

**Churchwardens in Post-Reformation England: Conformity and Discipline,  
1558-1640**

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## Abstract

This thesis will focus on the office of churchwarden in England, c.1558 – 1640. It will examine the developments they saw regarding the enforcement of religious uniformity, as successive regimes aimed to impose outward conformity within its parishes and its ministry. The churchwarden underwent many changes during this period, with the role being involved with multifaceted aspects of religious, social and cultural life within their communities. While many of these will be explored, the primary focal point will be the churchwardens' involvement within the ecclesiastical justice system. In 1559, 1571 and 1604 the office was granted incrementally increased levels of responsibility and power, reflecting both the broader strategies of the Church and their trust in the potential of the office to combat non-conformity. This thesis is a response to an often-repeated lament by historians that the office of churchwardens lacks a dedicated history during this period, and that their role as arbitrators of the Reformation within England's parishes has been overlooked. It will examine ecclesiastical injunctions and presentments from diocesan and archidiaconal visitations throughout England, prioritising the diocese of Norwich, to prove that churchwardens were granted ever-increasingly significant and demanding responsibilities, and also that these new roles were being adopted wholeheartedly and with growing competency until the end of regular Church court procedures in the 1640s.

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## Introduction

### i. Thesis Outline

This thesis aims to demonstrate that between the years 1558 and 1640 the nature of the English churchwarden changed from being a disparate, disorganised and localised office, to a homogenised, bureaucratised and empowered arm of the state. This was achieved by the deliberate action of the Tudor and Stuart Church to turn the office from one that derived much of its power and responsibility from parochial dynamics to one that gained its authority directly from the centre, via a series of articles, injunctions and instructions that would reference the churchwarden directly and with increasing frequency. The reasons behind the incorporation of the English churchwarden into the state umbrella were multifaceted but had one primary goal: the enforcement of religious conformity. Churchwardens were to become an integral part of the government's efforts to root out and eliminate extreme elements of their spiritually fractured populace, particularly those that may have possessed conjoining disloyalties towards the monarch as the head or governor of the Church. Most prominently, this involved refusal to attend divine service. This was used by many contemporaries as a minimum measurement of acceptable conformity, and by 1558 was liable to severe financial punishment. Between 1558 and 1640, churchwardens were given a plethora of additional duties with the aim of the imposition of the new religious settlement, each requiring increasing levels of aptitude, vigour and obedience.

The transformation of the warden was made possible by, and yet was also a factor of, England's change into a modern bureaucratic state. As part of a wider process of early modern state formation, the central government and its church began to touch the lives of ordinary citizens more often and more fervently, with modernised apparatuses of state legislation and administration ultimately leading to the churchwardens being the first lay office of state present in every congregation. This allowed the hierarchy of the Church a hitherto impossible insight into the goings-on at a grassroots level and the possibility of affecting events directly and with a level of detail unimaginable in the early sixteenth century. Whereas churchwardens prior to 1558 were in all manners subordinates to their minister, the ecclesiastical regimes of Elizabeth I and James I had bypassed this power structure, making the churchwardens answerable to their bishop or archdeacon. The political authority enjoyed by the churchwardens derived thenceforth not just from individual glamour nor interpersonal relationships, but also on the prominence of the office itself, giving the wardens the power and

wherewithal to report their minister to his superiors. This was a new advantage to the regime as they sought to cleanse their own clergy of malefactors and dissenters. The bureaucratisation of their role saw the churchwardens be gradually bestowed clearer and more expansive instructions and sharper guidelines under increased scrutiny. The wardens' administration of ecclesiastical fines would draw them closer and closer to the burgeoning English welfare state, eventually being indefatigably linked to the position of 'Overseer of the Poor' by the 1590s. Although poor relief is not the focus of this study, it shall be explored as a symptom of their increasing institutionalism.

This thesis is structured around three key dates. The elevation of the churchwarden from its traditional origins to a systematic one of state management was not a smooth curve; although the scope of their role would vary considerably from area to area and from bishop to bishop, at certain major junctions the office was given irreversible nationwide updates that individual ordinaries could not overrule. We begin at 1558 upon the accession of the Protestant Elizabeth I, who by 1559 had released her sets of ecclesiastical articles and injunctions for the clergy and laity of her realm. This was a major turning point in the advancement of the churchwarden, as now non-attendance at church was liable to a monetary fine that they would administer. Chapter I will focus on the years 1558-1571, establishing the imposition of this duty at this early stage, and analysing the various ordinaries who began to bestow upon their wardens extra duties regarding religious conformity that were to be inspected upon during visitations. 1571 saw many of the instructions that the churchwardens were already receiving from their bishops or archdeacons set in stone as part of a new set of Canons. Churchwardens were now mentioned explicitly as being supervisors of several duties involving conformity and the policing of the nation's ministry, which would serve as the foundation of visitations and surveys up until 1604. Chapter II will examine the differences between the churchwardens during this period and previous, exploring how the office was affected by these nationwide instructions regarding recusancy, poor relief, unlicensed preachers, negligent churchwardens and others. Chapter II will also analyse how the attitude of the three Archbishops of Canterbury of the period changed ecclesiastical legal procedures on the ground level, as the system of churchwarden presentments was debated over for political, theological and practical reasons. Subsequently, Chapter III will be an in-depth analysis of the most seismic change in the office of churchwarden: the Canons of 1604. Akin to a professional manual for the wardens, the Canons mark the zenith of their responsibility and scope and is the greatest proof that contemporaries saw their experiment with the use of lay officials as, at the very least, demonstrative of their further potential. Chapter IV acts as a manuscript counterbalance, in which we will delve into the outcomes of the Canons up until and including the year 1640 within England's ecclesiastical courts. In particular,

Chapter IV will allow us to truly comprehend the nature of the English churchwarden within the ecclesiastical justice system during their peak and compare and contrast them to their previous iterations under Elizabeth. We end on 1640 because - as we shall explore further in the conclusion - the office did not recover its level of importance after the Civil War, and parochial records during the war itself are notoriously sparse. During the Elizabethan and early Stuart periods the office of churchwarden was significantly reshaped through a series of deliberate expansions to their responsibilities. They became integral to the management of the Reformation and the success of the Church's key aims. This phenomenon is deserving of greater renown among historians of the Reformation and the development of the early modern state.

ii. Methodology

This thesis takes a two-pronged approach. It will examine the various instructions and questions given to the churchwardens from monarchs, archbishops, bishops and archdeacons from the years 1558-1640 to see how the office evolved, particularly in regard to their role within the ecclesiastical justice system, and how it fitted within the wider process of state formation and the desire for wider religious conformity. Then, we shall analyse evidence from the ecclesiastical courts in order to understand whether these demands were actually followed. These two enquiries will form the bulk of the evidence for the thesis' central claim but will naturally be supported by miscellaneous evidence and anecdotal material to give context or useful supplementary information.

Instructions and inquiries to the churchwardens can generally be separated into two types. Firstly, there were the nationwide ordinances which form the basis of our chapters, that being the articles and injunctions of Elizabeth I, the Canons of 1571, and the Canons of 1604. At times there were some less encompassing sets of guidelines which can be put in this category, such as certain sets of injunctions or interpretations drafted by an archbishop.<sup>1</sup> Second are the various sets of visitation articles and injunctions produced by ordinaries at times of visitation. These lists of ecclesiastical offences or regulations were to be each reported upon by the churchwardens at the visitation court and they give us the opportunity to see first-hand which instructions were being carried out by the churchwardens and to what extent. These instructions could not override any existing and functional set of Canons or royal injunctions, but could exclude certain articles or add non-contravening ones, granting insight into how the use of lay officials may have been developed

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<sup>1</sup> For instance, the *Interpretations* of Archbishop Parker, or Archbishop Grindal's Injunctions of 1575. See Chapters I & II respectively.

depending on area, ordinary, and time period. Known visitation articles up until the year 1575 were collated and transcribed by Walter Frere and W.P.M. Kennedy in 1910 from dioceses and archdeaconries throughout England.<sup>2</sup> From 1575 until the Stuart era, articles were collated by Kennedy alone in his three volumes of *Elizabethan Ecclesiastical Administration*.<sup>3</sup> These were usually taken verbatim from the appendix to an 1866 parliamentary report into Church 'rubrics, orders and directions'; when applicable this has been consulted for this thesis rather than Kennedy.<sup>4</sup> Kenneth Fincham would then take up Frere and Kennedy's mantle, collating visitation articles from the beginnings of the Stuart era up until 1642.<sup>5</sup>

Churchwardens' presentments during ecclesiastical courts are plentiful throughout England's archives. The focus shall be on ecclesiastical visitations rather than other forms of church court. As we shall see, visitation courts were a response to official instructions towards the churchwardens, including many injunctions referring to the office directly; within other forms of ecclesiastical court it is difficult to pinpoint whether a phenomenon reflected the wishes or demands of the parish churchwarden, the minister, or the congregation at large. To complement our approach, sets of presentments that have a corresponding set of visitation articles will be used - although not all visitations had a new set printed, instead relying on previous iterations. This thesis will use several sets of printed visitation presentments as evidence, usually published as part of a series in local history journals or as a companion to an in-depth case study into a particular area.<sup>6</sup> These would often be from a metropolitan visitation, and so quite illuminating when discussing the change in direction an archbishop took upon their accession. Aside from these selected printed works, the majority of our primary evidence from the wardens themselves will come from the study of original manuscripts from visitation courts from the diocese of Norwich, located within the Norfolk Record

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<sup>2</sup> W.H. Frere & W.P.M. Kennedy (eds.), *Visitation Articles and Injunctions of the Period of the Reformation, Vols. I-III* (London, 1910).

<sup>3</sup> W.P.M. Kennedy, *Elizabethan Episcopal Administration Vols. I-III*, (London, 1924).

<sup>4</sup> George Edward Eyre and William Spottiswoode (ed.), *Second Report of the Commissioners appointed to inquire into the rubrics, orders, and directions for regulating the course and conduct of public worship* (London, 1868), appendixes.

<sup>5</sup> Kenneth Fincham (ed.), *Visitation Articles and Injunctions of the Early Stuart Church, Vol. I: 1603 – 1625* (Church of England Record Society, 1994). Kenneth Fincham (ed.), *Visitation Articles and Injunctions of the Early Stuart Church, Vol. II: 1625–1642* (Church of England Record Society, 1998).

<sup>6</sup> Some prominent examples from this thesis include the visitation of Canterbury in 1569 printed in William Hardy (ed.), *The Home Counties Magazine Vols. V & VI*. (Sussex, 1922), the visitation of Canterbury in 1573 printed in Claude Jenkins (ed.), 'An Unpublished Record of Archbishop Parker's Visitation 1573' in *Archaeologia Cantiana Vol. XXIX* (Kent, 1911), and the visitation of York in 1575 printed in W.J. Sheils (ed.), *Archbishop Grindal's Visitation, 1575: Comperta and Detecta Book* (York, 1977).

Office. These records were chosen for their convenience and quality. The fact that complete or near-complete sets of presentments survive for some or all of Norwich's archdeaconries for many of the years of visitation, particularly from the 1590s to the 1630s, gives us a unique opportunity to compare the trends that occur. Furthermore, the records from Norwich diocese are regarded as one of the best nationwide for the survival of visitation articles, allowing us to pinpoint the reactions the wardens had to top-down directives.<sup>7</sup> The visitation reports we will use are all products of diocesan visitations; the benefits of which include an invaluable ability to directly correlate the personalities, predilections and initiatives of the bishops of Norwich with the reactions from the churchwardens and their parishioners. While direct parish-to-parish comparisons are not always possible from multiple visitations owing to missing reports, the wider scope afforded to us by the use of diocesan records allow us to analyse bishopric-wide trends. There is however a notable lack of evidence from Norfolk's various archidiaconal courts, or from specific visitations undertaken by the region's archdeacons. This is a significant weakness, as not only are these records prevalent for other areas in England, but they would have granted us valuable insights into the minutiae of the localities and the routines of the wardens. We shall of course use a variety of other primary sources in our study, including churchwardens' accounts, recusancy surveys, and in particular ecclesiastical correspondence between ordinaries, ministers and statesmen, to give us broader interpretations of the relationship between the churchwardens' orders and their day-to-day life.

While this thesis will look at conformity and ecclesiastical justice, the role of churchwarden was much broader. Wardens were responsible for maintaining the fabric of the church, overseeing seating and other arrangements at church services, and increasingly involved in state welfare with the development of poor relief. This link is also pertinent regarding the increasing bureaucratic relationship between the churchwarden and the centre, as they began to receive more orders specific to their role much in line with what they would receive for the policing of religious conformity. Initially the social complexities surrounding such duties were of tremendous importance within the role, and their place within the wider context of the sociocultural changes within post-Reformation society, while touched upon when appropriate, is certainly deserving of an in-depth study elsewhere.

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<sup>7</sup> Fincham, *Articles* Vol. I, xv.

iii. The English Churchwarden in Modern Historiography

This thesis will seek to demonstrate the importance of the churchwarden regarding the confessional attitude of their congregations. Surprisingly, we lack a dedicated history of the English churchwarden during the long English Reformation from 1558 to 1640. No history of ordinary religious life within the parishes in this era fails to mention the churchwarden, yet they have been the handmaid to studies far more focused on the power of the ministers or the resistance of the people at large. Outside of certain social histories, they are often portrayed as passive, at the whim of greater forces (particularly the parish minister), and as individuals not of momentous concern for the bishops nor the Church hierarchy at large. This thesis contains two primary arguments that shall contribute to wider historiographical concepts of the English reformation and conjoining state formation. First, that among the various and varied Protestant regimes of England at the time, the churchwarden remained the primary weapon in enforcing grassroots conformity; never perfect and often criticised, it is nevertheless remarkable how enthusiastic subsequent authorities were in granting the office greater responsibilities, powers and scrutiny, incorporating the erstwhile traditional role within the nationwide state in streamlined and deliberate fashion. Secondly, that studies into the English churchwarden should not treat the office as homogenous throughout the period, and in fact we see substantial elevations in their significance upon the release of certain ordinances and injunctions at certain times. These are primarily, but not limited to, the years 1558, 1571, and 1604.

It is striking how often historians muse that a dedicated study into the office is lacking and highly warranted. John Craig bemoaned that ‘we still await a social and administrative study of churchwardens comparable to the work of Joan Kent on the village constable’,<sup>8</sup> whereas Eric Carlson similarly remarked that ‘churchwardens have not received modern scholarly attention comparable to their civil counterparts... instead, printed works both scholarly and popular have been primarily bland catalogues of their duties, peppered lightly with highly impressionistic comments about their elections and qualifications for office.’<sup>9</sup> This is demonstrably true of most major works of the period, surprisingly even those rightfully commended for breathing into life parochial evidence that had hitherto been overlooked.

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<sup>8</sup> John Craig, *Reformation, Politics and Polemics, the Growth of Protestantism in English Market Towns 1500-1610* (Aldershot, 2001), 35-36.

<sup>9</sup> Eric Carlson, ‘The Origins, Function and Status of the Office of Churchwarden, with particular reference to the diocese of Ely’, in Margaret Spufford (ed.), *The World of Rural Dissenters 1520-1725* (Cambridge, 1995), 165.

The first great work into parish history was Roland Usher's *Reconstruction of the English Church*, published in 1902. Primarily focusing on the Stuart period, Usher uniquely blended commentary on the machinations of the bishops, archbishops and monarchs of England with the evidence from the very people they sought to influence within the localities. Usher pored through documents that were until then largely ignored by historians, who continued to focus on the personalities of 'great men' at the top. These included clergy registers, local diocesan and archidiaconal correspondence and even, novel for the time, churchwardens presentments at visitation.<sup>10</sup> Usher did not neglect mentions of the churchwarden throughout this work, in fact the opposite: they are frequently maligned, portrayed as weak and inefficient, or perhaps most damningly, deliberately disobedient, particularly in presenting non-conformist ministers to court.<sup>11</sup> This may have begun the historical narrative of the churchwardens as ineffective bunglers, uncaring about their duties and generally resentful of the office: not an attitude shared by many contemporaries, as we shall see. When Usher stumbled across evidence that the churchwardens had performed well, such as their willingness to present their own minister at visitation, he tended to side-step the issue and neglected to balance this with his many diatribes against their effectiveness.<sup>12</sup> At this early stage of English parochial history, there were already challengers to Usher's criticisms of the wardens. W.P.M. Kennedy described them as 'little English intendants', and 'non-commissioned officers in the army of the new Divine Right of Kings', commending them as 'extraordinarily busy' and 'remarkably efficient'.<sup>13</sup> However, as Craig has noted, Kennedy was 'virtually alone' in this belief - that is until recently. It is likely that Kennedy came to this conclusion via his focus on the numerous and diverse articles and injunctions of the Church in this period, in which the wardens feature prominently and decisively.<sup>14</sup> These are often overlooked by historians when analysing the role and its evolution into a state-backed office, and it is no surprise that this study will use them as key sources of evidence throughout.

Although Usher had begun the idea that histories of the Reformation must include local records, the concept of parochial history did not begin in earnest until the second half of the twentieth century. Yet, even within dedicated studies into parish life, the churchwarden continued to be brushed aside. In his tremendously influential *Reformation and Resistance in Tudor Lancashire*,

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<sup>10</sup> R.G. Usher, *The Reconstruction of the English Church Vol. I* (New York, 1910), especially chapters X & XI.

<sup>11</sup> Usher, *Reconstruction*, 214-215.

<sup>12</sup> Usher, *Reconstruction*, 264-266.

<sup>13</sup> Kennedy, *Episcopal Administration I cxxx-cxxxI*, cited in Craig, *Politics and Polemics*, 37.

<sup>14</sup> Craig, *Politics and Polemics*, 37.

Christopher Haigh in 1975 delved within the county's archives to give an in-depth view into the changes in ecclesiastical discipline within the parishes and the defiance this entailed. Despite utilising multiple sources in which the churchwardens would have been instrumental in compiling, including visitation court presentments, Haigh relegated commentary of the office to a small paragraph in which he described the office of warden as 'unpopular', in which 'for fear or favour, churchwardens were often negligent in their presentments [to court].'<sup>15</sup> F.G. Emmison had much the same view, arguing that preponderance to stay on good terms with one's neighbours rendered the office wholly ineffective.<sup>16</sup> W.A. Pemberton claimed the office was so unpopular that none of its reluctant incumbents performed their duties with any enthusiasm.<sup>17</sup> None of these historians made any mention of the significant changes the office underwent during this period.

A key factor as to why the office of churchwarden lacks a fully dedicated study may be their most obvious source of evidence, churchwardens' accounts. These are by far the most extensive surviving record concerning the office and have formed the basis of some of the most famous and comprehensive studies into the English parish during the Reformation, including Ronald Hutton's *The Rise and Fall of Merry England: The Ritual Year, 1400 -1700*, the collection of essays within *Views from the Parish: Churchwardens' Accounts c.1500 - c.1800* edited by Andrew Foster and Valerie Hitchman, and *Altars Restored* by Kenneth Fincham and Nicholas Tyacke.<sup>18</sup> The latter was in fact a response to Eamon Duffy's seminal *The Stripping of the Altars*, which in many ways began modern methods into researching the changing nature and appearance of England's churches. Despite utilising 110 churchwardens' accounts lists, printed as part of local history society journals, Duffy did not evaluate these sources, nor their compilers.<sup>19</sup> The sheer breadth of these sources may lead one to believe they would be ideal for any analysis into the churchwarden himself; indeed, Andrew Foster estimated in 2015 that they survive for 3,350 English parishes to this day, housed within 125 record offices.<sup>20</sup> However, they come with severe disadvantages for any study into the office. Firstly, what can be gleaned from them tells us little about the proclivities of the parishioners or their

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<sup>15</sup> Christopher Haigh, *Reformation and Resistance in Tudor Lancashire* (Cambridge, 1975), 230-231.

<sup>16</sup> F.G. Emmison, *Elizabethan Life: Morals and the Church Courts* (Chelmsford, 1973), 234.

<sup>17</sup> W.A. Pemberton, 'Studies in the Ecclesiastical Court and Archdeaconry of Nottingham', unpublished DPhil thesis, University of Nottingham, 748, cited in Craig, *Politics and Polemics*, 37.

<sup>18</sup> Ronald Hutton, *The Rise and Fall of Merry England: The Ritual Year, 1400 – 1700* (Oxford, 1994), Andrew Foster and Valerie Hitchman (eds.), *Views from the Parish: Churchwardens' Accounts c.1500 - c.1800* (Cambridge, 2015), Kenneth Fincham and Nicholas Tyacke, *Altars Restored: The Changing Face of English Religious Worship, 1547-c.1700* (Oxford, 2007).

<sup>19</sup> See Eamon Duffy, *The Stripping of the Altars: Traditional Religion in England 1400 – 1580* (New Haven, 2005), 478-503.

<sup>20</sup> Estimated for the period 1500-1800. Andrew Foster, 'Introduction', in Andrew Foster & Valerie Hitchman (eds.), *Views from the Parish: Churchwardens' Accounts c.1500 – c.1800* (Cambridge, 2015), 4-5.

churchwardens, being as they are 'lengthy lists of income and expenditure', a generally impassive quantitative source that, while invaluable for studies into church layout and inventory, are not as useful as other sources into the mindsets of parishioners in spiritual turmoil. John Craig went as far to say that the bland nature of the source has led to 'a distinct lack of enthusiasm' for studies into the office of churchwarden, as 'they simply do not possess the same immediacy and appeal of other sources... [nor] express the 'authentic' voice of parishioners found in deposition books, court cases, diaries or letters.'<sup>21</sup> Secondly, although churchwardens' accounts were usually - but not always<sup>22</sup> - written by the churchwardens, they do not tell us their role or attitudes in the actual gathering, replacing or selling of any church goods. While we may gather from their records that a parish may have been reticent to sell their altar after 1558, doing so at a delayed rate than others, we cannot tell whether this was supported, opposed or ignored by the parish's churchwardens. In no way does this thesis argue that churchwardens' accounts are not useful for studies into the office, more so that they will take a secondary and supplementary role compared to other pieces of primary evidence.

Printed lists of churchwardens' accounts, and analysis thereof, are very common among historical journals and society publications. The compilers of the Archaeology Data Service, who have catalogued printed works from record societies, reports 140 editions; many of these were published well before Usher began his studies into the parochial Reformation, including for Cowfold, Sussex, and Minchinhampton, Gloucestershire, which were published as early as 1849 and 1853 respectively.<sup>23</sup> While extraordinarily useful and enterprising, such extracts would go largely unused except by dedicated local historians. Craig estimated that one of the first major investigations into churchwardens' accounts occurred in 1913, when historian and clergyman J.C. Cox published his volume on churchwardens' accounts from the fourteenth to seventeenth centuries, containing transcripts and commentary on a plethora of sampled extracts from account books from at least one parish in the majority of England's dioceses.<sup>24</sup> J.E. Farmiloe and Rosalita Nixseaman's excellent investigation into the churchwardens' accounts of Bedfordshire delved into the electoral process and finances associated with the compilers of these books, and assertively claimed the importance and

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<sup>21</sup> Craig, *Politics and Pelmics*, 36.

<sup>22</sup> As was the case in Morebath, in which the minister filled out much of the surviving accounts. See Eamon Duffy, *Voices of Morebath: Reformation and Rebellion in an English Village* (London, 2001),

<sup>23</sup> W. Bruere Otter, 'Accounts of the Parish of Cowfold, in the Time of King Edward IV', in *Sussex Archaeological Collections* 2, Vol 2 (1847), 316-325. J. Collingwood Bruce, 'Extracts from accounts of churchwardens of Minchinhampton, Gloucestershire, with observations thereon', in *Archaeologia* Vol 35 (1853), 409-452. Information gathered from <https://archaeologydataservice.ac.uk/>, [accessed 29/06/2023].

<sup>24</sup> J. Charles Cox, *Churchwarden Accounts from the Fourteenth Century to the close of the Seventeenth Century* (London, 1913), 47-50.

influence of the office among parochial early modern life.<sup>25</sup> Yet, among works and transcripts concerning churchwardens' accounts, this remains the exception rather than the rule.

More recently in 1987, Ronald Hutton's essay into the local impact of Tudor Reformation, which relied extensively on study of churchwardens' accounts, failed to provide any insight or analysis into the office itself. This is not surprising, as it is clear throughout the piece that, aside from documenting church inventory and sales, which individuals had the responsibility to retain or dispense with religiously problematic material was unknown. This was not true, as Hutton admitted, of visitations, to which churchwardens themselves were integral.<sup>26</sup> Indeed, Ronald Marchant's *The Church Under the Law* spoke at length about the Tudor and early Stuart visitation system and naturally the churchwardens featured in abundance. Marchant never painted the office with the brush of laziness or insubordination; instead portraying the office as under intense scrutiny and demand yet nevertheless generally succeeding in carrying out the aims of the visitation, especially regarding the conduct of the clergy. Instances in which churchwardens are cited for neglect of duty did exist but these appeared as exceptions.<sup>27</sup> What is unusual about Marchant's work, published in 1969, is its novel highlighting of the lengths the ecclesiastical regime went to ensue diligent and accurate presentments at visitation court. This could be in the form of increasing the likelihood and levels of punishments for defaulting wardens, including citations to court and even excommunication,<sup>28</sup> yet also a strengthening of their role, including a provision that court apparitors must swear an oath never to conceal a crime from the wardens 'so that a proper presentment might be made'.<sup>29</sup> Rather than seeming to care little for the work of the churchwardens, the contemporary regime was keen to bolster their political resilience and the wider respect for the office. This of course coincided with greater and greater numbers of key responsibilities.

Martin Ingram's *Church Courts, Sex and Marriage*, perhaps the seminal work on English ecclesiastical courts from our period, portrayed the churchwarden in a much more significant light than earlier historians. Throughout the work, Ingram argued against accusations that church courts at the time were neglected or inefficient, stating many of their faults - including the lack of vetting of attending churchwardens - were equally true within their secular equivalents.<sup>30</sup> Churchwardens

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<sup>25</sup> J.E. Farmiloe & Rosita Nixseaman (eds.), *Elizabethan Churchwarden Accounts* (Bedfordshire Historical Record Society, Luton, 1953), viii.

<sup>26</sup> Ronald Hutton, 'The Local Impact of the Tudor Reformations', in Christopher Haigh (ed.), *The English Reformation Revisited* (Cambridge, 1987), 114-116.

<sup>27</sup> Ronald Marchant, *The Church Under the Law* (Cambridge, 1969), 136, 140, 180-188.

<sup>28</sup> Marchant, *Church Under the Law*, 184, 201.

<sup>29</sup> Marchant, *Church Under the Law*, 180.

<sup>30</sup> Martin Ingram, *Church Courts, Sex and Marriage in England 1570-1640* (Cambridge, 1988), 46.

could of course neglect to present known offences, but this was often due to an unwillingness to burden fellow parishioners with overbearing fines. In fact, Ingram highlighted multiple instances when 'zealous' churchwardens could cause an otherwise unexplained 'drive' in presentments from a parish or go on to rectify previously missed cases.<sup>31</sup> Despite arguing the wardens may have had many reasons not to present, Ingram concluded his analysis of their work as ultimately 'impressive'. This is particularly true regarding their central role in conformity - Ingram argued churchwarden enforcement saw attendance at church increase in the years 1560-1640, with some places by the 1620s achieving 'something close to the pattern of universal regular churchgoing prescribed by law'.<sup>32</sup> Ingram did not however attribute this success to the bolstering of the political authority of the office in the aforementioned key years. This thesis will argue that these achievements were a symptom of a deliberate policy of the church, eliminating the validity of unnuanced comparisons between the early Elizabethan and Stuart eras.

Among the earliest histories to attempt to give the reader an in-depth understanding of the office of churchwarden was also one to begin modern methodologies into research into early modern parish politics and society; W.E. Tate's *The Parish Chest*, 1949. The work delved into the minutiae of the office concerning administration of church rates, maintenance of church fabric and the collation of the accounts themselves, as well as broader commentary on clerical taxes and other parish offices.<sup>33</sup> Tate however claimed that after their appointment as local registrars of births, marriages and baptisms by Thomas Cromwell in 1538, the warden maintained an 'unbroken continuity' of responsibility until the 'strangulation of the parish after 1834'.<sup>34</sup> This neglects the immense changes in the office, particularly regarding the religious proclivities of their parishioners, that begun under Edward VI and escalated until 1604. More recent histories have begun to treat the office of churchwarden with the greater analytical vigour it deserves, while recognising the revolution in their duties during the English Reformation. An important advance in the appreciation of the office took place when Eric Carlson published his essay in 1995. Taking a sample of over 1,200 wardens from twenty parishes in Cambridgeshire, Carlson set about to give an accurate overview of the office, and in particular who the wardens actually were - their wealth, age, social status, finances, and religious proclivities all.<sup>35</sup> Carlson explicitly aimed to counter the narrative of the churchwardens as 'ecclesiastical Dogberries', stating that his essay was written in the spirit of a recent observation

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<sup>31</sup> Ingram, *Church Courts*, 107-108.

<sup>32</sup> Ingram, *Church Courts*, 108.

<sup>33</sup> W.E. Tate, *The Parish Chest: A Study of the Records of Parochial Administration in England* (Cambridge, 1969).

<sup>34</sup> Tate, *Parish Chest*, 29.

<sup>35</sup> Carlson, *Churchwarden*, 164-165.

from Patrick Collinson, that ‘ecclesiastical and social historians should have a particular desire to interview the consciences, minds and pockets of extinct churchwardens.’<sup>36</sup> Carlson scoured the court records for such consciences, bringing individual churchwardens to life by examining aspects such as their observation of the Sabbath, misbehaviour during service time, and the relationship this role had with wider concepts of parochial community and neighbourliness. Carlson combined this with statistical case studies on the wardens and their social and financial status, painting a portrait of the office as a ‘pillar of local Anglicanism’. Carlson went on to highlight the phenomenon of ‘hereditary churchwardens’, the office being dominated by notable families, and clear evidence that it was very rare for the churchwarden to be from the lowest monetary rung of society.<sup>37</sup> Furthermore, although not the focus of the essay, Carlson touched upon some transformative dates in the history of the churchwarden and their role in combating non-conformity and recusancy, including 1571, 1604, and 1616, and recognised their extraordinary shift from locally-focused traditional work to state-backed nationalised sleuthing.<sup>38</sup>

Following Carlson’s essay came John Craig’s work into the parish politics of East Anglian market towns in 2001. Craig used the churchwardens’ accounts from Mildenhall, Suffolk, to show a parish community in this period of religious strife. Craig delved further into the office than other historians using similar accounts. He rebuffed historians who claimed the office was seen as offputtingly onerous by contemporaries<sup>39</sup> and, in agreement with historians such as Carlson, Wrightson, Levine and Collinson, noted that churchwardens were by the sixteenth century largely made up of the ‘middling sort’ socioeconomically.<sup>40</sup> Craig’s most striking contribution to the history of the churchwarden was an acknowledgement of their central role in targeting non-conformity. Although not the focus of the work, Craig did look briefly into the visitation records from some of his obviously non-conformist parishes and discovered what he terms as ‘tension’ between the puritan parishioners and their ‘ecclesiastical superiors’. This was epitomised by the language chosen by the churchwardens: they do indeed seem to present prohibited practices, but often clearly begrudgingly or combined with a general praise of the minister in question. Craig - like Carlson - noticed that this ‘first line of defence’ for non-conformists against the ecclesiastical courts began to crumble as the period wears on: ‘by the turn of the century, ecclesiastical pressure was coming increasingly to bear upon churchwardens.’<sup>41</sup> Craig highlighted the 1604 Canons as being a momentous change in the

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<sup>36</sup> Carlson, *Churchwarden*, 164.

<sup>37</sup> Carlson, *Churchwarden*, 164-165, 191-193, 196-199, 204-207.

<sup>38</sup> Carlson, *Churchwarden*, 174.

<sup>39</sup> Craig, *Reformation, Politics and Polemics*, 37.

<sup>40</sup> Craig, *Reformation, Politics and Polemics*, 41.

<sup>41</sup> Craig, *Politics and Polemics* 48.

relationship between wardens and ministers regarding the combating of non-conformity, and recognised the importance of the office by the time of Laud within the structures of the Church.<sup>42</sup> Much as with Carlson, the central theme gathered from Craig's work was a defence of the office of churchwarden as being one, despite its many flaws and detractors, that was largely respected and influential at the time by both fellow parishioners and the Church hierarchy itself. It is for this reason in particular that Carlson and Craig's works have had the largest influence on the decision to focus on the churchwarden in this thesis.

Another recent history that agrees with this sentiment is John Reeks' work on churchwardens' accounts during the later Reformation and Civil War in Somerset. Reeks concluded that his research showed that the office 'emerges from this study as far more important than hitherto has been observed, or indeed than the social status of the officeholders themselves would normally imply.' His research into churchwardens' accounts avoided the pitfall of separating quantitative analysis of inventory from its compilers: Reeks described the churchwardens as the 'Instruments of Implementation' of the policies of William Piers, Bishop of Bath and Wells, and even Archbishop Laud.<sup>43</sup> Reeks correctly asserted that studies into ecclesiastical courts alone do not grant us a full picture into how episcopal authority was disseminated among the parishes on a day-to-day basis, and argued that research into churchwardens' accounts - particularly the minutiae into the language used, or irregular or unusual expenses - gives us an insight into how the office behaved as an 'episcopal presence' within each parish.<sup>44</sup> It would be remiss to downplay the potential usefulness of a combined study into churchwardens' accounts and churchwardens' presentments and Reeks admitted and avoided the danger in assuming what was noted in an account book was indicative of the individual predilection of the associated churchwarden. Indeed, Reeks highlighted the measures taken to increase the reliability and effectiveness of the wardens at visitation, including the use of oaths, fines for negligence, and increasing cooperation and communication between the wardens and the diocesan officials.<sup>45</sup> As the study is from a later period to ours, it naturally does not touch upon the notion that these developments were products of earlier ecclesiastical injunctions within the Elizabethan and Jacobean eras. Because our study is focused primarily on the implementation of the Reformation by the churchwarden, aspects of the office - including the administration of poor relief, enforcement of sexual morality, and upkeep of church inventory and benefices - must take a

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<sup>42</sup> Craig, *Politics and Polemics* 48-49. Craig's assertion that 'The Canons of 1604 had spelt out for the first time the express right of ministers to present information to the ecclesiastical courts ostensibly because of the failures of churchwardens' is debatable and not said in such direct terms within the Canons themselves.

<sup>43</sup> John Reeks, 'Parish Religion in Somerset, 1625 - 1662', PhD. Diss (University of Bristol, 2014), 75.

<sup>44</sup> Reeks, *Parish Religion*, 76.

<sup>45</sup> Reeks, *Parish Religion*, 79-83.

step back, and thus the multitudes of churchwardens' accounts, although not neglected, are not focused upon. It is interesting to note that Reeks' study also concluded that the office was, by 1640, an integral and reverent cog in the episcopal system of conformity: that 'the wardens' commitment to helping diocesan officials could never be taken for granted.'<sup>46</sup>

By using visitation articles and presentments this thesis will provide a comprehensive study of the development and use of the office of churchwarden across the post-Reformation, with a focus on ecclesiastical justice. Visitation articles, the lists of instructions and questions to the churchwardens at times of ecclesiastical visitation, as well as various other miscellaneous lists of injunctions and ordinances from the Church establishment, were transcribed in the early twentieth century by W.H. Frere and W.P.M. Kennedy. Although not an exhaustive account of the multitudes of visitation articles that exist during the period specified, Frere and Kennedy offered the first major effort to document the origins and theological background to the questions asked of the wardens and how this relates to wider church strategy regarding the enforcement of the Reformation.<sup>47</sup> Upon his own documentation of visitation articles and injunctions in the Stuart era from 1603 to 1640, Kenneth Fincham continued the focus on the historical, theological and political background to each new or updated article, taking into consideration the religious situation within the nation, diocese or archdeaconry at the time. Fincham argued that collations of this nature, including analysis of seemingly minor modifications from one to another can be 'very revealing', giving as an example Laud's efforts in 1622 to revert to the 1559 injunctions regarding the location of the communion table, which of course became a major source of contention leading up to the Civil War.<sup>48</sup> Similarly, Fincham was keen to stress that studies focusing only on visitation articles themselves ignore the complex relationship they have to the churchwardens' presentments. As becomes evident from studies of presentments, certain articles were prioritised by the churchwardens and the directors of visitations based upon apparent issues pertinent to the diocese or archdeaconry. Visitations might produce a plethora of returns for one problem, then return virtually none of the equivalent at subsequent visitations, at a decrease that cannot possibly be explained by an actual drop in numbers of cases. Fincham's theory as to this phenomenon is the guidance, or 'charge', given to the churchwardens upon receipt of the articles to pay particular attention to one issue or specific articles above others. The lack of written evidence and yet the clear existence of this disparity means that

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<sup>46</sup> Reeks, *Parish Religion*, 77.

<sup>47</sup> Frere & Kennedy, *Visitation Articles* Vol. III.

<sup>48</sup> Fincham, *Visitation Articles* Vol. I, xxi.

such guidance was usually verbal, although occasionally the wardens were directed to particular injunctions in writing.<sup>49</sup>

Thus, although our study into the various printed visitation articles of the period will be most illuminating as to the dynamics of their creators and the wardens, these must also be blended with analysis of the churchwardens' presentments themselves. Alongside these regular visitation articles, of great importance to this thesis will be nationwide injunctions, ordinances and Canons drafted by the Church upon the alleged need for reform. At times, these would directly reflect the office of churchwarden itself, and as we approach the end of period some nationwide ordinances (most notably the Canons of 1604) were to be displayed in every church and ostensibly known to every churchwarden.<sup>50</sup> Many transcripts of these nationwide ordinances are accompanied by commentary, including many notable early historians of the period such as Cardwell and Strype. Regarding the Canons of the Church of England, in which the 1571 and 1604 iterations are paramount to this study, there is no better source of analysis than that by Gerald Bray in *The Anglican Canons, 1529-1947*, which in a similar vein to Frere, Kennedy and Fincham seeks to establish the origins and trajectories of each Canon printed in those centuries, including if applicable their scriptural basis.<sup>51</sup>

When churchwardens were touched upon by some of the major historians of the Reformation, more frequently than not they are included within larger socio-cultural studies of parochial life. Their influence in their parish community, aside from their being part of the ecclesiastical justice system, has been examined by historians such as Steve Hindle who saw the rise of the political authority of the parish vestry as directly responsible for the decline of the status of the churchwarden's office in the seventeenth and eighteenth centuries.<sup>52</sup> Where the office places within early modern English society naturally became an issue within the competing theological spheres of conformists, puritans and Catholics. Collinson noted the diametric opinions of English puritans on the matter, with some considering them part of the episcopal establishment, and thus a target for elimination,<sup>53</sup> and others likening them to the 'elders' of early Christendom, to potentially

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<sup>49</sup> As did Archdeacon Sharp in 1615, Fincham, *Visitation Articles* Vol. I, xxiii. Bancroft instructed his commissioners in 1605 to investigate seven Canons from the 1604 set during their own visitations, which – as we shall see in Chapter IV - did manifest itself in the churchwarden presentments as well. Fincham, *Visitation Articles* Vol. I, 4-5.

<sup>50</sup> See 'The Canons of 1604'.

<sup>51</sup> Gerald Bray, *The Anglican Canons 1529-1927* (Cambridge, 2001).

<sup>52</sup> Steven Hindle, *The State and Social Change in Early Modern England c.1550-1640* (New York, 2000), 117-118, 207-215.

<sup>53</sup> Patrick Collinson, *English Puritanism* (The Historical Association, General Series, 106, 1983), 17.

continue as such should England adopt a form of Presbyterianism.<sup>54</sup> Indeed, the election - or selection - of the churchwarden has seen interest from historians, with it too having been regimented and standardised by the Tudor and Stuart regimes. All these concepts, be it local political authority of the wardens, their electoral process, or their position within the ecclesiastical framework of the episcopacy, encompass the wardens within the wider historiographical notion of Tudor and Stuart 'state formation'. As M.J. Braddick has theorised, the rapid creation of a modernised state within England at the time can largely be attributed to a grand shift in power from the influence of the individual to the influence of stately offices.<sup>55</sup> This is particularly true of the parish churchwarden, with the office itself obtaining a repute that would allow them to contend with not only the parish minister but also their alleged social superiors who went against the whims of the Church.

#### iv. The Nature of the English Churchwarden prior to 1547

The Reformation gave early modern English regimes a new urgency to require further political intelligence and influence at the parish level; they were to find this within the erstwhile unspiritual office of the parochial 'warden of church goods'.<sup>56</sup> Until this point instructions to the churchwardens of England from their bishops or archdeacons were non-existent, despite their ubiquity throughout England's parish churches. It is worth examining some of the attributes of the office before 1547, to better demonstrate the changes they would undergo as a product of religious change and the formation of the modern state. When compared to their seventeenth century counterparts, the most striking facet of the churchwarden under Henry VIII would be the significant diversity of the position from parish to parish. From social class to the extent of their jurisdiction and political clout, the churchwardens of England would vary considerably. Financially, the wardens came from a broad strata of financial power, although many were clearly extremely poor: in 1497 a warden from London was hauled in front of the ecclesiastical court for repeated non-payment of petty debt, bringing his church into disrepute.<sup>57</sup> Meanwhile the spiritual rewards offered to Catholics for aiding their church drew some recipients from much wealthier classes; even some gentlemen served as churchwardens before being largely eliminated from the role by the end of the 1500s.<sup>58</sup> This was

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<sup>54</sup> Patrick Collinson, *The Elizabethan Puritan Movement* (California, 1967), 299.

<sup>55</sup> M.J. Braddick, *State Formation in Early Modern England* (Cambridge, 2000), 16-18.

<sup>56</sup> Cox, *Churchwarden Accounts*, 1.

<sup>57</sup> William Hale, *A Series of Precedents and Proceedings in Criminal Causes extending from the year 1475 to 1640, extracted from Act-Books of Ecclesiastical courts in the Diocese of London, Illustrative of the Discipline of the Church of England* (London, 1847), 64.

<sup>58</sup> Craig, *Reformation, Politics and Polemics*, 41.

dismissed by Patrick Collinson as being a 'myth', with gentlemen churchwarden being a product of unfounded wishful-thinking by those wanting to portray Pre-Reformation English parishes as having peculiar and socially-defiant customs and traditions.<sup>59</sup> More recent historians such as John Craig have in fact found examples of gentlemen churchwardens as late as the 1560s, although the phenomenon only got rarer as the early modern period progressed.<sup>60</sup>

Literacy and numeracy levels among pre-Reformation churchwardens were just as inconsistent. We can adjudge from surviving churchwarden account books that the documentation of church inventory by the churchwarden was widespread in England by the reign of Henry VII, although it is exceedingly difficult for historians to pinpoint exactly when, if ever, instructions for the proper and diligent collation of such accounts were made by English authorities prior to the 1500s. Andrew Foster has noted the fog surrounding the origins of the churchwardens' accounts, 'and why they are found in varying numbers across the country, unevenly scattered for rural and urban parishes alike.'<sup>61</sup> This is perhaps a mitigating factor as to why, despite one imagining that such a task would require rudimentary numeracy and literacy skills, it is clear that even in this fundamental duty some wardens were lacking this competency and the lines of responsibility were blurred. In his famous study of the village of Morebath, Eamon Duffy described how the formidable personality of its priest, Sir Christoher Trychay, as the most powerful and literate man of the parish, led him to perform practically all administrative responsibilities himself. Indeed, a calligraphic study shows that he was the scribe for the village's 'churchwardens' accounts' from the years 1521 to 1574.<sup>62</sup> It appears that the wardens retained responsibility over each individual 'bill', that being the list of expenditures and income during the year, but this was then copied, audited and - owing to poor arithmetic from the wardens - corrected within the book itself by Trychay.<sup>63</sup> Meanwhile, perhaps the best surviving and most comprehensive set of churchwardens' accounts from the period, those of All Saint's, Bristol, detailed a very different parochial administration - meticulous and scrutinised lists from each year, from 1496, signed each time by both churchwardens, and with a plethora of notes and corrections from many different hands. The main accounts list changed handwriting each year without fail: the same length of service assumed by a churchwarden at the parish according to their election notes.<sup>64</sup> At All Saints, at least, we see a succession of highly literate churchwardens with full

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<sup>59</sup> Craig, *Reformation, Politics and Polemics*, 40.

<sup>60</sup> Craig, *Reformation, Politics and Polemics*, 40-41.

<sup>61</sup> Foster, *Churchwardens' Accounts*, 3-4.

<sup>62</sup> Duffy, *Morebath*, 19-21.

<sup>63</sup> Duffy, *Morebath*, 19-21.

<sup>64</sup> Clive Burgess, *The Pre-Reformation Records of All Saints Church, Bristol, Part 2* (Bristol Record Society Publications, Vol. 53), 1-7.

cooperation from other laity, without much aid from the priest. From subordinate to notable representative of the community, the centuries-old traditions of each Henrician parish meant the role of each churchwarden was as different as the culture of each parish itself.

For the position to have any importance outside of the personal clout of the incumbent or that granted by its own community, duties needed to be ordered from political echelons higher than the mere parish. It has been argued that the first civil duty directed to England's churchwardens that had a nationwide impact occurred late into the rule of Henry VIII, when it was ordered for them to oversee the provision of arms for outgoing soldiers and relief for wounded veterans.<sup>65</sup> However, despite the tumultuous religious situation of Henry's reign, incorporating the use of churchwardens as a tool of religious conformity was never a step truly envisaged by him or his predecessors. Even within the institution of the episcopal visitation, in which one might imagine grassroots cooperation and sanguinity paramount, early visitation records demonstrate the extent to which the process was remarkably different before its revolution in the sixteenth and seventeenth centuries, particularly concerning the use of churchwardens. After being left *sede vacante* following the move of Bishop Richard Foxe to the see of Westminster in 1501, the diocese of Durham required a visitation, eventually undertaken by Archbishop Thomas Savage in November 1503. Although the corresponding visitation articles have not survived, the defaults presented suggest that they were primarily concerned with the professional situation of the priests; dual benefices, vacant churches, or improper money-making, as well as the 'moral' standing of the priest himself and other parishioners.<sup>66</sup> This particular visitation demanded returns of full lists of beneficed clergy, parochial chaplains and chantry priests throughout the diocese. Indeed, the first action taken upon the completion of the visitation appears to have been the placing of incumbent ministers to vacant benefices.<sup>67</sup> Of interest was the placing of a monk, John Flynt, to the ministry of two churches; a clear infraction of papal law. Altogether the Durham visitation was a rather nondescript administrative inspection of the diocese, not a wholehearted survey of the area's religiosity, and churchwardens played an uncertain part at best.

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<sup>65</sup> Edmund Hobhouse, *Church-Wardens' Accounts of Croscombe, Pilton, Patton, Tintinhull, Morebath, and St. Michael's, Bath, Ranging from A.D. 1349 to 1560* (Somerset Record Society, 1890), xv. There were earlier examples that may be the true first, such as those regarding the reparation of sluices or relief for vagabonds, but it is argued by historians such as Hobhouse and Cox that the ordinance regarding wounded soldiers marked the beginning of state orders directed to the churchwardens outside of their usual communal or spiritual remit. Cox, 3.

<sup>66</sup> A. Hamilton Thompson, 'Archbishop Savage's Visitation of the Diocese of Durham, *Sede Vacante*, in 1501', in *Archaeologia Aeilana, Series 3 Vol. 18* (Newcastle, 1921), 47-48.

<sup>67</sup> Thompson, *Visitation*, 48-49.

Presentments from this visitation for the parishes of Gateshead and Newcastle survive in full.<sup>68</sup> Nowhere in these returns do we encounter any serious religious opposition to the Church - indeed, it appears that most of the issues arose from lackadaisicalness or selfishness. The miller's guild of All Saints, Newcastle, for example, were presented for carrying on their business during times of divine service and other festivals.<sup>69</sup> A large amount of the presentments - and this trend would continue uninterrupted throughout our period - were concerned with upkeep and maintenance of clerical edifices, a responsibility for the churchwardens and parishioners as a whole to remedy, although the wardens' alone to inform the bishop of the problem. Deficiencies or absences concerning roofs, windows, chancels, windows, fences, naves and churchyards were noted, each time with a demand that they be properly installed as soon as possible. Those involved in the visitation were not reticent to appropriate blame on established clergymen - as owner of the 'rectoral tithes' of these parishes, the Bishop of Carlisle was mentioned as having allowed the roofs and chancels of Newburn and St. Andrews in Newcastle to fall into disrepair. At Brompton within the archdeaconry of Durham, leakage from the chancel roof had dripped water on and damaged the sacrament, and lack of proper windows frequently caused the candles on the high altar to blow out; blame for these were placed upon the 'rectors, master and brethren of Sherburn hospital' for allowing this dilapidation to go unfixed.<sup>70</sup> Once again, visitation presentments regarding ministerial conduct or church proceedings stemmed from neglect rather than any notion of deliberate disobedience. As well as the absence of any spiritual opposition to the injunctions, the striking feature of this 1503 visitation is that churchwardens do not seem to have been given any greater responsibility or authority than the rest of their parishioners. Unlike later visitations, visitation reports were to be undertaken by the parishioners as a whole, rather than explicitly the churchwardens: a typical entry reads 'Johannes Ellis, Georgius Rawe, Thomas Musgrave, Johannes Atvile, parochiani ibidem, dicunt omnia bene'.<sup>71</sup> Of course, it is almost certain that within this cabal of eminent parishioners one or more may have been the parish churchwarden or one of his assistants. Nevertheless, the wardens were certainly not yet an integral aspect of the ecclesiastical visitation process as they would later become; they are in fact not mentioned by name within any of the Gateshead or Newcastle reports, nor within the speeches, prayers and legal preambles accompanying the opening of the visitational court.<sup>72</sup>

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<sup>68</sup> While a summary is included within Thompson's article on the visitation, they are also printed in full within James Raine, *The Injunctions and other Ecclesiastical Proceedings of Richard Barnes, Bishop of Durham, from 1575 to 1587* (Surtees Society Vol. XXII, 1850) appendix 1, i-xl.

<sup>69</sup> Thompson, *Visitation*, 50

<sup>70</sup> Thompson, *Visitation*, .51.

<sup>71</sup> John Ellis, George Raw, Thomas Musgrave, John Atvile, parishioners, say all is well. Raine, *Barnes*, xx.

<sup>72</sup> Raine, *Barnes*, i-xl. Compare this to a visitation from the same area in 1577, in which 'churchwarden' or 'guardiani/gardiani' are used frequently. Raine, *Barnes*, Chapter III.

Even after the split from Rome, the ecclesiastical regime of Henry VIII did not countenance enhancing the role of the churchwarden. In 1536, a set of 'Injunctions given by the authority of the King's highness to the Clergy of the Realm' was produced, seemingly drafted by Cromwell. As the name suggests, these orders, centring around the 'abolishing and extirpation of the Bishop of Rome's usurped Power and Jurisdiction within this realm', did not explicitly reference the laity. The majority of these injunctions instructed 'deans, parsons and vicars' in their new charge in the delivery of services in English and the removal of practices and objects now considered 'superstitious' or of 'hypocrisie'.<sup>73</sup> Matters such as the collection of first fruits and tenths, now directed to the crown rather than the papacy, similarly were now to be administrated jointly by church and court with no interference from lay officials, as it would be later.<sup>74</sup> As with subsequent injunctions by each of his crowned children, these injunctions of Henry VIII also served as a type of guide-book for the clerical profession. Many of the orders related to the enforcement of due diligence in the role, for example ensuring enough sermons were preached per quarter, teaching the Articles of Faith to parishioners, and adherence to proper licenses concerning benefices and preaching.<sup>75</sup> Despite the plethora of articles focusing upon the removal of papist influences, the inauguration of a streamlined presentation system centring around the cooperation of lay officials appeared far off. The clergy were to police themselves at their own discretion; at ecclesiastical visitations and other courts, the split from Rome appeared not to have yet instigated a more standardised and bureaucratic shift towards the use of state-backed lay volunteers to inform on the ministry without their consent. This bolsters the argument made by many historians that Henry's settlement did not envisage - or perhaps even attempt - to create a wholesale Protestant nation within the minds of England's ordinary parishioners.<sup>76</sup> Henry's regime instead strived for doctrinal continuation, with the only major change being the change of head of the Church itself: a 'restoration not a Reformation'.<sup>77</sup> An experiment involving the incorporation of churchwardens into the national effort of reformation was not yet needed.

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<sup>73</sup> 'The Injunctions of Henry VIII, 1536', 160-163.

<sup>74</sup> Felicity Heal, 'Clerical Tax Collection under the Tudors: The Influence of the Reformation', in Felicity Heal and Rosemary O'Day (eds.), *Continuity & Change: Personnel & Administration in the Church in England 1500-1642* (Leicester, 1976), 98.

<sup>75</sup> 'The Injunctions of Henry VIII, 1536', 160-162, 178-179.

<sup>76</sup> G.W. Bernard claims that this position had its 'most vociferous exponent' with Christopher Haigh, alongside A.F. Pollard. Bernard himself argued Henry VIII attempted more of a hybrid approach. G.W. Bernard, 'Henry VIII: Catholicism without the Pope?' *History* 101, Issue 345 (April 2016), 201-202.

<sup>77</sup> Usher, *Reconstruction*, 3-5.

Churchwardens were however mentioned once in Henry's injunctions, albeit not in a role considered purely religious. A register of all weddings, christenings and 'buryings' was to be kept by the minister, to be filled in weekly 'in the presence of the said Wardens, or one of them', and to be kept in a box with two keys, one to be kept each by the minister and the churchwardens.<sup>78</sup> This duty was a continuation of what was already established, albeit now more formally delegated and regulated. Gradually this would transition to a responsibility fully shared between clergy and laity, before being fully consumed into the jurisdiction of the churchwardens. This process was the start of two phenomena which will continue throughout our period. Firstly, it reflects the increasing literary levels of the churchwardens themselves. Gauging the literacy of any strata of population is exceedingly difficult, but it had been judged that by the 1590s, yeomen and wealthier farmers - the social status that most churchwardens belonged to - had a literacy rate of about 77%.<sup>79</sup> Considering only one churchwarden of the usual two needed to be literate and rudimentarily numerate, which was often the case, it is natural that bookkeeping of this nature could be more easily handed over from the much more literate class of the clergy.<sup>80</sup> Secondly, this was the beginning of a series of small shifts of responsibility from the clergy to England's lay officers. This was virtually imperceptible under Henry, before beginning in earnest under Edward, and becoming integral to the reformative effort under Elizabeth.

v. Churchwardens, Sworn-Men, Sidesmen and Quest Men

Before commencing, it is worth clarifying the often confusing and certainly inconsistent use of the terms 'churchwarden', 'sworn-men', 'sidesmen' (or sides-men) and 'quest-men' by contemporaries to describe early modern lay officials. The only incontrovertible difference between the four terms is that in one manner or another, the latter three were always subservient to the churchwardens, although - particularly in the case of quest-men and sworne-men - sometimes not directly answerable to them in certain pursuits. Nevertheless, in terms of official instructions to the churchwardens from their ordinary it is often the case that the articles would be addressed to both the churchwardens and some combination of the other three titles. By 1569, Archbishop Parker was already headlining a section of his articles for Norwich - which would form the base of several subsequent lists - as 'For the Churchwardens, Questmen and Others', yet by the 1580s this had been

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<sup>78</sup> 'The Injunctions of Henry VIII, 1536', 180

<sup>79</sup> Keith Wrightson, *English Society 1580-1680* (London, 2003) 198.

<sup>80</sup> Wrightson, *English Society*, 198-200.

changed by many article lists for a section directed to the churchwardens and 'Sworne-men'.<sup>81</sup> It becomes apparent that sidesmen, questmen and sworne-men referred to the same basic office with few differences, with sidesmen emerging as by far the most common term. They were the assistants to the churchwardens and enjoyed considerably less scrutiny and restriction as to their nature and numbers, but also less power and responsibility. For instance, we see at Canterbury diocese under Parker that the sidesmen had no stewardship of church property and were not responsible for the removal or buying of clerical objects.<sup>82</sup> Indeed, their status as deputies to the wardens was known to parishioners and potentially exploited as a softer target for the community's ire: in 1561, one Robert Holmes of Westgate 'hurled a pott and drewe hys dagger at one of the syde men that spoke to hym to come to the churche', in John Daeley's study of Canterbury diocese, sidesmen seemed to be more frequent targets of such abuse than their superiors.<sup>83</sup> There were usually an equal number of sidesmen and churchwardens per parish; however, it was nominally the responsibility of the wardens to respond to official injunctions, report on church inventory back to the bishop at regular intervals, as well as record all births, marriages and deaths.<sup>84</sup> Thus, sidesmen are encountered much less frequently in correspondence between parish and the state church, despite their day-to-day role of preventing absenteeism and promoting conformity being practically identical to the churchwardens.

Conversely, sworne-men are easier to define, with their name being a clue as to their role. These too were deputies to the wardens, but had sworn an oath to make presentments at an ecclesiastical court.<sup>85</sup> Within injunctions specific to the presentment of recusants or religious malcontents, sworne-men and churchwardens were often regarded as one and the same; indeed, the oath included in visitation papers of 1571 regarding enforcement of church attendance was addressed to both.<sup>86</sup> At Scrooby parish, 1598, the same parish in which lived several prominent religious separatists who would later sail on the Mayflower, it was the 'churchwardens and sworne-men' who reported to their archdeaconry court that their curate, Henrie Jones, was 'lax' about wearing the surplice.<sup>87</sup> The exact role of quest-men compared to sidesmen is more elusive to pinpoint, yet fortunately two incidents shed much light on their nature. In the 1580s, a series of disturbances occurred between the prominent citizens of Bury St. Edmunds and the Bishop of

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<sup>81</sup> 'Archbishop Parker's Injunctions for Norwich Diocese, 1569' 208-209, and 'Articles of Overton, Bishop of Lichfield, 1584', 427-429.

<sup>82</sup> John I. Daeley, 'The Episcopal Administration of Matthew Parker, Archbishop of Canterbury, 1559-1575' (PhD diss, University of London, 1967), 101.

<sup>83</sup> Daeley, *Parker*, 101-102.

<sup>84</sup> Daeley, *Parker*, 103.

<sup>85</sup> Craig, *Politics and Polemics*, 45-46.

<sup>86</sup> 'Archbishop Grindal's Injunctions for the Province of York, 1571', 272.

<sup>87</sup> Jeremy Bangs, *Strangers and Pilgrims, Travellers and Sojourners* (Leiden, 2009), 13.

Norwich, with the former routinely rebuffing attempts to ban Robert Browne (founder of the Brownist sect) from preaching in the town, despite an episcopal official writing to the bishop in 1581 that Browne was 'teaching strange and dangerous doctrine in all disordered manner.'<sup>88</sup> Browne was eventually removed, but the question of 'which gentlemen [were] winking at the disordered sort' remained in his aftermath. The non-conforming gentry of the town began to actively intimidate and shun those wanting to enforce 'preaching obedience to the queen's laws': one minister, Oliver Phillips, wrote to the bishop of having been accused of being a 'Jesuit', a 'rogue minister' or 'one as preached out of his own cure' purely for advocating conformity.<sup>89</sup> In the ongoing struggle to enforce church attendance among these malcontents, the bishop's ecclesiastical officer, 'Mr. Daie', summoned 'certain honest men of both the parishes of Bury', in order to make them quest-men for this specific duty alone. Three justices, as well as a minister 'Mr. Gaiton' saw this as a breach of jurisdiction and called for him. Upon discovering he had already chosen six 'quest-men' to enforce attendance, they 'called him Jack and Knave, he knew not how often' and said he 'should go to gaol' for his knavish and lewd behaviour.<sup>90</sup> Daie was seeking an official writ from the bishop absolving him of all dishonesty, with due punishment for the Justices and the minister - Gaiton was indeed suspended the following year.<sup>91</sup> As we can see, quest-men were a kind of ad-hoc churchwarden, called in special circumstances to carry out a specific task, particularly one involving church attendance. Interestingly, the right of who could create quest-men was clearly an ambiguous and controversial one; even by the 1580s this was not as regulated as that for churchwardens and could be decided upon at higher levels of the hierarchy, particularly at visitations.

W.P.M. Kennedy, one of the earliest historians to explore this, decided to refer to churchwardens and sidesmen as one in the same, reasoning that any differences were negligible.<sup>92</sup> Gerald Bray, investigating the origin of the terms within official articles and injunctions, argued that within the middle-ages 'sworne-men' were a semi-official group of parishioners to oversee behaviour and order within the church; ultimately the word was to become 'corrupted', alongside 'questmen' and 'synodsmen', to eventually become 'sidesmen', who still survive to this day. Bray also argued that by the early modern period there was no great distinction between the terms.<sup>93</sup> Indeed, with attempts to standardize and streamline lay work under Elizabeth, by the mid-1600s the roles of

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<sup>88</sup> John Strype, *Annals of the Reformation and Establishment of Religion Part III Vol. I* (Cambridge, 1824), 22-23.

<sup>89</sup> Strype, *Annals* Part III Vol. I, 24-25.

<sup>90</sup> Strype, *Annals* Part III Vol. I, 25-27.

<sup>91</sup> Strype, *Annals* Part III Vol. I, 25-27.

<sup>92</sup> Kennedy, *Episcopal Administration I*, 130-131.

<sup>93</sup> Gerald Bray (ed.), *Tudor Church Reform: The Henrician Canons of 1535 and the Reformatio Legum Ecclesiasticarum* (Church of England Record Society Volume 8, 2000), cli.

'quest-men' and 'sworne-men' had become functionally extinct, with 'sides-men' more fully incorporated into the state bureaucracy.<sup>94</sup> While it is important to acknowledge that all four roles - churchwarden, sides-man, sworne-man and quest-men - were distinct to some degree, they were all included under the new Elizabethan regime's attempts at enforcement of parochial conformity. It is for this reason that this thesis will refer to all offices under the umbrella of 'churchwarden', unless necessary to do otherwise; the changes we shall investigate were directed to the warden alone, with the sidesmen, as their assistants, in most cases only indirectly following suit. It is the articles and injunctions of the first years of Elizabeth that gave the office their first major and standardised responsibilities involving conformity, and within these, they are only ever referred to as 'churchwarden' alone.<sup>95</sup> Exploration of this first significant elevation in their duties will form the basis of the next chapter.

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<sup>94</sup> Carlson, *Churchwarden*, 180-181.

<sup>95</sup> See 'The Royal Articles of Queen Elizabeth, 1559', 1-7, and 'The Royal Injunctions of Queen Elizabeth, 1559', 8-29.

## Chapter I

### *Churchwardens and the Enforcement of the early Elizabethan Settlement, 1558-1571.*

#### i. The Utilisation of Churchwardens in the Reforms of Edward VI and Mary I

In this chapter we shall explore the changes to the office of churchwarden as they began to be retooled as enforcers of conformity after the year 1558. Some minor alterations to their duties occurred under Edward VI, and they continued to be used in a similar vein during ecclesiastical visitations under Mary I, although with naturally a different aim. We shall look briefly into their role under both these monarchs in order to appreciate the extent of their overhaul under the Elizabethan regime, whose injunctions and articles in 1559 formed the first major incorporation of the role into nationwide efforts to implement conformity.<sup>1</sup> During these years, the churchwarden began their journey as real arbitrators of crucial matters for the state church, including the enforcement of attendance at divine service and the whistleblowing of improper conduct by the ministry. Compared to later equivalents however, these ordinances only gave bishops and archdeacons a rudimentary basis in which to utilise their churchwardens, and many chose to grant them increasingly important and overreaching roles within their own visitations between 1558 and 1571. After analysing the royal injunctions and articles of Elizabeth's early years, we shall then examine the churchwardens' new duties within various visitation articles by the nation's bishops and archdeacons and contrast them with churchwarden presentments at visitation courts to establish the extent of their adherence. It shall thus be demonstrated that these years before the Canons of 1571 form a distinct historical period in which the churchwarden was unmistakably incorporated within nationwide efforts for conformity. They had been given some key responsibilities with backing from the highest level, but they lacked the guidance, homogenisation and scrutiny that would characterise them after 1571 and 1604.

