episcopacy', in *The Dissenting Tradition: Essays for L.H. Carlson*, edited by C.R. Cole and M.E. Moody (Athens, Ohio, 1975), pp. 39-77, especially, pp. 46-53; Knollys to Walsingham, 20 March 1589, PRO SP 12/223/23; Knollys to Walsingham and Burghley, 30 Aug. 1589, BL, Harl. MS 6,994, fol. 197; Knollys to Burghley, 24 May 1589, Historical Manuscripts Commission, *Calendar of the Manuscripts of the Marquis of Salisbury, at Hatfield House*, various editors, 24 vols (London, 1885[?]-1976), III, p. 412 [166/133]; Read, *Burghley*, p. 448. Knollys explained to Burghley in the summer of 1589 that his arguments were not on behalf of the puritans. The Queen had prohibited him from supporting them in 1584 'synce the which tyme I have delte no more withe matters of Religion then dothe appertayne to her Ma[jesty's] supreme governement the wyche maye best be called matter of her Ma[jesty's] pollicie, and not matter of Relygyon', Knollys to Burghley, 4 Aug. 1589, BL, Lands. MS 61, fol. 151.

26. Knollys to Burghley, 24 May 1589, HMC, *Salis.*, III, p. 412 [166/133]; Archdeacon of Oxford's articles, BL, Lansd. MS 61, fol. 83, enclosed in Knollys to Burghley, Oxford, 5 July 1589, BL, Lansd. MS 61, fol. 138.

27. Burghley's words as reported by Knollys, in Knollys to Burghley, 4 Aug. 1589 and 18 Sept. 1589, BL, Lansd. MS 61, fols 151, 174; Hammond to Knollys 4 Nov. 1589, HMC, *Salis.*, III, p. 370 [166/65-66].

28. Hutton to Whitgift, York, 10 Oct. 1589, ITL, Petyt MS 538, vol. 38, fols 325-36, printed in J. Strype, *The Life and Acts of John Whitgift*, 3 vols (Oxford, 1822), III, pp. 224-28; Collinson, *EPM*, p. 497, n. 32. For Hutton's position on episcopacy as displayed in the conference with Burghley and Walsingham, see P. Lake, 'Matthew Hutton: A Puritan Bishop?', *History*, 64 (1979), 182-204 (pp. 196-97). The evidence points to a more active interest by Burghley in the dispute than is allowed by Thompson, who concludes that Burghley 'probably regarded [the issue] as of no great importance'. Thompson also fails to mention Hutton's testimony to Burghley's animated disputations, see Thompson, 'Knollys' Campaign', pp. 55, 57-58.

29. Reynolds to Whitgift, Oxford, 19 Sept. 1589, BL, Lansd. MS 61, fol. 78, copy in BL, Sloane MS 271, fol. 41^{v} but misdated 1590. For the comparative severity of Burghley's policy towards recusants since 1577, see Chapter Four, and for contemporary appeals that he support the promotion of moderate puritanism as an antidote to the catholic anti-Christ, see P. Lake, 'The

Significance of the Elizabethan Identification of the Pope as Anti-Christ', *JEH*, 31, no. 7 (1990), 161-78 (pp. 170,173).

30. For the Queen's support of Whitgift against Burghley, see, for example, their audience at Somerset Place, 27 Feb. 1585, *Cal. SP Dom., 1581-90*, p. 229 [12/176/68].

31. Carlson, *Martin*, pp. 38-39; Whitgift to Burghley, Canterbury, 24 Aug. 1589, BL, Lansd. MS 61, fol. 5; Burghley's notes and the 'Summary of the Information', BL, Lansd. MS 61, fols 68^{r}-69^{v}. Burghley endorsed the document '21.7.1589' but September is evidently the correct date, see Carlson, *Martin*, p. 40. *More Worke for Cooper* was never published.

32. Sharpe's testimony, BL, Lansd. MS 830, fols 114-18 and Carlson, *Martin*, pp. 41-43; *Acts of the Privy Council, 1542-1604*, edited by J.R. Dasent, 23 vols, new series (London, 1890-1907), XVIII, pp. 225, 227 and Carlson, *Martin*, p. 44.

33. Read, *Burghley*, pp. 440, 448-49, 455, 460; *APC*, XVIII, pp. 214-16 and Carlson, *Martin*, pp. 72-74.

34. Carlson, *Martin*, pp. 31-52; Collinson, *EPM*, pp. 403-05, 408-09.

35. A brief outline of the case against the thirteen was drawn up by Puckering and is in BL, Harl. MS 7,042, fols 1-11, see Carlson, *Martin*, p. 50 and pp. 75-78, 81.

36. The climax of this endeavour was personal letters from Elizabeth and James, see Elizabeth to James, 6 July 1590, printed in *Letters of Queen Elizabeth and King James*, edited by J. Bruce, Camden Society, old series, no. 46 (1849), pp. 40-41. Carlson summarises Penry's movements and the documentary evidence for these in *Martin*, pp. 85-88, 368 n. 20 and in *The Writings of John Greenwood and Henry Barrow, 1591-1593*, edited by L.H. Carlson, Elizabethan Nonconformist Texts, vol. VI (London, 1970) (hereafter Carlson, *ENT VI*), pp. 91-93, 297-98 nn. 3-4, 314 n. 1, 343 n. 2. See also D.H. Willson, *King James VI and I* (London, 1956), p. 109.

37. Burghley's note on Penry, Public Record Office, State Papers, Scottish (hereafter SP 52), 52/46/64; see also Carlson, *Martin*, pp. 86, 368 n. 20 and below, Chapter Three, n. 95 for the dating of the arrest warrent.

38. James was intent at this time in creating better relations with his own presbyterian church. That Waldegrave was out of the reach of the English authorities became apparent during 1592-94, as the king endeavoured to persuade Burghley and Elizabeth to grant Waldegrave a pardon. Carlson, *Martin*, pp. 88-89, 369 n. 24; O. Chadwick, 'Richard Bancroft's Submission', *JEH*, 3 (1952), 58-73 (p. 61).

39. See Collinson, *EPM*, pp. 403-04, 408.

40. Cartwright to Puckering, 20 May 1590, printed in J. Strype, *Annals of the Reformation*, 4 vols (Oxford, 1820-24), IV, p. 27; Cartwright to Burghley, London, 23 June 1590, BL, Lansd. MS 64, fol. 49; Collinson, *EPM*, p. 409.

41. Burghley's 'Summary of the Information', 21 Sept. 1589, BL, Lansd. MS 61, fols 68^{r}-69^{v}.

42. The document is the brief of the case to be presented against the nine ministers in the Star Chamber [?drawn up by Bancroft and Cosin], BL, Lansd. MS 120, fols 70^{r}-78^{v}, see dorse, fol. 78^{v}.

43. J. Harington, *A Briefe View of the State of the Church of England* (London, 1653), p. 13; Burghley's endorsement of BL, Lansd. MS 120, fol. 42^{r}. Burghley's brief for the trial is another version prepared for the Star Chamber and is dated 3 Feb. [1591]. In the parliament of 1593 'seditious sectaries' were formally defined as separatists and those refusing to attend church services, see below, Chapter Three.

44. There appear to have been at least forty-five letters. In the seven that survive there is no conclusive evidence that they were genuinely intercepted. For Burghley's analysis of the plotter's letters see HMC, *Salis.*, IV, p. 48 [162/142-43]. Seven of the original letters dated between 8 April and 13 June 1590 are in BL, Lansd. MS 64, fols 69-82^{v}. In January 1592 Cartwright complained to Burghley that it was being put about that he was involved in a new 'plot', this time to excommunicate the Queen: Cartwright to Burghley, The Fleet, 15 Jan 1592, BL, Lansd. MS 69, fol. 93.

45. Pearson, *Cartwright*, p. 38; Collinson, *Grindal*, pp. 181-82.

46. Collinson, *EPM,* p. 295.

47. Collinson, *Grindal*, p. 182; points for the reform of exercises n.d. [?1589-90], BL, Lansd. MS 109, fols 3-5.

48. Whitgift to Burghley, Lambeth, 17 July 1590, BL, Lansd. MS 63, fol. 203; Burghley to Whitgift, 21 April 1590, BL, Lansd. MS 103, fol. 191, printed in Strype, *Whitgift*, III, p. 35. A fortnight before the Kendal case Burghley had similarly defended a moderate puritan, a fellow of Corpus Christi College, Oxford, named Buccock who was threatened with expulsion for comments made in a sermon about the college visitor, the Bishop of Lincoln. On this occasion Whitgift agreed that the punishment exceeded the crime. See Burghley to Dr. Cole, President of Corpus Christi, Oxford, 12 April 1590, BL, Lansd. MS 103, fol. 189.

49. Cartwright to Burghley and Hicks, 5 Aug. 1590, BL, Lansd. MS 64, fols 57, 59; Pearson, *Cartwright*, pp. 202-04; Cartwright to Burghley, 4 Oct. 1590, BL, Lansd. MS 64,

fol. 63; Burghley to Whitgift, Westminster, 14 Oct 1590, BL, Lansd. MS 103, fol. 206.

50. BL, Lansd. MS 109, fol. 5 and MS 120, fol. 42^{r}; Burghley's memorials of public business, 9 April 1590 and [? April 1590], PRO, SP 12/231, fols 161^{r}, 225^{r}. The latter, undated, memorandum is that quoted; it appears to be a fair copy - in a didactic style possibly for Cecil's instruction - of the hurried notes of 9 April. These called for action 'ag[ainst] y^{e} turbulent sects of purita[n]s'.

51. The four appeals are: Christopher Bowman to Burghley, Woodstreet Counter, March 1590, BL, Lansd. MS 109, fol. 23; petition of 59 separatists to Burghley, various prisons, c. April 1590, BL, Lansd. MS 109, fol. 42; Barrow and Greenwood to Burghley, The Fleet, 13 and 18 Sept. 1590, Hatfield House Library, Salisbury MS 167, fols 100^{v}-102^{r}. They are printed in Carlson, *ENT IV*, pp. 283-84, 285-88, 263-73.

52. By April 1590 at least eighty-two separatists had been arrested, see Carlson, *ENT IV*, pp. 287 n. 1, pp. 305-26. For the conferences with divines that were arranged by Aylmer, see Carlson, *ENT IV*, pp. 103-04; Barrow and Greenwood to Burghley, the Fleet, 18 Sept. 1590, HHL, Salis. MS 167, fol. 102^{r}.

53. Carlson, *Martin*, pp. 75-8, 81.

54. For papers on the Cawdry case during May 1590 - November 1591 see BL, Lansd. MS 64, fol. 41 and MS 68, fols 104, 106, 108, 117, 123, 125, 127, 129, 133. Cawdry seems to have been released in November or December 1591, see Cawdry to Burghley, 27 Nov. 1591, BL, Lansd. MS 68, fol. 132. For Hubbock, see Knollys to Burghley, 31 March 1590, BL, Lansd. MS 64, fol. 86; Knollys to Burghley, 29 March 1590, BL, Lands. MS 68, fol. 173, Collinson, *EPM*, p. 446. For Kendal and Buccock, see n. 48.

55. Collinson, *EPM*, pp. 409-11.

56. Chadwick, 'Bancroft's Submission', pp. 60-61.

57. See above, n. 38.

58. Collinson, *EPM*, p. 411.

59. Burghley to Whitgift, 14 Oct. 1590, BL, Lansd. MS 103, fol. 71, cited in *Cartwrightiana*, edited by A. Peel and L. Carlson, Elizabethan Nonconformist Texts, vol. I (London, 1951), p. 27; Cartwright to Burghley, The Fleet, 4 Nov. 1590, BL, Lansd. MS 64, fol. 67.

60. Knollys to Burghley, 9 Nov. and 4 Aug. 1590 and 9 Jan. 1591, BL, Lansd. MS 65, fol. 170 and MS 66, fol. 150. See Thompson, 'Knollys' Campaign', p. 55. Thompson is probably correct to suggest that Burghley, though basically in support of Knollys' argument, wished to avoid any further entanglement with Whitgift or the Queen

for the present; Thompson misunderstands, however, the degree of Burghley's involvement.

61. Cartwright to Burghley, 4 and 12 Oct. 1590, BL, Lansd. MS 64, fols 63, 65.

62. See Bancroft's submission, dated October 1590, and associated papers, all cited by Chadwick in 'Bancroft's Submission', pp. 60-70. In his submission Bancroft begged Burghley that the Queen not be informed of the 'matter' and it is clear that Burghley was in a position to administer a severe check to Bancroft's reputation and standing. That he did not suggests that he feared Elizabeth would not welcome such an intervention.

63. Cartwright to Burghley, The Fleet, 4 Nov. 1590 and 5 March 1591, BL, Lansd. MSS 64, fol. 67 and 66, fol. 118.

64. Collinson, *EPM,* p. 411; Vice-Chancellor and Heads of Cambridge colleges to Burghley, 20 Oct. 1590, BL, Lansd. MS 63, fol. 221; W. Whitaker to Burghley, 24 Oct. 1590, BL, Lansd. MS 63, fol. 225. See Collinson, *EPM*, p 401 and a detailed account in Porter, *Reformation and Reaction*, pp. 194-201. Porter thinks that the denials of Whitaker and the other fellows refer to a new conference in the autumn of 1590 rather than to the September 1589 conference revealed in the Star Chamber trial; Collinson, *EPM*, p. 401 and Lake, *Moderate Puritans*, pp. 192-97, disagree.

65. Draft of 'Articles for a general Acknowledgement of the Laws Ecclesiastical' [Feb. 1591], HMC, *Salis.*, IV, pp. 94-95, with notes by Beale [167/35]. Copies are in ITL, Petyt MS 538, vol. 38, fols 167^{v}-70; BL, Harl. MS 6849, fol. 169 [Puckering's copy]; British Library, Additional MS 48,064, fols 88^{r-v} [Beale's copy].

66. Burghley's revised draft of the articles (?now lost), dated 4 Feb. 1591, printed in Strype, *Whitgift*, III, pp. 59-60. Collinson, in *EPM*, pp. 408 and 499, n. 21 does not notice this amended version of the articles.

67. See, for example, Burghley to Whitgift, 17 July 1584, BL, Lansd. MS 360, fols 18-20 and Read, *Burghley*, pp. 119-20, 288. Richard Clarke and John Powell to Burghley, Christ's College Cambridge, 26 Oct. 1590, BL, Lansd. MS 63, fol. 227; Fellows of Christ's to Burghley, 19 Nov. 1590, BL, Lansd. MS 63, fol. 231.

68. The gloss on the articles, dated 2 Feb. 1591, is HHL, Salis. MS 167, fol. 34. It was almost certainly supplied by Beale - there is an identical copy among his papers, BL, Add. MS 48,064, fols 88^{r-v}. Burghley's revised draft, dated 4 Feb. 1591, printed in Strype, *Whitgift*, III, p. 59.

69. So says Strype, *Whitgift*, III, pp. 59-60. In the event, the visitation never took place, see Porter, *Reformation and Reaction*, p. 201.

70. R. Beale to Burghley, 17 March 1593, BL, Add. MS 48,064, fol. 110; ? to A. Bacon, 11 March 1591, BL, Add. MS 4,125, fol. 14. See also Collinson, *EPM*, pp. 408, 499, n. 21 and P. Collinson, 'The Puritan Classical Movement in the Reign of Elizabeth I' (unpublished Ph.D. thesis, University of London, 1957), pp. 1,045-47. Beale was recalling events of two years before but mistakenly referred to the articles having been applied 'about 4 or 5 yers past'.

71. [? T. Phelippes to T. Barnes], 22 March 1591, *Calendar of State Papers of the Reign of Elizabeth, Domestic Series, 1591-1594*, edited by M.A.E. Green, Public Record Office (London, 1867), p. 21 [12/238/82]. By 11 March Bacon's correspondent recorded that Burghley's opposition had caused the use of the articles to be suspended whilst Robert Beale confirms that the Queen prohibited their further use, ? to A. Bacon, 11 March 1591, BL, Add. MS 4,125, fol. 14; Beale to Burghley, 17 March, 1593, BL, Add. MS 48,064, fol. 110; Beale's notes on Burghley's copy of the articles, 2 Feb. 1591, HHL, Salis. MS 167, fol. 34.

72. R. Beale to Burghley, 17 March 1593, BL, Add. MS 48,064, fol. 110; Elizabeth probably accepted the arguments that the *jure divino* claim appeared to challenge the royal supremacy; nevertheless, having conceeded the point, she once more forbade Knollys to continue his campaign on the subject any further, see Knollys to Burghley, 14 May 1591, BL, Lansd. MS 68, fol. 190. Thompson erroneously believed that Burghley 'had no desire to be drawn into an open conflict with the archbishop on the issue, which in any case he probably regarded as of no great importance, 'Knollys Campaign', p.55.

73. Burghley told Whitgift: 'The canonists may maintain the proceedings by rules of their laws, but though *omnia licent* yet *omnia non expediunt* ... I have willed [the puritan ministers] not to answer these articles except their conscience may suffer them', Burghley to Whitgift, 1 July, 1584, BL, Lansd. MS 396, fol. 23. For the nine ministers' case against the oath, see Bodleian Library, Corpus Christi College MS. 294, pp. 381-405; BL, Add. MS 48,064, fols 180-81; Bodleian Library, Tanner MS 84, fols 25-31; LPL, MS 2004, fols 83-87. For the tactical use of the oath by the nine ministers, see Collinson, *EPM*, pp. 409-10.

74. Arguments of authors against the *ex-officio* oath [1590], HMC, *Salis.*, IV, p. 86 [138/233]; V. Skinner to Burghley, 14 March 1591, *Cal. SP Dom., 1591-94*, p. 18 [12/238/75]; arguments in favour of the oath forwarded by Beale to Burghley, [*c.* 1591], BL, Add. MS 48,064, fols 89^{r}-90^{v}. Burghley was also using the council of James Morice at this time, in connection with Cawdry's case. Collinson notes that by December 1590 the oath had become so unpopular with the common lawyers that Hatton had to issue a royal order restricting its routine use, Collinson, *EPM*, p. 409.

75. The latter point was the principal argument against the oath - that it required the defendant to answer truthfully questions of which he had no foreknowledge. For the legal significance of this issue, see R. Houlbrooke, 'The Decline of Ecclesiastical Jurisdiction under the Tudors', in *Continuity and Change: Personnel and Administration of the Church of England, 1500-1642*, edited by R. O'Day and F. Heal (Leicester, 1976), pp. 239-57 (pp. 250-51).

76. The degree to which, before February 1591, Burghley identified Hatton and Whitgift as being at one on the moderate puritan issue is unclear: Collinson records no evidence of a direct association of Hatton with the Ecclesiastical Commission action during April 1590 - May 1591, *EPM*, pp. 403-16.

77. For the Star Chamber Decision, see p. 52.

78. For Udall, see Carlson, *Martin*, pp. 88-89, 369, n. 24.

79. Carlson, *Martin*, pp. 49, 83-84. Udall's submission to Puckering is printed in Strype, *Annals*, III, p. 40.

80. Udall's forms of submission of 18 and 25 Nov. 1590, and 19 Feb. 1591, the latter composed during the Southwark trial, BL, Harl. MS 6,849, fols 134^{r}, 122^{r}, 128^{r}, printed in Strype, *Annals*, III, pp. 40, 32, 37; Udall to Puckering, White Lion prison, 1 and 7 Jan., 19 Feb. 1591, BL, Harl. MS 6,849, fols 124, (printed in Strype, *Annals*, III, p. 40), 126, 128; Puckering to Hatton, 21 Feb. 1591, BL, Harl. MS 6,849, fol. 171^{r-v}, printed in Strype, *Annals*, III, p. 35. Puckering's papers on the case are BL, Harl. MS 6,849, fols 122^{r}-76^{v}. From the correspondence it is clear that Bancroft was also closely involved.

81. Udall's articles against the judgement at Croydon, printed in Strype, *Annals*, III, pp. 29-32; Udall to Puckering 11 Nov. 1590, *ibid.*, p. 38; Puckering to Hatton, 21 Feb. 1591, *ibid.*, p. 35.

82. Draft of a letter by T. Phelippes 1 Aug. 1590, *Cal. SP, Dom. Add., 1580-1625*, p. 310 [15/31/154].

83. Udall to Burghley, White Lion prison, 2 Feb. 1592, BL, Lansd. MS 69, fol. 99; ? to A. Bacon, 11 March 1591, BL, Add. MS 4,125, fol. 14. See also [? T. Phelippes to T. Barnes], 22 March 1591, PRO, SP 12/238/82. Udall's prosecution had set the precedent for indictment under the 1581 *Act against Seditious Words and Rumours* with the result that Humphrey Newman, the main Martinist printer, and John Hodgskin, the chief distributor of the tracts, were charged with felony under the statute. Both were convicted and sentenced to death in the early spring of 1591, at the same time that Udall's sentence was confirmed. Carlson, *Martin*, pp. 85, 78, 80. Burghley went along with the verdicts of felony, probably because

he had anticipated the signed submissions which were to follow.

84. Collinson, *EPM*, p. 415.

85. Burghley's brief of the case: 'The Proceedings of certain undutiful ministers tending to innovation', 3 Feb. 1591, BL, Lansd. MS 120, fols 29-42^{v}; a paper considering the legal action to be taken against the nine ministers, [c. Feb. 1591] BL, Lansd. MS 120, fols 70-78^{v}; Puckering's notes on banishment as a precedent, BL, Lansd. MS 120, fol. 78^{r}, see Collinson, *EPM*, p. 418.

86. Note on the Star Chamber case [?by Knollys, ?spring 1592], BL, Lansd. MS 68, fol. 97; opinion of the judges, BL, Lansd. MS 119, fols 104-07; notes by Puckering, BL, Lansd. MS 120, fol. 78^{r}; see Collinson, *EPM*, pp. 417-18, 500, nn. 1-4.

87. Cartwright to Burghley, The Fleet, 5 March, 1591, BL, Lansd. MS 66, fol. 118; nine ministers to Burghley, c. April 1591, BL, Lansd. MS 72, fol. 142, enclosing a defence of the charges against them, addressed to the Queen, BL, Lansd. MS 72, fol. 137. Collinson notes, *EPM*, p. 415, that Beale also drew up petitions to the Queen on the ministers' behalf.

88. Collinson, *EPM*, pp. 415-16.

89. Knollys to Burghley, Greenwich, 14 May, 1591, BL, Lansd. MS 68, fol. 190; Whitgift to Burghley, Lambeth, 17 June, 1590, BL, Lansd. MS 63, fol. 203; Burghley to Whitgift, Westminster, 14 November 1590, BL, Lansd. MS 103, fol. 206. For evidence that this was the fundamental contention of the Star Chamber prosecution, see Collinson, *EPM*, pp. 420-21 and BL, Harl. MS 6849, fols 122^{r}-76^{v}.

90. Fuller was the nine ministers' legal counsel in the Star Chamber and Beale kept a legal commentary on the case. There is no clear evidence of Burghley dealing directly with Fuller although Collinson notes that he was 'much employed by the Privy Council', *EPM*, p. 419. Burghley's collaboration with Beale on puritan matters went back at least to 1584.

91. Privy Council to Whitgift, Theobalds, 16 May 1591, *APC*, XXI, p. 130; Hatton to Burghley, 17 May 1591, BL, Lansd. MS 68, fol. 10. In June 1590 Burghley had similarly attended a Council meeting at which, in Whitgift's absence, Udall's case had been reviewed. On that occasion Mrs. Udall had been given access to her husband, Privy Council to Whitgift, 17, June 1590, *APC*, XIX, p.224. Hatton's desire to prolong the Star Chamber case may indicate that the prosecution sought time to uncover the incriminating documentary evidence against the ministers which was circulating amongst puritans, see Collinson, *EPM*, p. 423.

92. 'Defects in the answer of Mr Cartwright and the rest', May 1591, HMC, *Salis.*, IV, p. 115 [168/23-4]; 'Ten Principle Points in the Bills of Complaint', 2 June 1591, BL, Lansd. MS 68, fol. 121.

93. Collinson, *EPM,* pp. 420, 424-26.

94. Robert Beale's notes 'Touchinge the proceedinge against the ministers' sent to Whitgift [?1591], BL, Add. MS 48,064, fols 134^{r}-43^{v} and 48,039, fols 78-86; [?] Knollys to Burghley [after Nov. 1591], BL, Lansd. MS 68, fol. 97.

95. James VI to Elizabeth, Edinburgh, 17 June, 1591, BL, Harl. MS 787, fol. 66^{v}.

96. James' letter was not in close sympathy with that which he received from Elizabeth on the same subject in July 1590, see above, n. 36 and Willson, *James VI and I*, p. 109.

97. [T. Phelippes to Saint Mains?], 19 July 1591, *Cal. SP Dom., 1591-94*, pp. 75-76 [12/239/93]. See Carlson, *Martin*, pp. 113-14 and Collinson, *EPM*, pp. 419-20, 424-25. Phelippes reporting only three days after the incident refers to the Coppinger correspondence implying that it was now in the hands of the authorities. See also, J. Bossy, 'Tumult in Cheapside: The Hacket Conspiracy' *Historical Magazine of the Protestant Episcopal Church*, 42, (1973), 293-317.

98. Privy Council to Egerton, 26 July 1591, *APC*, XXI, p. 325; [T. Phelippes to St Mains?], 19 July 1591, *Cal. SP Dom., 1591-94*, pp. 75-76 [12/239/93].

99. Collinson, *EPM*, p. 425. Burghley's solution to the problem of accomplishing the execution of Mary Queen of Scots whilst enabling Elizabeth to avoid willfully commanding it is discussed in Read, *Burghley*, pp. 362-70.

100. Cartwright to Lady Elizabeth Russell, The Fleet, 13 Aug. 1591, BL, Lansd. MS 68, fol. 131. Despite the tense atmosphere, both Richard Cosin and Bancroft attempted, through written polemic, to turn the Hacket affair to the advantage of the church authorities, P. Lake, *Anglicans and Puritans?: Presbyterian and NonConformist Thought from Whitgift to Hooker* (London, 1988), pp. 113, 142 n. 64.

101. E.St.J. Brooks, *Sir Christopher Hatton* (London, 1948), pp. 351, 353; Francis Holliock [Holyoake] to Mr Moone of Banbury, [21 Nov. 1591], LPL, MS 2,004, fol. 7, quoted in Collinson, *EPM*, p. 428; the nine ministers to Burghley 'in Sundrie prisons in and about the City', 4 Dec. 1591, BL, Lansd. MS 68, fol. 135; Roger Goade, William Whitaker, Edmund Harwell and Laurence Chaderton to Burghley, Cambridge, 27 Feb. 1592, BL, Lansd. MS 69, fol. 123.

102. The nine ministers to Knollys [?]Dec. 1591, BL, Lansd. MS 109, fol. 25; the nine ministers to Privy Council,

[before 4 Dec. 1591], BL, Lansd. MS 109, fol. 31; the nine ministers' submission to Whitgift and the Council, [Jan. 1592], Lambeth Palace Library, Carte Antique and Miscellanee, IV, no. 103.

103. Cartwright to Burghley, The Fleet, 15, 25 and 31 Jan. 1592, BL, Lansd. MS 69, fols 93, 95, 97.

104. Carlson, *Martin*, p. 85. The submission required of Newman survives in BL, Add. MS 48,064, fol. 146. It is similar to that refused by Udall at his trial in February 1591 and printed in Strype, *Annals*, III, p. 36. See also Collinson, *EPM*, p. 428 and Carlson, *Martin*, pp. 78-81.

105. Udall to Burghley, White Lion prison Southwark, 2 Feb. 1592, BL, Lansd. MS 69, fol. 99.

106. For the bailing of the leading recusants the previous September, see Chapter Four.

107. Udall to Burghley, White Lion prison, 2 Feb. 1592, BL, Lansd. MS 69, fol. 99; Udall to Raleigh, White Lion prison, 22 Feb. 1592, BL, Harl. MS 6,849, fol. 140^{r}, printed in Strype, *Whitgift*, III, pp. 100-01. Carlson, in *Martin*, p. 85, misdates this letter to Feb. 1591. For the involvement of Raleigh with Essex, see [?T. Phelippes to T. Barnes], 22 March 1591, PRO, SP 12/238/82. Collinson misdates this letter as March 1590 in *EPM*, p. 444.

108. A copy of the submission to Raleigh is in BL, Harl. MS 6,849, fols 139^{r-v}; Burghley's copy, with his own holograph amendments is HMC, *Salis.*, XIII, p. 500-01, [178/98], where it is misdated 1593.

109. Cartwright to Hicks, The Fleet, 2 Feb. 1592, BL, Lansd. MS 69, fol. 101, enclosing a further abstract of the evidence in the case, now in BL, Lansd. MS 120, fols 84-88^{v}; the nine ministers to Burghley, 1 March 1592, BL, Lansd. MS 69, fol. 103, enclosing the nine ministers to Whitgift, [Feb. 1592], BL, Lansd. MS 68, fol. 102.

110. Collinson has unravelled the extremely complex manuscript evidence, see *EPM,* pp. 427-29, 500-01 nn. 28, 36-39. Even so, there are confusions. Collinson's note 39, for example, should refer to ITL, Petyt MS 538, vol. 38, fols 170^{r-v}, and note 40 should include evidence from BL, Lansd. MS 72, fol. 142 about Cartwright's release from prison.

111. If Collinson is correct that the version of the five articles, as administered through Popham, is that in ITL, Petyt MS 538, vol. 38, fols 167^{v}-70, then it seems Whitgift used the original 'high episcopal' draft. Collinson is mistaken, however, in stating, *EPM*, p. 499 n21, that Strype used this MS for his transcription. Nine ministers to Burghley, 1 March 1592, BL, Lansd. MS 69, fol. 103.

112. Schedule of thirty-seven interrogatories administered by Whitgift on behalf of the Council, [3 April, 1592], BL, Lansd. MS 68, fols 139-41, for dating see LPL, Carte Misc. IV, No. 194 which is Andrew King's answer; Collinson, *EPM,* p. 429.

113. As, for example, in Cartwright to Lady Russell, The Fleet, 13 Aug. 1591, BL, Lansd. MS 68, fol. 131.

114. Collinson, *EPM,* pp. 295, 411. It is likely, however, that it was the protection of Puckering and Burghley which ensured that Cartwright retained his Mastership of Warwick Hospital when the other eight ministers were deprived of their livings by the church authorities.

115. Petitions of defendants to Whitgift, [1592], LPL, Carte Misc. IV, nos. 184, 186, 188, 192, 197, 198.

116. Cartwright to Burghley, the Fleet, 31 Jan 1592, Hackney, 21 May 1592, BL, Lansd. MSS 69, fol. 97 and 72, fol. 142.

117. Cartwright, Fen, Lord and Wright to Whitgift [before 3 Oct. 1596], LPL, Carte Misc. IV, no. 192; Collinson, *EPM*, p. 430.

118. Leland Carlson has suggested that Throckmorton was, beyond reasonable doubt, the author of the Marprelate tracts, see Carlson, *Martin*, *passim*, but particularly chapters 7 and 9. He had been in trouble during the parliament of 1587 and Burghley told the Scottish ambassador that for the 'rashnes of his tong' Throckmorton would 'fele smart in his whole body. His fault is not excusable, and therefor the sharplier to be punished', Throckmorton to Burghley, 3 April 1587, BL, Lansd. MS 53, fol. 148; Burghley to Archibald Douglas, 2 March 1587, printed in M. Warrender, *Illustrations of Scottish History: Sixteenth Century*, (Edinburgh, 1889), pp. 31-33.

119. Burghley had worked with Udall on a revised submission during the previous three months, see above, nn. 107-08; *APC*, XVIII, p. 474.

120. See Chapter Three.

121. See Chapter Four.

122. Although Whitgift also argued that episcopacy derived its authority from its apostolic origins, see Lake, *Anglicans and Puritans?*, pp. 64, 89, 96.

123. Lake, *Anglicans and Puritans?*, pp. 26, 80. Burghley's words as reported in Knollys to Burghley, 29 April 1593, BL, Lansd. MS 75, fols 84-85. Lake has shown to be false Knollys' claim in this letter that Whitgift had advanced the *jure divino* position in print.