With a brand of Protestantism far more entrenched than his father's, the regime of Edward VI attempted to alter the denominational fabric of the parishes to an extent that would necessitate direct involvement from the laity. In 1547, Edward, 'by the advice of his most dear uncle the Duke of Somerset', published thirty-six injunctions, a copy of which was to be held in every parish

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<sup>1</sup> See 'The Royal Articles of Queen Elizabeth, 1559', 1-7, and 'The Royal Injunctions of Queen Elizabeth, 1559', 8-29.

throughout his kingdom. Addressed 'to all singular his loving subjects, as well of the clergy and the laity', the opening preamble of the document leaves no doubt as to its purpose: 'the suppression of idolatry and superstition throughout all his realms and dominions, and to plant the true religion.'<sup>2</sup> The monumentality of this task was perhaps why these injunctions repeatedly stress the importance of cooperation from the entirety of the parish - this was not to be a simple policing of behaviour from a top-down perspective, but a sea change in the very fabric of the nation's spirituality. Despite stressing that Edward's own authority stemmed 'from his most dearly beloved father' and his memory, this was intended in fact to be a consolidated replacement for all of Henry's previous religious settlements, addressing most aspects of parochial religious life both concerning and unrelated to the establishment of Protestantism.

Unsurprisingly, the first and largest bulk of the injunctions addressed the clergy itself, beseeching them to follow the injunctions devotedly; in particular, this 'made... for the abolition and extirpation the Bishop of Rome his pretended and usurped power and jurisdiction'. All 'deans, archdeacons, parsons, vicars and other ecclesiastical persons' were given ultimate responsibility for matters such as the removal of idols and superstitious objects, the cessation of papist or traditional religious practices - such as candles, tapers or the 'kissing or licking' of images of idols - and the discouragement of extra-parochial activities such as pilgrimages to shrines.<sup>3</sup> Indeed, to emphasise the totality of this new settlement, the clergy were to enforce these rules parish-wide. In one of the more extreme articles, the clergy were tasked to 'take away, utterly extinct and destroy all shrines, all tables, candlesticks, trindles or rolls of wax, pictures, paintings, and all other monuments of feigned miracles, pilgrimages, idolatry and superstition', to such an extent that 'no memory' would persist that they were even once present; a near-totalitarian measure surely meant to emphasise the permanence of the new regime. The laity in general, with no specific orders for the churchwardens, were exhorted 'to do the like, within their several houses'.<sup>4</sup>

Did the laity have any instructions wholly different from those to the clergy? In a marked change to most previous nationwide ecclesiastical injunctions, some articles did address the laity directly concerning the enforcement of the new religious settlement. 'Parishioners' were now expected to aid in all efforts for the removal of 'popish' objects and practices. Following the same rules on banned practices as described to the clergy, they were to be 'extolled' to ensure their removal parish wide, and to be 'admonished' - presumably by the minister, although this is not

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<sup>2</sup> 'The Injunctions of Edward VI, 1547', 4-5.

<sup>3</sup> 'The Injunctions of Edward VI, 1547', 5-27.

<sup>4</sup> 'The Injunctions of Edward VI, 1547', 17.

stated - should they fail to do so.<sup>5</sup> Additionally, copies of Erasmus' *Paraphrases* and the Gospels in English were to be present in the church, the fees for such books to be shared exactly half by the 'parson or prebendary' and the other half by the parishioners at large. This sparked the beginning of a trend in which parishioners, and later churchwardens explicitly, were ever increasingly burdened with financial pressures pertaining to the obtaining and preservation of church objects and infrastructure, a tension exacerbated by the overhauling of church inventory as the nation shifted from faith to faith.<sup>6</sup>

Furthermore, in another move that was later to be incorporated formally into the domain of the wardens, it was the 'parishioners' who were to collect and administer the clerical fines for non-residency, to be distributed among the poor.<sup>7</sup> Aside from these responsibilities, and with Catholicism still ever-present in the community, by 1547 it was the clergy that possessed the foremost duty to enforce the spiritual aspect of the new settlement. Of course, this would not be possible without a well-oiled ecclesiastical administration, yet the clergy were expected to oversee this also, retaining many of the responsibilities regarding conformity that would subsequently be issued to the laity in the coming decades. Ministers were, for instance, to be responsible for ensuring services were performed according to the most recent Book of Common Prayer, and to endeavour to be present in their own benefice unless absent via 'a special license given by the king's majesty.'<sup>8</sup> By the end of the century, it would be the churchwardens and sidesmen who were tasked, via repeated visitations, to ensure due residence and report all unlicensed preaching or ministering. At this point though, the process was much laxer, with a command simply that at times of absence the cure should not be left to 'a rude or unlearned person', but someone who can instruct parishioners the 'wholesome doctrine'. Other duties that were later to be within domain of the laity included the provision of a bible 'of the largest volume in English', the prevention of drinking in alehouses during service, and the policing of clerical behaviour and practices.<sup>9</sup>

Churchwardens were in fact only mentioned twice in Edward's official injunctions. The provision of a 'comely and honest pulpit', to be set in a 'convenient place' was a duty for them alone; this responsibility was, however, legitimised by the 'common charge' of the parish as a whole, a first

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<sup>5</sup> 'The Injunctions of Edward VI, 1547', 17-21.

<sup>6</sup> Eric Carlson, 'The Origins, Function and Status of the Office of Churchwarden, with particular reference to the diocese of Ely', in Margaret Spufford (ed.), *The World of Rural Dissenters 1520-1725* (Cambridge, 1995), 180.

<sup>7</sup> 'The Injunctions of Edward VI, 1547', 11-12.

<sup>8</sup> 'The Injunctions of Edward VI, 1547', 10-12.

<sup>9</sup> 'The Injunctions of Edward VI, 1547', 6-12.

indication of royal injunctions becoming involved in their selection process.<sup>10</sup> Their second mention occurs in the injunction concerning the poor relief box and its administration. With the minister imploring the proper giving of alms, particularly considering 'heretofore [the parishioners] have been diligent to bestow much substance' to now-banned traditional objects and practices, the churchwardens and the clergyman were to possess a key each for the church's poor box and the responsibility in administration was to be shared.<sup>11</sup> Here we have first glimpses of the office of churchwarden being recognised by authorities as a trustworthy tool of conformity; fines deposited within the poor box were often a result of some variety of religious misbehaviour. By the 1550s, we also began to see debates forming among Protestant reformers as to the reliability and potential of England's churchwardens. Bishop Latimer, later one of the 'Oxford Martyrs' burned under Mary's reign, was clearly an early defender of their capabilities. Ruminating in 1552 about Jairus, the ruler of a synagogue visited by Jesus who subsequently became a pious follower, Latimer described him as a 'great officer' who may 'perchance' be described as a contemporary churchwarden, 'which is a great office in the great cities - churchwardens can bring much matter to pass.'<sup>12</sup>

These injunctions were followed by a series of articles to be inspected at 'the king's visitations', the ordinary ecclesiastical visitations undertaken on his behalf. The article list was exhaustive, touching upon most imaginable aspects of spiritual and moral life in the parish, with, of course, a natural focus on the denouncement of papal authority and removal of traditional practices. These articles, however, were not addressed to churchwardens explicitly, nor were churchwardens, sidesmen or quest-men told of any injunctions or offences to be overseen by them alone. Consequently, visitations during the reign of Edward VI were not 'staffed' by state-sanctioned churchwardens, as per Elizabeth, but centred around the cooperation between clergy and 'parishioners' as earlier in the century.<sup>13</sup> One of the final visitations following Edward's injunctions occurred several weeks after his death. The visitation of Chichester diocese in July 1553 still clearly used Edward's articles as its base, with two rectors and two vicars cited for having 'refused to subscribe the King's articles lately sent out.'<sup>14</sup> The records for presentments are unfortunately not complete, but we are informed as to which individuals were to take the oath at the commencement of the court. The initial oaths of presentment were to be taken by the prebendaries of the relevant parishes. Often a replacement was sent in their stead; many were simply said to have 'not appeared',

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<sup>10</sup> 'The Injunctions of Edward VI, 1547' 17.

<sup>11</sup> 'The Injunctions of Edward VI, 1547', 18-19.

<sup>12</sup> George Elwis Corrie (ed.), *The Sermons of Hugh Latimer* (Cambridge, 1844), 533-534.

<sup>13</sup> 'The Injunctions of Edward VI, 1547', 23.

<sup>14</sup> 'The Visitation of Chichester Diocese 1553', 95.

expected then to return at a later date, but this is not recorded.<sup>15</sup> The number of lay oath-takers varied from parish to parish, from four in North Mundam (merely to state that ‘all was well’) to three in Chudham and six in Ernly.<sup>16</sup> Sometimes, but seldomly, a lay title was mentioned for an oath taker, such as the ‘verger’ Thomas Turbervyll.<sup>17</sup> However, only one group were actually labelled churchwardens. Thomas Layne, William Constable and Richard Gilberd of Fishbourne were described simply as ‘Churchwardens’ of their parish and were sworn to present alongside their rector.<sup>18</sup> We must not get carried away and assume that all non-titled individuals were *not* churchwardens; indeed, it is highly likely that many were indeed churchwardens or sidesmen, but simply not detailed so. Nevertheless, this lack of clarity both from the registers of oath taker as well as the articles themselves suggests that the presentation of religious offenders was not yet regarded in parochial society as unequivocally intertwined with the office of churchwarden.

Many questions remain as to whether the religious complications of the Marian restoration permeated into the parish church, or whether spiritual life merely ‘carried on’ as if Henry and Edward’s reforms had not happened. One of the most prevalent sources used by historians to gauge the efficacy of the Marian Counter-Reformation were the lists of church inventories - including purchases and sales - collated by the wardens. Particular emphasis was placed on church fabric and ceremonial objects: visitations were swiftly ordered by Marian bishops to obtain records of dilapidation or missing ornaments, as well as any ‘breach of Injunction’.<sup>19</sup> These visitations were thorough and received emphatically: twenty-four examples of parishes being charged costs of these visitations occurred within the visitation reports for Norwich, Oxford, Winchester and Lincoln, with phrases such as ‘hys charges for the bishop's man’, ‘for ryngyng when my lorde ye bushoppe cum’, ‘in bredd and ale at the visitacion’ and ‘for wyne & spyce for ye lorde suffregen’.<sup>20</sup> By the end of Mary’s reign the reversal of church appearance seems to have been relatively extensive, although the extent and time it took relied much upon the nature of the parish or diocese. In a study of 134 churchwarden account records during Mary’s reign, Ronald Hutton concluded there was ‘a considerable homogeneity in the process of Catholic restoration’ claiming all had rebuilt high altars and re-obtained vestments and copes.<sup>21</sup> If we examine altars as a prominent example, in Devon rural

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<sup>15</sup> ‘The Visitation of Chichester Diocese 1553’, 94-95.

<sup>16</sup> ‘The Visitation of Chichester Diocese 1553’, 99.

<sup>17</sup> ‘The Visitation of Chichester Diocese 1553’, 97.

<sup>18</sup> ‘The Visitation of Chichester Diocese 1553’, 98.

<sup>19</sup> Eamon Duffy, *The Stripping of The Altars: Traditional Religion in England c.1400-1580* (New Haven, 2005), 555.

<sup>20</sup> Duffy, *Altars*, 555.

<sup>21</sup> Ronald Hutton, ‘The Local Impact of the Tudor Reformations’, in Haigh, Christopher, (ed.), *The English Reformation Revised* (Cambridge, 1987), 129.

parishes appeared very keen to restore their use after the Edwardian purge: Woodbury constructed a new 'altar to St. Margaret' in 1553, with remote South Tawton and Coldridge doing the same possibly in the same year but certainly by 1554.<sup>22</sup> In several churchwardens' accounts for more urban parishes, such as in Exeter and Barnstaple, seemingly not included in Hutton's sample, no record was made during the Marian years of the restoration of altars. Eamon Duffy's study of Archdeacon Harpsfield's visitation of Kent in 1557 implied this may be due to sheer cost - a crude wooden altar would perhaps not have sufficed for prominent parishes, and many similar cases in the wealthy and ravaged-by-iconoclasm county of Kent stated they had not yet the funds for a worthwhile replacement.<sup>23</sup>

Harpsfield's visitation of Kent in fact is a fascinating forebearer to the full-scale incorporation of churchwardens by Elizabethan bishops. The articles conjoining the visitation were a mirror-image of those under Edward; extolling correct behaviour in church, the acquisition and maintenance of church fabric and objects, services and literature to be in the correct language - practically every ordinance of Edward's was touched upon and 'corrected'.<sup>24</sup> Despite this, churchwardens and other named officials of the laity were never explicitly directed. As with previously, those sworn in to take the oath of presentment seemed to be a conglomeration of churchwardens and other miscellaneous 'parishioners', but one begins to get the impression of creeping recognition of the office as the spearhead of parochial management. Firstly, this visitation - and another in 1555<sup>25</sup> - had a healthy number of known churchwardens in attendance; a study in 1950 estimated that approximately half of the parishes attending sent at least one churchwarden to the court, and the actual number is likely higher.<sup>26</sup> Indeed, the lists of 'parochii' [parishioners] continued to vary wildly; a full twenty laymen attended from the parish of Biddenden, whereas only one appeared from Hastingleigh.<sup>27</sup> Secondly, as a product of the answers provided by the parishioners, we do encounter several court orders directed towards the churchwardens explicitly. Archdeacon Nicholas Harpsfield, a staunch Marian Catholic, chose to deal with heresy with an entirely separate commission; this archidiaconal visitation thus largely dealt with church fabrics and parochial behaviour considered 'immoral', if not wholly heretical.<sup>28</sup> Several times throughout the visitation book, the churchwardens were ordered to

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<sup>22</sup> Coldridge Churchwardens' Accounts, Devon Heritage Centre 272A/PW/1. Ethel Lega-Weekes (ed.), 'The Churchwardens' Accounts of South Tawton', *Transactions of the Devonshire Association* Vol. XL (1908), 306-312.

<sup>23</sup> Duffy, *Altars*, 555-558.

<sup>24</sup> 'The Injunctions of Cardinal Pole, 1557', 5-7.

<sup>25</sup> Previous archdeaconry visitations of Kent summarised in Sharp, W. and Whatmore L.E. (eds.), 'Archbishop Harpsfield's Visitation, 1557' in *Publications of the Catholic Record Society*, Vol. XLV (London, 1950), 7.

<sup>26</sup> 'Archdeacon Harpsfield's Visitation', 9-171.

<sup>27</sup> 'Archdeacon Harpsfield's Visitation', 18, 128.

<sup>28</sup> Duffy, *Altars*, 561-562.

oversee changes such as these. At St. Nicholas', Thanet, it was ordered that by 17 September (about two months' time) the 'chancell and vestry was pulled downe and abolisshed', as well as a 'true inventory' be drawn up of all church goods. The churchwardens alone were to administer and report on this, being 'in commmandement apou ther oaths.'<sup>29</sup> Churchwardens were similarly instructed to return with a 'true' inventory list at Mynster, as well as to present a 'certficiate' that a troublesome priest at Rolunden attended all following services and acted appropriately.<sup>30</sup>

One phenomenon we can observe from this visitation is that not all presentments were necessarily made by the churchwardens or the priest - something which would not be the case later in our era, in which churchwardens were expected to accompany every presentment no matter the context. At Saltwood, the churchwardens were tasked to return seating presumably displaced during Edward's reign, as well as obtain a pot for holy water and silk fabric for the altar.<sup>31</sup> We can tell from recent churchwarden inventory records for the parish that it was likely that none of the oathtakers from Saltwood were churchwardens themselves. Once again to the best of our knowledge, similar orders were relayed back to absent churchwardens at Hackingstone, Thanet and Mynster.<sup>32</sup> It is then possible that it was automatically assumed that the edicts from the visitation court were to be overseen by churchwardens as a de facto position; only when they were not in attendance was it worth reminding the parishioners who was to be responsible. Judging by this likelihood, as well as the language used by Pole's articles and injunctions, it seems accurate to describe churchwardens as having possessed a 'first among equals' position with other notable parishioners by the 1550s; not quite yet a wholly distinct office with legitimacy deriving solely from the centre.

For any monarch's reformatory or counter-reformatory measures to take place, two things were needed: resolution and sufficient length of time. Henry's regime was simply less interested in the 'window to men's souls' within its parishes than a replacement of the head of the Church from the Pope to the monarch; 'our king has destroyed the pope' as John Hooper wrote in 1546, 'but not popery'.<sup>33</sup> Edward's ecclesiastical regime meanwhile 'brutally disrupted' the parish church and village culture,<sup>34</sup> and would have gone on to use repression of a similar magnitude to Mary should delays to

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<sup>29</sup> 'Archdeacon Harpsfield's Visitation of 1557', 81.

<sup>30</sup> 'Archdeacon Harpsfield's Visitation of 1557', 131-132.

<sup>31</sup> 'Archdeacon Harpsfield's Visitation of 1557', 27-28.

<sup>32</sup> 'Archdeacon Harpsfield's Visitation of 1557', 43-44, 83-4, 85-6.

<sup>33</sup> 'Letter from John Hooper to Henry Bollinger, 1546' pp.33-34, cited in Norman Jones, *The English Reformation: Religion and Cultural Adaption* (Oxford, 2002), 81

<sup>34</sup> Ralph Houlbrooke, 'The Decline of Ecclesiastical Jurisdiction under the Tudors', in Rosemary O'Day & Felicity Heal (eds.), *Continuity and Change* (Leicester, 1976), 247.

the political process not have prevented it being acted upon before his death.<sup>35</sup> Mary and her council were equally as enthusiastic about imposing religious orthodoxy and were beginning to look to lay workers as possible weapons for such a task. An anecdote in John Foxe's *Book of Martyrs* described the vicar of Adisham denouncing the Marian mass and refusing to participate, he was 'put down' by Thomas Austen and his son-in-law, the constable; Thomas Austen was the parish churchwarden and was mentioned in Harpsfield's visitation as having sworn the oath of presentment.<sup>36</sup> It is quite possible that should their regimes have lasted longer, either Edward or Mary would have incorporated lay workers fully into the development of their respective religious states. The length of Elizabeth's reign, and her desire for a harmonious, anti-secessionist spiritual hegemony in her provinces, meant that this experiment could then be fully tested.

ii. The Utter Extinction of the Marian Church

The Elizabethan settlement has often been called an act of conciliation,<sup>37</sup> an attempt by the regime to firstly rout the Catholic seminarians and Jesuits, whilst also halting the progress of organised puritanism.<sup>38</sup> Her Prayer Book, along with Edward's, has been described as 'masterpiece of compromise, even of studied ambiguity'.<sup>39</sup> While the Elizabethan Church was most definitely Protestant, disregarding many of the traditionalist practices that Henry VIII had maintained, the development of a theologically zealous and homogenous state was not the primary agenda for Elizabeth. Elizabeth, and indeed the majority of England's Protestants, had not yet adopted the stringent Calvinism that would have been untenable to so many moderates. Instead, Elizabeth wanted to remove the secessionist fringes of England's confessional divide and enforce an outward conformity that would prevent the type of religious conflict that had plagued so many of her relatives and continental contemporaries. In this sense, it is easy to see why Elizabeth and many - but not all - in her church would look to lay cooperation as a way of ensuring this desired harmony.

The first task was a reversal of Marian Catholicism. Unsurprisingly then, Elizabeth's injunctions of 1559 read quite similarly to those under Edward. Her fifty-three injunction articles, like

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<sup>35</sup> Jones, *The English Reformation*, 102.

<sup>36</sup> Cited from Sharp, W. and Whatmore L.E. (eds.), 'Archbishop Harpsfield's Visitation, 1557' in *Publications of the Catholic Record Society, Vol. XLV* (London, 1950), 81.

<sup>37</sup> Patrick Collinson, 'English Puritanism' in *The Historical Association, General Series*, 106 (London, 1983), 11-13.

<sup>38</sup> John Guy, 'The Elizabethan Establishment and the Ecclesiastical Polity', in John Guy (ed.), *The Reign of Elizabeth I* (Cambridge, 1995), 126.

<sup>39</sup> A.G. Dickens, *The English Reformation* (London, 1989), 10.

Edward's, are addressed 'as well to the Clergy and well to the Laity of the realm'.<sup>40</sup> To accompany these was a set of 'articles to be inquired in the visitation' of the same year: simple questions based upon each injunction to be answered at the upcoming nationwide ecclesiastical visitation. As per injunction fourteen, all articles were to be read quarterly by the parish parson, vicar or clerk to all parishioners for the betterment of their 'duty'. Judging by the opening preamble, this duty, shared by the clergy and the laity, was 'the advancement of the true honour of Almighty God, the suppression of superstition through all her Highness' realms and dominions, and to plant true religion'. Hence, thirty-three of the injunctions borrowed directly from 1547, particularly concerning the removal of papist or traditional practices and objects. Those concerning the duties of the curate to 'utterly extinct' evidence of superstitious or Catholic practices were carbon copies of those of the previous decade, as were those qualifying proper conduct on Holy Days, and the provision of correct texts: chiefly the full Bible of 'the largest volume', a separate copy of the Gospels, and the *Paraphrases of Erasmus*, all in English.<sup>41</sup> Commands to 'admonish' or otherwise remind all parishioners to partake in these efforts, even within their own homes, were littered throughout the injunctions, but the churchwardens were only explicitly granted a few articles. Once again, the provision and placement of an 'honest and comely pulpit' was the domain of the wardens. Furthermore, seemingly building upon acts and injunctions made by Bishop Edmund Bonner in 1554 and 1555, churchwardens were to display at the next visitation a full inventory list of 'vestments, copes and other ornaments, plates, books and specially of grails, couchers,<sup>42</sup> legends, processions, hymnals, manuals, portuesses, and suchlike appertaining to the church.'<sup>43</sup> While this of course gave the wardens opportunity to lie or cover-up the maintenance of problematic objects, we must also remember that cost and practicality factored in; churchwardens after all were often solely responsible for parochial finance.

The destruction of church fabric, clothes and ornaments was legally problematic. At the moment such objects were rendered obsolete, the question as to who was responsible for owning, selling or indeed destroying them needed strong clarification to avoid widespread complications. The 'Ornaments Rubric' in the 1559 Prayer Book stated that 'the Minister at the time of Communion, and at other times in his ministration, shall use such ornaments in the Church as were in use by Parliament in the second year of the reign of King Edward VI.'<sup>44</sup> Thus a legal issue immediately

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<sup>40</sup> 'The Royal Injunctions of Queen Elizabeth, 1559', 8.

<sup>41</sup> 'The Royal Injunctions of Queen Elizabeth, 1559', 10.

<sup>42</sup> 'A large book made to lie open on a desk', W.H. Frere, and W.P.M. Kennedy (eds.), *Visitation Articles & Injunctions*, Volume III, 1559-1575 (London, 1910), 21.

<sup>43</sup> 'The Royal Injunctions of Queen Elizabeth, 1559', 22.

<sup>44</sup> W.P.M. Kennedy, *The "Interpretations" of the bishops & their influence on Elizabethan episcopal policy* (London, 1908), 9-10.

became apparent: unlike the majority of the new Prayer Book, the Ornaments Rubric restored the practices of the 1549 Prayer Book, not the more reformed 1552 variant. W.P.M. Kennedy has theorised that the Act of Uniformity specified that in these situations, churchwardens acted as ‘trustees of Church property’, with obsolete ornaments to be confiscated by the wardens and to be sold at ‘royal pleasure’ and towards the royal purse.<sup>45</sup> His contemporary, W.H. Frere, has argued that the vestments of the 1549 Prayer Book, the ‘cassock, gown, tippet, and priestly hat’, were akin to returning Protestant exiles as ‘livery of Babylon’; so great was their opposition that enforcement of these vestments was always a futility. Subsequently, in the visitations following 1559 we see ‘wholesale destruction by commissioners’ of many vestments and other ‘popish gear’ on the grounds that they had been superstitiously used.<sup>46</sup> Kennedy argued that the inconsistent ordinance around vestments gave the churchwarden unique authority in what was to be destroyed, should they be ‘disposed’ in their inventory lists to the Ordinary to class them as ‘superstitiously used’.<sup>47</sup> Broadly, churchwardens’ accounts in the first years of Elizabeth seemed to agree with this hypothesis: while expensive objects such as roods were usually, albeit at a loss, sold, many vestments are not accounted for after a visitation. At Boxford, Suffolk, multiple records for mending and washing of ‘altar clothes’, existed until a meeting likely in 1559 between the churchwardens and the ‘quenes vyssytors’, after which they were not subsequently mentioned again, not even being sold; this is notable, as other objects such as chalices were recorded being sold after their redundancy in the same year.<sup>48</sup> It is quite possible then that at Boxford, within the hotly Reformist county of Suffolk, the churchwardens chose a wholesale destruction of church vestments under the banner of ‘superstition’. The proclivities and intuition of the churchwarden were, indeed, crucial in the eradication of vestiges of the Marian Church.

Many examples do exist of deliberate delays or refusal to accommodate the new church fabric; churchwardens, being supervisors of this change, could be either arbitrators or saboteurs of this process. The evidence from the ‘Northern Province’ during their royal visitation of 1559 gives us frequent examples of compliance; although we can safely assume that the region’s churchwardens would have been integral to this, we also do have some direct mentions of their activities as well. At Chester, the injunction to ensure problematic objects do not remain in parishioners’ houses after being removed from the church was followed, with a ‘Mistress Dutton’ being presented after

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<sup>45</sup> Kennedy, *Interpretations*, 7-8.

<sup>46</sup> W.H. Frere, *The English Church in the Reigns of Elizabeth and James* (London, 1904), 55.

<sup>47</sup> Kennedy, *Interpretations*, 9-11.

<sup>48</sup> Peter Northeast (ed.), *Boxford Churchwardens’ Accounts 1530-1561* (Suffolk Record Society Vol. 23, 1980), xiv-xv, 66-69.

wardens discovered the possession of the rood, two pictures and a mass-book within her abode, lately of the church of St. Peter.<sup>49</sup> At St. Mary's, Peter Fletcher was presented by 'the wardens and parishners' for 'certain ymages whiche he kepithe secreately.'<sup>50</sup> Two instances of images remaining within the church being 'not destroyed' are recorded,<sup>51</sup> as well as eight others for images being 'secretly' kept within private homes.<sup>52</sup> At Rowley it was reported that 'the Rode still remeynethe',<sup>53</sup> whereas at Boynton, 'the wardens and parishners doo presente that the ymage of our Ladye hathe byn used for pilgrymage'.<sup>54</sup> Why individuals who undertook such a pilgrimage are not named is a mystery; potentially the wardens were happy to prevent future pilgrimages, but reluctant to incriminate themselves or others. Indeed, the wardens of the Northern Province were certainly not absolutely thorough in their iconoclasm: a later visitation of York in 1567 saw quite the tumult within their court hearings, 'upon long debating and deliberate hearing' of a case involving nine men, 'probably successive churchwardens', regarding the retention of popish objects from the Marian era.<sup>55</sup> However, it remains clear that within the dioceses of Carlisle, Chester, York and Durham, churchwardens seemed to carry out their duties in the elimination of outwardly popish objects with a reasonably high level of obedience.

The years 1558-1560 are prime examples of why studies of churchwardens' accounts are not especially useful to our study. Aside from the few examples where responsibility is obvious, they tell us little about who would be at fault for improper church fabric, or the reasons behind any unusual activity. Indeed, the rapidity and juxtaposition of so many ecclesiastical commandments lead to inventory records so erratic as to verge on the humorous. At Allhallows in Kent, we see their calamitous monetary loss in their painted rood clothe:

1557 ltm for canvasse & payntyng of the rood clothe	xijs vjd
1576 Recevede of Mayster Gladwell for one paynted clothe	xxd

Their short-lived altar:

1557 To Burbynge for making the altar	ijs iiijd
1560 For takyng downe the altar	xijd

And the exasperated cost of reforming their chalices into suitable 'cuppes':

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<sup>49</sup> Duffy, *Altars*, 570.

<sup>50</sup> 'The Royal Visitation of 1559', 85.

<sup>51</sup> 'The Royal Visitation of 1559', 67.

<sup>52</sup> 'The Royal Visitation of 1559', xxxv.

<sup>53</sup> 'The Royal Visitation of 1559', 69.

<sup>54</sup> 'The Royal Visitation of 1559', 69.

<sup>55</sup> Duffy, *Altars*, 555.

1565 Itm paid for all manere of deutes as in retorning the  
Chales into a cuppe for the churche according to the  
Lord Bysshope commandement. liijs vd.<sup>56</sup>

One duty of the churchwardens which appears to have been undertaken fervently was identifying and bringing forth certain books to be burned. Article forty-six of 1559 asked ‘what books of God’s Scripture you have delivered to be burnt, or otherwise destroyed, and to whom ye have delivered the same.’<sup>57</sup> What books appeared to be unlawful were told through various injunction lists and include all old service-books, old copies of the Paraphrases, any liturgical works not in English, or any books ‘that might stir or provide sedition’.<sup>58</sup> Indeed, the Elizabethan regime cracked down upon ‘the abuse in the printers of books’ with much vigour, claiming that such ‘unfruitful, vain and infamous books...ariseth great disorder’. The solution was an outright ban on all religious printing that was not authorised directly by the queen, the privy council, the archbishops, the bishops or an archdeacon.<sup>59</sup> Nineteen cases of books being presented to the visitation commission to be burned occurred in the 1559 visitation of the north. Such books were usually outdated models, possibly in Latin, of those still in use at services, such as at Carleton, York diocese, where ‘the wardens and parishners doo presente that their Bible the communion boke and the Paraphrases wer delivered to thofficial to be burnned as he sayd.’<sup>60</sup> Cases did arise where the wardens were not able to destroy such literature before it was taken. At Otley, York diocese, James England ‘conveyde awaye the Bible owt of the churche’ before it could be burned, whereas at Deane, Manchester, despite a declaration that ‘all the bokes wer burnned’, the wardens presented John Heton for ‘taking awaye of a masse boke from the curate sithen the Quenes Majesties procedinges’, for which he faced apparent monetary ruin.<sup>61</sup> While this suggests private ownership of such literature was common, it does indeed appear that books as well as other church objects were dealt with by the churchwardens in a manner likely to have pleased the council and the commission.

#### iv. Preaching and the Poor Box: The Beginnings of State Encroachment

The 1559 injunctions also marked the starting point for two new focuses for government efforts at conformity: the attempt to install a procedural and attestable licensing system for all preachers, and the incorporation of churchwardens and the parish poor-box within the enforcement

<sup>56</sup> W.E. Tate, *The Parish Chest* (Cambridge, 1969), 102.

<sup>57</sup> ‘The Royal Articles of Queen Elizabeth, 1559’, 6.

<sup>58</sup> ‘The Royal Articles of Queen Elizabeth, 1559’, 7.

<sup>59</sup> ‘The Royal Articles of Queen Elizabeth, 1559’, 27.

<sup>60</sup> ‘The Royal Visitation of 1559’, xxxv, 64.

<sup>61</sup> ‘The Royal Visitation of 1559’, 76.

of church attendance. Fervent efforts to eliminate unlicensed preaching remained throughout the Elizabethan period. In 1559, however, they began relatively soberly, with the sworn-men of the parish asked to report on 'whether they have admitted any man to preach in their cures, not being lawfully licensed thereunto, or having been licensed accordingly.'<sup>62</sup> The danger presented by returning Protestant exiles had in fact prompted the first parliament of Elizabeth to temporarily prohibit all preaching and to postpone any 'alteration of service' of any type with the exception of the Gospel, Epistles, the Ten Commandments, the Litany, the Lord's Prayer, and the Creed, 'until consultation may be heard by Parliament, by her majesty and her three estates of the realm.'<sup>63</sup> By the following year, a new injunction, absent in those of 1547, solidified the government's position on preaching. All 'ecclesiastical persons' were to preach once a quarter 'at the least', only within their own benefice and having been 'licensed especially thereunto'.<sup>64</sup> If none was present that had a sufficient licence, they ought 'read some Homily prescribed to be used by the Queen's authority every Sunday' should a replacement be unavailable.<sup>65</sup> To be 'sufficiently licensed', a following injunction states, was to be granted only by 'the Queen's majesty', an archbishop of their province, or a bishop (or his visitation court) of his diocese.<sup>66</sup>

Thus, the war against unlicensed preaching began in 1559 and only escalated thereafter. One of the primary ways in which preaching would be reported on would be during visitations, and naturally this bestowed upon the churchwarden yet another novel responsibility in targeting non-conformity or clerical misbehaviour. In 1910 Roland Usher highlighted this duty within perhaps his harshest criticism of the churchwardens: 'in the Elizabethan Church no one topic had been more insisted upon that no man should undertake to preach without a license; it had been ordered by the Injunctions of 1559, [and] by many of the Episcopal Orders and Visitation Articles.' 'If then', Usher continued, 'the wardens had not interest and ability enough to discover whether the vicar was licensed unless he chose to tell them, how could they be expected to know whether or not he was conforming to the Laws and Ordinances of the Church?'<sup>67</sup> Indeed, presentment books for most visitations after the 1570s are littered by admissions from the wardens of a lack of knowledge about the legitimacy of their preacher, with many instances recorded of 'he preacheth, but whether licensed or not, they knowe not', or variations thereof.<sup>68</sup> As we shall see in the next chapter, Usher's

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<sup>62</sup> 'The Royal Articles Of Queen Elizabeth, 1559', 2.

<sup>63</sup> Edward Cardwell, *A History of Conferences and other Proceedings Connected with the Revision of the Book of Common Prayer* (Oxford, 1847), 19.

<sup>64</sup> 'The Royal Injunctions of Queen Elizabeth, 1559', 11.

<sup>65</sup> 'The Royal Injunctions of Queen Elizabeth, 1559', 11.

<sup>66</sup> 'The Royal Injunctions of Queen Elizabeth, 1559', 12.

<sup>67</sup> Usher, *Reconstruction*, 215.

<sup>68</sup> There are 20 examples of such in the surviving Visitation Records for Norfolk in 1597. NRO DN VIS 3/1.

criticisms are unwarranted. The churchwardens were only ever asked to enquire into an individual's licencing status, with their authenticity to be later investigated by the court. With this method in later decades the churchwardens began to catch unlicensed preaching with increasing frequency.

This question of unlicensed preaching brings us onto the wider topic of the policing of the clergy themselves: the injunctions granted upon the wardens greater guidance and expectation to report on problematic ministerial behaviour. The existing visitation records for 1559, the first after the injunction for licensed preaching was introduced, tell an interesting story regarding the increasing confidence the wardens had to sidestep social pressures and readily report on their clerical counterparts. At Croft, Cheshire, the wardens presented their parson, Sir Anthony Green, for simony. The parsonage there was allegedly bought from Henry Wedderall, and then 'redemed it ageyne' for the sum of sixty pounds to Oswald Metcalfes. Anthony Green was also reported as having another benefice at Cowesby.<sup>69</sup> The wardens also readily reported on non-residency and pluralism. In the visitation court session on 26 August 1559, within the parish Church at Blyth, it was presented by the wardens of Stockton, York, that the curate of Drayton was not resident there, himself residing at Stoke at his own expense. The presenters had no reticence in blaming the vicar of Drayton, whose responsibility it was to support and provide for the cure. The vicar attended the court, admitting this responsibility, but argued that due to the laxness of the fruits and tenths - 'quod propter lennitatem fructuum' - it was not possible to support both himself and the curate. The lord commissioners, including Bishop Sandys who was present at this session, concluded that the vicar ought to serve the cure of Drayton and Stoke at alternate times until the next feast of Easter and to sustain the curate at the said feast at his own expense.<sup>70</sup> Presumably, a permanent solution would have been found by that date. Vacant benefices were declared in fourteen parishes and a lack of curate declared at twenty-seven, the most frequent complaint regarding clergymen.<sup>71</sup> Non-residency was fairly endemic, being present in twenty-two cases. Non-resident clergymen were by the ordinances of 1559 expected to distribute their wealth to the deprived parish should they be financially able; at Saint Mary's, Chester, the 'wardens and parishners' presented 'that ther parson of longe tyme hathe not byn resident with them beinge worthe fivety poundes by yere, nether makithe distribucions.'<sup>72</sup> The presenters were not overly concerned by the potential social backlash over presenting vicars or curates, nor at all cowed by the prestige of those offices. At Midlewiche, their vicar appears to have

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<sup>69</sup> 'The Royal Visitation of 1559', 75.

<sup>70</sup> 'The Royal Visitation of 1559', 8.

<sup>71</sup> 'The Royal Visitation of 1559', xxxv.

<sup>72</sup> 'The Royal Visitation of 1559', 85.

been condemned quite plainly and harshly: 'The wardens and parishners doo presente that the vicar dothe not his dewtye in the churche and that he is a dronckard.'<sup>73</sup>

While most of the articles concerning the clergy are touched upon at some point during the northern visitation, it is apparent from the varying frequency of certain misdemeanours that much depended on the diligence and initiative of individual churchwardens. For instance, the wardens of the York archdeaconry appeared to be much keener in reporting vacant benefices or lack of curates than those in Durham, Carlisle and Chester: thirty-three cases compared to two, two and four respectively. Conversely, the wardens of Chester diocese reported considerably higher levels of non-residence by their own vicars, parsons or curates, and it was the only diocese in the entire visitation to present vicars for offering no 'hospitality', a total of nine cases.<sup>74</sup> Absent reports must be taken into account before we can judge the statistics of the presentments at face value. Urban parishes in the cities of Durham and York are suspiciously absent; yet it is an impossibility that absolutely no breaches of injunctions were detected there compared with other areas of high presentment including South Yorkshire, Tyneside and Cheshire.<sup>75</sup> Some articles concerning the clergy were very seldomly mentioned, which gives one the impression that the wardens were lax or perhaps just ignorant of their duties in this regard. Article fifty-six, 'whether the curates and ministers do leisuely, plainly and distinctly read the public prayers, chapters and homilies as they ought to', was only highlighted within two separate presentments from the same parish. At St. Oswald's, Chester, the vicar was presented as 'not residente and that the curate doth not declare the chapters accordinelye', and that 'the curate redithe necgligentlye.' Clearly, the churchwarden of St. Oswald's was acutely aware of article fifty-six, yet no others throughout the visitation were aware or concerned by it. If churchwardens were to become allies of the state, tools of espionage to identify schismatic or inept ministers, this visitation suggests they would have little hesitation. Indeed, new for the Elizabethan era, the wardens were granted their own agency to pursue and present such individuals in a manner that did not exist beforehand. Article fifty-six and the conjoining injunction fifty-three, extorting ministers to read public prayers, chapters and homilies diligently and 'distinctly', were in fact new ordinances, having not occurred under the Edwardian injunctions, and continued to be frequent sources of presentment by the churchwardens.<sup>76</sup>

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<sup>73</sup> 'The Royal Visitation of 1559', 83.

<sup>74</sup> 'The Royal Injunctions of Queen Elizabeth, 1559', 11.

<sup>75</sup> 'The Royal Injunctions of Queen Elizabeth, 1559', 11.

<sup>76</sup> 'The Royal Injunctions of Queen Elizabeth', 25, 'The Royal Articles of Queen Elizabeth', 56, 'The Royal Injunctions of Edward VI', 4-31.

What then of unlicensed preaching in the visitation of 1559? As we have seen, article eight asked whether any unlawful preaching was undertaken to their knowledge. However, throughout the presentments in 1559, and in stark contrast to later versions, no presentments for unlicensed preaching were made. Indeed, not only were there no presentments for unlicensed preaching, there were in fact no declarations of a lack of knowledge thereof, that which Usher condemned as being all too common in later visitations. As per the opening preamble dictating the purpose and procedures of the visitation, clerics faced a full examination ('diligenter examinandum et discutiendum') as to their benefices and preaching status.<sup>77</sup> Furthermore, all clergymen were expected to attend and take the Oath of Supremacy and sign the articles, although many did neither.<sup>78</sup> It is then highly unlikely that no unlicensed preaching, particularly from travelling preachers, occurred throughout the north during this six-month visitation. The lack of mention of this article at all gives the impression that at this very early stage, this new responsibility was simply not embedded in the mindset of the Elizabethan churchwarden, nor particularly demanded of them. As we have seen, state mandated power helped make presentments of clergymen a common occurrence; therefore, arguments that the socio-cultural makeup of parochial society led to wardens feeling powerless to combat unlicensed preaching is not persuasive. Indeed, presenting clergymen for not preaching at all appears twice.<sup>79</sup> Similarly, any notion that the churchwardens were confessionally sympathetic to dissenting preaching to such an extent as to eliminate such reports is not supported by their willingness to present non-conformity in other ways. Wardens being unaware of how to fulfil this responsibility in a practical sense seems more likely. Archbishop Parker's ordinances of 1566 greatly expanded the legislation regarding the cessation of unlicensed preaching, and we shall observe the wardens beginning to have an impact on Elizabeth's clampdown on preaching as their responsibilities became more solidified.

The distribution of alms was another aspect of the 1559 reforms that displayed a growth of state bureaucracy; legislation that further limited the diversity and innovation available to each parish in their duty to provide for the destitute. In 1559, the administration of the poor relief box appeared to have been largely similar as per under Edward's injunctions. 'A strong chest for the poor' was to be provided in a convenient place in the church by a combination of clergy and laity, with the minister to extort, particularly during 'Testaments', for parishioners to give generously, particularly the money they previously had spent on popish objects or ceremonies.<sup>80</sup> Sales of church goods -

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<sup>77</sup> 'The Royal Visitation of 1559', 2.

<sup>78</sup> 'The Royal Visitation of 1559', 12.

<sup>79</sup> 'The Royal Visitation of 1559', 70,

<sup>80</sup> 'The Royal Articles of Queen Elizabeth 1559' 17.

obviously quite common at this time - as well as recusancy fines were also to be placed in the poor box and distributed.<sup>81</sup> Three keys were to be kept for the poor box: one by the parson, curate or vicar, and two by the parish churchwardens (or other 'honest men'). In the Royal Injunctions of 1559, to be read quarterly by the minister in front of the whole parish, a lengthy diatribe to exhort parishioners to provide welfare donations was deemed necessary. Clearly anxious about a drop in poor relief now that the direct spiritual benefits had been removed, parishioners were to be more keen than ever to donate, 'knowing that to relieve the poor is a true worshipping of God, required earnestly upon pain of everlasting damnation'.<sup>82</sup> The 'keepers of the keys' were given quite extraordinary initiative as to the distribution of welfare. At unspecified, 'convenient' times, the relief was to be removed from the box and given to the 'most needy', or should all parishioners be not in need of such, to actually be given to nearby parishes. The only caveat to preventing severe misuse of this privilege is that distribution should be done in the presence of the whole parish, or at least six other parishioners.<sup>83</sup>

One final duty that was enforced during the visitation of the north is that non-resident ministers worth over £20 were to pay a fine of a fortieth of their fruits and revenues to the poor. This should be done 'in the presence of the churchwardens', or failing that any 'honest men', lest they be reported to the consistory or visitation courts.<sup>84</sup> Indeed, wealthy enough clergymen not giving gifts to the poor, or any clergyman not exhorting his parishioners to give generously, risked presentment by the wardens. In the visitation of 1559, several ministers were presented for lack of poor relief, most with the vague description of 'he doth not distribute auny thinge to the por'. One parson at Ashton under Lyme was presented by his churchwardens of that offense, along with added criticism from the churchwardens that previous parsons of their parish had distributed poor relief adequately.<sup>85</sup> Whether this means that in these parishes poor relief was undertaken at all, or whether it is just that the parson gave no aid physically or verbally to this process, is unfortunately unclear. In any case, the wardens were dutiful enough to present their parsons to the court for the determent of future welfare and many others were concerned about the lack of a 'poor box' altogether, with five parishes reporting a missing 'poremens boxe'.<sup>86</sup> Subsequent visitations in the following years, including for Rochester and Coventry diocese in 1565, repeat the articles on poor

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<sup>81</sup> 'The Royal Articles of Queen Elizabeth 1559', 6.

<sup>82</sup> 'The Royal Injunctions of Queen Elizabeth 1559' 17.

<sup>83</sup> 'The Royal Injunctions of Queen Elizabeth 1559' 17.

<sup>84</sup> 'The Royal Injunctions of Queen Elizabeth 1559' 12.

<sup>85</sup> 'The Royal Visitation of 1559', 78.

<sup>86</sup> 'The Royal Visitation of 1559', 72.

relief verbatim, an act of both acceptance of the process as well as enforcement.<sup>87</sup> At a time of relative prosperity, this duty was left to their own initiative; but as we shall see, this responsibility could swiftly be devoured by the burgeoning Elizabethan bureaucracy should the regime deem it necessary.

iv. Weapons of Conformity

1559 saw the humble churchwarden finally inducted in their most famous and influential role during the entire Reformation era. Recusancy, the non-attendance of Church services, was seen as highly dangerous to Elizabeth and her regime, and not purely for spiritual reasons. The religious divide of England in 1559, in which reasons for recusancy were varied and numerous, was not a simple matter of Catholics versus Protestants. Christopher Haigh has highlighted four distinct religious variants by the end of Elizabeth's reign: godly Protestants, recusant papists, 'Old Catholics', and 'parish Anglicans'.<sup>88</sup> Which of these would have been seen as most problematic would vary throughout the Tudor and Stuart eras. With the pope's authority being both a secular and spiritual threat to the Elizabethan regime in 1559, it is not surprising how much of the settlement of that year was dedicated to the eradication of Catholic recusancy. Indeed, as much of a potential problem that Calvinist or proto-Presbyterian returnees from Europe may have been, it is still estimated that a sizeable majority of the nation was still de-facto Catholic.<sup>89</sup> The process of removing Catholicism and traditionalism from the parish would need a methodical and long-term solution. The ninth injunction of Elizabeth was virtually identical to the twelfth injunction of 1547 and touched very vaguely upon the process should someone be found to be religiously problematic. Should anyone know of any man 'in their parish or elsewhere' to be 'a fautor<sup>90</sup> of the Bishop of Rome's pretended power, now by the laws of the realm justly rejected, extirped, and taken utterly away, they shall detect and present the same to the king's council, or to the justice of the peace next adjoining.'<sup>91</sup> While churchwardens would have - ideally to the regime - known well of this injunction and will have followed it daily and not just at times of visitation, the scope of the demand demonstrated why subsequent legislation was needed to streamline and simplify the process. Indeed, the role of justices of the peace in recusancy was highly inconsistent: possessing by far the largest numbers of new legislation regarding their role, whether or not the JPs were the 'supervisors' of the wardens in terms of recusancy is a

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<sup>87</sup> 'Guest's Articles for Rochester Diocese, 1565', 'Bentham's Instructions for Coventry and Lichfield Dioceses, 1565.'

<sup>88</sup> M.J. Braddick, *State Formation in Early Modern England* (Cambridge, 2000), 55-56.

<sup>89</sup> Jones, *The English Reformation*, 98-103.

<sup>90</sup> Follower.

<sup>91</sup> 'The Royal Injunctions of Edward IV', 10-11, 'The Royal Injunctions of Elizabeth I', 11.

topic of debate.<sup>92</sup> Nevertheless, non-attendance at church was a visible and provable crime, one that by necessity would need the cooperation of fellow parishioners to be highlighted and prevented.

Under Edward, non-attendance at church was to be punished by 'ecclesiastical censure' from one's own parish or de-facto excommunication. This method encountered several problems. Firstly, this would have been tremendously difficult to enforce by ordinary clergymen and parishioners; without guidance from higher echelons from the church, as with regular excommunication, denial of all ecclesiastical rights at a parish level was a novel and confusing concept. Secondly, excommunication from the church, although still possessing potentially serious social or economic ramifications, would of course not have caused meaningful spiritual dread among those who believed the Church of England was not the true faith. Thirdly, and perhaps the most important for Elizabeth, excommunication was a passive punishment: once it was done it could not be worsened, nor under this system would there be any necessity to continue to harass or admonish those already not attending. This all changed in 1559, when 'ecclesiastical censure' was paired with another punishment for recusancy that was much more tried and tested - a monetary fine. This new process was detailed to the population via the Act of Uniformity. The Act mandated that every person should, 'having no lawful or reasonable excuse to be absent', attend church Services on every Sunday or Holy Day.<sup>93</sup> The punishment for non-attendance was as follows:

...upon pain of punishment by the censures of the Church, and also upon pain that every person so offending shall forfeit for every such offence twelve pence, to be levied by the churchwardens of the parish where such offence shall be done, to the use of the poor of the same parish, of the goods, lands, and tenements of such offender by way of distress.<sup>94</sup>

This is one of the first examples we encounter of churchwardens being granted a duty that was unmistakably theirs. In the eyes of the Church, and of course being regularly checked upon by visitation and consistory courts, it was the office of churchwarden and not miscellaneous 'parish notables' who were to oversee this first-line-of-defence against recusancy. In 1559 the only official duties of the office of churchwarden itself was the levying and collecting of the fine. Identifying and dealing with absentees was at this point, as per the 1559 injunctions, to be dealt with by 'three or four discreet men', appointed by the ordinary, to survey the parish and identify those 'slack or negligent in resorting to church'. After 'due admonition', if the behaviour continued, the non-

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<sup>92</sup> Braddick, *State Formation*, 30-32.

<sup>93</sup> 'The Act of Uniformity, 1559', 139.

<sup>94</sup> 'The Act of Uniformity, 1559', 139.

attendees were to be denounced to the ordinary.<sup>95</sup> Nevertheless, the introduction of the 1559 fine marked a turning point in the role of churchwarden: a first example of a responsibility not derived from community pressure but directly ordered by the church state, and one explicitly connected to Elizabeth's commitment to 'the conservation of the peace and unity of this realm.'<sup>96</sup>

The surviving documentation from the 1559 visitation in the north gives us the earliest picture of how churchwardens responded to this new endeavour. Compared to moral crimes such as adultery or having illegitimate children, non-attendance at church at this early point appeared relatively seldom among the presentment reports. It appeared only fit to bring individuals to the commission's attention should they be habitual non-attenders, particularly should it be a deliberate act of defiance rather than pure negligence. The churchwardens of Arksey were personally aggrieved and ashamed of a pair of non-attenders: 'George Wyntworthe and Edwarde Aykelande doo wilfully absent themselves from the church and from the dyvyne Servyce to the yvill example of all parishe.'<sup>97</sup> One 'Margerye, the late wif of Thomas Higson' was presented for not attending church for a full twenty years previously.<sup>98</sup> Jane Hagger of St. Oswald's, Chester was relayed to the court for being an unreconciled excommunicate, having been condemned for 'incontynent lyving' and thus banned from church services.<sup>99</sup> This being said, the 1559 visitation gave no evidence that the wardens were not fulfilling their duties as to recusancy exactly as intended. Presentation at visitation or consistory courts was only meant for repeat or extreme offenders; first course was to 'admonish' the offenders, and of course collect the fine. Those mentioned at visitations were cases where this would be insufficient. One curious example detailing this was from Richmond in Chester diocese. The churchwardens were exasperated with their entire parish, lamenting 'Itt is presented that the people com not well to church'. As per article forty-nine, which asked 'how many persons for religion have died by fire', the wardens explained that 'Richard Snell was burnned ther, beyng condemned by doctor Dawkyns [the Marian archdeacon] for religion, xiiij Septembris Anno 1558.'<sup>100</sup> Richard Snell was in fact mentioned in John Foxe's *Book of Martyrs*, albeit very briefly and with no real detail. A.G. Dickens has theorised that he was probably 'a sacramentary of hardier resolution than we have encountered at York.'<sup>101</sup> This area, which was of such Marian Catholic fervour that they would identify and burn an alleged heretic only a year prior, seemed also to be wholly refusing to attend the

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<sup>95</sup> 'The Royal Injunctions of Queen Elizabeth, 1559', 22.

<sup>96</sup> 'Act of Supremacy, 1559', 133.

<sup>97</sup> 'The Royal Visitation of 1559', 66.

<sup>98</sup> 'The Royal Visitation of 1559', 76.

<sup>99</sup> 'The Royal Visitation of 1559', 85.

<sup>100</sup> 'The Royal Visitation of 1559', 75.

<sup>101</sup> A.G. Dickens, *The Marian Reaction in the Province of York, Part II* (St. Anthony's Hall publications No. 12, 1957), 14-15.

new divine service. Their condemnation by the churchwardens is an early example of the office of churchwarden, newly invigorated with a responsibility to inform on their recusant compatriots by the state, beginning to ignore the traditional barriers of socio-cultural pressure that would have made this so unlikely before.

v. The Interpretations and the Interrogatories

A useful way to interpret ecclesiastical royal injunctions during the early Reformation is to view them as an unalterable base for which subsequent visitation articles could expand upon, provided that none of the 'original' injunctions were ever directly counteracted. Each time a new set of royally sanctioned, nationally focused ecclesiastical articles was produced, whether it be the injunctions of Elizabeth or the Canons introduced in 1571 or 1604, by principle they would then form the fundamental vision for the religious culture that would be enforced by visitations, consistory courts and the day-to-day work of ecclesiastical officers. However, each archbishop, bishop and archdeacon still possessed considerable autonomy within their own jurisdictions to expand upon these articles, focus upon some and not others, or interpret them in any manner they saw as worthwhile. Hence, visitation articles throughout the Elizabethan and Jacobean periods give us a potent insight into both the issues seen as pertinent within a certain year and certain area, as well as the strategy used to combat religious difficulties going forward. Furthermore, as we shall see, the use of churchwardens and other lay officers to enforce conformity was very much at the whim of the individuals orchestrating each ecclesiastical court system.

The visitations undertaken in the first years of Elizabeth's reign seem heavily influenced by a document produced in 1560 that has come to be known as 'The Interpretations of the Bishops'. Deriving from the injunctions of 1559 as well as the Act of Uniformity, these articles were written by an unknown bishop (probably Archbishop Parker), and seem to have formed the basis of many subsequent visitations throughout the following decade as many of its items were quoted verbatim in later visitation injunctions.<sup>102</sup> The *Interpretations*, as its name suggests, was an effort by a select group of bishops to utilise the 1559 injunctions in a manner they saw as more practical. For instance, the role of the churchwardens in the levying of recusancy fines was to be expanded and further regulated.<sup>103</sup> Item 12 of the *Interpretations* states: 'that the churchwardens once in the month declare by their curates in bills subscribed with their hands to me [the Ordinary] or my officer under

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<sup>102</sup> Kennedy, *Interpretations*, 19-20.

<sup>103</sup> Kennedy, *Interpretations*, 19-20.

me who they be that will not readily pay their penalties for not coming to God's Divine Service according to the Statutes.'<sup>104</sup> Implementing a timeframe for reports of recusancy was another bureaucratic step that would prevent any negligent or wayward churchwardens from avoiding this duty.

The *Interpretations* served as the base for visitation articles for the following five years. Archbishop Parker's visitation articles in the 1560s would not add to the duties of his churchwardens more than they would have already known;<sup>105</sup> but in stark contrast, a set of articles from later in 1560 specify the duties of the wardens to a much greater extent than ever previously. It is not known who authored these articles, but it is clear that Bishop Parkhurst of Norwich based his own visitation articles of 1561 on them; their distinctive layout and wording illuminated the extent to which the strategy of the local clergy could influence the burgeoning growth of the office of churchwarden.<sup>106</sup> Entitled 'The Interrogatories', in actuality the majority of the sixty-four articles present here were borrowed from either Elizabeth's injunctions of 1559 or the *Interpretations*. What makes this document so useful to us is that for the first time, each duty was written under the headline of whom was to be responsible. The first and largest section, as one might expect, was entitled 'for the doctrine and manners of ministers and for other Orders in the church', and dealt with matters such as the sacraments, readings, and the expulsion and admonishment of 'the power of the Bishop of Rome'.<sup>107</sup> Additionally, obtaining a 'Bible of the largest volume' and Erasmus' *Paraphrases on the New Testament* was to now be a joint responsibility between minister and the churchwardens.<sup>108</sup> The second section, containing eight articles, was headlined 'For the duty of Churchwardens':

Item 31: Have they provided 'comely and honest pulpit', in a 'comely place' within the church?

Item 32: Have they ensured that all altars, images, books, copes and all other 'superstitious or dangerous monuments' have been defaced, removed from church and destroyed, 'as if there had been no such thing there'?

Item 33: Are any images, books or vestments now considered unlawful present at any place within their parish?

Item 34: Does any man 'refuseth to contribute to the alms of the poor? Does he 'discourageth others' from charity as well?

Item 35: Have the wardens provided a 'safe chest for the poor man's box'?

Item 36: Does money from the sale of church stock go directly to the poor man's box?

Item 37: Do the churchwardens levy a fine of twelve pence from every man who does not attend Divine Service, for every such offense, with the money to be distributed to the poor?

<sup>104</sup> Kennedy, *Interpretations*, 31.

<sup>105</sup> 'Archbishop Parker's Articles for the Province of Canterbury, 1560'

<sup>106</sup> 'The Interrogatories, 1560', 87.

<sup>107</sup> 'The Interrogatories, 1560', 87-90.

<sup>108</sup> 'The Interrogatories, 1560' 88.

## Item 38: Do the churchwardens keep a register of Christenings and burials?

This was a surprising novelty for this early year: sections explicitly for the churchwardens began to appear more frequently in visitation articles going forward, illuminating the often-murky question as to what the wardens were expected to do themselves. Visitations were, of course, just a check-up on what ought to be occurring at a weekly basis; a churchwarden not performing these duties adequately would have made him a known deviant to the rest of his parish. It is quite possible that it was already regarded by most parishioners that these were in the domain of the churchwarden; indeed, seven of these articles derived from either Elizabeth's articles of 1559, or the Interpretations. The only article seemingly new to visitation articles was item thirty-four. It appears to have derived from an Act of Parliament from 1551, detailing that all refusals of poor relief were to be reported to the parson, and then the bishop if necessary, with punishments to be at the discretion of the ordinary. This act was reinforced with strict penalties by an Act of Parliament in 1563.<sup>109</sup> We must not overlook that while this solidified the day-to-day responsibilities of the churchwarden, it was still nominally their assignment to respond to every single article during visitations. Not only were they to report all clergymen who broke the of the aforesaid injunctions, but similarly were they to oversee the section marked 'For the People and their Duty'. These articles, addressed to the laity as a whole, made up a bulk of what would be reported on to the consistory or visitation courts, including sexual crimes, sorcery, bigamy, illegitimate children, blasphemy, heresy and all manner of religious disturbances during divine service and at other times.<sup>110</sup>

Bishop John Parkhurst, a Marian exile appointed to the diocese of Norwich in 1560, was the first to use the *Interrogatories* in his visitation of the same year, reprinting them verbatim along with his own set of injunctions the following year. In 1561, the diocese appeared to be in much religious turmoil; during the queen's visit to Essex and Suffolk, Cecil wrote to Archbishop Parker of his dismay at the indiscretions of preachers and of services there, where even a surplice 'may not be borne'.<sup>111</sup> Parkhurst was a notorious sympathiser of reformed causes, even known to 'wink at Anabaptists and Schismatics'.<sup>112</sup> Were this not trouble enough, he has also been described as hopelessly inefficient at the basic functions of bishop, delegating poorly and racking up enormous debts.<sup>113</sup> Parkhurst saw fit to adopt the *Interrogatories* along with its dedicated section to churchwardens. Also to be reported

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<sup>109</sup> 'The Interrogatories, 1560', 90.

<sup>110</sup> 'The Interrogatories, 1560', 91-93.

<sup>111</sup> 'Parkhurst's Injunctions and Interrogatories for Norwich, 1561', 97.

<sup>112</sup> Kennedy, *Visitation Articles*, 97.

<sup>113</sup> 'Parkhurst's Injunctions and Interrogatories for Norwich, 1561', 97. Ralph Houlbrooke, *Parkhurst, John, Bishop of Norwich* (ODNB, 2007).

on by all sworn parishioners was an article unique to this diocese: no man was to be permitted to marry lest they be able to say the Articles of Faith, Lord's Prayer and the Ten Commandments.<sup>114</sup> Presentment lists for this particular visitation appear not to have survived, but we can adjudge from the state of the diocese in proceeding years that this effort to curb dissent was a failure - Norwich diocese was subject to constant outside pressure to conform throughout the remainder of Parkhurst's tenure. A commission was set up for 'the checking of these seditious preachers' within Norwich in 1564, yet did not stop a preacher from Ely, an apparent favourite of Parkhurst's, from whipping up a crowd into a 'great destruction' of valuable windows at Cambridge University in the same year.<sup>115</sup> So turbulent was the situation, made worse by the laxness of Parkhurst, that later visitations were in fact usurped by other ordinaries.<sup>116</sup>

Parkhurst's theological proclivities would not have clashed with the *Interrogatories* that he so readily utilised; indeed, at this early stage the work of the churchwarden was almost solely concerned with rooting out popery rather than puritanism. In the visitation of St. Asaph diocese later in 1561, Bishop Davies did not repeat the *Interrogatories*, nor explicitly assign the churchwardens any additional duties regarding recusancy. Even in their one mention in his injunctions we see an increased bond of co-responsibility between them and the clergy. Within eight days after the injunctions were delivered to the parish, the wardens were to ensure the removal of all monuments, 'signs', 'feigned relics', altars, and all other objects of superstition. If any parishioners or clergymen refused to allow this, Bishop Davies writes in the commanding first person, 'I may be certified thereof within other eight days, then next and immediately following.'<sup>117</sup> When Archbishop Parker produced a new set of Diocesan articles in 1563, he once again did not grant the churchwardens the same level of duties as did Parkhurst or the *Interrogatories*, but did now ask that the wardens report on what money had been raised via recusancy fines; we see in both examples the increasing use of churchwardens as intelligence-gatherers for the prevalence of non-conformity.<sup>118</sup>

Two sets of visitation articles exist from 1565 that displayed the divergence in trust and expectations of churchwardens from one ordinary to another. Bishop Edmund Guest of Rochester instigated a system to ensure a great deal of accountability for the wardens in their weekly duties, assigning a list of injunctions to be reported upon regularly and not simply at times of visitation.

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<sup>114</sup> 'Parkhurst's Injunctions and Interrogatories for Norwich, 1561', 98.

<sup>115</sup> John Strype, *The Life and Acts of Matthew Parker Vol. I* (Oxford, 1821), 382-383.

<sup>116</sup> 'Archbishop Parker's Articles for Norwich Diocese 1567', 198.

<sup>117</sup> 'Davies Injunctions for St. Asaph, 1561', 112.

<sup>118</sup> 'Archbishop Parker's Diocesan Articles', 140-142.

When a new churchwarden was elected, Guest asked that the newly incumbent report to him or his deputy within six weeks to take their oaths within their presence, for ‘the better looking of their office and duties.’<sup>119</sup> Once this was approved, churchwardens must continue to report to the ordinary regularly. Within eight weeks of the visitation, and every quarter thenceforth, the wardens ought to report ‘how these injunctions are kept and fulfilled’, presumably even if all is well, as well as all ‘notorious crimes and offences’ that breached any one of the twenty-one injunctions present in the book.<sup>120</sup> Overlapping this was a command that once a month, all that ‘will not readily pay their penalties for not coming to God’s Divine Service’ were to be reported; we can assume that those who unlawfully missed a service but did pay were to be reported once a quarter, but meticulous non-attenders faced the wrath of the bishop. These injunctions were a significant leap in the political control exerted over the churchwardens - now scrutinised by the bishop monthly or quarterly, rather than the usual period of the visitation cycle.<sup>121</sup> Indeed, Guest also included an injunction for all ministers and wardens, ‘for the betterment of their duties’ to keep this injunction book (presumably as well as Elizabeth’s of 1559) in a prominent place in the church, near the choir, and to report that this had been done.<sup>122</sup> Rather than display a lack of faith in the churchwardens’ abilities, it in fact demonstrates Guest’s belief in their potential: compare his visitation to Bishop Bentham’s of Lichfield in 1565 and we see a much different story. Actually written by his own hand, these injunctions appear to show much less direct conviction in the warden’s capabilities.<sup>123</sup> All injunctions were addressed to ‘the parson, vicar, curate, and churchwardens’, with no direct injunction just for the wardens except those already prescribed in the queen’s injunctions. That is not to say that Bentham was merely copying older injunctions, however. One technique in combating non-conformity and misbehaviour within the church was introduced at Lichfield - a unique and unusual local variant of Elizabeth’s forty-sixth injunction:

Item, we charge and command that every parson, vicar, and curate shall with the help of the churchwardens choose in their parish eight, six, or four at the least of the most substantial and honest men in the parish, who being charged upon their corporal oaths, and having white rods in their hands, shall have authority to see good order kept in the church: they shall first gently admonish them, and if they shall not be reformed so, then two of the honestest men aforesaid shall lead them up to the chancel door, and set them with their faces looking down towards the people for the space of one quarter of an hour.<sup>124</sup>

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<sup>119</sup> ‘Guest’s Injunctions of Rochester Diocese 1565’, 160-161.

<sup>120</sup> ‘Guest’s Injunctions of Rochester Diocese 1565’, 160-161.

<sup>121</sup> Ingram, 44, and Keith Wrightson and David Levine, *Poverty and Piety in an English Village* (Oxford, 2001) 112.