124. Lake, *Anglicans and Puritans?*, pp. 89-90, 92; ? to A. Bacon, 11 March, 1591, BL, Add. MS 4,125, fol. 14.

CHAPTER THREE

1. Burghley was advising both Cartwright and Udall on separate petitions in February 1592, see Burghley's amendments to Udall's submission, Hatfield House Library, Salisbury MS 178, fol. 98 [Historical Manuscripts Commission, *Calendar of the Manuscripts of the Marquis of Salisbury, at Hatfield House*, various editors, 24 vols (London, 1883-1976), XIII (1973), pp. 500-01 where it is misdated 1593]; Cartwright to Burghley, the Fleet, 15, 25 and 31 Jan. 1592, British Library, Lansdowne MS 69, fols 93, 95, 97; Knollys to Burghley [2 Mar. 1592], BL, Lansd. MS 68, fol. 97.

2. L.H. Carlson, *Martin Marprelate, Gentleman: Master Job Throckmorton Laid Open in his Colors* (San Marino, Calif., 1981), pp. 85 and 367 n. 17.

3. Burghley's examination of Barrow, British Library, Harley MS 6,848 fols 14^{r}-18^{r}, printed in *The Writings of Henry Barrow, 1587-1590*, edited by L.H. Carlson, Elizabethan Nonconformist Texts, vol. III (London, 1962) (hereafter Carlson, *ENT III*), pp. 178-89.

4. Sir Thomas Heneage to the City of Salisbury, 8 Jan. 1593, Historical Manuscripts Commission, *Reports of Manuscripts in Various Collections*, various editors, 8 vols (London, 1901-1913), IV, p. 250; Cecil's maiden speech in the Commons, 26 Feb. 1593, British Library, Hargrave MS 324, fol. 2^{v}. For a note on other MS versions of the Commons diary in which this speech appears, see below, note 53. Recent studies of Elizabethan parliament have strongly asserted Burghley's dominance over its business management throughout his career, although the evidence is usually indirect. See, for example: D.M. Dean, 'Bills and Acts, 1584-1601' (unpublished Ph.D. thesis, University of Cambridge, 1984), p. 21; M.A.R. Graves, *The Tudor Parliaments: Crown, Lords and Commons, 1485-1603* (London, 1985), pp. 117-18, 124, 128, 136-37, 139, 143, 145-52; G.R. Elton, *The Parliament of England, 1559-1581* (Cambridge, 1986), pp. 13-14, 73, 93, 97, 107, 118, 142-43, 165. For a note on Cecil's leadership in the Commons, see below, n. 6.

5. Draft by Thomas Phelippes of H. Saint Main to Fitzherbert, 18 January, 1593 *Calendar of State Papers of the Reign of Elizabeth, Domestic Series, 1591-1594*, edited by M.A.E. Green, Public Record Office (London, 1867), p. 309 [12/244/18]; Burghley to Gilbert Talbot, seventh Earl of Shrewsbury, 27 Jan. 1593, Historical Manuscripts Commission, *Reports of Manuscripts of the Marquess of Bath, at Longleat*, various editors, 5 vols (London, 1904-1980), V, p. 116. For Essex's preparations for the parliament, see J.E. Neale, *The Elizabethan House of Commons* (London, 1949), pp. 237-38. In Neale's view 1597 represents Essex's 'supreme parliamentary effort'.

6. J.E. Neale, *Elizabeth I and her Parliaments, 1584-1601* (London, 1958), pp. 244, 286, 326 describes Heneage as the official leader in the Commons, a deduction

apparently made from Heneage's role in reporting to the House the results of committees appointed to confer with the Lords. In the parliament of 1593 the overall picture provided by evidence from non-official sources (see below, n. 53) is of Heneage and Cecil working in tandem to ensure the passage of crucial government business such as the subsidy through the house, see Neale, *Parliaments, 1584-1601*, pp. 307, 309-12.

7. Reasons for calling the parliament, with Burghley's amendments, draft, 13 Feb. 1593, BL, Lansd. MS 73 fol. 2; holograph text of Burghley's House of Lords speech [Feb. 1593], BL, Lansd. MS 104 fols 78-83^{v}, quoted by C. Read, *Lord Burghley and Queen Elizabeth* (London, 1960), p. 492.

8. Cecil's maiden speech, 26 Feb 1593, Inner Temple Library, Petyt MS 538, vol. 20, p. 29.

9. Neale, *Parliaments, 1584-1601*, p. 280. The precise origin of both bills can no longer be established but David Dean has concluded that they were of official origin despite bearing long enacting clauses in their statutory form, see Dean, 'Enacting Clauses', p. 144 and 'Bills and Acts', pp. 99-101, 106. Elton observes that 'when two major bills were to be moved, [the Council] usually introduced them more or less simultaneously in the two houses', *Parliament of England*, p. 188.

10. Proclamation printed in *Tudor Royal Proclamations*, edited by P.L. Hughes and J.F. Larkin, vol. III (London, 1969), pp. 86-93. There is a Spanish version in Public Record Office, State Papers, Domestic, Elizabeth I, 12/240/42.

11. See Chapter Four.

12. Details of Essex masses, 12 Jan. 1593, *Cal. SP Dom., 1591-94*, p. 306 [12/244/7]; Sir John Foster to Burghley, Alnwick, 5 Jan 1593, enclosing report of Toby Matthew dated 16 Dec. 1592, *Calendar of State Papers of the Reigns of Elizabeth and James I, Domestic Series, Addenda, 1580-1625*, edited by M.A.E. Green, Public Record Office (London, 1872), p. 344 [15/32/62,62(a)]; Matthew Hutton to Burghley, Auckland, 13 Jan 1593, *Cal. SP Dom., 1591-94*, p. 306 [12/244/8,8(a)].

13. For a discussion of the use of proclamations, see P. Williams, *The Tudor Regime* (Oxford, 1979), pp. 36-37; for the recusant inventory, arranged under twenty-three dioceses, see HHL, Salis. MS 137 fols 237-52; Sir John Foster to Burghley, Alnwick, 5 Jan. 1593, *Cal. SP Dom., Add. 1580-1625*, p. 344 [15/32/62].

14. Speaker Coke's speech in the Lords, 22 Feb. 1593, BL, Hargrave MS 324, fol. 5; Neale, *Parliaments, 1584-1601*, p. 280; Neale, *Commons*, pp. 358-62; Dean, 'Bills and Acts', p. 166.

15. Read, *Burghley*, pp. 488, 490.

16. See Chapter Four.

17. Burghley's copies of the two bills in draft are HHL, Salis. MS 170 fol. 53 [Commons bill, ?late 1592] and PRO, SP 12/244/108 [Lords bill, before March 1593], see also Neale, *Parliaments, 1584-1601*, p. 295. Opinion of the judges on the recusant problem [27 June 1592], BL, Lansd. MS 72, fols 117^{r}-120^{v}. Burghley also possessed a similar analysis, attributed to Topcliffe, BL, Lansd. MS 72, fols 133^{r}-36^{v}. See also F.X. Walker, 'The Implementation of the Elizabethan Statutes against Recusants' (unpublished Ph.D. thesis, University of London, 1961), pp. 337-42.

18. For Burghley's recusant policy at this time, see Chapter Four.

19. The two bills as exhibited in parliament are in House of Lords Papers 1592-93, fols 1-15 [the bill read in the Commons] and House of Lords (supplementary) 1576-93, fols 119-28 [the bill read in the Lords], see Neale, *Parliaments, 1584-1601*, pp. 281, 295. Cecil's copy of the Commons bill may be that in HHL, Salis. MS 168 fol. 105. For the recusant commission of 1591-93, see Chapter Four.

20. Burghley's commentary on 23 Eliz. *cap.* 1 [after mid-March 1581], British Library, Cotton MSS, Titus B III, fols 63^{r-v}. He concluded that very few recusants would be able to pay the new £20 per month fine and that none should be imprisoned for inability to pay. Both Elton (*Parliament of England*, p. 186-87) and Read *(Burghley*, pp. 247 and 565 n. 49) argue against Neale (*Parliaments, 1559-1581*, p. 391) that Burghley's influence moderated the harsh anti-catholic penalties proposed. In their concern to identify the opposing preferences of the Queen and other councillors, all three analyses miss the point made by Walker, 'Recusant Statutes', pp. 119-45 and especially pp. 130-36 that, as passed, the act worked against Burghley's interest in that it was very difficult to enforce.

21. Burghley's copy of the early draft of the Lords bill [PRO, SP 12/244/108] stipulated that offenders against the five mile clause whose income from land was less than £5 *per annum* or who had goods to the value of less than £50 were to be conscripted into the navy or else banished. When the bill was read in the house any offender who could not support himself was held to be guilty of felony. When amended, the bill re-introduced a defining clause and reduced the penalty to banishment. Burghley's copy of the early draft of the Commons bill [HHL, Salis. MS 170 fol. 53] had directed that in exceptional cases grievances would be investigated by Burghley, Fortescue and the barons of the Exchequer who had 'power to examine into the truth and to decree the conviction to be void'. The bill as framed in the house allowed simply for appeals 'att the Comon Lawe' and thus prevented Burghley's direct association with the proposed legislation, BL, Hargrave MS 324, fol. 7^{r}. For Burghley's use of similar tactics in 1581, see Elton, *Parliament of England*, p. 187.

22. Neale, *Parliaments, 1584-1601*, pp. 296-97. The warning relayed by Puckering in the Queen's speech that the parliament was 'not for the devising and making of newe laws and statutes' was, no doubt, aimed at staunching the flow of private bills introduced into parliament, Queen's speech, 19 Feb. 1593, BL, Hargrave MS 324, fol. 3.

23. Such as Read, *Burghley*, p. 494; P. McGrath, *Papists and Puritans under Elizabeth I*, (London, 1967), pp. 311-13 and P. Collinson, *The Elizabethan Puritan Movement* (London, 1967), p. 431.

24. See Chapter Three, n. 91.

25. See Chapter Three.

26. See Chapter Three.

27. Sir Robert Sydney to Burghley, 21 April and 31 May, 1591, *The Writings of Henry Barrow, 1590-1591*, edited by L.H. Carlson, Elizabethan Nonconformist Texts, vol. V (London, 1966) (hereafter Carlson, *ENT V*), pp. 370-71. Both books were published in Dort, *circa* 1591, see Carlson, *ENT III*, p. 261.

28. *The Writings of John Greenwood and Henry Barrow, 1591-1593*, edited by L.H. Carlson, Elizabethan Nonconformist Texts, vol. VI (London, 1970) (hereafter Carlson, *ENT VI*), pp. 392-94.

29. Furthermore, Burghley's tactic of consistently using the threat of very harsh penalties to secure lenient outcomes to specific cases served several purposes: it maintained his patronage network; it gave substance to the claims of his propaganda works - most notably the *Execution of Justice in England* (1584) - that it was the government's policy that no one should die on account of their religion; and in cases where death presented no deterrent to dedicated radicals it offered Burghley - who seems to have abhorred the spilling of protestant blood - some scope for negotiation, see R. Kingdon, 'Introduction', in *The Execution of Justice in England,* by William Cecil, edited by R. Kingdon (Ithaca, NY, 1965), pp. xxi-xxii, xxx-xxxiii.

30. Neale's dating is based on S. D'Ewes, *The Journals of All the Parliaments During the Reign of Queen Elizabeth* (London, 1682). See below, n. 53, for a discussion of the MS sources and see Table 3.1 for a note on the problem of dating the parliamentary proceedings, and for a chronological reconstruction. For a cautionary comment on Neale's interpretation of the factional nature of parliamentary debate on religious bills, see G.R. Elton, 'Parliament', in *The Reign of Queen Elizabeth I*, edited by C. Haigh (London, 1984), pp. 79-100 (pp. 79-84) and *Parliament of England, passim.*

31. Neale, *Parliaments, 1584-1601*, pp. 280-97, based largely upon BL, Cotton MSS, Titus F II, fols 20-99.

32. Neale, *Parliaments, 1584-1601*, pp. 281, 283, 291, 288, 296; Collinson, *EPM*, pp. 431, 428. For convenience, the anti-separatist statute is referred to by its short title in this chapter. As passed, it was *An Act to retain the Queen's Subjects in due Obedience* (35 Eliz. *cap.* 1) and is printed in *Statutes of the Realm*, edited by A. Luders, T.E. Tomlins and J. Raithby *et al.*, 11 vols (London, 1810-28), IV, pp. 841-43.

33. See Chapter Two and the discussion which follows.

34. Neale, *Parliaments, 1584-1601*, pp. 281, 288. See pp. 96-97, below, for a discussion of Elizabeth.

35. Neale, *Parliaments, 1584-1601*, pp. 283, 369, 333.

36. Neale, *Parliaments, 1584-1601*, pp. 242, 369.

37. The most recent study, Dean's 'Bills and Acts', is an account of parliamentary procedure rather than a narrative of events.

38. Opinion of the judges on the recusant problem [after June 1592], BL, Lansd. MS 72, fols 117^{r}-120^{v}; draft of Commons' bill, HHL, Salis. MS 170 fol. 53; draft of Lords' bill, PRO, SP 12/244/108.

39. Neale, *Parliaments, 1584-1601*, p. 222.

40. See above, note 20.

41. Neale, *Parliaments, 1584-1601*, pp. 285, citing T. Birch, *Memoirs of the Reign of Queen Elizabeth*, 2 vols (London, 1754), I, p. 92; Neale, *Parliaments, 1584-1601*, pp. 293-94, citing BL, Cotton MSS, Titus F II, fols 93-95.

42. See below.

43. Neale, *Parliaments, 1584-1601*, pp. 295-96. The argument deployed in this chapter includes the implicit conclusion that Burghley was content to sacrifice desirable anti-catholic measures outlined in the first Common bill for the higher priority of securing an anti-separatist statute that he found satisfactory. His championing of the Lords substitute bill with its particular emphases (see below) accords with this judgement; see also Chapter Four, n. 62.

44. *Statutes*, IV, part 2, pp. 843-46; Neale, *Parliaments, 1584-1601*, p. 296.

45. Neale, *Parliaments, 1584-1601*, p. 282; House of Lords Papers 1592-93, fols 1-15, paraphrased by Neale, p. 280. The surprisingly frequent incidence of ambiguous drafting of bills - whether deliberate or unwitting - in Elizabethan parliaments is noticed by Elton in *Parliament of England*, pp. 65-66, 195 and by Dean in 'Bills and Acts', p. 82.

46. *A Survay of the Pretended Holy Discipline* and *Daungerous Positions and Proceedings* were both written by Bancroft and published anonymously in 1593.

47. By the autumn of 1592 the separatist congregations were the last protestant non-conformist groups remaining to be dealt with by the authorities in the clamp-down that had begun in 1588. In September about sixty members of a fully constituted separatist church had met in secret in London, and at the beginning of October Penry re-emerged in the capital, also undetected by the authorities. At its secret meeting, the separatist church had elected Francis Johnson as its pastor. The secret congregation continued to meet during October and November, with Johnson officiating, until, on the night of 5/6 December, Whitgift's investigators apprehended Johnson and John Greenwood, who was teacher to the congregation. Both were arrested and three other leading separatists were brought into custody before Christmas. See Carlson, *ENT VI*, pp. 297 n. 4, 306-07, 353 n.1, 293-94, 395.

48. Carlson, *ENT VI*, pp. 295-96.

49. BL, Lansd, MS 73, fol. 76.

50. [Barrow and Penry] petition to the Privy Council, [delivered 20 Feb. 1593], BL, Lansd. MS 109, fol. 34, see Carlson, *ENT VI*, pp. 395-405. Amongst other complaints, the petition listed the extreme deprivation experienced in prison by some of the separatist teachers. This included being loaded with irons in a dungeon for a full year, being imprisoned in a room where it was impossible to stand, walk or sit, and being beaten with a 'great codget very extreamly'.

51. Neale, *Parliaments, 1584-1601*, p. 282.

52. Bowman had been arrested *circa* 17-28 Feb. 1593, see Carlson, *ENT VI*, p. 296.

53. The Commons diarist was sympathetic to the puritan cause. The version of the diary used by Neale is that in BL, Cotton MSS, Titus F II, fols 20^{r}-99^{v}. Other versions are: British Library, Stowe MS 358 fols 271-359; ITL, Petyt MS 538, vol. 20, pp. 1-198 and BL, Harl. MS 1,888, *passim*, [a shorter text, with some errors in the transcription and followed by D'Ewes in *Journals of Parliaments*]; BL, Stowe MS 359 fols 196-217 [Sir Roger Twysden's copy, with some additional notes from the diary of his father Sir William Twysden]; BL, Harl. MS 5,078 *passim*; BL, Hargrave MS 324, *passim*, [including some material omitted in the Cotton MS.]; Bodleian Library, Western MS 29,571; British Library, Additional MS 26,364; British Library, Ellesmere MS 2,578; Bodleian Library, Tanner MS 264; Northamptonshire Record Office, Finch-Hatton MS 46. See also Dean, 'Bills and Acts', pp. 23-24. For the problem of dating proceedings see note in Table 3.1.

54. See Elton, *Parliament of England*, pp. 172, 372-73. Burghley's use of the severe anti-catholic proposals of 1581 as a 'stalking horse' to test susceptibilities also fits this pattern, regardless of whether he is to be seen as mollifying the Queen (Read, *Burghley*, p. 247) or fellow councillors (Elton, p. 187). Elton comments more generally that on occasion during 1559-81, both crown and noble councillors 'found it useful to gain voice and noise from the Lower House where policy could become public and likely reactions could be sounded out', p. 378.

55. Puckering's speech is printed in J.E. Neale 'The Lord Keeper's Speech to the Parliament of 1592/3', *EHR*, XXXI (1916), 128-37, taken from BL, Harl. MS 1,888 fols 111-14; Burghley's outline notes, BL, Lansd. MS 73 fol. 2, see Read, *Burghley*, p. 585 n. 2; Elizabeth's interview with Coke, ITL, Petyt MS 538, vol. 20, p. 52 and BL, Cotton MSS, Titus F II, fol. 37^{v}. Commons' bill, House of Lords Papers 1592-3, fols 1-15, quoted by Neale in *Parliaments, 1584-1601*, p. 280. It is likely that the Queen, encouraged by Whitgift, identified non-conformists as any who appeared to attack the government of the church as established. For Puckering's support of Whitgift's harsh programme, see Collinson, *EPM*, pp. 418, 427, 499 n. 19.

56. Neale, *Parliaments, 1584-1601*, pp. 284-85; ITL, Petyt MS 583, vol. 20, p. 126.

57. Carlson, *ENT VI*, pp. 406, 408 n. 2, 302, 294. At least four separatists, including Barrow, are known to have remained in jail since first being imprisoned in the late 1580s and they were now joined by around seventy separatists newly arrested between December 1592 and March 1593. In addition, eighteen others are thought to have died in prison during 1588-93. *The Writings of John Greenwood, 1587-1590*, edited by L.H. Carlson, Elizabethan Nonconformist Texts, vol. IV (London, 1962) (hereafter Carlson, *ENT IV*), p, 287 n. 1 and Carlson, *ENT VI*, pp. 408 n. 2, 409 n. 5.

58. Carlson, *ENT VI*, pp. 292-94, 407, 412.

59. Neale, *Parliaments, 1584-1601*, pp. 284-88. Thomas Phelippes echoed the report of Anthony Bacon, which Neale mentions, that members still considered the penalties too harsh, T. Phelippes to W. Sterrell [?7 April 1593], *Cal. SP Dom., 1591-94*, p. 341 [12/244/124].

60. G.R. Elton, 'Parliament in the Sixteenth Century: Functions and Fortunes', *HJ*, 22, no. 2 (1979), p. 267; Burghley's parliamentary experience stretched back to Henry VIII's last assembly in 1543. Burghley's examination of Barrow, BL, Harl. MS 6,848, fols 14^{r}-18^{r}, printed in Carlson, *ENT III*, pp. 178-89. The reconstruction that follows disagrees with the conclusions of both Neale and Read. Whilst Neale's account in *Parliaments, 1584-1601*, pp. 282-94, gives a fair indication of the limitation imposed by the

surviving sources, Read noted in *Burghley*, p. 585 n.2, that Neale overlooked both Puckering and Elizabeth's important references to religious matters. Neale's view - that Whitgift inspired the substitute bill, outwitting Burghley in the process - is followed by Read in *Burghley*, pp. 489, 494. Read states in error, p. 488, that Cecil and Heneage spoke in support of the first bill. For a comment on the plausibility of ascribing such parliamentary tactics to Burghley, see above, n. 54.

61. Debates on successive Commons recusancy bills [28 Feb., 13 March 1593], Neale, *Parliaments, 1584-1601*, p. 282; BL, Cotton MSS, Titus F II, fol. 80. For the role of Heneage, see above, n. 6.

62. Examinations of Barrow and Greenwood printed in Carlson, *ENT VI*, pp. 85-6, 223-25. This is the sixth recorded examination of Barrow since November 1587. Elton, *Parliament of England*, p. 188.

63. Carlson, *ENT VI*, pp. 308-13, 87-89, 226-29; *Journals of the House of Lords*, 10 vols (London, 1846), II, p. 175.

64. Carlson, *ENT VI*, pp. 279, 272-78.

65. See Chapter Two.

66. Egerton to Puckering, 23 March 1593, BL, Harl. MS 6,849, fol. 19, printed in Carlson, *ENT VI*, p. 280; Puckering to Hatton, 21 Feb. 1591, printed in J. Strype, *Annals of the Reformation*, 4 vols (Oxford, 1820-24), III, p. 35. 'Upon the 24 [March], early in the morning, was preparation made for our execution: we [were] brought out of the Limbo [Newgate dungeon], our yrons smitten of[f], and we ready to be bound to the cart; when her Majestie's most gracious pardon came for our repri[e]ve', Barrow to [Lady Anne Dudley, Countess Warwick], [*circa* 4 April 1593], printed in Carlson, *ENT VI*, p. 248.

67. Egerton to Puckering, 26 March 1593, BL, Harl. MS 6,849, fol. 193, printed in Carlson, *ENT VI*, p. 281. There were nine prosecuting commissioners, *ibid.*, p. 278.

68. Barrow to Egerton, 26 and 27 March 1593, BL, Harl. MS 6,848, fols 211^{r}, 214^{r}, printed in Carlson, *ENT VI*, pp. 231, 233.

69. Egerton to Puckering, 28 March 1593, BL, Harl. MS 6,849, fol. 195, printed in Carlson, *ENT VI* pp. 282-83; Reasons against a public disputation, [?by Whitgift], circa 28 March 1593, BL, Harl. MS 6,848, fol. 212, printed in Carlson, *ENT VI*, p. 284-86, where Carlson discusses Whitgift's likely authorship of this document. For a discussion of this form of anti-catholicism, see D. Zaret, *The Heavenly Contract* (Chicago, 1985), pp. 78-79 and P. Lake, *Moderate Puritans and the Elizabethan Church* (Cambridge, 1982), pp. 58-60, 64.

70. Neale, *Parliaments, 1584-1601*, p. 287. The bill adopted in its title an echo of the Queen's remark to Coke, see above, pp. 96-97.

71. T. Phelippes to W. Sterrell [after 7 April 1593], *Cal. SP Dom., 1591-94*, p. 341 [12/244/124]. Phelippes' information probably came from Essex for whom he was working at this time, see below, n. 85.

72. Burghley and Cecil were involved in conferences between the two houses over the subsidy on 1 and 6 March, Neale, *Parliaments, 1584-1601*, pp. 302-03, 307-08, 311; Commons' journal [30 March 1593], BL, Cotton MSS, Titus F II, fol. 80 and ITL, Petyt MS 538, vol. 20, pp. 164-65.

73. Common's journal [30 March 1593]. BL, Cotton MSS, Titus F II, fol. 80^{r} reads 'bill' in place of 'word'.

74. For the role of Heneage, see above, n. 6.

75. BL, Harl. MS 75, fol. 66^{r}; *Acts of the Privy Council, 1542-1604*, edited by J.R. Dasent, 32 vols, new series (London, 1890-1907), XXIV, p. 144. The examinations began the following Monday, Carlson, *ENT VI*, p. 318; *APC*, XXIV, p. 145. During April forty-three separatist prisoners were examined.

76. 30 March 1593 is probably the correct date, see Carlson, *ENT VI*, p. 234 n. 3.

77. Carlson, *ENT VI*, p. 236-37.

78. Barrow to [Lady Warwick], *circa* 4 April 1593, printed Carlson, *ENT VI*, pp. 248, 249-50; see also, Richard Verstegan to Robert Parsons, [*circa* 5 May 1593], pp. 290-91.

79. Thomas Phelippes to William Sterrell, ?7 April 1593, *Cal. SP Dom., 1591-94*, p. 341 [12/244/124]; Barrow to Mr Fisher, [Dec. 1590], BL, Lansd. MS 65, fols 182^{r-v}, printed in Carlson, *ENT III*, p. 257; Francis Johnson's petition to the magistrates, [April 1593], BL, Harl. MS 6,848, fols 2-7, see Carlson, *ENT VI*, p. 421.

80. Richard Verstegan to Robert Parsons, 18/28 April 1593, Carlson, *ENT VI*, p. 290. Burghley may have argued with the Queen that the unrest within the puritan community which followed the proceedings against Barrow and Greenwood was a reason to stay their executions. Verstegan reports that the authorities were cautious 'insomuch that a present commotion was feared, and what may yet follow is doubtfull, considering the heate of these purified spirites'.

81. Because Neale believed the bill to have derived from Whitgift rather than Burghley, he describes Heneage - probably erroneously - as the domineering instrument of the Whitgiftian party, Neale, *Parliaments, 1584-1601*, p. 291; it does not seem that Heneage joined with Lewin and

Dalton in commending the earlier Commons bill, see Neale, pp. 287-89.

82. Neale, *Parliaments, 1584-1601*, pp. 287-89.

83. Commons Speech of Henry Finch [4 April 1593], BL, Cotton MS, Titus F II, fol. 89^{r-v}.

84. Neale, *Parliaments, 1584-1601*, pp. 289, 290-91. 23 Eliz. *cap*. 1, printed in *Statutes*, IV, pp. 657-58. The statute of 1581 was mainly concerned with financial penalties for practicing the catholic faith. The anti-separatist bill which Burghley sponsored, entitled 'An act for the explanation of a branch' of the 1581 statute, allowed recusants three months to conform after which they would be banished, Neale, *Parliaments, 1584-1601*, p. 287. Barrow to [Lady Anne Dudley], [circa 4 April 1593], Carlson, *ENT VI*, pp. 240, 250.

85. Thomas Phelippes to William Sterrell, ?7 April 1593, *Cal. SP Dom., 1591-94*, p. 341 [12/244/124]. Phelippes says 'none seconded' Burghley's protest to the Queen [*ibid.*] but this is probably an exaggeration. As Phelippes was working for Essex at this time, his account of the Lords proceedings was most probably derived second-hand from Essex. Barrow believed that it was Whitgift specifically who sought his and Greenwood's deaths and that Burghley's influence was benign, see, for example, Barrow to Mr Fisher, [Dec. 1590], Carlson, *ENT III*, pp. 256-57.

86. Parliamentary journal, [6 April 1593], ITL, Petyt MS 538, vol. 20, p. 186; Neale, *Parliaments, 1584-1601*, pp. 291-92, 294; parliamentary journal [8 April 1593], BL, Cotton MSS, Titus F II, fol. 95^{r}.

87. 35 Eliz. *cap*. 1, printed in *Statutes*, IV, p. 841; Neale, *Parliaments, 1584-1601*, pp. 284-85, 290.

88. Essex to Sir Henry Unton [? March 1593] and 24 Oct. [?1593], HMC, *Salis.*, IV, pp. 452, 468-69 [19/65 and 19/54], see Neale, *Parliaments, 1584-1601*, pp. 302-06 and P.M. Handover, *The Second Cecil* (London, 1959), pp. 97-98, 100.

89. Parliamentary journal [7 April 1593], BL, Cotton MSS, Titus F II, fol. 93^{v}.

90. R.J. Tanner, *Tudor Constitutional Documents* (Cambridge, 1930), p. 197.

91. For the date of the implementation of the statute 35 Eliz. *cap*. 1, see below, note 107.

92. See above, tan. 75.

93. See Chapter Two.

94. The examinations are printed by Carlson, *ENT VI*, pp. 316-72. The commission was also directed to report on catholic prisoners in jail and Puckering's papers contain

summaries of these proceedings, see Strype, *Annals*, III, pp. 254-63. Udall had died around this time in the White Lion prison, the terms of his banishment still unresolved, see Carlson, *Martin*, p. 85.

95. For the dating of *Reformation No Enemie*, see Carlson, *Martin*, p. 86. Penry says the warrant had been issued within a 'few months' of January 1589, see extracts printed in J. Strype, *The Life and Acts of John Whitgift*, 3 vols (Oxford, 1822), II, pp. 42-44; Burghley's notes on the Martinists 21 July 1589, BL, Lansd. MS 61, fol. 68; for the unsuccessful extradition, see Chapter Two.

96. Penry to Burghley, [March 1593, draft], printed in *The Note Book of John Penry*, edited by A. Peel, Camden Society, third series, no. 67 (London, 1944), pp. 54-56. Carlson thinks Burghley received the letter on about 17 March, see Carlson, *ENT VI*, p. 407. This and other drafts of letters Penry composed at this time were found in the notebook which was seized when he was arrested. It is not certain they were actually delivered, see below, n. 99. Examination of Daniel Buck, 9 March 1593, printed in Carlson, *ENT VI*, p. 306.

97. Penry to Burghley, [?before 22 March 1593, draft], Penry to the Privy Council [?1593], Penry to Young, [?before 22 March 1593, draft], printed in *Note Book of John Penry*, pp. 56-60, 78, 49-50. It is not certain that these letters were delivered, see below, n. 99. In the two months following his arrest, Penry was formally examined six times and he made four further appearances before a variety of legal and ecclesiastical officers, Carlson, *ENT VI*, p. 314; Carlson, *Martin*, p. 88.

98. Burghley's copy of Penry's petition to the Queen [?March 1593], BL, Lansd. MS 75, fol. 56. A digest of 'sediciouse speeches' from the petition to the Queen was collected from the note book by Puckering, see BL, Harl. MS 6,849, fols 198^{r}-201^{v}. Additional papers incriminating Penry were contained in the Note Book with its drafts and copies of letters and petitions including the supplication to parliament which Peel believes may have been shown to Barrow in prison, now Huntingdon Library, Ellesmere MS 483. HL, Ellesmere MSS. 2,146 and $2,150^{b}$ contain papers from the prosecution evidence at Penry's trial. A report of the use of the petition to the Queen at his trial is given in PRO, SP 12/245/21. Carlson's edition of Penry's writings and associated papers is awaited and will clarify much detail which is obscure about the proceedings against Penry.

99. This may imply that the draft letters composed to Burghley and others during March 1593 were never sent. They were, however, available to Penry's prosecutors at his trial.

100. Penry's defence of the case against him, 16 May 1593, BL, Lansd. MS 75, fols 54-55.

101. Penry to Burghley, 22 May 1593, BL, Lansd. MS 75, fol. 58, enclosing the 'Protestation', now BL, Ellesmere MS 2,155, fols 113^{r-v}. Francis Johnson later sent Burghley a further copy of Penry's 'Protestation', (also known as his 'Apology', and probably that in BL, Lansd. MS 109, fols 35-36.) along with Penry's *Confession of Faith*, see Carlson, *ENT VI*, p. 447 nn. 1-2.

102. Penry to Burghley, 22 May 1593, BL, Lansd. MS 109, fol. 58; Penry to Burghley, [?before 22 March 1593], two letters in draft, *Note Book of John Penry,* pp. 56-60, 71-75.

103. Carlson, *ENT VI*, p. 314 n. 1; Carlson, *Martin*, p. 88.

104. Penry to Burghley, 28 May 1593, British Library, Egerton MS 2,603, fol. 49. Burghley may have seen Penry's offer to resume his ministry in Wales as a potential solution to the case: the state of religion in Wales was one of Burghley's concerns, and the 'Protestation' was an eloquent account of Penry's ministry, quite in contrast to the crude sentiments expressed in the papers which had been intercepted by Puckering. See: paper on the ignorance of religion in north Wales, BL, Lansd. MS 111, fol. 10; the 'Protestation', BL, Lansd. MS 109, fols 35-36, printed in Strype, *Whitgift*, III, pp. 304-13; Penry to Burghley, 22 May 1593, BL, Lansd. MS 75, fol. 58.