<sup>122</sup> ‘Guest’s Injunctions of Rochester Diocese 1565’, 160-161.

<sup>123</sup> ‘Bentham’s Instructions for Coventry and Lichfield Diocese, 1565’, 163.

<sup>124</sup> ‘Bentham’s Instructions for Coventry and Lichfield Diocese, 1565’, 168.

Clearly, each bishop possessed considerable power to use or not use churchwardens as he saw fit. Guest's repeated check-ups on their performance was a testament to his hope they will be a success in enforcing conformity and moral behaviour, as he was not yet bound to use them for anything more than that little prescribed in the 1559 articles. As we shall see, until later ordinances increased their political and religious influence - and obligations - churchwardens still possessed considerable regional differences outside of the new process of recusancy fines.

vi. Archbishop Parker and the Advertisements

The relationship between Archbishop Parker and the churchwardens is a complex one to define. In visitations and injunctions he personally oversaw in the years following his incumbency from 1559, he did not seem keen to utilise churchwardens or other lay officials in any further capacity than their already approved duties.<sup>125</sup> Some of his earliest actions as archbishop would have shown Parker the weakness of the Church in their ability to root out grassroots subversion, something churchwardens, had they been used or indeed trusted more, may have helped alleviate. In 1560, a year into the warden's new duties as per Injunction, Parker ordered a new visitation of Worcester diocese. In organising the visitation, Bishop Edwin Sandys demanded a robust inspection of each parish, with their ministers, churchwardens and six other parishioners all to attend and report on the corresponding articles. An altar stone remaining in a parish church in Worcester was reported on: when ordered by the visitation commission to be defaced and demolished, the parishioners were seemingly powerless to stop it being taken away from the church by Sir John Bourne, a former secretary to Queen Mary, to be kept safely on his property.<sup>126</sup> Worse, a number of ministers from Worcester were presented for keeping 'fix or six whores apiece.'<sup>127</sup> Rather than this visitation causing a reformist vigour in the diocese, a succession of frequent visitations after 1560 each saw a plethora of misdemeanours, including seditious preaching by the clergy itself.<sup>128</sup> Parker's visitations of his own diocese saw clashes with his churchwardens in 1561. Efforts to ensure the removal of all rood-lofts there saw at least five sets of churchwardens refuse to do so, or at least remark that pressure from other parishioners was making such attempts impossible. The parish officials for Throwleigh told the visiting archdeacon of one 'Richard Grotely', stating that he was:

...warned by name by Mr. Sands and the most parte of the auntyents of the parishe to be at the pulling downe of the rode lofte as well as others, for that he was an accuser in Quene Mary's

<sup>125</sup> For instance, see 'Archbishop Parker's Articles for the Province of Canterbury, 1560'

<sup>126</sup> Strype, John, *The Life and Acts of Matthew Parker Vol. I* (Oxford, 1821), 155-156.

<sup>127</sup> Strype, John, *The Life and Acts of Matthew Parker Vol. I* (Oxford, 1821), 156.

<sup>128</sup> Strype, John, *The Life and Acts of Matthew Parker Vol. I* (Oxford, 1821), 156.

tyme. Thys Grotely, thus admonyshed, did not only stubbornly absent hym self, [but also] spake theis woords of Robert Upton being church warden he cawse he [had] said that the rood loft must [come] downer "Lett hym take hede that his aucthoryte be good before yt be puld downe, for we know what we have had but we know not what we shall have"...[Grotely also said to] George Overy of Throwleigh "I will see the Quene's brodeseale or I have yt downe."<sup>129</sup>

The weakness of the churchwardens in combating this type of obstinacy saw the bishop's men having to employ 'intimidation' tactics regarding the removal of rood-lofts. In the following year, the churchwardens for Ashford declared that they dare not remove the roof-loft there, as they were warned not to by their 'betters.'<sup>130</sup> The diocesan officials then ordered them to appear to the archbishop himself, or to the queen's commissioners in London - 'allis supremis commisaris Reginae Londinio' - at an upcoming court day. These fear tactics appear to have worked: by September it was reported to Parker that the rood-loft was down.<sup>131</sup>

With incidents such as these, it is easy to assume that Archbishop Parker had little faith that the churchwardens could accomplish anything of value in modifying the religious nature of his parishes. However, this does not tally up with the unmistakable fact that Parker seemed to be highly reliant on the visitation system, in stark contrast to some of his successors, as we shall see in later chapters. During his tenure as archbishop, Parker conducted personal visitations of Canterbury diocese five times, with the archbishop's commissary general visiting up to fifty-five parishes from the same diocese each year. The scope of Parker's visitations, despite the issues encountered, only escalated as time progressed. In 1561, twenty-eight of the forty Canterbury clergymen cited to appear did so, as did 245 of the 277 cited churchwardens or sidesmen: each figure an increase of the same request eighteen months previously.<sup>132</sup> In these early years, Parker was content to consolidate the churchwardens as per their role within the new Elizabethan settlement, not yet bestowing upon them any novel duties as did many of his bishops. Rosemary O'Day has argued that the wardens could have simply been a figment of Parker's 'experiments' with the laity to solve a chronic post-Marian lack of ministers [in the same manner as his elevation of 'readers' or 'lectors' to preach the sermon and perform sacraments].<sup>133</sup> This argument, however, does not explain why their importance in combating non-attendance would only increase henceforth despite the amount of ministers hitting more acceptable levels.

<sup>129</sup> John I. Daeley, 'The Episcopal Administration of Matthew Parker, Archbishop of Canterbury, 1559-1575' (PhD diss, University of London, 1967), 105-106.

<sup>130</sup> Daeley, *Parker*, 105-106.

<sup>131</sup> Daeley, *Parker*, 106-107.

<sup>132</sup> Daeley, *Parker*, 110-111.

<sup>133</sup> Rosemary O'Day, 'The Reformation of the ministry, 1558-1642' in Felicity Heal & Rosemary O'Day (eds.), *Continuity & Change: Personnel & Administration in the Church in England 1500-1642* (Leicester, 1976), 59.

In 1566, Parker published a defining set of injunctions, known as *The Book of Advertisements*. Written by Parker himself in 1564, the *Advertisements* were an attempt to create a universal guide to conformity, particularly concerning apparel, appearance and behaviour at service. It was hoped that this would help to end the ongoing Vestrian Controversy: complaints and noncompliance from various clergymen about the clerical dress re-introduced in 1559, predominantly the alb, cope, chasuble and surplice.<sup>134</sup> The *Advertisements* were unique among prominent injunctions from the Reformation era, in that they never actually received Royal approval. They were sent by Parker to Cecil for a royal signature on 3 March 1565, which was refused; a second attempt was made on 12 March 1566, with the same result.<sup>135</sup> Parker subsequently published the articles himself. There is considerable historical debate as to the authority and influence of the *Advertisements*.<sup>136</sup> Their impact is undeniable though, as several subsequent visitations made reference to them with phrases such as ‘as per the Advertisements’, and many of the articles were repeated verbatim. At the very least, they tell us about Parker’s preferred strategy for conformity in the 1560s. A list of injunctions, the *Advertisements* is divided into four sections: articles ‘for doctrine and preaching’, articles ‘for administration of prayer and sacraments’, articles ‘for certain orders in ecclesiastical policy’, and articles ‘for outward apparel of persons ecclesiastical.’ As the titles suggest, the main focus of these injunctions was the reform of clergymen. Practically all other aspects of spirituality were at least touched upon. Churchwardens were expected to know the *Advertisements* and to report any breaches to consistory or visitation courts; during his visitation of Canterbury, for example, Parker instructed the churchwardens to bring their copy of the *Advertisements* to the court when making presentments.<sup>137</sup> It can be said with reasonable certainty that for many bishops, these articles became the ‘base’ set to ascribe to, trumping the 1559 injunctions. However, apart from much greater detail in what consisted proper service, licensed preaching and correct apparel, the *Advertisements* would not have changed day-to-day life for the churchwardens to a large extent; indeed, the only article addressed to them remained the levying and distribution of recusancy fines.<sup>138</sup> Nevertheless, the visitation system remained of paramount importance for the regime in ensuring their ordinances had an impact at parochial level, and the wardens were always to be vitally important in this process.

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<sup>134</sup> Gee and Hardy, *Documents Illustrative of English Church History*, (New York, 1896), 471.

<sup>135</sup> Gee and Hardy, *Documents*, 461.

<sup>136</sup> See Aubrey Moore, *The History of the Reformation* (London, 1890), 266.

<sup>137</sup> Daeley, *Parker*, 114.

<sup>138</sup> Gee and Hardy, *Documents*, 467-476.

The *Advertisements* did see a grand escalation in attempts to delegitimise any unlicensed preaching. While not a responsibility solely for the churchwarden yet, these injunctions would have influenced this duty when the wardens were required to do so later in the century. The political autonomy that a parish possessed regarding who was to preach was drastically curtailed by seven injunctions, effectively transforming all preachers into agents of the state. All that were permitted to preach 'shall be diligently examined for their conformity in unity of doctrine' and shall be 'admonished to due sobriety and discretion in teaching the people, namely, in matters of controversy.'<sup>139</sup> Loopholes and legal confusion that likely would have been a barrier to the confidence of churchwardens to report unlicensed preaching were also dealt with: all licenses for preaching before March 1564 were declared null and void and were to be renewed, and any suspected seditious preaching was to be recorded and reported to the ordinary, for they themselves to adjudge the severity and act accordingly.<sup>140</sup>

The Act Book<sup>141</sup> and a large number of presentments survive from Parker's visitation of Canterbury diocese in 1569, providing one of the first major pieces of evidence after the *Advertisements* began its crackdown on unlicensed preaching. It appears to have been occasioned by a letter sent to Parker by the council, expressing their concerns over the state of the 'office of bishops... of late years so diminished and decayed', which was a prime reason for so many ministers 'openly forbearing to resort to their parish churches.' In this regard some bishops were better than others: 'And surely, though we know, that some bishops of the realm are to be more commended than some other, for preaching, teaching and visiting of their diocese', other areas this could not be said, and nevertheless, 'no bishopric [was] full free' of religious disorder.<sup>142</sup> As well as recusancy, the council also fretted about the impact of unlicensed or problematic preaching. They desired for a full report of all 'prebendaries, Canons and preachers' within each parish, the names of all preachers, the manner of their speech, and whether they had been sanctioned by an ordinary or not.<sup>143</sup> Parker's visitation of the same year, as well as a spate of others that occurred at the same time, then reflected on this criticism on the office of bishop by focusing on one of the gravest concerns of the council. A new article found in the Act Book asked: 'whether their be in your quarters any that use or frequent any kind of service or divine prayer, other than is set forth by the laws of the realm.'<sup>144</sup>

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<sup>139</sup> Gee and Hardy, *Documents*, 468.

<sup>140</sup> Gee and Hardy, *Documents*, 467-476.

<sup>141</sup> An outline of the legal procedures and individuals involved within the visitation, including lists of commissioners, proofs of legitimacy etc.

<sup>142</sup> Edward Cardwell, *Documentary Annals of the Reformed Church of England, Being a Collection of Injunctions, Declarations, Orders, Articles of Inquiry, etc., from the Year 1546 to the Year 1716* (Oxford, 1844), 350-353.

<sup>143</sup> Cardwell, *Documentary Annals*, 353.

<sup>144</sup> Strype, *Parker Vol. I*, 562.

Ten years after visitations began to expect wardens to present on unlicensed preaching, and three years after the new system of accountability introduced in the *Advertisements*, did the visitation manage to draw out the type of preaching that so alarmed the council? The scant nature of such presentments suggests not. The churchwardens seem more understanding of what constituted problematic preaching and ministering, but we are still not at the levels of presentments for such that we will see later in the century. At Tenterden, Kent, the churchwardens presented a Mr. John Hopton for reading divine service 'having received no orders, not being tolerated to that effect.'<sup>145</sup> At Woodnesborough and Stallisfield, laymen were reported to have preached and performed some sacraments.<sup>146</sup> The concept of 'licenses' was not mentioned. At a visitation of Northamptonshire a year earlier, however, the curate of Laxton was reported to the commission for a lack of proof of his license, but even in this visitation such instances were seldom compared to later visitations.<sup>147</sup>

Only a month after first submitting *The Advertisements* to Cecil, Parker encountered issues with noncompliant churchwardens in London.<sup>148</sup> Reacting to reports of new, 'seditious' preachers having arrived at the capital, Parker organised a commission to sit down with churchwardens from London's parishes to enquire into the number of suspended clergymen still active and whether the wardens had provided the correct wafer bread and surplices for communion. Many churchwardens allegedly refused to supply such apparatus and garments on religious grounds.<sup>149</sup> Parker, exasperated by such efforts, complained 'that he must do all things alone' and that it was unworkable for him to police all parishes in London instead of the bishop there. This did not seem to prevent him ordering another visitation of Norwich diocese in 1567, seizing control personally from the inept Parkhurst. In this visitation, Parker used the *Advertisements* as a base and did not signify any further responsibilities for the warden. Parkhurst himself performed a visitation of his diocese in 1569, and once again the surviving Act Book contained a separate and distinct list of duties for the churchwardens similar to the *Interrogatories*. The visitation book is of poor quality compared to other existing visitation books for the diocese, but it was certainly a large visitation of over 100 parishes, although many returned no presentments. It does seem that the wardens began to possess greater judicial power, however. A Ms. Elizabeth Elaine, presented to the court by the wardens for alleged 'ill religion', was subsequently 'imprisoned' *ex-officio*, an unusual punishment at visitation events. Other presentments for non-

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<sup>145</sup> 'Archbishop Parker's Visitation 1569 Part I', 288.

<sup>146</sup> Archbishop Parker's Visitation 1569 Part I', 11, 31.

<sup>147</sup> 'The Visitation of Northamptonshire, 1570', 208.

<sup>148</sup> Strype, *Parker Vol. I*, 450-451.

<sup>149</sup> Strype, *Parker Vol. I*, 450-451.

attendance at divine service, usually leading to a sentence of 'non comp ideo exom',<sup>150</sup> can be deciphered in several parishes within the archdeaconry of Norwich although the quality is overall too dilapidated to be able to make a definitive claim for the archdeaconry as a whole.<sup>151</sup>

We do begin to see marked improvements in the rates in which churchwardens presented recusancy and regular non-attendance at church from visitations in 1569 and 1570. Severe moral and sexual crimes continued to be the most frequent complaint by the wardens, and issues surrounding the upkeep and maintenance of church benefices, parochial finances, and registers of inventory, births, weddings and burials continued to be prominent in both visitation receipts and churchwardens' accounts.<sup>152</sup> Whereas in 1559 presentments for chronic non-attendance at church were seldom, by 1569 they become a common theme. Sixty-three individuals are presented for chronic non-attendance in Parker's visitation of Canterbury in 1569, compared to negligible numbers ten years previously in the northern provinces.<sup>153</sup> The language used to present serial recusants suggests an allegiance with Elizabeth's conformist aims: at Stone, William Squoram 'cometh not to church and will not be reformed', whereas at Brenzett, a John Jybbs, having been presented the previous Michelmas for non-attendance, has 'shewed himself more stubborn and as disobedient as before', causing the wardens and sidesmen to worry that such behaviour will 'cause others to take a boldness to do the like.'<sup>154</sup> What constituted behaviour worthy of presentment of course relied much on a warden's intuition or religious proclivities, yet it is clear that this duty was recognised as a central responsibility of the office. At Reculver, it was simply sufficient to say that 'certain of the parishioners have absented themselves from church', whereas at Wye, the warden saw fit to name thirty-one parishioners who had not received communion, a considerably larger number than most parishioners would name.<sup>155</sup>

There is one final but marked development in presentment papers shortly before 1571, one that truly reflected the deliberate push for the regime to utilise lay officials in their strive for conformity. Just as clergymen and preachers were intensely scrutinised by their superiors and indeed their own flock, complaints over churchwardens and their alleged dereliction of duty increased. Incumbent churchwardens being presented by other parishioners, or ex-churchwardens being

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<sup>150</sup> Did not attend [court], therefore excommunicated.

<sup>151</sup> NRO DN VIS 1/3, definite instances are found at Antingham, and at least 3 within a section entitled Ciudadade Norwicii in which the parish names are missing.

<sup>152</sup> See 'Archbishop Parker's visitation, 1569' and 'The Visitation of Northamptonshire, 1570'.

<sup>153</sup> See 'Archbishop Parker's visitation, 1569', all parts.

<sup>154</sup> 'Archbishop Parker's visitation, 1569' Part II 13-15.

<sup>155</sup> 'Archbishop Parker's visitation, 1569' Part II, 11, 208.

presented by their successors, appeared very infrequently in the visitations of 1559-1561 and virtually not at all in visitations prior to Elizabeth's reign. It is hard to believe that such wardens were so studious as to never deserve presentment. Compare this to the visitations a decade later: at Northamptonshire in 1570, we see several 'suits' levelled upon the wardens by the visitation commission, with some clearly the result of an ecclesiastical informant. At Woodfoord Halse, an unidentified Mr. Wood exposed to the commission that the wardens there had permitted the rood-loft and a store of holy water to remain in church.<sup>156</sup> Holy water reserves, as well as broken windows, were also reported by an 'observer' of Desborough parish in another 'Suit against the Wardens', whereas the commission itself chastised the wardens of Pattishall to return within a month with information about the license of their preacher, records of all ecclesiastical books in church, and assurance that the broken stain-glass window had been repaired.<sup>157</sup> This began a pattern of expectation but also scrutiny: should the churchwardens be trusted by authorities to truly aid clamping down on non-conformity in all its forms, just like any other stately office they began to be routinely inspected upon, and with greater expectations of obedience and competency.

vii. Conclusion

At this early stage of the Reformation, the churchwardens already began to be established as an integral cog in the Elizabethan mechanism to combat non-conformity. By the 1560s, the administration and imposition of fines for non-attendance was an immutable characteristic within the institution of the English churchwarden: this duty being consistently enquired upon among the majority of visitation articles as well as the *Advertisements*, in which it was the only duty explicitly linked to the office.<sup>158</sup> It is understandable in the preliminary years of Elizabeth that presentment to court for repeated non-attendance was generally rarer than it would become, by the later 1560s we see it begin to appear within presentments at a level that would continue more or less throughout the Tudor and Stuart eras. Potentially this was due to the responsibility not yet being embedded within the minds of the churchwardens in the years 1559-1561. More likely is that churchwardens understood that presentment to court was only in cases of prolonged or deliberate absenteeism over a time period yet unspecified by the Church, something naturally more prevalent as the years progressed. This must be combined with the notorious 'dark figure' within parochial studies of this time: the concept that the only instances available to us would be those extreme and negative - churchwardens following their weekly duties to ensure attendance would not figure in legal reports,

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<sup>156</sup> 'The Visitation of Northamptonshire, 1570', 201.

<sup>157</sup> 'The Visitation of Northamptonshire, 1570', 118.

<sup>158</sup> Gee and Hardy, *Documents*, 467-476.

nor minor non-attendees successfully persuaded to attend, this being the first port of call for the churchwarden to do. This 'dark figure' becomes more demystified in later years, as the office of warden itself became more fervently policed. Furthermore, the wardens began to assert a level of political authority over both their parishioners and ministers that hitherto had not existed, bestowing upon them the impetus to perform their duties in this role with less fear of social ramifications. By 1571, a direct relationship between the church hierarchy and the wardens had been established. From henceforth, critique of their role was to be done by the bishop or archdeacon's commission, as well as the soft power of their local community. While many ordinaries and other contemporaries still seemed reluctant to rely on the wardens any further than was required by nationwide ordinance, their nature had irrevocably changed into weapons of state conformity, generally regarded with at the very minimum the potential to be able to aid England in becoming a religiously concordial realm. Thus, we can say that their elevation and standardisation within the Canons of 1571 was a vote of confidence in the office, and a clear display that England's churchwardens had begun to experience somewhat of a revolution in the years 1558-1571.

## Chapter II:

### *Growth and Consolidation: Churchwardens after the Canons of 1571*

#### i. Introduction

1571 was a pivotal year for the Elizabethan churchwarden. This year saw the introduction of a new set of Canons, drafted and signed by English bishops and altered personally by the queen<sup>1</sup> to represent both a consolidation of the various new instructions, ordinances and doctrines introduced since 1558, as well as an outline of the new religious strategy for enforcing conformity and limiting dissent. Addressed not only to ‘the holy ministry’ but also to other ‘offices of the church’, the Canons of 1571 possessed a quite astonishing number of instructions and guidelines to the country’s churchwardens, which dwarfed anything that came before in both quantity and depth of clarity.<sup>2</sup> Eleven Canons were drafted directly to ‘churchwardens and sidesmen’, touching upon such a vast range of topics that it seemed little of spiritual life in the parishes would not now be under their auspice. Unlike in the Acts and Injunctions of 1559, the wardens also crop up sporadically in other Canons in 1571, particularly those involving the clampdown on unlicensed preaching. The Canons have been described as Parker taking ‘something of a liberty’ in his attempts at religion reform as the articles were not ratified by the lower house, nor formally given written assent by Elizabeth: although not disapproving of the changes, she was loathe to give approbation to a document not given consultation by the Commons. Nevertheless, the Canons would act as the basis of all future articles and injunctions as if these legal obstacles had not occurred.<sup>3</sup> In this chapter, we shall begin with a full examination of the Canons of 1571, exploring both the introduction of novel or revamped duties for the churchwardens, as well as the clear bureaucratic expansion regarding the scope and scrutiny of those already existing. Within only two decades of their beginnings as agents of conformity within England’s parish churches, England’s churchwardens were given a code-of-conduct ratified by the national Church: a sign of faith in both their abilities but also their potential for deeper usefulness. The Canons would remain the foundation of the churchwardens’ duties until 1604, which gives us ample opportunity to study their effectiveness at a ground level. Norwich diocese is very fortunate to have substantial existing visitation records during this period, including two near-complete sets for the entire diocese from the years 1593 and 1597. At the end of the chapter, we will examine the

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<sup>1</sup> Edward Cardwell, *Synodalia: A collection of articles of religion, canons, and proceedings of convocations in the Province of Canterbury, from the year 1547 to the year 1717* (Oxford, 1842), 113-114.

<sup>2</sup> Gerald Bray (ed.), *The Anglican Canons 1529-1927* (Cambridge, 2001), 173.

<sup>3</sup> David Crankshaw & Andria Gillespie, *Parker, Matthew, 1504-1575* (ODNB, 2004)

effects of the 1571 Canons just before they would be supplanted, and how they fitted in with the wider plan of Archbishop John Whitgift and his Church over three decades after their ratification.

By 1571, the issues that arose after the tumult of Mary's five-year return to Catholicism were beginning to settle. This allowed Parker and his administration to shift to a new focus, one that had been anticipated by earlier Synods in 1560 and 1561: a complete vetting of the conduct of the nation's clergymen and preachers, rooting out dissentious ministers whilst elevating their general standard of competency, learnedness and obedience.<sup>4</sup> The shortage of qualified ministers following the accession of Elizabeth was beginning to heal, which gave Parker the opportunity to begin to raise standards of ordination to his desired level; to ensure this level would be maintained, Parker looked towards England's churchwardens for assistance.<sup>5</sup> Previous licences were revoked and must be renewed by authority of the local ordinary, and new competence measures were drafted for all beneficed curates, vicars and parsons. These were to be inspected by the churchwarden, and all breaches to be reported immediately.<sup>6</sup> With the use of lay officials now a direct reflection of the strategies of the church, we shall examine whether wardens reacted to these directions swiftly and diligently on the ground - and whether this encouraged or dissuaded future endeavours from relying on the office of churchwarden.

Despite the growth in the number of injunctions and visitations articles that bestowed distinct responsibilities on the churchwardens in the years 1558-1571, the office remained virtually untouched by Church of England legislature at a national level except in the administration of recusancy fines and a handful of other unspiritual duties - and even these were subject to interpretation.<sup>7</sup> While many bishops and archdeacons did choose to incorporate churchwardens and sidesmen beyond that which was expected, such as Bishops Parkhurst and Guest, many others added nothing and we can assume churchwardens reported at visitation that which was expected by the articles of 1559.<sup>8</sup> For instance, regarding the policing of unlicensed preaching, the churchwardens of Norfolk in 1569 were expected to locate the suspect's 'letter of Orders' and gather sufficient

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<sup>4</sup> Crankshaw & Gillespie, *Parker*.

<sup>5</sup> Rosemary O'Day, 'The Reformation of the ministry, 1558-1642, in Felicity Heal & Rosemary O'Day (eds.), *Continuity & Change: Personnel & Administration in the Church in England 1500-1642* (Leicester, 1976), 59-60.

<sup>6</sup> William Edward Collins, *The Canons of 1571 in English and Latin, with notes* (London, 1899), 74-75.

<sup>7</sup> Compare for example Archbishop Parker's visitation articles in 1567, and Bishop Parkhurst's articles for 1569, both for Norwich diocese: W.H. Frere & W.P.M. Kennedy (eds.), *Visitation Articles and Injunctions of the Period of the Reformation, Vols. I-III* (London, 1910), 198-209.

<sup>8</sup> In the *Detecta Book* for the visitation of Northamptonshire in 1570, the phrase 'as per the Queen's Injunctions' is mentioned several times before a presentment. *Northamptonshire Notes and Queries, New Series, Vol II* (Northamptonshire, 1907).

testimony regarding their legitimacy; whereas in the very same year the visitation of Bishop Sandys did not specify this duty for the wardens and merely enquired if any non-‘permitted’ preaching had occurred, and Bishop Horne in his visitation of the Channel Islands did not enquire into unlicensed preaching at all.<sup>9</sup> The Canons of 1571 removed variances like these. Thenceforth, as a matter of principle, each visitation would enforce upon the diocese’s or archdeaconry’s churchwardens the lengthy and detailed list of duties espoused in the Canons. While addenda and alterations would still exist upon the whims of the individual visitors, returning to the relatively low level of bureaucracy concerning the wardens and visitations was no longer an option.

One extensive set of visitation presentments available to us is that by Archbishop Grindal for the ‘Northern Province’ in 1575, a year before he moved to the Archbishopric of Canterbury. This is an excellent date for us as it can be contrasted with the grand visitation of Archbishop Parker for Canterbury Province two years previously, as well as other miscellaneous presentations for York.<sup>10</sup> The attitudes of Grindal and his successor John Whitgift towards the enforcement of conformity are famously contrasting - reliance on the visitation system and faith in the reliability of parishioners were topics of much differing opinion between the two men.<sup>11</sup> While neither wrote extensively about the office of churchwarden, the various correspondence and contemporary anecdotes available demonstrate a change in church strategy for conformity from the 1580s onwards. Furthermore, the ordinances drafted by Whitgift - particularly the ‘Three Articles’, published in 1584 - are worth analysing, as they not only showed Whitgift’s ‘assault’ on puritan ministers and preachers had taken a drastic turn away from the use of churchwardens, they also had an effect on the ecclesiastical court process in general.<sup>12</sup> Whether the lack of any escalation in the political power of the office of churchwarden under Whitgift was a deliberate attempt to move away from the wardens or was in fact a positive side-effect of the consolidation of many of their responsibilities will be examined through extensive analysis of churchwarden presentments during his tenure.

In particular, the 1590s gives us a wealth of sources regarding visitations and their detecta books, both printed and archival. Printed sources by various historical and archaeological groups have provided an excellent opportunity to study visitations in northern dioceses after 1571, and other surviving visitation books that have been transcribed will be studied from Sussex, Somerset

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<sup>9</sup> ‘Bishop Sandy’s Articles for Worcester Diocese, 1569’, 225, ‘Bishop Horne’s Injunctions for the Channel Islands, 1569’, 119-122.

<sup>10</sup> See ‘The Visitation of Canterbury, 1573’, ‘The Visitation of York, 1575’.

<sup>11</sup> R.G. Usher, *The Reconstruction of the English Church* Vol. I (New York, 1910), 100-101.

<sup>12</sup> Patrick Collinson, *The Elizabethan Puritan Movement* (California, 1967), 247.

and Manchester all from the 1590s, alongside other scattered surviving presentments from various archdeaconries up to 1603.<sup>13</sup> As well as this, we are fortunate to have two sets of visitation books in good condition surviving in the Norfolk Record Office from 1593 and 1597 - a rarity in that this would have been two visitations back-to-back, giving us an excellent opportunity to see direct consequences of presentments or admonishments. Additionally to visitation books, we shall continue to use consistory court records, churchwardens' account books, visitation miscellanea and other qualitative pieces of evidence, should they be pertinent to the argument. Ending with broad analysis of visitation court records and presentments in the years 1590 - 1603 will give us a valuable insight into the office and its role in conformity, having now been established for several decades, before their next - and perhaps most concentrated - incorporation into the state in the Canons of 1604. Most importantly of all, we shall ask if the evidence on the ground tells us whether the experiment in the use of lay officials had a noticeable effect on the social and religious timbre in the parish, in what had been a relatively short span of time.

Many historians have written of the drastic changes in the nature and aims of the Elizabethan regime as her tenure progressed. John Guy argued that 1585 marked the beginning of Elizabeth's 'second reign', with pressures from war, disease and poor harvest leading to a crisis in government.<sup>14</sup> An 'authoritarian reaction from privy councillors and magistrates' was the result, with a subsequent intense focus on social security and the elimination of subversive elements within the population, ending the more hands-off approach that categorised the form of government that Patrick Collinson described as a 'monarchical republic.'<sup>15</sup> This was an escalation of the 'state formation' that had already led to a great deal of centralisation and bureaucratisation of the parishes, and the shift in social, political and cultural power away from individuals and towards offices.<sup>16</sup> This would lead to the establishment of the Overseers of the Poor, always intrinsically connected to the churchwardens, and a bureaucratic overhaul of the process of poor relief that the wardens would administer. This all begs the question as to why churchwardens, brought heartily into the state umbrella in 1571, are not referenced as much by historians of this era as one might imagine; indeed, what was occurring to the churchwardens was utterly indicative of wider phenomena throughout government. John Guy in fact asserted that the locating of recusants and the establishment of grassroots conformity was a priority for Elizabeth and her councillors, yet does not

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<sup>13</sup> See printed visitation reports and churchwarden presentments section in the bibliography.

<sup>14</sup> John Guy, 'The 1590s: The Second Reign of Elizabeth I?', in John Guy (ed.), *The Reign of Elizabeth I* (Cambridge, 1995), 1-2.

<sup>15</sup> See Patrick Collinson, 'The Monarchical Republic of Elizabeth I', in *Bulletin of the John Rylands Library of Manchester*, 69, no. 2 (1987).

<sup>16</sup> M.J. Braddick *State Formation in Early Modern England* (Cambridge, 2000), 1-5.

reference the churchwardens in this endeavour as he does Lord Lieutenants and Justices.<sup>17</sup> Eric Carlson and John Craig, while demonstrating some instances of the churchwardens' endeavours to combat non-conformity in these decades, do not describe the period after 1571 as a distinct period that marks a considerable escalation of the office.<sup>18</sup> This chapter will seek to prove that the Canons of 1571 would result in a noticeable change in the diligence and direction of the churchwardens, becoming an integral part, not a sidenote, of attempts to root out non-conformity in those troubled times.

## ii. The Canons of 1571

The Canons of 1571 were the first Canons of the Church of England to explicitly mention the parish churchwarden. This makes it even more of a lament that records as to their origins are so scant. What is known is that the Canons were originally printed in Latin, with an English version that was subsequently published later in the year.<sup>19</sup> The English version was reprinted considerably less frequently than its counterpart, and is used much more rarely by ecclesiastical historians of the 1570s.<sup>20</sup> Fortunately for this study, while some curious differences in translation do occur,<sup>21</sup> the passages concerning churchwardens and their potential changes seem to have no meaningful disparities. The apparent scarcity of printed English versions in the period backs up that which was already assumed: the Canons themselves were not widely read among the parochial laity.<sup>22</sup> This was most certainly not true of the equivalent Canons created in 1604, a reason why the year 1571 can be considered a stepping-stone on the churchwardens' zenith as tools of conformity without yet reaching that peak.<sup>23</sup> Nevertheless, they usurped the 1559 injunctions as the foundation of all subsequent ecclesiastical visitations. The levelling-up of the office of churchwarden in the Canons, and the concurrent stately intrusion into their nature, accountability and election, means the 1571 Canons mark the next major period in the evolution of the early modern lay official, and require in-depth analysis.

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<sup>17</sup> John Guy, 'The 1590s: The Second Reign of Elizabeth I?', in John Guy (ed.), *The Reign of Elizabeth I* (Cambridge, 1995), 1-5. Churchwardens are also not mentioned in the Elizabethan chapters within John Guy's famous *Tudor England*, despite multiple references to the burgeoning state and anxieties surrounding schismatics. See John Guy, *Tudor England* (Oxford, 1988), chapters 14-17.

<sup>18</sup> See Eric Carlson, 'The origins, function and status of the office of churchwarden, with particular reference to the diocese of Ely', from Spufford, Margaret (ed.), *The World Of Rural Dissenters 1520-1725* (Cambridge, 1995), and John Craig, *Reformation, Politics and Polemics, the Growth of Protestantism in English Market Towns 1500.1610* (Aldershot, 2001).

<sup>19</sup> William Collins, (ed.), *The Canons of 1571 in English and Latin: With Notes* (London, 1899), 1-5.

<sup>20</sup> Collins, *Canons*, 1-5.

<sup>21</sup> See Collins's transcription.

<sup>22</sup> Collins, *Canons*, 3-4.

<sup>23</sup> See Chapters III and IV.

While we know little about the circumstances around their authorship, it does seem clear that these Canons saw widespread endorsement from bishops of England. Likely first introduced to the bishops during the Convocation of Canterbury on 3 April 1571, it was - according to the preamble itself - signed by all of them either personally or 'by the hands of their Proctors.'<sup>24</sup> In July or August of the same year, the book of Canons was delivered to Archbishop Grindal of York. His response was positive: saying 'he liked the book very well', he and the bishops of the Northern province subsequently lent their signatures to the document.<sup>25</sup> Grindal's approval is of no great surprise, although he would not have had a choice in whether to adopt the Canons himself. As we shall see, Grindal was a supporter of the use of lay cooperation to enforce conformity, particularly in his ongoing efforts to eradicate the remnants of the late Northern Rebellion and the alleged 'Papal agencies' supposedly continuing papist disobedience in the North.<sup>26</sup> Whether his metropolitanical visitation of the entire province was influenced by the Convocation of Canterbury and the subsequent Canons cannot be proven, but its date of commencement - May 1571 - and similarity of content makes this eminently possible.<sup>27</sup> Either way, visitation articles by Bishop Cox of Ely, and Bishop Guest of Rochester, all occurring by the end of 1571, quote the Canons verbatim concerning the duties of the churchwardens in term of religious regulation.<sup>28</sup>

Grindal's initial enthusiasm was tempered by his concern over its legitimacy, the Canons having never been ratified by the Lower House.<sup>29</sup> Once again details are sketchy on why this occurred. There is no evidence the Canons were ever presented to the House to then be rejected, although in writing his history of ecclesiastical councils of Great Britain and Ireland in 1737, David Wilkins stated that during the Convocation of 1563, the subsequent Canons 'received the subscription of the whole clergy of the Nether-house.'<sup>30</sup> Nevertheless, Archbishop Parker sought to dampen Grindal's fears that they lacked 'vigorum legalis' - not having been ratified by an Act of Parliament or Royal assent - arguing that even should the Canons be repealed, existing statutes meant none were in danger of 'praemunire-matter.'<sup>31</sup> The use of the Canons by Grindal as the

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<sup>24</sup> 'The Canons of 1571', 173.

<sup>25</sup> John Strype, *The Life and Acts of Matthew Parker*, Vol. II (Oxford, 1821), 60-61.

<sup>26</sup> 'Archbishop Grindal's Articles for the Province of York, 1571', 257.

<sup>27</sup> 'Archbishop Grindal's Articles for the Province of York, 1571', 257, 259.

<sup>28</sup> 'Cox's Articles and Injunctions for Ely Diocese, 1571', 298-299, 'Guest's Artcled for Rochester diocese', 332-337.

<sup>29</sup> Strype, *Parker Vol. II*, 60-61.

<sup>30</sup> David Wilkins, *Concilia Magnae Britanniae et Hiberniae a Synodo Verolamiensi A.D. 446 ad Londinensem A.D. 1717; accedunt Constitutiones et alia ad Historiam Ecclesiae Anglicanae spectantia* (London, 1737) mentioned in Collins, William Edward, *The Canons of 1571 in English and Latin, with notes* (London, 1899), 5.

<sup>31</sup> William Nicholson (ed.), *The Remains of Edmund Grindal* (Cambridge, 1847), 326-328.

authoritative basis of visitations going forward suggests he was satisfied. One plausible explanation for this is while the Canons seemingly never gained formal royal consent, it is likely that Elizabeth herself had read and approved them, and potentially even altered certain revisions.<sup>32</sup> While the mire of uncertainty as to their authorship and legitimacy will always surround the 1571 Canons, they do appear to be very much a response to the anxieties of the Elizabethan regime and her state church. Indeed, Patrick Collinson highlighted the impact the Canons had on the role of both combating seemingly non-conformist clergymen,<sup>33</sup> and consolidation and standardisation of the already existing role that churchwardens had in policing recusants and non-communicants, giving the example of a new system created in Northampton where ministers and churchwardens jointly would inspect households to study their worthiness to take Communion as per the Canons.<sup>34</sup>

By the 1570s, changes in circumstances allowed for a shift in ecclesiastical direction. The catastrophic dearth of qualified ministers from 1559 had resulted in a major relaxation of ministerial and preaching licensing laws to the extent that Latin was discarded as an inescapable requisite so long as good character references could be provided, and the lack of a degree also tended to be overlooked.<sup>35</sup> By the 1570s, the situation had improved to an extent that Elizabeth and her archbishops could consolidate their ministry and strengthen the standards needed for being granted a benefice.<sup>36</sup> With the monarch personally involved in these Canons, it is easy to understand why these particular injunctions included such stringent clampdowns on granting of benefices and preaching: seditious preaching was a personal bugbear for Elizabeth.<sup>37</sup> At a speech to the bishops of the realm in 1585, Elizabeth echoed the words of the then Archbishop Whitgift by seemingly declaring the end of the panic surrounding a lack of 'learned' preachers, declaring: 'I dare avouch, let all records be sought, and there was never that number of learned preachers that is in these days, and do and will increase daily more and more.'<sup>38</sup> The focus by the 1570s and 80s had thus shifted to improving the religious and intellectual standards of those permitting to preach, as well as weeding out all sermons and preaching not explicitly licensed: as per Canon LII, 'that the bishop may understand what sermons are made in every church in his diocese.'<sup>39</sup>

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<sup>32</sup> Collins, *Canons*, 8-10.

<sup>33</sup> Collinson, *Elizabethan Puritan Movement*, 247.

<sup>34</sup> Collinson, *Elizabethan Puritan Movement*, 352.

<sup>35</sup> O'Day, *Reformation of the Ministry*, 57-58.

<sup>36</sup> See Canon VI, 'The Canons of 1571', 175.

<sup>37</sup> Strype, *Parker Vol. II*, 61-64.

<sup>38</sup> S. Marcus Leah, Janel Mueller & Mary Beth Rose (eds.), *Elizabeth I: Collected Works* (Chicago, 2000), 181-182.

<sup>39</sup> See Canon LII, 'The Canons of 1571', 197.

How was this national campaign of parochial surveillance to be achieved? The aforementioned exhortation to episcopal scrutiny was actually in a Canon directed explicitly to ‘churchwardens and sidesmen’; indeed, these Canons saw the churchwardens formally incorporated into the nationwide effort to eliminate unlicensed preaching for the first time. They were to keep a ‘boke’ detailing each and every sermon preached in their parish, along with the preacher’s name, and ‘the name of the Bishop, of whom he had license to preach.’<sup>40</sup> This was to be restricted only to preachers who have come to the parish ‘from any other place.’<sup>41</sup> Each preacher ought to be interrogated by the wardens and sidesmen as to his licensing status, so that the unlicensed be exposed in a more direct fashion than the previous instructions which simply bade the wardens to detail any suspicions of such. Should this fail or should they lie, this ‘boke’ of sermons was to be made available to the bishop at a moment’s notice, whose officials would - hopefully - be able to detect any irregularities.<sup>42</sup> To make this simpler, all licenses for preaching granted before April 1571 were to be revoked and needed to be renewed.<sup>43</sup> This gave the episcopacy an opportunity to redefine what manner of preaching was to be outlawed:

... they shall take heed that they teach nothing in their preaching which they would have the people religiously to observe and believe, but that which is agreeable to the doctrine of the Old Testament and the New, and that which the catholic fathers and ancient bishops have gathered out of that doctrine. And because those articles of Christian religion agreed upon by the bishops in the lawful and godly convocation, and by their commandment and authority of our noble Princess Elizabeth assembled and holden, undoubtedly are gathered out of the holy books of the Old and New Testament, and in all points agree with the heavenly doctrine contained in them; because also the book of common prayers and the book of the consecration of archbishops, bishops, ministers and deacons contain nothing repugnant to the same doctrine, whosoever shall be sent to teach the people shall, not only in their preaching but also by subscription confirm the authority and truth of those articles. He that doth otherwise or troubleth the people with contrary doctrine, shall be excommunicated.<sup>44</sup>

As well as this stark warning to preach nothing unsanctioned by the articles of the Church, external preachers were to restrict their garments to those permitted by the *Book of Advertisements* of 1561, they were also not to teach ‘vain or old wives’ opinions’, nor ‘heresies’, nor ‘popish opinions.’<sup>45</sup> While these clarifications may have been welcome, there nevertheless still existed an enormous variety of interpretation possible on the ground level - the churchwardens of course being expected to report on any breaches at subsequent visitations.

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<sup>40</sup> See Canon XLIV, ‘The Canons of 1571’, 197.

<sup>41</sup> See Canon LII, ‘The Canons of 1571’, 197.

<sup>42</sup> See Canon XLIV, ‘The Canons of 1571’, 197.

<sup>43</sup> See Canon LXXI, ‘The Canons of 1571’, 197-198.

<sup>44</sup> Canon LI, ‘The Canons of 1571’, 197-199.

<sup>45</sup> ‘The Canons of 1571’, 199.

The importance in which contemporaries saw the Canons regarding improper preaching cannot be much overstated. It has been described as the most pressing issue for the church at the time of 1571,<sup>46</sup> and as late as 1609 Archbishop Bancroft quoted this 1571 Canons in his introduction to Jewel's *Works*, stating 'this is and hath been the open profession of the Church of England, to defend and maintein no other Church, Faith and Religion, than that which is truly Catholicke and Apostolicke.'<sup>47</sup> Do we then see a jump in presentments by the churchwardens for these troublesome wandering preachers? Unfortunately, individual 'books' kept by wardens that list sermons performed by outsiders do not appear to be extant. If, that is, they were ever kept at all - these sermon-books were seldom mentioned and not checked upon at visitations. Arnold Hunt has described the significant difficulty historians have in 'reconstructing the audience' of sermons due to sheer lack of evidence of the circumstances of their delivery; his 2010 work *The Art of Hearing* does not reference parochial preacher-books at all, despite preaching frequently appearing in churchwarden visitation presentments.<sup>48</sup> Grindal's own visitations of 1571 and his first upon becoming Archbishop of Canterbury in 1576 did ask for information on unlicensed preaching, but not to the extent of keeping a 'sermon book'.<sup>49</sup> If a warden were to keep a list of unlicensed clergy, they would be flagged during visitations or at regular consistory courts should one be so inclined. Indeed, the surviving evidence suggests that reports of unlicensed preaching only gradually increased after 1571, with the Canons having no immediate impact. At the Consistory Court of the Archdeaconry of Essex, for example, which would immediately have come under the jurisdiction of the Canons, while no presentments were made for 'unlicensed' preachers before 1570, only one was made during the 1570s. This being a Mr. Thomas Brayne, who unlawfully performed as curate for Cranham, and 'doth preache, being unlycensed, & allso of smalle learning.' A suspected papist, allowing for 'pictures of certayne Saintes', he was ordered to cease preaching, as well as expounding 'anie parte of the Scriptures, or of the Gospeles, or of the Episteles' without a license 'sub pena juris.'<sup>50</sup> As we shall examine later in the chapter, the evidence suggests that in both consistory and visitation courts it was only by the end of the century at the earliest that churchwardens began to report on unlicensed - or 'unknowingly' licensed - preaching in earnest.

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<sup>46</sup> Collins, *Canons*, 24-26.

<sup>47</sup> Collins, *Canons*, 76-77.

<sup>48</sup> Arnold Hunt, *The Art of Hearing: English Preachers and their Audiences, 1590 – 1640* (Cambridge, 2010), 187,249-255.

<sup>49</sup> See 'Grindal's Injunctions for the Visitation of York, 1571' and 'Grindal's Articles for the visitation of Canterbury, 1576'.

<sup>50</sup> William Hale (ed.). *A Series of Precedents and Proceedings in Criminal Causes extending from the year 1475 to 1640, extracted from Act-Books of Ecclesiastical courts in the Diocese of London, Illustrative of the Discipline of the Church of England*, (London, 1847), 168.

As well as this new weaponry against seditious visiting preachers, the Canons of 1571 bestowed upon the churchwardens a quite remarkable level of intuition regarding the policing of their own ministers. As with unlicensed preachers travelling from outside the parish, the qualifications and conduct of resident vicars, curates and parsons was a matter of pressing urgency for the Elizabethan regime. A report from Bishop Jewel to Archbishop Parker in 1561 regarding the state of the clergy in Wiltshire highlighted the extent of the issue. Of some 300 Wiltshire parishes, there existed in the county only 220 ministers - of which only 170 were resident in their parish, 194 were non-graduates, and 19 were 'unlearned' or 'utterly unlearned' in Latin.<sup>51</sup> These conditions were partially a consequence of post-Marian Church strategy. Naturally for the new Church, the priority in the years following the demise of state Catholicism was to re-establish regular church services so blighted by the lack of ministers. One of Parker's solutions was the appointment of 'readers' or 'lectors' - laymen given temporary powers to read prayerbook services, but without authority to administer sacraments.<sup>52</sup> Mass ordinations were another temporary answer to this problem.<sup>53</sup> Both these measures caused Parker a great deal of anguish - lectors and readers, while taken up in droves by the laity, were abandoned in 1562, and the inevitable collapse of clerical standards caused by the explosion of ordinations caused Parker to write to Grindal to demand an immediate increase in standards.<sup>54</sup> While services did indeed pick up to pre-1558 levels, the long-term consequences of these measures are what would preoccupy Parker and his successors. The focus thenceforth was the replacement of these temporary stand-ins and the creation of a dutiful and knowledgeable Protestant clergy. The ideal minister for the conformists would be a graduate, highly literate in Latin, diligent in his service, resident in his benefice, obedient in his religious proclivities, and chosen by consent of the bishops and congregations rather than via dubious secular patronage.<sup>55</sup> To gather the information necessary for such an overhaul, the Church turned towards the churchwarden.

The Acts and Injunctions of 1559 outlined what was expected of the clergy, but little was said as to how this would be enforced, and even less so that it would be the duty of the wardens alone to report on any breaches. In the Royal Injunctions of 1559, for example, several items describe the basic requirements for daily life for a minister. Fundamentals such as delivering of the sacraments, preaching a sermon at least monthly, which 'works of faith' were Canonical, due care for the poor

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<sup>51</sup> Martin Ingram, *Church Courts, Sex and Marriage in England 1570-1640* (Cambridge, 1988), 86-87.

<sup>52</sup> O'Day, *Reformation of the Ministry*, 59.

<sup>53</sup> O'Day, *Reformation of the Ministry*, 59-60.

<sup>54</sup> O'Day, *Reformation of the Ministry*, 58-60.

<sup>55</sup> O'Day, *Reformation of the Ministry*, 60-66.

and others are all touched upon as a general reminder to the clergy of the 1550s on what was now expected.<sup>56</sup> Beyond the scope of the following visitation, and subsequent general consistory courts, no new functionalities as to how this shall be achieved were mentioned - indeed, many of the items in both the injunctions and the Act of Uniformity regarding papist or superstitious practices are addressed to the nation as a whole, with no special regard as to the behaviour of the clergy.<sup>57</sup> Of most importance is the fact that none of these articles was directed to the churchwarden - as we observed in Chapter I, they were a general plea to all the congregation, with the role of the warden in the presentments a lot more uncertain than in the following decades.<sup>58</sup> Compare this to the Canons of 1571, and we see two landmark changes in the official relationship between minister and warden. Firstly, in a similar vein to the notorious 'strange' preachers, it was now under the auspice of the churchwarden to ensure that each vicar, curate and parson was lawfully licensed. Rather than a vague inquiry into their status before a court date, the churchwarden was to now check the 'letters' of any new curate, that they be signed by a bishop and signifying the appointment to that specific parish.<sup>59</sup> Within the same Canon is their second instruction regarding their own ministers - and perhaps the strongest sign yet that the Church of England was beginning a new era of confidence in their own lay officials. It reads:

'But if the parson, vicar or curate behave himself otherwise in his ministry, or that he read ill, darkly and confusedly, or that he live more loosely and licentious than is fit for a man of that calling, and thereby great offence be taken; the churchwardens shall speedily present him to the bishop that by and by he may be punished and amendment of his fault may follow.'<sup>60</sup>

Naturally, what would constitute 'dark' or 'confused' reading, or what exactly was 'loose' or 'licentious' living, was subject to a not inconsiderable amount of interpretation. For the first time, a warden presenting their minister did not have to painstakingly elaborate as to which specific injunction or article he was at fault for breaking - the office itself now had sanctioned political clout to present via their own individual judgements.

The remainder of the 1571 Canons that focus on the churchwarden involved duties that were already undertaken to some degree by most of England's lay officials. However, even among these we see a burgeoning of specific instructions as to how to combat misbehaviour, rather than an

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<sup>56</sup> 'The Royal Injunctions of 1559', 8-11.

<sup>57</sup> See 'The Royal Injunctions of 1559' and 'The Act of Uniformity, 1559'.

<sup>58</sup> As per Chapter I, while it is almost certain that churchwardens provided the bulk of, or at least were the central figures of presenters to court, it was not yet explicit.

<sup>59</sup> 'The Canons of 1571', 195-197.

<sup>60</sup> 'The Canons of 1571', 197.

ambiguous entreaty to stop such practices. For instance, in combating 'rude' or noisy behaviour within the congregation, or untimely ringing of bells, the wardens were now expected to deliver a list of offenders' names at 'all' subsequent visitations.<sup>61</sup> 'Vintners and Victuallers' selling their brews during congregation times, as well as any offenders of wicked or unclean moral behaviour (adultery, incest, drunkenness, and others) were to be admonished by the wardens in a 'brotherly and friendly' manner exactly once, before upon subsequent offences then to be brought to the minister to be more 'sharply and vehemently' reprimanded, before finally on the third offence to be denied church services, a de-facto excommunication, and presumably presented at court.<sup>62</sup> 'Light wanderers', peddlers and vagabonds in the churchyard or near the church during service, rather than just to be reported and admonished as previously, were now to be demanded to enter church or banished from the area by the wardens.<sup>63</sup> Lastly, while the penalty of twelve pence for repeat absence at church was maintained, the churchwarden was given a greater remit for enforcing attendance before arriving at that fate. They were to 'search and diligently enquire' for any parishioners who do not come to church or do so 'later or slower at the times appointed by laws.' Subsequent visitation articles even went as far as to command the wardens to 'leave the church and search the parish during service time' to find non-attendeers.<sup>64</sup>

There is a final point of interest evident in the Canons of 1571, one indicative of the broader argument that churchwardens were a deliberate product, not a symptom, of the ever-escalating Tudor administrative state. As with every significant government official, churchwardens were now to be policed in earnest as to their election, and proper undertaking of their commission. Eric Carlson has highlighted 1571 as the point that saw the first official instruction regarding how the wardens were elected - although by and large this probably just enforced what was already the case in the majority of parishes.<sup>65</sup> Canon LXXXIX stated that wardens ought to be 'chosen by the consent of their parishioners and their minister... as per the ancient custom of every parish', and the length of service was to be one year exactly, lest they be re-elected.<sup>66</sup> Ultimately this was to prevent the oligarchical selection-by-patronage that would hinder attempts at parochial reform that we already noted was being cracked down upon within ministers. Numbers of churchwardens per parish were not yet specified; but this measure would certainly have helped stigmatise the situation we encounter in

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<sup>61</sup> 'The Canons of 1571', 193-197.

<sup>62</sup> 'The Canons of 1571', 193-195.

<sup>63</sup> 'The Canons of 1571', 195.

<sup>64</sup> Kenneth L. Parker, *The English Sabbath: A Study of Doctrine and Discipline from the Reformation to the Civil War* (Cambridge, 1988), 63.

<sup>65</sup> Carlson, *Churchwarden*, 180.

<sup>66</sup> 'The Canons of 1571', 191.

Streathley in 1585, in which churchwardens were chosen by a lone 'chiefe of the parishe'.<sup>67</sup> While numbers of churchwardens were usually two per parish, in extreme cases due to parish size this could alter - from one at the small parish of Eastwell, to four in the urban parish of All Saints, Maidstone, both in Kent.<sup>68</sup> Either way, the numbers of churchwardens and sidesmen respectively was almost always an even number. Their election date too was not yet specified, but usually it was at Easter Week - this would later be sanctioned as official by the Canons of 1604.<sup>69</sup>

With the parish churchwarden now an unmistakable agent of the church hierarchy, they would need not only fear of punishment for dereliction of duty to function well, but also enough political clout to be able to disrupt the time-honoured parochial religious community of early modern England. Albeit in a modest manner compared to later decades, it was in the year 1571 that we begin to see the state defend their new agents by threatening their opponents with sanctions themselves. The Canons regarding churchwardens ends with: 'if any do rail upon them, or go to law with them, for doing their duty, and detecting of offenders, that also shall present unto the bishop, that by his means and travail they may more easily be delivered from that trouble.'<sup>70</sup> As we shall see later in this chapter, helping churchwardens in their duty by persecuting their molesters was counterbalanced by a greatly increased level of scrutiny and punishments for wrongdoing. Nevertheless, it was by the 1570s that the churchwarden experiment began in earnest, never to be diluted until after 1640, but always to be changed, enhanced, and debated upon.

### iii. Parker to Grindal - Churchwardens at Court after the Canons of 1571

With very little evidence remaining surrounding the practicalities of drafting the new Canons, it remains unclear why Archbishop Parker - who as we discussed in the previous chapter did not seem overly keen to increase the responsibilities of lay officials during his visitations - oversaw such a significant increase in the scope of their power and accountability in 1571. An answer can be found when one factors in the change in overall Church strategy by the 1570s. The campaign to remove papist objects from the church, as presented in most churchwardens' accounts, is broadly regarded as being a success;<sup>71</sup> yet the various injunctions drafted by Parker before 1571, in contrast to other bishops such as Guest and Parkhurst, did not extend the reach of the churchwarden much beyond

<sup>67</sup> Farmiloe, & Nixseaman, *Bedfordshire Elizabethan Churchwarden Accounts*, 9.

<sup>68</sup> Daeley, John I., *The Episcopal Administration of Matthew Parker, Archbishop of Canterbury, 1559-1575* (Unpublished doctoral thesis, University College London, 1967), 103.

<sup>69</sup> Farmiloe, & Nixseaman, *Bedfordshire Elizabethan Churchwarden Accounts*, xi.

<sup>70</sup> 'The Canons of 1571', 197.

<sup>71</sup> For a summary see Eamon Duffy, *The Stripping of the Altars* (Yale, 2005), 478-503 and 565-593.

that of administering recusancy fines.<sup>72</sup> With the focus then being on restoring the competency and conformity of the clergy, and monitoring unlicensed preaching, it seems that it was then necessary to further incorporate the manner of parochial cooperation and espionage that came with the civic authority of the churchwarden. This coincided with a growing concern that too little was being done to combat puritanical disloyalty to the queen, manifesting itself in schismatic preaching within the parishes spearheaded by anti-episcopal ministers.<sup>73</sup> The same Convocation that produced the Canons were aware of the dual threat from both the puritans and the papists, producing two separate 'protestations' to be said by suspected papists or puritans. Both began with the exhortation: 'I do profess and confess before God, that I do firmly believe in my conscience that Queen Elizabeth, my Sovereign Lady, now reigning in England, is rightfully and ought to be and continue Queen, and lawfully beareth the regal crown and power of this realm: and so to be obeyed.' Suspected papists must then have continued with 'notwithstanding any act or sentence, that any Pope or Bishop hath done or given', whereas their puritan equivalents would have stated 'notwithstanding any act or sentence, that any church, synod, consistory, or ecclesiastical assembly had done or given, or can do or give.'<sup>74</sup> Unlicensed puritanical preaching, and the saying of prayers in 'the Genevan form', was sufficiently widespread by 1571 that Elizabeth herself wrote to Parker and his commissioners ordering that the churchwardens of each parish be tasked with ending such practices in their parish.<sup>75</sup> By the 1570s, the creation of the ideal denominational accord within the parish church necessitated the cooperation of fully invested government officials within the congregation. We will subsequently examine visitations by Archbishops Parker and Grindal in the 1570s to adjudge whether these measures had immediate effect.

The Church of England was of course not an autocracy; the predilections of the Archbishops of Canterbury and York would not have complete dominance over the direction of the Church and its strategy in combating non-conformity. It is however fair to say that both the archbishops possessed considerable influence, even indirectly, upon the actions of their subordinate bishops and archdeacons during visitations. At times of perceived strife, an absent bishop, upon the enactment of new injunctions or Canons, or at the beginning of an archiepiscopate, it was common for archbishops to temporarily usurp the role of a bishop or archdeacon and undergo their own visitation of a diocese of archdeaconry, such as Parker did so for the Archdeaconries of Canterbury in 1569, and

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<sup>72</sup> Compare the visitations of Norwich by Parker in 1567 and Parkhurst in 1569, and Guest's Articles for Worcester in 1565, in Frere, and Kennedy, *Visitation Articles Vol. III*, 161-269.

<sup>73</sup> Strype, *Parker Vol. II*, 64-65.

<sup>74</sup> Strype, *Parker Vol. II*, 64.

<sup>75</sup> Strype, *Parker Vol. II*, 65.

Grindal did for the Archdeacons of York in 1571.<sup>76</sup> Even were this not the case, for the historian each archbishop serves as both a potent influencer on church strategy, as well as a physical representative of attitudes within the ecclesiastical hierarchy itself. Indeed, while Parker was instrumental in conceptualising the 1571 Canons, it was signed and agreed upon by each incumbent English bishop as well.<sup>77</sup> It is then common to see the Elizabethan Church as divided into the 'reigns' of the three Archbishops of Canterbury that served under her: Parker until 1575, Grindal until 1583, and lastly John Whitgift, who died only a year after Elizabeth herself. In our study, these dates are not arbitrary. The ordered nature in which visitation articles were agreed upon means that for the churchwarden, these three eras did reflect considerable changes in their office, emanating from the top. While none of these archbishops wrote on the churchwarden extensively, the evidence regarding their attitudes to lay officials seems to be paralleled with how the wardens behaved at ecclesiastical courts.

Archbishop Parker conducted a visitation of Canterbury Cathedral and diocese himself in September 1573, seemingly in response to an alleged obstinacy among the dean and prebendaries regarding the new statutes. The fact that Parker saw fit to also ask for presentments from the rest of the diocese after his own investigation into the cathedral suggests such problems were seen to be widespread throughout the entire diocese.<sup>78</sup> The year of this extensive visitation is of most use to us, as the *detecta* book has not only survived well, but it is also a couple years after the new settlement on the churchwardens emanating from the Canons.<sup>79</sup> Other visitations from 1571, for example in York and at Ely, were more unclear as to whether they are directly influenced by the new Canons or not; furthermore, as they took place at earlier times in 1571, it was likely the incumbent churchwardens of those diocese were elected before their new roles were agreed upon.<sup>80</sup> This visitation seems to have been of personal importance to Parker himself, being one of only three or four he personally oversaw during his tenure - the appointment of six official 'visitors' as part of his

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<sup>76</sup> For Parker's visitation of the Archdeaconry of Canterbury see Claude Jenkins (ed.), 'An Unpublished Record of Archbishop Parker's Visitation 1573' in *Archaeologia Cantiana Vol. XXIX* (Kent, 1911). For information on Grindal's visitation of the north, see William Nicholson (ed.), *The Remains of Edmund Grindal* (Cambridge, 1843), 125-129.

<sup>77</sup> Strype, *Parker Vol. II*, 60-61.

<sup>78</sup> Strype, *Parker Vol. II*, 300-302.

<sup>79</sup> We are using a transcription by Claude Jenkins, in Claude Jenkins (ed.), 'An Unpublished Record of Archbishop Parker's Visitation 1573' in *Archaeologia Cantiana Vol. XXIX* (Kent, 1911). Jenkins does not state sufficiently that his transcription is an extensive reproduction of the original document, but a look at the manuscript kept at Lambeth Palace shows that Jenkins' has transcribed the document in full, parish-by-parish and deanery-by-deanery, giving us the opportunity to make statistical observations and comparisons. Lambeth Palace, VG4/8, folios 1-38.

<sup>80</sup> Frere and Kennedy, *Visitation Articles Vol. III*, 298.

commission, the largest number of such yet and all nationally renowned figures, only strengthens the argument that this was a visitation of some significance.<sup>81</sup> Parker drafted a new set of sixteen injunctions for the clergy of the cathedral, but it appears that he did not see fit to change his articles much concerning the laity and the churchwardens. Indeed, the set drafted for 1573 seems virtually identical to those used in 1569, with only a few small words changed that do not affect our own analysis.<sup>82</sup> As we shall see the returns show some marked difference between their equivalents in 1569, suggesting even without a new set of articles, the focus of the visitation was reflective of the new ecclesiastical strategy.

If we were to compare Parker's visitation of Canterbury diocese in 1573 to that of Archbishop Harpsfield in 1557, perhaps the most glaring change was the complete collapse in presentments regarding improper church fabric and objects. No mention was made, for example, of any surviving altars. Previous visitation reports from Canterbury mention that the flooring where the altar or 'altar stone' stood has not yet been 'paved' or decorated - but one only such mention occurs after the 1560s.<sup>83</sup> As with most visitation books, disrepair of church edifices and missing inventory are recurrent throughout, yet mentions of any papist or 'superstitious' items remaining in the parish church or being owned privately, as was to be reported on, were now very rare.<sup>84</sup>

One of two reports of a 'superstitious' object existing appears at St. Margaret's, Canterbury - along with a plethora of complaints from the wardens regarding their minister, Mr. William Lovell. The walls of the chapel have 'not made up where the altar stooode', contrary to Parker's injunction demanding the altar ought be replaced to look as if it had never been there at all.<sup>85</sup> Furthermore, they reported, 'there is in the Sealinge certayne superstitious payntings.'<sup>86</sup> It is likely that Mr. Lovell was not in a particular rush to ensure the ceiling was painted over. In direct opposition to official ordinance, Lovell administered communion to parishioners who could not say the Ten Commandments, Articles of 'Beliefe', and the Lord's Prayer. The communion service itself was brief, and Lovell, being 'very unquiete and a greate disturber of the parishioners', did 'chydeth with the comonicants.' Lovell being 'suspect in Religion', as the wardens described, would not have been a particularly ground-breaking presentment during this era, but there were two distinctions from the

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<sup>81</sup> Daeley, *Parker*, 94.

<sup>82</sup> Strype, *Parker Vol. II*, 302, 'Parker's Articles for the Diocese of Canterbury, 1573', 366.

<sup>83</sup> Transcribed in Arthur Hussey, 'Visitations from the Archdeacon of Canterbury', in *Archaeologia Cantiana Vol. 25* (1902), 31, *Vol. 26* (1904), 17, 47, *Vol. 27* (1907), 219.

<sup>84</sup> See 'The Visitation of Canterbury 1573'.

<sup>85</sup> 'The Visitation of Canterbury, 1573', 274.