105. Technically, the new *Act against Seditious Sectaries* had been in force for a week when Penry was tried on 25 May; however, the prosecution had chosen to use the 1581 Act in his indictment. In contrast, Barrow and Greenwood's accomplices Bellot, Boull, and Studley who were sentenced under this same statute but were spared. For the various suggestions concerning banishment, see: Udall to Burghley, White Lion, Southwark, 2 Feb. 1592, BL, Lansd. MS 69, fol. 99; Barrow and Greenwood to Burghley, the Fleet, 18 Nov. 1590, HMC, *Salis.*, IV, pp. 74-75 [107/102]; Penry's 'Protestation' sent to Burghley from the King's Bench, 22 May 1593, BL, Lansd. MS 109, fols 35-36, printed in Strype, *Whitgift*, III, pp. 304-13. Penry sought to employ his 'small talent among my poor countrymen in Wales', *ibid.*, p. 305, but see also his letter of 24 April 1593 to members of the congregation urging them to prepare for exile, Carlson, *ENT VI*, p. 446 n. 7. In 1581 the Commons had been unable to decide the principal of 'whether pains of death might be inflicted to an heretic', Elton, *Parliament of England*, p. 107.

106. Nevertheless, government prosecutors evidently concluded that 23 Eliz. *cap.* 2 was still appropriate in case of gross slander such as that alleged against Penry, see above n. 105.

107. F. Johnson to Burghley, 12 June 1593, printed in Carlson, *ENT VI*, pp. 448, 446. It seems that the majority of the separatist prisoners were released in 1594 on the condition that they be banished. The new *Act against Seditious Sectaries* stipulated that separatists had three months from the date at which the Act took effect - 20/22

May until 20/22 August 1593 - to decide whether to conform or be banished, see Carlson, *ENT VI*, p. 456 n. 2, 446 n. 7, 466 n. 1. Francis Johnson to Burghley, 2 June, 12 June 1593 and 8 Jan. 1594, BL, Harl MS 6,849, fol. 145, 143; BL, Lansd. MS 75, fols 50-51, printed in Carlson, *ENT VI*, pp. 436-57. In the last of these letters Johnson enclosed a list of reasons why he was not in danger from the *Act against Seditious Wordes and Rumours* of 1581 (23 Eliz. *cap.* 2), now BL, Lansd. MS 75, fols 52-53, printed in Carlson, *ENT VI*, pp. 452, 458-66. Penry had sent Burghley a similar schedule with references to the *Act against Seditious Wordes and Rumours*, BL, Lansd. MS 75, fols 54-55, see above, n. 100 and Carlson, *ENT VI*, p. 452 n. 3.

108. Raleigh speech in the Commons, 4 April 1593, ITL, Petyt MS 538, vol. 20, p. 182. The more overtly puritan account in BL, Cotton MSS, Titus F II, fol. 89^{r} reports Raleigh as estimating '1[0],000 or 12,000' Brownists in England. C. Burrage, *The Early English Dissenters*, 2 vols (Cambridge, 1912), I, p. 152, comments that Raleigh's estimate was 'absurd' and speculates that the true number was considerably under five hundred.

109. Petition of the Brownists to the Privy Council [1597], PRO, SP 12/246/56, printed in Carlson, *ENT VI*, p. 470. The four separatist leaders who led the colonisation project to the Gulf of St Lawrence were Francis Johnson, John Clarke, George Johnson and Daniel Studley. Studley was one of those condemned to death with Barrow, Greenwood, Bellot and Boull. Bellot and Boull had both died, still in prison, before 1596, see Carlson, *ENT VI*, p. 467, 272.

110. Carlson, *ENT VI*, pp. 467-69.

111. *Note Book of John Penry*, p. xxii; Carlson, *ENT III*, p. 46; Tanner, *Tudor Constitutional Documents*, p. 197; P. Lake, 'The Dilemma of the Establishment Puritan: The Cambridge Heads and the Cases of Francis Johnson and Cuthbert Bainbrigg', *JEH*, 29, no. 1 (1978), 23-35 (pp. 28, 24); P. Collinson, 'Puritans, Men of Business and Elizabethan Parliaments', *PH*, 7, part 2 (1988), 187-211 (p. 195).

112. Verstegan reported after the executions of Barrow and Greenwood that 'their followers, canonizing them for more than martirs, do enveighe privately against the bishops, as the principall procurers thereof', Verstegan to Parsons, 5 May 1593, Carlson, *ENT VI*, p. 291. See also Francis Johnson to Burghley, 2 June 1593 where he refers to 'the prelates and clergie (our greate adversaries)', Carlson, *ENT VI*, p. 439.

113. Barrow to Mr Fisher, [Dec. 1590], Carlson, *ENT III*, pp. 256-57; Johnson to Burghley, 12 June 1593: 'God hath (as I heare) moved your Lordship's hearte .. to take compassion of our greyvous imprisonments and suffringes', BL, Harl. MS 6,849, fol. 143. With the same letter Johnson sent Burghley copies of Penry's writings

commenting: 'I scant knowe any scholle[r] to whome your Lordship can shew them that will not make relation of it to the Prelate of Canter[bury] and other our adversaries, who will the more either contynue my restreinte in prison or hasten the ende of my dayes in this lyfe', Johnson to Burghley, Carlson, *ENT III*, pp. 444-47.

114. It remains incongruous that Burghley should have appointed Whitgift as an overseer of his will, J. Hurstfield, *Freedom, Corruption and Government in Elizabethan England* (London, 1973), p. 83.

CHAPTER FOUR

1. C. Russell, *The Causes of the English Civil War* (Oxford, 1990), p. 74.

2. C. Read, *Mr Secretary Cecil and Queen Elizabeth* (London, 1955), p. 270.

3. Notwithstanding C. Read, *Lord Burghley and Queen Elizabeth* (London, 1960), p. 144.

4. Read, *Burghley*, pp. 564 n. 1, 235-36; G.deC. Parmiter, 'The Imprisionment of Papists in Private Castles', *RH*, 19 (1988-89), 16-38 (p. 36 n. 33).

5. C. Haigh, 'The Church of England, the Catholics and the People', in *The Reign of Elizabeth I*, edited by C. Haigh (London, 1984), pp. 195-219 (pp. 200, 202-03). See also, C. Haigh, 'From Monopoly to Minority: Catholicism in Early Modern England', *TRHS*, XXXI, fifth series (1981), 129-47. A lengthy critique of Haigh's work is P. MacGrath, 'English Catholicism: A Reconsideration', *JEH*, 35, no. 3 (1984), 414-28; reply by Haigh: 'Revisionism, the Reformation and the History of English Catholicism', *JEH*, 36, no. 3 (1985), 394-406.

6. See below, n. 56.

7. Order for the restraint of recusant gentry [draft by Walsingham, corrected by Burghley, undated, [?late 1577 and certainly before 20 February, 1579], British Library, Harley MS 360, fols 65^{r-v}, printed in Parmiter, 'Private Castles', pp. 19-20; Burghley to W. Chaderton, Bishop of Chester, 23 July 1580, printed in F. Peck, *Desiderata Curiosa*, 2 vols (London, 1779), I, p. 90; memorandum of 'things to be considered', July 1580, Public Record Office, State Papers, Domestic, Addenda, Edward VI to James I (hereafter SP 15) 15/27/21; memorandum, 1 Dec. 1583, Public Record Office, State Papers, Domestic, Elizabeth I (hereafter SP 12) 12/164/2, paraphrased in Read, *Burghley*, p. 288; note by Burghley on 'The Daungeroos estate of y^{e} Realm' [between March 1581 and March 1585, dated by Read to *c.* 1584], British Library, Lansdowne MS 104, fol. 127^{v}; Burghley's note of 'matters ... most necessary to be resolved', PRO, SP 12/198/29, see also memorandum of business, 18 Dec. 1587, PRO, SP 12/206/25. See also Read, *Burghley*, pp. 245-46, 288, 294, 421, Parmiter, 'Private Castles', p. 27 and F.X. Walker, 'The Implementation of the Elizabethan Statutes against Recusants' (unpublished Ph.D. thesis, University of London, 1961), pp. 136-37.

8. Draft by Walsingham, corrected by Burghley, [undated but before 20 Feb 1579], BL, Harl. MS 360, fols 65^{r-v}, see Parmiter, 'Private Castles', pp. 20, 35, n. 20. The other seven castles were those at Wisbech, Banbury, Framlingham, Kimbolton, Devizes ['The Vize'], Melbourne and Halton. In 1582 the Council defined the target group of leading recusants as those 'of qualitie of gentlemen

and upward; and ladies and gentlewomen, widowes', Walker, 'Recusant Statutes', p. 163.

9. Council to President of Council of the North, 10 June 1580, same to same, 3 July 1580, printed in Peck, *Desiderata Curiosa*, I, book III, pp. 8, 11-12 and *Acts of the Privy Council, 1542-1604*, edited by J.R. Dasent, 32 vols, new series (London, 1890-1907), XII, p. 77, see Read, *Burghley*, pp. 245-46, 565 n. 43 and Parmiter, 'Private Castles', pp. 24-25. Burghley was a signatory in both cases and Halton castle was one of those specified in the original plan, see above, n. 8.

10. Parmiter, 'Private Castles', pp. 26-28; introduction to Tresham papers, Historical Manuscripts Commission, *Reports of Manuscripts in Various Collections*, various editors, 8 vols (London, 1901-1913), III, p. vii; Narrative of Sir Alexander Culpepper, Bodleian Library, Tanner MS 118, fol. 129^{r}.

11. Conclusion of a conference held to decide on action to be taken against recusants [*c.* July 1577], PRO, SP 12/45/ p. 10, see Parmiter 'Private Castles', pp. 18-20, 27.

12. Burghley memorandum of 'Things to be Considered' [*c.* July 1580], PRO, SP 15/27/21. The civil lawyers David Lewes and John Hammond ruled in November 1578 that higher fines could be prescribed through action in the ecclesiastical courts, Parmiter, 'Private Castles', pp. 21-23.

13. In clause xii of the statute it was stated that whatever measures might lead from it, the authority of the ecclesiastical commission would be unaffected, 23 Eliz. I, *c.* 1 sec. xii. For the practical difficulties of enforcing 23 Eliz. I, *c.* 1, see Walker, 'Recusant Statutes', pp. 130-45 and above, Chapter Three, n. 20.

14. R.B. Manning, 'Elizabethan Recusancy Commissions', *HJ*, 15, (1972), 23-36 (p. 28); P. Williams, *The Tudor Regime* (Oxford, 1979), pp. 122, 277-78; Walker, 'Recusant Statutes', pp. 200-25, 282-83; *Calendar of State Papers of the Reign of Elizabeth, Domestic Series, 1581-1590*, edited by R. Lemon, Public Record Office (London, 1865), pp. 195, 273 [12/172/71 and 173/15]. See also B.W. Quintrell, 'The Practice and Problems of Recusant Disarming, 1585-1641', *RH*, 17 (1984-85), 208-11.

15. See Walker, 'Recusant Statutes', pp. 201-09, 444-46 and Read, *Burghley*, p. 421. For returns from the counties reporting on recusant strength, see PRO, SP 12/183 and 184.

16. Burghley reviewed the progress that had been made during the 1580s with regard to the musters in an instruction he drew up in February 1587, *Cal. SP Dom., 1581-90*, p. 386 [12/198/30]. See also Williams, *Tudor Regime*, pp. 122-24. The recusant musters were first introduced in 1580 in connection with the Irish campaign and the order was renewed again in July 1592, see G.deC. Parmiter, 'Sir

Alexander Colepeper of Bedgebury', *RH*, 19 (1988-89), 364-85 (pp. 368, 377-79).

17. Council to county lieutenants for Sussex, 4 Jan. 1588, BL, Harl. MS 703, fol. 51. For the county returns for 1588, see PRO, SP 12/208.

18. *Tudor Royal Proclamations*, edited P.L. Hughes and J.F. Larkin, 3 vols (London, 1964-69), II, pp. 469-71. The sanctions he sought were applicable to poor recusants as well as to the gentry, see, for example, Read, *Burghley*, pp. 294, 421.

19. Burghley's draft of Council letters, 15 Aug. 1584, *Cal. SP Dom., 1581-90*, p. 195 [12/172/71]. Around 1585, however, Burghley drew up a list of 21 recusant gentry who were to be kept under particular government scrutiny, PRO, SP 12/185/81. For the treatment of the gentry in Lancashire, see C. Haigh, *Reformation and Resistance in Tudor Lancashire* (Cambridge, 1975), pp. 260-62, 265, 281-82, 286, 288.

20. Burghley memorandum, 10 Feb. 1587, *Cal. SP Dom., 1581-90*, p. 386 [12/198/29]. He did not prevail in this instance perhaps because of his exile from Court after Mary's execution, see Read, *Burghley*, pp. 371-78.

21. Council to the county lieutenants for Sussex and deputy lieutenants for Northamptonshire, 4 Jan. 1588, BL, Harl. MS 703, fol. 51 and Northhamption Record Office, Finch-Hatton MS 124, fol. 83. With Walsingham ill, Burghley had begun ordering defensive measures in October 1577. Amongst these were preparations for the restraint of the catholic gentry and the undertaking of a national survey of recusants, shire by shire. In December he ordered the tendering of the oath of supremacy to those entering at the ports with certification to the Council of those who refused, PRO, SP 12/206/69; see Read's note about the dating of this letter in *Burghley*, p. 579 n. 51.

22. Culpepper narrative, Bodl. L, Tanner MS 118, fol. 129; Read, *Burghley*, p. 421. The official Council order of 4 January 1589 used the wording that the restraint of the gentry was justified 'as they shall neither be able to give assistance to the enemy nor that the enemy may have any hope of relief or succour by them', Walker, 'Recusant Statutes', p. 284.

23. This was a similar arrangement to that whereby the Council wrote to Whitgift as head of the Ecclesiastical Commission in 1588 requiring him to oversee the Marprelate investigations, see Chapter Two.

24. Culpepper narrative, Bodl. L, Tanner MS 118, fols 129^{r}, 130^{v}, 131^{r}; Tresham to Whitgift and the Council, 26 March 1590, BL, Additional MS 39,828 fol. 140^{v}; list of those prisoners released on bail, 27 Sept. 1589, PRO, SP 12/226/72. See also Parmiter, 'Private Castles', pp. 28-29 and Parmiter, 'Colepeper', pp. 370-72 and Walker, 'Recusant Statutes', pp. 285-87. Burghley in *The Copie*

of a Letter sent out of England and to don Bernardin Mendoza Ambassadour in France for the King of Spain, declaring the state of England (London, 1588), pp. 8-9 makes it clear that the group at Ely consisted of the leading recusants. Tresham indicates that at first it was understood by the prisoners that they would be sent to Wisbech castle, HMC, *Var. Coll.*, III, p. 53.

25. Walker, 'Recusant Statutes', pp. 283-86; Read, *Burghley*, p. 421; Culpepper narrative, Bodl. L, Tanner MS 118, fol. 131r. Culpepper and three others were allowed home temporarily on 25 July having been kept 'in some convenient places within tenne myles of London' since December 1588, *APC*, XVI, p. 370; Sir F. Englefield to R. Heighton and Fr. S. Forster, Madrid, 19 Aug. 1589, BL, Harl. MS 296, fols 3-7. Thirty-four recusants had been released on bail by 27 September, 1589, see PRO, SP 12/226/72.

26. Anon. information against Sir William Stanley, July 1589, *Cal. SP Dom., 1581-90*, p. 612 [12/225/51]; Lieutenant of Captain Ellis to Burghley, 9 June 1589, *Calendar of State Papers of the Reigns of Elizabeth and James I, Domestic Series, Addenda, 1580-1625*, edited by M.A.E. Green, Public Record Office (London, 1872), p. 270 [15/31/29]; information of J. Warener, 11 Dec. 1589, *Cal. SP Dom., 1581-90*, p. 633 [12/229/26]; report from Chester, 25 June 1589, *APC*, XVII, p. 309; renewal of recusant gentry bonds, 18, 29 June, 2 Aug. 1589, *APC*, XVII, pp. 281, 319 and XVIII, pp. 9-10; Council to Whitgift, 22 Sept. 1589, *APC*, XVIII, p. 126. Whitgift's list of recusants is PRO, SP 12/226/72, and see also Lambeth Palace Library, MS 2,008, fol. 42.

27. See above, n. 21.

28. BL, Lansd. MS 61, fol. 82. The articles are discussed below.

29. The most comprehensive account is Walker, 'Recusant Statutes', pp. 37-295. For his judgement that Burghley and Walsingham spearheaded the policy, see pp. 67, 112-13, 190, 194, 200, 238, 281, 286, 288, 290-91.

30. Burghley's 'Consideration' on recusants, [before 23 Feb. 1590], printed in J. Strype, *The Life and Acts of John Whitgift*, 3 vols (Oxford, 1822), II, pp. 3-5. This memorandum evidently pre-dates the notes of 'measures resolved for the defence of the Realm', dated 23 Feb. 1593, PRO, SP 12/230/79.

31. Commission for banishing Jesuits and seminary priests, 15 Jan. 1585, see Manning, 'Recusancy Commissions', p. 35.

32. Burghley's 'Consideration' concerning recusants [before 23 Feb. 1590], printed in Strype, *Whitgift*, II, pp. 3-5.

33. Council to Lieutenants and Deputy Lieutenants, 8 March 1590, *APC*, XVIII, p. 406. Council to Whitgift, 13 March

1590, *APC*, XVIII, p. 414; note on defence measures, 23 Feb. 1590, PRO, SP 12/230/79.

34. The re-fortification of Milford Haven, ordered 4 Feb. 1590, Historical Manuscripts Commission, *Calendar of the Manuscripts of the Marquis of Salisbury, at Hatfield House*, various editors, 24 vols (London, 1883-1976), IV, p. 10 [17/87] was in response to the specific intelligence contained in PRO, SP 12/225/51. Measures for the defence of the realm, 23 Feb. 1590, *Cal. SP Dom. 1581-90*, p. 648 [12/230/77], see also PRO, SP 12/131/3, 9, 63, 88, 89, 94 and HMC, *Salis.*, IV, pp. 1, 4. Provision was made for reviewing the musters, the equipping of warships and the evacuation of some Londoners to the country.

35. Culpepper narrative, Bodl. L, Tanner MS 118, fol. 131^{r}; Parmiter, 'Colepeper', p. 373. Tresham states that the meeting with Whitgift took place on 18 March ['Thursday'] and that 'through few day's liberty and warning' the sudden imprisonment left him 'exceedingly distracted with infinite business of weighty importance' back in Northamptonshire, see HMC, *Var. Coll.*, III, pp. 55, 59.

36. Burghley's 'Consideration' of recusants [before 23 Feb. 1590], printed in Strype, *Whitgift*, II, p. 3. This paper was based upon an anonymous propaganda pamphlet which Burghley had published in 1588, see below, p. 161.

37. Sir T. Tresham to Whitgift and the Council, 25 March 1590, HMC, *Var. Coll.*, III, pp. 51-59, now BL, Add. MS 39,828, fols 139^{r}-142^{v}. Tresham made the point that their loyalty had particularly impressed the bishops and deans in whose custody they had been during the first half of 1588, notwithstanding that they 'most differed from us in some points of religion, and were of no affinity, vicinity of erst familiarity with us', HMC, *Var. Coll.*, III, p. 53.

38. *APC*, XVIII, pp. 414-15; Culpepper narrative, Bodl. L, Tanner MS 118, fols 132^{r}-33^{r}; Parmiter, 'Colepeper', pp. 373, 375-76. See Walker, 'Recusant Statutes', p. 305 and Parmiter, 'Private Castles', p. 29 for evidence that castles at Wisbech and Farnham (Hants) were also used in 1590.

39. Burghley's 'Consideration' concerning recusants [before 23 Feb. 1590], printed in Strype, *Whitgift*, II, pp. 3-5; Council to Lieutenants and Deputy Lieutenants, 8 March 1590, *APC*, XVIII, pp. 406-07; Deputy Lieutenants of Essex to Burghley, Chelmsford, 29 March 1590, *Cal. SP Dom., 1581-90*, p. 656 [12/231/46].

40. Evidence about the procedure that was used in earlier recusant commissions is incomplete, but see below, and Williams, *Tudor Regime*, pp. 278-79.

41. PRO, SP 12/231/29, 46, 63, 70, 103.

42. See Williams, *Tudor Regime*, p. 44 and Read, *Burghley*, p. 448, 464-65.

43. S. Adams, 'Eliza Enthroned? The Court and its Politics', in *The Reign of Elizabeth I*, edited by C. Haigh (London, 1984), p. 63.

44. Burghley memoranda, 9 April 1590, PRO, SP 12/231/70 and 103 as summarised by Read, *Burghley*, p. 464. For a note on these sources, see Chapter Two, n. 52.

45. Such as in 1595-96, for example, see below, n. 123. When investigating catholicism Knollys was more anxious to ensure that the bishops were not harassing Puritans, see Knollys to Burghley, 5 July 1589, BL, Lansd. MS 61, fol 138.

46. Before 1581 it seems that it was the job of bishops to identify leading recusants and to bring them before diocesan ecclesiastical commissions over which Whitgift held ultimate authority, see conclusions of a conference held to decide on action to be taken against recusants [*c.* July 1577], PRO, SP 12/45/10; Council to Huntingdon, and the Council of the North 3 July 1580, printed in Peck, *Desiderata Curiosa*, I, book III, pp. 11-12. Walker, *Recusant Statutes*, pp. 119-45 discusses the ambiguity arising from the anti-recusant statute of 1581 which extended detection responsibilities from the Ecclesiastical Commission to include justices and the assize courts. His evidence from 1581-90 (pp. 151-295) suggests that the bishops and their diocesan officials remained the chief group to whom the Council looked for routine recusant detection, with the judges of assize primarily responsible for enforcing the £20 statutory fine (pp. 168, 196, 243). Burghley memorandum [?April 1590], PRO, SP 12/231/103; Certificate of examined recusants, [1590], printed in Strype, *Whitgift*, II, pp. 2-3. In 1592 when Whitgift was instructed to co-ordinate the re-imprisonment of the catholic gentry he passed the instructions to the diocesan bishops who passed them, in turn, to the recusant commissioners via the county lieutenants, see Parmiter, 'Colepeper', pp. 378-79.

47. Burghley's digest, Dec. 1590, BL, Lansd. MS 64, fols 21-23^{v}; recusants in the northern province, [?1590], PRO, SP 12/235/25.

48. E. Fleetwood to Burghley, 7 Sept. 1587, British Library, Cotton MSS, Titus B II, fols 239^{v}-240^{r}, see also Walker, 'Recusant Statutes', pp. 301-02; religion in Lancashire, [?1590], *Cal. SP Dom., 1581-90*, p. 712 [12/235/68]; Burghley's map is British Library, Royal MSS 18 and D III, fol. 82^{v}, see J. Gillow, 'Lord Burghley's map of Lancashire, 1590' in *Miscellanea IV* (Catholic Record Society, 1907), pp. 162-216. See also, Haigh, Reformation and Resistance, pp. 257-94.

49. Mr. Corby to G. Corby, Durham, 1 May 1591, PRO, SP 12/238/143, see also 238/147-48; examination of W. Kinnersley, 8 March 1591, *Calendar of State Papers of*

the Reign of Elizabeth, Domestic Series, 1591-1594, edited by M.A.E. Green, Public Record Office (London, 1867), pp. 17-18 [12/238/73]. See also PRO, SP 12/238/135 and Williams, *Tudor Regime*, pp. 284-87.

50. See PRO, SP 12/232/67; 233/31,32; 238/136,156,185-6; 240/141; BL, Lansd. MS 68, fols 157-60.

51. The proclamation, dated 18 October 1591, is printed in *Tudor Royal Proclamations*, III, no. 738, pp. 86-93. There is a Spanish version in PRO, SP 12/240/42. For the November issuing of the proclamation, see R.C. Bald (ed.), *An Humble Supplication to Her Majestie (by Robert Southwell)* (Cambridge, 1953), pp. ix-x, n. 2 and Parmiter, 'Private Castles', p. 37, n. 69.

52. See Read, *Burghley*, pp. 468-69, 583 nn. 22-24. Burghley's draft order, 17 Oct. 1590, HMC, *Salis.*, IV, p. 148 [20/57]. Walker, 'Recusant Statutes', pp. 308-09 concludes that Burghley was personally responsible for the new drive against catholics. For a note on how administrative arrangements in 1591 compared with previous commissions, see above p. 142 and n. 46. See also below, n. 106.

53. Copies of the printed articles [issued 23 Nov. 1591] are in PRO, SP 12/240/43 and Inner Temple Library, Petyt MS 538, vol. 6, fol. 39^{v}. The original commission to Bedford with the great seal attached is in LPL, MS 2005. The Norfolk commission, extent among Sir Nathaniel Bacon's papers, is printed in *The Official Papers of Sir Nathaniel Bacon*, edited by H.W. Saunders, Camden Society, vol. 193, third series, vol. 26 (1915), p. 170

54. Walker, 'Recusant Statutes', p. 307 describes the 1591 commission as 'a system over and above existing county administration' and 'a new high level of detection'. The Acts of the Privy Council for the period October 1591 to February 1593 preserve correspondence with the recusant commissioners of 25 counties, four cities and the Cinque Ports, Walker, pp. 309. For returns for 1585, see PRO, SP 12/183 and 184 and Walker, pp. 201-09, 444-46. For the original action in 1580 see: BL, Harl. MS 360, fol. 65; Read, *Burghley*, pp. 244-47; and Haigh, *Reformation and Resistance*, pp. 286-88.

55. Council to Sussex Recusant Commission, 23 July 1592, BL, Harl. MS 703, fol. 68^{r}; Council to Derbyshire Recusant Commission 23 July 1592, HMC, *Rutland*, I, p. 300. Council instructions to the counties, 7 Aug. 1592, *APC*, XXIII, p. 106-13 and LPL, MS 2,008, p. 44; Council to Derbyshire Recusant Commission, 13 Aug. 1592, HMC, *Rutland*, I, p. 302; Council to Sussex Recusant Commission, 13 Aug. 1592, BL, Harl. MS 703, fol. 68^{r}. Council to Huntingdon, Lord President of the North, 13 Aug. 1592, *Cal. SP Dom., 1591-94*, p. 253 [12/242/105]. Commissioners were required to leave the recusants 'fitting proportions of bows and arrows and black bills for the defence of their houses', *Cal. SP Dom., 1591-94*, p. 300 [12/243/103] whilst letters of January 1593

ordered certificated of the armour, its owners and whereabouts to be compiled and sent in, HMC, *Rutland*, I, p. 306, BL, Harl. MS 703, fol. 70[r].

56. The gentry were imprisoned on 15 September 1592 and held until 3 October 1593, see Culpepper narrative, Bodl. L, Tanner MS 118, fol. 133[v]. Council to Sussex Recusant Commission, Oct. 1592, BL, Harl. MS 703, fol. 69; Council to Derbyshire Recusant Commission, 20 Oct. 1592, HMC, *Rutland*, I, p. 303. PRO, SP 12/240/139 [undated] lists fourteen Lancashire justices all of whom were suspected catholics. The local chain of command through which the commission operated in Kent is reconstructed in Parmiter, 'Colepeper', pp. 376-79.

57. For example, Manning, 'Elizabethan Recusancy Commissions', pp. 31-33; Williams, *Tudor Regime*, p. 288, but see also p. 289. In contrast Catholic historians have specifically criticised Burghley, see, for example, J. Gillow, 'Lord Burghley's Map of Lancashire, 1590' in *Miscellanea IV*, Catholic Record Society (London, 1907), pp. 162-216 (p. 162), and A.G. Petti, *Recusant Documents from the Ellesmere Manuscripts*, Catholic Record Society (London, 1965), p. xiv.

58. Notes by Burghley of Council business, including the particular lawlessness of recusants in Lancashire, 14 Oct. 1592, PRO, SP 12/253/37; Burghley's 'Catalogue of Recusants and suspected persons in Lancashire', Oct. 1592, HMC, *Salis.*, IV, p. 242 [168/142]; Earl of Derby to Burghley, 27 Nov. 1592, BL, Lansd. MS 72, fol. 129. See also, Walker, 'Recusant Statutes', pp. 319-20 and Haigh, *Reformation and Resistance*, pp. 288-89.

59. Recusant inventory, HMC, *Salis.*, IV, pp. 263-75 [137/237-52]. It shows the position before 15 September when the recusant gentry were re-committed to Ely and Banbury. That the inventory was probably highly selective is indicated by the complete certification surviving for Warwickshire, still in its vellum covers among the PRO State Papers. 369 names were recorded in five categories: those presented or suspected and residing in the county; those now beyond the seas or vagrants in other counties; those resident in other counties; those who conformed only for financial reasons; and those who promised to reform their religion, PRO, SP 12/243/76. Walker discuses the Hatfield inventory in 'Recusant Statutes', pp. 333-36.

60. Manning, 'Elizabethan Recusancy Commissions', p. 33 and see Chapter Three. Further circumstantial evidence for Burghley's close involvement in the detail of the legislative proposals is illustrated in his concern to entrap the wives of recusants, see his memorandum [before 23 Feb. 1590], printed in Strype, *Whitgift*, III, p. 5, a related clause of the anti-catholic bill introduced in the Commons and his zealous pursuit of the point in a conference between the Commons and the Lords, 6 April 1593, see J.E. Neale, *Elizabeth I and her Parliaments, 1584-1601* (London, 1958), pp. 281, 293-94.

61. Burghley memorandum for the Council, 9 April 1590, PRO, SP 12/231/70; opinion of the judges on the recusant problem [27 June 1592], BL, Lansd. MS 72, fols 117^{r}-20^{v}; Neale, *Parliaments, 1584-1601*, p. 280. Walker identified two main themes in the findings of the recusant commissioners - the danger posed by female recusants and the impact of the missionary priests, see 'Recusant Statutes', pp. 327-31, 333. See also above Chapter 3, p. 84.

62. All but one of the measures contained in the original Commons bill had been sacrificed in the interest of securing the *Act Against Seditious Sectaries*, see above, Chapter 3, especially n. 43. The one measure to survive was a provision to fine householders £10 per month for harbouring recusants, See Walker, 'Recusant Statutes', p. 349 and Neale, *Parliaments, 1584-1601*, pp. 281, 293. See Walker, pp. 353-54 for a fuller description of the way in which the legislation of 1593 extended the anti-catholic powers already available to the government.

63. [J. Cecil] to Burghley, 23 May 1591, *Cal. SP Dom. 1591-94*, pp. 42-43 [12/238/168]; Declaration of J. Fixer, 22 May 1591, *ibid.*, pp. 41-42 [12/238/166]; [J. Cecil] to Robert Cecil, 12 June 1591, *ibid.*, pp. 55-56 [12/239/26]. John Cecil [*alias* John Snowden] and John Fixer [*alias* Thomas Wilson] were attempting to ingratiate themselves with Burghley at this time. The recusant gentry's re-imprisonment on 26 March 1590, two weeks before Walsingham's death, allowed John Cecil to suggest that their release seven months later had been due solely to Burghley. In fact, Burghley had been responsible for their earlier imprisonment, see above.

64. W. Sterrel to T. Phelippes [?Scotland], 7 Jan. 1592, *Cal. SP Dom., 1591-94*, p. 169 [12/241/10]; same to same, Spain, [?] May 1592, *ibid.*, pp. 227-28 [12/242/37]; C. Bayteley to I. Thwing, Brussels, 10 April 1592, *ibid.*, p. 211 [12/241/121].

65. Read, *Burghley*, p. 468; Verstegan to Parsons, Antwerp, 5 March, 15 Oct. 1592, printed in *The Letters and Dispatches of Richard Verstegan*, edited by A.G. Petti, Catholic Record Society (London, 1959), pp. 40, 79. See also pp. 39, 42. Parsons appears to have borrowed the expression '*dictator in perpetuum*' from the first of Verstegan's letters for use in the *Declaration of the True Causes*, see p. 43 n. 12.

66. Verstegan to Parsons, Antwerp, 3 Aug. 1593, printed in *Letters of Richard Verstegan*, p. 59; Parmiter, 'Colepeper', p. 377; Culpepper narrative, Bodl. L, Tanner MS 118, fol. 133. After having sworn on oath that he had not been solicited by any Jesuit or seminary priest, and would side to the point of death with the Queen against any of her enemies, Culpepper was dismissed in 'friendlie sort'.

67. Printed articles [issued 23 Nov. 1591], ITL, Petyt MS 538, vol. 6, fol. 39^{v}, another copy in PRO, SP 12/240/43; R. Verstegan to Parsons, 5 March 1592, printed in *Letters of Richard Verstegan*, p. 39. The expression 'Cecillian Inquisition' originated in Verstegan's letter to Parsons and Parsons used it two weeks later in [R. Parsons], *A Declaration of the True Causes of the Great Troubles* (preface dated Cologne, 26 March 1592), pp. 74-75. For *Cicell's Commonwealth*, see Historical Manuscripts Commission, *Third Report [Manuscripts of the Marquis of Westminster at Eaton Hall]*, edited by A.J. Horwood (London, 1872), p. 214.