<sup>86</sup> 'The Visitation of Canterbury, 1573', 274.

wardens which illuminate their growing authority and communication with the ecclesiastical hierarchy. Firstly, the wardens alleged 'Mr Lovell goeth not decently in his apparel, for hys gownes be of changeable colours not decent for a minister to weare'. The language used echoes the Canons of 1571, which for the first time spoke of ministerial clothing even outside of service time. At no time must a minister present himself as a layman, 'either in apparel or in any part of his life',<sup>87</sup> but must at all times wear 'sober apparel' as per the Advertisements of 1566.<sup>88</sup> The unspecific inappropriateness of Lovell's colourful clothing suggests a level of authoritative interpretation and forthrightness that becomes more apparent at the 1500s progress: such a presentment would likely not have been made before 1571. The parson of Dymchurch was similarly presented for he 'goeth not comely not decent', and did not wear apparel as other parsons ought to.<sup>89</sup> Secondly, the ambiguity of the Canons regarding what ministerial behaviour was worth presenting, even that which was considered 'dark' or 'confused', likely contributed to the churchwardens informing the visitation court that Lovell 'goeth mumblinge suspiciouslye undecent prayers to hym selfe and goeth about to make noe agreement with his parishioners.'<sup>90</sup> Despite this new innate level of espionage, it is not known whether Lovell changed his ways: he was recorded as still being in the post a full three years later, and it is unclear whether he had died or left the position by the time of his successor in 1581.<sup>91</sup>

Defaults in religion were clearly only to be reported on in the extreme, the focus remained on non-attendance at church - 'outward conformity'. Examples of extreme religious beliefs included Robert Master of Woodchurch, who appeared to be positively atheist in belief, having 'holde errors and Ironius opinions contrary to the christian Religion, for that he denyeth that god made the Sun, the Mone, the earth, the water, and that he denyeth the resurrecon of the deade.'<sup>92</sup> Behaviour such as this would undoubtedly have raised eyebrows - or much worse - even before 1571, but such presentments remained rare. Reports for non-attendance at church were nonetheless quite frequent and range from those who seemingly never attend church to those who did so seldomly. As with most visitation reports, this suggests that what constitutes a length of non-attendance worth reporting varied by parish and by churchwarden: at St. Martin's, a man was presented for non-attendance for a full 'two or three years', whereas at Stockbury, Henry Croude and Edward Rhyme

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<sup>87</sup> 'The Canons of 1571', 189.

<sup>88</sup> 'The Canons of 1571', 187.

<sup>89</sup> 'The Visitation of Canterbury, 1573', 313.

<sup>90</sup> All presentments regarding Mr. Lovell can be found at 'The Visitation of Canterbury, 1573', 274.

<sup>91</sup> 'William Lovell' (CCEd, Person ID 46221).

<https://theclergydatabase.org.uk/jsp/persons/CreatePersonFrames.jsp?PersonID=46221>, accessed 27/01/2022 at 15:06.

<sup>92</sup> 'The Visitation of Canterbury, 1573', 314.

were presented to court for missing two Sundays from church within the span of six months.<sup>93</sup> With this level of variation, it is very difficult to ascertain the success rate for the wardens in enforcing church attendance diocese-wide, but it does demonstrate their authority in deciding such matters.

Conversely, with the 'vestments controversy' continuing to engulf the church, the churchwardens did address the issue of missing surplices. The surplice had become something of a concern for hardened puritans, and had been protested against by many returning Marian exiles. Patrick Collinson has gone as far to describe the surplice as the 'most emotive of all symbols of popish past', highlighting a situation in Essex where the minister was afraid to don one from fear of retribution from his own parishioners.<sup>94</sup> Within the visitation of 1573, the non-use of a surplice often coincided with another act of non-conformity, such as the use of a baptismal 'bason' at Hothfield.<sup>95</sup> Overall, twelve parishes reported a default in the use of the surplice in some manner. This was a significant increase compared to 1569,<sup>96</sup> although the minister for Westcliffe, reported in 1569 that he 'doth his service sometimes in a surplice and sometimes without one', continued to do so four years later, where he 'doth wear a surplice never but when he doth minister the communion.'<sup>97</sup> The ministers at Nether Harde, St. Mary's at Dover, and Postlinge, all were presented for refusal to wear the surplice, and at Middleton, this coincided with a minister refusing to permit the singing of psalms, likely due to perceived superstitious tradition.<sup>98</sup> The refusal to wear a surplice was clearly a deliberate choice for these ministers; although at times a parish would report a lack of such a garment altogether, as did the parish of St. Mary Bredman, Canterbury.<sup>99</sup>

The same line, that the parish 'has no surplice', was also recorded at Raynham with the churchwardens also reporting that the parish had been receiving communion using 'common bread'.<sup>100</sup> The proper character of the bread used during Holy Communion had become a topic of contention among clerics in the early 1570s. Christopher Haigh wrote in 2003 of the contention between the use of bread versus the use of wafers throughout the Elizabethan era, with wafers thought as popish by many Protestants, yet endorsed by Elizabeth and Parker. Bread would begin to

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<sup>93</sup> 'The Visitation of Canterbury, 1573', 278, 298.

<sup>94</sup> Patrick Collinson, 'English Puritanism', in *The Historical Association, General Series 106* (London, 1983), 30.

<sup>95</sup> 'The Visitation of Canterbury, 1573', 309

<sup>96</sup> Although not a complete transcription due to decay of some texts, Arthur Hussey's transcription for the visitation of 1569 contains only one presentation for surplice use. See 'Archbishop Parker's Visitation, 1569' Part III, 112.

<sup>97</sup> 'Archbishop Parker's Visitation, 1569' Part II, 112, 'The Visitation of Canterbury, 1573', 290.

<sup>98</sup> 'The Visitation of Canterbury, 1573' 298.

<sup>99</sup> 'Archbishop Parker's Visitation, 1569' Vol. III, 112.

<sup>100</sup> 'The Visitation of Canterbury, 1573', 296.

win out following Parker's death in 1575, before being dominant by the Canons of 1604.<sup>101</sup> Parker wrote frequently to William Cecil clarifying the type of bread that was to be used during his tenure, once having taken communion with Cecil and been alarmed that the Secretary of State was unaware of any law prohibiting that the bread 'be of such bread that is usually eaten at the table with other meats, &c.'<sup>102</sup> 'Most part of Protestants', Parker continues, 'think it most meet to be in wafer-bread, as the injunction prescribeth; divers others, I cannot tell in which spirit, would have the loaf-bread.'<sup>103</sup> He later clarifies that while it had been previously stated that common bread may be 'sufficient' as a necessity, efforts should always be made to adopt the wafer-bread; this ambiguity has led some that thought the wafer-bread 'superstitious' to think it would be acceptable to continue to use common table bread.<sup>104</sup> Although the specific article list for this visitation is not extant, it seems very likely that Parker undertook specific and vigorous measures to root out the use of 'common bread' in the communion, which was a default on par with refusal of the surplice. Parker had previous history of annoyance at the provision of correct bread by lay officials, decrying the churchwardens of London had been 'making a trouble and difficulty' in supplying surplices and wafer-bread to their parishes.<sup>105</sup> Through encouragement or intimidation, this visitation seems to have been successful in indicating to Parker just how widespread the issue of common bread was.

As at Raynham, parishes that saw a minister refusing a surplice would often also report that their communion was performed with 'common bread'; the surplice and wafer-bread both being seen as a superstition. Forty-three parishes reported the use of common bread, with only one reporting that 'wafer cakes' were used 'sometymes', making it likely that the others conversely never used the 'correct' version.<sup>106</sup> What is striking about this is the apparent spontaneity of these presentments - no other visitation appears to have focused so heavily on the use of bread. To take the Archdeaconry of Sandwich as an example, of the 20 parishes to attend the 1573 visitation, eleven reported on the use of 'common bread', whereas in the visitation of 1569, not a single mention of communion bread was made.<sup>107</sup> Clearly, the churchwardens of 1573 had responded quickly to an issue that Parker and the visitors had made somewhat of a priority.

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<sup>101</sup> Christopher Haigh, 'Communion Bread in Post-Reformation England', *History*, Vol. 88 (2003), 393-404.

<sup>102</sup> John Bruce and Thomas Thomason Perowne, (eds.), *The Correspondence of Matthew Parker, D.D.* (Cambridge, 1853), 375.

<sup>103</sup> Bruce and Perowne, *Parker*, 376.

<sup>104</sup> Bruce and Perowne, *Parker*, 377.

<sup>105</sup> Bruce and Perowne, *Parker*, 278.

<sup>106</sup> Wafer-cakes are mentioned in the report from Preston, 'The Visitation of Canterbury, 1573', 283.

<sup>107</sup> 'Archbishop Parker's Visitation, 1569', Part II, 209-213. 'The Visitation of Canterbury, 1573', 284-290.

This speedy compliance with Church authority is further represented by mentions of the 'Queen's Injunctions' by the wardens themselves. Four clergymen were presented for 'not reading the Queen Majesty's Injunctions', which had been prescribed to be read to the congregation at least once a year.<sup>108</sup> Presentments for not reading the injunctions seem at a similar level to those in Canterbury in 1569,<sup>109</sup> but more so than diocesan visitations earlier in the 1560s, suggesting a consolidation of their known authority in the parishes, particularly in the south.<sup>110</sup> Furthermore, breaches of standards 'as per the injunctions' appears to be a common phrase in the visitation of 1573. The scribe for the visitation frequently, but inconsistently, referred to faults in apparel,<sup>111</sup> communion,<sup>112</sup> reading,<sup>113</sup> and poor relief<sup>114</sup> as being in direct contradiction to the 1559 injunctions; while clearly influenced by them, visitations in 1573 did not yet refer to the Canons of 1571 directly. At Sturrey, we encounter a very rare situation where individual articles or injunctions were referenced directly, and by number, which gives us a valuable insight into how exactly these rules were interpreted. Two presentments were made, regarding Elizabeth Saunders and the vicar, that are said to be in breach of 'the xviith article' and the 'xth article' respectively.<sup>115</sup> Elizabeth Saunders' default is not otherwise described, but the vicar's is linked to teaching children. These do not refer to Elizabeth's injunctions, but to Parker's own visitation articles, which as previously mentioned were reproduced virtually verbatim in 1567 and in 1569.<sup>116</sup> Which of the plethora of moral defaults regarding blasphemy, irreligion and fornication in article XVII Elizabeth Saunders was guilty of is not mentioned, nor was the extent to which the vicar did not teach the parish's children to fear God and 'be obedient to their prince'.<sup>117</sup> It seems that repeated use of the same articles had started to produce some sort of bureaucratic consolidation in the mindset of the wardens and the visitors; this is reflected throughout the period as several new ordinances to begin to be reported on in earnest.<sup>118</sup> While we must not get carried away and assume the wardens began their presentments by referring to individual articles, they at the least presented in a manner that the visitation clerk could easily identify as pertaining to distinct articles. Churchwardens began to be more confident in

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<sup>108</sup> 'The Visitation of Canterbury, 1573', 283.

<sup>109</sup> See 'Archbishop Parker's Visitation 1569', parts I, II & III.

<sup>110</sup> For example see the transcripts of 'The Visitation of the Northern Province, 1559', or 'The Visitation of York, 1567' in the bibliography.

<sup>111</sup> 'The Visitation of Canterbury, 1573', 297.

<sup>112</sup> 'The Visitation of Canterbury, 1573', 304.

<sup>113</sup> 'The Visitation of Canterbury, 1573', 312.

<sup>114</sup> 'The Visitation of Canterbury, 1573', 316.

<sup>115</sup> 'The Visitation of Canterbury, 1573', 277.

<sup>116</sup> 'Archbishop Parker's Visitation Articles, 1569', 358-360.

<sup>117</sup> 'Archbishop Parker's Visitation Articles, 1569', 358-360.

<sup>118</sup> See later in the Chapter on the increase in presentments for unlicensed ministers.

their familiarity with the specifics of their various articles, Canons and injunctions, which would eventually peak upon the creations of the Canons of 1604.

Missing books of 'the Bible of the largest volume', the homilies, the *Paraphrases*, and others litter the accounts, but most of this was likely due to the impoverished nature of English parishes during this time.<sup>119</sup> Even more urban parishes seem to be affected by this - St. Andrew's of Canterbury reported having no Book of Homilies, and only old, 'torne' and 'rent' copies of the Book of Common Prayer and the Bible.<sup>120</sup> This was, according to the wardens, due to their 'last parson' who took away newer copies of these books, as well as others, when he departed the parish. If we look at the surviving churchwardens' inventory accounts from St. Andrew's, the churchwardens sporadically purchase new books in the following years, including 'The Articles', a new 'Canon' book, and a new 'service book' - as well as twenty-two pence paid to a Mr. Wallis 'for the lacking of our books.'<sup>121</sup> A new Bible was acquired only a year after being reported at the visitation. It appears that at St. Andrew's, they only suffered a lack of books for a few years - but at other parishes, the situation appeared endemic. The *Paraphrases* were particularly rare, missing from twenty Canterbury parishes.<sup>122</sup> The question as to who exactly paid for such books is hard to ascertain. As per Injunction VI in Elizabeth's 1559 injunctions, the 'charges of the *Paraphrases* shall be by the parson or propriety and parishioners borne by equal proportions.'<sup>123</sup> This passage, confirmed by the *Interpretations* in 1569<sup>124</sup> and repeated in visitation articles such as Grindal's for York in 1571,<sup>125</sup> is clear that it is the parishioners as a whole who ought to burden half the cost. However, it was often the churchwardens only who would receive the flak should this large and expensive volume be lacking.<sup>126</sup> John Craig has argued that the pressure of this system led to many churchwardens shouldering the burden alone, a known risk that meant that churchwardens from the poorest of society simply did not have the means to undertake the role, even though officially there was no cost associated.<sup>127</sup> There was potentially an incident of this in 1573 regarding the *Paraphrases*. The

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<sup>119</sup> Daeley, *Parker*, 101.

<sup>120</sup> 'The Visitation of Canterbury, 1573', 275.

<sup>121</sup> H. Michael Whitley (ed.), 'The Churchwardens' Accounts of St. Andrew's and St. Michael's, Lewes from 1522 to 1601', in *Sussex Archaeological Collections*, Vol. 45 (Lewes, 1902), 56-61.

<sup>122</sup> See 'The Visitation of Canterbury, 1573'.

<sup>123</sup> 'The Royal Injunctions of 1559', 10.

<sup>124</sup> W.P.M. Kennedy, *The "Interpretations" of the bishops & their influence on Elizabethan episcopal policy* (London, 1908), 88.

<sup>125</sup> 'Archbishop Grindal's Articles for the Province of York, 1571', 283.

<sup>126</sup> In the printed *Interrogatories* for Bishop Parkhurst's visitation of Norwich in 1561, the *Paraphrases* was the duty of 'the churchwardens and others.' See *Parkhurst's Injunctions and Interrogatories for Norwich, 1561*, 101.

<sup>127</sup> Craig, *Politics and Polemics*, 44.

parson of the parish of Hawkins allegedly owned a private copy of the *Paraphrases*, and was willing to use it during service should half the cost be provided by the churchwardens, but 'to their only default', this had not happened.<sup>128</sup> The parish continued to report that they 'lacke' the *Paraphrases of Erasmus*.<sup>129</sup> While this was unlikely to be a condemnation of the wardens for not using their own money, it certainly strengthens the argument that the wardens were under considerable pressure to provide such books in whatever manner possible. Conversely, the churchwardens of 'Magna Hards' parish (now Upper Hards) seem to suggest that they could afford the *Paraphrases*, but their elusive, non-resident parson, who had other benefices 'but we knowe them not', had not paid for his half.<sup>130</sup>

Lastly, it is worth examining the condition of the clergy in Canterbury in 1573. As previously mentioned, an issue of grave importance for Parker and the queen. Non-residency appeared rampant, with approximately one-sixth of parishes having a non-resident vicar, parson or curate.<sup>131</sup> Mass presentations for ministers possessing dual benefices was thus an inevitability. Performance of certain rites was also very infrequently administered. Fulfilment of duties regarding quarter sermons seems particularly patchy, and churchwardens seemed to have no hesitation at all at presenting ministers who missed just one of their required four annually, although many parishes did indeed have no quarter sermon for the entire 'twelvemonth'.<sup>132</sup> What is of particular curiosity about these returns is the number of laymen who were continuing to perform services; as discussed, this desperate measure from the earliest years of Elizabeth's reign ought to have ended by this date, and ensuring their abolition became a priority for Parker. Extended non-residency seems to have exasperated this, as was the case in Appledore where the minister, being non-resident for two years, had allowed 'his benefice... to lay men.'<sup>133</sup> At Eastwell, in the deanery of Charing, the wardens reported that their parish has no parson at all; according to the CCEd database, this was a temporary occurrence in 1573 alone after the death of their previous parson, Gregory Clemens.<sup>134</sup> Services were thus performed by 'their Clarke or a reader'. 'Readers', as we discussed earlier, had been abolished as a sanctioned office in 1562 (although already ordained readers continued), and were by the 1570s a target of complete elimination.<sup>135</sup> Eastwell was in fact one of eight instances of a parish still using a

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<sup>128</sup> 'The Visitation of Canterbury, 1573' 290.

<sup>129</sup> 'The Visitation of Canterbury, 1573' 290.

<sup>130</sup> 'The Visitation of Canterbury, 1573', 283.

<sup>131</sup> As collated by the transcriber Claude Jenkins (ed.), 'An Unpublished Record of Archbishop Parker's Visitation 1573' in *Archaeologia Cantiana Vol. XXIX* (Kent, 1911), 272.

<sup>132</sup> 'The Visitation of Canterbury, 1573', 305,317.

<sup>133</sup> 'The Visitation of Canterbury, 1573', 313.

<sup>134</sup> Eastwell (CCEd, Location ID 130). <https://theclergydatabase.org.uk/jsp/locations/index.jsp> accessed 09/02/2022 at 11:48

<sup>135</sup> O'Day, *Reformation of the Ministry*, 58-60.

reader in Canterbury diocese in 1573. The wardens seem aware of the inadequacy of the use of readers, such as at Ewell, where 'theire church is served with a reader who is a servaunte, his name is Henry, they knowe no more of his name', or at Kingsdon, where 'they are served by a reader only.'<sup>136</sup> Despite the attempt to dissolve the readers and lectors in the early 1560s,<sup>137</sup> it seems that the readers that did continue to exist still required a license from their ordinary: while official 'readers' are not mentioned in the articles for this visitation, as recently as 1571 Bishop Guest had demanded the wardens check the license status of any readers in his own diocese.<sup>138</sup> Hence at Tenterton in 1573 it was reported 'they have a chapell were is a Reader, whether he be licensed or not, they knowe not.'<sup>139</sup> This was in fact one of only three instances of defaults regarding licenses: one reader, at Tenterden, and also one schoolmaster, and one curate.<sup>140</sup> Each time, the wardens express their lack of knowledge as to whether they were satisfactorily licensed. This is a slight increase in such presentments compared to 1659, but was still low compared to later dates.<sup>141</sup> Perhaps the concept of an unlicensed preacher or minister had not yet been consolidated in the mindset of the office of churchwarden - although that may have happened swiftly after this newest crackdown by Parker.

At times, it was the reaction of the authorities, not the reticence of the churchwardens, that prevented problematic ministers from being reformed or replaced. Staying with Canterbury diocese in 1571, for instance, the churchwardens of East Sutton presented their minister Robert Welles to their archidiaconal visitation court. As well as his negligence in the service, having performed services on Wednesdays and Fridays seldomly, and late on Sundays, he also seemed to have had a positively antagonistic relationship with many of his parishioners.<sup>142</sup> 'He doth use suche unreasonable tearmes and tauntes againste the parishioners with such brawling words as are not meete nor comely for any minister to doe in the pulpit', reported the wardens, beseeching him to air out any private grievances with the congregation outside of service times.<sup>143</sup> Despite this enmity, the wardens were 'very loathe to present anythinge againste our vicar because dyvers times heretofore there hath been matter presented against him and no reformation of the same.' Mr. Welles would then go on to berate the churchwardens from the pulpit, labelling them 'perjurers and falsely

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<sup>136</sup> 'The Visitation of Canterbury, 1573', 291, 297.

<sup>137</sup> O'Day, *Reformation of the Ministry*, 57-58.

<sup>138</sup> 'Guest's Articles for Rochester Diocese, 1571', 336.

<sup>139</sup> 'The Visitation of Canterbury, 1573', 310.

<sup>140</sup> 'The Visitation of Canterbury, 1573', 283, 293, 311.

<sup>141</sup> Particularly the visitations of Norfolk we will examine later. NRO, DN/VIS 2/1, 3/1/1, 3/1/2, 3/1/3.

<sup>142</sup> Daeley, *Parker*, 107.

<sup>143</sup> Daeley, *Parker*, 107.

forsworne'.<sup>144</sup> The wardens did at this time manage to get a court date for Mr. Welles, but he would die the following year and it is not known whether he did reform or not.<sup>145</sup> Intimidation like this also occurred at Harty, Kent, in 1574. The curate of the parish reported to archidiaconal visitation that 'Humphrey Carden dyd counsel the churche wardens of Hartye that they should but in no byll of presentment concerninge redresse of thinges amysse, but that they should informe all thinges to be well, contrary to their othes, and dyd threten them that if they dyd presente any thinges amys that they dyd it of malyce which is an untruthe.'<sup>146</sup> With instances like this being flagged, we can do little but wonder at how many other ministers successfully used their influence in the parish to silence or intimidate the wardens, and it is a possible explanation as to why the existence of 'readers' seemed so readily presented, but unlicensed ministers were not. We shall see later in the chapter whether the authority of the wardens ever became advanced enough to combat their ministers at a higher frequency.

What can the visitation of 1573 tell us about how the churchwardens responded to the recent Canons? Compared to the likely number of parishes eligible, these returns suggest about two thirds of parishes had their churchwardens report at least some form of default. Many of these of course remained the types of problems that would be reported at visitation even before the Reformation, such as moral crimes, or church disrepair - indeed, about one third of the presentments report some sort of damage to church fabric, ranging from lack of window glazing to a chancel having been completely burned to the ground at Marden, unrepaired since the early years of Queen Mary.<sup>147</sup> However, we do see a reasonably healthy number of presentments for some of the more pressing religious issues at the time, including ministerial apparel, non-residence, dual benefices, infrequent sermons, and the use of the laity in reading or preaching. The compliance rate among the churchwardens remained reasonably high and in-line with attendance at other church courts in this period. More importantly, there is evidence of an understanding of their growth in authority, with frequent referrals to their role as arbitrators of the injunctions.<sup>148</sup> Presentments for hindering the work of the churchwarden, as newly included in the Canons, do not appear in 1573, but we do see a slight increase in churchwardens being reprimanded for negligence in their role. This was often to do with missing inventory lists, and incumbent wardens were more than willing to present their predecessors for not keeping sufficient 'accounts of themselves'.<sup>149</sup> One thing to keep in mind, is that

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<sup>144</sup> Daeley, *Parker*, 107.

<sup>145</sup> Daeley, *Parker*, 107.

<sup>146</sup> Daeley, *Parker*, 107-8.

<sup>147</sup> 'The Visitation of Canterbury, 1573', 275, 308.

<sup>148</sup> For example see 'The Visitation of Canterbury, 1573', 283.

<sup>149</sup> 'The Visitation of Canterbury, 1573', 279.

the success of the visitation system, and the success of the churchwarden as a newly invigorated office, while linked, could at times be at odds. The wardens of Staplehurst, for example, seem exasperated at the state of their glass windows - in only the second report of idolatry in the visitation - so grievous that they are an 'offence to godds people'. This had in fact been 'ofte presented', yet 'no Reformacon therein had'.<sup>150</sup> The wardens had thus behaved appropriately, and resorted to the peak of their powers in this regard - presentation at ecclesiastical court - yet it was the parishioners themselves who remained obstinate.

Once the wardens had flagged dissentious or licentious behaviour, it was then the domain of the ecclesiastical court system to dish out punishments. For the 1573 visitation, and others from Canterbury in the late 1560s and early 70s, punishments appear to have been appropriated frequently and consistently. In most visitation books, when the outcome of the presentment was written in later (often in a hasty and semi-decipherable hand), the majority were either dismissed, deemed 'not proven', or the offender told to be admonished and to return if not reconciled.<sup>151</sup> It has been noted that many if not most cases at archidiaconal or diocesan consistory courts were first flagged at visitations; either deemed too serious to be dealt with purely by the visitors, or featuring a repeat or unrepentant offender.<sup>152</sup> Between May 1570 and April 1571 in the Canterbury Archdeaconry, for example, there were 263 cases brought before the consistory court, and it has been estimated by John Daeley that the majority of these cases were first known to church authorities via previous visitations.<sup>153</sup> Punishments for serious offences were strict and by no means informal; they often involved public penance, usually at least thrice, with the offender having to read a 'detailed description of exactly what she or he had done wrong (or, if illiterate, to repeat it after the clergyman)'.<sup>154</sup> The churchwardens were thus often the instigators of some of the more humiliating and socially damaging punishments bequeathed by early modern authorities. Ultimately, findings from the 1573 visitation were clearly more than alarming to the ecclesiastical regime. Elizabeth herself bemoaned the state of the diocese and the inability of the bishops to keep all the churches in their diocese 'in one uniform and godly order' even before the proceedings had come to a complete finish.<sup>155</sup> The speed and effectiveness in which churchwardens had adhered to their new standing was not uniformly impressive, but their use in state espionage within England's parish churches was clearly having an impact.

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<sup>150</sup> 'The Visitation of Canterbury, 1573', 307.

<sup>151</sup> Daeley, 117-118.

<sup>152</sup> Daeley, 117-118.

<sup>153</sup> Daeley, 117-118.

<sup>154</sup> Daeley, 117-119.

<sup>155</sup> Jenkins, *Visitation*, 270-271.

iv. Archbishop Grindal's Visitations of York Diocese, 1571- 1576

It is quite likely that some of Edmund Grindal's enthusiasm for the 1571 Canons must have partially stemmed from its treatment of the English churchwarden; he showed consistently throughout his life to be trusting of their abilities. During a time of a great 'affliction' ravaging the north, one of Grindal's first actions upon becoming Archbishop of York in 1570 was to draft a new book of Homilies, specific for 'this time of sickness', entrusted to each churchwarden to provide for each parish 'with all speed, at the charges of the parish.'<sup>156</sup> R.G. Usher has described Grindal as being a chief proponent of the 'old visitation system' of churchwarden presentments as the primary weapon in imposing conformity, following the same model as his predecessor.<sup>157</sup> Patrick Collinson denotes much importance to Grindal's visitations of 1571 and 1575, calling it the enactment of 'a comprehensive programme for the religious reform of the northern province', suggesting it was a turning point in finally creating a semblance of ministerial conformity within the north after the rebellion.<sup>158</sup> Grindal, despite being 'invalid', continued to attend much of his 1571 visitation in person, a rarity for an archbishop, and put a great deal of pressure and responsibility onto his local officers to succeed in rooting out non-conformity in the north. The tremendous workload has led Collinson to state that 'the summer of 1571 in Yorkshire was no time to be a churchwarden or a rural Dean.'<sup>159</sup> Indeed, the first visitation articles available to us after the drafting of the Canons were from Grindal himself, and throughout his tenure it appears that Grindal was at the forefront of greater pushes to elevate the political status of the warden to that of a type of spiritual constable. In his 1571 injunctions for instance, Grindal assigned the churchwardens and sidesmen (at least one of each) to help police those receiving Holy Communion. Should the receiver not be able to recite 'from heart' the Ten Commandments, the Articles of the Faith, the Lord's Prayer, and the Catechism, the churchwardens were ordered to help 'repel and put back from the Holy Communion' the offenders until a time by which they could recite them fully.<sup>160</sup> Grindal's faith in his churchwardens was genuine and not a product of outside influences or lack of an alternative, as we shall see from the direction taken by his successor John Whitgift.

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<sup>156</sup> Nicholson, *The Remains of Edmund Grindal*, 94.

<sup>157</sup> Usher, *Reconstruction* Vol. I, 101.

<sup>158</sup> Patrick Collinson, *Archbishop Grindal, 1519-1583: The Struggle for a Reformed Church* (London, 1979), 197-204.

<sup>159</sup> Collinson, *Grindal*, 198.

<sup>160</sup> Nicholson, *The Remains of Edmund Grindal*, 94.

In the case of his visitation of 1571, we have direct knowledge of what Grindal wanted to achieve; this was not a normal quadrennial visitation. The previous year, Grindal wrote to Cecil that the province of York was ‘not well affected to godly religion: among the people there are many remnants of the old. They keep Holy days and fasts abrogated: they offer money, eggs, etc., at the burial of their dead: they pray on beads, etc.; so it seemeth to be, as it were, another church, rather than a member of the rest.’<sup>161</sup> In his account of the proceedings of the visitation to the Earl of Leicester in 1571, Grindal mentioned the ubiquity of papists in the area, particularly as a product of the recent ‘Northern Rebellion’ of 1569.<sup>162</sup> Grindal would oversee another diocese-wide visitation in 1575, of which the *Detecta* book survives well and has been methodically analysed and transcribed by W.J. Sheils in 1977.<sup>163</sup> Visitations from this period were certainly influenced by the Canons, but the set of visitation articles newly produced for York in 1571 deviate enough from Parker’s to be worthy of note, and seem to be used again for the visitation four years later. Many of the articles were clear responses to the rebellion. For instance, Article XLI enquires whether there be any ‘persons or persons ecclesiastical’ possessing of certain books by English papists, particular those by ‘Harding, Dorman, Allen, Saunders, Stapleton, [or] Marshall’.<sup>164</sup> More-so than most visitation articles, Grindal’s of 1571 heavily focused on the role of the churchwarden, having been based on the 1571 Canons. Churchwardens and clergymen circulating the parish on ‘Rogation Days’ were extorted to do so saying the correct liturgy, and without ‘popish ceremonies’ such as handbells, crosses or wearing surplices.<sup>165</sup> Churchwardens were to keep on top of bellringing, explicitly ‘not to suffer’ any ringing of bells other than the times assigned, including at any time of divine service except a single toll at the beginning of a sermon.<sup>166</sup> The returns from 1571 have not survived as well as their equivalents in 1575,<sup>167</sup> but we still see some immediate reactions to Grindal’s endeavours, particularly regarding superstition or popery. In 1571 the churchwardens presented William Allen, Alderman of York, for believing that the sign of the cross, made on his forehead ‘or parte of his body with his hand’ would put him ‘stronger against the assaults of the Devell and perils of this worlde’.<sup>168</sup> Allen would actually go on to ‘affirm’ this belief in front of the Ecclesiastical Commission itself, by which they reminded

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<sup>161</sup> Freere and Kennedy, *Visitation Articles Vol. III*, 253.

<sup>162</sup> Freere and Kennedy, *Visitation Articles Vol. III*, 253.

<sup>163</sup> W.J. Sheils, *Archbishop Grindal’s Visitation, 1575: Comperta and Detecta Book* (York, 1977). Sheils collates presentments from a full 509 parishes representing the entire area, giving us the opportunity to make accurate statistical observations.

<sup>164</sup> ‘Archbishop Grindal’s Articles for the Province of York, 1571’, 264-265.

<sup>165</sup> ‘Archbishop Grindal’s Articles for the Province of York, 1571’, 264-265.

<sup>166</sup> ‘Archbishop Grindal’s Articles for the Province of York, 1571’, 285.

<sup>167</sup> See John Purvis, *Tudor Parish Documents of the Diocese of York* (York, 1948).

<sup>168</sup> Purvis, *Tudor Parish Documents*, 70.

him to 'remember Christ's passion', and restricted him from making the sign of the cross 'either pryvatalie or publiquellie.'<sup>169</sup>

While Grindal's articles enforce many of the new duties assigned to the churchwardens in the Canons,<sup>170</sup> they prescribe heavy pressure on any churchwarden or sidesman not fulfilling their responsibilities to a satisfactory degree. In one of the first instances of such, Grindal's articles commanded the minister or reader after the second lesson at morning or evening prayer on Sunday, to 'admonish and warn' the churchwardens for 'the better in remembrance of their duty in observing and noting such as offend' in attending divine service.<sup>171</sup> Article XLIX goes further in highlighting that failure to present an offender was in of itself an offence. It asks:

Whether the churchwardens and swornmen of the last year, have of any private corrupt affection concealed any crime, or other disorder in their time done in your parish, and have not presented the same to the bishop, chancellor, archdeacon, commissary, or such other as has authority to reform the same; and whether they or any of them at any such time as they should have been at Divine Service on Sun- days or Holy days, and should there have observed others that were absent, have been away themselves at home, or in some tavern or ale-house, or else about some worldly business, or at bowls, cards, tables, or other gaming, without regard of their office and duty in that behalf?<sup>172</sup>

A duality of importance, in that clearly Grindal was expectant of the wardens to be able to fulfil his new 'Reformation of the North', as Collinson coined it, yet also understanding that proper enforcement was necessary for this to come to fruition.<sup>173</sup>

The articles end with a printed 'oath of the churchwarden', which was not printed alongside visitation articles before 1571. Under the heading 'the tenor of the oath ministered to the churchwardens and swornemen', it reads:

Ye shall swear by Almighty God that ye shall diligently all and every the Articles given to you in charge and make a true answer to the same in writing, presenting all and every such person or persons, dwelling within your parish, as have committed any offence or fault, or made any default mentioned in any of the same articles, or which are vehemently suspected

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<sup>169</sup> Purvis, *Tudor Parish Documents*, 70.

<sup>170</sup> One explicit example being the prevention of Communion for those not able to say the Catechism, ten commandments, articles of faith and the Lord's Prayer. Grindal's articles reference each of the 1571 Canons that are directed towards the churchwardens and makes it clear that offences regarding behaviour in church, absence from divine service, and the keeping of alehouses are directly accountable to the churchwardens. 'Archbishop Grindal's Articles for the Province of York, 1571', 265-275, 287.

<sup>171</sup> 'Archbishop Grindal's Articles for the Province of York, 1571', 268.

<sup>172</sup> 'Archbishop Grindal's Articles for the Province of York, 1571', 268.

<sup>173</sup> Collinson, *Grindal*, 199.

or defamed of any such offence, fault or default; wherein ye shall not present any person or persons of any evil will, malice or hatred, contrary to the truth; nor shall for love, favour, mede, dread or any corrupt affection, spare to present any that may be offenders, suspected or defamed in any of these cases, but shall do uprightly, as men having the fear of God before your eyes, and desirous to maintain virtue and suppress Vice. So God help you.

The Tenor of the Oath administered to Churchwardens and Sworn-Men, 1571.<sup>174</sup>

The oath, unchanged from the 1570s, was sworn into law only in 1604, certifying that the oath is only sufficient should the wardens be aware of the articles they ought to present upon - any alterations or new articles were not therefore covered by the oath, and it ought to be altered.<sup>175</sup> An example of this altering of the oath occurred in 1571 in Ely under Bishop Cox. 'Aside from their usual oath', states his visitation article document, the wardens are also to swear:

Ye shall diligently and indifferently mark all persons of your parish, which come into the church after the beginning of the service, or depart out of the church before all the service be fully ended, and tell them roundly of their faults: and in case any of them will not amend, ye shall send word from time to time to your Ordinary. Also ye shall demand and receive of all persons being absent from all the Morning Prayer or all the Evening Prayer upon the Holy days, xijd, to the uses of the poor; if any person refuse payment, then distrain till it be paid.<sup>176</sup>

It is this writer's opinion that the 'usual' oath was most likely known by the visitors throughout the 1500s and it was probably only written up and consolidated in the convocation in 1563 and the subsequent publications in 1571, rather than being drafted anew at this date.<sup>177</sup>

The most obvious difference between the visitation of Canterbury on 1573 and York in 1575 was that in York there were far more reports regarding unlicensed ministering and preaching. Overall, forty-four defaults in licenses for curates and preachers are reported, including twenty-two for the more far-flung Archdeaconries of Cleveland and West Riding, and one report of an unlicensed rector.<sup>178</sup> One of the reasons for this high level of unlicensed curates is more of administration rather than non-conformity. In the diocese of York, many licenses were not up-to-date due to issues of inopportuneness and disruption from the tumult of the previous years. Indeed, only three curates were presented for not being licensed in the four deaneries closest to York - licences could only be issued from the cathedral city.<sup>179</sup> At Patrington, the curate Laurence Cooke, presented for not having

<sup>174</sup> 'Archbishop Grindal's Injunctions for the Province of York, 1571' 266.

<sup>175</sup> Anthony Hammond (ed.), *A Digest of the Laws of England, Vol. VII* (Philadelphia, 1862), 564.

<sup>176</sup> 'Bishop Cox's Articles for Ely Diocese, 1575', 302,

<sup>177</sup> This is also the opinion of Frere and Kennedy, as per Frere & Kennedy *Visitation Articles Vol. III*, 273.

<sup>178</sup> Sheils, *Archbishop Grindal's Visitation, 1575: Comperta and Detecta Book*, vi.

<sup>179</sup> Sheils, *Archbishop Grindal's Visitation, 1575: Comperta and Detecta Book*, vii.

a licence, is noted by the visitation scribe that he was 'now lycensed since the visitation and therefore his appearance to be excused.'<sup>180</sup> It is reasonable to assume that this visitation did reveal improper curates and vicars more-so than at Canterbury. One minister, with 'a large congregation', was reported for not inspecting candidates for the communion, which as per the Canons was to be done jointly with the churchwarden, and another for having 'popish sympathies.'<sup>181</sup> Furthermore, readers continue to appear. Once again, we see a slight confusion as to the status of readers, as six are reported as not being licensed. At All Hallow's, York, the wardens reported that although their parson is absent, 'a Reader remayneth ther called Henrye Wilson', and two readers are said to have shown 'no tolleration' to the visitation.<sup>182</sup> Deficient sermons, particularly Quarter Sermons, litter the reports and appear in nearly 200 parishes, whereas deficient services, particularly the communion, appeared nine times - both figures are similar to the levels in Canterbury proportionately.<sup>183</sup> Pluralism had a slightly lower figure than perhaps one might think. Only thirty-three parishes report that their minister had another benefice, a proportion of only 2%.<sup>184</sup> It is unlikely this would have been quite this much lower than Canterbury two years previously; and perhaps can be explained by the tumultuous manner of the diocese at the time and subsequent confusion regarding clerical placements, and thus less emphasis was placed upon this phenomenon by Grindal compared to matters such as sermons.<sup>185</sup> In 1571, two pluralist ministers, Roger Menythorpe and Richard Bright, the latter having parishes spanning two dioceses, were told to report to 'His Lord Grace' to be examined, with Bright told to find a curate on his own behalf to minister his York parish.<sup>186</sup> Other than these examples, pluralism in York in 1571 was also a rarity at the visitation court.<sup>187</sup> Unlicensed preaching by someone from outside the parish does not seem to appear in Grindal's early visitations, with his focus seeming to be elsewhere. This is perhaps something limited to his experience of York diocese in particular. Grindal had prior history in the use of churchwardens to root out unlicensed preaching. On January 10<sup>th</sup>, 1568, when he was Bishop of London, he wrote to a Mr. Earl, who was minister at St. Mildred's, Bread Street. 'We understand' wrote Grindal, 'that divers disordered persons, not regarding their due obedience to the Queen's majesty and her laws, yet do presume to preach in the city of London, not being thereunto licensed.'<sup>188</sup> Even those told to 'forebear'

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<sup>180</sup> 'The Visitation of York, 1575', 74.

<sup>181</sup> Sheils, *Archbishop Grindal's Visitation, 1575: Comperta and Detecta Book*, vi.

<sup>182</sup> That being, their right to be readers. 'The Visitation of York, 1575', 5, 25, 69.

<sup>183</sup> Sheils, *Archbishop Grindal's Visitation, 1575: Comperta and Detecta Book*, vi.

<sup>184</sup> Sheils, *Archbishop Grindal's Visitation, 1575: Comperta and Detecta Book*, vi, ix.

<sup>185</sup> Sheils, *Archbishop Grindal's Visitation, 1575: Comperta and Detecta Book*, vi. We can make useful comparisons between the two visitations as no presentments are missing from individual parishes, but we have a lot more parishes present in Grindal's visitation than Parker's.

<sup>186</sup> Purvis, *Tudor Parish Documents*, 102.

<sup>187</sup> Purvis, *Tudor Parish Documents*, 102.

<sup>188</sup> Nicholson, *The Remains of Edmund Grindal*, 293.

preaching until sufficiently licensed were flaunting that order, with such 'contemptuous and licentious behaviour' having potential ramifications of 'division and tumults' throughout the bishopric.<sup>189</sup> Indeed, to say that Grindal did not care about unlicensed preachers would be wrong; presentments usually did not appear in England until at least the 1590s.<sup>190</sup>

John Purvis noted in his study of Yorkshire parish documents that presentments for recusancy were rare in visitations before 1575. From this date onwards, the wardens have confidence in their authority to report non-attendance to the same degree as their equivalents in the south. At Wheldrake in 1580, for instance, the wardens do as much as present their entire parish for negligent attendance. 'The parishioners of Wheldrake', the report states, 'forgetting their duetie to God and the good lawes and statutes of this realme are very slack in cominge to Divine service and sermons', 'delighting more in ther own ease and securitie rather than the almightie.'<sup>191</sup> The commissioners instructed the wardens to note each and every instance of non-attendance, and to supply the names of offenders at the next opportunity - as well as reminding them to issue the standard fine of twelve pence.<sup>192</sup> Compared to the rather non-existent recusancy reports for 1571, recusants begin to appear more and more in subsequent visitations; at least five appear in the reports for York diocese in 1575, whereas twenty-four appear in the diocese of Chester in its visitation in 1578.<sup>193</sup> Not receiving communion for a whole year, always linked with and considered a form of lesser recusancy, began to be reported much more commonly by 1575, with seventy-one offenders in York diocese.<sup>194</sup> Based on size, this puts it on par with Canterbury diocese; but according to Purvis, this was not the case in 1571 and earlier. There is evidence to suggest that after the failure of the rebellion, the authority of the Church and the gravity of its threats began to take hold in the North. This was eminently true in Saxton in 1575, where the wardens bemoan that a woman excommunicated for recusancy was nevertheless buried in the churchyard 'by the forcible means of John Bellhouse, her husband.'<sup>195</sup> 'Standing excommunicate' was presented seventeen times in 1575, with 16 in York Archdeaconry. There would have been substantially higher numbers of excommunicated people in the diocese at the time, so it is likely that these figures are particularly

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<sup>189</sup> Nicholson, *The Remains of Edmund Grindal*, 293.

<sup>190</sup> See later in the chapter regarding the visitations of Norfolk & Suffolk.

<sup>191</sup> Purvis, *Tudor Parish Documents*, 76.

<sup>192</sup> Purvis, *Tudor Parish Documents*, 76.

<sup>193</sup> Purvis, *Tudor Parish Documents*, 79.

<sup>194</sup> See 'The Visitation of York, 1575', and Purvis, *Tudor Parish Documents*, 79. Attitudes towards taking the communion as its sign of non-conformity would change after 1604.

<sup>195</sup> Purvis, *Tudor Parish Documents*, 79.

egregious or outspoken excommunicants, such as at Thurne parish, where 'John Girsbye and Thomas Stringer, excommunicated persons who seke no absolution'.<sup>196</sup>

Superstition, idolatry and papism seems to have survived in the northern provinces later and more comprehensively than in the south. John Purvis located many examples of prohibited images and monuments remaining in York diocese into the late 1560s, and at times even later.<sup>197</sup> The Northern Rebellion's attempt to restore the 'old religion' appears to have been a last hurrah for such practices, with some traditions, such as bearing the crosse and the singing of Latin 'procession songs' at Ripon parish, being snuffed out after 1569.<sup>198</sup> With this change we see a corresponding increase in forms of puritanical non-conformity, but only after some consolidation. Taking the surplice as an example, all nine mentions in the returns for 1575 of the surplice regard a lack of the garment, rather than a minister refusing to wear it.<sup>199</sup> Presentations for refusal to wear a surplice only begin in York in 1578, and peak in the 1590s, when the vicar of Ratchdale reportedly had not worn a surplice 'these twentie years'.<sup>200</sup> It is unknown whether this was a product of York having substantial levels of anti-surplice ministers, or whether the churchwardens were later in realising - or cooperating with - the responsibility to report on it; as so often, it is likely a combination of both. In terms of church inventory that was the responsibility of the churchwarden to provide, York diocese seems similar to Canterbury. By far the most commonly lacking book was the expensive *Paraphrases of Erasmus*, with thirty-seven defaults reported, with the book of Homilies and a newest Bible reported on significantly less.<sup>201</sup>

Christopher Haigh in his famous study of the church in Tudor Lancashire is highly critical of the visitation system in the north of England. His argument resides on his belief that excommunication no longer held much of a threat to Tudor parishioners, and the only response to such apathy appears to just have been more excommunications. For example, an average of 112 people a year were excommunicated by the consistory court at the diocese of Chester in the years 1580-1586, yet only an average of twelve people actually bothered to attend the court.<sup>202</sup> Excommunications reached a peak of 1,000 a year in Lancashire by the 1590s - clearly the intimidation tactic had not worked.<sup>203</sup> Such statistics are very persuasive in relaying that the church

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<sup>196</sup> 'The Visitation of York, 1575', pp.7,16,25

<sup>197</sup> Purvis, *Tudor Parish Documents*, 142-152.

<sup>198</sup> Purvis, *Tudor Parish Documents*, 143.

<sup>199</sup> Sheils, *Archbishop Grindal's Visitation, 1575: Comperta and Detecta Book*, viii.

<sup>200</sup> Purvis, *Tudor Parish Documents*, 157-159.

<sup>201</sup> Sheils, *Archbishop Grindal's Visitation, 1575: Comperta and Detecta Book*, viii.

<sup>202</sup> Christopher Haigh, *Reformation and Resistance in Tudor Lancashire* (York, 1975), 235.

<sup>203</sup> Haigh, *Reformation and Resistance*, 235-236.

court system had become contemptible for the Tudor parishioner, something denied fervently by Ralph Houlbrooke and to a lesser extent by Martin Ingram in their own esteemed works on Early Modern ecclesiastical courts.<sup>204</sup> Were church courts so readily dismissed by contemporaries, it begs a question why the churchwardens of the northern provinces seemed to respond to indictments from above quite so readily as they did: ultimately, their authority rested on their ability to send people to said courts. Regarding their primary duties involving recusancy and enforcement of proper church services, it appears that by the end of Grindal's tenure the wardens had made a notable effort to adhere to their ordinances. Indeed, W.J. Sheils' overall interpretation of the 1575 visitation, of which about two thirds of parishes attended, had a high level of 'enforcement' of ecclesiastical censures.<sup>205</sup> We also encounter improvements compared to earlier visitations regarding some ordinances that had only been bestowed on the churchwardens in 1571; particularly licensing of preachers and ministerial conduct. We will examine next whether this growth continued under Archbishop Whitgift.

How best to sum up the status of the churchwarden under Archbishop Grindal? Edmund Grindal was notoriously private, and no 'personal archive' of his exists unlike his successor, John Whitgift. To that end it is difficult to pinpoint his own political and theological thoughts on these matters. Reliance on public sources puts us in danger of assuming a deliberateness of action regarding the wardens that might have been absent in his own thoughts.<sup>206</sup> That being said, unlike Parker, Grindal's uses of churchwardens and their role in the visitation system seems to have been largely consistent throughout his tenure. The frequent visitations that occurred after 1575 seems to abate by 1580, which coincides with 'scathing denunciations' from the queen as to the apparent fruitlessness of his endeavours in enforcing her vision of civic harmony.<sup>207</sup> In the set of articles drafted for Canterbury province upon his succession to the highest clerical seat in 1576, Grindal repeats the duties of the churchwarden in combating unlicensed preaching, unlicensed ministers, and the collection and administration of recusancy fines. Two articles are reserved once again for the minister to 'admonish' his churchwardens for the betterment of their duties regularly, as well as whether by 'private corrupt affection' they had 'concealed any crime.'<sup>208</sup> These regular reproaches Grindal seems to inflict upon the churchwardens, rather than show a lack of faith, only bolster the concept that for Grindal they were integral in establishing his ideal religious settlement. However, by

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<sup>204</sup> See Ralph Houlbrooke, *Church courts and the people during the English Reformation, 1520-1570* (Oxford, 1979), 271, and Martin Ingram, *Church Courts, Sex and Marriage*, Chapter One.

<sup>205</sup> Sheils, *Archbishop Grindal's Visitation, 1575: Comperta and Detecta Book*, viii.

<sup>206</sup> Kenneth Fincham, 'Review: Archbishop Grindal, 1519-1583: The Struggle for a Reformed Church (1979) by Patrick Collinson', in *Journal of the Historical Association* Vol. 100, No. 4 (2015).

<sup>207</sup> Usher, *Reconstruction*, 100-101.

<sup>208</sup> 'Grindal's Articles for the visitation of Canterbury, 1576', 396-416.

the 1580s, the spiritual nature of England was changing. One of the most lasting criticisms of Grindal is his supposed sympathetic approach to the newly emboldened English 'puritans', or broadly, non-conformists who were not Roman Catholic.<sup>209</sup> Is it possible that the system of visitations and churchwarden presentments functioned well of ridding the nation of remnants of popery, but were conversely ineffective at uncovering non-conforming Protestants? Did Grindal know this was occurring, but simply turned a blind eye? Whatever may have been the case, what is certainly true is that his successor John Whitgift was anything but tolerant of puritans. Tellingly, he was also, among all the archbishops, the one least trusting of the parochial churchwarden.

v. Changing Strategies: Churchwardens under Archbishop Whitgift c.1583-1604

Grindal's successor Archbishop John Whitgift, backed by his theological allies, engaged in a much more progressive method that attempted to shift the pursuit of conformity away from the 'carcass of ecclesiastical law.'<sup>210</sup> While not eschewing from the churchwarden visitation system entirely, Whitgift took strides not to escalate or wholly rely on it, and unlike Parker and Grindal pursued radical new solutions to the dilemma. The fact that Whitgift clearly had grave doubts about the competency and trustworthiness of ordinary parishioners surely made an impact in this regard. A strong anti-Presbyterian, in his many theological debates he was notably mistrustful of giving the laity any form of influence with church proceedings. In arguing against the parishioners electing their own minister, he stated that this would usually end in the selection of one either incompetent or corrupt, as 'a great number of parishes in England consist of rude and ignorant men easily moved to testify anything and in many places for the most part or altogether drowned in Papistry.'<sup>211</sup> In 1583 Whitgift investigated reports of a parson from the parish of Eastwell who reportedly was conducting prayer sessions in contradiction to those sanctioned by the Book of Common Prayer. Summoning him to court to judge the man himself, the accused minister asked the parish churchwardens to attend and corroborate his argument that in the previous service he had preached unity.<sup>212</sup> The churchwardens argued that they had not presented this minister to court as to report a clergyman would not have been a 'Service to God' - a clear breach of all Elizabethan Canons and injunctions.<sup>213</sup> This argument did not convince Whitgift nor his commissioners. The churchwardens' argument was probably not helped by the fact that the offending minister, a Mr. Elye, has described them as his

<sup>209</sup> Patrick Collinson, *Grindal, Edmund (1516x20–1583), Archbishop of York and of Canterbury*, (ODNB, 2004).

<sup>210</sup> John Strype, *Life and Acts of John Whitgift Vol. I* (Oxford, 1822), 280.

<sup>211</sup> Peter Lake, *Anglicans and Puritans: Presbyterianism and English Conformist Thought from Whitgift to Hooker* (London, 1988), 35.

<sup>212</sup> Strype, *Whitgift Vol. I*, 280.

<sup>213</sup> Strype, *Whitgift Vol. I*, 280.

'partial friends' upon their appearance.<sup>214</sup> Whitgift stripped the parson of his benefice, and ordered his commissioner to investigate the churchwardens to inquire whether their conduct had breached any further protocols.<sup>215</sup> Incidents such as these are potential reasons why Whitgift seems so unconcerned or mistrustful of the wardens during his tenure. In 1585, Archbishop Whitgift performed a visitation of Chichester due to an absent bishop. Within the corresponding articles wardens are mentioned only once: to make sure taxes and fines are to be placed within the Poor Box.<sup>216</sup> Whitgift was certainly not content with the religious affinity of the diocese; the remainder of the visitation document is littered with injunctions against 'Romanists', foreign priests and idolatry.<sup>217</sup> Whitgift intended to rely on other methods of rooting out dissent other than churchwarden presentments.

It was Whitgift that spearheaded the controversial ex-officio oath, in which a magistrate could compel an individual to swear an oath of honesty prior to entering court proceedings, trapping them between breaking a religious oath and self-incrimination.<sup>218</sup> This is an example of how Whitgift and his ecclesiastical lawyer Richard Cosin were trying to move ecclesiastical justice more into the direct hands of judges and away from relying on testimony from one's peers.<sup>219</sup> In his 'An apologie for sundrie proceedings by jurisdiction ecclesiastical', published in 1593, Cosin did not in fact preclude the wardens in their responsibility to present non-conforming clergy and magistrates. What he intended was to stridently separate the presentment system from his ex-officio oath system, and subsequently incorporate other offices and individuals within the former, not just the wardens and sidesmen. The new form of prosecution could be proceeded without the need for either a formal accusation nor a presentment; according to Cosin, this already had precedent in many laws dating back into the middle ages.<sup>220</sup> The prosecutions involved in his examples 'cannot be called Presentments', Cosin argued, 'because no such peculiar charge of preferring vpon their oathes is layde vpon them, as is vpon Iurors at Enquests, that finde Inditements; or as is vpon Church-wardens and Side-men, who make Presentments.'<sup>221</sup> That is not to say the churchwardens would be unusable in this new form. Should an Ordinary desire to proceed to administer the ex-officio oath, he must have prior reasoning in the form of a 'presentment of a fame or crime', (not necessarily a formal

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<sup>214</sup> Strype, *Whitgift Vol. I*, 280.

<sup>215</sup> Strype, *Whitgift Vol. I*, 281.

<sup>216</sup> 'Articles for the Visitation of Chichester, 1585', 3.

<sup>217</sup> 'Articles for the Visitation of Chichester, 1585', 3.

<sup>218</sup> Ethan H. Shagan, 'The English Inquisition', in *The Historical Journal* 47 (Cambridge, 2004), 543-545.

<sup>219</sup> John Guy, 'The Elizabethan Establishment and the Ecclesiastical Polity', in John Guy (ed.), *The Reign of Elizabeth I* (Cambridge, 1995), 129.

<sup>220</sup> Richard Cosin, *An Apologie for Sundrie Proceedings* (London, 1591), 69.

<sup>221</sup> Cosin, *Apologie*, 69.

presentment to court) or some form of proof provided by witnesses. The difference with the former is that such notifications can only be processed by officials 'specially deputed thereunto', of which churchwardens were listed as an example.<sup>222</sup>

If we are to judge Whitgift's overall attitude towards churchwardens and the visitation system purely on his actions, the image we get is one of begrudging acceptance of the system, with continuous attempts to reform this outdated model with the introduction of new techniques, such as the ex-officio oath. For instance, it was the prerogative of all three Elizabethan archbishops that clergymen ought to be of the highest quality in both intelligence and religion; the notion being that should the clergy be reformed to the standard befitting a Protestant nation, it would lead to a natural transformation of the parochial congregations, gradually eroding the threat of stately disruption or insurrection.<sup>223</sup> What differentiated these regimes was the method used to establish this. Parker and Grindal relied more on a reactionary system of surveillance by the laity, combined with 'paramount civil authority' that would remove any problematic ministers via the machinery of state authority arising from the top.<sup>224</sup> The fatal flaw in this technique, according to Whitgift's own writings, would be the trustworthiness of the lay officials. Humanity, Whitgift argued, was permanently and irredeemably flawed; a harmonious, operational state could never be produced without a coercive chain of commands and responsibilities emanating from the loftiest clergymen. This ecclesiastical legalism, bolstered by increased political prerogatives given to bishops, judges and other prominent offices, would remove any reliance on the individuality of ordinary citizenry.<sup>225</sup>

Much of Whitgift's attitudes towards churchwardens, the visitation system and overall strategies in combating parochial dissent can be gauged from his reaction to the increasing influence of puritanism within England. Puritanism, Presbyterianism in particular, was naturally disposed to decentralising ecclesiastical infrastructure and returning political power and self-determination to the parishes. Churchwardens became a topic of contention within puritanical arguments as to their role within a potential puritanical England, juxtaposing Whitgift's own sentiments on the validity and usefulness of the English laity in combating non-conformity. In 1572, Presbyterians John Field and Thomas Wilcox presented the *Admonition to Parliament*, which has been described as the first time that the 'full Presbyterian programme was set before the public.' This manifesto of sorts is forthright

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<sup>222</sup> Cosin, *Apologie*, 51

<sup>223</sup> Usher, *Reconstruction*, 101.

<sup>224</sup> Usher, *Reconstruction*, 101.

<sup>225</sup> Lake, *Anglicans and Puritans*, 35-37.

in its view of what ought to happen to the churchwardens and other lay officials within a Presbyterian England:

Now then, if you wyl restore the church to his ancient officers, this you must doe. In stead of an Archbishop or Lord bishop, you must make an equalitie of ministers. In stead of Chancelours, Archdeacons, Officialles, Commissaries, Proctours, Doctors, Summoners, Churchwardens, and such like : you have to plant in every congregation a lawful and godly seignorie.<sup>226</sup>

Ecclesiastical Courts were listed as number twenty in the list of ‘Popish abuses’ targeted towards Parliament. Among its many sins, according to the Admonition, the Court ‘ladeth Churchwardens with manifest perjuries’. We can infer that the authors considered oath-breaking to be a common phenomenon among the wardens; a cruelty against their own faith, as well as creating an obvious question as to whether the oath-breaking was due to popish tendencies, Puritan tendencies or sheer delinquency. Nevertheless, the *Admonition* disparages the existence of the office of churchwarden and the entire visitation and episcopal court system.<sup>227</sup> The churchwardens found themselves in an awkward theological enigma among the anti-episcopates, as they were simultaneously a representative of the congregation as well as a lower rung on the ecclesiastical hierarchy itself.

Whitgift certainly doesn’t increase churchwarden responsibilities above that certified in the Canons of 1571. New sets of articles would generally only be written upon a change of direction emanating from the synod (such as the Canons of 1576), or should a problem be detected in a certain area that required a new set directly to combat said issue. This was the case in Whitgift’s visitation of Lincoln in 1582, which was to rectify the ‘evil state’ that the diocese found itself in due to alleged financial problems and rampant recusancy.<sup>228</sup> The evidence for new visitation articles takes a downwards turn at the start of the 1580s, presumably as his other methods are taking more of a forefront in his fight against recusancy. According to W.P.M. Kennedy, between 1583 and 1590 a total of seventeen ‘new’ sets of articles survive, discounting those connected with the visitation of Cathedrals, which usually involved the laity considerably less.<sup>229</sup> In the following seven years, only five new sets can be found. Despite this attitude from the premier cleric of the realm, the political authority of the churchwarden did not decrease during his tenure, and perhaps due to a failure to

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<sup>226</sup> Lake, *Anglicans and Puritans*, 1-4, 35-37.

<sup>227</sup> Lake, *Anglicans and Puritans*, 1-4, 35-37.

<sup>228</sup> Strype, *Whitgift Vol. I*, 202-203.

<sup>229</sup> W.P.M. Kennedy, ‘List of Visitation Articles and Injunctions 1576-1603’, in *The English Historical Review Vol. 32, No. 126* (Oxford, 1917), 273-276.

find an alternative, visitations remained a crucial tool in combating the social and religious issues that arose in the 1590s.<sup>230</sup> Indeed, after 1597 there is a marked upturn in the number of new visitation articles drafted in England as the regime seemed to finally admit that grassroots lay cooperation was necessary to keep the peace in this time of dearth and disorder.<sup>231</sup>

Upon his succession to Archbishop of Canterbury in 1583, one of Whitgift's first acts was to draft a series of articles to be sent to every bishop in the province. These articles were specifically regarding the existence of 'popish recusants', and the churchwardens are to, along with their minister, present a list of names of recusants to the ordinary, to be done every quarter and fourteen days before each assizes.<sup>232</sup> Recusant reports continued to be compiled by the churchwardens throughout his tenure, but one gets the impression from Whitgift that, while he believed the wardens would be useful in rooting out popery, they had reached the limit of their ability to identify England's resurgent puritans. William Sheils' study of puritans in the diocese of Peterborough illuminated much about how new strategies against non-conformity intertwined with the regular ecclesiastical courts. In 1572, in response to a perceived lack of 'power of enforcement', the solution was to create a new 'Ecclesiastical Court for the Dioceses of Peterborough and Lincoln', with greater powers bestowed upon the commissioners, including the ability to imprison, and take bonds for good behaviour.<sup>233</sup> The commission continued into the 1580s, taking cases similar to that of a consistory court but occasionally some matter of 'significant importance.'<sup>234</sup> Puritans were regularly hauled before the court, usually at risk of excommunication or other forms of 'admonition.' This was a largely clerical commission complete with only a 'necessary quorum' of laymen, often members of prominent local families, but not churchwardens.<sup>235</sup> Measures such as this were bolstered by the increasing failure of the visitation system in identifying puritans in the parishes. Sheils demonstrated this by identifying that while the archidiaconal visitation of 1573 in Peterborough highlighted many puritans, including puritanical ministers, these seem to vanish at visitations in 1577 and 1582.<sup>236</sup> Sheils argued this was due to a breakdown of compliance among parochial officials rather than any

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<sup>230</sup> Parker, *The English Sabbath*, 118.

<sup>231</sup> Kennedy, *List of Articles 1576-1603*, 273-276.

<sup>232</sup> Strype, John, *Life and Acts of John Whitgift Vol. I* (Oxford, 1822), 234.

<sup>233</sup> William Sheils, 'Some problems of government in a new diocese: the Bishop and the Puritans in the diocese of Peterborough, 1560-1630' in , in O'Day, Rosemary & Heal, Felicity (eds.), *Continuity and Change* (Leicester, 1976), 179.

<sup>234</sup> Sheils, 'Puritans in the Diocese of Peterborough', 179.

<sup>235</sup> Sheils, 'Puritans in the Diocese of Peterborough', 179-180.

<sup>236</sup> Sheils, 'Puritans in the Diocese of Peterborough', 180-181.

decline of puritanism, showing that several clergymen who fell afoul of diocesan courts did not appear in the 1577 visitation.<sup>237</sup>

The diocese faced another crisis in 1584, when Whitgift unleashed another weapon against puritanism to again not rely so heavily on the visitation system.<sup>238</sup> The notorious 'Three Articles', published in 1584, was an attempt to essentially 'trap' any seditious minister, as anyone who would not swear fealty to all three articles would be deprived of their living. The Three Articles stated that the monarch was sovereign in matters both temporal and spiritual, the Book of Common Prayer and the episcopal hierarchy were not contrary to God's word, and that one subscribed to the Book of Articles published by the Convocation of 1562.<sup>239</sup> Patrick Collinson demonstrated how devious the Three Articles were in attacking puritans in particular. Rather than widespread use, the articles could be used in a 'flexible' manner by bishops and others to finally root out the most stubbornly obstinate puritans still in positions of power. Any sort of oath that might eliminate *all* ministers with a puritanical edge would be attacked as being over-zealous, particularly at a time 'when Jesuits, those of the Family of Love and others all swarm.'<sup>240</sup> The demands of the Three Articles were in fact not too dissimilar to similar tracts in the Canons of 1571, but the wording regarding the godliness of the Prayer Book in particular would have outright prevented any extreme puritan from subscribing.<sup>241</sup> Did the Three Articles achieve greater success in the identification of non-conformist ministers more so than churchwarden presentments? Opposition to the articles was rife, with many criticising it as an unlawful form of entrapment, and the theological and legal battle that ensued between conformists and puritans during Whitgift's reign prevented them being used as often or in the manner that Whitgift would have hoped.<sup>242</sup> At Peterborough, this tactic only resulted in one deprivation, largely to do with the intervention of Burghley and Sir Thomas Cecil on behalf of some puritans in the diocese.<sup>243</sup> A metropolitan visitation of the diocese was undertaken in 1589, and had a much greater success in rooting out Puritanism, as the strategy shifted back to churchwarden presentments.<sup>244</sup> Indeed, by the 1590s, England was facing a series of problems that would require the visitation system to be robust, and the churchwardens to have consolidated their new duties wholeheartedly. Overall, it is difficult to summarise Whitgift's attitudes towards his nation's churchwardens. Many of his writings suggested outward hostility towards the use of parochial laity in official capacities, but his metropolitan visitation of 1583 continued to rely heavily on churchwarden

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<sup>237</sup> Sheils, 'Puritans in the Diocese of Peterborough', 180-181.

<sup>238</sup> Usher, *Reconstruction*, 101.

<sup>239</sup> Sheils, 'Puritans in the Diocese of Peterborough', 179-181.

<sup>240</sup> Collinson, *Elizabethan Puritan Movement*, 247.

<sup>241</sup> Collinson, *Elizabethan Puritan Movement*, 247.

<sup>242</sup> Collinson, *Elizabethan Puritan Movement*, Part Five, Chapter Two: 'The First Round'.

<sup>243</sup> Collinson, *Elizabethan Puritan Movement*, 180-181.