68. J. Cecil to Robert Cecil, 7 July 1591, *Cal. SP Dom., 1591-94*, p. 70-71 [12/239/87]; [Parsons], *Declaration*, pp. 74-75. In 1590, the total number of confined recusants outside London, including about thirty-three of the gentry who were temporary prisoners at Banbury, Broughton and Ely, appears to have been around one hundred, book of restraints of recusants, Dec. 1590, BL, Lansd. MS 64, fols 13^{v}-21^{v} where the numbers for London are not given. A separate inventory of Burghley's dated June 1590 lists nine prisoners in The Marshalsea, BL, Lansd. MS 64, fol. 7. John Cecil considered that the number in prison was under 200, J. John Cecil to Cecil, 7 July 1591, *Cal. SP Dom., 1591-94*, p. 70-71 [12/239/87].

69. See M.A.S. Hume, *Treason and Plot* (London, 1908), pp. 111-12; P. MacGrath and J. Rowe, 'The Imprisonment of Catholics for Religion under Elizabeth I', *RH*, 20, no. 4 (1991), 415-35 (pp. 420-23). For allegations by the separatists that their brethren were treated in a similar way in 1589 and 1590, see *The Writings of John Greenwood and Henry Barrow, 1591-1593*, edited by L.H. Carlson, Elizabethan Nonconformist Texts, vol. VI (London, 1970) (hereafter, Carlson, *ENT VI*), pp. 399 n. 2, 400 n. 1. See also, Williams, *Tudor Regime*, p. 393 and J. Bellamy, *The Tudor Law of Treason* (London, 1979), pp. 109-21, especially, pp. 113-14..

70. [?] Southwell to [?] Verstegan, c. Dec. 1591, printed in *Letters of Richard Verstegan*, pp. 15, 16.

71. See above, pp. 128-36.

72. See Tables 4.1, 4.2. By 1596 an increasing number of prisoners were being excused on ground of age and infirmity. See: Bodl. L, Tanner MS 118, fols 129^{v}, 131^{v}-32^{r}, 133^{v}, 134^{v}-35^{r}; LPL, MS 2,008, fols 19, 41, 42, 43, 49; *APC*, XVI, p. 317, XVIII, p. 414-15. For a comparison between this group and the smaller number of recusants paying the full £20 per month fine, see below, p. 188.

73. For example, on the question of the detailed terms of imprisonment Burghley told Whitgift in 1592 that since the matter required 'good deliberation being of waight & importance I have rather thought fitt to referr the order to be taken therein until hir Ma^{tie} shall come to Hampton Court', Burghley to Whitgift, Royston, 29 Sept. 1592, BL, Add. MS 32,092, fol. 139^{r}. This was at a time when the

arguments justifying the imprisonment of the gentry were at their weakest, see below, pp. 165-66, 187-88.

74. Council instructions to Whitgift and Huntingdon, 7 Aug. 1592, *APC*, XXIII, pp. 106-13 and LPL, MS 2,008, p. 44.

75. Walker, 'Recusant Statutes', pp. 312, 318-19. For the 1590 invasion scare, see above, p...; Sir T. Tresham to ?, his cousin, summer 1599, HMC, *Var. Coll.*, III, p. 99: C. Haigh, 'The Church of England, the Catholics and the People', in *The Reign of Elizabeth I*, edited by C. Haigh (London, 1984), pp. 195-219 (p. 203) and Haigh, 'From Monopoly to Minority'.

76. For the confinements of 1594, 1596 and 1597, see Tables 4.1 and 4.2. There is confusion over the dating of the 1594 confinement. The main source, Bodl. L, Tanner MS 118, implies in the sense of the narrative that the gentry were delivered into house arrest in the December after their committal the previous March, ie: 1594. However, the date 1595 is given which, in turn, is mistakenly described as 36 Eliz. (rather than 38 Eliz.). The sense of the text as well as evidence uncovered by Parmiter in the Kent archive office (Parmiter, 'Colepeper', pp. 380, 385, n. 105) and a reference in Historical Manuscripts Commission, *Fifth Report: Pembroke College, Cambridge MSS*, edited by H.T. Riley (London, 1876), pp. 485-86 makes it clear that December 1594 was the date of house arrest and May 1595 the date of final release, rather than 1596, as given in the MS and followed by Parmiter. See also Table 4.1.

77. Tresham's papers, now in BL, Add. MS 39,828-38 were reported on at Rushton Hall, Northants, in HMC, *Var. Coll.*, III. 'A note of all such troubles as I, Sir Alexander Colepeper of Bedgeburie haue had for the Catholike Religion since the second yeare of the Raigne of o^{r} Soueraigne Ladie Queene Elizabeth', Bodl. L, Tanner MS 118, fols 127^{r}-35^{v}. Parmiter's 'Colepeper' draws heavily from this account; otherwise, this important MS has remained largely unnoticed by historians, although G. Anstruther used it in *Vaux of Harrowden* (Newport, 1953) from whom it is cited by Walker in 'Recusant Statutes', pp. 284-88. See also 'Interrogatories for Sir Thomas Tresham', 25 March 1594, *Cal. SP Dom., 1591-94*, pp. 470-1 [12/248/44].

78. Between November 1587 and September 1591 Culpepper was only allowed home to Kent for ten weeks. Tresham was allowed to return to Northamptonshire for short periods between January and June 1593 to attend to a long-running dispute with the neighbouring Vaux family; in February he presentated a private member's bill to parliament on the matter, see Bodl. L, Tanner MS 118, fols 129^{v}-33^{v} and HMC, *Var. Coll.*, III, pp. 64-77.

79. See below, p. 160.

80. Culpepper narrative, Bodl. L, Tanner MS 118, fols 130^{v}-31^{r}; *APC*, XVI, pp. 370, 382; Parmiter, 'Colepeper', pp.

370-71. In 1594 Tresham was interrogated in the Fleet, amongst other things, about his submission; there was even a suggestion that the then French Ambassador had been instrumental in its creation, but Tresham asserted that each man had drawn up his own form of words, see interrogatories for Sir Thomas Tresham, 25 March 1594, *Cal. SP Dom., 1591-94*, p. 470 [12/248/45].

81. Culpepper narrative, Bodl. L, Tanner MS 118, fol. 132^{v}.

82. Parmiter, 'Colepeper', p. 370-71.

83. Council letter to Whitgift, 13 March 1589, *APC*, XVIII, pp. 414-15 and Council to R. Fiennes, 6 Aug., Council to Richard Arkenstall, 21 Aug. 1590, *APC*, VI, 14 Aug. 1590; Culpepper narrative, Bodl. L, Tanner MS 118, fols 133^{r-v}. This concession did not exempt them from the standard fine for non-attendance at church.

84. Council to the Commissioners at Broughton Castle, 14 August, 1590, *APC*, XIX, pp. 387-88; Lady Tresham to Burghley, 21 March 1590, HMC, *Var. Coll.*, III, pp. 50-51; Burghley to Whitgift, Oxford, 24 Sept. 1592, BL, Add. MS 32,092, fol. 138. In 1594, when he was recommending an increase in the numbers of recusant gentry imprisoned, Burghley re-iterated the official line that 'all convenient conditions for health and sustenance' be ensured.

85. [W. Cecil], *Copie of a Letter*, pp. 8-9. For Burghley's authorship, see C. Read, 'William Cecil and Elizabethan Public Relations' in *Elizabethan Government and Society*, edited by S.T. Bindoff, J. Hurstfield and C.H. Williams (London, 1961), pp. 26-55 (pp. 45-46), and for Burghley's renewed use of this argument in 1590, see above, p. 138.

86. Tresham to Whitgift and the Council, 25 March 1590, printed in HMC, *Var. Coll.*, III, p. 53. Tresham says that in 1588 the gentry 'were ready without jot of repining to be bestowed wheresoever and to whom so ever your honours should assign us for the most good of our prince and majesty'. There were also intensive but short lived preparations in November and December 1596, see Read, *Burghley*, p. 525-26.

87. The Council to Whitgift, 13 March 1590, *APC*, XVIII, p. 414; Tresham to Whitgift and the Council, 25 March 1590, BL, Add. MS 39,828, fol. 142^{v}, printed in HMC, *Var. Coll.*, III, pp. 56-57; Burghley's 'consideration' of the recusant threat [before 23 Feb. 1590], printed in Strype, *Whitgift*, II, p. 4.

88. Tresham to Whitgift and the Council, 25 March 1590, BL, Add. MS 39,828, fol. 140^{r}, printed in HMC, *Var. Coll.*, III, pp. 53, 54. Tresham here appears to be repeating an offer of service first made to the Council in 1588 and which Burghley directly reproduced in *Copie of a Letter*, p. 9.

89. Burghley's articles [1589], BL, Lansd. MS 61, fol. 82.

90. Tresham to Whitgift and the Council, 25 March 1590, printed in HMC, *Var. Coll.* III, p. 58; Culpepper narrative, Bodl. L, Tanner MS 118, fols 130^{v}-133^{r}. Tresham was, however, prepared to consider Church of England worship if this was approved by the Vatican, see HMC, *Var. Coll.*, III, *p. 58*.

91. HMC, *Var. Coll.*, III, p. 53; J. Cecil to R. Cecil, 12 June 1591, *Cal. SP Dom., 1591-94*, p. 56 [12/239/26]. As John Cecil was obsequiously seeking employment from Burghley as an agent at this time, his deflating analysis of Burghley's argument carries additional weight. A.J. Loomie, 'The Armadas and the Catholics of England' *CHR*, LIX, no. 3, (1973), 385-403. The proclamation of 1591 claimed that Parsons and Allen had 'assured' Philip II that 'many thousands of able people' in England would assist an invasion force, *Tudor Royal Proclamations*, p. 89.

92. Council to President of Council of the North, 10 June 1580, same to same, 3 July 1580, printed in Peck, *Desiderata Curiosa*, I, book III, pp. 8, 11-12 and *APC*, XII, p. 77; Council to Whitgift, 7 Aug. 1592, *APC*, XXIII, p. 106.

93. For evidence that Burghley kept Elizabeth closely informed about the restraint of the gentry in 1592, see above n. 73.

94. Tresham to Whitgift and the Council, 25 March 1590, printed in HMC, *Var. Coll.*, III, pp. 57-58; [Burghley], *Copie of a Letter*, p. 34. It is likely that this idea and others in Burghley's pamphlet originated in discussions between Tresham and his colleagues and the 'very principallest of the clergy' with whom they lodged under house arrest in 1588. In the pamphlet, for example, Burghley referred to Tresham's offer of military service, first made to Whitgift 'many months' before the armada, HMC, *Var. Coll.*, III, p. 53.

95. See above, pp. 158-59.

96. Speech by Cecil in the Commons, [26 Feb. 1593], introducing the anti-catholic bill, ITL, Petyt MS 538, vol. 20, p. 29. For evidence of the Commons opposition to the bill, see Neale, *Parliaments, 1584-1601*, pp. 285, 293-94, citing A. Bacon to A Standon, 14 March 1593, printed in T. Birch, *Memoirs of the Reign of Queen Elizabeth* 2 vols (London, 1754), I, p. 92 and anonymous House of Commons journal, BL, Cotton MSS, Titus F II, fols 93-95; for evidence about the Lords, see Neale, *Parliaments, 1584-1601*, p. 296.

97. For Burghley's involvement in the Babington investigations, see Read, *Burghley*, pp. 344-45; Burghley's copy of the letters sent to Lincoln, Hereford and Essex, 31 Dec. 1593, Hatfield House Library, Salisbury MS 24, fol. 59. Other sets are extant for: Derbyshire, see HMC, *Rutland*, I, p. 318; Sussex, see BL,

Harl. MS 703, fol. 72^{v}; Norfolk, see *Official Papers of Nathaniel Bacon*, p. 9. Burghley's operational notes for defensive measures against overseas recusants, 17 Feb. 1594, PRO, SP 12/247/66; Council to Deputy Lieutenants of Sussex, 16 Feb. 1594, BL, Harl. MS 703, fols 72^{v}, 73^{r}, 73^{v}; justices of Essex to the Council, 18 March 1594, PRO, SP 12/248/34; Council for Ireland to Mayor of Chester, Dublin, 15 June, 1594, Historical Manuscripts Commission, *Eighth Report: Corporation of Chester MSS*, edited by J.C. Jefferson (London, 1881), p. 377^{a}; copy of the orders for the London commission [June 1594], BL, Lansd. MS 171, fol. 232.

98. Read, in *Burghley*, pp. 449-546 deals fully with Burghley's declining health from 1594. Egerton to Burghley, 3 Aug. 1593, BL, Lansd. MS 74, fol. 202^{v} and see below, p. 183, for a discussion of Egerton's views in 1593. Culpepper and twelve other recusant gentlemen had been released from Ely on 3 October 1593, Bodl. L, Tanner MS 118, fol. 134, adding to the impression that the Council was relaxing its stance. Burghley 'Memorial', 7 Jan. 1594, *Cal. SP Dom., 1591-94*, pp. 407-08 [12/247/5].

99. Burghley's figure of 161 recusants excluding those paying the full £20 per month fine closely accords with Walker's search of the Exchequer receipts from 1581 to Easter term 1592 which produced the names of 180 recusants paying fines. Of these, Walker concludes that 16 were paying the full fine, 'Recusant Statutes', pp. 249, 275-77. Burghley's 'Considerations' about recusants, 6 March 1594, *Cal. SP Dom., 1591-94*, pp. 453-54 [12/248/9], see also Burghley's notes for the apprehension of suspicious persons at the ports, dated 17 Feb. 1594, PRO, SP 12/246/66. For Burghley's interest in separately penalising recusants' wives and ambiguity as to whether the statute of 1593 allowed for this, see above, n. 60. In a formal recognition of the practice of provincial and diocesan Ecclesiastical Commissions since 1578/9, recusant commissioners in 1591-93 had authority to imprison recusants pending indictment, see Manning, 'Recusancy Commissions', pp. 31-32.

100. Burghley had first identified this hierarchy of recusants in a paper commenting on the statute of 1581 [undated, after mid-March 1581], BL, Cotton MSS, Titus B III, fols 63^{r-v}.

101. Evidence about the gentry in 1594 is confined to the thirteen internees recorded by Culpepper at Ely in Bodl. L, Tanner MS 118, fol. 134^{v}. By 1596, however, it is clear that measures were enforced against a stable, diminishing group, see Parmiter, 'Colepeper', pp. 380-81. There is no evidence that the newly identified castles of Donnington, Somersham or Leeds were now used. C. Paget to T. Throckmorton [Brussells], 12 June 1595, *Calendar of State Papers of the Reign of Elizabeth, Domestic Series, 1595-1597*, edited by M.A.E. Green, Public Record Office (London, 1869), pp. 55-56 [12/252/66^{III}].

102. For Burghley's health in 1595 and his proposals for the repayment of the Dutch loan, see Read, *Burghley*, pp. 503-08; draft by Burghley of Council letter, BL, Lansd. MS 78, fol. 122; memorial of public business by Burghley, May 1595, *Cal. SP Dom., 1595-97*, p. 47 [12/252/42]; Council to F. Paris, 2 April 1595, printed in HMC, *Pembroke College*, p. 486. For the dating of the confinement of the gentry, see above, n. 76.

103. H. Vyvian to Drake and Hawkins, St. Mawes, 23 July 1595, PRO, SP 12/253/30.

104. Burghley memorial 'for Her Majestie's service and the Realm', 15 Nov. 1595, *Cal. SP Dom., 1595-97*, p. 129 [12/254/65]. Phrases in the memorandum matched, word for word, those used by Burghley during the crisis of October 1587, see above, pp. 133-34.

105. Read, *Burghley*, p. 507, see also R. White to Sir R. Sydney, London, 3 Nov. 1595, printed in *Letters and Memorials of State ... Written and Collected by Sir Henry Sydney* ..., edited by A. Collins, 2 vols (London, 1746), I, p. 357; Council to Whitgift, Whitehall, 26 Nov. 1595, printed in Historical Manuscripts Commission, *Manuscripts of the Duke of Buccleuch and Queensbury, at Montague House, Whitehall*, 3 vols (London, 1899-1926), III, p. 38.

106. Articles annexed to the proclamation [issued 23 Nov. 1591], ITL, Petyt MS 538, vol. 6, fol. 38^{v}, and see above, p. 134; Parmiter, 'Colepeper', pp. 376-77; Burghley's memorial 'for Her Majestie's service', 15 Nov. 1595, *Cal. SP Dom., 1595-97*, p. 129 [12/254/65]; Ecclesiastical Commission grant to Whitgift and others, Kew, 23 Sept. 1595, BL, Add. MS 38,139, fol. 11^{v}. The use of the Ecclesiastical Commission reverted to the procedure first adopted by councillors and commended by Burghley before the statute of 1581, see above, n. 46 and Manning, 'Recusancy Commissions', pp. 26-28. It was also the procedure proposed by Burghley for dealing with recusants' wives in January 1594. For a discussion of the procedure of local commissions more generally, see Williams, *Tudor Regime*, pp. 122, 262, 416.

107. Council to Whitgift, Whitehall, 26 Nov., Whitgift to Fletcher, Croydon, 3 Dec. and Fletcher to Howland, London, 5 Dec. 1595, all printed in HMC, *Buccleuch*, III, p. 38-39; for Whitgift's own copy of his letter to Fletcher, see LPL, MS 2,004, fol. 4; Whitgift to Dean and Archdeacon of Canterbury, 4 Dec. 1595, *ibid.*; *Act Against Seditious Sectaries* (35 Eliz. I c. 1), printed in R.J. Tanner, *Tudor Constitutional Documents* (Cambridge, 1930), p. 199; Finch's speeches to the Commons, 28 Feb., 4 April 1593, in Neale, *Parliaments, 1584-1601*, pp. 282-83, 289. Whitgift's opportunity to direct proceedings closer to his own ends is reminiscent of his direction of the commission against the Martinist authors after November 1588, see Chapter Two. For Hutton, see P. Lake, 'Matthew Hutton: A Puritan Bishop?', *History*, 64, (1979), 182-204, especially, pp. 196-96, 202-03. That Burghley clearly intended the commission to be against catholic recusants

only is indicated by the reference in his letters to Essex and Northamptonshire commissions to 'the Statut' ('An Act for the more speedie and due execution' of 23 Eliz. *c. I* [29 Eliz. I, *c.* 6], printed in *Statutes of the Realm*, edited by A. Luders, T.E. Tomlins and J. Raithby *et al.*, 11 vols (London, 1810-28), IV, pp. 771-72) see below, pp. 179-80. The operation of the commission through the ecclesiastical hierarchy during November 1595-January 1596 may be usefully compared with its operation through the secular, legal hierarchy during November 1591-March 1593 as reconstructed by Parmiter in 'Colepeper', pp. 376-77.

108. W. Day to Cecil, 22 Mar. 1596, *Cal. SP Dom., 1595-97*, p. 190 [12/254/102[I]]; T. Bilson to Cecil, London, 17 July 1596, HMC, *Salis.*, VI, pp. 265-67 [42/51].

109. See below, Chapter Five.

110. Hutton to Burghley, York, March 1596, BL, Lansd. MS 80, fol. 135. Hutton blamed the increased recusancy upon the failure of officials to enforce either the 12[d] or £20 fine, see Walker, 'Recusant Statutes', p. 387.

111. The re-drafted commission articles are printed [undated] in Strype, *Annals*, IV, pp. 419-24, who says that the articles were printed and 'seem to be drawn up' by Burghley. Burghley to the recusant commission for Northamptonshire, 23 Feb. 1596, HMC, *Buccleuch*, III, p. 44; Burghley to the recusant commission for Essex, 23 Feb. 1596, BL, Egerton MS 2,644, fol. 64; J. Coye to Burghley, 15 June 1596, BL, Lansd. MS 82, fol. 152; Burghley to the High Sheriff of Sussex, 25 June, 1597, BL, Harl. MS 703. fol. 110. See Walker, 'Recusant Statutes,' pp. 374-82 for evidence that 'though the law was still enforced ... abuses grew and the Exchequer lost money' and that Burghley was informed of this problem.

112. Burghley's 'Considerations' about recusants, 6 March 1594, *Cal. SP Dom., 1591-94*, pp. 453-54 [12/248/9]; Burghley's memorial on the preparation for defence, 4 Nov. 1596, BL, Lansd. MS 103, fol. 237.

113. Lord Burgh to Essex on the imminence of invasion, ?Oct. 1596, PRO, SP 12/260/83, copy in Bodl. L, Rawlinson MS D, 1,047, fol. 15[v]; extracts from Council letters to the county lieutenants, [6 Nov. 1596], HMC, *Salis.*, VI, pp. 473-74 [174/20]; Cecil's notes of Privy Council resolutions [undated, Nov. 1596], HHL, Salis. MS 39, fol. 74; Burghley's memorial on the preparation for defence, 4 Nov. 1596, BL, Lansd. MS 103, fol. 237, printed in Strype, *Annals*, IV, pp. 355-61, copy in PRO, SP 12/260/92.

114. Burghley's memorandum was probably drawn up for the consideration of this committee. Burghley was asked by the Queen to preside and, due to his incapacity, it was agreed that the committee should meet at his house, Essex to Cecil, 3 Nov. 1596, HMC, *Salis.*, VI, p. 469 [46/32]. The papers of another committee member, Peregrine Bertie,

Lord Willoughby, are in BL, Egerton MS 1,943, fols 77-82, 85-92. See also, 'Observations for the present time', Nov. 1596, PRO, SP 12/260/101.

115. Council to Lord Charles Howard, Lord Lieutenant of Surrey, 31 Oct. 1595, printed in Historical Manuscripts Commission, *Molyneux, 6th*, edited by J.C. Jefferson (London, 1879), p. 656; Council to Earl of Bath, Lord Lieutenant of Devon, 10 Oct., 6 Nov. 1596, Historical Manuscripts Commission, *Manuscripts of the Duke of Somerset*, edited by W. Page (London, 1898), pp. 15, 24-25; Council to the High Sheriff and Commissioners for the Musters, Northamptonshire, 6 Nov. 1596; ?Sir Edward Montague to the Council, Northampton, 18 November, 1596; Justices of Northampton to the Council, 22 November, 1596, all printed in HMC, *Buccleuch*, III, pp. 48, 47, 49; Burghley's memorial on the preparation for defence, 4 Nov. 1596, BL, Lansd. MS 103, fol. 237; Culpepper narrative, Bodl. L, Tanner MS 118, fols 134^{v}-35^{v}; S. Laone to Burghley, Bedfordshire, 18 June 1596, HMC, *Salis.*, VI, p. 217; Sir A. Cope to the Council, 10 Dec. 1596, HHL, Salis. MS 47, fol. 11; Council to Sir John Higham, 24 Nov. 1596, *APC*, XXVI, p. 327; Council to Whitgift, 3/4 Dec. 1597, *APC*, XXVIII, pp. 167, 172.

116. Popham's summary of the opinion of the judges on the recusant problem [27 June 1592] and Egerton to Burghley, 2 Aug. 1593, BL, Lansd. MS 72, fols 117^{r}-20^{v} and MS 74, fols 202^{r}-203^{v}.

117. See above, p. 177.

118. Walker, 'Recusant Statutes', pp. 135, 194, 196-200, 294-95, 353-54, 387, 401, 414-15, 422, 426. Egerton to Burghley, 2 Aug. 1593, BL, Lansd. MS 74, fols 202^{r}-203^{v}.

119. Read, *Burghley*, p. 247; Walker, 'Recusant Statutes', pp. 135-57; Burghley's commentary on 23 Eliz. I *c.* 1 [after mid-March 1581] is in BL, Cotton MSS, Titus B III, 18 fols 63^{r-v}. Walker, p. 139, believes that the commentary indicates that Burghley regarded the 1581 statute as 'a highly defective law'. See also Chapter Three, n. 20.

120. Walker, 'Recusant Statutes', p. 422.

121. Burghley's 'Considerations' about recusants, 6 March 1594, *Cal. SP Dom., 1591-94*, p. 454 [12/248/9]; Egerton to Burghley, 2 Aug. 1593, BL, Lansd. MS 74, fols 202^{r}-203^{v}; Evidence from BL, Cotton MSS, Titus F II, used in Neale, *Parliaments, 1584-1601*, p. 294 indicated that Egerton and Burghley were referring to 35 Eliz. I, *c.* 1 and not, as Walker believed ('Recusant Statutes', p. 355) to 35 Eliz. I, *c.* 2. For the offending clause in 35 Eliz. I, *c.* 1, see Tanner, *Constitutional Documents*, p. 199.

122. Walker, 'Recusant Statutes', p. 354. In 1592 the gentry had been imprisoned solely because of their recusancy.

123. For Essex, see P. Hammer, '"The Bright Shininge Sparke": The Political Career of Robert Devereux, 2nd Earl of Essex' (unpublished Ph.D. thesis, University of Cambridge, 1991), pp. 140-42. For Cecil, see the extended discussion in Chapter Six; see also Walker, 'Recusant Statutes', pp. 422-24 and above, pp. 186-87. P.M. Dawley notes that, compared to Grindal and Edward Sandys, who were both Marian exiles, Whitgift was mild with catholic recusants and showed them 'considerable forbearance', *John Whitgift and the English Reformation* (London, 1955), p. 130.

124. Sixty-nine individuals paid recusancy fines during the nine terms Michaelmas 1582/3 - Michaelmas 1586/7. By the end of the Michaelmas term 1592, 75 further names had been added to the accounts, see Table 4.3.

125. See Burghley's 'Considerations' about recusants, 6 March 1594, *Cal. SP Dom., 1591-94*, p. 453 [12/248/9]; Burghley to the recusant commissioners for Northamptonshire, 25 Feb. 1596, HMC, *Buccleuch*, III, p. 44.

126. Walker, 'Recusant Statutes', pp. 125-135; Read, *Burghley*, p. 247; G.R. Elton, *The Parliament of England, 1559-1582* (Cambridge, 1986), p. 187; Neale, *Parliaments, 1584-1601*, pp. 294, 296.

127. Walker, 'Recusant Statutes', p. 294. Walker's discussion (pp. 291-95) shows that figures collected on the new recusant 'rolls' - instigated early in the life of the commission of 1591-93 - largely reflect increased numbers of recusants from whom fines and land seizures were sought rather than, as the rolls' editors believed, those who had paid. As Burghley is known to have ordered the prototype Pipe Roll procedure for first recording recusant fines in 1582, he was, no doubt, responsible for instituting the 'Great Roll of Recusants' *(Magnus Rotulus Recusancium)* from Michaelmas 1592. The Pipe Rolls for the eleven years between 1582-92 list approximately 2,500 recusants; the first Recusant Roll (1592-93) named 3,603 individuals. Burghley's 1582 order, printed in *Recusant Roll No. 2*, edited by H. Bowler, Catholic Record Society (London, 1965), p. lix, see also p. lxviii. Approximate figures for entries on the rolls, see T.J. McCann, *Recusants in the Exchequer Pipe Rolls 1581-92*, Catholic Record Society (London, 1968), p. 3; *Recusant Roll No. 3 (1594-5) and Recusant Roll No. 4 (1595-6)*, edited by H. Bowler, Catholic Record Society (London, 1970), pp. vii-ix. *Recusant Roll No. 1, 1592-93*, was edited for the Catholic Record Society by M.M. Calthrop in 1916.

128. Walker, 'Recusant Statutes', pp. 387, 405-11, 374-81, 354; list of fines to the Exchequer, 30 Sept. 1594 to 10 March 1595, PRO, SP 12/251/53. Manning, 'Recusant Commissions', p. 34 is mistaken about the provisions of 35 Eliz. I, *c.* 2 and, consequently, about its effects. Walker's conclusion is that attempts after 1593 to extend the system of fines 'did not work with any notable success' and that the income was very uneven and irregular to the extent that the revenue for the three

years 1593-96 showed a decrease compared to 1588-91, pp. 373, 360 and see Table 4.3. By 1602, more revenue accrued from the income supplied by sequestered lands than from directly levied fines, Walker, p. 370.

129. Walker, 'Recusant Statutes', pp. 382-87, 422-24.

130. Council to Whitgift, 17 Aug. 1592, *APC*, XXIII, p. 106; Burghley's 'considerations' concerning recusants, 6 March 1594, PRO, SP 12/248/9.

131. See above, n 73.

132. PRO, SP 12/244, fol. 219^{r}, and see Hammer, 'Bright Shininge Sparke, pp. 140-41. As Exchequer receipts for Michealmas term 1592 and Easter term 1602 are missing, the total paid was higher than this figure; nevertheless, the proportion which those fourteen contributed must have been similar to that revealed by the surviving accounts.

133. Tresham to Whitgift and the Council, 25 March 1590, HMC, *Var. Coll.*, III, pp. 53, 57.

134. Burghley's 'Considerations' of the recusant question, 6 March 1594, *Cal. SP Dom., 1591-94*, p. 454 [12/248/9].

135. [Burghley], *Copie of a Letter*, pp. 8-9; Tresham to Whitgift and the Council, 25 March 1590, BL, Add. MS 39,828, fol. 141^{v}, printed in HMC, *Var. Coll.*, III, p. 54. The unrest directed at the gentlemen recusants was later confirmed by Tresham who related how, in 1588, it was 'growne in most mennes mowthes that all Papistes (so pleaseth them in scorne to terme us Catholikes) were traytors .. unworthie to lyve for that while we lived, her Matie would nott be in securitie nor the Realme freed from invassion', Tresham to Whitgift and the Council, 25 March 1590, BL, Add MS 39,828, fol. 141^{v}, printed in HMC, *Var. Coll.*, III, p. 54 and see also pp. 53-54 for his offer of catholics for armed service in 1588. In *Copie of a Letter*, p. 8, Burghley wrote that 'there was no difference to be seen between Catholics and Protestants in the earnestness with which they sought the defence of the realm'. Despite being a propaganda pamphlet, this contention was born out by a harassed ex-patriot in England, Petruccio Ubaldini, who described how 'it was easier to find flocks of white crows than one Englishman (and let him believe what he will about religion) who loves a foreigner', quoted in G. Mattingly, *The Defeat of the Spanish Armada* (London, 1959), p. 292 and, see also, p. 293.

136. In 1593, for example, as a solution to the spiralling cost of imprisonment at Ely, he told Whitgift to find four new prisoners as a way of increasing the income to the keeper of the stronghold through the additional charges levied, Burghley to Whitgift, 14 Feb. 1593, LPL, MS 2,004, fol. 46.

137. [Burghley], *Copie of a Letter*, p. 34; Culpepper narrative, Bodl. L, Tanner MS 118, fols 133^{r-v}.

138. For Cecil's patronage of Bilson, see Chapter Five; Cecil's catholic policies are considered more fully in Chapter Six.

139. For Tresham's point, see above, pp, 166-67; narrative of Tresham's proclamation of James I in Northampton, 25 March 1603, BL, Add. MS 39,829, fols 95^{v}-118, printed in HMC, *Var. Coll.*, III, pp. 117-23.

CHAPTER FIVE

1. P. Collinson, *The Religion of Protestants* (Oxford, 1984), p. 9; R. Houlbrooke, 'The Protestant Episcopate, 1547-1603: The Pastoral Contribution' in *Church and Society in England: Henry VIII to James I*, edited by F. Heal and R. O'Day (London, 1977), pp. 78-98 (pp. 82, 84-85); P. Collinson, *Archbishop Grindal* (London, 1979), pp. 187-88, 287, 220-21.

2. Whitgift's list [before 13 Sept. 1584], is in British Library, Lansdowne MS 109, fol. 68; Whitgift to Burghley, Lambeth, 14 Sept. 1584, Public Record Office, State Papers, Domestic, Elizabeth I (hereafter SP 12) 12/173/15; Burghley to Whitgift, 17 Sept. 1584, BL, Lansd. MS 396, fol. 16; Whitgift to Burghley, [after 17 Sept.] 1584, printed in J. Strype, *The Life and Acts of John Whitgift*, 3 vols (Oxford, 1822), I, pp. 339; *The Seconde Parte of a Register*, edited by A. Peel, 2 vols (Cambridge, 1915), I, p. 241, II, p. 92; W. Sheils 'Some Problems of Government in a New Diocese: The Bishop and the Puritans in the Diocese of Peterborough, 1560-1630' in *Continuity and Change: Personnel and Administration of the Church in England, 1500-1642*, edited by R. O'Day and F. Heal (Leicester, 1976), pp. 167-87 (pp. 171, 180). P. Lake, in *Moderate Puritans and the Elizabethan Church* (Cambridge, 1982), p. 170, refers to Howland's close involvement with Burghley at this time as well as his debt to Whitgift. As it turned out, Howland's episcopate was characterised by the enforcement of conformity rather than favour towards moderate puritans, see F.O. White, *Lives of Elizabethan Bishops of the Anglican Church* (London, 1898), p. 288. See also F. Heal, *Of Prelates and Princes: A Study of the Economic and Social Position of the Tudor Episcopate* (Cambridge, 1980), p. 227 for evidence of Scambler's friendliness toward Burghley. For the government enquiry into Aylmer's sale of timber, see Heal, *Prelates and Princes*, pp. 286-89 and Collinson, *Grindal*, pp. 306-08.

3. For these, and other details of the situation in the dioceses during 1594-98, see Table 5.1.

4. Burghley to Cecil, 23 Jan. 1594, Cambridge University Library, Baker MS E.e.III, 56, no. 15; C. Read, *Lord Burghley and Queen Elizabeth* (London, 1960), p. 499; A doctor's prescription, dated 8 April, 1594 is in BL, Lansd. MS 77, fol. 92.

5. G. Paule, *The Life of the Most Revered Prelate J. Whitgift ...* (London, 1612), pp. 54-55; [H. Wotton], *Reliquiae Wottonianae* (1651), p. 22, both quoted in P. Collinson, *The Elizabethan Puritan Movement* (London, 1967), p. 445. Paul Hammer confirms the evidence of Essex's show of godly patronage during 1589-91 and concludes that from 1592 Essex found it expedient to moderate this activity, '"The Bright Shininge Sparke": The Political Career of Robert Devereux, 2nd Earl of Essex', (unpublished Ph.D. thesis, University of

Cambridge, 1991), pp. 36-39, 66. For the Oxford chancellorship, see below, n. 145.

6. Collinson, *EPM*, p. 445.

7. Amongst copies of Puckering's papers are fourteen separate requests made between August 1594 and February 1596 by Essex that he place chaplains or other *protégés* of Essex in various parishes. Similar correspondence between Essex and Matthew Hutton at York survives for the same period and Essex was no doubt cultivating other avenues, see Essex to Puckering, British Library, Harley MS 6,996, nos. 105, 107, 122, 128, 130, 131, and MS 6,997, nos. 17, 21, 23, 40, 52, 86, 100, 107. Essex to Hutton, Hampton Court, 24 Feb. 1594, British Library Additional MS 33,207, fol. 17. As administrator of crown livings the Lord Keeper presented, on average, 140 livings per annum, see R. O'Day, 'Ecclesiastical Patronage: Who Controlled the Church?', in *Church and Society in England: Henry VIII to James I*, edited by F. Heal and R. O'Day (London, 1977), pp. 137-55 (p. 141). See also, P. Collinson, 'The Puritan Classical Movement in the Reign of Elizabeth I' (unpublished Ph.D. thesis, University of London, 1957), pp. 1,206-09.

8. Cecil's speech to parliament [27 Feb. 1594], Inner Temple Library, Petyt MS 538, vol. 20, p. 44; P. McGrath, *Papists and Puritans under Elizabeth I* (London, 1967), p. 231; Houlbrooke, 'Protestant Episcopate', p. 97; Whitgift to Burghley, Lambeth, 28 July 1586, Historical Manuscripts Commission, *Calendar of the Manuscripts of the Marquis of Salisbury, at Hatfield House*, various editors, 24 vols (London, 1883-1976), III, pp. 153-54. [14/80]; Whitgift to Burghley, Canterbury, 24 Aug. 1589, BL, Lansd. MS 61, fol. 5.

9. Sir H. Lee to Cecil, Gravington, 13 May 1594, HMC, *Salis.*, IV, p. 529 [26/70].

10. For Burghley's delegation to Cecil by 5 Oct. 1594. The complex succession of episcopal promotion during 1594-98 and evidence about patronage is tabulated in Tables 5.1 and 5.2. The question of episcopal finance is discussed below. J. Young, Bishop of Rochester to Cecil, Bromley, 30 and 31 July 1597, HMC, *Salis.* VII, pp. 326-27 [175/99,100]. Young implied in a letter to Burghley in 1595 that he had been unwilling accept the bishopric of Norwich, seeing as it had not been freed from 'outrageous spoils', Young to Burghley, 22 June 1595, BL, Lansd. MS 79, fols 114^{r}-17^{v}.

11. Fletcher to Burghley, 29 June 1594, BL, Lansd. MS 76, fol. 187; Lady Russell to Cecil, 24 Feb. 1595, Hatfield House Library, Salisbury MS 25, fol. 51.

12. J. Strype, *The Life and Acts of Matthew Parker*, 3 vols (Oxford, 1821), I, p. 537; Parker to Burghley, 1570, *ibid.*, II, p. 6; Whitgift to Burghley [before 13 Sept.] 1584, BL, Lansd. MS 109, fol. 68; R.C. Barnett, *Place, Profit and Power: A Study of the Servants of William*

Cecil, Elizabethan Statesman (Chapel Hill, N. Carolina, 1969), p. 20. Day told Cecil that the Queen had resolved that he and not Matthew Hutton should go to Durham in 1589 but the this plan was 'clean overthrown' whilst Leicester was away in the Low countries, Day to Cecil, 14 Oct. 1594, HMC, *Salis.* V, pp. 7-8 [28/93].

13. White, *Lives*, p. 348; Ridley to Cecil, Eton, 19 Sept. 1594, HMC, *Salis.* IV, pp. 616-17 [28/58]; H. Savile to Lady Elizabeth Russell, 4 Feb. [1596?], printed in J. Strype, *Annals of the Reformation*, 4 vols (Oxford, 1820-24), IV, p. 319. Savile had, himself, petitioned Cecil in March, see H. Savile to Cecil, 17 March 1594, HMC, *Salis.*, IV, p. 45.

14. H. Savile to Lady Elizabeth Russell, 4 Feb. [?1596], printed in Strype, *Annals*, IV, p. 319; T. Park (ed.), *Nugae Antiquae*, 2 vols (London, 1804), II, pp. 45, 206-09. Fletcher had been Whitgift's unsuccessful candidate for the deanery at Windsor which went to Day in 1572, White, *Lives*, p. 309.

15. Lady Russell to Cecil, 24 Feb. 1595, HHL, Salis MS 25, fol. 51.

16. For a partial reconstruction of Toby Matthew's preferment from Michael Hickes' perspective see A.G.R. Smith, *Sir Michael Hickes, Servant of the Cecils* (London, 1977), pp. 75-77.

17. White, *Lives*, p. 336-37; T. Matthew to Burghley, Durham, 15 Jan., 16 Oct. 1593, *Calendar of State Papers of the Reigns of Elizabeth and James I, Domestic Series, Addenda, 1580-1625*, edited by M.A.E. Green, Public Record Office (London, 1872), pp. 345, 355-6 [15/32/63,89]; 9 April 1594, BL, Lansd. MS 77, fol. 28, printed in Strype, *Annals*, IV, p. 281-82.

18. T. Matthew to M. Hickes, 31 Aug. 1594; M. Hickes to T. Matthew, The Strand, 1 Sept. 1594: BL, Lansd. MS 77, fol. 36, 153.

19. T. Matthew to M. Hickes, The Court, 1 Sept 1594, BL, Lansd. MS 77, fol. 147; Read, *Burghley*, p. 501; M. Hickes to Cecil, Burghley House, 27 Sept. 1594, HMC, *Salis.*, IV, p. 623 [28/71].

20. T. Ridley to Cecil, Eton, 19 Sept. 1594; Lady Russell to Cecil, 24 Feb. 1595: HHL, Salis. MS 28, fol. 58 and MS 25, fol. 50.

21. Burghley to Cecil, 5 Oct. 1594, printed in F. Peck, *Desiderata Curiosa*, 2 vols (London, 1779), I, p. 167. For the rapid decision to elevate Hutton to York see below and Table 5.2; see also Hutton to Cecil and Sir J. Wolley, Auckland, 15 Jan. 1595, HHL, Salis. MS 24, fol. 107.

22. Hutton was probably Huntingdon's preferred choice. Huntingdon had written Burghley a letter (now lost) about

'the supply' of the archbishopric and this advice, Burghley told Cecil, should be made known to the Queen, Burghley to Cecil, 5 Oct. 1594, printed in Peck, *Desiderata Curiosa*, I, p. 167. For the 'very close relationship' between Huntingdon and Hutton, see P. Lake 'Matthew Hutton: A Puritan Bishop?', *History*, 64, (1979), 182-204 (pp. 188-90); see also, Table 5.2. For Hutton's conference with Burghley in 1589, see Chapter Two. For Hutton's reluctance to move see: Whitgift to Hutton, 4 Nov. 1594, printed in *The Correspondence of Dr. Matthew Hutton*, edited by J. Raine, Surtees Society, no. XVII (London, 1843), p. 87; Hutton to Burghley, Durham, 11 Nov. 1594, BL, Lansd. MS 76, fol. 200; Hutton to Cecil and Sir T. Wolley, Auckland, 15 Jan. 1595, HMC, *Salis.*, V, p. 95 [24/107]. Whitgift's letter suggests that Hutton half expected the news of his translation.

23. Howland to Burghley, Peterborough, 20 Oct. 1594; 10 Nov. 1594; BL, Lansd. MS 76, fols 193, 195. Howland also wrote in similar vein to Cecil on 20 Oct. 1595, HHL, Salis. MS 28, fol. 100. For conditions in the diocese of Peterborough and Howland's position, see Sheils, 'Some Problems', p. 171. Burghley's coolness may have been a legacy of his unsuccessful attempt to prevent Howland ejecting the moderate puritan minister Robert Cowdry from the living at Luffenham, see White, *Lives*, p. 285, and above Chapter 2 n. 56.

24. Lady Elizabeth Russell to Cecil, 24 Feb. 1593, HHL, Salis. MS 25, fol. 51; W. Day to Cecil, Eton, 14 Oct. 1594, HHL, Salis. MS 28, fol. 93; Whitgift to Cecil, Lambeth, 4 Nov. 1594, HHL, Salis. MS 28, fol. 112. See also Table 5.2.

25. W. Day to Cecil, Eton, 14 Oct. 1594, HHL, Salis. MS 28, fol. 93; schedule in Cecil's hand of notes for the nomination or promotion of certain bishops, PRO SP 12/259 fol. 122^{r} (misdated in *Calendar of State Papers of the Reign of Elizabeth, Domestic Series, 1595-1597*, edited by M.A.E. Green, Public Record Office (London, 1869), p. 247 as ?June 1596 but datable to between 28 Sept. and 14 Nov. 1594). The schedule appears to represent proposals drawn up by Cecil and Burghley which were to be put to Whitgift. A meeting between Cecil and Whitgift subsequently took place, probably between 6-13 October, see Table 5.2, n.3. On 4 November Whitgift mentions a list of proposals 'that was set down' as a result of the discussions and this would seem to refer to a revised version of the PRO schedule, see Whitgift to Cecil, Lambeth, 4 Nov. 1594, HMC, *Salis.*, V, p. 18 [28/112].

26. W. Day to Cecil, Eton, 14 Oct. 1594, HHL, Salis. MS 28, fol. 93; Whitgift to Cecil, Lambeth, 4 Nov. 1594, HMC, *Salis.*, V, p. 18 [28/112]. The PRO list proposes the following senior moves: Hutton to York; Day to Durham; Fletcher to London; Matthew to Worcester; Wickham to Winchester; and Chaderton to Lincoln. Toby Matthew later said that his proposed move to Worcester was at Burghley's 'only meane and persuasion', T. Matthew to

Burghley, 14 Nov. 1594, BL, Lansd. MS 77, fol. 40. See also evidence summarised in Table 5.2.

27. [Cecil ?and Burghley] list of proposed episcopal elevations [between 28 Sept. and 14 Nov. 1594], PRO, SP 12/259 fol. 122^{r}; Whitgift to Cecil, Lambeth, 4 Nov. 1594, HHL, Salis. MS 28, fol. 122. In December Whitgift thanked Cecil for his dealings over all the bishoprics, but 'especially for Norwich', Whitgift to Cecil, 6 Dec. 1594, HMC, *Salis.*, V, p. 31 [171/31]. See also evidence summarised in Table 5.2.

28. Whitgift to Cecil, Lambeth, 4 Nov. 1594, HMC, *Salis.*, V, p. 18 [28/112]. Hughes remained at St Asaph where he died in 1600. See also, Table 5.2.

29. Whitgift to Cecil, 4 Nov. 1594, HMC, *Salis.*, V, p. 18 [28/112]; Whitgift to Cecil, Lambeth, 6 Dec. 1594, HHL, Salis. MS 171, fol. 31.

30. Whitgift to M. Hutton, 4 Nov. 1594, printed in *Correspondence of Matthew Hutton*, p. 87; Matthew to Burghley, 14 Nov. 1594, BL, Lansd. MS 77, fol. 40; [Cecil ?and Burghley] list of proposed episcopal elevations [between 28 Sept. and 14 Nov. 1594], PRO, SP 12/259 fol. 122^{r}; Cecil to Hickes [before 14 Nov. 1594], BL, Lansd. MS 77, fols 192-93. For a discussion of the relative wealth of the English dioceses, including Durham and Worcester, see Heal, *Prelates and Princes*, pp. 272-77, 295, 318.

31. Whitgift to M. Hutton, 1 Dec. 1594, printed in *Correspondence of Matthew Hutton*, p. 88; T. Ridley to Cecil, Eton, 19 Sept. 1594, HMC, *Salis.*, IV, pp. 616-17 [28/58]; W. Day to Cecil, Eton, 14 Oct. 1594, HHL, Salis. MS 28, fol. 93; T. Ridley to Cecil, Doctor's Commons, 16 Oct. 1594, HMC, *Salis.*, V, p. 7 [28/95]. Toby Matthew was nominated for Worcester on Burghley and Cecil's schedule. The ten nominations approved by the Queen were: Matthew Hutton to York; Toby Matthew to Durham; Richard Fletcher to London; William Day to Worcester; William Wickham to Winchester; William Chaderton to Lincoln; Hugh Bellot to Chester; Richard Vaughan to Bangor; William Redman to Norwich; and Gervase Babington to Exeter.

32. For Bilson's elevation, see below. In mid-November 1594 Robert Bennet had petitioned Burghley for the vacancy which seemed to have been created at Windsor, BL, Lansd. MS 77, fols 38^{r}-39^{v}; it was Bennett who was finally appointed in March 1596.

33. W. Wickham to Burghley, London, 10 Jan. 1595, BL, Lansd. MS 78, fol. 22; Whitgift to Cecil, Lambeth, 4 Nov. 1594, HHL, Salis. MS 28, fol. 112.

34. T. Matthew to Burghley, London, 14 Nov. 1594, BL, Lansd. MS 77, fol. 40; T. Matthew to M. Hickes, London, 14 Nov. 1594, BL, Lansd. MS 77, fol. 174.

35. T. Matthew to Burghley, Durham, 15 Dec. 1594, BL, Lansd. MS 77, fol. 42; M. Hutton to Burghley, Durham, 11 Dec. 1594, BL, Lansd. MS 76, fol. 200. Matthew was back in the north by 6 December, the day on which he probably forwarded the Lord Chamberlain's letter to Hutton: 'I have hitherto silenced this present business both your Lordship's and myne, for that I knowe not whether your Lordship will have it knowen as yet..', T. Matthew to M. Hutton, 6 Dec. 1594, printed in *Correspondence of Matthew Hutton*, p. 91.

36. Lady Russell to Cecil, 24 Feb. 1595, HMC, *Salis.*, V, p. 121-22 [25/51]. Hutton's elevation to York was proposed on Cecil's schedule between 28 Sept. and 14 Nov. 1594, PRO, SP 12/259 fol. 122^{r} and Whitgift had forewarned him of its likely occurrence on 4 November, Whitgift to M. Hutton, 4 Nov. 1594, printed in *Correspondence of Matthew Hutton*, p. 87.

37. T. Matthew to Hickes, 31 Aug. 1594, BL, Lansd. MS 77, fol. 36; T. Matthew to Burghley, Durham, April 1595, BL, Lansd. MS 79, fol. 108. This episode is recounted by A.G.R. Smith in his brief account of the affair, see Smith, *Sir Michael Hickes*, p. 77. For a discussion of the financial potential of the diocese of Durham see Heal, *Prelates and Princes*, p. 295 and for evidence of the wealth Matthew managed to accumulate, see *ibid.*, pp. 313-14.

38. Whitgift to Cecil, Lambeth, 4 Nov. 1594, HHL, Salis. MS 28, fol. 112. Cecil accepted the suggestion made by Whitgift that Vaughan was worthy of 'something better' than Llandaff and he was elected, instead, to Bangor. See summary of evidence in Table 5.2. William Morgan, like Redman, was Whitgift's personal nominee but his elevation to Bangor was not among those approved by the Queen in December 1594, although his promotion was subsequently confirmed in July 1595.

39. M. Hutton to Cecil and Sir J. Wolley, Auckland, 25 Jan. 1595, HMC, *Salis.*, V, p. 95 [24/107]. Matthew was nominated for Worcester and Day for Durham on the schedule drawn up by Cecil [?and Burghley] between 28 Sept. and 14 Nov. 1594; also indicated was Hutton's elevation to York, PRO, SP 12/259 fol. 122^{r}. In May 1597 Whitgift chided Hutton that he 'putt Christes-tyde for Christen-mass', when dating official correspondence

> which because of the noveltie thereof (being latelye used onely by some nice persons more curiouse in termes then in deeds) was by some of your best frends mislyked; and I marvell how it escaped you..

Whitgift to Hutton, 2 May, 1597, printed in *Correspondence of Matthew Hutton*, p. 117. For a discussion of Hutton's 'puritanism', see Lake, 'Matthew Hutton', p. 182-204, especially, pp. 196-99, 203-04. That familiarity with conditions in the north counted in the favour of candidates for such positions, see K. Fincham, *Prelate as Pastor: The Episcopate of James I* (Oxford, 1990), p. 26.

40. T. Ridley to Cecil, Eton, 19 Sept. 1594, HHL, Salis. MS 28, fol. 58; W. Day to Cecil, Eton, 14 Oct. 1594, HHL, Salis. MS 28, fol. 93; T. Ridley to Cecil, Eton, before 26 Dec. 1594, HHL, Salis. MS 29, fol. 63.

41. R. Fletcher to Burghley, 29 June 1594, BL, Lansd. MS 76, fol. 187; T. Ridley to Cecil, 19 Sept. 1594, HHL, Salis. MS 28, fol. 58. For Wickham and Day's subsequent careers see below.

42. Whitgift to Cecil, Lambeth, 6 Dec. 1594, HMC, *Salis.*, V, p. 31 [171/31]; Whitgift to M. Hutton, 2 Dec. 1594, printed in *Correspondence of Matthew Hutton*, p. 88.

43. A.G.R. Smith, *The Government of Elizabethan England* (London, 1967) p. 65. R. Lacey, *Robert, Earl of Essex: An Elizabethan Icarus* (London, 1971), p. 134 follows Smith's judgment, word for word.

44. Smith views Burghley generously but is unsympathetic to Cecil and Matthew, see Smith, *Government*, p. 65-66 and *William Cecil, Lord Burghley: Minister of Elizabeth I* (Bangor, 1991), p. 24.

45. Collinson, *Religion of Protestants*, p. 47; Heal, *Prelates and Princes*, pp. 230, 242, 313-14, 204-06. For a detailed discussion of the difficult balance required of the bishops in attending to their administrative, social and pastoral responsibilities, see Heal, *ibid.*, pp. 202-327.

46. Smith fails to consider the Matthew affair from this perspective, see Smith, *Sir Michael Hickes*, pp. 75-77. He does not, for example, consider Whitgift's objectives. Surviving evidence is unclear as to whether Whitgift had any prior knowledge of Cecil's championing of Toby Matthew for the bishopric of Durham in place of William Day, the candidate agreed between them on paper, PRO, SP 12/259 fol. 122^{r}.

47. J. Hurstfield, *Freedom, Corruption and Government in Elizabethan England* (London, 1973), pp. 93-94.

48. Fincham, *Prelate as Pastor*, pp. 6, 13, 60, 100, 104-05.

49. Fincham, *Prelate as Pastor*, pp. 104-05, 295n. Fincham notes that Matthew's role in the Treaty of Carlisle and Bancroft's diplomatic mission to Emden in 1600 represented 'isolated survivals of the medieval and early Tudor tradition of episcopal foreign embassies'.

50. Notwithstanding Collinson's comment that 'gold may have counted for less in Archbishop Matthew's rise than his talent as a witty court preacher and even a famous punster', *Religion of Protestants*, p. 47.

51. See W.H. Hutton's *DNB* article on Toby Matthew, p. 62; Collinson, *Religion of Protestants*, pp. 45-49 and Fincham, *Prelate as Pastor*, pp. 254, 265-67.

52. Heal, *Prelates and Princes*, p. 317. the other two commended by Heal were Whitgift and John Still of Bath and Wells.

53. The moves were: Richard Fletcher to London; William Redman to Norwich; William Wickham to Winchester; Gervase Babington to Exeter; Matthew Hutton to York; and Toby Matthew to Durham. See Tables 5.1 and 5.2.

54. William Morgan's elevation to Llandaff in July 1595 and Richard Vaughan's to Bangor in January 1596 were made at Whitgift's suggestion and he secured these appointments with the Queen on 19 May 1595, see Whitgift to Cecil, Lambeth, 4 Nov. 1594 and 20 May 1595, HHL, Salis. MS 32, fol. 53 and MS 28, fol. 112. See also Table 5.2.

55. For Burghley's health at this time see Read, *Burghley*, pp. 504-21. [Cecil ?and Burghley] list of nominations for episcopal promotion [between 28 Sept. and 14 Nov. 1594], PRO, SP 12/259 fol. 122^{r}; Whitgift to Cecil, Lambeth, 4 Nov. 1594; Chaderton to Cecil, Manchester, 1 April 1595; Bellot to Cecil, 17 May 1595: HHL, Salis. MS 28, fol. 122; MS 171, fol. 119; MS 32, fol. 43. Watson's appointment as an almoner to the Queen and his subsequent career at the Court may indicate that he was Elizabeth's personal choice, see Fincham, *Prelate as Pastor*, pp. 41, 292. Equally, Watson may have owed his place to Essex. Chichester was only vacant for four weeks and Buckhurst notes that how, at this time, Essex was able to sway the Queen to dismantle suddenly the well laid plans of others, Buckhurst to Cecil, 27 May 1596; Day to Cecil, 20 Feb. 1596; Lady Russell to Cecil, 24 Feb. 1595: HHL, Salis. MS 41, fol. 17; MS 30, fol. 81; MS 25, fol. 51. Day's elevation is considered in more detail below.

56. Bilson to Burghley, 28 Dec. 1594, BL, Lansd. MS 77, fol. 44; Bilson to Burghley, 31 Oct. 1595, BL, Lansd. MS 79, fol. 172, printed in Strype, *Annals*, IV, p. 318. It is, perhaps, surprising that Bilson had failed to feature in conciliar plans in 1594; contemporaries expected his to be an early promotion in moves of that year, see Sir H. Lee to Cecil, Gravington, 13 May 1594, HMC, *Salis.*, IV, p. 529 [26/70].

57. Bilson to Burgley, 31 Oct. 1595, BL Lansd. MS 79, fol. 172; Buckhurst to Cecil, 27 May 1596; Bilson to Cecil, 31 Oct. 1595: HHL, Salis. MS 41, fol. 17; MS 35, fol. 99; Whitgift to Cecil, Lambeth, 25 March 1596, HMC, *Salis.* VI, pp. 116-17 [39/52].

58. For the proposal that James should go to Durham, provisionally agreed by Burghley, Cecil and Whitgift, see [Cecil ?and Burghley] list of nominations for episcopal promotion [between 28 Sept. and 14 Nov. 1594], PRO, SP 12/259 fol. 122^{r}; Buckhurst to Cecil, 27 May 1596, and Whitgift to Cecil, 25 Mar. 1594: HMC, *Salis.* VI, pp. 197 [41/171], 116 [39/52]; Bilson to Burghley, 31 Oct. 1595, BL, Lansd. MS 79, fol. 172, printed in Strype, *Annals*, IV, p. 318. Ravis was appointed to Christchurch in 1596;

Eedes had to settle for the deanery of Worcester the following year, see *DNB*.

59. Notwithstanding that the dioceses of Bristol, Ely and Oxford were purposely kept vacant.

60. Copies of Whitgift's testimony for Bancroft, ITL, Petyt MS 538, vol. 38, fol. 155 and CUL, Baker MS M.m.I 47, pp. 333-35, printed in part from the Petyt MS in Strype, *Whitgift*, III, pp. 386-88. A detailed consideration of the veracity of the claims made in the document about Bancroft's role in detecting non-conformists is O. Chadwick, 'Richard Bancroft's Submission', *JEH*, 3 (1952), 58-73 (pp. 70-73). Chadwick accepts Whitgift's authorship of the testimony, but cites the wrong Petyt MS.

61. In the mid-1590s Burghley's tendency to think the worst of those who represented the order of episcopacy was undiminished. In June 1595 John Young of Rochester complained of the 'offence' that Burghley believed gossip that he was 'extremely covetous'; in November 1597 William Overton complained that Burghley had 'conceived hardly' of him, believing rumours that the bishop made or allowed incestuous marriages: BL, Lansd. MS 79 fols 114-17v; 84, no. 80, quoted in Strype, *Annals*, IV, pp. 315-17, 430-31.

62. Whitgift to Cecil, Croydon, 7 April 1597, HMC, *Salis.* VII, p. 146 [49/108]; schedule of 'Bishoprics Void to be Supplied', 8 April 1597, HMC, *Salis.* VII, p. 147 [49/111]. The sense of Whitgift's letter to Cecil implies that Cecil had agreed to put to Burghley the choices made in the schedule that Whitgift and Burghley jointly signed on 8 April.

63. The likelihood is that Bancroft was Whitgift's own choice, subsequently agreed by Cecil; the choice of Bilson for Winchester was probably a joint decision; Whitgift to Cecil, Croydon, 7 April 1597, HHL, Salis. MS 49, fol. 108. See Table 5.2 for a suggestion that Essex may, once again have been involved in Bilson's rise.

64. Whitgift to Cecil, Croydon, 7 April 1597, HMC, *Salis.* VII, p. 146 [49/108]; schedule of 'Bishoprics Void to be Supplied', 8 April 1597, HMC, *Salis.* VII, p. 147 [49/111]; memoranda of A. Bacon for Essex, 22 Dec. 1596, HHL, Salis. MS 47, fol. 45; Bilson to Cecil, Winchester, 14 May 1596, HHL, Salis. MS 40, fol. 84.

65. For the Queen's dispute with the fellows of Winchester College, see White, *Lives*, pp. 358-59. J. Harington, *A Briefe View of the State of the Church of England* (London, 1653), p. 93; Burghley, Whitgift and Cecil proposed John Young, the Bishop of Rochester and Herbert Westfaling the Bishop of Hereford and Gabriel Goodman the Dean of Westminster as alternatives to Vaughan's promotion to Salisbury, see schedule of 'Bishoprics Void to be Supplied', 8 April 1597, HMC, *Salis.* VII, p. 147 [49/111].

66. Vaughan explained to Cecil in 1603 that it was 'well known how little able the small revenues of this see is to defray the charge thereof', R. Vaughan to Cecil, 10 March 1603, HMC, *Salis.* XII, p. 699 [184/1], see also C. Haigh, 'Finance and Administration in a New Diocese: Chester, 1541-1641', in *Continuity and Change: Personnel and Administration of the Church of England, 1500-1642*, edited by R. O'Day and F. Heal (Leicester, 1976), pp. 146-66. H. Robinson to Cecil, London 26 July 1598, HHL, Salis. MS 62, fol. 90. For Robinson's dealings with Essex, Buckhurst and Whitgift, see Robinson to Essex, 25 Oct 1598, HHL, Salis. MS 177, fol. 128.

67. Schedule of 'Bishoprics Void to be Supplied', 8 April 1597, HMC, *Salis.*, VII, p. 147 [49/111]. Felicity Heal comments that 'Exeter was a poor see after the Reformation, and so remote from London that it had become almost as undesirable promotion as the Welsh bishoprics', F. Heal, 'Clerical Tax Collection under the Tudors: The Influence of the Reformation', in *Continuity and Change: Personnel and Administration of the Church of England, 1500-1642*, edited by R. O'Day and F. Heal, pp. 97-122 (p. 116).

68. Whitgift to Cecil, Lambeth, 4 Nov. 1594, HMC, *Salis.*, V, p. 18 [28/112]; Lady Elizabeth Southwell to Cecil, [Aug 1597]; Whitgift to Cecil, Croydon, 20 Aug. 1597; Whitgift to Cecil, Canterbury, 27 Aug. 1598; 5 Sept 1598: HMC, *Salis.*, VII, pp. 376, 359 [58/57; 54/71]; HMC, *Salis.*, VIII, pp. 320-20, 332 [63/77; 63/96].

69. See Tables 5.1 and 5.2. There were 26 mainland dioceses in England and Wales. The bishopric of Sodor and Man, in the province of York, was in the gift of the Earls of Derby, see C. Hill, *Economic Problems of the Church* (Oxford, 1956), p. 22. On 31 December 1598 12 of the 23 bishops then on the bench had been elevated no earlier than January 1595.

70. Whitgift to Cecil, Lambeth, 4 Nov; 6 Dec. 1594: HHL, Salis MS 28, fol. 112; MS 171, fol. 31. For Burghley's unconstructive complaints to Whitgift, see Chapter Two, n. 68.

71. Fincham, *Prelate as Pastor*, p. 106; Whitgift to M. Hutton, 4 Nov. 1594, printed in *Correspondence of Matthew Hutton*, p. 87. At this time the annual value of the Durham see was £1,821 whilst York was valued at £1,610, White, *Lives*, p. 301, n. 2. Hutton to Burghley, Durham, 11 Dec. 1594, BL, Lansd. MS 76, fol. 200; M. Hutton to Cecil and Sir J. Wolley, Auckland, 29 Dec. 1594, HMC, *Salis.*, V, pp. 49-50 [29/56].

72. Cecil and Sir J. Wolley to M. Hutton, the Court, 17 Jan. 1595, printed in *Correspondence of Matthew Hutton*, p. 94; Cecil's draft, HHL, Salis. MS 25, fol. 7; M. Hutton to Cecil and Sir J. Wolley, Auckland, 25 Jan. 1595, HMC, *Salis.* V, p. 95 [24/107]. See Lake, 'Matthew Hutton', pp. 192-94 for a consideration of this incident and Hutton's attitude to church patrimony. Hutton certainly

Hutton's attitude to church patrimony. Hutton certainly knew officially of his translation and Matthew's proposed elevation by 11 December, 1594, a full month before this exchange; see Table 5.2 and see above n. 35.

73. Heal, *Prelates and Princes*, pp. 202-36, 265-311; see also, Hill, *Economic Problems*, pp. 14-38.

74. Heal, *Princes and Prelates*, pp. 204, 206, 212-13, 227, 229; see also Shiels, 'Some Problems', p. 169.

75. *Correspondence of Matthew Hutton*, p. 94. Heal notes that Cecil was careful to protect crown income from the diocese of Ely when the 19-year vacancy there was finally filled in 1599, *Prelates and Princes*, p. 228.

76. Heal, *Prelates and Princes*, pp. 234-36. After a celebrated case in the mid-1580s involving William Overton at Coventry and Lichfield, Burghley issued new instructions to the collector of debts to allow bishops greater flexibility of payment, Heal, 'Clerical Tax Collection', p. 118.

77. See Heal, *Prelates and Princes*, p. 317 n. 7.

78. R. Fletcher to Cecil, Chelsea, 7 Dec.; 8 Dec.; 21 Dec. 1594: HMC, *Salis.*, V, pp. 31-32, 42 [29/24; 171/32; 29/43]; Heal, *Prelates and Princes*, p. 285.

79. Fletcher to Cecil, 7 Dec. 1594, Hutton to Cecil and Sir J. Wolley, 29 Dec. 1594, HMC, *Salis.*, V, pp. 31-32, 49-50 [29/24;29/56].