<sup>244</sup> Collinson, *Elizabethan Puritan Movement*, 180-181.

presentments. The growth of ecclesiastical commissions was an attempt to supplant the detection system rather than a full overhaul, and although the Three Articles were certainly an attempt to bypass churchwarden presentments, this did not see lasting change.

vi. Churchwardens during the Crisis of the 1590s and The Visitations of the Diocese of Norwich 1593-1597

The drastic economic and agricultural downturn had led to high levels of hunger. George Abbot, later Archbishop of Canterbury, said in 1596 that: 'The dearth which doth now reign in many parts of this land; which does little good to the rich, but maketh the poor to pinch for hunger, and the children to cry in the streets; not knowing where to have bread. And if the Lord doth not stay his hand, the dearth may be much more.'<sup>245</sup> It was the dearth of the 1590s that begot the first attempts by authorities to include the churchwarden within their new system of poor relief, with the creation of the office of 'Overseer of the Poor'. The opening of the 1601 'Acte for the Reliefe of the Poore' begins as follows:

BEE it enacted by the Authoritie of this present Parliament, That the Churchwardens of everie Parish, and fower three or two substanciall Housholders there as shalbe thoughte meete, havying respecte to the [proportion] and greatnes of the same Parishe [or] Parishes, to be [noted] yearelie in Easter Weeke or within one monethe after Easter, under the Hande and Seale of two or more Justices of the Peace in the same Countie, whereof one to be of the dwellinge in or neare the same Parishe or Division where the same Parishe doth lie, shalbe called Overseers of the Poore of the same Parishe.<sup>246</sup>

Steve Hindle has described these efforts as having a political motivation: to prove the legitimacy of Elizabeth's Protestant commonwealth by the care of the poor via state welfare rather than private charity, and to stave off dissent and potential insurrection with outward signs of acknowledgement of the nation's 'time of scarcity'.<sup>247</sup> The acts of poor relief were to be enforced by the churchwardens, who in 1602 were given the additional responsibility of collating who were the 'deserving' and 'undeserving' poor of their parish, another sign of bureaucratic trust. According to R.B. Outhwaite, fear that dearth would lead to outright rebellion 'lurked constantly in the minds of the rulers of Tudor and early Stuart England', shaping many of their responses to events at a grassroots level.<sup>248</sup>

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<sup>245</sup> Strype, *Whitgift Vol. II*, 336-337.

<sup>246</sup> Robert Foley (ed.), *Laws relating to the poor, from the forty-third of Queen Elizabeth to the third of King George II [1601-1730]* (London, 1758), 1-2.

<sup>247</sup> Steve Hindle, 'Dearth, Fasting and Alms: The Campaign for General Hospitality in Late Elizabethan England', *Past and Present* No. 172 (2001), 44-46.

<sup>248</sup> R.B. Outhwaite, *Dearth, Public Policy and Social Disturbance in England, 1550-1800* (London, 1991), 11.

Anxieties surrounding insurrection were also manifest in several actions of the Elizabethan regime that involved churchwardens, including a renewed crackdown on non-conformity. Recusancy remained the most obvious form of civil disobedience in the 1590s, and levels remained high throughout England.<sup>249</sup> With the economic and social situation deteriorating, many bishops and archdeacons, rather than devise any new strategy, returned to the visitation system as the primary method of enforcing religious order. Churchwardens, rather than losing any authority by the end point of Whitgift's tenure, were instead granted a return to form. Even the attitude of Whitgift towards the churchwardens of England appears to have softened somewhat. As well as his heightened concern that the churchwardens were overworked, at the convocation of 1601 Whitgift cautioned the bishops, among other things, 'not to proceed in court upon apparitors promoting, without churchwardens' presentments, or other just inquisition.'<sup>250</sup> The crisis of the 1590s put a final halt to Whitgift's attempts to find another strategy in combating non-conformity that did not involve parochial officials. Indeed, in 1595 Whitgift and Matthew Hutton, Archbishop of York, commissioned a survey of 'All the Recusants within the archdeaconrie of York'. The evidence for such was to gathered purely by the 'othes of the churchwardens and others.'<sup>251</sup> What is interesting about the certificate the wardens produced is that it seems that they were also tasked with assessing the worth of the recusant's 'goods and livings', with the likelihood being that this list would be used to issue ad-hoc recusancy fines.<sup>252</sup> The list the wardens created is astonishingly long, and contain many examples of the churchwarden's now considerable social and political clout, as at 'Acklan Chappellry', whereupon the wardens noted that several preachers had been used to reform the recusant Mary Strangewaies, and then inform the judges that she is now 'indited by order of law.'<sup>253</sup> Mary Strangewaies was in fact a gentlewoman; churchwardens seem to have little hesitation in informing Whitgift and Hutton about the existence of recusant gentlemen and women, something that seemed notably lacking in earlier presentment reports.<sup>254</sup>

To end this chapter on churchwardens and non-conformity in the latter half of Elizabeth's reign, it will be good to undertake an in-depth analysis of churchwarden presentments from some of the final visitations of this period. Fortunately for us, two diocesan visitation books in good condition exist in the Norfolk Record Office for Norwich diocese in the years 1593 and 1597, giving us a rather

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<sup>249</sup> Clare Tabot (ed.), *Miscellanea Recusant Records* (Catholic Record Society Vol. LIII, (Newport, 1961), 15-24.

<sup>250</sup> Tabot, *Recusant Records*, 15-24.

<sup>251</sup> Tabot, *Recusant Records*, 15.

<sup>252</sup> Tabot, *Recusant Records*, 27.

<sup>253</sup> Tabot, *Recusant Records*, 29.

<sup>254</sup> Tabot, *Recusant Records*, 29.

rare opportunity to study two sequential reports.<sup>255</sup> We should thus be able to observe the extent to which the office had changed and which responsibilities had been consolidated in their minds, having now been within the auspice of the government's response to the Reformation for over half a century. A diocesan visitation book also exists for Archbishop Parker's visitation of Norwich in 1569, but in a considerably more damaged state than those in the 1590s and with considerably fewer parish records having survived.<sup>256</sup> One curiosity was 'Elizabeth Elaine',<sup>257</sup> presented ambiguously as being of 'ill faith'. This was before the 1571 ordinances granting churchwardens greater discretion in deciding what constituted improper religious behaviour, so it would be interesting to know whether she was presented with just that accusation, or whether that is the scribe's rushed interpretation of a specific article she was in fault of. Whatever it was, it was clearly very serious: the word 'imprisoned' was written underneath the presentment later to denote the outcome - a very rare occurrence for any ecclesiastical court at the time.<sup>258</sup> The scribe for the presentments in 1593 and 1597 (if it was the same man, the handwriting and language suggest so) appeared to have been a lot more descriptive in his assessments of the presentments, with much greater detail into the crime and less use of shorthand ecclesiastical Latin.<sup>259</sup>

It is worth mentioning who actually attended these visitations from each parish. Unlike the visitations we have observed from earlier in our period,<sup>260</sup> it appears that churchwardens would have attended at their visitation almost every time, if their parish made an appearance at all. There were to be two churchwardens per parish - even when new wardens have been elected after the presentation reports were sent, a set of two new wardens would be put in their place.<sup>261</sup> Occasionally, as at Stoven in Suffolk, it appears that one churchwarden left their post, whereas another was re-elected - this was uncommon but not against the Canons of 1571.<sup>262</sup> During these visitations, we have evidence of a churchwarden being presented for non-attendance by another,

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<sup>255</sup> The returns for 1597 are also transcribed in J.F. Williams, 'Bishop Redman's Visitation of 1597' in *Norfolk Record Society Vol. XVIII* (Norfolk, 1946). While this was a tremendous aid while researching, I have thoroughly checked their reliability against the original manuscript, but they appear to be very reliable – although his summaries at the beginning of the book I believe tend to miscount. Plenty of writing in the 1597 visitation was not transcribed by Williams, but this was due to poor quality that I doubt even the highest expert could decipher. Returns for 1593 are original archival research.

<sup>256</sup> NRO, DN/VIS 1/3. I estimate 100 parish returns survive. The diocesan and archidiaconal visitation books in Norfolk Record Office from the 1560s to the 1630s are not paginated nor foliated, with the exception of 1636, in which only the first thirty pages are labelled.

<sup>257</sup> Surname could be incorrect.

<sup>258</sup> NRO, DN/VIS 1/3. This suggests the secular courts had got involved in her case as well.

<sup>259</sup> NRO, DN/VIS 1/3.

<sup>260</sup> Particularly the visitations of 1557 and 1559-1560, in chapter one.

<sup>261</sup> See Stoven parish returns in NRO, DN/VIS 3/1/1 and DN/VIS 2/1.

<sup>262</sup> NRO, DN/VIS 3/1/3.

non-churchwarden member of the parish who did attend, the so called 'sworne-man.'<sup>263</sup> At other times, whether the attendee was addressed as a 'churchwarden' seems to rely on two things. Should a report regard dilapidation in church buildings, missing books, missing clerical objects, or issues with poor relief, the report would often begin with two names, followed by 'churchwarden'. As discussed with earlier visitations, this is likely to be a reminder that it is up to the wardens to supervise and report on such matters, rather than fix it on their own. At other times when the word 'churchwarden' was mentioned, it was them being at fault for a specific Article relating to that office. This will be discussed in detail later, but it is clear that at times *both* parish churchwardens could be presented by another parishioner - although this was often actually the previous year's couple being presented by their successors.<sup>264</sup>

Before we begin our analysis, it is worth discussing the status of the ecclesiastical polity in Norwich diocese at this time. Regarded as being a haven for puritans, particularly the areas of Norwich, King's Lynn and Ipswich, successive bishops and archbishops had failed to establish a meaningful grasp on the spiritual situation in the diocese.<sup>265</sup> John Parkhurst, Bishop of Norwich in the years 1560-1575, was notoriously ineffective at maintaining a sleek and noiseless diocese. Perennially sick, Parkhurst had no experience in running any sort of ecclesiastical administration, and furthermore was poor at delegation, being a 'poor judge of character.'<sup>266</sup> A soft ruler, more interested in making friends than imposing religious dogma,<sup>267</sup> Parkhurst was known to have a relaxed attitude on puritans, leading to routine criticism from figures like Parker.<sup>268</sup> The financial damage to Norwich diocese caused by Parkhurst's awful mishandling of his clerical estate would not be solved upon his death.<sup>269</sup> His successor Edmund Freke (or Freake) fared little better. According to Brett Usher, Freke attained the position under the false pretence of being a strict and zealous authoritarian, an attitude that did not correlate with his lackadaisical actions as bishop: 'the most calculated volte-face in the

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<sup>263</sup> As discussed in the introduction, this was an ambiguous term generally just meaning a man who had taken an oath to swear testimony at the court. They were often churchwardens but not always.

<sup>264</sup> The Churchwardens of St. Andrew's, Norwich, presented their predecessors for not performing perambulations. NRO, DN VIS/3/1/. St. Andrew's was a notoriously puritan parish in Norwich, and yet there are plenty of examples of their churchwardens complying with orders against non-compliant parishioners and clergymen, and defending themselves and their minister against accusations of religious malpractice. See Matthew Reynolds, *Godly Reformers and their Opponents in Early Modern England: Religion in Norwich, c.1560-1643* (Boydell, 2005), 96 -102.

<sup>265</sup> Patrick Collinson, 'English Puritanism', *The Historical Association, General Series*, 106 (London, 1983), 25-26. John Strype, *Annals of the Reformation Vol. II Part I*, (Oxford 1824), 392.

<sup>266</sup> Ralph Houlbrooke, *The Letter Book of John Parkhurst* (Norfolk Record Society Vol. XLIII), 25.

<sup>267</sup> Houlbrooke, *Letter Book of John Parkhurst*, 25.

<sup>268</sup> Freere and Kennedy, *Visitation Articles Vol. III*, 97.

<sup>269</sup> Houlbrooke, *Letter Book of John Parkhurst*, 26-35.

history of the Elizabethan church.<sup>270</sup> Remembered as a ‘feeble minded man’, Freke’s attempts to quell puritanical dissent in areas such as Suffolk and Bury St. Edmunds, while welcomed at least as an effort, did little to stop further discord between authorities and non-conformist clergy and laity.<sup>271</sup> Furthermore, Diarmaid MacCulloch has argued that Freke’s semi-successful attempts to combat the power of puritan gentry, particularly in the west of his diocese, came at the expense of ‘a blind-eye towards recusancy’.<sup>272</sup> The next bishop, Edmund Scambler, was said to have had some non-conformist sympathies, but not to the extent of direct un-cooperation with Whitgift;<sup>273</sup> he would die in 1594 at the age of 74, having had no major impact on the diocese, but most definitely a calming influence on the warring puritan and papist clergymen that caused considerable grief for Freke.<sup>274</sup> By the 1590s, relations between the Bishop of Norwich and puritan gentry, particularly in the Archdeaconry of Sudbury, had improved significantly.<sup>275</sup> This is a potential reason why the final two diocesan visitations of the seventeenth century seem to have been met with considerable cooperation from its citizens, with the latter visitation also aided by the personality of Scambler’s successor. Bishop William Redman, bishop until 1602, is as close as one can find to the perfect bishop to undergo thorough visitations. Described as ‘moderate and loyal’, Redman was a steadfast adherent to Whitgift’s policies. His visitation in 1597 has been described by J.M Blatchley as a success: ‘Redman’s principal official seems to have been properly searching and impartial in his inquiries, carrying them out in the efficient tradition of Elizabethan administration.’<sup>276</sup> Over thirty years since the Canons of 1571, these visitations will illuminate how far the churchwardens advanced in their primary duties before their revamp in 1604.

The first thing to note is further confirmation that remaining obvious popery had by the 1590s been almost completely eradicated - at least in any manner that might be presented at visitation courts. Only two presentment were made from both visitations regarding ‘roman’ or ‘romish’ plate, both from the Deanery of Reeps in 1593. At Gresham, the churchwarden admitted that they ‘haveth retayneth roman plates’, whereupon he was ‘admonished and dismissed’, and reported to return with a full inventory list.<sup>277</sup> Another parish also reported having ‘romish plates’,

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<sup>270</sup> Brett Usher, *William Cecil and Episcopacy, 1559-1577* (Routledge, 2003), 121-122.

<sup>271</sup> C. Knighton, *Freake, Edmund (c. 1516–1591), Bishop of Norwich and of Worcester*. (ODNB, 2004).

<sup>272</sup> Diarmaid MacCulloch, *Suffolk and the Tudors: Politics and Religion in an English County 1500-1600* (Oxford, 1986), 197, 205-211.

<sup>273</sup> W. Sheils, *Scambler, Edmund (c. 1520–1594), Bishop of Peterborough and of Norwich*. (ODNB, 2004).

<sup>274</sup> Sheils, *Scambler*.

<sup>275</sup> MacCulloch, *Suffolk and the Tudors*, 49-50.

<sup>276</sup> J. Blatchley. *Redman, William (c. 1541–1602), Bishop of Norwich*. (ODNB, 2004).

<sup>277</sup> NRO, DN/VIS 2/1.

but the case was dismissed by the court.<sup>278</sup> The most prevalent ‘superstition’ to have survived was the baptismal bason. Per the Royal Order of 1561, baptisms were to be done in the font ‘customably used’, rather than in a basin.<sup>279</sup> Basins for baptism were used at nine parishes in the 1597 visitation, including at Trimley St. Mary where the ‘superstitious basin’ was used as their font had allegedly broken.<sup>280</sup> Provision of the font and prevention of basin use was in the domain of the churchwarden, as at the church of St. Paul’s, Colegate, Norwich, where churchwarden Nicolas Dyngle was presented ‘for suffering the basin to be sett in the Font - his excuse was that this occurred under a previous churchwarden, and no longer happens.’<sup>281</sup> According to Kenneth Fincham and Nicholas Tyacke, replacement of fonts with basins were a common feature of churchwardens’ accounts from the 1570s until the 1590s, both for financial and sacramental reasons, and often undetected by authorities.<sup>282</sup> Provision of the correct books continued to be under the auspice of the wardens and sidesmen, and continued to be common presentments at visitations. In 1597, fourteen parishes lacked ‘a bible of the largest volume’, two parishes lacked a book of homilies, three lacked a book of common prayer, and thirteen lacked a psalter.<sup>283</sup> No mention was made of *The Paraphrases of Erasmus*. It appears that as they are not mentioned in the Canons of 1571 in the list of books to be provided by the churchwarden, it was then up to each visitation whether they would inspect as to its prevalence in the archdeaconry or diocese. Purchases of the *Paraphrases* came largely in the early years of Elizabeth and declined as her reign continued.<sup>284</sup> In this visitation it was not looked into; but that is not to say that the *Paraphrases* had been discontinued as a necessary book for the Church - John King, Archdeacon of Nottingham, asked about the book in his archidiaconal visitation in 1599.<sup>285</sup> The provision of correct clerical objects and removal of allegedly papist or superstitious ones was at a satisfactory level in Norfolk in the 1590s, mentioned much less frequently than at earlier visitations.

Contrarily, faults in wearing the surplice seem rampant in 1590s Norfolk.<sup>286</sup> However, the extent to which ministers would violate ordinances regarding their use varied considerably. To take

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<sup>278</sup> Gimingham, NRO, DN/VIS 2/1.

<sup>279</sup> Williams, *Bishop Redman’s Visitation*, 12.

<sup>280</sup> NRO, DN/VIS 3/1/1, 3/1/2, 3/1/3.

<sup>281</sup> NRO, DN/VIS 3/1/1, 3/1/2, 3/1/3.

<sup>282</sup> Kenneth Fincham and Nicholas Tyacke, *Altars Restored: the changing face of English religious worship, 1547-c.1700*, (Oxford, 2007), 48-51.

<sup>283</sup> NRO, DN/VIS 3/1/1, 3/1/2, 3/1/3.0

<sup>284</sup> John Craig, ‘Forming a Protestant Consciousness? Erasmus’ Paraphrases in English Parishes, 1547–1666’, in Hilbar M. Pabel and Mark Vassey (eds.), *Holy Scripture Speaks: The Production and Reception of Erasmus’ Paraphrases on the New Testament* (Toronto, 2002), 331.

<sup>285</sup> ‘Visitation Articles for the Archdeaconry of Nottingham, 1599’, 434.

<sup>286</sup> I disagree with J.F. Williams’ count of surplice presentments – I have found many more than he alleges in his summary in J.F. Williams, *Williams, Bishop Redman’s Visitation of 1597*, 19-20.

examples from 1593, at Gimingham the vicar was said to 'omitteth' the surplice, only to wear it 'sometimes', whereas at Hanworthe, the vicar Mr. Richard Roe refused to wear the surplice at any time except at the administering of communion.<sup>287</sup> As per the *Advertisements* of 1566, vicars, parsons, rectors and curates were to wear the surplice during all times at divine service; it seems very common that many ministers would refuse to wear such an allegedly elaborate garment unless during certain important ceremonies, particularly communion, and also on one occasion during Quarter Sermons. Of the 168 presentments in the 1597 returns regarding surplices, eighty-one of these are the wardens reporting that the minister only wears the vestment 'sometimes', or 'not usuallie'.<sup>288</sup> It is safe to assume that the majority of these were due to theological defiance, but there were occasions where the language in the presentment suggests a more innocent, laziness-based excuse, such as at Melton Constable, where their minister Mr. Foster did 'neglecteth' at times to wear the surplice.<sup>289</sup> On the other hand, fifty-seven ministers are said to never wear a surplice at all. At times this is mentioned in a passive manner, such as at Quidenham, West Wretham, and Ditchingham, among many others, where the minister 'weareth not the surplice'.<sup>290</sup> Whereas at Ovington, the rector Mr. John Trendle was presented referring in his outright 'refusal' to wear the vestment.<sup>291</sup> On twenty-four occasions, the wardens reported that they had no surplice in their parish for their minister to wear. The responsibility for obtaining such a garment was in fact placed at the foot of the parish churchwarden. The wardens of Alderford reported in 1597 that they 'wanteth a surples', yet it appears one was provided for in the space between the presentment and the court, wherefore the case was dismissed. This appears a genuine excuse, as not only was one obtained quickly, no fault regarding the surplice was reported four years previously, nor any doubt placed on the religion of their minister at either of the two years,<sup>292</sup> although it appears their rector Richard Foster resigned from his post in 1594.<sup>293</sup> At other occasions, confusingly, the wardens appear to report there being no surplice, but also that the minister refuses to wear it. The churchwardens of Stiffkey reported 'they have no surples belonginge to theire church', yet underneath in the presentment for their rector Mr. Percivell it is said 'He never use any surples neyther in reading devine service nor administringe of the sacramentes.'<sup>294</sup> Ralph Same of Binham is reported that 'He weareth not the surplesse in the tyme of administringe the sacraments & seldome at any other

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<sup>287</sup> NRO, DN/VIS 2/1.

<sup>288</sup> E.g. at St. John Sepulchre parish. NRO, DN/VIS 3/1,1 DN/VIS 3/1/2, DN/VIS 3/1/3.

<sup>289</sup> NRO, DN/VIS 3/1.

<sup>290</sup> NRO, DN/VIS 3/1.

<sup>291</sup> NRO, DN/VIS 3/1.

<sup>292</sup> NRO DN/VIS 2/1, DN/VIS 3/1.

<sup>293</sup> Alderford, Norfolk in the clergy database.

<https://theclergydatabase.org.uk/jsp/locations/index.jsp?locKey=19377>. Accessed 17:06 06/01/2022

<sup>294</sup> NRO, DN/VIS/3/1.

tyme' yet he insisted to the court there was in fact no surplice at the parish to wear - he was 'admonished and dismissed.'<sup>295</sup> The churchwardens would have been aware whether they had a suitable surplice available for the minister - this was potentially an example of a form of resistance in which the minister is delaying and muddying the legal process, obscuring his own doctrinal opinions. At Great Ryburgh, the churchwardens presented their parson Thomas Waterman for only wearing the garment 'sometimes', but also alleging that his surplice was 'verie litle' and not sufficient. On this occasion it appears the wardens were rather over-enthusiastic in their compliance with vestments ordinance. Mr. Waterman's surplice was brought to the court, where it was 'exhibited', seemingly thought large enough, and the case dismissed.<sup>296</sup>

Many cases exist in both visitations of the surplice being torn or 'rent' or otherwise in too sorry a state to be worn.<sup>297</sup> In 1593, the wardens of Booton explained their lack of surplice saying 'when there was one the minister did refuse to weare the same, being offered to him: and presentlie after, yt was conveyed awaie out of the church, and cold never be heard of since.'<sup>298</sup> At Ashwicken, the rector Peter Smyth blames the churchwarden for his occasional lack of surplice, saying 'yf at anie tyme he omittethe the wearing of the same, yt is onelie for that the surplesse is carried to the churche and his howse, for that the churche is owt standing, and therefore they leave it not there.'<sup>299</sup> At Spexhall, the churchwardens were ordered for the surplice 'to be layed out for the minister to weare' before every sermon, so instances like this could be avoided.<sup>300</sup> It was not only clergymen who faced retribution for their objection to the surplice. The parishioner William Fyske of Woodbridge, Suffolk, stated his refusal to enter church while the minister was wearing a surplice. He appears to attend his court hearing where he was admonished and dismissed after stating he would now begin to attend.<sup>301</sup> On occasion, the surplice was in fact physically denied from the parish by an irate parishioner; this was often an ex-churchwarden, who seemingly used the position to steal and hide the garment at the end of their tenure. Richard Connies, ex-churchwarden of Kirby Bebon St. Andrew, 'deteyneth the surples belonging to the church' as well as his accounts of church finances. In St. Lawrence's church at Ipswich, the excuse used by curate John Wakelyn for not using the surplice since Easter last was that the ex-churchwarden Christopher Algate refused to give up the surplice he had taken into his possession, even in the face of multiple demands to. Despite these instances, it

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<sup>295</sup> NRO, DN/VIS/3/1.

<sup>296</sup> NRO, DN/VIS/3/1.

<sup>297</sup> E.g. at Salhouse in 1593 and 1597 NRO, DN/VIS/2/1, NRO DN/VIS/3/1.

<sup>298</sup> NRO DN/VIS/2/1, this case is highlighted in J.F. Williams brief summary 'An Episcopal Visitation in 1593', in *Norfolk Archeology Vol. XXVIII* (Norfolk, 1943), 81.

<sup>299</sup> NRO, DN/VIS/3/1/1. DN/VIS 3/1/2, DN V

<sup>300</sup> NRO, DN/VIS 3/1/1, 3/1/2, 3/1/3.

<sup>301</sup> Archdeaconry of Suffolk, NRO, DN/VIS/3/1/3.

must be said that churchwardens were remarkably willing to present defaults in the surplice, and in fact the numbers appear to increase between 1593 and 1597.<sup>302</sup> Suffolk parishes seemed to present this offence more; about a third of Suffolk parishes presented a default in the surplice in one way or another in 1597.<sup>303</sup> The punishment from the court for the misuse of the surplice was usually to be 'admonished', and ordered to wear it consequently - at occasion the wardens were asked to report on their progress at a future date.<sup>304</sup> Overall, these visitations display not only a very high rate of defiance regarding clerical vestments, but also a high level of cooperation from its churchwardens.

Would the area's churchwardens repeat this success in other ways? The 1590s saw a focus from Whitgift back on the conduct and character of the clergy - and indeed a return to the visitation system as a tool of investigation. In the years 1591-2, he ordered a full survey of every clergyman in the deaneries of Malling and Dartford in Canterbury diocese, and in 1597 he did the same for the Archdeaconries of Coventry, Stafford, Salop and Derby within the Coventry and Lichfield diocese. In particular, Whitgift asked for the 'names, degrees, learning, and versation of the clergy, and whether they be preachers, for the satisfaction of the Queen in Parliament.'<sup>305</sup> Such enthusiasm seems to have been adopted by Scambler and Redman as well. Administration of the communion, which appears to have been expected to be undertaken three times a year (although this was not a Canon until 1604),<sup>306</sup> was performed much more regularly than the visitations of the early 1570s. Indeed, the majority of the presentations regarding the communion state that it had only been ministered twice, very few parishes seemed to have had no communion at all.<sup>307</sup> Quarter Sermons are mentioned as having not been done in sixteen parishes; however each time it is simply stated 'they have no quarter sermons', rather than at the visitation of Canterbury in 1573 when it was usually stated exactly how many had been missed.<sup>308</sup> It is unlikely that sixteen parishes had no quarter sermons and every other had the full quartet.<sup>309</sup> Twenty-four parishes highlighted insufficient teaching of the catechism to the youth of the parish.<sup>310</sup> Of particular interest was the parish of Helmingham, in which it was reported that their minister 'in Catechising one Estall's boy told the boy the dyvell was on his sholders; whereat the boy ran out of the church crying and scryking, to the

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<sup>302</sup> NRO, DN/VIS 2/1, 3/1/1, 3/1/2, 3/1/3.

<sup>303</sup> NRO, DN/VIS 3/1/3.

<sup>304</sup> Williams, *Bishop Redman's Visitation of 1597*, 19-20.

<sup>305</sup> Dorothy Owens, *Carte Antique et Miscellanea* (Lambeth, 1968), 145-146.

<sup>306</sup> As per Williams, *Bishop Redman's Visitation of 1597*, 11.

<sup>307</sup> NRO, DN/VIS 3/1/1, 3/1/2, 3/1/3, Williams, *Bishop Redman's Visitation of 1597*, 19-20.

<sup>308</sup> See 'The Visitation of Canterbury, 1573'.

<sup>309</sup> NRO, DN VIS 3/1/1. William Miller, vicar of Stoke Holy Cross, defended his presentment saying he *had* done the Quarter Sermons; he was ordered to return with proof.

<sup>310</sup> NRO, DN/VIS 3/1/1, 3/1/2, 3/1/3. Williams says 72 parishes, but I simply do not see that many references, even within his own transcript.

terror of all that were present.<sup>311</sup> As a proportion of the full population of the clergy, it seems like matters like dual benefices, while still high, had dipped slightly since their targeting during Parker's tenure by the churchwardens. In 1597 fewer than seventy parishes report their parson, vicar or curate having dual benefices, with 42 (with much overlap) reporting their minister not being resident. Of all the instructions to the ministry, the one that appears to be most neglected was the reading of the queen's injunctions quarterly - presented by nearly 100 sets of churchwardens in 1597.<sup>312</sup> The education and general competence levels of the ministry, of particular concern to Parker and also Whitgift, was naturally a difficult topic for the churchwardens to report on. At Yoxford, the vicar, among other things, was said to be 'very insufficient & cannot reade any scripture distinctly.'<sup>313</sup> The same is reported at South Elmham St. Peter, where the rector was 'unlearned and & readeth not service distinctly.'<sup>314</sup> Mentions of literacy levels were very sparse - it appears the efforts since the 1560s to create an educated, qualified clergy had met with some success. Nonetheless, defaults in performance of baptism, marriage, reading and other duties were very common.<sup>315</sup>

Of all the facets of the Norfolk and Suffolk visitations of the 1590s, the one that is most astonishing is the very high levels of presentments regarding licenses for preaching and ministering. Considering the relatively low levels of presentments for such in the 1570s, it seems by this decade the duty had fully consolidated itself within the mind-set of the churchwarden. Overall, there were forty presentments for the churchwardens regarding the preaching license status of their minister or someone from outside the parish in 1597.<sup>316</sup> R.G. Usher wrote of the detection of unlicensed preaching that 'The ignorance of the wardens of facts which we should imagine they must have known, is quite astonishing... Over and over again we read the entry, short but significant, the vicar 'sayeth he is a preacher but whether licensed they knowe not''.<sup>317</sup> Statements such as these were indeed common but were not damning to the competency of the churchwardens as we have discussed. Having read the visitation reports from the late 1590s (the date to which Usher was referring), we also see examples of the churchwardens asserting that they know for certain that an individual was not licensed to preach. In 1593, whether the detection is regarding 'whether he be lafullie licensed or not... they knowe not',<sup>318</sup> or a definite 'he is not licensed', as at Bessingham,

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<sup>311</sup> NRO, DN/VIS 3/1/3.

<sup>312</sup> NRO, DN/VIS 3/1/1, 3/1/2, 3/1/3.

<sup>313</sup> NRO, DN/VIS/3/1/3

<sup>314</sup> NRO, DN/VIS/3/1/3, As per Williams, *Bishop Redman's Visitation of 1597*, 16.

<sup>315</sup> Williams, *Bishop Redman's Visitation of 1597*, 16-24.

<sup>316</sup> NRO, DN/VIS 3/1/1, 3/1/2, 3/1/3.

<sup>317</sup> Usher, *Reconstruction*, 214-215.

<sup>318</sup> NRO, DN/VIS 2/1.

seems to be very clear-cut, and the same is true four years later.<sup>319</sup> In 1597 thirteen preachers were said by the wardens to be unlicensed, compared to twenty seven in which they declare that they do not know for sure. The visitation court appears to agree with the wardens who are sure of the preacher's unlicensed status. At Arminghall, a Mr. Stubberd, curate, said that 'he is not licensed', and is subsequently 'prohibited from performing divine service' as per the court.<sup>320</sup>

Of those whom the wardens are not sure as to their licensing status, the outcome varies after being checked by the court - an indication that the system was working. At Bylaugh, there was a report of a travelling preacher from Linge who sometimes preaches at the parish named Mr. Knolles. The wardens reported that they do not know whether he is licensed to preach in the diocese - their superstitions appear warranted, as Mr. Knowlles was summarily 'admonished, inhibited, and dismissed.'<sup>321</sup> Robert Bonninge of Holme Hale parish contrarily was found by the court to be sufficiently licensed - but was nevertheless admonished by the court for being non-resident.<sup>322</sup> Mr. Bonninge was also presented as preaching at West Bradanhem along with a Mr. Pratt - Bonninge once again declared that he was sufficiently licensed, whereas Pratt merely said he did not preach in that particular parish.<sup>323</sup> Overall, seven of the presentments for licensing where the wardens 'know not' were dismissed by the court after a license was satisfactorily produced. Most of the presentments regarding preachers involved incumbent ministers either from their parish or from elsewhere - 'foreign preachers' were not usually listed in visitation courts. However, the visitation of 1597 sees some of the first examples of such reports within visitations. Daniel Tittingham was presented by the wardens of Bradfield, Suffolk, for having unlawfully preached but once at the parish on the 10<sup>th</sup> October 1596.<sup>324</sup> J.F. Williams has estimated that the number of licensed preachers for Norfolk diocese in 1597 would be approximately 396, which was the exact number as per a return for 1603.<sup>325</sup> Thus the number of returns regarding unlicensed preaching was about 10% of the number of actual preachers in the diocese. Considering the rather - or completely - negligent reports for this even as recently in 1575,<sup>326</sup> this constitutes one of the most marked changes in the warden's role to enforce ecclesiastical non-conformity during the Elizabethan era. Wardens as arbitrators of ecclesiastical licenses is further engrained by the very large reports from both counties of licensing

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<sup>319</sup> NRO, DN/VIS 3/1/1, 3/1/2, 3/1/3.

<sup>320</sup> NRO, DN/VIS 3/1/1.

<sup>321</sup> NRO, DN/VIS 3/1/1.

<sup>322</sup> NRO, DN/VIS 3/1/2.

<sup>323</sup> Williams, *Bishop Redman's Visitation of 1597*, 89-90.

<sup>324</sup> NRO, DN/VIS 3/1/3.

<sup>325</sup> Williams, *Bishop Redman's Visitation of 1597*, 17.

<sup>326</sup> See our section on 'The Visitation of York, 1575'.

issues regarding schoolmasters, of which there were eighty presentments<sup>327</sup>, and doctors (or physicians, or surgeons), of which there were thirty-seven faults or suspicions raised.<sup>328</sup>

The campaign against recusancy by the English churchwardens continued unabashed in Norwich diocese in the 1590s. Nearly eighty presentments were made in 1597 regarding some sort of non-attendance at church.<sup>329</sup> Before 1604, defining why the absence occurs, as well as which length of time denoted a problem worth presenting, is very difficult and was likely highly dependent on the proclivities of the parish and the churchwarden. For those deliberately absenting themselves from church for religious reasons, reports of both 'papist' and 'Brownist' recusants appear in the returns.<sup>330</sup> Sybil Hawe from Kenton was said by the wardens to be a 'notorius Browniste' as was a Mr. Dowsinge, a glover from St. Clement's, Norwich.<sup>331</sup> 'Recusants' are mentioned seven times, a number lower than upcoming visitations in the following century.<sup>332</sup> A gentleman at Deopham was noted to be a recusant, and also owed money to the poore as per 'the statute of recusants'; he was ordered to do so by both a justice and a judge.<sup>333</sup> At Cratfield, a man refuses to attend church purely because of his opposition to the Book of Common Prayer being used.<sup>334</sup> There were a number of non-spiritual reasons given for repeated non-attendance at church, including sickness, being in prison - surely a reasonable excuse - and one man at Gorleston who, bizarrely, cited obesity for his reason to attend a different parish's services: 'that he is Corpulent and fatt and dwelleth nearer Yarmouth then Gorleston church, and by reason thereof he repayreth to Yarmouth churche, he and his wife, and there have and doe most comonlie heare dyvine prayers redd.'<sup>335</sup> As to how long absence from church warranted a charge of recusancy, this varied massively. Henry Parker, from Bodney, was presented for not attending church for six weeks before the visitation,<sup>336</sup> whereas at Letheringham, the 'druncckarde' Anthony Furnes 'sayth he is not bound to come to church but once a month.'<sup>337</sup> There were reports from three parishes of absences as long as six or seven years, two instances of absences of twelve months, and one report of the gentlemen John Downes, reported that 'he is a notorious recusant, and obstinately refuseth to be partaker with the Church of England. He hath not

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<sup>327</sup> Williams, *Bishop Redman's Visitation of 1597*, 27.

<sup>328</sup> Williams, *Bishop Redman's Visitation of 1597*, 27.

<sup>329</sup> NRO, DN/ VIS 3/1/3, 3/1/2, 3/1/3.

<sup>330</sup> Williams, *Bishop Redman's Visitation of 1597*, 23-24.

<sup>331</sup> NRO, DN/ VIS 3/1/3, 3/1/2, 3/1/3.

<sup>332</sup> NRO, DN/ VIS 3/1/3, 3/1/2, 3/1/3, at Hoveton St. John, Brandon Parva, Dennington, Lakenham, Babingley, Sandringham, and Deopham.

<sup>333</sup> NRO DN/VIS 3/1/2, Deopham.

<sup>334</sup> Williams, *Bishop Redman's Visitation of 1597*, 23-24.

<sup>335</sup> Williams, *Bishop Redman's Visitation of 1597*, 23-24.

<sup>336</sup> NRO, DN/VIS 3/1/2.

<sup>337</sup> NRO, DN/VIS 3/1/3.

repayred to church this xx yeares.'<sup>338</sup> It would be unwise to use these examples as an indicator of how many parishioners in Norfolk absented themselves from church on any given Sunday, but it does portray a notion that extreme cases would normally have been flagged by the churchwardens to the courts at a point deemed sufficient. Furthermore, the visitations in Norfolk in the 1590s, more-so than most previous visitation reports, seem to be keen to enforce and bolster the warden's role in dealing with recusancy.

By the 1590s, the elevated duties of the churchwardens naturally came with increased levels of scrutiny and expectation. Presentments regarding improper fulfilment of the office of churchwarden begin to increase by the end of the century, demonstrating the elevated seriousness in which local communities took the charge - although not yet at the levels we will see after 1604. Even as late as the 1580s, Bishop Freke of Norwich encountered considerable difficulties in his use of wardens and 'quest-men' in his own visitation, seen as a meddlesome overreach of his authority - with his own admittance that his visitation had done 'little good'.<sup>339</sup> But by the 1590s and under the considerably more competent administrations of his successors, we see a successful detection rate and frequent admonishments for the select wardens who seemingly do not do their job to a satisfactory degree. Eighteen cases were brought explicitly against churchwardens for not 'levying the xiid fine for non-attendance.' At times, as at the church of St. Lawrence in Ipswich, this was a presentment levied against churchwardens from previous years by their successors.<sup>340</sup> Presentments for irresponsibility in church accounts,<sup>341</sup> the parish register,<sup>342</sup> church fabric<sup>343</sup> and the poor man's box<sup>344</sup> are still common throughout the visitation books, and it appeared it was known for most communities that the wardens ought to be collecting recusancy fines as per statute. Two 'Quest-Men' were reported at Great Bircham for they 'concealed and did not present' some offences according to the articles.<sup>345</sup> Outside of Norfolk, if we examine the printed consistory court records from London, as an example, presents directly regarding misuse of the office of churchwarden do increase as the century goes on.<sup>346</sup> Particularly by the 1590s, we see men being hauled before court for disrupting the churchwardens in their duties, as per the Canons of 1571. Jonan Miles was seen at the consistory court in January 1591. Presumably a minister, he did allow parishioners to depart

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<sup>338</sup> Williams, *Bishop Redman's Visitation of 1597*, 23-24.

<sup>339</sup> Strype, *Annals*, Vol. III Part I, 21-25.

<sup>340</sup> NRO, DN/VIS 3/1/3.

<sup>341</sup> Williams, *Bishop Redman's Visitation of 1597*, 22.

<sup>342</sup> Williams, *Bishop Redman's Visitation of 1597*, 13.

<sup>343</sup> Williams, *Bishop Redman's Visitation of 1597*, 10-13.

<sup>344</sup> Williams, *Bishop Redman's Visitation of 1597*, 12.

<sup>345</sup> Williams, *Bishop Redman's Visitation of 1597*, 23.

<sup>346</sup> See Hale (ed.), *A Series of Precedents and Proceedings in Criminal Causes*, 145-224.

church while the churchwardens were doing an assessment of church windows. Knowing this was a crime, Miles defended saying that 'negavit, that he did in anie way interrupte or trowble the churchwardens in the gatheringe of their asesment.'<sup>347</sup> Contrariwise, at the Archdeaconry Court of Essex in June 1591, Thomas Spackman was reported, possibly by himself, that he ought be excused from the role of churchwarden, being 'over LXX yeares old', and 'weak in body', that he 'may not be able to execute the office.'<sup>348</sup> The robustness of the parish churchwarden was by the 1590s a matter of some importance by both the church and their aims for non-conformity, and the parishioners themselves.

vii. Conclusion

We have examined in this chapter the response of the nation's churchwardens to their nationwide guidelines in the form of the Canons of 1571. The response was virtually immediate, with visitations even within the same year having taken some instructions verbatim from the Canons, or at least - when the articles are not available to us - clearly having been heavily influenced by them. Parker, and then Grindal in particular, continued to utilise the churchwarden presentment system as their primary tool to enforce grassroots conformity. Administrative and bureaucratic aspects were introduced to modernise the office, simultaneously boosting their efficacy and eliminating the likelihood of misinterpretation of instructions. Not only were many of their key duties standardised in a much more vigorous way than before 1571, but other novel introductions show the churchwarden as akin to any other permanent office of state, such the new, unique churchwarden's oath, or their aptitude being increasingly scrutinised under threat of punishment. Their importance to the cause of conformity was in fact highlighted by Archbishop John Whitgift, who despite attempts to find an alternative to the presentation system, never found an alternative to the process nor diminished any of their responsibilities - although he did not add to them either. The visitations of the 1590s thus give us a useful overview of how the office had changed in this crucial period before their overhaul in 1604.

As some of the deaneries in Norwich diocese have had their visitation presentments lost to us, an exact figure of how many parishes attended the visitations cannot be given. There are 181 parishes who ought to have presented but are not listed - with the number of parishes presenting at 806, this gives us an attendance rate of 78%, an increase compared to the visitations of Canterbury

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<sup>347</sup> Hale (ed.), *A Series of Precedents and Proceedings in Criminal Causes*, 202.

<sup>348</sup> Hale (ed.), *A Series of Precedents and Proceedings in Criminal Causes*, 207.

and York in the 1570s.<sup>349</sup> The rate could actually be higher still, as this visitation does not record any returns of 'omnia bene': that there was nothing to report from the parish. Other visitations in the same period, such as that of Richmond Archdeaconry, would record the difference between a parish relaying that all was well and not appearing at the court altogether.<sup>350</sup> The returns for 1593 are less extensive and have more missing deaneries, but it seems that their levels of uptake was similar to that of 4 years later. If we take the deanery of Reeps (or Repps) as an example between 1593 and 1597, we see similar levels - twenty-nine parishes reported in 1593, whereas twenty-eight did in 1597, therefore missing five and six parishes respectfully.<sup>351</sup> Our study of Norfolk supports the argument of Martin Ingram that by the close of the sixteenth century, ecclesiastical courts had indeed seen an uptake of enthusiasm and participation.<sup>352</sup>

One aspect of the visitation reports from Norfolk that is of significant interest regards the rather paradoxical nature of the relationship between a broadly non-conforming community and their churchwardens. One question that has loomed over this thesis is thus: if a community, which of course the office of churchwarden itself draws from, was sympathetic to non-conformist ideologies, would we see more presentments from this area as more defaults were committed, or would we in fact see fewer, as the wardens would be more unwilling to cooperate? The answer from these visitations is decisively the former. Indeed, the area of Norwich diocese that was the largest hive of puritanical activity, that being the Archdeaconry of Suffolk,<sup>353</sup> usually comes ahead in non-conformist presentments compared to Norwich and Norfolk Archdeaconries. Despite having fewer parishes, non-teaching of the catechism by the minister has treble the presentment rate in Suffolk rather than Norfolk,<sup>354</sup> and proportionately the rate of saying the queen's injunctions was higher in Suffolk.<sup>355</sup> In particular, the surplice, perhaps the most obvious form of puritanical non-conformity<sup>356</sup>, was much more lacking in Suffolk, estimated at not being present at 33% of parishes, compared to 6% for Norfolk.<sup>357</sup> This demonstrates that the political authority of the office of churchwarden had by the turn of the second at least begun to contend with the social and religious pressures from the parishioners at large, and even from the minister himself.

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<sup>349</sup> Williams, *Bishop Redman's Visitation of 1597*, 10.

<sup>350</sup> Michael Chadwick, 'Early Churchwardens' Presentments in the Archdeaconry of Richmond', in *The Yorkshire Archaeological Journal* Vol. 40 (Wakefield, 1962), 658. This trend would continue, for Norwich diocese at least, until the civil war period.

<sup>351</sup> NRO, DN/VIS 2/1, DN/VIS 3/1/1, 3/1/2, 3/1/3. Cromer reported in 1593 extensively, but not in 1597.

<sup>352</sup> Ingram, *Church Courts*, 324-326.

<sup>353</sup> Strype, *Annals* Vol. III Part I, 88-114.

<sup>354</sup> Williams, *Bishop Redman's Visitation of 1597*, 17-18.

<sup>355</sup> Williams, *Bishop Redman's Visitation of 1597*, 18-19.

<sup>356</sup> Patrick Collinson, 'English Puritanism', in *The Historical Association, General Series 106* (1983) p.30

<sup>357</sup> Williams, *Bishop Redman's Visitation of 1597*, 19-20.

John Guy has argued for a decline in Elizabethan government in the 1590s, leading to an impoverishment and lower effectiveness of local politics, including the efficiency and authority of the churchwarden and other parish workers.<sup>358</sup> Our study of visitation reports suggests that by the end of the 1590s, detection rates, particularly of certain defaults such as unlicensed preaching, seem to have increased significantly compared to the 1570s. We get the impression that the last and most significant political upheaval regarding the office of churchwarden, which happened with the Canons of 1604, was in fact a sign of trust in the burgeoning office of social and religious conformity, rather than a repair of a role in decline. While certainly not a seamless and smooth incline in authority, the churchwardens by 1600 achieved a level of standardisation, bureaucratisation and politicisation that made them in many aspects incomparable compared to the office in the pre-Elizabethan era.

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<sup>358</sup> Guy, *Tudor England*, 379-387.

## Chapter III

### *Churchwardens and the Canons of 1604*

#### i. Introduction

As suggested in previous chapters, studies into the incremental rises in the political authority of the English churchwarden has hitherto seen surprisingly sparse interest from historians of the Reformation. From the beginning our period and until the cessation of regular Church activity in the 1640s, the churchwardens in fact never saw their authority diminish on a national level by any form of ordinance.<sup>1</sup> It is quite remarkable then that within only a few decades afterwards, and especially after the Toleration Act of 1688, the use of churchwardens to police religious conventionality and suppress dissent had reached its definitive end. By 1640, the churchwardens were still under the auspice of the last great ecclesiastical ordinance regarding the role: the Canons of 1604. These marked the very apex of their authority, as well as their last national ordinance with meaningful resonance concerning non-conformity.<sup>2</sup> New powers of coercion and documentation were introduced, outlining exactly the tools and methods expected of the churchwarden to achieve the state's socio-political aims, in full and orderly cooperation with both the parish minister and the larger ecclesiastical court mechanism at large. Alongside this was the most blatant attempt yet to foist away interpersonal authority within the localities, with official legislative attempts to eliminate both those who would deride or molest churchwarden activities, as well as those who would neglect or abuse the office if chosen. The Canons of 1604 monumentalised the English churchwarden at its all-time peak of authority, responsibility and culpability, which would last for thirty-five years.

This chapter will argue that the period 1604-1640 was a significant departure in English parochial history, as the state encroached upon its parishioners using the Canons as a modernised manual for the office of churchwarden. They touched upon most religious and social aspects of the office, and their fastidiousness, breadth and unambiguity are a compelling argument for the

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<sup>1</sup> The chaos of the Civil War caused many pieces of parochial evidence, such as churchwardens' accounts and deposition books, to cease production during those years and also well into the 1660s and 1670s. See Andrew Foster, 'What Happened to English and Welsh Parishes c.1642-62? A Research Agenda', in Fiona McCall (ed.), *Church and People in Interregnum Britain* (London, 2021), 19-40, and Eric Carlson, 'The Origins, Function and Status of the Office of Churchwarden, with particular reference to the diocese of Ely', in Margaret Spufford (ed.), *The World of Rural Dissenters 1520-1725* (Cambridge, 1995), 185-188.

<sup>2</sup> See Gerald Bray, *The Anglican Canons 1529-1927* (Cambridge, 2001), 454 onwards. Churchwardens have a presence in the Canons of 1640, but these were aborted before they had any effect. Bray, *Canons*, 553-578.

importance and potential the office had within the minds of the Church's reformers as they continued to challenge non-conformity. The chapter will begin by putting the Canons in the context of the religious challenges faced by James I: the Canons' use of churchwardens was not an afterthought but a direct reflection on broader aims in tackling the dual issues of puritanism and popery. We will then analyse the Canons fully, separating the new or revamped duties of the churchwardens into sections on ceremonies, ministerial conduct, and their role within ecclesiastical court.

That is not to say that this phenomenon of rapid decline from an all-time height has gone unnoticed by historians. Indeed, studies specifically into Elizabethan and Stuart churchwardens, including those by Eric Carlson, John Craig, Margaret Spufford and others, have noted this high-point in their political significance under James and Charles, contrasting with their - relatively speaking - lack of historical import after the Civil War. Craig's 2001 work on East Anglian market towns remarked that the wardens reached a 'zenith' of influence around 1637, perhaps a consequence, or in spite of, the 'intensification of ecclesiastical pressure' that occurred under Archbishop Laud.<sup>3</sup> Margaret Spufford in her studies of parishes in Ely diocese rarely touches upon visitations and presentments after the 1640s, despite her observation that those of puritanical persuasion filled a high percentage of lay officers in 1639 and thus had a strong influence on local politics.<sup>4</sup> Eric Carlson in 1995 pondered why, remarking the 'fundamental' importance the office was seen to have before the Civil War, we then see significant levels of evasion in taking the office in the 1660s. Carlson implores readers to disregard the natural tendency of many of us to 'cringe at the thought' of such communal service work and reinforces his argument that the office was well-regarded and sought after. 'Only after 1662', Carlson concludes, did the churchwardens lose control of the duty of 'maintaining order in the community' to the justices, with the conglomerative burden of decades of onerous legislation ultimately dissipating their popularity and significance regarding as a 'genuine' community service.<sup>5</sup>

Other larger studies of Elizabethan and Stuart local offices in general tend to end at the Civil War period, and do not reflect heavily on the fact that while many offices do emerge relatively unscathed into the 1700s, the churchwardens most certainly do not. Ronald Marchant, within his

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<sup>3</sup> John Craig, *Reformation, Politics and Polemics, the Growth of Protestantism in English Market Towns 1500.1610* (Aldershot, 2001), 47-49.

<sup>4</sup> Margaret Spufford, 'The Quest for the Heretical Laity in the Visitation Records of Ely in the late Sixteenth and Early Seventeenth Centuries', in *English Historical Review Vol. 58* (Cambridge, 1971), 229. We shall discuss the problems with Spufford's arguments within the conclusion to the thesis.

<sup>5</sup> Carlson, *Churchwarden*, 191.

extensive analyses of visitations in Nottingham, York and Norwich dioceses, largely presented the periods before and after 1604<sup>6</sup> as contextually comparable, with his statistical gatherings of presentments records in the 1590s through to the 1630s offered with no analysis of the effects of the 1604 Canons on the role of the churchwarden.<sup>7</sup> Michael Braddick's overview of each of the major secular and ecclesiastic petty offices of state details the overlap and usurpation of many of the warden's duties by secular roles as the seventeenth century progressed. The explosion of legislation regarding the Justices is of particular note, but as Braddick points out this encroachment also included even the petty constable, who after 1641 had to ensure the inhabitants to swear the oath to 'uphold the Protestant religion, the liberty of parliament and the unity of England, Scotland and Ireland'.<sup>8</sup> Steve Hindle details the increasingly high participation in local politics from the years 1590 to the 1620s, particularly via membership or involvement in local offices. The changes to the office post-1660 will be addressed in the thesis' conclusion.

Aside from select visitation articles, the 1604 Canons provide the final set of instructions towards the churchwardens had a meaningful impact on the grassroots Church.<sup>9</sup> Although a specific section for churchwardens and sidesmen was indeed printed within the Canons, their names crop up continuously throughout the ordinances, and thus an analytical narrative regarding the background to the Canons and their ramifications - and thoughts of modern historians regarding their significance - is necessary for any study of local church offices in this period. Visitations shall provide the bulk of the evidence as to how the wardens actually responded to the Canons. Indeed, compared to their 1571 equivalents, the Canons of 1604 are mentioned and referenced far more frequently in visitation articles and even within the presentments themselves.<sup>10</sup> The reaction to the Canons among ecclesiastical courts will be examined in Chapter V, with particularly focus on how common lay officials responded (if they indeed did) to their new status. Meanwhile, to provide a thorough basis in which to analysis these phenomena, this chapter shall be a detailed analysis of the new

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<sup>6</sup> Although Marchant argued we should refer to the Canons as being from 1603. Ronald Marchant, *The Church Under The Law* (Cambridge, 1969), 129n.

<sup>7</sup> See tables 29-35, Marchant, *Church*, 207-233.

<sup>8</sup> M.J. Braddick, *State Formation in Early Modern England* (Cambridge, 2000), 33-34.

<sup>9</sup> The Canons of 1640 were condemned by the Long Parliament and proscribed in 1660-1, parochial evidence is similarly much lacking in the war years and the immediate aftermath. Indeed, visitation articles are also more standardised nationwide after 1660.

<sup>10</sup> The visitation articles for the Visitation of Norwich diocese in 1611 frequently refers to the Canons as the central point on reference, and indeed the churchwardens of Sudbury Archdeaconry in the same visitation do present ministers for not servicing the parish 'accordyng to the Canons'. *Articles for the Visitation of Norwich, 1611*, 3-11. NRO DN VIS 4/3.

instructions to the wardens drafted in 1604, and their subsequent interpretation and use by bishops and archdeacons in the ensuing four decades.

ii. The Religious Challenges for James I

Upon taking the English throne, James and the Church of England were in the midst of a pincer attack from two 'disaffected and aggressive minorities', and James himself was keen to highlight the equivalence of danger between the puritans and the papists within his ecclesiastical settlement.<sup>11</sup> This belief of James was prominent throughout his reign, affecting not only the conferences that would result in the new Canons of 1604, but reoccurring in many of his subsequent political works and speeches. He concluded a speech to Star Chamber in 1616 by beseeching those present 'that in all your behaviours, as well in your Circuits as in your Benches, you give due reverence to God; I mean, let not the Church nor Churchmen bee disgraced in your charges; nor Papists, nor Puritans countenanced.'<sup>12</sup> As we shall see, instructions to lay officials in the localities similarly began to reflect a greater duality of threat between the puritans and the papists, with 'puritans' or their individual sects beginning to be mentioned by name, or at least heavily implied.<sup>13</sup>

This turn in strategy was a reflection of the outcome of the Hampton Court Conference of 1604, and it remains an unsolved topic among historians as to what exactly was the initial aim of holding the conference.<sup>14</sup> Writing in 1910, Roland Usher believed that it was an attempt by the king - a foolish one according to Usher, resulting from his ignorance of puritan 'schemes of reform' - to appear 'fair and impartial' to all his subjects, which had the unintended consequence of bolstering the puritan sectarian cause by giving their campaign an unprecedented 'real dignity'.<sup>15</sup> This particular belief has not been repeated by more recent historians. It is relatively uniformly believed by historians that the spark for the organisation of the conference came very much from puritans, specifically the *Millenary Petition* of 1603, in which prominent puritans, hopeful of a radical change in ecclesiastical policy under the new king, wrote to James requesting a variety of reforms regarding

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<sup>11</sup> Kenneth Fincham and Peter Lake, 'The Ecclesiastical Policy of James I', *Journal of British Studies* 24 (Cambridge, 1985), 171.

<sup>12</sup> Charles Howard McIlrain (ed.), *The Political Works of James I* (Cambridge, 1918), 344.

<sup>13</sup> As early as 1611, we see the wardens receive two separate instructions on who to present at court: one for 'heretical opinions' contrary to the general Councils of the Church of England, and another more familiar one referring to those 'popishly affected'. 'Articles for the Visitation of Norwich, 1611', 1.

<sup>14</sup> Fincham and Lake, 171.

<sup>15</sup> R.G. Usher, *The Reconstruction of the English Church Vol. I* (New York, 1910), 310-311.

the ministry, sacraments, behaviour in church and tolerance towards papists.<sup>16</sup> Rather than bolstering the puritans, it has been argued that James in fact ignored most of their fundamental requests. Patrick Collinson argued that the Hampton Court conference was an attempt by James and Bancroft to settle the militant puritan movement once and for all by undertaking a substantial reform of the church in administrative and educational matters, while giving very few doctrinal concessions; that is, to reaffirm the relations between 'the church and the Church of England' and to deny the puritans many of their critiques of the episcopacy while simultaneously ending their hopes for an evangelisation of the church itself.<sup>17</sup> In this regard, Collinson believed the Conference broadly succeeded, with the ascendent Elizabethan puritan movement being brought to heel.<sup>18</sup> More recent histories have arrived at a more moderate conclusion: that the concessions to the puritans in 1604 were substantial, and yet still disappointed many puritans in their scope. Anthony Milton wrote that 'puritan hopes for major structural reform were dashed' at the conference, afterwards taking 'considerable time to manifest themselves openly', while highlighting that many moderate puritans sought to dampen hostilities with James' regime after the conference.<sup>19</sup> In their article on 'The Ecclesiastical Policy of James I', Kenneth Fincham and Peter Lake describe the new translation of the Bible and the altering of the Thirty-Nine Articles as taking 'a more overtly Calvinist direction', and thus being 'significant' concessions, yet conclude that 'none represented the signal Puritan victory and open-ended commitment to further reformation for which even moderate Puritans must have hoped.'<sup>20</sup> The conference signified a willingness by the king to sway slightly on certain doctrinal matters, but a steadfast, unbending defence of the episcopate. James' famous maxim from the conference 'no bishop, no King' is reflective in all subsequent documentation deriving from the conference in its utter refusal to tolerate any criticism of the king as supreme governor of the Church, or indeed the role of the bishops.<sup>21</sup> This would be reflected in subsequent reforms and ordinances targeting non-conformity within the parishes.

Consequently, how would the Hampton Court Conference affect the local churchwarden? The concessions given to the puritans were to be repaid by conformity within the established Church. In this form, ministers, preachers and lay officials were soon put to task to both implement some of the concessions where necessary, yet also to show no clemency for puritans not outwardly obedient

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<sup>16</sup> Henry Gee and William John Hardy (eds.), *Documents Illustrative of English Church History* (New York, 1896), 508-511

<sup>17</sup> Patrick Collinson, *The Elizabethan Puritan Movement* (California, 1967), 448-452.

<sup>18</sup> Collinson, *Puritan Movement*, 452-460.

<sup>19</sup> Anthony Milton, *Catholic and Reformed: The Roman and Protestant Churches in English Protestant Thought 1600-1640* (Cambridge, 1995), 21-26.

<sup>20</sup> Fincham and Lake, *Ecclesiastical Policy*, 174.

<sup>21</sup> *Political Works of James I*, 98.

to the Anglican episcopacy.<sup>22</sup> Patrick McGrath was keen to remind readers that as well as the puritans, some papists too were hopeful about its outcome, with James seeming to have a more tolerant view on papists practising their beliefs privately, as well as being in diplomatic contact with the papacy during his reign in Scotland.<sup>23</sup> During visitations and in other church courts, while puritans were unmistakably lifted to the threat-level of papists, that did not mean that persecution of papists and popish recusants was lessened. The conference and subsequent debates in the Commons ultimately saw the regime enact a 'new persecution' against recusants and seminary priests. Stricter regulations to be introduced to help churchwardens and Justices levy the crippling £20 for recusancy<sup>24</sup>, and lists of recusants - usually to be a joint endeavour between ministers and wardens but often undertaken solely by the laity<sup>25</sup> - were to be renewed, with over 5,500 papists being prosecuted in a short time following the conference.<sup>26</sup> The new regime, bolstered by hopes that the conference would result in a more empowered and focused Church, would then devise a set of Canons that placed the churchwarden at the apex of their authority to censor, persecute and uncover papist and Puritan sectarianism.

### iii. The Intended Function of the 1604 Canons on English Parochial Society

The Canons of 1604 would be implemented in a different manner than previous nationwide ordinances, and this is partially the reason as to why they were particularly far-reaching. As Mark Curtis wrote in 1961, 'If in the application of his policy James I had strictly followed the precedents of earlier reigns, he would have ordered a general visitation and then ordered injunctions on the basis of its findings.'<sup>27</sup> Instead, an indirect outcome of the Hampton Court Conference, the Canons, were thrust upon the inhabitants of England in a top-down manner. The fact that James' primary ecclesiastical decree culminated from political and theological reasoning and debate, proactively attempting to create a new English religious settlement, manifested itself within the scope and depth of the Canons themselves. In the same way the Canons of 1571 unobscured and augmented many of the clerical and lay duties introduced in Edward's and Elizabeth's injunctions, the Canons of 1604

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<sup>22</sup> Fincham and Lake, *Ecclesiastical Policy*, 174.

<sup>23</sup> Patrick McGrath, *Papists and Puritans Under Elizabeth I* (London, 1967), 339

<sup>24</sup> 'Act Concerning Jesuits and Seminary Priests, 1604', J.R. Tanner (ed.), *Constitutional documents of the reign of James I, A. D. 1603-1625* (Cambridge, 1960) 83-85. Greater authority was given to seize the land or property of a fined recusant or his descendants, and a £100 fine was introduced for recusants who travel overseas.

<sup>25</sup> See the signatures or introductions in Clare Talbot (ed.), *Catholic Record Society Publications Vol. LIII: Miscellanea Recusant Records* (Newport, 1961)

<sup>26</sup> McGrath, *Papists and Puritans*, 366-367.

<sup>27</sup> Mark H. Curtis, 'Hampton Court Conference & Its Aftermath', in *History* Vol. 56, No. 156 (California, 1961), 7.

took one great and final step in the creation of a standardised, regimental and largely un-interpretive national religious lawbook, and for no one was this more true than the parish churchwarden.

To further clarify why analysis of the Canons is imperative for a study of seventeenth century churchwardens, it is worth explaining that these particular Canons had a far greater permanence and importance than previous Tudor Canons. The creation of these Canons did not originate after a general visitation, as did Archbishop Parker's *Advertisements* of 1566, or the *Interrogatories* of 1560-61.<sup>28</sup> Instead, the framers of the Canons of 1604 were given direct license by James to enact some of the decisions made at the Hampton Court Conference shortly after its conclusion.<sup>29</sup> The bishops were expected to use the Canons as the authority in which to host visitations and implement the demands of the Canons - this was done swiftly in most cases, with Bishop Jegon for instance beginning his visitation of Norwich diocese in October 1604 and extending into 1605.<sup>30</sup> The Canons were ratified by June 25 1604, becoming the authoritative ecclesiastical law promptly afterwards and certainly by the end of the year. The exception was the northern province where the Canons did not take authority until 1606.<sup>31</sup> New visitation articles based on the Canons are extant in 1604 for dioceses such as Oxford,<sup>32</sup> Lincoln, London and Norwich,<sup>33</sup> and in 1605 in Rochester<sup>34</sup> as well as Bancroft's own metropolitanical visitation of ten dioceses in the same year.<sup>35</sup> The visitation articles accompanying these visitations use terminology and phrasing directly from the Canons.<sup>36</sup> Replacing the articles of 1559, a printed book of Canons was to be present in every church - with the purchase and maintenance supervised by the churchwardens.<sup>37</sup> Leeway was given in the earliest visitations after 1604, with orders to acquire a copy not yet inquired upon in ecclesiastical courts. By 1611, many churchwardens began to be admonished for not providing the document for their parish.<sup>38</sup>

'The Canons of 1604 were the first legislative enactment of the English Reformation which deserved to bear the name 'constitution,'" wrote Usher in *The Reconstruction of the English Church*.<sup>39</sup>

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<sup>28</sup> *Documents Illustrative of English Church History*, 508-511.

<sup>29</sup> Collinson, *Elizabethan Puritan Movement*, 460-461.

<sup>30</sup> NRO, DN/VIS 4/1. In Chapter IV we will discuss some of the discrepancies in the dating of this visitation, but it was undoubtedly based upon the Canons.

<sup>31</sup> Bray, *Canons*, 259.

<sup>32</sup> *Second Report of the Ritual Commission, Parliamentary Papers* Vol. 38 (London, 1867) 444.

<sup>33</sup> Kennedy, *List of Visitation Articles*, 586.

<sup>34</sup> Kennedy, *List of Visitation Articles*, 586.

<sup>35</sup> Kenneth Fincham (ed.), *Visitation Articles and Injunctions of the Early Stuart Church* Vol. I (Church of England Record Society, 1994) 6-23.

<sup>36</sup> 'Articles for the Visitation of Norwich, 1605', 1-16.