80. See White, *Lives*, p. 302; Heal, *Prelates and Princes*, p. 231; Hutton to Cecil and Wolley, 25 Jan. 1595, HMC, *Salis.*, V, p. 95 [24/107].

81. Fletcher to Cecil, 21 December, 1594, HMC, *Salis.*,V, p. 42, [29/43].

82. White, *Lives*, p. 312.

83. W. Chaderton to Cecil, 1 April 1595, HMC, *Salis.*, V, p. 162 [171/119]; Chaderton's account of the finances of Lincoln diocese, 19 June 1595, PRO, SP 12/252/81. By the following June Chaderton was writing to Cecil about new financial disputes in the diocese, see Chaderton to Cecil, 26 June 1596, HHL, Salis. MS 41, fol. 90. Exeter diocese: William Morgan to Cecil, 27 July 1595; and Sir W. Periam to Cecil, 7 Dec. 1595; Bangor Diocese: R. Vaughan to Cecil, 3 Feb. 1596; Chichester diocese: A. Watson to Cecil [June 1596]; Cheam, 17 July 1596; 30 March 1597; 7 April 1597: HHL, Salis. MS 172, fol. 36; MS 36, fol. 59; MS 171, fol. 75; MS 48, fol. 3; MS 42, fol. 49; MS 49, fol. 88; MS 49, fol. 107; Winchester Diocese: warrant for William Day's payments PRO, SP 12/257/71. Warrant releasing Vaughan from debts for non-payment of first fruits, 9 July 1597, PRO, SP 12/264/15^{e}. See also, Heal, *Prelates and Princes*, pp. 248, 249-50 and J. McGurk, 'The Clergy and the Militia, 1580-1610', *History*,

60 (1975), 198-210. Vaughan's successor at Bangor, Henry Rowlands, made a similar appeal, H. Rowlands [to Cecil], Nov. 1598, HHL, Salis. MS 67, fol. 51. He may have been unsuccessful due to his personal wealth, see Heal, *Prelates and Princes*, p. 315.

84. R. Howland to Burghley, Peterborough 3 Nov. 1593; J. Bullingham to Burghley, 1 Feb. 1598: BL, Lansd. MS 79, fol. 122; MS 86, fol. 65; Collinson, *Religion of the Protestants*, p. 72.

85. For the leading administrative and pastoral example set by Whitgift, see Heal, *Prelates and Princes*, pp. 277, 294, 317, 325; Houlbrooke, 'Protestant Episcopate', p. 89; and A. Foster, 'The Function of a Bishop: The Career of Richard Neile, 1562-1640', in *Continuity and Change: Personnel and Administration of the Church in England, 1500-1642*, edited by R. O'Day and F. Heal (Leicester, 1976), pp. 33-54 (pp. 36-37).

86. See above, n. 61. John Young mounted a stout defence in the face of the slurs which Burghley had repeated. He produced his accounts to demonstrate that with a total revenue of £340 *per annum* he was, on the contrary, effective at managing his extensive outgoings at the cost of only being able to maintain a 'miserable house'. Such libels as Burghley had repeated, he said, came from 'sycophants who cease not to blatter out against me ... in epicurism and belly-cheer', J. Young to Burghley, 22 June 1595, BL, Lansd. MS 79, fols 114^{r}-117^{v}, printed in Strype, *Annals*, IV, pp. 315-16.

87. Burghley to Cecil, 5 Oct. 1594, printed in Peck, *Desiderata Curiosa*, I, p. 167; J. Young to Burghley, 22 June 1595, BL, Lansd. MS 59, fol. 114. For a consideration of the considerable administrative demands that the Elizabethan government placed on the bishops, see R. O'Day and F. Heal, 'Introduction', *Continuity and Change: Personnel and Administration of the Church in England, 1500-1642*, edited by R. O'Day and F. Heal (Leicester, 1976), pp. 13-29 (p. 25); Foster, 'Function of a Bishop', p. 36 and Heal, *Prelates and Princes*, pp. 252-53, 263. See also historiographical comment on this question in Fincham, *Prelate as Pastor*, pp. 1-4.

88. Burghley, for example, had complained to Whitgift in 1584 that William Overton was a bishop 'who made 70 ministers in one day for money, some tailors, some shoemakers & others craftsmen' upon his elevation to Coventry and Lichfield, under Leicester's patronage, Overton had promptly established a selection procedure in his diocese to promote a more learned ministry, Read, Burghley, p. 303; Collinson, *Religion of Protestants*, p. 66; Houlbrooke, 'Protestant Episcopate', pp. 85, 88.

89. Hurstfield, *Freedom, Corruption and Government*, p. 95. Only in 1610 does Cecil appear to have made a concerted effort to improve ecclesiastical income through a scheme (jointly sponsored with Bancroft to) designed to finance parishes through glebe land tied to parishes, *ibid*.

90. For Toby Matthew, see: Heal, *Prelates and Princes*. pp. 230, 242, 314, 317; numerous references in Fincham, *Prelate as Pastor*, especially pp. 254, 265-67; Collinson, *Religion of Protestants*, pp. 45-49; and Hutton's *DNB* article. For Hutton, see Lake, 'Matthew Hutton'. For a discussion of Burghley and Cecil's personal religion, see Chapter Six.

91. For Cooper and Marprelate, see Carlson, *Martin*, pp. 9-21. For Winchester diocese, see Fincham, *Prelate as Pastor*, pp. 197, 203; White, *Lives*, pp. 190-91; P. Collinson, *Godly People: Essays on English Protestantism and Puritanism* (London, 1983), pp. 473 n. 4, 176, n. 1, 179, 180, 487 n. 5. Cooper was prominent in his support for the disgraced Grindal, see Collinson, *Grindal*, pp. 236-37, 274. Leicester had also acted as Cooper's patron, R. O'Day, 'Ecclesiastical Patronage: Who Controlled the Church?', in *Church and Society in England: Henry VIII to James I*, edited by F. Heal and R. O'Day (London, 1977), pp. 137-55 (p. 139).

92. 'Notes for the byll of Nonresidence & pluralities', [unascribed and incorrectly dated in the catalogue but in the hand of one of Knollys' secretaries], BL, Lansd. MS 68, fol. 92; Cooper's answers to petitions offered to parliament [1589 but misdated on the Dorse? as '1591'], BL, Lansd. MS 68, fol. 93^{r}; Burghley's notes on the Commons' bill, 10 March 1593, BL, Lansd. MS 104, No. 3, fols 5^{r}-6^{v}; rough notes on Burghley's speech [circa March 1589], BL, Lansd. MS 396, fols 59-60. See also J.E. Neale, *Elizabeth I and her Parliaments, 1584-1601* (London, 1958), pp. 226, 224-29; Read, *Burghley*, pp. 444-45; Heal, *Prelates and Princes*, pp. 248; F. Heal, 'Economic Problems of the Clergy', in *Church and Society in England: Henry VIII to James I*, edited by F. Heal and R. O'Day (London, 1977), pp. 99-118 (pp. 108-12); Knollys to Walsingham, 20 March, 1589, PRO, SP 12/223/23 and see Chapter Two.

93. White, *Lives*, p. 191; Heal, *Prelates and Princes*, pp. 295-313. Heal says that Cooper's 'energetic role ... seems to have stabilised the financial administration of the diocese', 'Archbishop Laud Revisited: Leases and Estate Management at Canterbury and Winchester before the Civil War', in *Princes and Paupers in the English Church, 1500-1800*, edited by R. O'Day and F. Heal (Leicester, 1981), pp. 129-51 (pp. 141-42); Cooper's answers to petitions offered to parliament [1589 but misdated on the dorse as '1591'], BL, Lansd. MS 68, fols 93^{r}-96^{v}. Cooper's published theology is discussed in P. Lake, *Anglicans and Puritans?: Presbyterian and Non-Conformist Thought from Whitgift to Hooker* (London, 1988), pp. 101-19.

94. Chaderton's account of the finances of Lincoln diocese, 19 June 1595, PRO, SP 12/252/81; Whitgift to Hutton, 2 Dec. 1594, *Correspondence of Matthew Hutton*, p. 88; notes on the value of land 'for Sir Francis Carew', 7 Dec. 1594, HHL, Salis. MS 29, fol. 22; Wickham to Cecil,

Buckden, 14 Dec. 1594; Cecil to Wickham, 20 Dec. 1594; Wickham to Cecil, Puddle Warf, 24 Dec. 1594: HMC, *Salis.*, V, pp. 37-38, 41, 46 [29/26,39,49].

95. Wickham to Burghley, London, 10 January, 1595, BL, Lansd. MS 78, fol. 22; Burghley to Cecil, 14 Feb. 1595, printed in Strype, *Annals*, IV, p. 301; Wickham to Cecil, 1 March 1595, HMC, *Salis.*, V, p. 128 [25/60]; Wickham to Burghley, 6, 26 March 1595, BL, Lansd. MS 78, fol. 30; MS 79, fol. 102; *DNB* article on Wickham. For the patronage Burghley gave to Wickham, see below and Table 5.2.

96. Burghley to Cecil, 14 Feb. 1595, printed in Strype, *Annals*, IV, p. 301; reasons for the restitution of the Bishop of Winchester, enclosed with W. Day to Cecil, 22 March 1596, *Cal. SP Dom., 1595-97*, p. 190 [12/256/102^{I}]; the debts of the late Bishop of Winchester, enclosed with W. Day to Cecil, 20 Feb. 1596, HMC, *Salis.*, VI, pp. 64-65 [30/80]; Wickham to Cecil, 1 March, 1595; Cecil to Wickham, 20 Dec. 1594: HMC, *Salis.*, V, p. 128, 41 [25/60; 29/39]; White, *Lives*, p. 288; Harington, *A Briefe View*, p. 65.

97. Heal, *Prelates and Princes*, p. 252.

98. T. Ridley to Cecil, Winchester, 29 Sept. 1596, Lady Russell to Cecil, 24 Feb. 1595, HMC, *Salis.*, V, p. 121 [25/51]; HMC, *Salis.*, VI, p. 408 [45/22]. See Table 5.2.

99. Lady Elizabeth Russell to Cecil, 24 Feb. 1595; T. Ridley to Cecil, Doctor's Commons, before 26 Dec. 1594; Eton, 26 Dec. 1594: HMC, *Salis.*, V, pp. 121-22, 48-49 [25/51; 29/63; 29/52].

100. W. Day, Dean of Windsor to Cecil, Eton, 5 Jan. 1595; 14 Jan. 1595: HMC, *Salis.*, V, pp. 79, 84 [24/84; 24/97]. See also Heal, *Prelates and Princes*, pp. 277, 248.

101. Heal, *Prelates and Princes*, pp. 272-73, 250; Heal, 'Archbishop Laud', p. 142; W. Day to Cecil, 22 March, PRO, SP 12/256/102. Although £1,933 1*s*. was owed to the crown, Wickham had died with £2,149 17*s*. 2*d*. being owed to him, some of which he had already received and £492 16*s*. 1*d*. of which was awaited from the Exchequer, Day to Cecil, 22 March, 1596, PRO, SP 12/256/102.

102. W. Day to Cecil, 20 Feb. 1596, HMC, *Salis.*, VI, pp. 64-65 [30/87]; Day to Burghley, 20 March 1596, BL, Lansd. MS 79 fol. 102^{r}; Ridley to Cecil, Winchester, 29 Sept. 1596, HMC, *Salis.*, VI, p. 408 [45/22]. Ridley went on to report that since Day's 'untimely death, the houses are like to be much decayed, the winter now approaching and they lying open to the injury of the weather'. By 1599 Ridley had been appointed chancellor of the diocese, *DNB*.

103. W. Day to Cecil, 22 Mar. 1596, *Cal. SP Dom., 1595-97*, p. 190 [12/256/102]; White, *Lives*, p. 361; Sir F. Carew to Cecil, 9 April 1596, HMC, *Salis.*, VI, p. 139 [39/104]; Elizabeth to Bilson, 19 May 1597, PRO, SP 12/263/40. The two valuations of the diocese are: 22 March 1596, PRO, SP

12/256/102[II] and 29 April 1597, PRO, SP 12/262/148. Heal, *Prelates and Princes*, pp. 276, 272, indicates that the diocesan figures were probably a deliberate underestimate. R.B. Outhwaite, 'Dearth, the English Crown and the Crisis of the 1590s', in *The European Crisis of the 1590s*, edited by P. Clark (London, 1985), pp. 23-43 (p. 35) and see also below, n. 117.

104. W. Day to Cecil, 14 Jan. 1595, 20 Feb. 1596, HMC, *Salis.*, V, p. 84, VI, p. 64 [24/97; 30/81].

105. Six months before his death Day declared that he would 'condescend' to offer '£1,000 to Sir Francis [Carew] to be raised by a lease to be made to her Majesty, and from her to such as I shall appoint, with some profitable clauses, if any be had, for 21 years or 31 at the most, Day to Cecil, 22 March, 1596, *Cal. SP Dom., 1595-97*, p. 190 [12/256/102].

106. In 1596, however, Day had secured an agreement in his composition for first fruits that, in the event of death, his executors would not be liable for first fruits payments, see PRO, SP 12/257/71. For the evidence summarising Burghley and Cecil's patronage of Wickham and Day, see Table 5.2. Little is known about Wickham's episcopate.

107. Heal, *Prelates and Princes*, p. 313-14; T. Bilson, *Perpetual Government of Christe's Church* (London, 1593), p. 35; see also Lake, *Anglicans and Puritans?*, pp. 93-97.

108. For the various disputes at Winchester College see: HHL, Salis. MS 38, fol. 3; MS 40, fols 49, 84, 86, 87; MS 41, fols 88, 108; MS 42, fols 13, 25, 73; MS 48, fols 3, 28, 43; MS 136, fols 59, 52 and PRO, SP 12/259/9. Whitgift and Essex had favoured the appointment of William Tooker as Warden of Winchester College, Whitgift to Cecil, Lambeth, 28 April 1596, HHL, Salis. MS 40, fol. 37. Cotton subsequently became Bishop of Salisbury in November 1598, for Bilson's political ambition, see Fincham, *Prelate as Pastor*, pp. 35, 39, 44-45. See also Table 5.2.

109. See above, pp. 222-23.

110. Bilson to Cecil, 18 June 1596, HMC, *Salis.*, VI, p. 217 [41/77-78]; Heal, *Prelates and Princes*, pp. 54,57, 226, 286-89. See also below, n. 117.

111. Bilson to Cecil, London, 17 July 1596; 24 July 1596: HMC, *Salis.*, VI, pp. 265-67, 282 [42/51; 42/50; 42/82]. Heal discusses the financial condition of Worcester diocese in *Prelates and Princes*, pp. 272, 277, 318. For Burghley's recusant policy, see Chapter 4.

112. See Table 3.2

113. An assessment, now dated, of Bilson's role as a polemicist is W.M. Lamont, 'The Rise and Fall of Bishop Bilson', *JBS*, V, no. 2 (1966), 22-32; Fincham, *Prelate as*

Pastor, pp. 44-45. In 1611 Bilson narrowly missed out on taking Bancroft's place at Canterbury.

114. W. Day to Cecil, 20 Feb. 1596, HMC, *Salis.*, VI, pp. 64-65 [30/80-81]; Heal, *Prelates and Princes*, pp. 313-14.

115. Heal, 'Archbishop Laud', p. 141. For the exemption of Day's executors from liability for unpaid first fruits, see PRO, SP 12/257/71.

116. White, *Lives*, p. 191; Heal, *Prelates and Princes*, pp. 272, 276; Sir F. Carew to Cecil, 25 May, 1597, *Cal. SP Dom., 1595-97*, p. 419 [12/263/53].

117. Heal, 'Archbishop Laud', p. 144; Heal, *Prelates and Princes*, 276; Bilson to Cecil, 18 June, 1596, HMC, *Salis.*, VI, p. 217 [41/77-78]. Outhwaite's data suggest that Winchester College food costs would have fluctuated considerable during 1585-86 to 1595-96, whilst remaining nearly stable overall. In the 'late years' to which Bilson referred (?from the low price year of 1592-93 to the highest, 1595-96), wheat prices increased by around 106% - close to the near-doubling of values in the cost of victuals to which he referred, see Outhwaite, 'Dearth', pp. 35, 29.

118. Heal, 'Archbishop Laud', p. 144; Heal, *Prelates and Princes*, p. 313.

119. Sir F. Carew to Cecil, 11 May, 1597, HMC, *Salis.*, VII, p. 196; VI, p. 139 [39/104; 50/100].

120. Sir F. Carew to Cecil, Bedington, 25 May, 1597, *Cal. SP Dom., 1595-97*, p. 419 [12/263/53]; Bilson to Elizabeth, 1 July, 1597, *Cal. SP Dom., 1595-97*, p. 432 [12/263/83]; Bilson to Cecil, 7 July, 1597, HMC, *Salis.*, VII, p. 293 [53/13/14]. See also Elizabeth to Bilson, 19 May 1597, PRO, SP 12/263/40. Heal, *Prelates and Princes*, p. 229 states in error that Bilson's grant was to the value of Carew's claim, ie: 2,000 marks

121. Heal, *Prelates and Princes*, p. 250; Heal, 'Archbishop Laud', p. 142; Bilson to Cecil, 29 May 1597, HMC, *Salis.*, VII, pp. 220-21 [51/44].

122. Heal, *Prelates and Princes*, pp. 228-29.

123. Of the seven nominees, Redman at Norwich and Chaderton at Lincoln may have escaped. Those who definitely faced claims were: Fletcher at London, Hutton at York, and Wickham at Winchester - all discussed in this chapter; Matthew at Durham, see Burghley to Cecil, 14 Feb. 1595, printed in Strype, *Annals*, xx?, p. 301; and Babington at Exeter, see Heal, *Prelates and Princes*, p. 340.

124. Heal, *Prelates and Princes*, pp. 250, 252-53, 265, 317-18.

125. Heal, *Prelates and Princes*, p. 231; Wickham to Burghley, 10 Jan. 1596, BL, Lansd. MS 78, fol. 22.

126. Burghley to Cecil, 14 Feb. 1595, printed in Strype, *Annals*, IV, p. 301.

127. See Table 5.2.

128. Whitgift to Cecil, Lambeth, 4 Nov. 1594; 6 Dec. 1594; Croydon, 7 April 1597; schedule of 'Bishoprics Void to be Supplied', 8 April 1597: HMC, *Salis.*, IV, pp. 18, 31 [28/112; 171/31]; HMC, *Salis.*, VII, pp. 146, 147 [49/108; 49/111].

129. Whitgift to Cecil, 25 March 1596; Croydon, 20 Aug. 1597: HMC, *Salis.*, VI, pp. 116-17 [32/53]; HMC, *Salis.*, VII, p. 359 [39/52].

130. W. Chaderton to Cecil, Manchester, 1 April 1595; Bellot to Cecil, 17 May 1595; H. Robinson to Cecil, 26 July 1598; H. Rowlands to Cecil, London, 28 Sept. 1598: HHL, Salis. MS 171, fol. 119; MS 28, fol. 122; MS 32, fol. 43; MS 62, fol. 90; MS 177, fol. 105. An exception is the case of Robinson where it seems that Buckhurst worked with Essex and Whitgift in affairs surrounding his elevation, see Robinson to Essex, 25 Oct. 1598, HHL, Salis. MS 177, fol. 128. See also, Table 5.2.

131. Whitgift to M. Hutton, 4 Nov. 1594, printed in *Correspondence of Matthew Hutton*, p. 87; Whitgift to Cecil, Lambeth, 20 May 1595; Lambeth, 25 March 1596: HMC, *Salis.*, V, p. 215 [32/53]; HMC, *Salis.*, VI, p. 116-17 [39/52].

132. Heal, *Prelates and Princes*, pp. 322-23.

133. See Table 5.2. A measure of Burghley's isolation and loss of touch was that he supported the promotion of Bilson - but only to the deanery at Windsor in place of William Day, Bilson to Burghley, 31 Oct. 1595, BL, Lansd. MS 79, fol. 172. The appointment of Hutton to York was an exception to the general trend discussed here.

134. Cecil to Wickham, 20 Dec. 1594, HMC, *Salis.*, V, p. 41 [29/39]; Day to Burghley, 20 Mar. 1596, BL, Lands. MS 79, fols 102^{r}-05^{v}; R. Fletcher to Cecil, 7 Dec. 1594, HHL, Salis. MS 29, fol. 24.

135. See p. 263.

136. Heal, *Prelates and Princes*, p. 231. For a discussion of how Matthew Hutton could reconcile 'clerical self interest and protestant principle', see Lake, 'Matthew Hutton', p. 194.

137. Hurstfield, *Freedom, Corruption and Government*, p. 94.

138. Heal discusses Whitgift's personal record of 'good housekeeping' and innovative reform in diocesan finances in the diocese of Canterbury in 'Archbishop Laud', pp. 134-38, and *Prelates and Princes* , pp. 292-94, 317; for a more general discussion of Whitgift's reform goals, see

Heal, *Prelates and Princes*, pp. 222, 237, 275, and above, p. 198.

139. Heal, *Prelates and Princes*, pp. 250, 252, 317-18, 322. When at Winchester, Bilson probably bought property which he passed to his heirs in his lifetime, see Heal, *Prelates and Princes*, pp. 229, 313-14; both Bilson and Matthew ensured that their children benefited from lease income, see Heal, 'Archbishop Laud' p. 144, and *Prelates and Princes*, pp. 230, 314.

140. For Essex's support of Vaughan see note of Anthony Bacon to Essex, 22 Dec. 1596, HHL, Salis. MS 47, fol. 45; for Whitgift and Essex's candidature of Tooker see Whitgift to Cecil, Lambeth, 28 April 1596; Essex to Cecil, 15 June, 1597, on behalf of Falmer for the deanery at Peterborough; 22 June 1597 on behalf of Dean Wood for the archdeaconry at Anglesea: HHL, Salis. MS 40, fol. 37; MS 52, fol. 23; MS 52, fol. 43. In the first of these two suits Essex was successful; an archdeacon of Anglesea was not appointed, however, the dignity reverting to the Bishop of Bangor who held it *in commendam*, see J. Le Neve, *Fasti Ecclesiae Anglicanae*, 3 vols (Oxford, 1854), I, p. 115. This aspect of Essex's career is not examined by Hammer in 'Bright Shininge Sparke'.

141. W. Sandys and fourteen others to Essex, before April 1597, HMC, *Salis.*, XIV, p. 11 [186/62]. Heton proved to be an active preacher when appointed to the bishopric at Ely in 1600, see Fincham, *Prelate as Pastor*, pp. 88, 121. Hammer, 'Bright Shininge Sparke', pp. 16-21.

142. R. Beale to Burghley, 24 April 1595, BL, Lansd. MS 79, fols 192^{r}-95^{v}. Beale owed his career to Burghley and wrote him a long letter defending his record of public service, apparently from attacks by the Essex faction. Specifically, Beale complained of 'surmises made touching my religion' - that he was a puritan and that this had been demonstrated by his defence of Cartwright and his opposition to the *ex-officio* oath.

143. H. Robinson to Essex, 25 Oct. 1598; Whitgift to Cecil, Lambeth, 25 March 1596; Buckhurst to Cecil, 27 May 1596; Lady Southwell to Cecil, Aug. 1598: HHL, Salis. MS 177, fol. 98; MS 39, fol. 52; MS 41, fol. 17; MS 58, fol. 57. Babington went from Exeter to Worcester and Essex secured the agreement of Burghley, Cecil and Whitgift that he should be replaced at Exeter by Robert Some, the Master of Peterhouse. However, Essex left for the Islands voyage on 17 August 1597 and in his absence William Cotton was substituted at Exeter, see Table 5.2.

144. Richard Fletcher, Thomas Bilson, Richard Vaughan, Gervase Babington and, probably, Henry Robinson, see Table 5.2.

145. T. Ridley to Cecil, Eton, 19 Sept. 1594, HMC, *Salis.* IV, pp. 616-17 [28/58]. For the contest for the Oxford chancellorship - in which Whitgift had sided with Buckhurst - see, Hammer, 'Bright Shininge Sparke', p. 66 and C.M. Dent, *Protestant Reformers in Elizabethan Oxford*

(Oxford, 1983), p. 151. Hammer concludes (p. 234) that Essex's record as a Court patron, in contrast to his following in certain counties, was 'strikingly poor'.

146. Whitgift to Cecil, Lambeth, 4 Nov. 1594; Lambeth, 6 Dec. 1594; Lambeth, 20 May 1595; Croydon, 7 April 1597; Croydon, 20 Aug. 1597: HHL, Salis. MS 28, fol. 112; MS 171, fol. 31; MS 32, fol. 53; MS 49, fol. 108; MS 54, fol. 71.

147. Whitgift to Cecil, Lambeth, 8 Feb. 1598, HMC, *Salis.* VIII, p. 39 [174/124].

148. See Table 5.2.

149. Whitgift, however, was definitely influential in persuading Cecil that William Morgan should go to Llandaff and that Richard Vaughan should go to Bangor. By 1597, however, he appears also to have become the more active partner, taking responsibility for the proposals that he and Cecil put to Burghley in April in 'Bishoprics Void to be Supplied', 8 April 1597, HHL, Salis. MS 49, fol. 11, see also Table 5.2.

150. Fincham, *Prelate as Pastor*, pp. 248-93.

151. N.R.N. Tyacke, *Anti-Calvinists: The Rise of English Arminianism* (Oxford, 1990), pp. 3, 17-19, 26-27, 32-33, 191 n. 50, 249, 251-54. The full list is: Whitgift, Hutton, Fletcher, Bancroft, Babington, Matthew, Robinson, Vaughan and Bilson. Wickham may be added to this group, see W. Wickham to T. Matthew, [16 May, 1592], BL, Add. MS 4,274, fol. 178.

152. P. Croft, 'The Religion of Robert Cecil', *HJ*, 34, no. 4 (1991), 773-96, (pp. 791-92).

153. See above, pp. 247-49.

154. For Bancroft, see Fincham, *Prelate as Pastor*, pp. 291-92; for Redman, see White, *Lives*, pp. 334-35 and Fincham, *Prelate as Pastor*, p. 123. Both Fincham and Lake, in *Anglicans and Puritans?*, have used the label 'conformist' in this way. For Morgan, see White, *Lives*, p. 346 and *DNB*; for Vaughan, see Tyacke, *Anti-Calvinists*, p. 191n. and *DNB*. Once in office, contemporaries came to regard Vaughan as protective toward puritans, see Fincham, *Prelate as Pastor*, pp. 216-17, 272, 283.

155. For Vaughan, see Fincham, *Prelate as Pastor*, pp. 86-87, 117; for Matthew, see Collinson, *Religion of Protestants*, pp. 45-49; for this judgement of Watson, see R.B. Manning, *Religion and Society in Elizabethan Sussex* (Leicester, 1969), p. 205; for Bancroft and Hutton see Fincham, *Prelate as Pastor*, pp. 65-66, 98, 99, 156, 291-92; for Fletcher, see Collinson, *Godly People*, pp. 420-24, Collinson, *Religion of Protestants*, p. 27; for Bilson, see above, and Fincham, *Prelate as Pastor*, p. 44.

156. Hutton (born in Lancashire; Bishop of Durham and York); Chaderton (Manchester; Chester); Morgan (Caernarfonshire; Llandaff); Bellot (Cheshire; Chester); Vaughan (Caernarfonshire; Bangor and Chester); Bilson (Winchester; Winchester); Robinson (Carlisle; Carlisle); Rowlands (Caernarfonshire; Bangor); and Henry Cotton (Hampshire; Salisbury).

157. Houlbrooke, 'Protestant Episcopate', p. 82. For Babington and Robinson, see Fincham, *Prelate as Pastor*, pp. 86, 88, 100, 125, 186, 206, 211, 230 n. 96, 236, 253, 257, 258, 299; for Matthew, see above, n. 51.

CHAPTER SIX

1. Burghley's memorial of public business, [?April 1590], PRO, SP 12/231, fol. 225[r]; P. Hammer, '"Bright Shininge Spark": The Political Career ofRobert Devereux, 2nd Earl of Essex', (unpublished Ph.D. thesis, university of Cambridge, 1991), pp. 16-20, 36-40, 69, 71, 98-151, 233-34, 260; M.A.S. Hume, *Treason and Plot* (London, 1908) remains useful for its detail on Essex's intelligence gathering work.

2. S. Adams, 'Eliza Enthroned? The Court and its Politics', in *The Reign of Elizabeth I*, edited by C. Haigh (London, 1984), pp. 67-68, 63, 69, 71.

3. P. Lake, *Anglicans and Puritans?: Presbyterian and Non-Conformist Thought from Whitgift to Hooker* (London, 1988), p. 249.

4. See above, Chapter Two, p. 41.

5. See M.A.R. Graves, *The Tudor Parliaments: Crown, Lords and Commons, 1485-1603* (London, 1985), pp. 34-35, 144, 145-46, 151 and P. Collinson, *The Religion of Protestants* (Oxford, 1984), p. 9.

6. See above, Chapter Five. Burghley habitually resorted to blaming the church hierarchy for the economic ill of the parochial system as, for example, in 1569 when he spoke of the 'negligence of superiors' to lead by example, in 1572 when he drew up a list of ways in which the bishops needed to exercise greater control over parish administration, and in 1583 when he began a memorial on church reform with the blanket statement: 'the bishops to be more diligent in reforming abuses', C. Read, *Lord Burghley and Queen Elizabeth* (London, 1960), pp. 119-20, 288. In 1584 he surveyed the state of the church and concluded that reform by ecclesiastical visitation was unlikely 'as the bishops and archdeacons do continually use for gain'. He advocated, as a result, those bishops 'as either of their manifest insufficiency or their corrupt and covetous conversation were out of credit with the people under their charge', Read, *Burghley*, pp. 293-4. Burghley did not, however, tackle the fundamental economic problems of the parochial system. The last occasion on which he elucidated a practical approach to the economic difficulties facing the parishes appears to be a memorandum of November 1585, Public Record Office, State Paper, Domestic, Elizabeth I (hereafter SP 12) 12/184/50, see Read, *Burghley*, p. 235.

7. K. Fincham, *Prelate as Pastor: The Episcopate of James I* (Oxford, 1990), p. 40. In addition James was much prompter than Elizabeth in filling episcopal vacancies.

8. The best discussion of the background to Burghley's political philosophy is B.W. Beckinsale, *Burghley* (London, 1967), pp. 191-217. In the 1590s Burghley and the recusant gentry both used the term 'christianity' to express this sense of moral justice allied to political

order, see British Library, Lansdowne MS 61, fol. 5 and Bodleian Library, Tanner MS 118, fol. 133[r].

9. Burghley's words, quoted in Knollys to Burghley, 18 Sept. 1589, BL, Lansd. MS 61, fol. 174.

10. See above, Chapters Two and Three.

11. Both Grindal and Burghley followed Bucer's emphasis upon the doctrine of election, his sense of reformation as a continual process of ceaseless edification, his concern with abuses and his stress on a pastoral ministry. Similarly both shared Bucer's lack of sympathy for a 'precise', over-scrupulous and narrow path to further reformation, particularly if, in Collinson's words, it became obsessed with 'the ceremonial vestiges of catholicism' and 'inherited structures and institutions of ecclesiastical government', P. Collinson, *Archbishop Grindal* (London, 1979), p. 54.

12. Burghley cited this *nostrum* to Whitgift in 1584, BL, Lansd. MS 396, fol. 23.

13. Banishment was increasingly a penalty applied to catholics after 1585 - a reversal of earlier Tudor practice which favoured extradition. By 1602, however, its use had become generally associated by catholics on the continent with priests undertaking government service, see J. Bellamy, *The Tudor Law of Treason* (London, 1979), pp. 91, 185-86; T. Bluet to Bancroft, 7 Jan. 1602, Lambeth Palace Library, MS 2,007, fol. 47.

14. Burghley only twice travelled abroad - to Belgium and France in 1554-55 and to Scotland in 1560, see Burghley's holograph '*Memoriae nativitatum et aliarum rerum gestarum*', [1594], Hatfield House Library, Salisbury MS 140, fol. 13.

15. See above, Chapter Four.

16. This is the reverse of Joel Hurstfield's conclusion, see *Freedom, Corruption and Government in Elizabethan England* (London, 1973), p. 97. Moreover, after 1591 Burghley was loth to involve himself at all in espionage work, having passed responsibility for secret dealings with catholics to Cecil at the earliest opportunity, see Cecil to Burghley, 2 June 1591, Historical Manuscripts Commission, *Calendar of the Manuscripts of the Marquis of Salisbury, at Hatfield House*, various editors, 24 vols (London, 1885[?]-1976), IV, pp. 115-16 [168/25]. See also Read, *Burghley*, pp. 142-43 and C. Read, 'William Cecil and Elizabethan Public Relations', in *Elizabethan Government and Society*, edited by S.T. Bindoff, J. Hurstield and C.H. Williams (London, 1961), pp. 21-55 (pp. 36-55).

17. He first espoused this position in the aftermath of the northern rising and both Read and Kingdon conclude that his arguments were never convincing, see C. Read, *Mr Secretary Cecil and Queen Elizabeth* (London, 1955), p. 466. Read, Burghley, pp. 251-54 and R. Kingdon,

'Introduction', in *The Execution of Justice in England*, by William Cecil, ed. by R. Kingdon (Ithica, NY, 1965), p. xx-xxii, xxx-xxxvii.

18. Pauline Croft, 'The Religion of Robert Cecil', *HJ*, 34, no. 4 (1991), 773-96 (p. 783); Cecil to Snowden, 1 June 1591, *Calendar of State Papers of the Reign of Elizabeth, Domestic Series, 1591-1594*, edited by M.A.E. Green, Public Record Office (London, 1867), pp. 50-51 [12/239/3]. Snowden underlined the point in 1595 when, after a dispute with Cecil, he was 'now again ready to serve ... always reserving my own conscience', Snowden to Cecil, Plymouth, 30 Dec. 1595, *Calendar of State Papers of the Reign of Elizabeth, Domestic Series, 1595-1597*, edited by M.A.E. Green, Public Record Office (London, 1869), p. 144-46 [12/255/22]. For Essex, see Hammer, 'Bright Shininge Sparke', pp. 140-44. Hammer suggests that Essex's tolerance was less expedient than Cecil's and arose from his intellectual interests and a desire 'to gain full access to the cultural and political life of all but Spanish-dominated parts of the continent'.

19. He dismissively described Robert Barwise (alias Walgrave), one of his informants in the archpriest affair as a 'dissembing lying foole', Cecil to [Bancroft], undated [?1602], Inner Temple Library, Petyt MS 538, vol. 54, fol. 200, and see G. Anstruther, *The Seminary Priests*, 4 vols (Ware and Great Wakering, 1968-77), I, pp. 25-26. Cecil did, however, share Burghley's unease that catholics had died for their religion, see Croft, 'Religion of Robert Cecil', p. 783. For the origins of the oaths of allegiance see, oath tendered to Campion and others, ?1581, BL, Lansd. MS 155, fol. 87; oath tendered to Sir Alexander Culpepper, 23 Oct. 1588, Bodl. L, Tanner MS 118, fols 130^{v}-131^{r}. See also Burghley's draft 'Artycles wherof fugetyves & refusers to cum to church^{e} may be examined', BL, Lansd. MS 67, fol. 82. For the oath of allegiance as developed by Cecil see, R.G. Usher, *The Reconstruction of the English Church*, 2 vols (London, 1910), I, pp. 166, 168, 176, 183-85; II, pp. 102-12, 175-91, 251-54, 310-24.

20. P. Croft, 'Serving the Archduke: Robert Cecil's Management of the Parliamentary Session of 1606', in *BIHR*, 64, no. 155 (1991), 289-304; Croft, 'Religion of Robert Cecil', pp. 780-81.

21. Under James, the Oath of Allegiance of 1606 signalled a considerable shift toward the idea of exemption of loyal catholics from penal law at a time when Cecil told the Venetian envoy that 'if the world can be assured that Papal superiority will be confined exclusively to affairs spiritual... I assure you that the next day the King would concede liberty of conscience and permit the exercise of catholic religion, Croft, 'Religion of Robert Cecil', pp. 784-85; Hurstfield, *Freedom*, p. 98; Cecil to N. Molin, the Venetian Envoy, to the Venetian Doge, [17 March] 1606, *Calendar of State Papers and Manuscripts ... in the Archives and Collections of Venice, 1603-1607*, edited by H.F. Brown, vol. X, Public Record Office

(London, 1900), p. 230. Events in 1606 should be seen in the context of Cecil's efforts to stem the Spanish recruitment of English volunteers to fight the Dutch - an arrangement allowed under the Treaty of London of 1604. Despite repeated diplomatic overtures from Madrid, Cecil remained cool toward Spain from 1606, see Croft's 'Serving the Archduke', *passim*, and 'Religion of Robert Cecil', pp. 780-81, 784. In 1609 Cecil clearly stated that he considered the anti-catholic recusant laws to be much too severe, see G. Boun to Earl of Rutland, 28 Nov. 1609, Historical Manuscripts Commission, *Manuscripts of the Duke of Rutland*, 4 vols (London, 1899-1905), I, p. 420.

22. See P. Croft, 'The Reputation of Robert Cecil: Libels, Political Opinion and Popular Awareness in the Early Seventeenth Century', *TRHS*, sixth series, no. 1 (1991), p. 54; Croft, 'Religion of Robert Cecil', pp. 780, 785. Cecil was concerned that James' courting of catholics during 1603-05 would, similarly, provoke a protestant backlash, *ibid.*, p. 783. Personally, however, Cecil subscribed to the view, then conventional, that catholics erred over beliefs central to the faith, see K. Fincham and P. Lake, 'The Ecclesiastical Policy of King James I', *JBS*, 24 (1985), 169-207 (p. 182, n. 54).

23. Lady Elizabeth Russell to Cecil, 24 Feb. 1595, HMC, *Salis.*, V, pp. 121-22 [25/51].

24. P. Collinson, *The Elizabethan Puritan Movement* (London, 1967), p. 447; D.H. Willson, *King James VI and I* (London, 1956), p. 149. For Cecil's response see, particularly, Sir. W. Fitzwilliam to Cecil, St. John's St. [London], 28 March 1601, HHL, Salis. MS 181, fol. 148. See also Croft, 'Religion of Robert Cecil', p. 775.

25. See Beckinsale, *Burghley*, pp. 196-97, 199.

26. Burghley to Cecil, 8 July 1597, printed in T. Wright, *Queen Elizabeth and Her Times*, 2 vols (London, 1838), II, p. 476; Burghley to Cecil, 23 May 1596, *ibid.*, p. 457.

27. This point is not made sufficiently clear by Pauline Croft, who implies that Cecil was an active puritan patron until 1606. That Cecil did *not* exploit the puritan 'network of friendships and contacts' he inherited from Burghley seems a better explanation for his subsequent spiritual development towards Laudianism, Croft, 'Religion of Robert Cecil', pp. 775, 785-96.

28. Croft, 'Reputation of Robert Cecil', pp. 43, 53.

29. Cecil's will, dated 7 March 1612, quoted in Hurstfield, *Freedom*, p. 100. In the absence of specific evidence, Handover maintains that Cecil's relationship with Burghley was detrimental and is of the opinion that 'combined with his deformity, this had the result that his father boxed in his emotional life', see P.M. Handover, *The Second Cecil* (London, 1959), p. 179.

30. C. Russell, *The Causes of the English Civil War* (Oxford, 1990), pp. 65, 94; C.M. Dent, *Protestant Reformers in Elizabethan Oxford* (Oxford, 1983), pp. 133-35.

31. See also P. Lake, 'The Significance of the Elizabethan Identification of the Pope as Anti-Christ', *JEH*, 31, no. 7 (1990), 161-78.

32. For Whitgift's private endorsement of the *jure divino* claim, see Sir F. Knollys to Walsingham, 20 March 1589, PRO, SP 12/213/23, and see above Chapter Two, p. 22. Lake, *Anglicans and Puritans*, pp. 92-93, 100, 117.

33. Lake, *Anglicans and Puritans*, pp. 117-18. James I upheld the *jure divino* power of bishops and, by prohibiting the alienation of episcopal lands in 1604, accepted the argument that an economically strong clergy bolstered the interests of the crown, see Fincham and Lake, 'Ecclesiastical Policy', p. 197 and F. Heal, 'Economic Problems of the Clergy', in *Church and Society in England: Henry VIII to James I*, edited by F. Heal and R. O'Day (London, 1977), 99-118 (p. 114).

34. Trinity College, Cambridge, MS B/14/9, p. 80, quoted by P. Lake, *Moderate Puritans and the Elizabethan Church* (Cambridge, 1982), p. 217. For the whole episode, see Lake, ibid., pp. 201-42 and N.R.N. Tyacke, *Anti-Calvinists: The Rise of English Arminianism* (Oxford, 1990), pp. 29-33.

35. See Chapter Two.

36. H. Tyndall to Whitgift, 19 Dec. 1595, Trinity College, Cambridge, MS B/14/9, pp. 127-28, quoted in Lake, *Moderate Puritans*, p. 228; A. Byng to S. Ward, 3 Nov. 1626, Bodl. L, Tanner MS 72, fols 116^{r-v}, quoted by Lake, 'Calvinism', p. 47, n. 35.

37. Cecil to Whitgift, 5 Dec. 1595, Trinity College, Cambridge, MS B/14/9, pp. 127-28, quoted in Lake, *Moderate Puritans*, p. 117. For Whitaker's doctrinal position, see Tyacke, *Anti-Calvinists*, p. 31.

38. Lake, *Anglicans and Puritans?*, pp. 61, 89-90, 244. Nicholas Tyacke and Peter White have clashed over both the purpose of the articles, the extent to which thorough-going Calvinism was dominant among the senior clergy of the Church of England and the precise claims espoused in the articles, see P. White, 'The Rise of Arminianism Reconsidered' *P&P*, no. 101 (1983), 34-54; N.R.N. Tyacke, 'The Rise of Arminianism Reconsidered', *P&P*, no. 115 (1987), 201-16; and P. White, 'A Rejoinder', P&P, no. 115 (1987), 217-29. See also, P. Lake, 'Calvinism and the English Church, 1570-1625', *P&P*, no. 144 (1987), 32-76. Of the two accounts, the detailed evidence marshalled by White appears the more convincing: that Whitgift's intervention had the effect of downgrading the original meaning of the draft of article 4 from that of unconditional election to reprobation conditional upon sin. By this reading, Whitgift's

intention was to 'provide a rule to be observed *both* by anti-Calvinists *and* intemperate Calvinists like Robert Some' - a stance in accord with Whitgift's political role as Archbishop of Canterbury and Privy Councillor, White, 'A Rejoinder', p. 221. Furthermore, Whitgift stated both his view that 'the Scriptures are plain that God by his absolute will, doth not hate or reject any man without an eye to his sin', as well as his readiness to punish 'any other that shall continue their controversies, either on this side or on the other', White, 'A Rejoinder', pp. 221, 221 n. 14. In his interpretation of Whitgift's role in the affair, Lake has moved nearer to White than to Tyacke, see Lake, 'Calvinism', p. 46.

39. In 1561 Burghley told Sir Nicholas Throgmorton: 'now is the time for Calvin and all such noble men ... to impugn and suppress the tyranny of the papists', Burghley to Throgmorton, 15 Jan. 1561, *Calendar of State Papers, Foreign Series, of the Reign of Elizabeth I, 1560-61*, edited by J. Stevenson, Public Record Office (London, 1865), p. 498.

40. For Hutton's testimony, see Chapter Two; theological papers in Burghley's collection, 1594, HMC, *Salis.*, V, pp. 71-72 {144/111, 134, 136, 140, 141].

41. For examples of Burghley's biblical piety see Read, *Burghley*, p. 534 and Beckinsale, *Burghley*, pp. 212-13. Cecil was tutored at home by the puritan Walter Travers where there was a discipline of private prayer in the morning, common prayer during the day, private confession in the evening and Bible reading in unoccupied hours. At St. John's College, Cambridge, where puritan piety was strong, Cecil displayed 'godly diligence both at sermons and disputations', see Handover, *Second Cecil*, pp. 14-15, 26, and Croft, 'Religion of Robert Cecil', p. 774. In 1601 Cecil made it known in puritan circles that he desired his son to be 'thoroughly instructed in the true ground of religion', Sir W. Fitzwilliam to Cecil, 28 March 1601, HMC, *Salis.*, XI, p. 148 [181/120] although, as Croft has shown, this meant in practice considerable influence being wielded in young William Cecil's education by the proto-Arminian Lancelot Anrewes, Croft, 'Religion of Robert Cecil', p. 793.

42. For a discussion of what may or may not have counted as conventional Calvinistic faith in the Church of England of the 1590s, see: Lake, *Moderate Puritans*, pp. 218-20; Tyacke, *Anti-Calvinists*, p. ix, 1, 3-5; Lake, *Anglicans and Puritans?*, pp. 244, 251 n. 16; and, especially, Lake, 'Calvinism', pp. 31-35, 40-49. Given Burghley's 'Erastian' outlook, it remains debatable whether he may be described as sympathetic to experimental Calvinism, despite his rejection of *jure divino* theory and his record of puritan patronage, see Collinson, *Religion of Protestants*, p. 41 and N.R.N. Tyacke's review article 'The Ambiguities of Early Modern English Protestantism', *HJ*, 34, no. 3 (1991), 743-754 (p. 751). Moreover, in 1595, both Burghley and Cecil advanced reasons to oppose predestination Calvinists which may be seen as a

prototype of Tyacke's definition of the later, broader Arminian theological position - that Calvinists were 'theocrats and in consequence disloyal subjects to the crown', N. Tyacke, *Anti-Calvinists: The Rise of English Arminianism* (Oxford, 1990), p. 246. Tyacke describes Cecil as theologically 'in a category of his own' among councillors in 1603, *ibid.*, p. 12.

43. Lake, *Moderate Puritans*, pp. 227-36. See C. Haigh review of Tyacke's *Anti-Calvinists* in *EHR*, CIII, no. 2, (1988), 426, and Lake, 'Calvinism', pp. 42-43. In reflecting upon such trends, both Lake and White are uncomfortable with Tyacke's label 'anti-Calvinist', although Lake uses it on occasion, presumably to signify his broad agreement with Tyacke's general thesis, see White, 'Arminianism Reconsidered', p. 35; Lake, 'Calvinism', pp. 33, 34 and P. Lake, 'The Impact of Early Modern Protestantism' *JBS*, 28 (1989), 300-04.

44. As a general principle Cecil was ready, he said, to tolerate theological argument but opposed any measures that encouraged those 'who dream of nothing but a new hierarchy, (directly opposite to the state of a monarchy)', W.P. Baildon (ed.), *Les Reports del Cases in Camera Stellata, 1593-1609*, (London, 1891), p. 191, quoted in Fincham and Lake, 'Ecclesiastical Policy', p. 176. See also the proclamation 'enjoyning conformitie' of 16 July 1604 (draftd by Cecil), *Stuart Royal Proclamations: Volume I: Royal Proclamations of King James I, 1603-1625*, edited by J.F. Larkin and P.L. Hughes, (Oxford, 1973), pp. 87-90,

45. Croft, 'Religion of Robert Cecil', p. 773. 'By the early years of James' reign, the makings of the future Arminian party are already discernible and the patronage of Robert Cecil was a bond between its members', *ibid.*, p. 792. Croft's theological discussion is not as precise as it might be: before 1606 she says Cecil held 'a fairly straight-forward Protestant position'; by 1606 he was definitely a 'non-Calvinist', having drifted toward what is anachronistically described as 'high churchmanship', *ibid.*, pp. 785, 789, 787.

46. Tyacke, *Anti-Calvinists*, pp. 34, 38. For the problem of applying such labels, see above, n. 42.

47. Collinson, *Grindal*, pp. 54, 20; Lake 'Calvinism', pp. 40-41.

48. Burghley to Thomas Good, February 1596, Trinity College Cambridge MS B/14/9, p. 129, quoted by H.C. Porter, *Reformation and Reaction in Tudor Cambridge* (Cambridge, 1958), p. 386 and Lake, *Moderate Puritans*, p. 233. See above, n. 38.

49. This point is not made sufficiently clear by Croft in 'Religion of Robert Cecil', pp. 774-75.

50. Cecil held, however, that catholics erred over beliefs central to the faith, see Fincham and Lake,

'Ecclesiastical Policy', p. 182, n. 54. Hurstfield, *Freedom*, pp. 97, 123-25: Hurstfield thinks that Cecil had a 'genuine desire for accommodation with the catholics, p. 132. Croft, following Hurstfield, speaks of Cecil as offering 'the lure of some *de facto* tolerance', 'Religion of Robert Cecil', p. 782; D. MacCulloch claims there was 'no serious intention' of allowing toleration, *The Later Reformation in England, 1547-1603* (London, 1990), p. 147.

51. Croft, 'Religion of Robert Cecil', p. 789; Lake, *Anglicans and Puritans?*, pp. 61-62, 64.

52. Collinson, *Grindal*, pp. 47-48, 54. For evidence that, from the 1590s, this tradition was 'underground and diverted', see Collinson, *EPM*, pp. 432-47 and F. Heal 'The Church of England and its Opponents from Reformation to Revolution', *HJ*, 24, no. 1 (1981), 201-210 (p. 203).

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Table 3.1: THE PASSAGE OF ANTI-RECUSANT BILLS IN THE PARLIAMENT OF 1593

HOUSE OF COMMONS	HOUSE OF LORDS	GOVERNMENT ACTION AGAINST SEPARATISTS
19.2.93 State opening of parliament		
		20.2.93 Petition of Barrow and Penry delivered to the Council and rejected
24.2.93 Speaker ill; Commons dismissed[N]	**24.2.93** First day of Lords business[N] Government-sponsored anti-recusant bill: 1st reading [hereafter: 'Lords bill']	
		25.2.93 The separatist congregation met
26.2.93 First day of Commons business;[N] government-sponsored anti-recusant bill: 1st reading [hereafter: 'Commons bill']		
28.2.93 Commons bill: 2nd reading and debate; bill committed and committee appointed[C1]	**28.2.93** Lords bill: 2nd reading [?debated; committed]	
1.3.93 Committee postponed		
2.3.93 ?Committee further postponed		
		4.3.93 About fifty-four separatists arrested at Islington woods: eighteen examinations follow during March
	7.3.93 [?Committe re-introduces Lords bill] 1st reading as a *nova* [hereafter: 'Lords *nova* bill']	
	8.3.93 Lords *nova* bill: 2nd reading [?debated and committed]	
9.3.93 ?Committee meets, 2:00 pm		
		10.3.93 Penry's petition presented to Cecil and Coke in the Commons, and Puckering in the Lords
		11.3.93 Barrow and Greenwood examined
12.3.93 Committee re-introduces Commons bill; 1st reading as a *nova* [hereafter: 'Commons *nova* bill']		
Lords *nova* bill received in Commons[T] ←	**12.3.93** Lords *nova* bill: 3rd reading [and **passed**]; 'Sent down' to Commons[T]	
13.3.93 Commons *nova* bill: 2nd reading and debate; committed to committee appointed on 28.2.93		

HOUSE OF COMMONS		HOUSE OF LORDS		GOVERNMENT ACTION AGAINST SEPARATISTS
14.3.93	Commons *nova* bill delivered to the committee through Sir Francis Knollys			
	Lords *nova* bill: 1st reading			
15.3.93	Lords *nova* bill: 2nd reading and debate; committed to Commons committee of 28.2.93			
	Commons also votes on a committee revision to the Commons *nova* bill[T]			
16.3.93	[Committee meets 3:00 pm; considers both bills]			
17.3.93	Committee reintroduces Commons *nova* bill and Lords *nova* bill, both with amendments; revised bills read and amendments ordered to be inserted [Commons *nova* bill abandoned at this point]			
			20.3.93	Barrow and Greenwood again examined
			21.3.93	Opening of Barrow and Greenwood's trial
			22.3.93	Penry arrested
			23.3.93	Barrow and Greenwood convicted of felony under 23 Eliz. I, *c.* 2
24.3.93	Lords *nova* bill twice read with amendments and **passed**		**24.3.93**	Barrow and Greenwood reprieved
				Penry examined
26.3.93	Lords *nova* bill returned to Upper House →	**26.3.93**	Lords *nova* bill received in Upper House	
				26.3.93 Egerton confers with Barrow in Newgate prison
		27.3.93	Fresh anti-recusant bill [?sponsored by Burghley] to replace abandoned Commons *nova* bill: 1st reading [hereafter: 'Lords substitute bill']	Commission appointed to conduct examination of separatists and recusants
27.3.93	← Message from Lords requesting conference on 29.3.93 'touchinge a provisoe to bee devised' to Commons amendments of the *nova* Lords bill; request approved		Message to Commons requesting conference on 29.3.93 'touchinge a provisoe to bee devised' to Commons amendments of the Lords *nova* bill[D]	
		28.3.93	Lords substitute bill: 2nd reading [?debated and committed]	

HOUSE OF COMMONS

30.3.93[x] Conference on Lords proviso (to Commons amendments to Lords *nova* bill), 2:00 pm: Burghley [mistakenly] complained that the clause implicating recusant wives had been removed by the Commons;[T] agreement that a priviso be inserted that 'concerneth abiuration'[D]

31.3.93 Heneage reports to the Commons on the conference:
(i) that the Lords required 'further explanation' of the Commons amendments to the Lords *nova* bill
(ii) that Burghley had requested that the Commons consider Lords proposals 'not agreed upon in any bill' in place of the abandoned Commons *nova* bill[T]*

Commons agree to consider proposals

31.3.93[+] Lords substitute bill received in Commons[T]

2.4.93 Lords substitute bill: 1st reading

2.4.93 Sergeant Owen and Dr Carey re-introduce amended Lords *nova* bill already passed in Upper House and now containing the proviso concerning abjuration

3.4.93 Lords substitute bill 'very late in the day and after xi of the clock' offered to be read; Commons defies councillors, rejecting the proposed reading upon a vote[T]

4.4.93 Lords substitute bill: 2nd reading and debate; committed and fresh committee appointed[C2]

5.4.93 'Great Committee assembles 2:00 - 3:00 pm; Fortescue and Cecil arrive with the bill at 5:00 pm; committee adjourns at 8:00 pm having resolved that the Lords substitute bill be re-drawn as a *nova* [T]

HOUSE OF LORDS

31.3.93 Lords substitute bill: 3rd reading [and **passed**]

Lords substitute bill sent to Commons[T]

GOVERNMENT ACTION AGAINST SEPARATISTS

29 or 30.3.93 Conference in Newgate between Barrow and several clergymen

30.3.93 Council instructs commissioners to take examinations of recusants, Barrowists and sectaries: thirty-four separatists examined, during 2-5.4.93

31.3.93 Barrow and Greenwood taken to Tyburn for execution; reprieved upon Burghley's intervention[P]

5.4.93 Penry examined

HOUSE OF COMMONS

6.4.93 Lords *nova* bill as amended thrice read and **passed**

Heneage informs Commons of committee deliberations, misreporting that it 'could not agree upon the bill, but rather had rejected it';[T] he further reported that 'the Lordes dislyked this alteration of their bill .. in that we seemed to resist .. and had so mangled it cutting off the head, mayming the body and leving it no legge'; consequently, the Lords have requested a conference for its 'better effecting';[D] the Lords' request debated, opposed by 'divers' members who argued that the committee should report to the House as 'it seemed they had rather overthrowen the bill then allowed it to be brought in again'; the house 'at last yielded' to the conference request[T]

Conference for the 'better effecting' of the Lords substitute bill, 2:00 pm

7.4.93 Heneage reports on conference which agreed not to create a *nova*, but adopt Commons alterations as amendments to the Lords substitute bill; alterations then read and, after further discussion, the bill committed

Committee meets

Lords substitute bill: 3rd reading; all alterations 'alsoe three tymes read' and **passed**

Lords substitute bill returned to Lords[T] ⟶

HOUSE OF LORDS

6.4.93 Lords *nova* bill [re-read] and **passed**

7.4.93 Lords substitute bill returned to Lords

7.4 or **9.4.93** [Lords substitute bill re-read and debated] some Lords sought to amend clause implicating recusants' wives and 'would have crossed it even now' but Burghley and Whitgift 'stood stiffly' for the existing wording[T]

[Lords substitute bill **passed**]

10.4.93 End of Session: **Royal Assent** given to:
Lords substitute bill (35 Eliz. I, *c.* 1)
Lords *nova* bill (35 Eliz. I, *c.* 2)

GOVERNMENT ACTION AGAINST SEPARATISTS

6.4.93 Barrow and Greenwood hanged

Sources:

[D] B.L. Harl. MS 75, fols 20^{r}-77^{r}: Sir S. D'Ewes manuscript copy of *The journal of all the parliaments during the reign of queen Elizabeth* (London, 1682).

[T] B.L. Cotton Titus MS Fii, fols 25^{v}-95^{r}: anonymous House of Commons journal.

[N] J.E. Neale, *Elizabeth I and Her Parliaments, 1584-1601* (London, 1958), p. 267.

[L] *Journals of the House of Lords* (London, 1846), Vol. II, pp. 170-87.

[C] *The Writings of John Greenwood and Henry Barrow, 1591-1593*, edited by L.H. Carlson, (London, 1970), pp. 284, 292-94, 318, 500-03.

[P] T. Phelippes to W. Sterrell [?7 April, 1993], *Cal. S.P. Dom.* 1591-94, p. 341 [12/244/124].

Notes:

All unattributed Commons' entries are from D'Ewes' MS.

All unattributed Lords' entries are from the Lords *Journal*.

Following Dean, 'Bills and Acts', p. 23, D'Ewes' dating is preferred to that of the Cotton MS. D'Ewes used the official (lost) Commons journals and his dating accords with the endorsements of surviving bills; the Cotton MS dating is internally inconsistent. Neale followed D'Ewes.

* D'Ewes [fol 68^{v}] says Heneage brought the Lords substitute bill into the Commons on 31.3.93.

x D'Ewes [fol 66^{r}] says the conference was scheduled to meet on Thursday, 29 March. As the Commons received a report of the conference on Saturday 31st (and the Cotton MS has Friday 30th: fols 79^{v}-80^{r}), it seems probable the conference was postponed by 24 hours.

\+ Cotton MS dating.

c1 Committee members include: Wolley, Heneage, Fortescue, Cecil, and Puckering of the Council; Finch; Morice; Beale; Nathaniel Bacon; Lewin; and Egerton.

c2 Committee members include: Wolley, Heneage, Fortescue, Cecil, and Puckering of the Council; Finch, and Lewin.

All unattributed separatist entries are from Carlson

Table 4.1: THE IMPRISONMENT OF THE RECUSANT GENTRY, 1587-1599

November 1587 - July 1588	House arrest in London[1]
15 July 1588 - early December 1588	Imprisonment at Ely[2]
12 Dec. 1588 - 24 March 1590	House arrest in London[3]
26 March 1590 - 19 October 1590	Imprisonment at Ely, Broughton, or Banbury[4]
3 November 1590 - 3 September 1591	House arrest in London[5]
20 September 1592 - 3 October 1593	Imprisonment at Ely, Broughton or Banbury[6]
24 March 1594 - 4 December 1594	Imprisonment at Ely or Broughton[7]
11 December 1594 - Easter 1595	House arrest outside prisoners' own counties.[8]
December 1596 - December 1597	Imprisonment at Ely or Banbury[9]
Mid-August 1599 - 3 September 1599	Imprisonment at Ely or Banbury[10]

Notes:

Dates shown between 1587 and 1594 are those which applied to Sir Alexander Culpepper. Other prisoners were arrested and released by Council authorisation at slightly varying times.

1. Prisoners lodged with 'the principallest sort and some of the very principallest of the clergy' on bond of £2,000: HMC, *Var. Coll.*, III, p. 53; Bodl. L, Tanner MS 118, fol 129^{r}.

2. At least 36 prisoners all held at the Bishop's Palace, Ely: Bodl. L, Tanner MS 118, fol. 129^{v}; PRO, SP 12/226/72, 131/46; *APC*, XIV, p. 317.

3. Prisoners confined to house arrest within six miles of London, on bond of £2,000; prisoners allowed to visit their homes for short periods to attend to business matters: Bodl. L, Tanner MS 118, fols 130^{v}-131^{r}; PRO, SP 12/226/72 [fols 138^{r}-139^{v}].

4. Prisoners summoned before Whitgift 19 March 1590 and allowed a 'few days liberty and warning' to settle their affairs before reporting to prescribed prisons of Ely, Broughton House, Oxon., or Banbury Castle: *APC*, XVIII, p. 414; HMC, *Var. Coll.*, III, p. 59; Bodl. L, Tannner MS 118, fols 131^{v}-32^{r}; LPL, MS 2008, fols 25,42; PRO, SP 12/235/24.

5. Prisoners under house arrest in London on £2,000 bond; allowed home in September 1591 on £1,000 bond that they appear before Whitgift upon 20 days' notice: Bodl. L, Tanner MS 118, fol. 133^{r}.

6. Council orders rearrest of gentry 7 August 1592; prisoners sign bond of £2,000 pledging to report to prison by 20 September; prisoners released 3 October 1593 on £2,000 bond that they appear before Whitgift upon 10 days' notice: *APC*, XXIII, pp. 106-13; Bodl. L, Tanner MS 118, fols 133^{v}-34^{r}; LPL, MS 2,008, fols 41,43,49.

7. Prisoners summoned before Whitgift 8 March 1594: Bodl. L, Tanner MS 118, fols 134^{v}-35^{v}.

8. Upon release prisoners allowed to choose location of house arrest provided it is outside their county; upon enlargement at Easter 1595 prisoners to reside within a five-mile circuit of their homes under the terms of 35 Eliz. I, *c.* 2: Bodl. L, Tanner MS 118, fol. 135^{v}.

9. Prisoners ordered to report to Whitgift 21 November 1596; since some excused themselves on grounds of health, prisoners could elect to send their sons instead: *APC*, XXVI, pp. 322-23, 327, 363-64.

10. Council orders for rearrest of gentry 20 July, 1599; prisoners released on £2,000 bond that they appear before Whitgift within 10 days' notice: LPL, Carte Misc. IV; HMC, *Pembroke College, Cambridge MS*, p. 486.

Table 4.2: RECUSANT GENTLEMEN IMPRISONED ON AT LEAST TWO OCCASIONS OR MORE DURING 1587-99

	1587-90	1590-91	1592-93	1594-95	1596-97	1599
Robert Aprice (Huntingdon)			√	√	√	
Sir John Arrundel (Cornwall)	√				√	√
William Browne (Norfolk)	√	√	√	√	√	
Henry Carvile (Norfolk)	√		√	√	√	
Sir William Catesbie (Northants)	√	√	√			
George Cotton (Hamphire)	√		√			
Thomas Crawley (Essex)	√		√	√	√	
Sir Alexander Culpepper (Kent)	√	√	√	√		
John Draycott (Shropshire)	√	√	√	√	√	
Henry Druery (Suffolk)	√		√			
Sir Thomas Fitzherbert (Staffs)	√	√				
John Gage (Suffolk)	√	√	√			
Thomas Gawen (Wiltshire)	√	√	√	√	√	
Rooke Green (Essex)	√	√				
Michael Hare (Suffolk)	√	√	√	√	√	
Henry Kirville (Nottinghamshire)	√			√	√	
John Leeds (Sussex)	√	√	√			
Samuel Love	√	√	√	√	√	
Richard Owen (Oxfordshire)	√		√			
Ferdinand Paris (Norfolk)	√	√	√	√	√	√
Phillip Paris (Norfolk)					√	√
Gervase Pierpoint (Cambs)	√	√	√	√	√	
Edward Rookwood (Suffolk)	√	√	√	√		√
Edward Suliard (Suffolk)	√	√	√	√	√	√
John Talbot (Worcestershire)	√	√	√	√		√
John Thimbelby (Lincolnshire)	√	√	√	√	√	√
Thomas Throckmorton (Bucks)	√	√	√		√	
William Tirwight (Lincoln)	√	√				

	1587-90	1590-91	1592-93	1594-95	1596-97	1599
John Townley (Lancs)	√	√	√	√	√	√
Sir Thomas Tresham (Northants)	√	√	√	√	√	√
Gilbert Wells (Hampshire)	√	√	√		√	
Thomas Willford (Kent)	√		√		√	√
Number of gentleman known to have been imprisoned (including those listed below)	**40**	**23**	**29**	**16**	**22**	**9**

In addition, the following were imprisoned on at least one occasion:

Henry Arthington (Yorkshire: 1590-91); Francis Browne (Surrey: 1587-90); Sir Thomas Cornwallis (1587-90); Sampson Eardswick (Cheshire: 1592-93); Samuel Eardswick (Cheshire: 1592-93); William Greene (Yorkshire: 1587-90); Thomas Hales, Snr (Essex; 1587-90); Thomas Hales, Jnr (Essex: ?1597-90); William Kirkham (Devon: 1587-90) Thomas Nadigate (1592-93); Nicholas Scrope (Hampshire: 1587-90); Henry Sharp (1587-90); William Yaxley (Yorkshire: 1587-90)

Sources:

1587-90: Bodl. L, Tanner MS 118, fol. 129^{v}; PRO, SP 12/231/46; LPL, MS 2,008, fol. 25; BL, Lansd. MS 57, fols 170^{r}-71^{v}; PRO, SP 12/226 fols 97^{r}-98^{r}, 138^{r}-39^{r}.