<sup>37</sup> For example, see Item 39 in the 'Visitation Articles for Norwich, 1605.'

<sup>38</sup> NRO, DN/VIS 4/1, Fakenham and Bury St. James parishes.

<sup>39</sup> Usher, *Reconstruction*, 385.

Among his most persuasive arguments as to why this is not hyperbole is to be found within the first segment of the Canons, which defines membership within the Church of England. Conglomerating a series of ordinances from 1558-9, 1571 and the 1590s, the first twelve Canons detail beliefs, allegiances and crimes that would, '*ipso-facto*', mean an immediate excommunication from the Church. Questioning or criticising the apostolic legitimacy of the Church, its rites, beliefs, publications, episcopacy, or the status of the king as the supreme governor, were all to be 'censured', as well as any 'authors of schism', or organisers or maintainers of schismatic conventicles.<sup>40</sup> Without recourse to law, defaulters of these Canons were excommunicated as a *fait accompli*, to be absolved only should 'he repent and publicly revoke such his wicked errors', or in the case of Canon XII, which specifically prohibited the creation of schismatic constitutions, his 'anabaptistical' errors.<sup>41</sup> This new settlement was a 'negative one, not positive', argued Usher, and its *ipso-facto* rejection of dissent demonstrated a confident turning-point for the Church as an established institution: solidified and unswerving borders now marked its membership, to be policed by its ever-expanding administration.<sup>42</sup>

How did this new constitution manifest itself within the parish church and its lay officials? A common criticism of studies into the role of churchwardens in the Reformation is the alleged indifference of the authorities towards contemporary lay opinions - 'parochial doctrine below the level of the gentry...appeared to lack importance to the episcopate'<sup>43</sup> - and that in general the Elizabethan and Stuart regimes were infinitely more interested in the sentiments of their clergyman than the ordinary parishioner, or lay representative.<sup>44</sup> At no point does this seem less true than the period 1604-1640. Subsequent visitation articles based upon the Canons do introduce new injunctions, directed to the churchwardens, against all 'privat conventicles and assemblies', including the 'maintenance' of any constitutions based upon any unauthorised synod.<sup>45</sup> Those that 'impugn the king maiesties authoritie and supremacie', as well as criticise the rites, ceremonies or administration of the Church are similarly to be presented at court - the wording of these injunctions is more precise and also more encompassing than previous iterations, leaving wardens less flexibility on whom warranted expulsion from the Church based upon certain problematic beliefs or

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<sup>40</sup> Bray, *Canons*, 262-280.

<sup>41</sup> Bray, *Canons*, 280.

<sup>42</sup> Usher, *Reconstruction*, 392.

<sup>43</sup> Usher, *Reconstruction*, 392.

<sup>44</sup> Spufford, *Ely*, 229-230.

<sup>45</sup> As per Article IX of Bancroft's metropolitical visitation of 1605. Fincham (ed.), *Visitation Articles* Vol. I, 6-7.

practices.<sup>46</sup> The incorporation of churchwardens into the nationwide effort to eliminate schismatic congregations would continue throughout the seventeenth century.

Similarly, attempts to document those seen as an actively ‘popishly’ recusant, and thus clearly not members of the Church, also increase in scope after 1604. Absence from church for unspecified reasons, judging from overarching observations on Norfolk visitations, were documented in a similar vein as before 1604, with certain bishops and archdeacons putting greater or lesser emphasis on this particular crime dependant on their whim and situation.<sup>47</sup> However, one seemingly new, or at least revamped, facet of the churchwarden’s duties seems to reveal the base-level in which one is considered a ‘member’ of the Church. Refusal of communion was of course a crime to be presented upon at consistory and visitation courts for centuries previous, but in a rather enterprising fashion, ordinaries begin to ask churchwardens to draw up lists of non-communicants, who had not taken the sacrament for more than a year previous to the court date.<sup>48</sup> Rather than the ad-hoc and unspecific manner of presenting non-communication from visitations in the 1500s, this new directive saw lists of names in the dozens, and in certain urban parishes this number would equal a substantial proportion of their population.<sup>49</sup> This shall be looked upon in greater detail later in Chapter IV, but it is apparent that the new ‘constitution’ as espoused by the Canons was adopted heartily by much of the ecclesiastical penal process all the way down to the wardens and their assistants.

#### iv. The Behaviour and Ceremonies of the Laity

As with other ecclesiastical injunctions of the period, with the Canons of 1604 we must not be so misled as to restrict our analysis of the changes to the office of churchwarden to the section labelled as such. Indeed, immediately after seventeen Canons detailing the status of membership in the church, and the correct protocols for ministers at service time, we encounter injunctions regarding congregational conduct during prayer and sacraments, all to be policed by the churchwardens.<sup>50</sup>

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<sup>46</sup> See Canons II, LXXIII, LXXIV in Bray.

<sup>47</sup> Compare Bishop Wren’s articles regarding recusancy in 1636 to earlier iterations from Norwich. See *Articles for the Visitation of Norwich, 1636*, and *Articles for the Visitation of Ely, 1638*.

<sup>48</sup> For example, Article VII of the visitation of Norwich diocese in 1611. *Articles for the Visitation of Norwich, 1611*.

<sup>49</sup> Minister Thomas Phillip’s letter to the commissioners regarding non-communicants in Stowmarket, 1611, will be examined in the last chapter. Loose leaf compiled with NRO DN VIS 4/3. Also see large number of presentments in urban parishes in 1620, NRO DN VIS 5/1.

<sup>50</sup> Once again, for detailed analysis of each Canon, there is no better place to begin research than Gerald Bray’s *The Anglican Canons 1529-1927* (Cambridge, 2001), which details in remarkable scope the background to each Canon, directly or indirectly, stretching as far as medieval England and even ancient Christendom. Bray, 292-293.

Behaviour at church was to remain basically the same as the precedents set in 1559 and by Archbishop Grindal in the 1570s, namely that the laity arrive promptly and remain throughout, behave soberly and respectfully, have an uncovered head, kneel when appropriate, and not loiter in the porch or churchyard.<sup>51</sup> A controversial order, objected to by the Millenary Petition, called for 'due and lowly reverence' in church whenever 'the Lord Jesus shall be mentioned'. This practice was not brand new, but Canon XIII goes so far as to defend such a decree against accusations of superstitions and popery, saying it was an 'acknowledgment that the Lord Jesus Christ, the true and eternal Son of God, is the only saviour of the world, in whom alone all the mercies, graces and promises of God to mankind, for this life and the life to come, are fully and wholly comprised.'<sup>52</sup> The choice to include language like this was not incidental. Unlike the Canons of 1571, the English edition of the 1604 equivalent was widespread and was to be displayed in every parish church - each linguistic and theological choice of argument would be known and pertinent to all those present on Sundays and Holy Days.<sup>53</sup> 'Humble' kneeling before the communion was further embedded and begun to be reported upon in churchwarden presentments,<sup>54</sup> despite continued puritan objections.<sup>55</sup>

The status of the Communion as a preliminary gauge of conformity was further entrenched by the Canons. Unprecedented by any previous ordinances or injunctions, ministers were to publicly 'warn' all their parishioners, on the Sunday before the triannual sacrament, to 'accept and obey' the sacrament, 'under penalty and danger of the law.'<sup>56</sup> That all citizens of England were to receive Communion at least once in the year would now see 'strict enforcement, to be overseen, alongside other reforms, by semi-permanent committees of bishops and Privy Councillors.'<sup>57</sup> Despite repeated assertions in the Canons that failure to perform the Communion thrice a year was a grave act of negligence on the part of the minister, in practice, penalties for non-communication were only enforced should one go without for a full twelve months.<sup>58</sup> Ministers were also drilled to a greater extent than previously to ensure no 'notorious offenders' were to be permitted to attend communion. This included any reported to live in 'sin notorious', any who acted maliciously towards their neighbours, or of course any 'schismatics'. Schismatics not permitted at communion, in once again much more detailed terms than previously used, included any who spoke against or even

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<sup>51</sup> Bray, *Canons*, 288-289.

<sup>52</sup> Bray, *Canons*, 287-289.

<sup>53</sup> Bray, *Canons*, 292-293.

<sup>54</sup> An example is to be found at St Martin at the Oake parish, Norwich, NRO, DN/VIS 5/1.

<sup>55</sup> Usher, *Reconstruction*, 432.

<sup>56</sup> Canon XXII, Bray, *Canons*, 293.

<sup>57</sup> Curtis, *Hampton Court Conference*, 12.

<sup>58</sup> This is true as of Bancroft's visitation articles of 1604 and is reflected upon the receipts for Norfolk of the next year, NRO DN VIS 4/1. Also see Bray, 290, fn. 96.

believed any criticism of the Book of Common Prayer, the king's supremacy, episcopacy or any of the Church's rites or ceremonies.<sup>59</sup> Furthermore, responsibility for ensuring that no one outside of the newly reinforced religious remit partook in communion was now a joint venture between minister and churchwarden. The Canons regarding this ordinance were directed to the minister, but to support this, churchwardens were to document all who would receive the communion and to report the names to the minister; to allow any schismatics, 'notorious offenders' or others to receive communion was also a break of protocol within the office of churchwarden.<sup>60</sup> In typical fashion, a simple bureaucratic requirement was added to this duty to further state control over the churchwarden's whim: this list of offenders or schismatics was to be presented to the ordinary at regular intervals at least twice yearly.<sup>61</sup>

One change of great significance, particularly because it was a complete innovation by the Jacobean clergy, was an overhaul of the process in which a man or woman could be re-admitted to the communion after an alleged 'schismatic' crime. This must originate from the abject confusion regarding absolution that we encounter throughout pre-1604 church courts. Presentments for 'standing excommunicate' litter sixteenth and early seventeenth century churchwarden presentments for those that, unbeknownst to the court or the presenters, had already been absolved.<sup>62</sup> Other times the offender would be absolved shortly after presentment upon the imploration of their rector and/or other 'notable' parishioners,<sup>63</sup> although the manner in which the absolution was obtained is often haphazard or poorly documented. As of 1604, absolution would take place as follows: the repentant must acknowledge his crime, preferably in writing but orally if that is not possible, directed towards the minister but always in the presence of the parish churchwardens. Then, in their handwriting - or presumably another's should they not be able to write, although this is not clear - their repentance should be sent to the bishop or relevant ordinary, so that upon 'complaint' or 'enquiry', the office of the ordinary has a record of the offence and repentance and can direct the minister as necessary.<sup>64</sup> Repentance for moral, as opposed to religious, crimes appears to stay the same as before, and was to be available with 'relative ease', that

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<sup>59</sup> Canon XXVII, Bray 299. This is corroborated by research into Norwich parishes in Chapter V.

<sup>60</sup> Canon XXVII, Bray 299.

<sup>61</sup> Canon XXVI, Bray 297-299.

<sup>62</sup> For instance, a man of unknown name from Knapton parish was presented for 'he hath not received [communion] he standeth excommunicant' but apparently had already been absolved by another court – he was ordered to, of course, attend the next sacrament. NRO DN VIS 2/1 (1593).

<sup>63</sup> Henry Clarke of Great Fransham was absolved from his excommunication shortly after the visitation of Norwich diocese in 1597, 'upon the evidence of Thomas Bowman, rector, William Leeds, clerk, and Michael Peed'. NRO DN VIS 3/1.

<sup>64</sup> Canon XXVII, Bray 299-301.

being an admission of guilt to the minister and subsequent forgiveness after due public penance.<sup>65</sup> It was the churchwardens who were to supervise this new form of documented repentance and report the names and crimes to the ordinary; unfortunately we could not find any extant evidence of such a report, although it does appear to affect presentations for standing excommunicates in subsequent visitations.<sup>66</sup>

Churchwardens were to remain integral in the preparation and management of the thrice annual communion, this responsibility now being entrenched formally by its inclusion as a Canon. With the 'device and direction' of the minister, it was the wardens and quest-men who were to provide the communion vessels<sup>67</sup> as well as sufficient quantities of 'wholesome wine' and 'fine white bread.'<sup>68</sup> This was more than just an attempt to regulate commodities and keep the wardens in check. In practice, this novel Canon was aiming that no bread nor wine should be left spare after the communion, and as such wardens were to take great pain in ensuring that it was known exactly how many communicants would be at each service - distinctions between those of the flock and those forbidden from the sacraments would thus be of great import.<sup>69</sup> The fear that papists and other superstitious folk might preserve the sacrament to re-enact 'devotional practices based on the doctrine of transubstantiation', roundly rejected as per the Canons of 1571, was at the heart of why it was seen as necessary to add this as an official Canon; this would become one of the most reported on duties of the churchwardens within church courts in the years after 1604.<sup>70</sup>

Martin Ingram has argued that many offenders simply 'slipped back into church life without securing a formal absolution'.<sup>71</sup> He does however mention one form in which absolution could be obtained through illicit means that was attempted to be tackled by the reformers of 1604.<sup>72</sup> Reformers were concerned about increased levels of internal migration, because of the complications it presented to a newly invigorated religious commonwealth in avoiding excommunication by arriving at another parish undocumented.<sup>73</sup> Thus Canon XXVIII renews the

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<sup>65</sup> At times this was not necessary. See Martin Ingram, *Church Courts, Sex and Marriage in England 1570-1640* (Cambridge, 1988), 53.

<sup>66</sup> Alice Timpsham from Stanstead parish was discovered to have already been absolved upon her presentment to court in 1611. NRO, DN/VIS 4/3.

<sup>67</sup> The standing pot or stoop and the communion cup.

<sup>68</sup> Canon XX, Bray, *Canons*, 289.

<sup>69</sup> Canon XX, Bray, *Canons*, 289.

<sup>70</sup> Canon XX, Bray, *Canons*, 289. NRO, DN/VIS 4/1, 4/2, 4/3, 5/1.

<sup>71</sup> Ingram, *Church Courts*, 357.

<sup>72</sup> Ingram, *Church Courts*, 357-358.

<sup>73</sup> Malcolm Gaskill, 'Little Commonwealths II: Communities', in Keith Wrightson (ed.), *A Social History of England 1500-1750* (Cambridge, 2017), 84-86.

requirement that ‘the churchwardens or questmen, and their assistants, shall mark, as well as the minister, whether all and every of the parishioners come so often every year to the holy communion... and whether any strangers come often and commonly from other parishes to their church.’ These are to be made known to the minister, ‘lest perhaps they be admitted to the Lord’s table amongst others, that they shall forbid.’<sup>74</sup> Gerald Bray has argued that this was an attempt to ‘strengthen church discipline’, to greater control membership of the church via communion by ‘making the parish system a reality’, a system that lasted until the eighteenth century.<sup>75</sup> The documentation of communion was thus elevated even higher than its already lofty status to become one of the of pre-eminent duties of the churchwarden, who was already tasked for the majority of preparations for this most holy of sacraments, and were chastised or punished harshly for failure to do so. Communion was now the steadfast boundary for membership in this new ‘constitution’, and the border guards were now the parish churchwardens.

v. The Conduct and Character of the Clergy

Clerical autonomy formed a cornerstone of puritan intentions following the death of Elizabeth I. The assembled puritan ministers at Hampton Court in 1604, despite a reticence to demand what may have seemed excessive in this regard, nevertheless campaigned for a ‘restoration’ of the parochial minister’s right to ensure independent censures, and participate in wider systems of discipline and ordination.<sup>76</sup> The academic John Rainolds, an eminent puritan attendee, suggested that ordinary parish ministers ought to have a greater role in the rite of confirmation, and argued for the prohibition of the ability of the bishop to use excommunication for all but the most serious crimes. Instead, membership of the church was to be decided by a council of parochial clergymen.<sup>77</sup> To James, such a step smacked too highly of Presbyterianism. Such moves, according to James, ‘tended to make everyone in his cure to be Bishop, which he liked not of.’<sup>78</sup> Dr. Rainolds retorted that granting the power of ecclesiastical censure to lay-chancellors, for example during visitations, was an unlawful relic from the reign of Queen Mary, and during the 1580s such responsibilities were ‘but to be done onely by them who had the power of the keies.’<sup>79</sup> Commentators on the proceedings of the Conference have noted that the king appeared to deliberately construe such attempts to restore

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<sup>74</sup> Canon XXVIII, Bray, *Canons*, 301.

<sup>75</sup> Bray, *Canons*, 301n.

<sup>76</sup> Collinson, *Puritan Movement*, 457-458.

<sup>77</sup> Usher, *Reconstruction*, 349-350.

<sup>78</sup> Fincham and Lake, *Ecclesiastical Policy*, 174.

<sup>79</sup> Edward Cardwell, *A History of Conferences and other Proceedings connected with the revision of the Book of Common Prayer, from the year 1558 to the year 1690* (Oxford, 1849), 201-202.

disciplinary powers of the ministry as explicitly presbyterian, and thus they were rejected outright.<sup>80</sup> Such measures, while certainly desirous to puritans, were but a start of their ultimate aim of creating a ministry autonomous from the bishops. In response, the Canons of 1604 resulted in a new contract for ministers that simultaneously pleased and disappointed the puritans. The theological aptitude of the nation's clergy was to more closely resemble what the reformers sought after, but at the expense of far greater scrutiny from the state Church - including vigorous surveillance from their churchwardens, their erstwhile assistants.

Of the 'concessions' given to the puritans after the Hampton Court conference, one that seemed relatively popular was the provision of a 'full preaching ministry.' According to Rainolds, this was one of the four key pillars that summed up the Calvinist grievances, the second being 'that good pastors might be planted in all churches to preach [Church doctrine according 'God's will'.]<sup>81</sup> Acceptance to a benefice was restricted only to university graduates, with the sole exception of those that have been 'approved and allowed to be sufficient to preach and instruct by some testimonial of six preachers of the country where the party dwelleth.'<sup>82</sup> The notion that all ministers in England ought be decent and licensed preachers met its fair share of scepticism, both in intent and practicability. Archbishop Bancroft argued that mass preaching was only a necessity for newly established faiths, and remained concerned that 'some sort of men thought it the only duty required of a minister to spend the time in speaking out of a pulpit', to the detriment of many of their other 'most excellent duties'.<sup>83</sup> While James did agree with the sentiment per se, he nevertheless maintained that a preaching ministry 'was best'.<sup>84</sup>

It was argued by authorities that abundance of preaching in the nation would lead to a strengthening of the Church and a promulgation of the true doctrine in the face of separatism - however, this would of course rely on these preachers being properly policed, and here is where churchwardens were used once again as tools of intelligence gathering regarding problematic preaching.<sup>85</sup> One matter in which James and Bancroft agreed heartily was that pulpits ought never to become 'pasquills', where a rogue preacher might 'traduce his superiors' through satire or polemics. James argued for a hierarchical system of whistleblowing, where 'church officers' might first report instances of behaviour in the pulpit being 'amiss' - particularly regarding criticism of ecclesiastical

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<sup>80</sup> Fincham and Lake, *Ecclesiastical Policy*, 174.

<sup>81</sup> Usher, *Reconstruction*, 337.

<sup>82</sup> Usher, *Reconstruction*, 349.

<sup>83</sup> Cardwell, *Conferences*, 191.

<sup>84</sup> Cardwell, *Conferences*, 191.

<sup>85</sup> Usher, *Reconstruction*, 337-349.

officers - to the 'ordinary of that place', presumably via usual channels of church courts, and thus from there to the archbishops, then to the council, and finally to the king himself, 'if in all these places no remedy is found.'<sup>86</sup> This is reflected in the Canons regarding preaching directed towards the churchwarden.

The creation of this 'preaching ministry' would become part of the new settlement. Canon XLV states for 'beneficed preachers, being resident upon their livings, to preach every Sunday.'<sup>87</sup> This is of particular consequence for two reasons. Firstly, although loosely based on previous ordinances, this level of preaching was 'generally speaking, much more demanding than anything found in these earlier texts.'<sup>88</sup> Secondly, this marked the final amalgamation between beneficed ministers and preachers, with beneficed ministers without a licence being allowed to preach only in extraordinary circumstances, becoming eventually 'exceedingly rare'.<sup>89</sup> This would of course take time to come to fruition. In the meantime, should a beneficed minister not have a preaching licence, an external preacher was to be provided 'out of his own resources' at least once monthly, with homilies read in lieu of preaching in the between weeks.<sup>90</sup> In parishes with no currently active beneficed men, a curate would be permitted to offer an alternative. With regular preaching to become much more frequent and with significantly fewer excuses for laxness, it would become common for churchwardens and other lay officials to present their minister for lack of a sermon, or indeed failure to provide an outside preacher.<sup>91</sup> These Canons would no doubt have pleased many puritan reformers, however a caveat was added to limit the ambitions of the most extreme in this position. 'Divers persons, seduced by false teachers', as per Canon LVII, who might refuse to receive or have their children receive any sacrament bestowed by a non-preaching minister, should they not immediately repent, were to be presented to the ordinary by the churchwardens, quest-men or clergyman at the nearest opportunity.<sup>92</sup> This Canon was entirely new, combating those puritans who might argue that 'celebrant and preacher should be the same'.<sup>93</sup>

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<sup>86</sup> Cardwell, *Conferences*, 193.

<sup>87</sup> Canon XLV, Bray, *Canons*, 333.

<sup>88</sup> Bray, *Canons*, 332n.

<sup>89</sup> Bray, *Canons*, 332n.

<sup>90</sup> Canon XLVI, Bray, *Canons*, 335.

<sup>91</sup> For analysis on reports for lack of sermons or licensed preaching in Norwich diocese, see Chapter IV. Generally speaking reports for 'unlicensed' preaching remain consistent with the 1590s, although reports for lack of monthly sermons increases significantly.

<sup>92</sup> Canon LVII, Bray, *Canons* 347.

<sup>93</sup> Bray, *Canons*, 347n.

Churchwardens were thus to become the intelligence agents for the creation of this new preaching ministry, at least within the parishes. The flipside of ensuring a diligent and learned clergy was the due informing of any preaching deemed illegal or indeed nefarious; the churchwardens were the ones to ensure the pulpit did indeed not become a 'pasquill'. The demand for all 'strange' preachers to provide a licence before being permitted to preach, in force since 1559, was changed only so far as now 'neither the minister, churchwardens, nor any other officers of the church shall suffer any man to preach within their churches or chapels' without providing evidence of their authorisation. Previously, it was only the incumbent minister who shouldered this duty.<sup>94</sup> Introducing their name to this Canon meant in practice that wardens could now be censured by church courts for failure to prevent such preaching. The wardens were to continue listing the names of all external preachers within a book, along with their preaching dates, and the name of the bishop whom they claim to have received a licence from, so that 'the bishop may understand what sermons were made in every church of his diocese.'<sup>95</sup> Such routine and ongoing surveillance was an attempt to police the perceived growing amount of preachers who were becoming convinced by puritanical opinions after ordination.<sup>96</sup>

As per Canon LIV, all preachers 'refusing conformity' would have their licences revoked *de facto*. Little is said about what such non-conformity would resemble, so it must largely pertain to all the various schismatic crimes as laid out in the opening Canons, as well as the various injunctions on clerical conduct adjoining.<sup>97</sup> A level of theological and political knowledge would have been necessary for any churchwarden to decide as to exactly which Canon or injunction an opinion expressed from the pulpit may have been in breach of. William Starkey, curate for Whitton parish, was presented by his churchwardens in 1636 for that 'he doth preach contrarie to the Canons', a belief upheld by the court,<sup>98</sup> whereas parishioners at St. Gregory's by St Pauls, London, in 1633 cited Canon LXXXII during a privy council debate regarding the placement of the communion table.<sup>99</sup>

More so than ever before, one gets the impression within the Canons of 1604 that the wardens had become, in terms of ecclesiastical law at least, closer to the same hierarchical status as their parish minister - no longer a subordinate, but a looming figure of state presence continuously

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<sup>94</sup> Canon L, Bray, *Canons*, 339.

<sup>95</sup> Canon LII, Bray, *Canons*, 340-341. The existence (or lack of) these preacher books will be discussed in Chapter IV.

<sup>96</sup> Usher, *Reconstruction*, 209-210.

<sup>97</sup> Canon LII, Bray, *Canons*, 335.

<sup>98</sup> NRO, DN/VIS 7/1.

<sup>99</sup> Samuel Gardiner (ed.), *Constitutional Documents of the Puritan Revolution, 1625-1660* (Oxford, 1899), 104-105.

to espy any negligence or licentiousness. This is particularly apparent within the warden's enforcement of the proper teaching of the catechism. The duty that all ministers or curates were to, before service on Sunday, teach all youths or other 'ignorant persons' to know the Ten Commandments, articles of belief, the Lord's Prayer, and to teach and let them hear the new catechism as per the Book of Common Prayer was not a new phenomenon; although the wording concerning 'ignorant persons' had ramifications on many subsequent visitation articles.<sup>100</sup> Failure to ensure proper teaching was met with greater punishments for both minister and laity. To not 'catechise', as the entire process become known in court, would for the minister result in 'reproval' at first offence, suspension at the second, and finally full excommunication, there being 'little hope he may be reformed.'<sup>101</sup> The catechism was clearly seen as an integral part of the creation of the hoped-for homogenous religious community following the dampening of puritan hopes in 1604, and as such greater pressures were put on the churchwarden to ensure their minister was performing to task.<sup>102</sup> In a new Canon, once properly instructed in the catechism, all children 'foreasmuch as it hath been a solemn, ancient and laudable custom in the church of God, continued from the apostle's times' were to be anointed and blessed by a bishop, 'which we commonly call confirmation.'<sup>103</sup> This rite of confirmation would be performed in the bishop's visitation, that being every third year.<sup>104</sup> Ministers were to properly prepare children for such a passage, and to ensure that none receive the blessing without the proper 'rendering' of their faith.<sup>105</sup> It was rare that churchwardens ever presented knowledge of a default in the rite of confirmation itself;<sup>106</sup> confirmation as a rite was relatively rare in the Elizabethan and early Stuart periods, only reaching it's 'heyday' under the Hanoverians.<sup>107</sup> However, complaints regarding the Catechising of the parish's youth litter the visitation reports from our period, and suggest preparation for confirmation was a duty taken with much seriousness by the churchwardens.<sup>108</sup>

Other concessions to the puritans regarding the ministry, pleasing in their aims but disappointing in their scope, also would rely heavily on lay officials to properly enforce. Standards of

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<sup>100</sup> Ian Green, *The Christian's ABC: Catechisms and Catechizing in England c.1530 – 1740* (Oxford, 1996) 122-123.

<sup>101</sup> Canon LIX, Bray, *Canons*, 349.

<sup>102</sup> Green, *Catechisms*, 122-123, Bray, *Canons*, 349-351. Although not explicit in the Canons we can assume it would be the churchwardens who would report to court should ministers fail the three-point system in enforcement of the catechism.

<sup>103</sup> Canon LX, Bray, *Canons*, 351.

<sup>104</sup> Canon LX, Bray, *Canons*, 351. This however did not fit the pattern in Norwich diocese.

<sup>105</sup> Canon LXI, Bray, *Canons*. 451.

<sup>106</sup> I could find no evidence of presentments referring to confirmations within the visitations from Norwich diocese in 1604/5, 1611, 1620 or 1636. NRO, DN/VIS 4/1, 4/3, 5/1 and 7/1. Also see Chapter IV.

<sup>107</sup> Green, *Catechisms*, 33-34.

<sup>108</sup> See Chapter IV and records from NRO DN/VIS.

ordination were significantly overhauled by the Canons of 1604, with educational aptitudes more closely scrutinised, times of ordination limited and the rights of the bishop to grant benefices more highly regulated.<sup>109</sup> Churchwardens would also be key in the fight against what were seen as ‘abuses’ within the English parish church, ones that James was particularly keen on eliminating.<sup>110</sup> Mark Curtis believed several of these attempts at the ‘maintenance of sound doctrine’ would have been, ideally, aided by local lay officials: for example, the confiscation of popish books and ‘faulty’ translations of the Bible, the abolition of lay baptism, and sterner regulation of pluralism and non-residency.<sup>111</sup> The suppression of Jesuit books found common agreement amongst James and the reformers, with Rainolds bemoaning that lax regulation of popish works had the result that ‘many young scholars and unsettled minds in both universities, and through the whole realm, were corrupted and perverted.’<sup>112</sup> Regarding pluralism and non-residency, a continual thorn in what was regarded as manageable and efficient Church, repeated efforts in the previous century to limit the practice via presentment by lay officials was seen to have failed. In a session of Parliament in 1607, a petition lamented that such practices continued to be a bane on the Church after so many attempts at reform: ‘That non-Residency which hath been condemned in the most superstitious Ages, and by the Convocation, in the Time of the late Queen, was acknowledged to be (as it is indeed) *faedum in se, odiosum in vulgus, et perniciosum ecclesiae Dei.*’<sup>113</sup> In the following Commons debate, it was disclosed that in England, of 8,000 parish churches, there were ‘not 2,000 resident preaching ministers’ and ‘not 500 single beneficed.’<sup>114</sup> Usher argued this figure was ‘doubtless a great exaggeration’, pointing to a report from Sussex puritans - who would not of course be inclined to erroneous praise of the ministry - claiming that of three hundred ministers there, fifty were ‘double-beneficed’.<sup>115</sup> Judging by churchwarden presentments from the period, the figure from the Sussex puritans is most likely to be closer to the truth nationwide.<sup>116</sup> Nevertheless, it remains apparent that the regime still saw non-residency and plurality as a pernicious issue to be tackled.

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<sup>109</sup> See Bray, *Canons*, 309-339.

<sup>110</sup> Fincham and Lake, *Ecclesiastical Policy*, 174.

<sup>111</sup> Curtis, *Hampton Court*, 12.

<sup>112</sup> Cardwell, *Conferences*, 188-200.

<sup>113</sup> ‘Loathsome in itself, odious to the common people, and pernicious to the of God.’ ‘House of Commons Journal Volume 1: 19 June 1607’, in *Journal of the House of Commons: Volume 1, 1547-1629* (London, 1802), 385-386.

<sup>114</sup> *Commons* 19 June 1607, 385-386.

<sup>115</sup> Usher, *Reconstruction*, 209.

<sup>116</sup> Presentments for non-residence in Norfolk during our period in fact seem to be fewer than in Sussex, with forty-one presentments in 1597, and 16 presentments in the smaller visitation reports of 1604. NRO, DN/VIS 3/1, 4/1.

Potentially due to a lack of alternative, the churchwarden would remain the focal source of information regarding these issues, although what defined both would be slightly altered by the Canons. Canon XLI invoked previous legislation by limiting plurality of benefices to only those 'worthy of his learning', and with sufficient resources to be able to provide for both cures without sacrificing due ministership.<sup>117</sup> Practical limitations were also imposed. To qualify for plurality of benefice, no two benefices served should be further than thirty miles apart - an actual increase in the twenty-six miles granted in the Canons of 1571, but likely to be more strictly enforced.<sup>118</sup> All benefices must be inhabited for a certain period of the year, but uncharacteristically for the Canons of 1604, this period was not explicit, being merely a 'reasonable amount'.<sup>119</sup> Gerald Bray has speculated that, based upon Henrician ordinances and earlier, this would usually be two months *per annum*; yet this lack of specificity may have been a contributing factor for a drop in reports for plurality.<sup>120</sup> The *Millenary Petition* argued for a complete ban of all plurality and non-residency, including the deprivation of all superfluous benefices from dual-beneficed men; and as such the actual ordinance drafted would have been a great disappointment.<sup>121</sup> Nevertheless, each visitation continued to survey such abuses, despite this tactic yielding seemingly no great fruits under Elizabeth.

As one might expect, the use of the surplice caused no small amount of debate during the Hampton Court conference. Puritan reformers led by Dr. Rainolds continued to object to its use to any degree, arguing its superstitious and heretical origins: 'a kind of garment that the priests of Isis used to wear.'<sup>122</sup> James seemed much more willing to be persuaded for its abolition than previous Protestant monarchs. Before hearing the arguments for its 'heathenish' origins at the conference, the king admitted he had dismissed such complaints 'because it was commonly termed a rag of Popery, in scorn', but goes on to argue that being a nation without any pagans as neighbours, the fact that the surplice arose in of its own account as a vestment of the ministry, that distinctly of white linen, 'for comeliness and order sake, it might be continued.'<sup>123</sup> Typically, once the matter was settled in favour of the continuation of the surplice, the Jacobean response was to enforce the use of the garment without compromise - at least in theory if not in practice. Canon LVIII continues to prescribe that all ministers 'saying the public prayers, or ministering the sacraments, or other rites of the church, shall wear a decent and comely surplice with sleeves, to be provided at the charge of the

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<sup>117</sup> Canon XLI, Bray, *Canons*, 327.

<sup>118</sup> Edmund Gibson, *Codex Juris Ecclesiastici Anglicanae* Vol. II (London, 1713) 950.

<sup>119</sup> Canon XLI, Bray, *Canons*, 327.

<sup>120</sup> Bray, *Canons*, 327. Based on counts of presentments for Visitation reports for Norfolk 1604-1630. NRO, DN/VIS 4/1, 4/3, 5/1, 7/1.

<sup>121</sup> Bray, *Canons*, 327.

<sup>122</sup> Cardwell, *Conferences*, 200.

<sup>123</sup> Cardwell, *Conferences*, 200.

parish.<sup>124</sup> Churchwardens would continue to report negligent or complete non-use of the surplice, frequently conflating it with wider patterns of deliberate non-conformity or denigration of Church practices.<sup>125</sup> This was not to be the case in Lancashire, where it was feared that the introduction of such ceremonial garments might cause many recently-converted papists to ‘revolt unto popery again’, in which case the area was granted a grace period before the surplice was instated.<sup>126</sup> The churchwardens of Prescott, Lancashire, after having done so at least annually in the preceding five decades, cease payments for the washing, maintenance and replacement of their minister’s surplice after 1604, not recommencing until after 1608.<sup>127</sup> John Knewstubb requested the same for his own county of Suffolk, a notable puritan stronghold, as being ‘forced’ to wear the surplice and perform the sign of the cross would offend their sensibilities and lessen trust in the monarch.<sup>128</sup> James retorted coldly: ‘You shew your self an uncharitable man; we have here taken paines, and in the end have concluded of an unity, and uniformity, and you forsooth must preferre the credits of a few private men before the general peace of the church.’<sup>129</sup> The churchwardens of Suffolk did not seem sympathetic with their puritan ministers, with frequent reports regarding non-use of the surplice. This would often accompany an chastisement of their religious proclivities based upon language used in the Canons or visitation articles, such as at Chatisham in 1606, where among several faults against minister John Baker, it was included that ‘he doth impugne and speak againste the rites and ceremonies’ of the Church, that he ‘weareth no surples nor whode nor byddeth fasting nor holy daies.’<sup>130</sup>

As well as the use of the surplice, another commonly noted outward sign of reformist non-conformity was the sign of the cross at baptism and other rites. Bishop Rudd of St. David’s, markedly sympathetic towards puritanism, had an interesting argument against its enforcement.<sup>131</sup> It was ‘not a matter of right and wrong theologically, but of expediency’ he argued; the practice was so detested by much of the clergy that to deprive ministers over their refusal to use the cross would lead to a collapse in the number of learned preachers nationwide.<sup>132</sup> In a face-saving move, Rudd was also quick to defend that he was not a puritan, and that in a doctrinal sense he agreed with the use of the

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<sup>124</sup> Canon LVIII, Bray, *Canons*, 347-8.

<sup>125</sup> Usher, *Reconstruction*, 263-264.

<sup>126</sup> Cardwell, *Conferences*, 210.

<sup>127</sup> See F.A. Bailey (ed.), ‘Churchwarden’s Accounts of Prescott, Lancashire 1523-1607’, *The Record Society of Lancashire and Cheshire* Vol. CIV (Preston, 1953), 144-155.

<sup>128</sup> Cardwell, *Conferences*, 211.

<sup>129</sup> Cardwell, *Conferences*, 211.

<sup>130</sup> NRO, DN/VIS 4/2/2.

<sup>131</sup> Milton, *Anglicans and Puritans*, 21.

<sup>132</sup> Usher, *Reconstruction*, 348.

cross as an ancient custom.<sup>133</sup> Bancroft was quick to chastise Rudd for overreacting, and the use of the cross in baptism remained. In a remarkable Canon, more akin to a pronouncement, the use of the cross is defended at length as having been a beloved and inspiring symbol of the 'primitive church', worthy of reclamation after the usurpation and corruption by Rome.<sup>134</sup> The Canon stretches to a length unparalleled by any other, and makes a theological and historical case that is lacking in other ordinances of 1604, including those that were brand new. Clearly this was an attempt to settle the matter after the ambiguity of the official use of the sign of the cross once it was heavily curtailed by Edward VI, and as a direct response to the arguments purported in the Millenary Petition.<sup>135</sup> Once more the fact that these Canons were to be placed in every church by the churchwardens, and to be read verbatim at least once a year by the minister, means that the wording and emphasis of this Canon was not lofty liturgical posturing: ordinary citizens were to hear this evocative argument and hopefully be persuaded or intimidated into conformity.<sup>136</sup> As we shall see, presentments for continued refusal to sign the cross at baptism would see a decline in the years after 1604 compared to previous visitations, yet sporadic presentments solely for this default did remain.<sup>137</sup> Nevertheless, the surplice, the sign of the cross, kneeling at ceremony and the use of rings in marriage were thus retained by the Canons of 1604, and their absence reported upon with reasonable vigour by the churchwardens, with the exception of the use of rings in marriage which has not been identified in any extant reports.<sup>138</sup>

In the final Canons regarding the conduct of the clergy, we see indisputable evidence that the churchwardens were to become almost the official supervisors of their own minister. In the Canons touching upon private meetings, apparel, and behaviour outside church, many gained unique specificities as was the nature of the 1604 Canons. This included the proper colour and fabric of clothing, the prohibition of certain games and what constituted an illegal private 'conventicle'.<sup>139</sup> Each of these was imbued with a certain permissible level of interpretation. Apparel outside that which was required was to always be 'comely and scholar-like', private meetings never to be

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<sup>133</sup> Usher, *Reconstruction*, 348.

<sup>134</sup> Canon XXX, Bray, *Canons*, 303-308.

<sup>135</sup> D. Cressey, *Birth, Marriage and Death: Ritual, Religion and the Life-Cycle in Tudor and Stuart England* (Oxford, 1997) 124-134.

<sup>136</sup> See Canon CXLIV, Bray, *Canons*, 452. Ministers are specifically presented for not reading the Canons for the duration of a year several times in the visitation of Norwich, for example at Fakenham and Bury St. David's in 1611. NRO, DN/VIS 4/3.

<sup>137</sup> The minister for Tynsworth was presented by the churchwardens in 1611 for the sole default of refusal to sign the cross at baptism and was henceforth summoned before the bishop. NRO, DN/VIS 4/3

<sup>138</sup> Usher, *Reconstruction*, 60. I have yet to encounter the use of rings being mentioned in any visitation presentments.

<sup>139</sup> Canons LXXV – LXXVII, Bray, *Canons*, 365-369.

‘depraved’, and in behaviour that the minister ought to ‘excel all others in purity of life, and should be examples to the people to live well and Christianly.’<sup>140</sup> The choice as to what constituted breaches in this regard was to be the decision of the parish churchwarden, at least in the first instance. Those who ‘forsake their calling’ either explicitly in resigning the post - which was forbidden - or else via neglect was also to be reported by the churchwarden to the bishop’s office.<sup>141</sup> This gave the churchwarden a far greater societal influence over their minister, a political backing that surpassed the ministerial office and heightened the authority to which wardens would present for matters of behaviour or community discord. Whether by necessity or by expectation, the Church began to treat the office of churchwarden as worthy of their ecclesiastical assistance and advocacy.

vi. On the Office of Churchwarden and their role at Church Courts

For the first time in any major ecclesiastical ordinance, the Canons of 1604 not only told the churchwardens what they ought to be doing, but also what the nature of the office should resemble. The electoral process was revamped to remove the confusion surrounding who exactly had the ultimate authority in their selection. In 1571, the Canons sufficed to say that ‘Churchwardens, according to the custom of every parish, shall be chosen by the consent of their parishioners and their minister; otherwise they shall not be churchwardens.’<sup>142</sup> It is quite likely that this dynamic, always fraught with tension and squabbling, was a reason as to why before 1604 the numbers of churchwardens and their selection process seemed far more chaotic and prone to extensive variables.<sup>143</sup> The attempt to rectify this in 1604 came in the form of a compromise, whereupon any disagreement between the laity and the minister would result in both sides having the right to choose one churchwarden without the other’s consent.<sup>144</sup> Interestingly, this Canon is the first to - albeit indirectly - proclaim that two churchwardens per parish should be the norm, and marked the end of the erratic numbers we often encountered under Elizabeth.<sup>145</sup> The Canon that followed this for the first time described the selection process for the erstwhile mysterious ‘sidesmen’. As well as the churchwardens, two or three ‘discreet persons’ from each parish should, alongside the two wardens, be chosen as ‘sidesmen’, also described in this Canon as ‘assistants’ to the two main churchwardens. While their description as assistants of course would mean a broad range of duties, in terms of the Canons the sidesmen’s primary responsibility was weekly attendance at church. The

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<sup>140</sup> Bray, *Canons*, 365-369.

<sup>141</sup> Canon LXXVI, Bray, *Canons*, 371.

<sup>142</sup> Gerald Bray, *The Canons of 1571*, 191.

<sup>143</sup> Carlson, *Churchwarden*, 181-182.

<sup>144</sup> Canon LXXIX, Bray, *Canons*, 353.

<sup>145</sup> Bray, *Canons*, 353.

sidesmen 'shall diligently see that all the parishioners duly resort to their church upon all Sundays and holy days, and there continue the whole time of divine service.' Those who did not resort to church were to be summoned by the sidesmen for 'due monition' and summarily reported to the 'ordinary of the place' upon continued absence. What may constitute a reasonable excuse for non-attendance is left to the discretion of the wardens and sidesmen.<sup>146</sup> We encounter at several points in Norwich visitations between 1604-1636 lists of non-attendees at certain parishes seemingly separate from the ordinary visitation presentments – an arrangement present pre-1604 and possibly a result of this solidification of this duty as being the sidesmen's, although the lists were usually only signed by 'the churchwardens and sidesmen'.<sup>147</sup> Elections for both churchwardens and sidesmen were now certified as being during Easter Week. This seems to have had a significant impact on their regularity and timing of elections. As per the 1571 the vestry book of St. Bartholemew's, London, their election of wardens was solidified as the weekend before All Hallows; this by 1606 was changed to the standard Easter Week.<sup>148</sup> The same happened at St. Mary the Great's, Cambridge, whereupon 'by general consent' the election date was changed in 1606 to be at the official date.<sup>149</sup> It remained true that some parishes continued irregular - or indeed non-existent - electoral processes, but a general trend is obvious that the instructions of 1604 were largely adhered to and saw a far more homogeneous procedure nationwide.

Replacing the injunctions of 1559 and the Canons of 1571, which did not mention the concept, the churchwardens, quest-men and sidesmen were now given a broad set of instructions regarding their role in ecclesiastical courts. A list of moral and social crimes, probably as decided by the Synod of 1597, was drafted to provide a permanent alternative to the various visitation articles, and included swearing, drunkenness, ribaldry, usury, a plethora of sexual crimes, and the ambiguous 'wickedness of life.'<sup>150</sup> To prevent any delay or confusion surrounding the authority of the various ecclesiastical courts, such defaults were to be included in the very next presentments to the Ordinary from each parish.<sup>151</sup> Those who act as any hindrance to the minister or preacher during service time, via noise, hollering or any other 'rude' or 'disorderly' act are also to be present at the nearest opportunity - a common feature in visitation articles but newly added to official Canons.<sup>152</sup> Regarding

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<sup>146</sup> Canon XC, Bray, *Canons*, 353-355.

<sup>147</sup> For example see Norwich St. Peter Mancroft 1620, NRO DN/VIS 5/1.

<sup>148</sup> Edwin Freshfield, *The Vestry Minute Books of the Parish of St. Bartholomew's Exchange in the City of London, 1567 – 1676* (London, 1890) 1-2.

<sup>149</sup> J.E. Foster, *Churchwardens' Accounts of St. Mary the Great, Cambridge, from 1504 to 1635* (Cambridge, 1905) 89-90.

<sup>150</sup> Canon CIX, Bray 409.

<sup>151</sup> Bray, 409, & R.E. Rodes, *Lay Authority and Reformation in the English Church* (Notre Dame, 1982) 173-4

<sup>152</sup> Canon CXI, Bray 411.

religious non-compliance, a critical development was the changes to the Canons involving the reporting of those who did not receive Holy Communion. Canon CXII in 1604 involved the provision of a full list of names of non-communicants at Easter to the bishop or his chancellor; an act of internal surveillance for better understanding the scale of the problem from area to area.<sup>153</sup> This Canon would have been of great importance in 1604, particularly to solidify the concept that communion was the new membrane that separated membership of the Church and non-conformity.<sup>154</sup> Crucially, it was to be churchwardens and sidesmen who were to oversee this duty along with the minister. Compare this to 1571, when the wardens are not even mentioned in the equivalent Canon, and the list was to be provided by the minister or curate alone.<sup>155</sup> An ever more marked advancement of the functionality of the churchwarden and their assistants is found in the Canon to present 'schismatics'. According to Canon CX, the definition of a 'schismatic' is two-fold: it could be a 'hinderer of the Word of god' that being a layman preventing the preaching or enforcement of the state religion, or simply it could be 'a defender of popish or erroneous doctrine'.<sup>156</sup> This is but another example of popish dissent being isolated from other forms - earlier examples, for example Elizabeth's injunctions as 1559, spoke in only very generic terms, with popish or reformist schismatics not as blatantly differentiated.<sup>157</sup> Ministers retained the prerogative in presenting recusants. Upon terms agreed at the Hampton Court conference, annual dates and timelines were assigned for ministers to report on those 'popishly given' to recusancy, as well as to disguise between 'full' and 'half recusancy' at their discretion.<sup>158</sup> As we shall see in the following section, on a practical level recusancy lists were almost always assisted by or indeed solely undertaken by the churchwardens, despite their absence from this Canon.<sup>159</sup>

The churchwardens were given an extraordinary amount of communal political authority in the Canons of 1604, but it was also recognised that at times the office was not influential enough to avoid the pitfalls of social pressure; help was needed to bolster their resolve to present notable or problematic parishioners. In the reign of Elizabeth, MP Sir Owen Hopton stated to the House of Commons that presentments of ecclesiastical defaults 'should not depend upon the relation of the churchwardens, who being simple men and fearing to offend, would rather incur the danger of

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<sup>153</sup> Canon CXII, Bray 409-413

<sup>154</sup> Curtis, 12. Also see the earlier section 'The Status of the Communion'.

<sup>155</sup> Bray, *The Canons of 1571*, 181.

<sup>156</sup> Canon CX, Bray 409.

<sup>157</sup> Frere and Kennedy, 11.

<sup>158</sup> Canon CXIII, Bray 414.

<sup>159</sup> As per the recusant lists compiled in *Catholic Record Society Vol. LIII* (1961). For example, churchwarden C.J. Stewart was the sole documented reporter of recusants in his parish to the Bishop of Worcester in 1600 (144), whereas both the vicar and churchwardens reported the enormously recusant parish of Prescott in 1604 (146).

perjury than displease some of their neighbours.'<sup>160</sup> How would the Canons of 1604 respond to this weakness in the system? Canon CXIII admits that through 'fear of their superiors' or by negligence, it oftentimes came about that churchwardens and their assistants would forgo their duty to 'take care for the suppressing of sin and wickedness', as many of those deemed religiously or morally unacceptable remained within the parishes unreported, much to the 'admonition, reprehension and denunciation to their ordinaries.'<sup>161</sup> To strengthen the confidence of informing on powerful contemporaries, Canon CXIII permits ministers to join the churchwardens in their presentments, that 'the churchwardens and the rest may present such enormities as are apparent in the parish.'<sup>162</sup> Ministers were encouraged, not forced, to join their wardens in presenting, but it was hoped this process, or even the threat of it, may enhance the notoriety of the office of churchwarden and enable the presentation of even the most notable defaulters. The dynamic between churchwarden and minister remained complex and ill-defined; the Canons of 1604 bequeaths a sense of equality of duty for both in policing schismatics and non-conformists, but it remained the case that the influence of the minister still possessed a timeless power that could be utilised to aid the wardens in their new post-1604 roles.

The notion that churchwardens lacked sufficient political clout to challenge their social or cultural betters was the primary reason as to why the office saw a significant elevation in authority within the newly created Canons in 1604. One aspect that was noted as hindering the effectiveness of presentments was the bloated and confusing nature of the courts themselves; oftentimes perplexing as to which court ought to receive what crime, and often held at awkward or scattered times of year. Archbishop Whitgift had in fact complained about the excessive number of court dates and how it hinders the ability of the wardens to balance their office with their daily life, writing in 1602: 'what with Churchwardens' continued attendance in these courts, which in many places came to more than was by a whole parish for any one ceasement made to her Majestie, the poor men, who were Chosen Churchwardens, by their continued attendance on these Courts, were, in their estates, hindered greatly in leaving their day-labour for attendance there.'<sup>163</sup> The Canons of 1604 introduced several new ordinances to try and address this issue. Canons CXVI and CXVII stated that no churchwarden, questman, sidesman or any other parishioner should ever be forced to present crimes more than twice a year, and goes on to make it a crime to 'trouble' churchwardens in any fashion should they not present more than this amount. It does ensure that this does not constitute

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<sup>160</sup> T.E. Hartley (ed.), *Proceedings in the Parliaments of Elizabeth I, vol 1: 1559-1581* (Leicester, 1981) 201-202.

<sup>161</sup> Canon CXII, Bray, *Canons*, 411.

<sup>162</sup> Bray, *Canons*, 411.

<sup>163</sup> John Stripe, *The Life and Acts of John Whitgift, Vol. II* (Oxford, 1822) 446-448.

a specified amount and was in fact just a minimum recommendation: 'as good occasion shall require', as agreed upon by the wardens, ministers and parishioners, more frequent presentments are of course allowed and perhaps desirable - yet there will be no pressure or consequence as long as there were at least two a year.<sup>164</sup> Furthermore, churchwardens leaving their office after their year's stint is over must present any known defaults themselves and not leave them to be presented by their replacements. There were several instances in the 1590s of confusion within the Norwich consistory court as a result of delayed presentments due to change of personnel in this fashion, such as when the clergyman Randall was ordered to prove his official licence of the cure to the court but expressed that he had already done so to a previous churchwarden.<sup>165</sup> This simple instruction introduced in 1604 was intended to eliminate such frustrations.

As well as this direct prohibition of suits against the wardens for presenting, the Canons indirectly threaten that any forms of inhibiting or harassing the churchwardens in their duty to present was itself worthy of a summons to the bishop or archdeacon's court.<sup>166</sup> Furthermore, to eliminate the anxieties wardens may have of being themselves indicted for presentment a notable parishioner, Canon CXV states:

we do admonish and exhort all judges, both ecclesiastical and temporal, as they regard and reverence the fearful judgment seat of the highest judge, that they admit not in any of their courts any complaint, plea, suit or suits, against any such churchwardens, questmen, sidemen or other church officers, for making any such presentments, nor against any minister for any presentment that he shall make; all the said presentments tending to the restraint of shameless impiety, and considering that the rules both of charity and government do presume that they did nothing therein of malice, but for the discharge of their consciences.<sup>167</sup>

This threat was often repeated in a more direct manner in subsequent visitation articles, such as in Bishop Wren's articles for Ely diocese in 1638 which forbade any parishioner to pressure a churchwarden to omit a name 'for whom they will to be in their presentments', and goes on to make abuse of the warden or the sidesmen a punishable offence.<sup>168</sup> Clearly, the Jacobean and Caroline regimes retained confidence in visitation and regular church courts as the primary weapon to enforce their religious constitution at a parochial level, proven by the granting of churchwarden unprecedented levels of political and jurisdictional protection they otherwise lacked.

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<sup>164</sup> Canons CXVI and CXVII, Bray 413-415.

<sup>165</sup> NRO DN VIS 2/1.

<sup>166</sup> Bray, 415-419.

<sup>167</sup> Canon CXV, Bray, *Canons*, 415.

<sup>168</sup> 'Articles for the Visitation of Ely, 1638', 9-10.

vii. Conclusion: The Use of The Canons by the Church, 1604-1640

The Canons of 1604 remained the standard guidance for churchwardens until after the Civil War and the Restoration. To supplement the command that the Canons ought to be read aloud periodically by every minister, physical copies in English were in relative abundance; defaults concerning lack of a book of Canons became much more common after 1604.<sup>169</sup> This persisted long into the seventeenth century: in his thesis regarding Somerset churchwardens in the 1620s -1660s, John Reeks highlighted evidence from Langford Budville of wardens retaining a book of Canons in storage as late as 1658, despite ongoing destruction of ‘paraphernalia of the old church’ by puritanical parishioners.<sup>170</sup> It was now to be understood by churchwardens and their assistants that the Canons existed as a permanent set of guidelines to dictate the nature of their role, to utterly replace the various sets of injunctions imposed by Elizabeth’s Church.

Moreover, until the cessation of visitations upon the outbreak of war, bishops and archdeacons nationwide used the 1604 Canons as the basis in which to draft visitation articles. Archbishop Bancroft’s metropolitanical visitation of 1605, as per his letter to the visitation commissioners, was undertaken primarily to implement the newest Canons: ‘I doe desire that you should have care to see all the Canons and constitutions published by his maiesties authoritie to be carefully and diligently observed.’<sup>171</sup> The exact Canons that Bancroft singles out are also telling, those being 43, 44, 45, 46, 47, 59 and 74. As per his own words, these Canons were largely pertaining to the catechism, non-residency, pluralism, correct preaching, and the ‘sober carriage’ of ministers and preachers. Among one of the earliest direct consequences of the Canons, the churchwarden was already the focus of attempts to enforce these new statutes.

In many sets of visitation articles, the Canons were spoken of in a familiar tone, with an assumption that the churchwardens would be aware of their overall guidance or at least have the ability to consult a set should the need arise. Some examples are to be found within the articles drafted by Bishop Overall for Norwich in 1619. Regarding the surplice, Overall was happy enough to remind churchwardens to ensure their minister ‘weare the surplice according to the Canons’.<sup>172</sup> The same exhortation simply to consult the Canons to discover the behaviour expected is also found

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<sup>169</sup> See Chapter IV.

<sup>170</sup> John Reeks, ‘Parish Religion in Somerset, 1625 – 1662’, PhD. Diss (University of Bristol, 2014), 154-155.

<sup>171</sup> Fincham, *Visitation Articles Vol I*, 4-5.

<sup>172</sup> Fincham, *Visitation Articles Vol. I*, 8.

within the articles regarding observations of the sacraments, preaching of allegiance and support to the episcopacy and the king, and the maintenance of register books and inventory.<sup>173</sup> Specific Canons are also referenced by Overall. Reparations of the church and other clerical holdings are to be undertaken at a quality ‘prescribed in a homily to that effect, and Canon LXXXV’, and it was also enquired whether a preacher, if properly licensed, was preaching ‘usually according to the 45 Canon.’<sup>174</sup> Even towards the end of the 1630s the Canons continued to be directly referenced within visitation articles - such as those drafted by Bishop Wren for multiple dioceses - and many other articles use language unmistakably lifted verbatim from the Canons.<sup>175</sup>

Within the Canons of 1604, the churchwardens are mentioned within a full thirty-one Canons, and were also likely to make presentments regarding several others.<sup>176</sup> We have established that the Canons of 1604 marked a significant point of acceleration in the growth of the parish churchwarden’s authority, expectation, political power, and state scrutiny. Instructions to the churchwardens and their assistants form a considerably chunk of the vast book of Canons, one that was a clear attempt at creating a new constitution for the Jacobean Church.

More so than at any other point, the Canons of 1604 are proof that the churchwarden was seen as an essential component within any regime’s attempt at forming an effective and stable religious settlement - although it is an indirect inference, it is difficult to understand such an escalation and solidification of their role should the office have been seen as widely ineffective or disobedient. The office was bestowed a mutuality of respect and responsibility within the Church hierarchy: attempts were being made to limit any outside interference or molestation of the churchwarden’s duties by giving the individual wardens the administrative backing of the courts, whereas in return, many of their duties were revamped, intensified and given less room for interpretation or indeed laxness. Nor was this something that was to exist in writing only. The Canons were to be a known presence to all parishioners both as an object to be consulted and to be read aloud periodically. At this final stage of the Tudor and Stuart churchwarden ‘project’, before overhauls to the office cease after 1640, it will now be apt to examine fully the churchwarden presentments within the first half of the seventeenth century. Would the response by the wardens leave the church reformers vindicated in their continued use, or ultimately disappointed?

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<sup>173</sup> Fincham, *Visitation Articles Vol. I*, 160-162.

<sup>174</sup> Fincham, *Visitation Articles Vol. I*, 162-164.

<sup>175</sup> See ‘Visitation Articles for Norwich, 1636’, ‘Visitation Articles for Ely, 1638’, and Fincham, *Visitation Articles Vol II*, 129-153. The Canons are directly mentioned in Wren’s articles for Norwich in 1636, specifically articles two and five.

<sup>176</sup> Bray, *Canons*, 258-453.

## Chapter IV

*Visitations and Churchwarden Presentments in England, focusing on the Diocese of Norwich, c.1604-1640*

*He receives upon trust some Chronicle stories, both Divine and Humane; which presupposing him to bee of eminent employment, he makes use of in Pageants, Chimney-peeeces and Bay-windowes. But if he bee of no frequent custome, he trudgeth with a trusse of colours on his back downe to the Countrey; where most humbly complaining, he prostrates his Art and industry at the feet of a most vigilant Churchwarden: By whose wisdom if he be entertained, that the Church may be beautified, and his intolerable Art discovered; he belards the walles with monstrous false English: for which, if at any time he receive reproofe, he returns this answer; He could paint better, but the Countrey will not bee at the charge of good English.*

Richard Braithwaite, *Whimzies Or, a New Cast of Characters*, 1631.<sup>1</sup>

### i. Introduction

This chapter will aim to argue that the elevated status of the churchwarden within the Canons was reflected at a parish level. Their new guidelines lead to a strengthening, standardising and streamlining of their key duties regarding the combating of non-conformity, and the office enjoyed a new sense of influence and recognition. Churchwardens were individually scrutinised by the ecclesiastical hierarchy at a new level, while also enjoying a level of political and social protection that would hit a zenith under Archbishop Laud. While the Canons of 1604 were expected to be adhered to at all times, the primary manner in which they would be enforced at a parish level continued to be via visitation. As discussed, the weaknesses of the visitation system, and indeed the entire ecclesiastical court system in general, was clear to many Church reformers in the sixteenth century, with innovations such as the *ex-officio oath* an attempt to subvert the process entirely.<sup>2</sup> However, no fully viable alternative to visitation was ever designed. It was generally regarded by 1604 that the process needed reform rather than replacement: Elizabeth herself had praised the theoretical power a visitation granted an ordinary to enforce her settlement in 1573, and blamed

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<sup>1</sup> Richard Braithwaite, *Whimzies: Or, a New Cast of Characters* (London, 1631), 13. In this satirical work, we encounter a series of tradesmen whose professions and place within English society is mocked by Braithwaite. This excerpt is from the section for 'The Painter', portrayed as unknowledgeable about the subjects he paints, and with a poor grasp of English. The churchwarden appears, stern and without mockery, to aid the painter in decorating a church. This is a display of how far English society came in their respect for the office of churchwarden, and that they are clearly thought to be men of intelligence and competency.

<sup>2</sup> Edward Cardwell, *Documentary Annals of the Reformed Church of England, Vol. I* (Oxford, 1836), 317.

‘oversight and negligence of the bishops of the realm’ during visitations for the alleged poor condition of her Church.<sup>3</sup> The bureaucracy of the early modern state was still in its relative infancy, only gradually beginning to directly influence matters within the parishes. As such, the Church still relied on a great deal of mutual cooperation with ordinary parishioners and their representatives. It is no coincidence that having come across no practical alternative to visitation, the Church decided to bolster its primary official, the churchwarden. Churchwardens, seen as overworked,<sup>4</sup> were relieved by the Canons to report to only one court for any one offence<sup>5</sup>, and were given political security in the form of making it illegal to hinder the wardens in any of their duties regarding presentation.<sup>6</sup> The haze surrounding what exactly were the duties of a churchwarden at visitation time was lifted by the Canons, containing large sections on the conduct and processes of the courts, and with far less ambiguity regarding what constituted an offence.<sup>7</sup> The churchwardens began to resemble a more modern bureaucratic office, anointed with influential yet structured authority. To discover how wardens interacted with the state, this chapter will explore the records of visitation courts.

Being ‘only a method of enquiry’, the power of any bishop or archdeacon to actually punish or coerce obstinate puritan or Catholic non-conformists would rely on other methods of ecclesiastical justice.<sup>8</sup> Aspects of religious and social life that the wardens were expected to enforce alone, for example low-level non-attendance at church, misbehaviour during service or administration of parochial fines, would rely on communal guilt and social pressure to enforce, although the churchwarden would see increasing pressure to oversee this as part of their weekly duties.<sup>9</sup> For more serious issues, or should the aforementioned problems get out of hand, it remained the wardens’ greatest tool to report the offenders to the ecclesiastical justice system. As this thesis is a study on the churchwarden himself rather than the Church courts as a whole, questions regarding punishments and enforcements after presentment would need - and warrant - considerably further study. The focus of this chapter will be whether or not the churchwardens continued or elevated their influence within the visitation courts in respect to the Canons of 1604, with their purpose being primarily that of surveillance and inculcation of the laity and the clergy.

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<sup>3</sup> Cardwell, *Annals Vol. I*, 352.

<sup>4</sup> As Whitgift described them in 1597. John Stripe, *The Life and Acts of John Whitgift, Vol. II* (Oxford, 1822), 445.

<sup>5</sup> Whether an offence was to be presented first to a visitation court, a consistory court, or another was often ill-defined and seemed to change depending on year and archdeaconry. For instance, see the later section on recusancy, where recusants were reported en-masse at the visitation of Sudbury in 1611 but far less frequently elsewhere. NRO, DN/VIS 4/3.

<sup>6</sup> Gerald Bray (ed.), *The Anglican Canons 1529-1927* (Cambridge, 2001), 415-419.

<sup>7</sup> See Chapter III.

<sup>8</sup> R.G. Usher, *The Reconstruction of the English Church Vol. I* (New York, 1910), 98-99.

<sup>9</sup> As more clearly set out in the Canons of 1604 and subsequent visitation articles nationwide.

ii. The Court Records

Our in-depth analysis of how the wardens responded to the 1604 Canons will rely largely upon scrutiny of original manuscripts. Accessible and well-surviving visitation manuscripts exist from many dioceses and archdeaonries during this period, and have been analysed by such historians such as Ronald Marchant for York<sup>10</sup> and Margaret Spufford for Ely,<sup>11</sup> which have been consulted for comparative purposes. Partially owing to our ability to directly compare with the visitations of the 1590s regionally, and partially owing to the relative strength of existing evidence from the diocese, we shall continue to primarily focus upon the diocese of Norwich within our study of visitations within the reigns of James I and Charles I.

The diocese contains multiple well-surviving handwritten records from visitations in the first half of the seventeenth century and is fortunate to have few long-standing gaps between surviving visitation reports from at least one archdeaconry within the diocese.<sup>12</sup> A unique benefit of using Norwich diocese as our primary source of evidence is the wealth of printed visitation articles available to us. Being regarded as one of the three best dioceses for the existence of these documents, we are particularly fortunate that many volumes of presentments from Norwich diocese or its archdeaonries that can be paired up directly with the very visitation articles the churchwardens would have seen.<sup>13</sup> Furthermore, with the exception of the visitation of Suffolk in 1606, which was used extensively by Usher in his *Reconstruction of the English Church*, and of Norwich diocese (particularly the Archdeaconry of Sudbury) by Ronald Marchant in *The Church Under the Law*, few if any of these visitation reports have been studied in-depth by historians or else used in full, aside from a few extracts.<sup>14</sup>

The visitation reports from Norwich diocese are usually well preserved; those available to the public are largely readable to a level that allows us to make general statements about that year's court, unlike many of the visitation reports before the 1590s. Compared to other ecclesiastical courts from the time, presentments made by the churchwardens during both diocesan and archidiaconal

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<sup>10</sup> Ronald Marchant, *The Church Under the Law* (Cambridge, 1969), 114-128.

<sup>11</sup> Margaret Spufford, 'The Quest for the Heretical Laity in the Visitation Records of Ely in the late Sixteenth and Early Seventeenth Centuries', *English Historical Review* Vol. 58 (Cambridge, 1971), 223-230.