1590-91: Bodl. L, Tanner MS 118, fols 131^{r}-32^{v}; LPL, MS 2,008 fols. 11, 14, 16, 17, 25, 42; APC 18, pp. 414-15; PRO, SP 12/235/24.

1592-93: Bodl. L, Tanner MS 118, fol. 133^{v}; BL, Add. MS 32,092, LPL, MS 2,004, fol 40, 42, 43; MS 2,008, fols 41, 43, 49.

1594-95: PRO, SP 12/248/44-45; LPL, Cart. Misc. IV, no. 146.

1596-97: LPL, Cart MISC. IV, nos 24, 32, 33, 44, 47, 60, 131, 132; *APC*, XXVI-XXVIII (various references).

1599: LPL, Cart Msc. IV, nos 25, 136, 142, 167, 179; *APC*, XXX (various references).

Table 4.3: TOTAL NUMBERS OF RECUSANTS PAYING FINES UNDER 23 ELIZ. *c.* 1 °

	Mich. term 1582/3 to Mich. term 1586/7	Easter term 1587# to Easter term 1592	Easter term 1593 to Mich. term 1602
Revenues	£8,938/1/11^{d}	£36,332/9/-	£66,908/17/9$\frac{1}{2}^{d}$ +
Average revenue *per* term	£993	£3,303	£3,522 +
Number of payers	69	167*	280
Average payment per recusant per term	£14	£20	£13

Source: Walker, *Recusant Statutes*, pp. 227, 233, 248-49, 252-54, 359, 368, citing Exchequer Receipt books [PRO E401].

Notes:
° 23 Eliz. I, *c.* 1 provided for fines of £20 *per* recusant, *per* month
* Includes 20 women
# 29 Eliz. I *c.* 6 allowed for the retrospective application of 23 Eliz. I, *c.* 1, after 1587
+ Excludes missing receipts for Easter term, 1602

Table 4.4: THE LEADING 22 PAYERS OF THE £20 FINE FOR RECUSANCY, 1581-1602

NAME	MICH. TERM 1581 to MICH. TERM 1586	EASTER TERM 1587 to EASTER TERM 1592*	EASTER TERM 1593 to MICH. TERM 1602#	TOTAL	NETHER-LANDS LEVY 1585×	OFFERS FOR COMPOSITION SCHEME, 1586°	IMPRISONMENT during 1588-99^	IRISH LEVY 1598~
George Cotton (Hants)	£107.13.4	£2,619.6.8	£2,480.0.0	£5,207.0.0	25	40	√	[30]
Michael Hare (Suffolk)	£440.0.0	£1,940.0.0	£2,460.0.0	£4,840.0.0	-	50	√	[30]
John Townley (Lancashire)	£593.6.8	£1,700.0.0	£2,360.0.0	£4,653.6.8	50	100	√	-
Thomas Tresham (Northants)	£300.0.0	£1,773.6.8	£2,480.0.0	£4,553.6.8	50	100	√	[30]
Ferdinand Paris (Norfolk)	£420.0.0	£2,273.1.8	£1,880.0.0	£4,573.1.8	-	30	√	-
Edward Suliarde (Suffolk)	-	£2,220.0.0	£2,320.0.0	£4,540.0.0	25	40	√	-
Edward Rookwood (Suffolk)	£60.0.0	£2,073.6.8	£1,900.0.0	£4,033.6.8	25	30	√	-
John Talbot (Worcester)	-	£1,520.0.0	£2,320.0.0	£3,840.0.0	75	100 mks	√	[30]
John Gage (Sussex)	£140.0.0	£2,160.0.0	£1,540.0.0	£3,840.0.0	50	80	√	[30]
Thomas Throckmorton (Bucks)	-	£1,120.0.0	£2,480.0.0	£3,600.0.0	75	100	√	[30]
Robert Aprice (Huntingdon)	-	£1,000.0.0	£2,420.0.0	£3,420.0.0	50	-		[30]
John Sayer (Yorks)	-	£1,060.0.0	£2,340.0.0	£3,400.0.0	-	-		-
John Arrundel (Cornwall)	-	£860.0.0	£2,400.0.0	£3,260.0.0	-	100	√	[30]
William Tirwight (Lincoln)	£140.0.0	£2,440.0.0	-	£2,580.0.0	25	80	√	-

NAME	MICH. TERM 1581 to MICH. TERM 1586	EASTER TERM 1587 to EASTER TERM 1592*	EASTER TERM 1593 to MICH. TERM 1602#	TOTAL	NETHER-LANDS LEVY 1585x	OFFERS FOR COMPOSITION SCHEME, 1586°	IMPRISONMENT during 1588-99^	IRISH LEVY 1598~
Thomas Fitzherbert (Staffs)	-	£1,140.0.0	-	£1,140.0.0	50	40	√	-
Jane Shelley	-	-	£820.0.0	£820.0.0	-	-		-
Ralph Sheldon (Worcester)	-	£780.0.0	-	£780.0.0	-	-		-
John Southcote	-	-	£720.0.0	£720.0.0	-	-		-
William Roper	-	-	£620.0.0	£620.0.0	-	-		-
Francis Parkins	-	-	£560.0.0	£560.0.0	-	-		-
Thomas Wells	-	-	£560.0.0	£560.0.0	-	-		-
Henry James	-	-	£420.0.0	£420.0.0	-	-		-
Total:	£2,201.0.0	£26,679.1.8	£33,080.0.0	£61,960.1.8				
Total Exchequer Income from Recusancy Fines:	£8,938.1.11	£36,322.9.0	£66,908.17.9½	£112,169.8.8½				
Proportion of total accounted for by leading payers:	24%	73%	49%	55%				

Notes:

Source for fine receipts: Walker, 'Recusant Statutes', pp. 226-28, 275, 277, 371, citing Exchequer Receipt Books [PRO. E401].

* 29 Eliz 1, *c* 6 allowed for the retrospective application of 23 Eliz 1, *c* 1, after 1587.

+ Exchequer receipts for Michaelmas term 1592 are missing.

Exchequer receipts for Easter Term 1602 are missing.

x The sums known to have been paid toward levy reqired to finance light horse for the Netherlands campaign, see Walker, 'Rec. Statues', pp. 200-08, 282, citing PRO SP 12/183-85, 195, 199-200.

° Sums offered under a government proposal to replace the £20 fine with an annual means-tested fine, see Walker, 'Recusant Statutes', pp. 283, citing APC 14, p. 15 [20 Feb. 1586]; PRO SP 12/189/54.

~ Sum required to be paid toward the levy required to finance light horse for the Irish campaign, see Walker, 'Recusant Statutes', p. 382, citing APC 28, p. 588-89 [16 July 1598].

^ See: B.L. Lansd. MS 57 fol. 76; Bodl. Tanner MS 118, fols 129^{v}-35^{r}; PRO SP 12/226/72, 231/46, 248/44-45; LPL MS 2,008, fols 41,43; HMC Var. Coll. 3, pp. 91,77,80; APC 16, p. 317.

Table 5.1 DIOCESAN BISHOPS ELEVATED AND TRANSLATED, JANUARY 1594 - NOVEMBER 1598

DIOCESE	DATE VACANT	WEEKS VACANT	DATE CONFIRMED	NAME	FORMERLY	SUBSEQUENTLY
LONDON	3/5.6.94 [d]	30	4. 1.95 [a]	Richard **FLETCHER**	+ Worcester	Died in office 15.6.96
NORWICH	15.12.94 [d]	3	10. 1.95	William **REDMAN**	Archdeacon Canterbury	Died in office 25.9.02
WINCHESTER	29. 4.94 [d]	41	12. 2.95 [a]	William **WICKHAM**	+ Lincoln	Died in office 11.6.95
EXETER	13. 3.94 [d]	51	11. 3.95	Gervase **BABINGTON**	+ Llandaff	Trans. + Worcester 15.9.97
YORK	28. 9.94 [d]	25	24. 3.95	Matthew **HUTTON**	+ Durham	Died in office 16.1.06
DURHAM	24. 3.95 [t]	2	7. 4.95 [a]	Toby **MATTHEW**	Dean Durham	Trans. + York 28.8.06
LINCOLN	22. 2.95 [t]	9	24. 5.95	William **CHADERTON**	+ Chester	Died in office 11.4.08
LLANDAFF	11. 3.95 [t]	18	18. 7.95	William **MORGAN**	Bible translator	Trans. + St. Asaph 17.9.01
CHESTER	25. 5.95 [t]	17	25. 9.95	Hugh **BELLOT**	+ Bangor	Died in office 13.6.96
WINCHESTER	11. 6.95 [d]	32	22. 1.96	William **DAY**	Dean Windsor	Died in office 20.9.96
BANGOR	25. 9.95 [t]	17	22. 1.96	Richard **VAUGHAN**	Archdeacon Middx.	Trans. + Chester 13.6.96
CHICHESTER	3. 4.96 [d]	8	1. 6.96 [a]	Anthony **WATSON**	Dean Bristol	Died in office 10.9.05
WORCESTER	4. 1.95 [t]	74	11. 6.96	Thomas **BILSON**	Warden Winchester Coll.	Trans + Winchester 13.5.97
LONDON	15. 6.96 [d]	46	30. 4.97	Richard **BANCROFT**	Chaplain to Whitgift	Trans + Canterbury 10.12.04
WINCHESTER	20. 9.96 [d]	39	13. 5.97	Thomas **BILSON**	+ Worcester	Died in office 18.6.16
CHESTER	13. 6.96 [d]	55	4. 7.97 [a]	Richard **VAUGHAN**	+ Bangor	Trans + London 24.12.04
WORCESTER	13. 5.97 [t]	20	4.10.97	Gervase **BABINGTON**	+ Exeter	Died in office 17.5.10
CARLISLE	15. 2.98 [d]	22	22. 7.98	Henry **ROBINSON**	Provost Queens Oxon.	Died in office 19.6.16
EXETER	4.10.97 [t]	57	11.11.98	William **COTTON**	Archdeacon Lewes	Died in office 26.8.21
BANGOR	4. 7.97 [t]	70	11.11.98	Henry **ROWLANDS**	Dean Bangor	Died in office 6.7.16
SALISBURY	14.10.96 [d]	108	11.11.98	Henry **COTTON**	Chaplain to the Queen	Died in office 7.5.15
GLOUCESTER	20. 5.98 [d]	25	11.11.98	Godfrey **GOLDSBOROUGH**	Archdeacon Worc./Salop.	Died in office 26.5.04

[d] vacant through death [a] date of royal assent
[t] vacant through translation

DIOCESES IN WHICH NO CHANGE:

ST. ASAPH	William **HUGHES**	(+1573-1600)
ROCHESTER	John **YOUNG**	(+1578-1605)
COVENTRY & LICHFIELD	William **OVERTON**	(+1580-1609)
CANTERBURY	John **WHITGIFT**	(+1583-1604)
HEREFORD	Herbert **WESTFALING**	(+1585-1602)
PETERBOROUGH	Richard **HOWLAND**	(+1585-1600)
BATH & WELLS	John **STILL**	(+1593-1608)
ST. DAVID'S	Anthony **RUDD**	(+1594-1615)

DIOCESES VACANT THROUGHOUT 1594-98:

BRISTOL
ELY
OXFORD

Source: J. Le Neve, *Fasti Ecclesiae Anglicanae*, 3 vols (Oxford, 1854)

Table 5.2: THE PATRONS OF BISHOPS PROMOTED DURING 1594-98

DATE APPOINTMENT CONFIRMED	NAME	DIOCESE	DOCUMENTARY EVIDENCE AS TO PATRONAGE, 1594-98	PRINCIPAL PATRON(S) (in probable order of significance)
4. 1.95[a]	Richard **FLETCHER** (Bishop of Worcester)	**LONDON**	Supported by Burghley in summer 1594.[1] Late summer Burghley prefers William Day for London; Essex and Whitgift support Fletcher.[2] *c.* 6-13.10.94 Burghley and Cecil acquiesce to Fletcher's appointment.[3], Whitgift implies he and Cecil jointly agree to forward Fletcher's name.[4] Cecil deals and with the Queen [between 4.11 - 6.12.94].[4,49] Confirmed by the Queen in Council, 1.12.94.[49]	ESSEX, WHITGIFT
10. 1.95	William **REDMAN** (Archdeacon of Canterbury)	**NORWICH**	Proposed by Cecil (?and Burghley)[3] and agreed at the meeting between Cecil and Whitgift, *c.* 6-13.10.94.[4] Cecil deals with the Queen [between 4.11 - 1.12.94].[4,49] Confirmed by the Queen in Council, 1.12.94.[49] Whitgift very particular that Redman should have Norwich.[4,5]	WHITGIFT, CECIL
12. 2.95[a]	William **WICKHAM** (Bishop of Lincoln)	**WINCHESTER**	Proposed by Burghley and Cecil[3] and agreed at the meeting between Cecil and Whitgift, *c.* 6-13.10.94.[4] Cecil deals with the Queen [between 4.11 - 1.12.94].[4,49] Confirmed by the Queen in Council, 1.12.94.[49] Wickham acknowledges Burghley as his main patron, 1.95.[6]	BURGHLEY
11. 3.95	Gervase **BABINGTON** (Bishop of Llandaff)	**EXETER**	Originally proposed by Cecil (?and Burghley) for St. Asaph.[3] As a result of Cecil's meeting with Whitgift, *c.* 6-13.10.94 it was agreed that he should go to Exeter.[4] Cecil deals with the Queen [between 4.11 and 1.12.94].[4,5,49] Confirmed by the Queen in Council, 1.12.94.[49] F.O. White thinks that Babington's public support for Essex in 1600 may indicate a debt of patronage.[57]	CECIL, WHITGFIT
24. 3.95	Matthew **HUTTON** (Bishop of Durham)	**YORK**	Proposed by Burghley and Cecil[3] and agreed at the meeting between Cecil and Whitgift, *c.* 6-13.10.94.[4] Cecil dealt with the Queen about Hutton [before 14.11.94][7] and it is is likely that, in commending Hutton, Burghley was endorsing Huntingdon's advice.[8] Hutton makes it clear he had no wish to move and considered Burghley to have been the main influence.[9] He only learned formally of his appointment on or before 11.12.94,[13] 'by a letter sent in a packet' to Toby Matthew, which was probably forwarded to him on 6.12.94.[12] Whitgift had, however, written to him predicting it on 4.11.94[48] and informally confirmed the news on 2.12.94.[49] Confirmed by the Queen in Council, 1.12.94.[49]	BURGHLEY, CECIL and WHITGIFT
7. 4.95[a]	Toby **MATTHEW** (Dean of Durham)	**DURHAM**	Burghley supported William Day for Durham[10,11] but also considered Matthew as worthy of promotion.[12] By 10.94 Burghley may have feared Cecil would try to secure York for Matthew,[15] and favoured Matthew for Worcester.[3,7] Between 4-14.11.94 Cecil privately secured Matthew's move to Durham with the Queen[16] and it is unclear but doubtful that Whitgift knew of the plan,[4,7] though it is possible.[5] Confirmed by the Queen in Council, 1.12.94.[49] Matthew informed officially by the Privy Council, 15.12.94.[17]	CECIL

DATE APPOINTMENT CONFIRMED	NAME	DIOCESE	DOCUMENTARY EVIDENCE AS TO PATRONAGE, 1594-98	PRINCIPAL PATRON(S) (in probable order of significance)
24. 5.95	William **CHADERTON** (Bishop of Chester)	**LINCOLN**	Proposed by Cecil (?and Burghley)[3] and agreed at the meeting between Cecil and Whitgift, *c.* 6-13.10.94.[4] Cecil deals with the Queen [between 4.11 and 1.12.94].[4,49] Confirmed by the Queen in Council, 1.12.94.[49] Chaderton thanks Cecil for 'manifold favours', 4.95.[18]	CECIL, WHITGIFT
18. 7.95	William **MORGAN** (Vicar of Llanrhaiadr *ym* Mochnant and Bible translator)	**LLANDAFF**	Whitgift suggests Morgan to Cecil 4.11.94.[4] Cecil may have sought provisional assent from the Queen [between 4.11 and 1.12.94][4,49] but according to Whitgift, Morgan was not among those confirmed by the Queen in Council, 1.12.94.[49] Whitgift 'moved' Elizabeth 19.5.95[19] and sought Cecil to draft the *congé d'élire*, 20.5.95.[19]	WHITGIFT
25. 9.95	Hugh **BELLOTT** (Bishop of Bangor)	**CHESTER**	Proposed by Cecil (?and Burghley)[3] and agreed at the meeting between Cecil and Whitgift, *c.* 6-13.10.94.[4] Cecil deals with the Queen [between 4.11 and 1.12.94].[4,49] Confirmed by the Queen in Council, 1.12.94.[49] Bellot thanks Cecil for his appointment.[20] His brother, Robert, was Burghley's steward [50] and Bellot was on close terms with Gabriel Goodman, Dean of Westminster, an intimate of Burghley's.[56]	CECIL, WHITGIFT (?and BURGHLEY)
22. 1.96	William **DAY** (Dean of Windsor)	**WINCHESTER**	*c.* 7.-8.94 Burghley persuaded by Lady Russell to nominate Day instead of Fletcher for London.[11,1] Having seen Essex and Whitgift secure London for Fletcher, Burghley disregarded their suggestion that Day should take Fletcher's place at Worcester;[2] instead, he next sought Day's removal to Durham.[11] This arrangement agreed by Cecil and Whitgift at their meeting of *c.* 6-13.10.94 [3,4] and confirmed to Day 14.10.94.[10] Plan overthrown [before 14.11.94] by Cecil's intervention on behalf of Toby Matthew[15,16] with the result that, in late 12.94, Day was nominated by Cecil to Worcester[22,23,11.] This confirmed by the Queen in Council, 1.12.94,[49] but Day subsequently refused to go, 5.1.95.[24,25] After Wickham's death in 6.95 Cecil allowed Day's move to Winchester to proceed; in 2.96 Day says that Cecil and Burghley brought him to Winchester.[21] Day may have served as a chaplain in Burghley's household before 1572.[51]	BURGHLEY (supported by CECIL)
22. 1.96	Richard **VAUGHAN** (Archdeacon of Middlesex)	**BANGOR**	Cecil (?and Burghley) originally proposed Vaughan for St Asaph.[3] As a result of Cecil's meeting with Whitgift *c.* 6-13.10.94 it was agreed that he should go to Llandaff.[3,4.] By 4.11.94 Whitgift had had second thoughts and persuaded Cecil to allow Vaughan's move to Bangor as 'something better' than Llandaff[4] and Cecil probably received provisional assent from the Queen [between 4.11 and 1.12.94].[4,49] Confirmed by the Queen in Council, 1.12.94.[49] Whitgift 'moved' Elizabeth 19.5.95 [19] and sought Cecil to draft the *congé d'élire*, 20.5.95.[19]	WHITGIFT, CECIL

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1. 6.96[a]	Anthony **WATSON** (Dean of Bristol)	**CHICHESTER**	No evidence survives about the manner of his appointment. During the period of vacancy at Chichester [30.4.96-1.6.96] Essex was prominent, busy with preparations for his triumph at Cadiz and, apparently, more influential with the Queen over appointments than Whitgift.[26] However, Watson, described by Roger Manning as an 'inept time-server and pluralist', had been recommended to Cecil by Lord Lumley, a devout catholic peer.[58] Watson was appointed as an almoner to the Queen (1595)[54] and was probably Cecil's *protégé*. When seeking remission of his first fruits Watson sought an 'increase' in Cecil's favour.[46] His subsequent career at the Court may indicate he was also Elizabeth's personal choice.[54]	?CECIL (? and ELIZABETH)
11. 6.96	Thomas **BILSON** (Warden, Winchester College)	**WORCESTER**	Whitgift and Buckhurst supported William James, the Dean of Christchurch for Worcester in late 1595.[26,27] Subsequently, however, Essex 'prevailed' with Elizabeth in his choice of Bilson[26] and the Queen confirmed this to Whitgift 24.3.96.[27] It is also likely that Burghley and Cecil lent support to Bilson's cause. After June 1595 Burghley proposed he replace Day as Dean of Windsor[28] but Bilson petitioned both Burghley and Cecil on 31.10.95 for Worcester.[28,29] Whitgift was probably sympathetic to Bilson but was committed to a different candidate.[28] Subsequently, Bilson reported that Cecil and 'others' secured his preferment,[30] 'since her Majesty uses the support of more than one in these matters'.[28]	ESSEX (supported by CECIL, and ?BURGHLEY)
30. 4.97	Richard **BANCROFT** (Chaplain to Whitgift)	**LONDON**	Whitgift's support for Bancroft is a *cause celebre*.[31] Cecil had agreed to the move by 7.4.97[32] and Burghley confirmed it on 8.4.97.[39] Bancroft's nomination approved by Elizabeth before 2.5.97.[52]	WHITGIFT (supported by CECIL)
13. 5.97	Thomas **BILSON** (Bishop of Worcester)	**WINCHESTER**	Probably the joint choice of Whitgift and Cecil prior to 7.4.97.[32] Agreed by Burghley, 8.4.97[33] and nomination approved by Elizabeth before 2.5.97.[52] In 7.96 Bilson spoke of the 'favourable affection' he received at Cecil's house.[34] John Manningham's diary records court opinion that Bilson 'was made Bishop of Winchester by the meanes of the Earle of Essex',[55] but direct evidence that Essex was also involved is lacking.	WHITGIFT, CECIL (and ESSEX)
4. 7. 97[a]	Richard **VAUGHAN** (Bishop of Bangor)	**CHESTER**	Vaughan's 'beginning of preferment' was reportedly at Puckering's behest.[61] Whitgift, Cecil and Burghley proposed him for Salisbury, 4.97.[32,33] Essex also supported the move.[35] Vaughan had to be content with Chester, probably due to the Queen's direct intervention.[36] Nomination to Chester approved by Elizabeth before 2.5.97.[52]	WHITGIFT, CECIL and ESSEX
4.10.97	Gervase **BABINGTON** (Bishop of Exeter)	**WORCESTER**	Probably the joint choice of Whitgift and Cecil prior to 7.4.97.[32] Agreed by Burghley, 8.4.97.[33] Essex also dealt with Elizabeth for Babington's removal to Worcester in his attempt to gain Exeter for Robert Some.[37]	WHITGIFT, CECIL and ESSEX

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22. 7.98	Henry **ROBINSON** (Provost, Queens College Oxford)	**CARLISLE**	Buckhurst, as Chancellor of Oxford University, is likely to have nominated Robinson,[38] probably with the support of Whitgift, Cecil and Essex.[38] Robinson refers in 10.97 to Cecil's 'many special favours'.[39]	? BUCKHURST
11.11.98	William **COTTON** (Archdeacon of Lewes)	**EXETER**	Essex had wanted Robert Some for Exeter[37] and Whitgift had agreed, 8.97, recommending him also to Cecil.[40] Cotton's move to Exeter blocked Essex's plan for some, so it is possible that Cecil was responsible. No direct evidence survives but Whitgift, in 8.97, urged Cecil to supply vacant sees 'with all convenient speed'.[40] F.O. White says that both Whitgift and Elizabeth persuaded a reluctant Cotton to accept Exeter.[60]	?
11.11.98	Henry **ROWLANDS** (Dean of Bangor)	**BANGOR**	Rowlands thanked Cecil in 9.98 for his 'favours'.[45] Cecil clearly supported, if not necessarily initiated, his nomination.	?
11.11.98	Henry **COTTON** (Chaplain to the Queen)	**SALISBURY**	Cotton had been the Queen's express choice as Warden of Winchester College[41], at which time Whitgift and Essex favoured William Tocker.[42] Elizabeth now 'made a speciall choyce' that Cotton, who was one of her chaplains and her godson, should be elevated to Salisbury[36], despite the agreement of Whitgift, Cecil, Burghley[32,33] and Essex[35] that Richard Vaughan should go there.	ELIZABETH
11.11.98	Godfrey **GOLDSBOROUGH** (Archdeacon of Worcester and Shropshire)	**GLOUCESTER**	Whitgift apparently secured Goldsborough's move with the Queen[44] and subsequently informed Cecil.[43] It is possible that Cecil was involved; alternatively, Whitgift may have acted with the Queen on his own.[43,44]	? WHITGIFT

[a] Date of Royal Assent

NOTES

1 R. Fletcher to Burghley, 29 June 1594, BL, Lansd. MS 76, fol. 187.

2 T. Ridley to Cecil, 19 Sept. 1594, HMC, *Salis.*, IV, p. 616 [28/58].

3 A schedule of notes for the nomination or promotion of certain bishops, PRO SP 12/259 fol. 122[r] [misdated as ?June 1596 in *Cal. SP, Dom., 1595-97*, p. 247]. This schedule is in Cecil's hand and can be dated with certainty to between 28 Sept. and 14 Nov. 1594, by internal evidence, by the death of John Piers at York and by a letter of Toby Matthew to Burghley [see n. 7, below]. It reflects many of Burghley's preferences and probably represents a set of proposals put to Whitgift by Cecil at a meeting held between 6 and 13 Oct. 1594 [see nn. 10, 53 below for probable dating]; annotations on this schedule are suggestive of amendments agreed between them. As a result of the meeting a revised schedule (now lost) was drawn up of those elevations and translations that had been resolved upon, see n. 4, below, in which Whitgift mentions that a list of promotions had been 'set down'.

4 Whitgift to Cecil, 4 Nov. 1594, HMC, *Salis.*, V, p. 18 [28/112].

5 Whitgift to Cecil, 6 Dec. 1594, HMC, *Salis.*, V, p. 31 [171/31].

6 W. Wickham to Burghley, 10 Jan. 1595, BL, Lansd. MS 78, fol. 22.

7 T. Matthew to Burghley, 14 Nov. 1594, BL, Lansd. MS 77, fol. 40.

8 Burghley to Cecil, 5 Oct. 1594, F. Peck, *Desiderata Curiosa* (London 1779) I, p. 167 and see above, Caper Five, n. 22.

9 M. Hutton to Cecil and Sir J. Wolley, 25 Jan. 1595, HMC, *Salis.*, V, p. 92 [24/107].

10 W. Day to Cecil, 14 Oct. 1594, HMC, *Salis.*, IV, p. 7 [28/93].

11 Lady Elizabeth Russell to Cecil, 24 Feb. 1595, HMC, *Salis.*, V, p. 121 [25/50].

12 M. Hickes to T. Matthew, 1 Sept. 1594, BL, Lansd. MS 77, fol. 153.

13 M. Hutton to Burghley, 11 Dec. 1594, BL, Lansd. MS 76, fol. 200.

14 T. Matthew to M. Hickes, 1 Sept. 1594, BL, Lansd. MS 77, fol. 147.

15 See above Chapter Five, p. 206.

16 Cecil to M. Hickes, [before 14 Nov. 1594], BL, Lansd. MS 77, fol. 192.

17 T. Matthew to Burghley, 15 Dec. 1594, BL, Lansd. MS 77, fol. 42.

18 W. Chaderton to Cecil, 1 April, 1595, HMC, *Salis.*, V, p. 162 [171/119].

19 Whitgift to Cecil, 20 May 1595, HMC, *Salis.*, V, p. 215 [32/53].

20 H. Bellot to Cecil, 17 May 1595, HMC, *Salis.*, V, p. 210 [32/43].

21 W. Day to Cecil, 20 Feb. 1596, HMC, *Salis.*, VI, p. 64 [30/81].

22 T. Ridley to Cecil, before 26 Dec. 1594, HMC, *Salis.*, V, p. 48 [29/63].

23 T. Ridley to Cecil, 26 Dec. 1594, HMC, *Salis.*, V, p. 48 [29/52].

24 W. Day to Cecil, 5 Jan. 1595, HMC, *Salis.*, V, p. 79 [24/84].

25 W. Day to Cecil, 14 Jan. 1595, HMC, *Salis.*, V, p. 84 [24/97].

26 Buckhurst to Cecil, 27 May 1596, HMC, *Salis.*, VI, p. 197 [41/17].

27 Whitgift to Cecil, 25 March 1596, HMC, *Salis.*, VI, p. 116 [39/52].

28 T. Bilson to Burghley, 31 Oct. 1595, BL, Lansd. MS 79, fol. 172.

29 T. Bilson to Cecil, 31 Oct. 1595, HMC, *Salis.*, V, p. 436 [35/99].

30 T. Bilson to Cecil, 18 June 1596, HMC, *Salis.*, VI, p. 217 [41/77-78].

31 O. Chadwick, 'Richard Bancroft's Submission', JEH, 3 (1952), 58-73.

32 Whitgift to Cecil, 7 April 1597, HMC, *Salis.*, VII, p. 146 [49/108].

33 Burghley's note of 'Bishoprics Void to be Supplied' [countersigned by Whitgift], 8 April 1597, HMC, *Salis.*, VII, p. 147 [49/111].

34 T. Bilson to Cecil, 24 July 1596, HMC, *Salis.*, VI, p. 282 [42/82].

35 A. Bacon memorandum on business for Essex, 22 Dec. 1596, HMC, *Salis.*, VI, p. 533 [47/45].

36 See J. Harington, *A Briefe View of the State of the Church of England* (London, 1653), p. 93.

37 Lady Southwell to Cecil, [Aug. 1597], HMC, *Salis.*, VII, p. 376 [58/57].

38 H. Robinson to Essex, 25 Oct. 1598, HMC, *Salis.*, VIII, p. 405 [177/128].

39 H. Robinson to Cecil, 26 July 1598, HMC, *Salis.*, VIII, p. 277 [62/90].

40 Whitgift to Cecil, 20 Aug. 1597, HMC, *Salis.*, VII, p. 359 [54/71].

41 T. Bilson to Cecil, 14 May, 1596, HMC, *Salis.*, VI, p. 179 [40/84].

42 Whitgift to Cecil, 28 April 1596, HMC, *Salis.*, VI, p. 159 [40/37].

43 Whitgift to Cecil, 27 Aug 1598, HMC, *Salis.*, VIII, p. 320 [63/77].

44 Whitgift to Cecil, 5 Sept. 1598, HMC, *Salis.*, VIII, p. 332 [63/96].

45 H. Rowlands to Cecil, 28 Sept. 1598, HMC, *Salis.*, VIII, p. 368 [177/105].

46 A. Watson to Cecil 30 March 1597, HMC, *Salis.*, VII, p. 135 [49/88].

47 Cecil to Hutton, 13 Oct. 1594, printed in *The Correspondence of Dr Matthew Hutton*, edited by J. Raine, Surtees Society, no. XVII (London, 1843), pp. 86-87.

48 Whitgift to M. Hutton, 4 Nov. 1594, *ibid.*, p. 87.

49 Whitgift to M. Hutton, 2 Dec. 1594, *ibid.*, p. 88.

50 See R.C. Barnett, *Place, Profit and Power: A Study of the Servants of William Cecil, Elizabethan Statesman* (Chapel Hill, North Carolina, 1969), p. 18.

51 See *ibid.*, p. 20.

52 Whitgift to M. Hutton, 2 May 1597, printed in *Correspondence of Matthew Hutton*, p. 117.

53 Burghley to Cecil, 5 Oct. 1594, printed in *Desiderata Curiosa*, I, p. 167.

54 See K. Fincham, *Prelate as Pastor: The Episcopate of James I* (Oxford, 1990), p. 292.

55 F.O. White, *Lives of the Elizabethan Bishops* (London, 1898), p. 359.

56 D.N.B. article by James Mew.

57 White, *Lives*, pp. 318-19.

58 R.B. Manning, *Religion and Society in Elizabethan Sussex* (Leicester, 1969), p. 205, 205 n. 7.

59 Fincham, *Prelate as Pastor*, p. 41.

60 White, *Lives*, pp. 391-92.

61 Harington, *Briefe View*, p. 29.

62 Matthew to Hutton, 6.12.94, *Correspondence of Matthew Hutton*, p. 91 and see above, Chapter Five, n. 35.