<sup>12</sup> See NRO, DN/VIS folders.

<sup>13</sup> Kenneth Fincham, *Visitation Articles and Injunctions of the Early Stuart Church Vol. I* (Church of England Record Society, 1994) xv.

<sup>14</sup> See Usher, *Reconstruction*, especially chapter XI, and Marchant, *The Church Under the Law*, chapter VI.

visitations remain the best sources for our study. Extracts from Norwich consistory court are not yet fully catalogued, and are often unusable due to dilapidation until 1661. Deposition records from 1614 do survive and are generally readable, but for the main part deal with issues such as misuse of church funds, probate, slander and defamation, as well as some more extreme cases of moral crimes, such as a reported rape in Garboldisham.<sup>15</sup> As always, another reason why regular church courts are often not as valuable in our study of churchwardens is that it is not clear who began the process of presentment to court; such instances would not have been a direct response to orders or injunctions directly to the wardens from the Church, as was the case during visitations. Unfortunately, one area of disappointment is the number of parishes present at each of the visitation reports, with many archdeaconries missing entirely. When all archdeaconries are present the quality of the parchment is in much worse repair than in 1597, with the reports from 1629 being particularly dilapidated.<sup>16</sup> Nevertheless, the consistency of surviving records from the visitations taken in these years lands us in a very privileged position, with presentments surviving from 1604-5, 1606, 1611, 1620, 1627, 1633 and 1636 with the majority of these having an extant set of directly issued visitation articles, a very different situation than our study of the 1590s. Due to the varying quality of the reports, all quantitative analyses have the caveat of variable sample-sizes, and as such comparison of numbers can lead to some level of misinterpretation.

Presentments are available in the Norfolk Record office for the Archdeaconries of Norwich in 1604/05 and 1636, Sudbury Archdeaconry in 1606 and 1611, and of Norwich city parishes, which are not included within the 'Archdeaconry of Norwich' in the returns of 1604/5 and 1636, in 1620.<sup>17</sup> All three are available from 1629, whereas Norwich and Suffolk Archdeaconries from 1606 exist but are not available for public use due to extreme dilapidation. The use of Latin was increasingly kept to the shorthand, with the court scribe now limiting its use to the opening introduction as well as common court judgements such as excommunication or penance. Following from the pattern established after the earlier years of Elizabeth, the presentments themselves are always written in English. When a case was particularly complex or controversial, the second-hand script describing events after the initial presentment, such as subsequent testimony, court dates or punishments, were written in English except in 1604 which often contained a mix of Latin. As was the case in the Elizabethan visitations, 'follow-up' annotations often seem to have been rushed and squeezed into a space far too small and often become unreadable. Damage from damp has luckily eluded the aforementioned visitations except 1604/5 which has suffered some degradation, particularly in the returns from the

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<sup>15</sup> NRO, DN/DEP 36/39/124 folio 144r.

<sup>16</sup> NRO, DN/VIS 6/1.

<sup>17</sup> See NRO, folders DN/VIS.

deanery of Fincham.<sup>18</sup> The records of 1620, of which only the Archdeaconry of Norwich survives, contain practically no detail from the scribe on the outcomes of each presentment, a great shame as this contains extensive reports on non-communicants as we shall analyse later. The visitation of 1629, containing all three archdeacons, was unusual in that it had been produced in forty-three separate books. This is perhaps a reason why it is by far the most fragile to consult, with some of the books unreadable by way of damage and some deaneries having many parishes absent or unproduced.<sup>19</sup>

In 1636 we have the full returns of Norwich Archdeaconry with only a handful of parishes missing presentments. The handwriting is generally readable, with the classic decline in penmanship as the court proceedings drag on. In 1636 we see a notable difference in how each offence was recorded. Despite it being repeatedly expressed in visitation articles that it is the churchwardens who were to present *every* offence to the court, that often was not made clear within the visitation records. Churchwardens were often only named among presentments deemed to be their fault or duty, such as those dealing with recusancy fines, church inventory or clerical registers. The visitation of 1636 however makes their omnipresence clear, with each report beginning with the parish name followed by 'Gard ibm' [churchwardens of above]. Sidesmen were not referenced in this manner, although we can assume many attended as well. Except in circumstances where they are being presented themselves or have a personal grievance, very few clergymen seem to have attended the compilation of the presentment.<sup>20</sup> Basic church duties that would have been vital in the establishment and continuation of a reputable, stable and harmonious church continued to be performed by the wardens in 1636, perhaps to a more diligent nature than previously. Possession of a 'bible of the old type' was mentioned<sup>21</sup> as well as lack of suitable communion cloths,<sup>22</sup> and even a want of Erasmus' *paraphrases*, something not even enquired upon in the articles.<sup>23</sup> The visitation of 1636 is a vital piece of evidence in the perennial question of whether every report at visitations were made by the churchwardens as opposed to some variety of 'notable' parishioners.

A large number of working papers from the visitation of 1636 are compiled within the Tanner Manuscripts collection, currently housed in the Bodleian Library. These give us an unparalleled insight into the machinations of an early modern visitation, including the perceived issues in the

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<sup>18</sup> NRO, DN/VIS 4/1.

<sup>19</sup> NRO, DN/VIS 6/1.

<sup>20</sup> NRO, DN/VIS 7/1.

<sup>21</sup> NRO, DN/VIS 7/1, Brettanham.

<sup>22</sup> NRO, DN/VIS 7/1, Roughton.

<sup>23</sup> NRO, DN/VIS 7/1, Banham.

diocese prior to the visitation, greater documentation on peculiar or significant cases, and the outcome of the visitation via correspondence between Bishop Wren, Archbishop Laud and the council.<sup>24</sup> It has become quite apparent that 'Visitation Books' that exist within the nation's archives are often missing evidence of crucial aspects of the visitation that must have been written elsewhere: as we shall see, in 1636 we finally receive evidence of procedures collated by the churchwardens that did not make it into normal reports. Perhaps most importantly, the nature of the Tanner Manuscript evidence is a lot more colloquial and less formal than the official legalistic evidence we receive from the court records, offering an opportunity to perceive attitudes towards churchwardens within the ecclesiastical structure shortly before the end of our period.

The survival of so many visitation presentments immediately after the Canons of 1604 allow us to compare the dynamic between the wardens and their superiors with heightened usefulness due to the quick turnarounds between orders and responses. The Canons being an idealised version of what the Stuart regime wanted the churchwardens to resemble, we can compare these pieces of evidence to perhaps shed light on some fundamental questions that will become apparent as we reach the end of the churchwarden experiment in conformity. A study of this final period shall similarly help us engage with one of the central arguments of this thesis: that the encroachment of the state umbrella over ordinary parishioners via the parish churchwarden was not done gradually or haphazardly, but rather deliberately and under a series of significant incremental increases, perhaps none more so than 1604.

### iii. The Bishops of Norwich and their Visitations, 1604 – 1636.

Before we begin our study of post-1604 churchwarden presentments, we must explore the reasons as to why a particular visitation might yield different results to others. We do in fact see a change in presentment records after the overhaul of the office of churchwarden after 1604, but this was not always consistent as the years wore on. One reason for this would be the proclivities and derelictions of an individual bishop or his staff; these of course would make an enormous impact on what types of behaviour may have been the main concern for the administrators of any visitation. At times, the bishop or archdeacon would in fact assert their priorities in no uncertain terms. Bancroft declared to his commissioners in 1605 that during his upcoming metropolitanical visitation, particular attention ought be taken regarding Canons 43, 44, 45, 46, 47, 59 and 74, 'all of them concerning the increase of the preachinge of the worde of God, the catechisinge and instructinge of the younger

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<sup>24</sup> Oxford, Bodleian Libraries, MS. Tanner 68.

sort in the principles and grounds of the Christian religion, the sober and discreet carriage of the ministers and preachers, and the meanes to meete with and prevent that soe much spoken about nonresidence.’<sup>25</sup> The set of articles the wardens of Norwich diocese responded to at this visitation, identical to those of nine other dioceses visited by Bancroft,<sup>26</sup> were extensive and do not seem to have any particular focus on the issues mentioned in Bancroft’s letter.<sup>27</sup> However, judging from the presentments it appears the visitation played out very much as per Bancroft’s plea to his commissioners, with some articles - those corresponding to the seven listed Canons - receiving anomalously greater attention in this year than in other visitations around that time.<sup>28</sup> It is clear that within the realm of the unwritten, visitations did not wholly reflect what their respective articles or injunctions would have us believe. While much of the detail regarding the goings-on at church is lost to us historians, the study of the background of each visitation is imperative should we desire critically to analyse any of the evidence presented. The Canons of 1604 had a two-pronged change upon the office of churchwarden at times of visitation. Firstly, as discussed in Chapter IV, they heralded a new foundation from which the churchwarden might base his duties, to be read regularly and adhered to at all times - not just when scrutinised. Yet also they began a new direction for the visitation articles themselves. As was the case in 1559 and 1571, although bishops and archdeacons could slightly reword articles, re-emphasise some above others, or indeed include new articles entirely, at no point could they legally overrule or rework any of the Canons directly. As such, should a set of articles include changes to those that came before, even the subtlest difference can shed much light on the procedure of a particular visitation. This was the case throughout our study, but the fact that in Norfolk we have so many surviving sets of visitation articles in a relatively short period gives us some intriguing insights into the process.

We begin our analysis with a slight dilemma: what visitation do the presentments in the Norfolk Record Office from 1604 and 1605 belong to? The confusion arises from the visitation book from the period being dated by archivists as ‘1604-5’, with damage to the front matter of the book making exact dating impossible. There definitely was an ordinary visitation of the diocese in 1604, however. A set of visitation articles by Jegon, dated in 1604, was noted to exist by W.P.M. Kennedy, but attempts to locate a copy have been unsuccessful.<sup>29</sup> The records of Anthony Harrison, secretary

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<sup>25</sup> Fincham, *Visitation Articles Vol. I*, 4-5.

<sup>26</sup> See Fincham, *Visitation Articles Vol. I*, 6.

<sup>27</sup> *Articles for the Visitation of Norwich, 1605*.

<sup>28</sup> NRO DN VIS 4/1. Discussed in full later in this chapter, we see large increases in presentments regarding catechising and ministerial conduct.

<sup>29</sup> W.P.M. Kennedy, “List of Visitation Articles and Injunctions, 1604-1715”, *The English Historical Review* Vol. 40 No. 160 (Oxford, 1925), 586.

to the Bishop of Norwich and fastidious collector of diocesan accounts, details a 'primary visitation' occurring in 1604 although unfortunately not the precise date.<sup>30</sup> A letter from the bishop regarding a 'relaxation after a Visitation' was sent in 1604 informing the Archdeacon of Suffolk and his Commisary for the said county to 'proceed in your jurisdiction' as per usual following the end of a visitation, 'provyded allwaies that you meddle with no cause criminall or other detected to me in my sayde Visitacion'.<sup>31</sup> The front-end of the existing visitation book is marked by contemporaries simply as '1604'. The court at Humbleyard deanery is said to have begun considerably later, in October 1605; this is contained within a separate binding which may have been attached to the former later. When a time limit is given for an offender to report back to court, this is usually offered to be in the latter half of 1605 as well. Is it this writer's opinion that the existing book in the Norfolk Record Office is probably a conglomeration of Bishop Jegon's primary visitation of 1604, and Archbishop Bancroft's metropolitical visitation of 1605, with the majority of presentments being from the latter.<sup>32</sup> Whether or not this is the case, it is abundantly clear that the entire visitation book is following instructions based upon the Canons of 1604, so whether they are from Jegon alone or the archbishop is not wholly important to our study.

Upon the accession of James, each bishop of the Church of England was immediately tasked to report to both the king and the Archbishop of Canterbury about the state of his diocese, particularly concerning recusants and clerical benefices. Bishop Jegon of Norwich, perhaps exuberant over his recent consecration on February 20, 1603, seemed particularly invigorated to follow this demand, putting 'pressure on his clergy to get the returns sent in without delay'.<sup>33</sup> Many other bishops failed to send returns at all, and any practical ramifications from this endeavour were stalled upon the death of Whitgift and the aftermath of the Hampton Court conference.<sup>34</sup> Nevertheless, Jegon's first few years as bishop were marked by extensive assessments of his diocese. As required by Archbishop Whitgift, his primary visitation of 1604 was combined in the same year by reports on the education level of all his clergymen.<sup>35</sup> Jegon was a proponent of a strong government and Church, and took it upon himself wholeheartedly to establish a 'preaching ministry'.<sup>36</sup> In his visitation

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<sup>30</sup> Thomas F. Barton (ed.), *The Registrum Vagum of Anthony Harison Part I* (Norfolk Record Society Vol. XXXII, 1963), 172.

<sup>31</sup> Barton, *Anthony Harison Part I*, 172.

<sup>32</sup> According to Harison, there was no overlap in years between the two visitations. Barton, *Anthony Harison Part I*, 171-172, Thomas F. Barton (ed.), *The Registrum Vagum of Anthony Harison Part I* (Norfolk Record Society Vol. XXXIII, 1964), 350.

<sup>33</sup> Augustus Jessop, 'The Condition of the Archdeaconry of Norwich in 1603', *Norfolk Archaeology Vol. X* (Norfolk & Norwich Archaeological Society, 1887), 3.

<sup>34</sup> Jessop, *Archdeaconry of Norwich in 1603*, 2-4.

<sup>35</sup> Barton, *Anthony Harison Part I*, 171-172.

<sup>36</sup> J.M. Blatchly, 'Jegon, John (1550–1618), Bishop of Norwich', (ODNB, 2004).

articles for 1611, Jegon included a clause to ensure that all clergymen are 'studious in the Holy scriptures' and dedicated a large proportion of the articles to ensure correct levels of preaching, readings and catechising with little room for excuses.<sup>37</sup> Jegon was a Calvinist, yet fully willing to cooperate with anyone necessary to accomplish an effective, studious ministry in his diocese, 'as representative a Jacobean bishop as one could hope to meet.'<sup>38</sup> It is unsurprising then that visitations undertaken by or under Jegon appear to have been relatively effective, with few issues anomalously absent, and when focused upon, some issues reported upon with vigour by the churchwardens, particularly concerning the conduct of the ministry.

The records from the 1611 visitation of the Archdeaconry of Sudbury, the only surviving record from the diocesan visitation of that year, are perhaps the most detailed of the visitation manuscripts discussed in this chapter. Indeed, these provide such a wealth of interesting data and qualitative evidence that it is perhaps the most surprising of all not to have been included within a major history of the Stuart reformation or its lay officials. The background to the visitation is lamentably quite murky as the records from Anthony Harison, secretary to the bishop from 1603-1617, have all been lost from the Sudbury archdeaconry.<sup>39</sup> Jegon continued as bishop until his death in 1618, while the archdeaconry was presided over by the long-serving Cuthbert Norris, Archdeacon of Sudbury from 1599 until his death in 1621.<sup>40</sup> Throughout this time, the archdeaconry was known as a puritan hotbed,<sup>41</sup> with many nonconforming ministers rejecting the orthodoxy to at least some degree.<sup>42</sup> Jegon's visitation articles for 1611 are notable in that both papist and puritan schismatics are treated with equal magnitude, with separate articles for what ostensibly would be the same crime of 'depraving the forme' of the Book of Common Prayer or rejecting the 'King's Majestie'.<sup>43</sup> Otherwise, the articles are similar to those of Bancroft in 1605, albeit a greater focus on the conduct of the minister, particularly as a teacher - a continuing theme of Jegon's tenure.<sup>44</sup>

What survives of the 1620 visitation encompasses the parishes of the city of Norwich alone. As previously mentioned, additional commentary on procedures and outcomes within the document is sparse, with the majority of reports consisting of unembellished lists of the accused and their crimes. The frontmatter tells us little, partially due to damage, other than an exhortation for the

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<sup>37</sup> *Articles for the Visitation of Norwich, 1611*, 2-3.

<sup>38</sup> Patrick Collinson, *The Religion of Protestants: The Church in English Society, 1559-1620* (Oxford, 1982), 78.

<sup>39</sup> Blatchly, *John Jegon*.

<sup>40</sup> John Le Neve (ed.), *Fasti Ecclesiae Anglicanae Vol. II* (Oxford, 1854), 498.

<sup>41</sup> See examples of puritans from Sudbury in Collinson, *Elizabethan Puritan Movement*, 227-228, 338.

<sup>42</sup> Usher, *Reconstruction*, 264-265.

<sup>43</sup> 'Visitation Articles for the Diocese of Norwich, 1611', 1.

<sup>44</sup> 'Visitation Articles for the Diocese of Norwich, 1611', 2-4.

parish churchwardens of the 'ciuitas Norwici' to present.<sup>45</sup> Although he died in 1619, Bishop Overall's pioneering set of articles were used by Bishop Samuel Harsnett in 1620 and they formed the basis of subsequent visitations in Norwich throughout the 1620s.<sup>46</sup> Indeed, Overall's set of articles heralded perhaps the first widespread, significant departure in visitation articles from Bancroft's 1605 template, forming the basis of subsequent articles from a variety of bishops from several dioceses.<sup>47</sup> While Jegon was clear to differentiate within his articles the separate nature of puritanical and papist non-conformity, while expressing their equality in danger, Overall goes even further: his set has been described as 'the flagship amongst anti-Calvinist articles'.<sup>48</sup> Overall tackled the issue of non-conformity with 'probing and precise' language, with zero-tolerance for any misinterpretation of the expected conduct of the minister; indeed, some aspects of ceremony within Overall's articles, including whether a minister preached hatless, were deemed too overwrought for later visitations in other dioceses with certain articles left out.<sup>49</sup> By the time of the actual visitation, the diocese was in the hands of Bishop Samuel Harsnett, himself a strict anti-Calvinist.<sup>50</sup> The bare nature of the reports unfortunately leave us with more questions than answers as to whether the presentments are a reflection of Overall's or Harsnett's policies, or indeed just that of urban parishes in general: Norwich's urban parishes are absent from most of the surviving visitation reports from the early 1600s.

The archidiaconal visitation of Sudbury in 1633 was examined and documented by Ronald Marchant in *The Church Under the Law*. It is included among 'three archdeaconries with appreciable below-average percentages' regarding those presented who attended court, and 'obeyed any orders given to them': a prime statistic for estimating the effectiveness of church discipline according to Marchant. Although the records are, Marchant admits, incomplete, he records a figure of 19% of presentees having definitely been seen to at court and dealt at an official capacity - rising to 'probably about thirty-eight' percent taking in board incomplete cases.<sup>51</sup> Largely accounted via refusal to attend the court itself, this is a lower percentage than other archdeaconries within Marchant's study, who achieved averages of around 42-46 percent.<sup>52</sup> This phenomenon, Marchant argued, was similar in the 1627 visitation of the same archdeaconry and presents a perplexing conundrum and not one easily resolved: the archdeaconry had an 'efficient commissary court', was

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<sup>45</sup> NRO, DN/VIS 5/1.

<sup>46</sup> N. Cranfield, 'Overall, John (bap. 1561, d. 1619), Bishop of Norwich', (ODNB, 2004).

<sup>47</sup> Fincham, *Visitation Articles Vol. I*, xix-xx.

<sup>48</sup> Fincham, *Visitation Articles Vol. I*, xx.

<sup>49</sup> Fincham, *Visitation Articles Vol. I*, xix-xx.

<sup>50</sup> N. Cranfield, 'Harsnett, Samuel (bap. 1561, d. 1631), Archbishop of York'. (ODNB, 2004).

<sup>51</sup> Marchant, *The Church Under the Law*, 215n. The percentages are for sexually immoral crimes.

<sup>52</sup> Marchant, *The Church Under the Law*, 206.

not too long a distance from the Diocesan centre, and the puritan influences on Sudbury were also true on the majority of Suffolk and 'East Anglia generally'.<sup>53</sup> Marchant ends that without existing consistory court records to cross-examine, 'the problem must be left unresolved.'<sup>54</sup> A preliminary look at the records from the 1633 visitation of Sudbury does suggest that an abnormally high number of presentments have their ramifications left blank.<sup>55</sup> My own analysis of Sudbury Archdeaconry in 1611 suggests, when discarding records that are unclear, that forty-two per cent of presentments were attended to and dealt with, a figure closer to Marchant's nationwide average.<sup>56</sup> There is nothing to suggest why Harsnett might have been slack in his visitation of his 'notoriously puritan diocese' in 1627, himself a 'strident anti-Calvinist' with Arminian allegiances.<sup>57</sup> criticism of him as bishop was common in the immediate few years upon his translation, but centred primarily upon his restructuring of the diocese and alleged soft-touch on practices deemed papist in nature.<sup>58</sup> Richard Corbett, Bishop of Norwich from 1631-1635, used Overall's 1619 articles as the basis of his 1633 visitation. Although he followed the advice of Archbishop Laud in closing several of Norwich's 'stranger' churches, mostly Walloon, he appears to have done little else to combat puritan non-conformity in his diocese, and 'may have inclined towards lax toleration'.<sup>59</sup> Why this may partly explain the anomalous lack of attendees for Sudbury in 1633, the 1627 equivalent remains a mystery.

We have considerably more information as to the state of Norwich diocese before the visitation in 1636. Indeed, this visitation has attracted notable scholarly attention. Kevin Sharpe included a section on it within *The Personal Rule of Charles I* in 1992, praising the vigour of Wren's attempts at uniformity and the broad range and 'formidable detail' of his visitation articles.<sup>60</sup> 'Despite a hard core of opponents', Sharpe claimed, 'there is no doubt that Wren's campaign began to be met with success.'<sup>61</sup> Matthew Reynolds' study of puritanism in Norwich disagrees with Sharpe in this, claiming instead that 'Wren's reforms forced the godly into open dissent' that did not meaningfully dissipate between then and the Civil War.<sup>62</sup> Wren's 'Laudian' religious reforms, particularly his altar policy, was according to Reynolds a direct contribution to the inflammation of

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<sup>53</sup> Marchant, 207.

<sup>54</sup> Marchant, 207.

<sup>55</sup> NRO DN VIS 6/4.

<sup>56</sup> NRO DN VIS 4/3

<sup>57</sup> Tim Harris, *Rebellion: Britain's First Stuart Kings, 1567 – 1642* (Oxford, 2014), 209-210.

<sup>58</sup> Cranfield, Samuel Harsnett, *ODNB*.

<sup>59</sup> N. Cranfield, 'Corbett, Richard (1582–1635), Bishop of Oxford and of Norwich, and poet'. (*ODNB*, 2004).

<sup>60</sup> Kevin Sharpe, *The Personal Rule of Charles I* (Yale, 1992), 369-371.

<sup>61</sup> Sharpe, *Charles I*, 373.

<sup>62</sup> Matthew Reynolds, *Godly Reformers and their Opponents in Early Modern England c.1560–1643* (Boydell, 2005), 187.

religious tension in Norwich in the late 1630s.<sup>63</sup> Whichever may be the case, we can adjudge from surviving evidence that Wren was indeed a fastidious reformer but had inherited a diocese wrought with religious strife. This was outlined in a preliminary letter Wren sent to his ministers before the upcoming visitation, in which Wren wrote of the 'censure' that would result should a minister refuse to attend and adhere to the orders of the visitation court. Before sending, his chancellor, Dr. Clement Corbett, amended the letter himself, replacing 'censure' with the harsher 'suspension', writing 'I shall desire my Lord not to think it amiss that I [changed] to Suspension... the times are so desperate, that my Lord will have some relation of.'<sup>64</sup> This was no idle threat, and one case of excommunication for failure to appear caused no end of strife between the offender and the court. Thomas Allen, the puritan vicar of St. Edmund's, Norwich, was excommunicated from the Church for failure to appear at the visitation: the 'original suit levied by the churchwardens' was a variety of accusations towards Allen regarding the acquisition and layout of his church furniture and ornaments.<sup>65</sup> Allen launched an extraordinary legal tirade against the sentence, not that he was innocent of the original charge, but that the court had no permissible or historical right to excommunicate him. In his defending letter, misleadingly titled 'the Humble Remonstrance and Protestation of Thomas Allen, Clarke Rector of the Parish Church of St. Edmunds', Allen in fact asserted that the sentence was due to a personal vendetta by Clement Corbett, not done 'as per the Name and Style of our Lord Souveraigne the King.' After having his sentence read 'in the presence of many Citizens [at Norwich cathedral] then and there assembled and congregated', no doubt a humiliation, Allen stated that he 'diverse tymes came to the said Clem. Corbett humbly desiring Absolution from the said supposed sentence of excommunication, offering myself to be Obedient to the Lawes and Ordinances of the Church by Parliament established... but the said Clement Corbett instead of Absolving me did fall accusing of me in a very unbefitting manner, calling of me and other ministers, Cox-combed, as knaves, as fooles.'<sup>66</sup> Allen went on to reference multiple legal precedents as to why his sentence was unlawful, including that the summons to the court was not properly made under the king's name, information regarding the court was not circulated promptly and accessibly, and even that sentences of excommunication should have been read out within his own church of St. Edmund's, not the cathedral. In particular, Allen accuses Corbett of behaving in corrupt manner, disgracing the diocese as a whole. Whether truly a grudge or not, Corbett wrote of Mr. Allen to Bishop Wren during the visitation multiple times, saying, unlike others, he does not 'fairly meritt your Lord's good opinion'.<sup>67</sup>

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<sup>63</sup> Reynolds, *Godly Reformers*, 213.

<sup>64</sup> MS Tanner 68, fol. 1.

<sup>65</sup> MS Tanner 68, fol. 116.

<sup>66</sup> MS Tanner 68, fol. 116.

<sup>67</sup> MS Tanner 68, fol. 1.

Absolution was ruled out that same year, with simple refutations of all of Allen's points, along with a statement that absolution would require 'the oath of Canonical obedience', which Allen would not take.<sup>68</sup> Allen continued to protest in a most vitriolic fashion, railing at both Corbett and his own churchwardens who brought the case to court. A legal 'Action' was brought forth against Corbett, as well as the churchwardens of St. Edmund's, who in his absence had 'sett a raile before the Communion Table' - a common bugbear for puritans like Allen, having been ordered by Laud in 1635 and enforced by Wren at the visitation<sup>69</sup> - and for 'breaking and digging around his Churchyard and Chancell'.<sup>70</sup> The 'Action' did not come to any consequence, although Allen was noted as having been 'lurking' around his old church and 'threatening' some parishioners there. Allen later found fame as an early immigrant to Massachusetts, and the publisher of multiple non-conformist works during the Civil War and Restoration.<sup>71</sup> Yet, his original expulsion from the Church ultimately began from the presentments of his own churchwardens at the visitation court.

For the visitation, Wren created a new set of articles, giving us a unique insight into the state of the diocese and Wren's intentions. Wren was unusual among bishops in never using the same set of articles twice even in a short timespan, making significant changes as he changed dioceses in the years 1635-1638 from Hereford to Norwich and finally to Ely.<sup>72</sup> A surviving original set of his articles survives within the Tanner manuscript folder at the Bodleian library.

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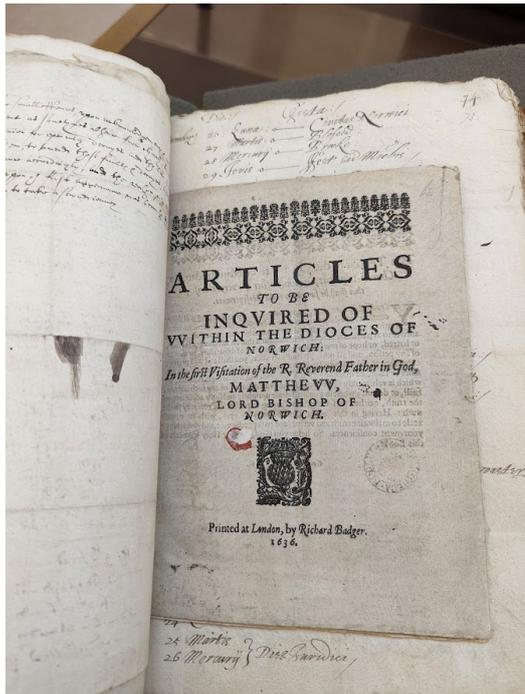
<sup>68</sup> MS Tanner 68, fol. 115.

<sup>69</sup> 'Visitation Articles for Norwich, 1636'.

<sup>70</sup> MS Tanner 68, fol. 115.

<sup>71</sup> M. Bell, 'Allen, Thomas (1608–1673), clergyman and ejected minister', (ODNB, 2004).

<sup>72</sup> Fincham, *Visitation Articles Vol. II*, 129n.



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In quintessential Wren fashion, each article is lengthy and thorough, with particular attention made to ministerial procedure and proper use of proscribed prayer and rites: a clear attack on Norwich's non-conformist clergy.<sup>74</sup> The specificity of Wren's articles were considered by many in the diocese to be bordering on the intrusive, including a list of 'orders, directions and remembrances' drafted specific to Norwich to go alongside his regular articles, of which there were over a hundred in total.<sup>75</sup> The aldermen of Norwich in fact sent several letters of grievances to Wren protesting many aspects of the articles, but in particular the administration of the communion and the position and nature of the railed communion table.<sup>76</sup> Churchwardens feature throughout the articles, arguably more prominently and influentially than any other set of articles from the entirety of our period. The wardens are reminded of their duties to submit lists of strange preachers and to ensure every parishioner receive communion thrice a year, and within the section 'Concerning the churchwardens and sidemen', their regular duties involving enforcing attendance at church, behaviour during service, and the provision and maintenance of church goods and communion bread and wine.<sup>77</sup> Wren also granted the churchwardens several new duties novel to this visitation, including the

<sup>73</sup> MS Tanner 68, fol. 73.

<sup>74</sup> 'Visitation Articles for Norwich, 1636'.

<sup>75</sup> Fincham *Visitation Articles Vol. II*, 157-160.

<sup>76</sup> MS Tanner 68, fols. 149, 151, 153.

<sup>77</sup> 'Articles for the Visitation of Norwich, 1636', Article XXXIX, and the section 'Concerning the churchwardens and sidemen', articles 1-7.

creation of a terrier of glebe-lands,<sup>78</sup> an exhortation each Sunday for parishioners to donate to the poor box, and even that no dogs ought wander into the church at service time, or that any parishioner 'bring their hawkes into the church, or usually suffer their dogs of any kind to come with them thither.'<sup>79</sup>

The most remarkable aspect of Wren's 1636 articles is the scrutiny of the role of churchwarden himself, as well as the political protection it grants the wardens against abuse or harassment. A new addition for the Norwich articles is a rule against those who deny the legitimacy of the office of churchwarden or their right to present:

Hath any man that you know or have heard of, by speech or writing, or upon the assertion of any other man affirmed; that men ought not to take the office or the oath of a churchwarden, or of presenting at the bishops visitation? Or that the said oath is unlawfully given them; or that being taken, it is but of course, and binds them not, nor need to be regarded; or that (the said oath notwithstanding) it is free for them, neither to make inquiry, nor to answer; but to do what they list, and to leave out and passe by whom they will, and what they will, in their presentments?<sup>80</sup>

The validity of the churchwarden was now being defended with similar grandiosity as the episcopacy itself. Verbal abuse of churchwardens or sidesmen was sanctioned upon its inclusion as an article, or 'given them evill words for executing of their office, according as by oath and dutie they are bound'.<sup>81</sup> This article was first enacted in Wren's visitation of Hereford the previous year, although a phrase was added in the Norwich iteration that gives us a hint as to Wren's intentions here: abuse was not tolerated as to not 'dishearten or deterr them from executing' their office.<sup>82</sup>

These legal protections were a double-edged sword, as the wardens were simultaneously given a level of expectation and scrutiny that surpassed earlier visitations or Canons. Frequently it is stressed that failure to present an offence or comply with standard churchwarden duties was in of itself an offence, such as the article regarding unlicensed preaching, in which it was not only asked whether it had occurred, but whether the churchwardens or sidesmen had 'suffered' it to happen.<sup>83</sup> Negligence in reporting non-attendance is accompanied by the threat 'And have they the said churchwardens and side-men, forborne either for reward, favour or affection, to present them, that

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<sup>78</sup> A list of church land and goods for the provision of the minister.

<sup>79</sup> Fincham, *Visitation Articles Vol. II*, 148.

<sup>80</sup> Fincham, *Visitation Articles Vol. II*, 149.

<sup>81</sup> Fincham, *Visitation Articles Vol. II*, 143.

<sup>82</sup> Fincham, *Visitation Articles Vol. II*, 153.

<sup>83</sup> Fincham, *Visitation Articles Vol. II*, 154.

have beene, or are negligent in comming to church, or that use to walke or talke therein...?’<sup>84</sup> A similarly worded but all-encompassing article is contained within the section ‘concerning Ecclesiastical Officers’. It reads:

Whether have any church-wardens and questmen concealed, and not presented any abuses or offences, punishable in the ecclesiasticall court? Or whether have any such offences, being by them presented to the chancellor, archdeacon, officiall or any other using ecclesiasticall iurisdiction within this diocesse, beene suppressed or left unpunished, for bribe, reward, pleasure, friendship, feare, or any other partiall respect?<sup>85</sup>

Wren alerted the warden that failure to present, or to not present in full detail, would be to ‘wittingly, and irreligiously incurre the horrible crime of periury’. To aid in this, Wren ensures that his book of articles was to be carefully distributed to every parish and left little manoeuvre for parishes to give an excuse not to own them, further demonstrating the importance of their analysis. He writes to his commissioners in 1636 that ‘that ye Booke of Articles be carried when ye Summons are, and that the Apparritor leave the Book with the receipte of the Parish, yf he would talk to carrie it to the be delivered to the churchwardens within 4 dayes after; withif he refuseth, then that the Apparitor carry it presently to ye churchwardens.’<sup>86</sup>

Wren was nothing if not fastidious, and his visitation of 1636 provides a wealth of evidence to prove how integral the part of churchwardens was within the process of an ecclesiastical court itself, all contained within various reports and correspondence within the related Tanner manuscripts. The testimony of the churchwardens, particularly if made under their now lofty oath, was given great weight by the court and is mentioned frequently in reports of court proceedings: it was clearly considered an important piece of information about a case. In his response to Wren’s account of the visitation, Archbishop Laud himself makes note of the issues emanating from Yarmouth in which 40 clergymen were indicted at the visitation and 23 offered at the assizes, both mentioned by Laud as being taken ‘under the oath of the churchwarden.’<sup>87</sup> Proceedings against a Dan Weymouth for various behavioural crimes were given special attention by the court with the ‘Clerke and Warden’ of the parish as a central witness,<sup>88</sup> whereas in other cases, including a Mr. Vernon for a similar crime, it was noted that his ‘acknowledgement’ or confession was directed to the minister and churchwardens of the parish.<sup>89</sup> Half a confession and half an apology, five

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<sup>84</sup> Fincham, *Visitation Articles Vol. II*, 140.

<sup>85</sup> Fincham, *Visitation Articles Vol. II*, 144.

<sup>86</sup> MS Tanner 68, fol. 212.

<sup>87</sup> MS Tanner 68, fol. 229.

<sup>88</sup> MS Tanner 68, fol. 33.

<sup>89</sup> MS Tanner 68, fol. 33.

inhabitants of Markersham produce a letter to the visitation court to 'trulie and willfully' admit their 'misdemeanour upon Easterday last', that being some an undisclosed form of poor behaviour during the communion service. This 'acknowledgement', as it was titled, was made and reported 'before the Churchwardens.'<sup>90</sup>

In general, details on the procedures at the visitation courts found within the ordinary lists of presentments vary considerably from visitation to visitation. They were undertaken deanery by deanery, with some deaneries reporting to the same place - multiple deaneries appear to have presented at Aylmerton in 1604/05 for example.<sup>91</sup> The visitation reports from 1611 and 1620 contain no detail about who presided over the court, nor do they account for parishes who do not appear. The material on the 1636 visitation comes to our rescue once again, with several pieces of miscellaneous evidence that give us an excellent glimpse into the procedures of a Norwich-diocese visitation court. An account of the visitation at Bungay was recorded by the commissioner Edmund Mapletoft. He stayed overnight on a Sunday on his way to the court, arriving at Bungay at 8 o'clock the following morning: the court was held at the church of St. Mary's.<sup>92</sup> The court session was held from the 23<sup>rd</sup> to the 25<sup>th</sup> May 1636, and began with preaching by a 'Mr. Chapman' on the morning of the 23<sup>rd</sup>, before a 'decent and rationalle Sermon was heard' before the court.<sup>93</sup> 'When upon the Service ended, the Comision was made, & after a few wordes spoken by Mr. Archibald, the Orders, and Table of Jus. was made, and the ministers names called.'<sup>94</sup> The remainder of Mapletoft's account deals with charges against individual ministers made by the churchwardens in their accounts, and of course a check that all ministers were present at the court as per Wren's threat. Serious breaches in ministerial practice are given a full legal rendering with the court procedures written at length. Offences range from Mr. Brightley, minister from an unknown parish, who was 'inquired touching a notorious conventicle' in which he allegedly performed a sermon, to a suspended minister being present at a service in Bec, at the fault of their incumbent Samuel Newson.<sup>95</sup> Churchwardens and their assistants remained at the court, to aid in giving further evidence or clarification if needed, even after having made their presentments. Mapletoft wrote 'at Mottingham, there was a minister (as I heard) not come to court. I therefore examined his Swornemen most strictly... to see that he face all the Orders preferable', presumably that he attends to face due punishment.<sup>96</sup>

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<sup>90</sup> MS Tanner 68, fol. 33.

<sup>91</sup> Cranwich and Aylmerton deaneries are recorded at Aylmerton itself. NRO DN VIS 3/1.

<sup>92</sup> MS Tanner 68, fol. 32.

<sup>93</sup> Robert Chapman was one of the standing commissioners of the court, and resident vicar of Bungay. Fincham, *Visitation Articles Vol. II*, 162.

<sup>94</sup> MS Tanner 68, fol. 32. I am unclear what a 'Table of Jus.' would be referring to.

<sup>95</sup> MS Tanner 68, fol. 32.

<sup>96</sup> MS Tanner 68, fol. 32.

The corresponding visitation book for 1605 contains considerably more details recorded by the court scribe than any other, particularly on the procedures of court and the aftermath of each case. The court scribe wrote an extensive introduction to the court at Aylmerton, 'opening' the visitation by granting authority to the court to 'punish offenders' according to the 'laws and precedents', with available punishments including ecclesiastical 'banishment'.<sup>97</sup> Despite taking place in November 1604, the judges are said to have been appointed on the authority of Queen Elizabeth. Although he drafted the visitation articles, Bancroft did not appear in person during this visitation as was always the case with archbishop's metropolitical visitations. Before beginning the normal presentments, the court first heard an exceptional case, a series of complaints by a churchwarden, Woodfinch, from Aylmerton parish itself. First to be presented was an Elizabeth Gascon, 'one notable strumpet & a very Ammorous harlot to, a baby by the lout Arrowfield and agayn with the curate of the vicareidge. she hath had two baustards for the one and she is [due] pennance according to the lawe'.<sup>98</sup> While Woodfinch believes she was worthy of punishments for producing bastards, he reported that she has since repented her ways and now attends church: 'but now at xymas last she hath come to the church: and hath bene of late appointed at least to stand inside by the churchwarden Woodfinch, and she hath confessed that Mr. Boyd [probably another churchwarden] said: that she hath said unto God that she camme to & curseth her old life and is fulfilled with God'.<sup>99</sup> Perhaps the reason this case was given particular and untimely notice was that it was a chance for the court to remind those present on the rules regarding who was worthy of receiving church services. Elizabeth Gascon's bastard children had allegedly been receiving sacraments, baptism being the only one available at their age, and it was recorded that 'There ys not permitted no sacramenta [to] the bastards of the land that doth lyve in our Socieitie'.<sup>100</sup> This rule was surely to be lifted upon the parent's re-acceptance into the church after due penance, but this was not explicitly said here. Another potential reason why this case was heard upon opening the court was the scale of the complaints levelled by the churchwarden Woodfinch. As well as bastards attending service, Woodfinch reports on bastards and excommunicates that 'lyeth in the church yard by Christian burial' and that 'Divers times they hath been without Dyvine Service on a Saboth & other festivall day[s]'. This lack of service, ostensibly due to 'lacke of a vycar', lead to a report that 'the people goeth to the [parsonage] house and there and deplore most profanely at the churchwardens and

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<sup>97</sup> NRO, DN/VIS 4/1.

<sup>98</sup> NRO, DN/VIS 4/1, Aylmerton.

<sup>99</sup> NRO, DN/VIS 4/1, Aylmerton.

<sup>100</sup> NRO, DN/VIS 4/1, Aylmerton.

curates of this laund.' It is likely that Woodfinch was alleging that a culture of disrespect and subversion was occurring within the parish against the Church orthodoxy, within which he included himself and the curate.<sup>101</sup> First hand here we have an account of the contentious issues of churchwardens' personal inclinations and personalities affecting parochial customs. Woodfinch reported that 'one Mary and a Mr. Smith hath confessed to absconding and receiving service outside church', with others receiving service in their own home, after having 'pretended all this year' that they were going to another church that did have a minister. Mr. Woodfinch, being the diligent churchwarden who drafted all these complaints, was not to know: these private ceremonies were done 'secretlye' without informing Woodfinch or 'any acquaintances of the said Woodfinch'. Contrastingly to Woodfinch's conscientiousness, a Mr. Boyd, the second churchwarden, was said to have accompanied the absconders.<sup>102</sup> The fascinating juxtaposition between Woodfinch and Boyd is a perfect example of the role of individual personalities in the efficacy of the churchwarden office; however, Woodfinch's sense of duty to his state Church ultimately trumped social pressures to eventually expose these goings on to the court. Unfortunately, the outcome of these commotions in Aylmerton is not known due to damage to the latter half of the report. Nevertheless, the concerns of the parish churchwarden was clearly taken with great seriousness by the visitation court; as per the Canons, disrupting the duties of the churchwarden, as well as disobedient churchwardens like Mr. Boyd themselves, began to be duly punished by the courts, as we shall further analyse later.

iiv. The New Attack on Recusants and Popery in the Seventeenth Century

The proceedings of the Hampton Court conference and its subsequent Canons illuminate the notion that the Jacobean regime saw the assault on papists and puritans as worthy of two equal prongs of attack. Fincham and Lake have written of the king's consistent pointing out of this equivalence, to 'supress Papists with one hand and 'sheep out' puritans on the other', adding that any actions against one would have to be balanced against its ramifications on the other.<sup>103</sup> Regarding the former, parliamentary legislation and various ecclesiastical injunctions instigated a newly invigorated crack-down on recusancy and general 'popery', beginning of course with gathering as much demographic data as possible on who was refusing or disrupting Church service from a Romish perspective. Many papists were hopeful upon James' accession of a more lenient approach, an outcome that horrified many hardcore puritans; by his own words James was willing to tolerant

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<sup>101</sup> NRO, DN/VIS 4/1, Aylmerton.

<sup>102</sup> NRO, DN/VIS 4/1, Aylmerton.

<sup>103</sup> Kenneth Fincham and Peter Lake, 'The Ecclesiastical Policy of James I', *Journal of British Studies* 24 (Cambridge, 1985), 170.

inwards Popery, so long as they maintained political quiescence and never ventured into outright sectarianism.<sup>104</sup> James was keen to stress that this was not a move to invigorate any English papists, and the general aim remained to limit and eventually extinguish the influence of Rome in England, telling parliament in 1604: 'I could not permit the Increase and Growing of their Religion, without first Betraying of Myself and mine own conscience.'<sup>105</sup> In fact, notions that Catholicism and recusancy were rapidly growing movements in England, fuelled by dogmatic overseas Jesuit priests, begin to grip the anxieties of James' councillors and parliamentarians in the years after his accession. In a report of 'Malefactors' in England delivered to Parliament in June 1607, it was reported that 'at the Queen's death' there were approximately 300 recusants 'per shire' in England, with that figure then having risen to 800 three years hence.<sup>106</sup> The implausibility and lack of evidence to support such a claim notwithstanding, it was regarded as a general truth within the early years of James that Catholicism was a growing threat, and its most obvious sign was popish recusants. Legislation targeting recusants, popery and Jesuits multiplied after 1603 and continued throughout much of the decade. James, now agreeing with the perception that Popery was a flourishing danger, agreed measures to - in his words - 'hem them in'.<sup>107</sup> These efforts were of course amplified in 1605 and 1606, following the Gunpowder Plot.<sup>108</sup> The fines for such a crime were increased to £20 a month, sanctions placed upon sending children abroad to Catholic schools, and deportations and deprivations of popish preachers increased.<sup>109</sup> Marriage and burial rights of Catholics were similarly curtailed, with fines introduced for failing to have one's child baptised into the Church.<sup>110</sup> Detection of recusants was to come via churchwarden reports to their ordinary in consistory or visitation court - but a new process was added, whereupon both churchwardens and constables were jointly to give the names of their parish's recusants at Quarter Sessions.<sup>111</sup> This was, for the first time, also to include full names of all the recusant's children over the age of nine, as well as the names of their servants if any.<sup>112</sup> These 'recusant lists' would thus come from a variety of sources, including those not strictly ecclesiastical - but would usually if not always be constructed with the aid of the parish churchwarden.

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<sup>104</sup> Patrick McGrath, *Puritans and Papists Under Elizabeth I* (London, 1967) 365-366.

<sup>105</sup> 'House of Commons Journal Volume 1: 22 March 1604', in *Journal of the House of Commons: Volume 1, 1547-1629* (London, 1802), 142-149.

<sup>106</sup> *Journal of the House of Commons* 22 March 1604, 142-149.

<sup>107</sup> *Journal of the House of Commons* 22 March 1604, 142-149.

<sup>108</sup> McGrath, *Puritans and Papists*, 368-370.

<sup>109</sup> McGrath, 365-366. The £20 fine for recusancy was levied against some gentlemen.

<sup>110</sup> McGrath, *Puritans and Papists*, 371.

<sup>111</sup> McGrath, *Puritans and Papists*, 369.

<sup>112</sup> McGrath, *Puritans and Papists*, 369.

Usually within visitation reports in our period, little is said about the minutiae of fines collected for recusancy. Evidence for non-payment of church fines were oftentimes retroactive and come in the form as an excuse from the parish as to why a certain procurement or repair was not undertaken. However, in his study from Richmond Archdeaconry's visitation reports in the late sixteenth and early seventeenth centuries, Michael Chadwick did find extant evidence for the ability to pay recusancy fines being discussed by the churchwardens at the visitation courts. In 1614, despite 'being Recusants for thirtie yeares both about the age of three score and ten yeares', it was thought apt for the churchwardens to report that both Henri Whereton and his wife 'hath no goodes but are verie poore.'<sup>113</sup> This is one of the few direct pieces of evidence for what we know to be true through inductive reasoning alone, that a large proportion of those guilty of recusancy would not have paid the fine, at least not to the extent required by law.

The existence of recusant lists is hugely variable from area to area and seems to reflect the predilection of individual bishops and diocesan anxieties. For example, Norwich Quarter Sessions records do not appear to have retained any recusant lists at all, despite their preservation being relatively superior to other areas.<sup>114</sup> In Devon, the Quarter Session records are famously near-complete after 1592, but do not contain any consistent recusant lists other than some scattered individual mentions.<sup>115</sup> There are intermittent examples of parishes that did deliver recusant reports to Quarter Sessions at least semi-regularly, as was the case from Gateshead in the North-East. Here, this activity was always solely undertaken by the churchwarden. Of interest is a report from 1609, when the churchwardens reported that 'we knowe no recusants who are confined in our parish.' Demonstrating their knowledge of the new Recusants Act of 1606, they go on to confirm that they have no 'popish scholmasters, popish servantes', unlicensed schools, and no 'reformed' papists who need to be checked upon.<sup>116</sup> It is unlikely that the wardens were reluctant to present certain recusants from fear of social retribution: the single name mentioned was indeed the wife of a gentleman, 'Mirs Riddle', who 'refuseth to cometh to church and to communicate with us.'<sup>117</sup> The fact that Mrs. Riddle's husband, children and servants all 'verie religiously and orderlie, resort everie Saboth daye to the church', lead the wardens to conclude this was probably a minor issue not worthy

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<sup>113</sup> Michael Chadwick, 'Early Churchwardens' Presentments in the Archdeaconry of Richmond', *Yorkshire Archaeological Journal* Vol. 40 (Wakefield, 1962), 658.

<sup>114</sup> My thanks to Norfolk Record Office for helping search for recusant lists.

<sup>115</sup> DHC, Q/S/1/1 – Q/S/1/7.

<sup>116</sup> W. Hylton Dyer Longstaffe, 'Gateshead Presentments to the Quarter Sessions Vol. III' in *Society of Antiquities of Newcastle* (ed.) *Archaeologia Aeiliana Series 2* Vol. 3 (Newcastle, 1859), 158.

<sup>117</sup> Longstaffe, *Gateshead Presentments*, 158.

of full presentment - echoing a common belief among wardens and the courts that singular women refusing service was of relatively lesser importance.<sup>118</sup>

While the Canons attempted to address the confusion as to which courts received which crime, and to eliminate the same crime being presented twice, recusant lists after 1604 continued to be given to any number of courts. This makes it exceedingly difficult to do a broad, in-depth study of such lists, but it remains clear that the endeavour was undertaken with some vigour by the churchwardens, and after 1604 we see more and more evidence that this became a routine and significant process. A study of Nottinghamshire Correction Court has shown the increase in recusancy reports after 1604 in terms of the numbers of parishes presenting at least a single recusant - a good gauge of whether the wardens were willing to fulfil this duty - thus showing the impact of the Canons and Recusancy Acts. In the decade 1590-1599, only five presentment bills for recusancy were delivered; this increased to thirty-four by the next decade alone. In the 1620s-1630s, forty-three parishes reported at least one recusant, nearly 25% of all parishes within the Court's jurisdiction.<sup>119</sup> Nor did the churchwardens withhold from presenting a large number of recusants from a single parish if needs be. In his study of the Nottinghamshire Courts in 1915, H. Hampton Copnall reports that Clipstone parish presented a full fifty-eight recusants in this time, where almost half were said to be gentlemen or gentlewomen. For the entire archdeaconry, the numbers stretched to over three hundred names.<sup>120</sup>

In Norwich, it is clear that Bishop Jegon saw churchwardens as an essential component in his earnest attempts to combat dissenting Catholics in his diocese: usually a compromiser by nature, Jegon nevertheless sought a strong government bolstered by a loyal and supportive Church, and thus disloyal papists were continuously targeted from his inception as bishop.<sup>121</sup> In 1616, the regime compiled a book entitled 'God and King', which contained within a print of the Oath of Allegiance, that being a protestation of loyalty to James as monarch and head of the Church over the pope. The books were to be spread among the parishes 'for the seasoning of all youth in their due Allegiance',

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<sup>118</sup> Throughout visitation court records, there are very few examples of married women being presented for recusancy, or even non-attendance, without their husband. Examples like this from Gateshead illustrate this was likely due to the wardens ignoring such crimes as worthy of presentment, rather than the phenomenon not happening at all. Some exceptions are Fran Braddock from Eye parish and Elizabeth Smyth from Lavenham parish in 1611. While usually widows would be identified as such within their presentment, it is possible that this was neglected in these cases. NRO, DN/VIS 4/3.

<sup>119</sup> H. Hampton Copnall (ed.), *Nottinghamshire County Records: Notes and Extracts from the Nottinghamshire County Records of the Seventeenth Century* (1915), Appendix A.

<sup>120</sup> Copnall, *Nottinghamshire County Records*, Appendix A.

<sup>121</sup> Blatchley, John Jegon.

to be taught by licensed teachers or schoolmasters attached to the Church.<sup>122</sup> A joint effort between the ministry and the diocese's 'churchwardens, sidesmen and other Ecclesiastical Officers', these groups were to ensure that all teachers could obtain the book, teach it to their 'schollers' diligently, and faced appearance at court via failure to do so.<sup>123</sup> Unfortunately we do not possess ecclesiastical court records immediately following this, but it is likely that Jegon pursued this policy vigorously: churchwarden presentments regarding proper licensing of teaching, schools and the conduct of their lessons were common in most Norfolk visitations, with nineteen occurring in 1604/5 for the Archdeaconry of Norfolk alone.<sup>124</sup> This document summarised Jegon as bishop most fastidiously, in that it laid the foundations of Jegon's two most impassioned desires for his diocese: effective and godly teaching and preaching, and the strengthening of the political authority of the king and the Church.

When scouring visitation records from the period, it becomes clear that recusant lists were often included among the presentments. At times this comes as a separate list of names clearly drafted by the minister and churchwardens at an earlier date, such as at Creeing St. Peter, in 1611, whereupon a list of 'nota recusanta' signed by two churchwardens is to be found among the visitation records, containing a list of names from a prominent Catholic family as well as some others.<sup>125</sup> However, the scattered nature of extant recusant lists makes quantitative analysis difficult. The fact that the entire visitation book of Norwich diocese during the visitation of 1604/5 only has four presentments for explicitly popish recusancy, whereas the equivalent in 1611 at Sudbury Archdeaconry alone has close to one hundred, lends one to believe that the recusants in 1604 were delivered elsewhere and such a record has been lost.<sup>126</sup> The ministers of Norfolk had been tasked to deliver lists as recently as 1603, when the king and Archbishop Whitgift had asked each bishop to survey their diocese for numbers of recusants and communicants.<sup>127</sup> Recusants and those who 'do not receive' are to be listed as separate categories. Within the Archdeaconry of Norwich in 1603, twenty-nine individuals are listed as explicitly 'recusant', with ten more listed as both 'recusant' and 'does not receive',<sup>128</sup> with twenty-two as having not received communion but not considered a

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<sup>122</sup> John Jegon, *Iohn by the Permission of God Bishop of Norwich: To All and Singular Archdeacons, Officials, Parsons, Vicars, Curates, Church-Wardens, Side-Men, and All Other Ecclesiasticall Officers* (Cambridge, 1616).

<sup>123</sup> John Jegon, *Iohn by the Permission of God Bishop of Norwich: To All and Singular Archdeacons, Officials, Parsons, Vicars, Curates, Church-Wardens, Side-Men, and All Other Ecclesiasticall Officers* (Cambridge, 1616).

<sup>124</sup> This is slightly less than under his predecessor, in 1597, in which there were over ninety presentments for the whole diocese regarding some form of teaching children. NRO, DN/VIS 3/1, 4/1.

<sup>125</sup> NRO, DN/VIS 4/3.

<sup>126</sup> NRO, DN/VIS 4/3.

<sup>127</sup> Augustus Jessop, 'The Condition of the Archdeaconry of Norwich in 1603', *Norfolk Archaeology* Vol. X (Norfolk & Norwich Archaeological Society, 1887), 1-49.

<sup>128</sup> Most likely due to the minister not being sure as to which category they belong.

recusant.<sup>129</sup> We unfortunately have no visitation report from the Archdeaconry of Norwich surviving until 1620, yet even then numbers of reported recusants are much lower than those collated in 1603; it is very likely then that for certain archdeaconries, such as Norwich and Norfolk, recusant information was not collected vociferously at visitation.<sup>130</sup>

Contrarily, the visitation of the Archdeaconry of Sudbury in 1611 is quite remarkable in the number of presentments for being a 'popysh recusant', with the accusation often added on to an accusation of non-attendance or non-Communication, such as at Lawshall: 'Elizabeth Darmony [gent] for not comming to church nor receyveth the comun. she is a popish recusant.'<sup>131</sup> The question as to how exactly the churchwardens would be sure that the reason for non-attendance was popish predilections is complicated in that some of this recusants did seem to attend church, just not regularly enough: 'Thomas Shorte is a popysh recusant [and] had cometh once in the month but recyveth not the comun.'<sup>132</sup> Refusal of communion being a key indicator of Catholicism, it appears that this phenomenon would often be of greater concern for the churchwardens than irregular attendance. The visitation of Sudbury in 1611 is also far more likely to contain multiple names per parish and is sure to mention wives, children and servants alongside other names, as was warranted in the Recusancy Acts following 1605.<sup>133</sup> The visitation articles to the wardens for 1611 only contained the standard request to present anyone 'popishly affected' who did not come to divine service and did not include the additional rubric from the Recusant Acts nor any formalising of the procedure as we actually encounter in the reports. Clearly, the drafting of regular recusant lists was, for whatever reason, conglomerated in the 1611 visitation; demonstrating both the unfortunate ad-hoc nature of the process but also proving these were being undertaken in a way perhaps lost to us. Later visitations of the area such as 1620 and 1630 returned to the previous model of sporadic and infrequent presentments for recusancy, and never in the format of a separate list that also contained family and servants.<sup>134</sup> There were several instances of reports for excommunication for recusancy that were noted as having been already absolved at another court - so at the least some records were being cross-examined betwixt the legal institutions.<sup>135</sup> The issues regarding the existence of

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<sup>129</sup> Jessop, Archdeaconry of Norwich, 1-49.

<sup>130</sup> There are only two accusations of direct recusancy in the Archdeaconry of Norwich in 1620, at St. Peter Mancroft and St. Giles. NRO DN VIS 6/1. The low level of recusancy reported in city parishes at visitations was referenced by citizens of Norwich in a letter to the king in 1636, discussed later; whether this was an accurate representation of recusancy in Norwich requires further study.

<sup>131</sup> NRO, DN VIS 4/3.

<sup>132</sup> Bury St. James', NRO, DN/VIS 4/3.

<sup>133</sup> McGrath, 367-370.

<sup>134</sup> NRO, DN/VIS 5/1, 7/1.

<sup>135</sup> As was Alice Timpsham of Stanstead parish in 1611. NRO, DN/VIS 4/3. She was said to have been reported already at the 'bishop's court'.

these recusant lists notwithstanding, we can say with some certainty that those convicted for recusancy, or having land or goods forfeited of the crime, shows a marked uptake in the early seventeenth century; taking Middlesex and London, as an example, those fined for recusancy stood at seventeen in 1597, and increased to over 100 by 1606/7.<sup>136</sup> This coincided with heightened involvement by the churchwardens. New recusancy legislation in the years after the Plot utilised churchwardens and the ecclesiastical court system; in May 1606, an Act was passed that all recusants having been 'convicted or to be convicted and which hath or shall conform him or herself' were to be tracked as to whether they have received communion eighteen months after conviction, and every six months after that. This was to be checked upon their appearance at their own parish church, and upon failing would revert to the 'forfeitures' of the regular churchwarden-administered fine for recusancy.<sup>137</sup>

In tackling popish recusancy, we can also adjudge the changing attitudes towards the churchwardens within the prism of their newly heightened social standing; perhaps nowhere more so than in the process of absolution. As we have examined, the process of absolution was overhauled in 1604 to include a written testimony of guilt if able, and for the process to be observed and judged by the churchwardens.<sup>138</sup> Those that have reformed satisfactorily are to be told to the ordinary at the earliest opportunity. Names of 'recusants who have reformed them selves' appear frequently among recusant lists after 1604 having evidently performed the necessary acts of penitence as the wardens ought to have witnessed.<sup>139</sup> Ecclesiastical judges placed much upon the testimony of the parish churchwarden as who was to be absolved after a period of popish recusancy. Frequently recusants are absolved from church censure and permitted to return to service unblemished after a report by the wardens of their sincere repentance. A Robert Payne of St, Mary's, Bury, was known to the court as 'being excommunicate comith not to the church in sermon tyme as a popish recusant'. A 'request' is submitted before the court from the churchwardens of the parish that he 'doth be absolvethe' from his excommunication for this crime, to which the case is adjourned to a later court date.<sup>140</sup> In Hartest from the same year, a George Noble was presented to the court as a newly formed 'popysh recusant' having not attended church for twelve months. This case is unusual in that Noble attended the court, not to deny the charge, but to request absolution after alleged repentance. It was ordered that

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<sup>136</sup> John LaRoca (ed.), *Jacobean Recusant Rolls for Middlesex* (Catholic Record Society Vol. 76, London 1997), 22-30, Dom Bowler (ed.), *Recusant Roll No 2, 1593-1594* (Catholic Record Society Vol. 61, London 1965), 92-94.

<sup>137</sup> SP 14/21, fols. 87-97.

<sup>138</sup> Bray, *Canons*, 262-280.

<sup>139</sup> At the Gateshead presentments, none are said to have reformed – not surprising as there were no purported recusants at all. Longstaffe, *Gateshead Presentments*, 158.

<sup>140</sup> NRO, DN/VIS 4/3, 1611. Unfortunately, no follow-up could be found.

absolution would be granted upon Noble offering due penance to his congregation and for the churchwardens to report back upon its completion. Furthermore, churchwardens also adopted their new role of ensuring those given absolution were not allowed to relapse into their old ways. Bridget Brown of Lawshall was presented by her churchwardens as 'being conformed from a recusant [she] hath not recyveth the common. this last year.'<sup>141</sup>

In general, those presented to court as having deliberate and explicitly papist reasons for non-attendance were highly unlikely to attend the court itself and thus would be de-facto excommunicated. Of 130 individuals presented as recusant papists in Sudbury Archdeaconry in 1611, seventy were excommunicated by the court having not attended to contest the charges, labelled as 'non comp. ideo exom' (non comperuit, ideo excommucator)<sup>142</sup> or a variety of such. Fifty-one are labelled as having their case delayed to a later court date. We can make a judgment here that in these cases the defendant almost certainly did not attend court either but for whatever reason the judge or churchwardens desired to attain more information; unlike many other 'delayed' cases in the visitation courts, the outcome of these are not recorded by a later hand in underneath or in the margins of the original case matter, leading one to expect these were summarily excommunicated at a later date anyway. The one instance in which this was recorded strengthens this hypothesis: the churchwardens of Hanley parish were ordered to return to their parishioner Phillip Gillead and order him to attend court at a set date later in the year to 'answer his charges' of being a recusant papist. In another hand, it is recorded he did not appear and was subsequent excommunicated.<sup>143</sup> Of other recusant papists in the Sudbury visitation, only two are said to have repented, one gentlewoman fined (and subsequently excommunicated anyway for continued absence) and one in fact sent to the court of High Commission.<sup>144</sup> Only two cases are labelled as 'dismissed', one with no further details so perhaps found innocent, and one with orders of due public penance in front of their congregation.<sup>145</sup> The obstinacy in refusing to attend court and the seeming indifference to ecclesiastical censure is most apparent among the recusants of Sudbury Archdeaconry, yet the churchwardens continue to present their names dutifully.

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<sup>141</sup> NRO, DN/VIS 4/1.

<sup>142</sup> 'Did not appear, therefore excommunicated'. J.F. Williams, *Bishop Redman's Visitation 1597* (Norfolk Record Society, 1946), 7.

<sup>143</sup> NRO, DN/VIS 4/1.

<sup>144</sup> NRO, DN/VIS 4/1, see Bury St. Mary, Hartest, Redlingfield and Wyverston parishes, respectively.

<sup>145</sup> A 'Richard Smith of Hovell', NRO, DN/VIS 4/1.

To tackle papist recusancy, the churchwardens must have been aware of what might constitute such beliefs that would separate these absences from those for puritanical reasons, or of course sheer laziness. Visitation articles for Norwich diocese seem increasingly concerned with the exaltation of popish ideas as well as of non-attendance. In his metropolitanical visitation of Norwich diocese in 1605, Archbishop Bancroft did not inquire about those who merely held papist opinions; of more concern were those who were allegedly teaching papal doctrine in their private houses or to their children, whether the minister was 'ouer-conuersant with, or a fauorer' of papists, or of course whether any papists were not attending service.<sup>146</sup> This rather lenient approach is reminiscent of James' earlier opinions that inward, secret popery was to be tolerated; it is not akin to the sentiments of the 1604 Canons but demonstrates that on a practical level Bancroft remained relatively tolerant of 'quiet' papists.<sup>147</sup> The visitation records show the fruits of this wording: no presentments for popish or 'superstitious' beliefs, practices or objects are made, unlike those that were seen as reformist or schismatic, which were inquired upon.<sup>148</sup> Compare this to later visitations and we get a much different picture. Bishop Jegon in 1611 inquired upon all those 'Popishly affected, abiding or resorting to your parish' and whether they attend the parish church or otherwise act against 'his or their due conformitie and Obedience to his Highnes laws'.<sup>149</sup> Presentments for 'popysh' or 'papist' behaviour was subsequently high.<sup>150</sup> Henry Badnoster of St. James', Bury, was presented by his churchwardens for the 'mentionyng of popysh opinions and popysh doctrine', but was not in fact presented for any absence from church at all.<sup>151</sup> An even harsher tone was taken in 1619 in Bishop John Overall's visitation articles. He repeated the previous article, before going further in ordering the wardens to report any who own or spread 'superstitious books or writings' and to collect their 'names, qualities and conditions.' In their presentment of John Hanson of Norwich in 1620 for being a 'popishe recusant', the wardens of St. Peter Mancroft appear to defend their claim in court by reporting his papist predilections and behaviour.<sup>152</sup>

Surviving recusant lists delivered to various bishops and privy councillors have been transcribed in recent years by the Catholic Record Society, and tell an interesting story regarding the efficacy and obstacles faced by the wardens in this position of espionage. An enormous effort was

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<sup>146</sup> 'Articles for the Metropolitanical Visitation of Richard Bancroft', 1605.

<sup>147</sup> Anthony Milton, *Catholic and Reformed, The Roman and Protestant Churches in English Protestant Thought 1600-1640* (Cambridge, 1995), 21-26.

<sup>148</sup> 'Articles for the Visitation of Norwich, 1605', NRO, DN/VIS 3/1.

<sup>149</sup> 'Articles for the Visitation of Norwich, 1611.'

<sup>150</sup> NRO, DN/VIS 4/3.

<sup>151</sup> NRO, DN/VIS 4/3, see multiple presentments for refusal of rites as per the Prayer Book, and William Hill of Rougham, suspected of the churchwardens to be 'ill of religion' in a puritan fashion.

<sup>152</sup> NRO, DN/VIS 5/1, 23.

made by the Bishop of Chester early in James' reign to document recusants throughout his diocese, as well as a total number of overall 'communicants' and 'non-communicants.' Of particular concern were the parishes of Prescott and Farnworth, the former being described by the bishop's clerk as 'one of the most infected parishes in Lancashire, and most haunted by seditious priests where of the late yeares the Queens messengers were slayne and wounded.'<sup>153</sup> The churchwardens along with their assistants did a remarkable job in collating the number of popish recusants from these parishes, as well as Cheshire as a whole. Whether by increased pressure or the aid of the newly bureaucratised system of presentment, the wardens name 207 recusants from the 'Chappelle de Farnworth et Rainforde', up from 123 named the previous Easter.<sup>154</sup> The overall ecclesiastical census undertaken by Bishop of Chester by the churchwardens of the diocese lists 2400 recusants exactly, compared to 173,134 total 'communicants'.<sup>155</sup> Compare these figures to those of recusancy fines in 1595 and we see an enormous increase in number, even factoring in the difference between recusancy reports and those actually fined.<sup>156</sup> As well as the vigour of the bishop, this is surely a product of clearer and more distinct directions given to the churchwardens for the surveying of recusant papists that were drafted in the early 1600s. Indeed, the excuse given to the bishop of 1595 from Bangor parish, having provided only seven names of apparent papist recusants, was that 'the churchwardens knowe of no present instructions given them and they come not to heare any publique.'<sup>157</sup>

Anti-Catholic measures became fewer in number as James' reign continued, with the king increasingly keen to curb the vitriol of excessive anti-Catholic beliefs and practices. A debate remains among historians as to when this became the case within the king's mindset, with some arguing it emerged after the Gunpower Plot, whereas Fincham and Lake argue this was becoming true in 1603.<sup>158</sup> James prioritised the fostering of a moderate religious settlement, collating extreme popery and puritanism together, as well as tackling extreme vitriol toward either side. This included issuing a set of 'Directions concerning Preachers' in 1622 whereupon preachers were forbad to 'fall into bitter invectives, and indecent railing speeches against the person of the either papists or Puritans.'<sup>159</sup> 'Traditional anti-popery', including the use of the Oath of Allegiance, intolerance of Catholics at court and grassroots 'confessionally motivated harassment' continued to decline under Charles I, who

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<sup>153</sup> Clare Talbot (ed.), *Catholic Record Society Publications Vol. LIII: Miscellanea Recusant Records* (Newport, 1961) 146-147.

<sup>154</sup> Talbot, *Recusant Records*, 146-147.

<sup>155</sup> Talbot, *Recusant Records*, 147.

<sup>156</sup> Talbot, *Recusant Records*, 15-111.

<sup>157</sup> Talbot, *Recusant Records*, 69.

<sup>158</sup> Fincham and Lake, *Ecclesiastical Policy of James I*, 182-185.

<sup>159</sup> Milton, *Anglicans and Puritans*, 59.

tolerated Catholics on a personal level to a greater degree than any of his Protestant forebears.<sup>160</sup> In the visitation returns for Norwich in 1636, we subsequently see very few reports for popery or indeed the word 'recusancy' itself. None are reported at all within the deaneries of Reepes or Wayton, whereas we see one group of 'popische recusants' at Outwell parish at Fincham, that being two couples, a child and a single man, of whom it was not recorded their punishment for this if at all.<sup>161</sup> At Rockwood, we see eight individuals reported simply as 'recusants', including a family of four. It is likely that other recusant papists were included among the many absentees from church reported in 1636 and punished according to that crime instead. In his summary of Wren's report on the diocese in April 1636, Archbishop Laud finds one piece of positive news in an otherwise bleak portrayal of the area: 'for recusants, whereas formerly there were wont to be but two or three presented', forty had recently been presented from Norwich 'upon the oath of the churchwarden.'<sup>162</sup>

Catholic recusancy remained a concern of course later in our period, but the attitudes taken to combating it had changed; Archbishop Laud in fact blamed a seeming rise in such cases in 1640 upon excessive anti-popery rhetoric, claiming that blaming Catholics for holding beliefs they did not have would dilute the trust in the church and lead to more converts to Rome.<sup>163</sup> We do possess some added evidence that popish recusants were not specified in writing in the visitation reports in Norwich in 1636, merely described as absentees, but were known to the court as papists. Following the visitation, a letter entitled 'Grievances exhibited by divers of the citizens and inhabitants of the City of Norwich' was sent to Bishop Wren, complaining among other things of Wren's overbearing and allegedly illegal visitation articles, compared to the 'peace and quiet' of the archbishops' recent metropolitanical visitation.<sup>164</sup> The letter goes on to mention the apparent great increase in the city's reported recusants, included presumably as a message to the king that Wren was failing to deal with this phenomenon despite the intrusive nature of his visitation. 'The papists are much animated, appeareth by their resorting to the city' stated the concerned citizens, 'for whereas in times past there were usually but 3 or 4 Popish recusants at any Sessions presented, and many times none at all, at the last 2 Sessions holden at the City there were more than 40 Popish recusants.'<sup>165</sup> This was certainly true of the visitation of 1620, but was an exaggeration for the visitation of 1627.<sup>166</sup> Laud's Canons of 1640 reflected anxieties such as these by instructing 'all and every ecclesiastical persons of

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<sup>160</sup> Milton, *Anglicans and Puritans*, 60-61.

<sup>161</sup> NRO, DN/VIS 7/1.

<sup>162</sup> John Henry Parker (ed.), *The Works of William Laud*, Vol. V Part II (Oxford, 1847), 341.

<sup>163</sup> Milton, *Anglicans and Puritans*, 64.

<sup>164</sup> MS Tanner 68, fol. 160.

<sup>165</sup> MS Tanner 68, fol. 160.

<sup>166</sup> NRO, DN/VIS 5/1, 5/3/1/4.

any rank', for 'the suppression of the growth of popery' to hold private conferences with prominent recusant papists, to gently encourage those at risk of being 'misled into popish superstition' to return faithfully to the church. Only after this has failed would church censures be imposed.<sup>167</sup> The fact that these meetings were not to be held over ten miles from a recusant's dwelling, with most recusants living rurally, probably meant this Canon had very little impact.<sup>168</sup> In terms of the parish churchwarden, Laud renews many of the precedents set by 1604 and continued to ask the wardens for full lists of names, including spouses, servants and children, and whether any recusant papist was being granted access to any church services (particularly marriage) and children's education.<sup>169</sup> In what was surely a shrewd move, Laud's Canons of 1640 cements the visitation court as being the place for the churchwardens to present their lists of recusants, with all particulars to be undertaken during these times. Politically, the Canons of 1640 were inoperable - condemned by the Long Parliament and proscribed in 1660/1, the potential fruits of these injunctions will never be known, as the visitation system itself would soon cease upon the outbreak of war.

v. Churchwardens and Puritan Reformists in Norwich Diocese and Elsewhere

Gauging the level of puritan sedition and disgruntlement recorded by the churchwardens remains difficult, as those not attending church for these reasons continued to be inconsistently recorded compared to their popish counterparts. For instance, in the same period whereupon Nottinghamshire churchwardens presented over three hundred individuals as popish recusants, only eighteen people were record as 'sectaries'. One was a gentleman, with others labourers, millers or 'widows'.<sup>170</sup> In other large surveys gathered by the churchwardens from Norfolk, Suffolk, Lancashire and elsewhere, puritan abstainers from church would merely be listed as 'non-communicants' and thus undiscernible from those absent for negligence or other non-confessional reasons.<sup>171</sup> Despite this, the Church under James and Charles made much for effort to use churchwardens to count numbers of schismatic puritans and their activities; as we have established, more so than the Tudor monarchs, the Stuarts and their bishops were far keener to stress the equivalence of threat between papists and extreme puritans.<sup>172</sup> As they were based upon the Canons of 1604, visitations under James were distinct from earlier iterations in that they included clauses to report on all those who

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<sup>167</sup> Bray, *Canons*, 561.

<sup>168</sup> Bray, *Canons*, 561n.

<sup>169</sup> Bray, *Canons*, 562-563.

<sup>170</sup> See Copnall, Appendix E.

<sup>171</sup> See the survey of Lancashire printed in Talbot, *Recusant Records*, and the survey of Stowmarket contained in NRO, DN/VIS 4/3, as well as the mass presentments for Norwich city parishes in 1620, NRO, DN/VIS 5/1.

<sup>172</sup> See Milton, *Anglicans and Puritans*, 57-68.

may impugn the Acts of Religion or the king's ecclesiastical supremacy - now in separate injunctions to those against popery itself. In 1605, Bancroft asked the churchwardens of Norwich diocese to report on any that 'doth impugne the forme of Consecrating and ordeining of Arch-bishops, Bishops, Priests or Deacons.' The convocation was also vigorously defended, with the wardens to present any that believed the 'sacred synode of this Nation asembled by ye Kings authoritie is not the true church of England by Representation' as well as, in uniquely specific fashion, 'is there any among you, that haue or doe depraue the foresaid late Synode, saying or affirming, that ye same was a company of such persons as did conspire together against godly and religious professors of the Gospell, and that therefore both they and their proceedings in that behalfe are and ought to be despised and contemned or words to the like effect, you shall not faile to present their names?'<sup>173</sup> Clearly these articles were targeting puritans, particularly Presbyterians, albeit not by name: possibly due to the unclear definitions that existed at the time. However, 'Schismatiks' are mentioned as being forbidden to take communion.<sup>174</sup>

The phenomenon of several parishes in notably puritan areas such as Norwich having large numbers of abstainers in 1611-1612 and 1620 naturally lends itself to the theory that this was a result of puritanically-inclined parishioners holding congregations elsewhere, but this was not explicitly reported on by the courts.<sup>175</sup> In their efforts to eliminate private puritanical conventicles and other theological meetings, Jacobean and Caroline bishops were among the first to ask the churchwardens to report upon their occurrences within their parish. Bancroft asked the churchwardens and sworne-men of Norwich diocese in 1605 'is there any in your parish, that doth held or frequent any Conventicles, or priuate congregations, or any that doe either make or maintaine any Constitutions, agreed vpon in any such priuate Conventicles or assemblies?', taken almost verbatim from Canon XII from 1604. This was dropped in the visitation articles for Norwich in 1611, before being revived by Bishop Overall in 1619.<sup>176</sup> Bishop Wren inquired into 'unlawful assemblies' in each of his three dioceses in the 1630s.<sup>177</sup> However, reports on conventicles and schismatic meetings are absent from churchwarden presentments throughout our period. It was unlikely that the wardens were deliberately concealing known conventicles as this would contradict the evidence that shows the wardens of Norwich diocese, particularly within the city itself in 1620,

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<sup>173</sup> Articles for the Visitation of Norwich, 1605'.

<sup>174</sup> 'Articles for the Visitation of Norwich, 1605', Article XVIII.

<sup>175</sup> NRO, DN/VIS 4/3, 5/1.

<sup>176</sup> 'Articles for the Visitation of Norwich, 1611'

<sup>177</sup> 'Articles for the Visitation of Hereford, 1635', 'Articles for the Visitation of Norwich, 1636', & 'Articles for the Visitation of Ely, 1638'.

were keen and diligent in their reporting of puritan non-conformity, including many examples in their presentments and some among powerful noble families. This leads one to believe this was not a duty the wardens were reluctant to do, but merely one impossible to undertake. Why repeatedly asking the churchwardens to inform on conventicles was not dropped having never born any fruit remains a mystery; it was perhaps included as a threat or reminder, with both Canons and visitation articles to be read aloud at regular points in church. Indeed, enforcing the Conventicle Acts of the later seventeenth century was described by a Wiltshire justice as being a hopeless endeavour with the assistance of 'these country officers.'<sup>178</sup>

At the visitation of Norwich Archdeaconry in 1604/05 there were no explicit mention of puritans or puritan sects among the several presentments for non-attendance at church; unsurprising considering mentions for unambiguously popish recusancy are also very seldom compared to other visitations.<sup>179</sup> Among the commotion at Aylmerton, secret religious meetings were being held away from church and deliberately kept secret from their churchwarden Woodfinch, although the nature of these meetings is not known, potentially due to damage to the report.<sup>180</sup> This was not the case in 1611, where Brownist dissenters are mentioned several times within presentments for non-attendance, including a group of four 'recusant Brownists' at Lakenham.<sup>181</sup> At Barnardiston, Robert Cornyn was said to be 'scismatick Brownist and comith not to church or receyveth the commun[ion].'<sup>182</sup> As was more often the case nationwide, no puritan sects are mentioned by name in the conjoining visitation articles; this fact combined with the much larger mentions of 'recusant papists' and the like leads one to believe that the clerks of this visitation happened to take greater care in labelling reasons for non-attendance, and that puritan sects and individual schismatics were being reported on by the wardens in 1604 and later but lamentably not recorded.

Why it was deemed not important to track this except in 1611 is not known - one possibility is that the reports we have from 1611, being from Sudbury Archdeaconry, included many puritan hotspots such as Bury and thus greater care was taken to survey the religious proclivities of the region. Indeed, William Gilne of Long Melford parish as well as Andrew Kendrick were both labelled

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<sup>178</sup> Anthony Fletcher, 'The Enforcement of the Conventicle Act 1664-1679', in W.J. Sheils (ed.), *Persecution and Toleration, Studies in Church History*, 21 (Oxford 1984) 235-46.

<sup>179</sup> NRO, DN/VIS 4/1.

<sup>180</sup> NRO, DN/VIS 4/1, Aylmerton parish.

<sup>181</sup> NRO, DN/VIS 4/3.

<sup>182</sup> NRO, DN/VIS 4/3, Barnardiston parish.

by the churchwardens as a 'sectary recusant', in 1611, a term rarely used outside this visitation. The visitation returns from 1620 do not mention any Protestant sects or beliefs by name, whereas in 1636 one's reason behind absence from church is very rarely mentioned except a few recusant lists and one report of a Brownist family.<sup>183</sup> Catholicism itself was seen as an existential threat to the Jacobean and Caroline regimes, and thus numbers of surviving Catholics and the level to which they were willing to comply - with the basics being Communion and church attendance - naturally lead to specific questions on their numbers. However, while the ecclesiastical regime saw an equivalence of danger between puritans and Catholics, the ways in which they were targeted by the churchwardens did see significant differences among local bishops. Puritanical behaviour by the country's ministers, would continue to be heavily reported on: we can discount any theory that the authorities saw the churchwardens as unwilling or incapable in combating this strand of non-conformity. Nevertheless, puritan anti-episcopal sects did not appear to be surveyed with the same depth by the nation's churchwardens except among general surveys of non-communicants. In the rare cases where churchwardens were asked to list those of a specific sect within their parishes, there does appear to be reasonable confidence in their ability to identify specific puritan beliefs. In 1616 for instance, Archbishop Abbott drafted a set of articles for churchwardens to gather information on suspected 'Anabaptists, Libertines, Brownists, of the Family of Love, or of any other heresy or schism.'<sup>184</sup>

By the mid-1630s, we can fully observe how the attitudes towards popery and puritanism had changed, with the latter now possibly even eclipsing the former in importance – this is evident within the instructions given to the churchwardens by their bishops. Indeed, the strong anti-Calvinism of both Harsnett and Wren lead to puritan non-communicants then being targeted in a different fashion within visitation courts. Bishop Wren's articles printed for Norwich and Ely in 1636 and 1638 respectively are vicious in their attacks on puritanical schismatics, describing in no uncertain terms that such men were to be reported on by the wardens with the same vigour as any recusant papist. Indeed, in the Ely articles - the more vigorously anti-puritan of the two sets - refers to 'any papish or Puritanical recusants', with the term erstwhile being reserved for papists alone.<sup>185</sup> As well as practical examinations of faith such as attendance at communion, Wren also inquires into those inwardly 'ill-affected towards religion', be they 'Recusant Papists or Factious Separatists', and many subsequent articles suggest that the definition of what would be considered a problematic Protestant would be anyone espousing criticism of the Book of Common Prayer, the use of

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<sup>183</sup> NRO, DN/VIS 7/1.

<sup>184</sup> Cardwell, *Documentary Annals Vol. II*, 179-180.

<sup>185</sup> 'Articles for the Visitation of Norwich, 1636', & 'Articles for the Visitation of Ely, 1638'.

sacraments, the rights of the bishops, and - crucially - the king's supremacy over the Church.<sup>186</sup> The phrase 'ill religion' or the like surfaces at several points during Norfolk visitations and this inclusion leads one to believe this was a phrase synonymous with puritan non-conformity rather than popery, as at Rougham where their vicar was suspected of being 'of ill-religion' and continued to express his opposition to the surplice. At both Norwich and Ely, the churchwardens were to report on those who 'publish, sell or dispense' any 'Books, Libels, or Writings' considered 'superstitious, seditious, or schismatic.'<sup>187</sup> For churchwardens to report on religiously problematic literature was never sanctioned as an official Canon, and as such only appeared at certain visitations; but at no time do we find any extensive reports regarding these at visitation court, even when the censored authors are mentioned by name such as in 1571.<sup>188</sup>

Presentments for Protestant non-conformity did return briefly after the Restoration, and in this regard the churchwardens retook this duty with great diligence. Matthew Wren, 'the last active Laudian bishop', returned to his post as Bishop of Ely in 1660 and began to ask the wardens for names of non-attendees, but this time there was to be produced lists of Quakers, Baptists and other allegedly schismatic sects. Within the Cambridgeshire Hundreds of Chilford and Radfield, Eric Carlson has compared these presentments to the 'Compton Census' of 1676, in which the Bishop of London Henry Compton surveyed the nation and asked for the numbers of 'recusant papists' and 'other Dissenters' from parish to parish.<sup>189</sup> Remarkably, Carlson found that 'virtually every person counted by the Compton Census' could be correlated with a presentment from the wardens at previous visitation courts, and lists numerous prominent non-Conformist or Quaker families or factions that are identified by the wardens and given further details into their religious inclinations.<sup>190</sup> With the caveat that this may have had 'something of a round-up-the-usual-suspects feel to it', Carlson nevertheless refers to this as proof that committed non-conformists *were* being presented by the churchwardens for non-attendance, a result 'startling in the light of negative reviews typically received by Post-Restoration churchwardens.'<sup>191</sup> That the churchwardens performed this ad-hoc demand well is a testament to their continued reliability within this context, but confirms that the

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<sup>186</sup> See *ibid*, the first six articles at Norwich and at Ely, which are identical but in different orders.

<sup>187</sup> Norwich Article III, Ely Article VI.

<sup>188</sup> Compare the visitation of York in 1575, printed in W.J. Sheils, *Archbishop Grindal's Visitation, 1575: Comperta and Detecta Book* (York, 1977) to the previous visitation articles in 1571.

<sup>189</sup> Edward Carpenter, *The Protestant Bishop: Being the Life of Henry Compton, 1632–1713, Bishop of London* (London, 1956), 31.

<sup>190</sup> Eric Carlson, 'The Origins, Function and Status of the Office of Churchwarden, with particular reference to the diocese of Ely', in Margaret Spufford (ed.), *The World of Rural Dissenters 1520-1725* (Cambridge, 1995), 165.

<sup>191</sup> Carlson, *Churchwarden*, 178.

drive for particular presentments rested much upon the individual vigour and demands of each bishop. Overall, compared to their papist equivalents, there is less clear-cut evidence of a major increase in churchwarden presentments of documented lay puritans after the Canons of 1604. Yet, as we shall examine, their eagerness to present puritan ministers and scores of non-communicants, many of whom would naturally have been puritan, lends one to believe this was a symptom of the ecclesiastical court process rather than a fault of the wardens in either willingness or duty.

vi. Attendance at Church and Refusal of Communion

The type of basic non-conformity reported upon by the wardens continued to be general absence from divine service and refusal of the communion over the space of a year, as stated in the Canons. While the latter would fluctuate in perceived importance throughout the first four decades of the seventeenth century, church absences remained regularly reported upon by the wardens, although direct comparisons from visitation to visitation are hindered in their usefulness by the fact that the Canons of 1604 uncharacteristically failed to standardise what counted as a length of absence worth presenting.<sup>192</sup> If we begin by looking at the visitation of 1604, the length of absence from church that would warrant excommunication seems to have been solidified at twelve months. At Little Brandon, it was reported by the wardens that a gentleman named Arthur Swaye ‘never cometh to church and is reputed for a recusant’; the wardens were asked to report back to the court with more detail and it was then reported that ‘he was absent twelve monthes’ and was subsequently excommunicated.<sup>193</sup> Absences for twelve months also resulted in excommunication at Great Melton and Hethersett. At Hingham, John Garret was presented because ‘he doth abstayne from church without just cause’ and the wardens are instructed to return to find out his record over twelve months - he is excommunicated in 1605.<sup>194</sup> At Catfield, it was written that Robert Suffolk ‘doth forebear to repayer to church three months’, but no sentence of excommunication was recorded. Overall in Norfolk Archdeaconry in 1604/05, there were forty-six individuals presented to court for failure or refusal to ‘repayre’ to church for an extended length, up from twenty-three in 1597 for the same area.<sup>195</sup> If we combine this with the milieu of similar presentments for recusancy, non-communication or otherwise ‘slackness’ in attendance we can state that the churchwardens of Norfolk were more willing, or capable, than ever to report on church attendance following their 1604 revamp. Indeed, among the equivalent presentments for Sudbury we see a significant number of

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<sup>192</sup> Canon XC, Bray, *Canons*, 353-355.

<sup>193</sup> NRO, DN/VIS 4/1 ‘Brandon Parva’ parish.

<sup>194</sup> NRO, DN/VIS 4/1.

<sup>195</sup> NRO, DN/VIS 4/1, NRO, DN/VIS 3/1.

reports of unsatisfactory attendance at church. The length of these noted absences is unfortunately not recorded, except one excommunicate, Christopher Stocke, who was said to be absent from church for five months.<sup>196</sup> Usually the presentment would be compiled with some variation of the word 'negligent' to describe the offender's pattern of attendance, unhelpful in this regard. Often included in amongst accusations of papist recusancy, Brownism and not receiving the communion, explicit references to 'absence from church' number fifty-one in the Archdeaconry of Sudbury in 1611.<sup>197</sup>

The picture at Sudbury in 1611 is even more illuminating in regards to records of the communion. Within the returns for the visitation of Sudbury Archdeaconry in 1611 is a separate leaf containing one of the most remarkable pieces of evidence regarding religious observance in England, one that ought to be widely known among scholars of the Reformation within the parishes. Dated from 23 April, so potentially written in slight advance of the visitation, a report is entitled 'A true presentment of the inhabitants of the Borough of Stowmarket and Stowupland, & of their wives and servantes, who have not received the holy com. at Easter last 1611', as per the recent Canons.<sup>198</sup> This was written in immaculately readable fashion by Thomas Phillips, vicar of Stowmarket, and lists the names of non-communicants grouped by household to which the court dealt with one-by-one. Forty-eight individuals are mentioned, of which fifteen are simply written, unnamed, as the wife of a presented man, four are the offender's children, and seven are servants. Five are subsequently fined twelve pence, one had his case delayed for more evidence, and another Vincent Carter who allegedly asked for repentance, was admonished and force to do due penance. All others were excommunicated. What makes this piece of evidence particularly valuable is what runs as an addendum underneath:

I have betwene 8 & 9 hundred comunicants in all, it may be some of these will say they have rescinded,<sup>199</sup> but by my book I find they have not, except some have indended (received) without givnge me notice before, which I with some will cause them to heare of it against their liking for it is not possible for me to knowe who comes & who doth not, without I have knowing before.<sup>200</sup>

Phillips thus gives us a first-hand percentage of non-communicants within his dual parishes - between 5% and 6% in the year 1611. The formal and diligent nature of the document, and the

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<sup>196</sup> NRO, DN/VIS 4/3, Wortham parish.

<sup>197</sup> NRO, DN/VIS 4/3.

<sup>198</sup> NRO, DN/VIS 4/3, loose leaf contained before the returns for Stowmarket parish.

<sup>199</sup> Meaning repented, or rescinded from their erroneous ways.

<sup>200</sup> NRO, DN/VIS 4/3, loose leaf contained before the returns for Stowmarket parish.

vicar's keenness to present an accurate picture to the court, gives this an element of truth that cannot be gleaned from other sources such as the previous surveys of Lancashire - albeit on an obviously smaller scale. We can adjudge from the end-matter of the document that the collection of these names was a joint venture between Phillips and his churchwardens. As per the Canons, it was the churchwardens who were to ensure that the minister is aware of any repentant non-communicants, or those who have 'rescinded' as Phillips put it, as well as collect the names of those refusing the service. Indeed, to prevent confusion or double-presentment, Phillips remarks that of the names listed, 'none of our Church Wardens have putt in their bills indented'; within the subsequent presentments for Stowmarket and Stowupland, drafted by the wardens, none are regarding absence from church or refusal of communion.

The figure of forty-eight non-Communicants for only two parishes, large as they might have been, must be analysed considering only forty-six were reported by the churchwardens for the entire archdeaconry of Norfolk seven years prior. One potential reason was the short time-lapse between the Canon enforcing that servants and families were to be included and the visitation itself - the majority of reports of non-communicants in 1604 appear to be men, or gentlewomen.<sup>201</sup> That being said, the visitation of Sudbury shows a very high level of reports for negligent communicants in general. 121 individuals are presented for having not received communion, with almost all cases specifying that this had been within the space of a year. However, a large proportion of this number are groups from a small number of parishes. Nine are reported at Redlingfield, whereas at Eye parish eleven are presented for 'not receivying there in the yeare'. Neither of these groups have a separate charge for popish recusancy, although many others do.<sup>202</sup> It is likely that the wardens had begun to include names of entire families and servants among their presentments as the officials of the Church had hoped.

This is most definitely true in the visitation of the city of Norwich itself in 1620. More so than all other visitations, this reads as an urban survey of names of non-attendees, non-Communicants and popish recusants, with many parishes reporting little else but an extensive list of names. Ninety individuals are presented for some sort of non-attendance at church, whereas a full 230 are said to have not received the Communion. What separates this visitation from others is that the scribe takes great care in recording the relationship between the multitudes of non-Communicants within a parish. Sixty-nine are reported as the wife of another non-Communicant, two as the husband, seven

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<sup>201</sup> NRO, DN/VIS 4/1.

<sup>202</sup> E.g., Elmswell and Lawshall parishes. NRO, DN/VIS 4/3.

as a daughter and three as a son. Servants are not mentioned unfortunately, but adult couples presented for the same crime within a parish suggests this may have been common.<sup>203</sup> Over a quarter of the presentments for ‘not receivynge sacramente at the Lord’s supper’ come from a single parish, St. Peter Mancroft. Only one presentment, here it being coincidentally the first, is for ‘popish recusancy’, suggesting the others were not. With many other instances of a similar vein, we can adjudge that the churchwardens of Norwich were not reticent at all to present heavily non-conformist puritan communities within urban parishes. Indeed, in the cases where the defendant attended court (and thus was not *de-facto* excommunicated) they were tasked to receive the Communion at the next available opportunity with the act to be observed by the wardens and reported back to the bishop’s officials.<sup>204</sup> The returns from 1611 and 1620 certainly suggest the churchwardens had adopted their role as the surveyors of Communion, and thus James’ base-level contract of membership to his Church, with great vigour even in areas of strong non-conformity.

In the returns for 1636, presentments for missing the communion are suspiciously seldom.<sup>205</sup> This is certainly not due to a lackadaisicalness on the part of the wardens; indeed the returns read as some of the most dutiful and intensive, littered with minor infractions upon the Sabbath and behavioural faults during service time. Absences from church are abundant and are particularly unforgiving, such as when Jacob Larke of Riddington was presented for ‘being absent from afternoon service and hymns as of late’, or Thomas Tyler of North Walsham and his brother who were ‘in an Alehouse this Sunday last.’<sup>206</sup> The visitation articles themselves indeed only mention for the wardens to report any and all unlawful absences, and as such the length of time worth of presentment seems to be greatly lower than at Sudbury in 1611, including many for absences for a month or a quarter.<sup>207</sup> Overall in 1636, the Archdeacons of Norwich reports over 120 presentments for absence from Church in some way but only eight for explicit missing of communion. This is a 64% increase in the number presented for the former crime, whereas the latter has decreased from forty-two, an 81% drop. This was in fact a direct response to the visitation articles drafted by Bishop Wren, who curiously enquires in multiple ways whether a minister was offering and performing the Communion regularly and properly, and never to those unallowed, but does not enquire of the wardens those who are refusing the service themselves.<sup>208</sup> It is likely then that beforehand non-receival of the Communion may ‘trump’ an allegation of absence, whereas now it is absence alone that is usually

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<sup>203</sup> NRO, DN/VIS 5/1.

<sup>204</sup> As was the case of Robert Bunsale at St. Peter Mancroft. NRO, DN/VIS 5/1.

<sup>205</sup> NRO, DN/VIS 7/1.

<sup>206</sup> NRO, DN/VIS 7/1.

<sup>207</sup> See Priscilla Horton of Switton, NRO, DN/VIS 7/1.

<sup>208</sup> ‘Articles for the Visitation of Norwich, 1636’.

recorded. Although this is but one visitation, it is possible that the crucial nature of the communion in 1604 as the membership taken into conformity seems to have softened under Charles' leadership, as long as one does attend to appear at church services regularly. The role of the churchwarden as the ecclesiastical policeman of England had not in any way waned by the 1630s; duties involving the collection of fines and policing of the clergy were at its strongest point yet.

vii. Churchwardens and the Clergy after 1604: Conspirators or Collaborators?

The Canons of 1604 had re-defined the relationship between the parish clergy and their representatives, the churchwarden. As we have discussed in our previous analysis, the dynamics between the two offices had become a blend of mutual cooperation but also supervision. Matters concerning the parishioners were to be a joint venture between both,<sup>209</sup> with actions involving ecclesiastical justice to be largely in the domain of the churchwarden. Obviously concerning the maintenance of religious unanimity, the state was more concerned with the predictions of the ministry: yet it was the wardens who were to remain the preliminary weapons of espionage against their own ministers. The burgeoning socio-political power of the office of churchwarden and the explosion of legislation regarding the conduct of both offices would, one would expect, have led to a greater level of scrutiny by the clergy from their lay counterparts. At times, this would come from greater support from ecclesiastical institutions towards the wardens. At the Bishop of Worcester's visitation held at Warwick in 1604, a list of recusants was presented by a churchwarden of a Warwick parish, a Mr. Rychard Davis. The receiver of the list, the bishop's representative, was highly critical of the list 'by want of surname or a proper name, or addition of gent, yeoman, husbandman etc whereby indictments could be framed'. It is also speculated that among the names there were 'ij more recusants in the parish to be presented' but have been left unmentioned. Upon receipt of this list and the representative's commentary, the court was in fact defensive of the churchwarden Davis. The professions reported among the names were satisfactory, it argued, and the missing names were in actuality a fault of their minister. 'The vicker Mr Dacres is a good preacher', it continues, but they 'fear some mischief in [the] executing' of his office.<sup>210</sup> The case of Thomas Allen in 1636, rector of St. Edmund's, Norwich, demonstrated a direct alliance between the churchwardens and the Church hierarchy against a non-conformist minister, who later began legal action against both. Moreover, the court recorded that while the parish was in 'sequestration' during the ordeal, 'many of the parishioners will pay their duties to none but Allen or his deputies': not only were the

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<sup>209</sup> Including their elections.

<sup>210</sup> Talbot, *Recusant Records*, 144-145.

churchwardens working with the Church against their minister, but also the bulk of their congregation.<sup>211</sup>

The confidence in the churchwardens' abilities from the church hierarchy was surely a reason as to why presentments regarding the conduct of the minister reached such a high level, even within the earliest years of James' reign. What must have caught the eye of the church was the willingness of the wardens to inform on their minister for actions considered puritanical or schismatic. In the visitation of Suffolk in 1606, John Baker, vicar of Chattisham, was presented by his churchwardens:

He hath not redd all the Cannons. He doth impugne and speake against the rights and ceremonies established in the Church of England. He doth not use the prescrite forme of common prayer, but readeth psalmes of his owne choosing, neither doth he observe all the rights and ceremonies prescribed in the said Book. He hath administered the Communion but once since Xmas these xij monthes. He doth not use the signe of the crosse in baptisme. He weareth no surples nor whode nor byddeth fastinge nor holy daie<sup>212</sup>

These presentments contained within virtually all major complaints the wardens and parishioners may have had against their minister, and indeed while it is unusual to have them all at once, individually they seemed very common throughout the early Jacobean visitations. Roland Usher, able to view the visitations from Norfolk and Suffolk Archdeaonries from 1606 which are now out of use, surmised that 'twenty-two out of fifty-four parishes in the Archdeaonry of Norfolk, sixty-six out of one hundred and eighty parishes in the Archdeaonry of Sudbury, and forty-one out of one hundred and fifty-five in the Archdeaonry of Suffolk' presented one or more of the above faults concerning their minister.<sup>213</sup> He goes on to suggest that forty out of 171 parishes from the visitation of Sudbury in 1611 contained the same, but my estimation is in fact four parishes higher.<sup>214</sup> It is likely that Norwich diocese was particularly meticulous in the examination of their clergy after 1604. Patrick Collinson highlighted the bishopric as the one that saw arguably the biggest 'upheaval' in its ministry and apparitors in the years 1603-4, when a reform of the preaching ministry and their conduct was called by Archbishop Whitgift and subsequently undertaken thoroughly by Bishop Jegon, who had 'received many foul complaints' regarding this situation.<sup>215</sup> Usher correctly points

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<sup>211</sup> MS Tanner 68, fol. 115.

<sup>212</sup> NRO, DN/VIS 4/2, transcribed in Usher, *Reconstruction*, 264.

<sup>213</sup> Usher, *Reconstruction*, 265.

<sup>214</sup> NRO, DN/VIS 4/3.

<sup>215</sup> Collinson, 450-451.

out that in many cases we cannot tell whether such defaults were a result of puritan inclinations or sheer laziness, although he speculates that when compared with 'careful inspection of the Records over a period of many years', negligence probably only accounts for one-third to one-half of the presentments.<sup>216</sup> Even within his harsh critique of the churchwardens regarding their policing of the ministry, he seems to admit that this was not due to loyalty to puritan causes. 'Many of the congregations of these Puritan ministers looked on them with very little favour' suggests the evidence, and that 'if we find the wardens regularly presenting the vicar to the Archdeacon or to the Bishop... we may safely conclude that they possessed at least no great desire to have him continue those practices.'<sup>217</sup> The presentments were not without consequence: Thetford vicar John Tilley was reported by his wardens that 'He hath oftentimes in the pulpett railed at the christian acting ministry and called them Devells Dogges' and he was summarily suspended from the profession.<sup>218</sup>

Using alternate prayers, or omitting prescribed ones, occur at multiple points throughout the visitations of Norwich diocese. At Holton St. John parish in 1636, their vicar Henry Warret was presented that 'he hath omitted to read devine service or read the homilies', rather that he 'doth reade other prayers out side the church by the Tolling of a bell.'<sup>219</sup> In 1611 John Cornter, the vicar of St. James', Bury, was presented that he 'doth some tymes forbear to wear the surples in sayinge service, to read the whole service, and omitteth the sign of the crosse some tymes.' The court publically admonished Cornter and ordered that he read the entire 'Anglican service' going forward - the earliest use of the word Anglican that I have encountered.<sup>220</sup> Vicar Thomas Hensell 'hath not assented to [preaching] in such forme as is prescribed but leaveth out part of the service' according to his churchwardens in 1604, whereas vicar Robert Balyard from St. Andrew's, Norwich, 'seldom reedeth prescribed prayers before sermons' as reported in 1620.<sup>221</sup>

The conclusion that many historians have made that churchwardens were reluctant to present a non-conformist minister must be assuaged by the fact that it seems very likely that such accusations would not be included among regular visitation books. Many of the serious allegations of ministerial misconduct mentioned within Edmund Mapletoft's account of the 1636 visitation of Bungay do not appear in the corresponding churchwarden presentment books, such as Mr. Phillips of

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<sup>216</sup> Usher, 265.

<sup>217</sup> Usher, 264-265.

<sup>218</sup> NRO DN VIS 4/3.

<sup>219</sup> NRO DN VIS 7/1.

<sup>220</sup> NRO DN VIS 4/3.

<sup>221</sup> NRO DN VIS 4/1, 5/1.

Weatherall, 'a man very factious and contemptuous of our government' in his sermons,<sup>222</sup> or Mr. Fayesone, another 'factious' man who is 'no Graduate', who continued to preach in his parish despite being previously inhibited.<sup>223</sup> Both these men were referred to the court by their churchwardens in a manner unattached to their usual reports; it is likely that this was done in a separate letter to the court that gave the wardens proper time and space to lay forth their accusations. Indeed, one example of such does survive from 1636, in which the churchwardens and sidesmen of St. Andrew's, Norwich, a notoriously puritan parish, wrote a letter of presentment to the court referring to the 'false doctrine' espoused by the preacher William Bridge.<sup>224</sup> We have encountered these types of separate, loose-leaf presentments before, but naturally they are much less likely to survive than the visitation books themselves; perhaps the number of incidents in which the wardens would betray their minister to conform with their Church have been underestimated.

Presentments regarding a lack of regular sermons, prayers, and readings litter the reports, yet aside from a few cases, whether this was via negligence or protest it cannot be known. As per the various visitation articles, a sermon was to be preached in every parish at least once a month in the event that the minister was not a licensed preacher or otherwise incapable. Article XXIV from 1605 for example states 'Whether is your Minister a Preacher allowed, if yea: then by whom? if not, Whether doth he procure Sermons to be preached among you once in euery month at y<sup>e</sup> least, by such as are lawfully licensed?'<sup>225</sup> In the visitation of 1604/5, forty-six parishes report too few monthly sermons, with the vast majority of these lamenting a lack of monthly sermons entirely.<sup>226</sup> Reports of a lack of 'monthly sermons' only number five parishes in Sudbury archdeaconry in 1611. An explanation for this is perhaps to be found within the wording of their corresponding visitation article. It was not stated that incumbent ministers are to procure monthly sermons from elsewhere should they lack the ability to do so themselves; it goes on to state 'if your Minister be licensed and Resident', they ought to be performing sermons every Sunday within the parish 'or someother neere.'<sup>227</sup> This is perhaps surprising, as Bishop Jegon has been noted as a fervent supporter of the 'preaching ministry': beforehand in areas like Swaffham, Jegon, upon hearing that 'the greater parte of them are utterlie destitute in teaching ministers', cooperated with 'knights and worthy gentlemen', as well as townsfolk and clergy from the area to ensure a preaching clergy, remarking '...wherein if I may prevail, as the woorke shall grow to God's glory, the good example of other like places in my Dioces,

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<sup>222</sup> MS Tanner 68, fol. 32.

<sup>223</sup> MS Tanner 68, fol. 32.

<sup>224</sup> MS Tanner 68, fol. 79.

<sup>225</sup> 'Articles for the Visitation of Norwich, 1605'.

<sup>226</sup> NRO, DN/VIS 4/1.

<sup>227</sup> 'Articles for the Visitation of Norwich, 1611'.

the comfort of my hart and the testimonie of your worth, so it shall give good occasion to me to sollicite your better preferment.'<sup>228</sup> In the articles drafted in 1619 for the city of Norwich there is in fact no enquiry into whether unlicensed or non-resident ministers had procured monthly sermons from outside, with the articles focusing more so on the prevention of unlicensed preaching itself and the reading of homilies when there were no sermons. Correspondingly, there were only four presentments within the returns of 1619/20 reporting a lack of sermons. One thing of note is that this was the only visitation that differentiated between ministers who had not 'procureth' monthly sermons, such as the parish of St. Julian, and ministers who did not 'preacheth' monthly sermons, such as at St. John's at Timber Hill.<sup>229</sup> Other visitations would simply report that 'they hath no monthly sermons' or something of equivalent vagueness. It thus seems likely that within visitations that actively enquire into this system of monthly sermons, the minimum frequency that would facilitate presentment would be once a month even if one's preacher was licensed and resident, despite the Canons and articles demanding sermons to be delivered weekly.

This trend appears to continue into the 1630s. In his summary of Wren's 1636 report on the diocese of Norwich, Archbishop Laud focused on the diocese's lack of sermons and catechising, as well as the frequency of private non-conformist lectures and general religious strife in areas such as Ipswich and Yarmouth.<sup>230</sup> That year, Wren set about a large-scale reform of the diocese, surmising that a large-scale upheaval in ministry, ministerial conduct and clerical administration was needed to amend problems in the diocese arising from the prevalence of non-conformity and the vastness of the three archdeaconries.<sup>231</sup> The visitation articles produced by Wren were of such complexity and length that Norwich aldermen began procedures to have them revoked shortly after their distribution.<sup>232</sup> The minutiae of every aspect of ministerial duty was enforced to the smallest detail, including the preaching of sermons. Wren revived the procedures from 1604, asking whether the parish minister did 'procure Sermons to be Preached among you, once every Moneth at least; by such as are lawfullie licensed; And doth he or his Curate upon everie Sunday where there is no Sermon, read some of the Homilies prescribed by authoritie'. Accordingly, presentments for lack of sermons are the most common complaint against the minister in 1636, with several parishes from each deanery expressing some sort of default in this regard. Complete lack of all services are reported at several parishes including Holton St Peter and Neatishead, whereas elsewhere it is clear

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<sup>228</sup> Collinson, *Religion of Protestants*, 78.

<sup>229</sup> NRO DN VIS 5/1

<sup>230</sup> Parker (ed.), *Works*, 339-341.

<sup>231</sup> Cranfield, 'Matthew Wren' (ODNB, 2004).

<sup>232</sup> Cranfield, 'Wren'.

whether the licensed minister was not preaching each Sunday or whether the ministry has not provided a preacher at monthly intervals.<sup>233</sup> Not only does this demonstrate the willingness of the churchwardens to follow instructions involving the presentment of their minister, it also reveals the immediate impact visitation articles are having on the corresponding presentments.

Such defaults are often accompanied by others that demonstrate a minister's puritanical objection to the official Church service and ceremony; the wearing of a surplice in particular remained the litmus test of a non-conformist clergyman. We examined in Chapter II the eagerness of Norfolk churchwardens in presenting the non-use of the surplice and this trend continues into the 1600s. Twenty-nine parishes report their minister for such an offence in the visitation 1604 out of returns from 179 parishes at a rate of 17%, whereas for Sudbury there were eighteen presentments out of 171 parishes at a rate of 10%. Only one individual was presented for such an offence in the visitation of Norwich in 1620, the minister for St. John's parish. This is not an easy phenomenon to explain; as we have seen the wardens of 1620 were happy to present other parishioners for non-conformity of even the most benign type, yet ministers seem to be very seldomly presented here for any type of non-conformist behaviour. A set of visitation articles were devised in 1619 shortly before Bishop Overall's death, but include fairly standard instructions to the wardens regarding non-conformist behaviour from the ministry, including any omitting of the surplice as per the Canons.<sup>234</sup> One might think that his successor Samuel Harsnett, being an avowed opponent of non-conformity, would have ensured this behaviour would have been reported on with vigour.<sup>235</sup> Indeed, his visitation articles of 1620 contain a full thirty-three injunctions regarding the conduct of the minister, with many of them containing considerably more scrutinous and fastidious instructions compared to other comparable injunction lists.<sup>236</sup> The use of the surplice here is utterly unambiguous: 'whether doth your Minister, always and every time, both morning and evening, reading divine service, and administering the sacraments, weare the surplice, and doth he neuer omit the wearing of the same, at such times or at any of them.'<sup>237</sup> To say the churchwardens of Norwich were particularly curtailed by social pressures to present their alleged betters does not tally with the frequency of offences presented where the individual is listed as a gentleman or gentlewoman.<sup>238</sup> It could be that the ministry of Norwich were particularly well-behaved considering their higher-level of scrutiny, placed

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<sup>233</sup> NRO, DN/VIS 7/1.

<sup>234</sup> Fincham, *Visitation Articles Vol. I* 162.

<sup>235</sup> Cranfield, *Samuel Harsnett*, (ODNB, 2004).

<sup>236</sup> For example the rite of the sign of the cross at baptism, explored shortly. *Second Report of the Ritual Commission, Parliamentary Papers Vol. 38* (London, 1867) 484-486.

<sup>237</sup> *Second Report of the Ritual Commission, Parliamentary Papers Vol. 38* (London, 1867) 484.

<sup>238</sup> NRO, DN/VIS 5/1, at least fifteen gentle families or households are presented for recusancy, non-communication or both.

in such puritanical parishes such as St. Andrew's because of their own trustworthiness. The possibility that the wardens were reluctant to present non-conformity due to their alignment with those beliefs is unlikely, as this would not only have occurred during this year. Either way, the ministry of Norwich in 1620 see a significantly lower level of presentment for a range of defaults, even those not explicitly spiritual. In contrast, even irreligious defaults by the minister were reported on by the wardens at other visitations, such as at Brent Eleigh parish in 1611 whereupon the wardens reported that 'Ther minister doth buye barley and fernith it in the ministry this being offensive to his callinge', and also that 'ther minister is suspected to be a Userer.'<sup>239</sup> The fact that the corresponding visitation articles suggest the ministry was in fact under a higher scrutiny than usual creates a mysterious enigma concerning the records from 1620. Should the corresponding reports of ministerial misconduct have been recorded elsewhere, this has not been located.

The use of the sign of the cross at baptism joined the use of a surplice as a very frequent cause of contention between reformers and conformists. Defaults in this regard are less frequent than of the surplice, and see a decline compared to the 1590s. Four presentments for omitting or 'seldom use' of the cross at baptism are found at the reports for 1604/05, eleven for 1611, six for 1636 and - unsurprisingly - the ministry of Norwich are not presented for this at all.<sup>240</sup> The abandonment of the sign of the cross at baptism was a key aim of puritan reformers in 1604 and was one of the points that James I seemed more insistent in retaining.<sup>241</sup> It is interesting to note that in the visitations of Norwich in the 1600s it appeared to be relatively minor compared to other puritanical bugbears - indeed, there is not a single presentment regarding the sign of the cross alone, it is always paired with other defaults. It is worth mentioning that Bishop Overall's article regarding the sign of the cross was particularly scrutinous, ensuring that the words adjoining its administering would always be 'I sign thee with the sign of the crosse.'<sup>242</sup> The lack of presentments for such a default is further proof that some sort of anomaly has occurred with the presentment of the ministry in the visitation of Norwich in 1620.

The most frequent default by the churchwardens against their minister was a lack of catechising of the parish's youth. As we have discussed, this was a matter of importance for many of the Jacobean regime, seeing it as vital for the implementation of their settlement as it would

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<sup>239</sup> NRO, DN/VIS 4/3.

<sup>240</sup> NRO, DN/VIS 4/1, 4/3, 5/1 and 7/1

<sup>241</sup> Fincham and Lake, 175.

<sup>242</sup> *Second Report of the Ritual Commission, Parliamentary Papers Vol. 38* (London, 1867) 485.

facilitate a level of obedience and a basic knowledge of Christian tenets upon even the very young.<sup>243</sup> Ian Green has theorised that Bancroft's articles of 1605 noted a shift in focus for the Catechism away from young children and towards older children and young adults. His articles quote Canon LIX in insisting the Catechism, as well as the articles of faith and the ten commandments, were to be taught by the minister for half an hour every Sunday and Holy Day not just to the 'youth' but all 'ignorant persons'.<sup>244</sup> An explanation could be that as the Canons of 1604 did not include a clause regarding adult's knowledge of the Creed, Decalogue and Lord's Prayer, this was an attempt by Bancroft at catching any adults who 'slipped through the catechetical net or were thought to retain insufficient knowledge of the faith to be admitted to holy communion'.<sup>245</sup> Results from the visitation itself are therefore most interesting. With a shift in focus to young adults, their ignorance seen as a danger to the new religious settlement, presentments for ministers failing to catechise soar in 1605, as once again the churchwardens respond quickly and efficiently when a particularly issue is emphasised. A full seventy-one ministers are presented for not catechising, often with chiding remarks from the wardens such as at Great Grisham, where their vicar 'doth not do his parochiall dutie in catechising of the youthe'.<sup>246</sup> Although direct comparisons are impossible, this is a remarkably high number within one archdeaconry alone: only twenty-six ministers were reported for the offence within the entire diocese in 1597.<sup>247</sup> This strengthens Green's theory that Bancroft did indeed take a noticeably different direction towards the Catechism in 1605; later visitation articles return their focus towards young children and the presentments return to lower levels.<sup>248</sup> The fact that the Archdeaconry of Sudbury in 1611 only reports fourteen ministers for not catechising suggests that the crackdown on the 'ignorant' in 1604 was indeed temporary.<sup>249</sup> Bishop Jegon was certainly not lax in regarding the importance of the catechism, being himself a notable proponent of the creation of a 'preaching ministry'; he in fact includes in his articles for 1611 that 'all parishioners give reverence attention at that time of catechizing'.<sup>250</sup> We can thus discount any notion that Jegon was less enthusiastic about the Catechism itself. Within the visitation of Norwich Archdeaconry in 1620, as established generally lacking in any presentments regarding the ministry, we find ten ministers presented for not catechising the youth: the most common clerical default of this visitation. When marked as a main concern by the visiting bishop or archdeacon, it seems the wardens were more than capable and

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<sup>243</sup> See footnotes for Canon LIX, Bray 349.

<sup>244</sup> 'Articles for the Visitation of Norwich, 1605'

<sup>245</sup> Ian Green, *The Christian's ABC: Catechisms and Catechizing in England c.1530 – 1740* (Oxford, 1996), 122-123.

<sup>246</sup> NRO, DN/VIS 4/1.

<sup>247</sup> NRO, DN/VIS 3/3.

<sup>248</sup> Green, *Catechisms*, 121.

<sup>249</sup> NRO, DN/VIS 4/3.

<sup>250</sup> 'Articles for the Visitation of Norwich, 1611', 3.

willing to report on lax teaching of their youth, with middling to low levels of reports even when it was seen as less significant.

Within our select church courts from Norwich in the 1600s, there is no evidence of the confirmation of children by the bishop once they are properly instructed in the catechism.<sup>251</sup> This is perhaps not surprising: the relevant Canon does not make it clear the ramifications - if any - should the minister fail to 'prepare' children for confirmation,<sup>252</sup> and makes it clear that the process can be easily delayed 'by reason of some infirmity'.<sup>253</sup> The curious case of seven ministers being presented in Norwich diocese in 1597 for that they 'receyveth to communion those who are not confirmed' or some variation thereof was not repeated in later years, unsurprising as this was not an aspect of the 1604 Canons at all: likely a quirk of language discerned from the lost 1597 articles enforcing the minister to prepare his young parishioners for confirmation.<sup>254</sup> This laxness in presenting children to the bishop for confirmation appears to have been common nationwide, although the phenomenon did at times cause some vexation: so slack were the parochial clergy of Lincoln that within the records from their diocesan visitation of 1614 it was noted that 'Mr. Chauncellor thinkes they must have a special charge sent to the parishes for that purpose.'<sup>255</sup>

Regarding unlicensed preaching, the Canons of 1604 featured no significant expansion of the churchwarden's duties. The wardens were still to demand a licence from any man who preached within their parish, and to inquire as from which bishop or other ordinary they obtained their license.<sup>256</sup> However, the wording within the respective Canon makes it clear that this was now to be a duty shouldered by the wardens alone, rather than a joint effort with the minister. Within the visitation reports, the wardens continue to report that 'whether licenced or not they knowe not' much more frequently than directly expressing that a preacher is unlicensed, although there were occurrences of the latter such as at Brundall in 1611.<sup>257</sup> Fifteen preachers are presented to court in 1604/05 for failure to prove their legitimacy - of whom over half fail to produce a licence to court and are thus suspended from all future preaching.<sup>258</sup> This is a slightly lower level than equivalent

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<sup>251</sup> NRO, DN/VIS 4/1, 4/3, 5/1, 7/1.

<sup>252</sup> Canon LXI, Bray 351.

<sup>253</sup> Canon LX, Bray 351.

<sup>254</sup> NRO, DN/VIS 3/1, Williams, *Redman*, 14.

<sup>255</sup> Rev. Precentor Venables, "The Primary Visitation of the Diocese of Lincoln by Bishop Neile, A.D. 1614", *Associated Architectural Reports and Papers* Vol. XVI (Lincoln, 1874), 38.

<sup>256</sup> Canon LI, Bray, *Canons*, 339-341.

<sup>257</sup> NRO, DN/VIS 4/3.

<sup>258</sup> NRO, DN/VIS 4/3.

parishes in 1597, but suggests a fairly standard rate.<sup>259</sup> What was utterly absent before 1604 was any surviving evidence for ‘preacher lists’, these being books maintained by the churchwarden with all names of those who preach within their parish, with the aim of sending such names to their ordinary to check their validity. We in fact encounter two mentions of such a book within the visitation of 1611. The churchwardens of Great Ashfield admit in their presentments for not owning ‘a Registry Book for the Regsity of serving preachers’, whereas at Creting St. Peter it is stated that ‘the serving Preacher is not Registered in ther booke.’<sup>260</sup> Two examples is not proof of its widespread use, but as its existence was only to be checked upon should it be lacking we can assume there would be several more sets of wardens maintaining their ‘preacher book’. Wider research suggests that none has been able to find a physical copy of any such book or list from anywhere in the country,<sup>261</sup> but nevertheless it is an advance on the 1590s whereupon there is no evidence at all of them being in use in Norwich diocese at all.<sup>262</sup>

Within the Tanner manuscript collection regarding the 1636 visitation, we encounter some evidence that might explain why churchwarden presentments concerning unlicensed preaching did not appear to increase in the 1600s - surely a surprise considering that control over sermons preached in England was a focal priority not only of James’ Church but also of Bishops Jegon and Wren. Indeed, in a sermon preached at the opening of Wren’s visitation, clergyman Richard Tedder denounced the abundance of preaching in general, saying ‘but now prayer has grown to such a slender extent that we do everything we can to have nothing but *preaching* in the Church, and no prayer at all.’<sup>263</sup> Among the ‘miscellaneous’ reports from the visitation collated in folio 212, which include reports on significant cases, timelines, correspondence and appeals, we see plenty of evidence from the commission regarding reports on unlicensed preaching by churchwardens and their assistants. A churchwarden Mr. Green told the court of a Mr. Lee, who was ‘every Holyday preaching, [and] drives all the parishioners of Welborn parish to prayers. He is unlicensed and hath been presented before.’<sup>264</sup> The churchwardens of Scole told the court of a Mr. King who spoke to the parish for an hour every Sunday, ‘although he does not call it preaching’, despite being unlicensed, regarding ‘some commandment or other’. This is collated with their presentment for their minister Mr. Burton, beneficed to two parishes, ‘albeit he neglecteth both’. Even should a clergyman prove popular among his parishioners and churchwardens, the burden of duty by the 1630s began to

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<sup>259</sup> NRO, DN/VIS 3/1.

<sup>260</sup> NRO, DN/VIS 4/3.

<sup>261</sup> My thanks to Kenneth Fincham for his insights on this.

<sup>262</sup> NRO DN VIS 2/1, 3/1

<sup>263</sup> ‘Sermon Preached At Wimondham, 1636’.

<sup>264</sup> MS Tanner 68, fol. 212.

override any personal loyalties. Indeed, a Mr. Moure of Letheringsett was presented that he 'keeps a Curate that doth all things right. But neither officially being licensed... nor wear a Surples hood.'<sup>265</sup> Multiple other reports on unlicensed preaching in 1636 feature within this folder of general miscellanea. This provides a theory as to why reports on unlicensed preaching do not seem to increase after the 1590s, despite the efforts of Bancroft, Jegon, Harsnett, Wren and the English ecclesiastical regime at large. Still being reported on by the churchwardens, unlicensed preaching was not, in Norwich diocese at least, generally collated within visitation books: perhaps meeting the same fate as strange preacher lists.

Could the churchwarden be described by the 1600s as a state-aligned enemy of the parish minister, working against their interests unless it strictly aligns with the law? While the background behind many presentments will sadly be never known, it is likely that many churchwardens and clergyman in fact worked in tandem to create lists of recusants, non-communicants and others - we see evidence of this directly among Thomas Phillip's list of non-communicants at Stowmarket whereupon he remarks that this was a joint factfinding mission between him and his wardens.<sup>266</sup> Incidents whereupon the wardens and their ministers cooperate peacefully is of course less likely to ever be mentioned in the records; however at times we can see parishioners air grievances at both simultaneously. Richard Beaumont of Cotton parish was told by the churchwardens to take his hat off during prayer, refused to do so and thus abused them and the minister with allegedly 'blasphemous' words. The court ordered him to 'before the Churchwardens of Cotton', on his oath, to do penance and 'admit himself of his sins' before service and to thus be reported on at the next court date.<sup>267</sup> William Gosling of Wattlefield was presented for 'playing at cardes on the Saboth' and also for being a 'skalde' against the vicar and the churchwardens, whereas parishioners 'railing' at both the minister and churchwardens alike was also reported from Thetford in 1604, Ashfield in 1611, St. Clement's, Norwich in 1620 and Whitton in 1636.<sup>268</sup> By the 1600s the churchwardens possessed the ability to hold their minister to account in a fashion not possible in earlier decades, and perhaps - although this is harder to prove - a greater willingness to do so. An example is the case of two feuding families within the Suffolk parish of Creeting St. Peter in the years 1611/12. The Flicke family are accused by another family of being 'nota recusanta' - the vicar of the parish is allied (or possibly a member of) the latter family, and refused to perform the sacraments 'and all Chrestian services' upon the Flickes. Being tasked by Canons CVII and CXVIII to present all ministers who 'refuse' to

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<sup>265</sup> MS Tanner 68, fol. 212.

<sup>266</sup> NRO, DN/VIS 4/1.

<sup>267</sup> NRO, DN/VIS 4/3, Cotton parish.

<sup>268</sup> NRO, DN/VIS 4/1, 4/3, 5/1, 7/1.

perform services without just cause, the wardens of Creeting brought the case forth to the court. The charges of recusancy for the Flicks was apparently levelled at the court by their minister named Smyth, but was summarily dismissed by the judge upon the testimony of the wardens that it was the minister who was refusing to serve them. The minister was ordered to henceforth 'suffer them to return to Church'.<sup>269</sup> Interestingly, a Flicke -although not one named in 1611 - becomes a vicar of the same church in 1630; evidently their recusancy was either indeed a lie or otherwise short-lived as a family.

A letter survives from 1636 that encapsulates the English churchwardens' newfound sense of responsibility over the conduct of their minister, as well as being demonstrative of their integration as a respectable and influential office within the ecclesiastical justice system: the letter reads as if written by an experienced lawyer than an erstwhile lowly churchwarden. Preceding a list of presentments from Norwich St. Andrew's parish during Bishop Wren's 1636 visitation, one of the churchwardens, Thomas Ingrams<sup>270</sup>, writes to the court 'concerning religious doctrines'.<sup>271</sup> This involved his minister, Mr. Bridge, 'for preaching and harbouring to maintaine diverse opinions, which are to my understanding Contrary to the faith of Christ & holy scripture, which have being made within the Articles of Religion and the King's Declaration, for Justice.'<sup>272</sup> Among the religious doctrines preached were that the sign of the cross was not divinely sanctioned, and 'that God loveth all man, which is better for his sanctification, nor hateth other[s] for their sins, for god did chuse, and read it.' The outcome of Mr. Ingrams' letter is known to us. The court launched an investigation into Bridge, who was previously 'Rector of St. Peter's of Hungate, & Curate of St. George's of Tombland'. churchwardens and of both these Norwich parishes were asked of Bridge, although 'in either of these places; The church-wardens and sydesmen; say nothing of Moment, but that their churches are Vacant of an Incumbent as they have.'<sup>273</sup> Nevertheless, 'for his beeing presented at his Lordshipp's Visitation by one Mr. Thomas Ingrams, one of the Sydesmen of the parish of St. Andrews', Bridge was suspended from the profession.<sup>274</sup> Bridge's 'subversive' preaching as exposed by the wardens eventually led to his subsequent flight to Rotterdam.<sup>275</sup>

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<sup>269</sup> NRO, DN/VIS 4/3

<sup>270</sup> A rare example of a gentleman churchwarden. Despite the letter being signed only as 'churchwardens of St. Andrew's', Ingrams is described as a sidesman in the court's follow-up account.

<sup>271</sup> MS Tanner 68, fol. 79.

<sup>272</sup> MS Tanner 68, fol. 79.

<sup>273</sup> MS Tanner 68, fol. 79.

<sup>274</sup> MS Tanner 68 fol. 1.

<sup>275</sup> William Bridge was a notable puritan writer and preacher, a longstanding problem for Wren and Laud. MS Tanner 68, fol. 79. Richard Greaves, 'Bridge, William', (ODNB, 2004).

viii. The Status of the Office of Churchwarden after 1604

Under the rule of Archbishop Laud, the churchwardens saw greater scrutiny than at any other point in English history, when ‘ecclesiastical pressure reached its zenith’.<sup>276</sup> Rather than merely proof of a negative attitude towards the office of churchwarden, this continued pressure on the wardens is in fact a symptom of how vital the office was seen among the structure of the church and its aims regarding conformity by the mid-1600s. This attitude was demonstrated succinctly in 1637, when Puritan polemicist William Prynne published a pamphlet entitled *Briefe Instructions for Churchwardens and others to observe in all Episcopall or Archdiaconall Visitations and Spirituall Courts*.<sup>277</sup> The purpose of the pamphlet was to propagate a scheme to bring down the church court system with en masse defiance by England’s churchwardens, who would upon being summoned to court refuse to present citing a list of legal precedents. This included claiming a visitation was technically a Synod and thus needed ‘his Majesties’ special writ’ to be valid, or that each Article produced by any court must be produced by ‘Convocation by the Kings Licence, ratified by the Parliament, and confirmed by the King himself.’ Prynne believed that the role of the churchwarden was integral to the entire machinery of ecclesiastical justice and censorship. Denouncing their immorality for cooperating with ‘the bloody persecuting Popish Prelates’, he nevertheless believed the churchwardens were officers who had the power to disrupt the ecclesiastical criminal system and potentially bring down the regime itself, finishing his pamphlet with the incendiary line, ‘If all Subjects will take this course as they are bound in poynt of loyalty and conscience to doe; they will soone shake off the Prelates tyranny and yoake of bondage, under which they groane, through their own defaults and cowardice.’<sup>278</sup> The cementation of the wardens as key aspects of the Jacobean and Caroline church structures would lead to greater demands for competency within the office, yet also molesting or disrespecting the office was met with greater legal ramifications.

Within all the presentment reports from 1604-1636, the evidence demonstrates that the office was now given greater protections from being harassed or disturbed in their duties. At Syderstone parish in 1604, Agnes Giles was presented that ‘she did berate and chide upon the church porch upon the Sabboth daye before michelmas past toward the churchwardens’.<sup>279</sup> At Fakenham within the same year, John Heastell was said to have ‘often slandered the churchwardens’. In another

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<sup>276</sup> Craig, *Politics and Polemics*, 47-49.

<sup>277</sup> William Prynne, *Briefe Instructions for Churchwardens and others to observe in all Episcopall or Archdiaconall Visitations and Spirituall Courts*, (London, 1637) 1-4.

<sup>278</sup> Prynne, *Instructions*, 3.

<sup>279</sup> NRO, DN/VIS 4/1.

hand it is explained that the slander and general molestation and got so bad that it ended up a 'detriment to their duties.' Heastell was publicly admonished at the visitation court.<sup>280</sup> The prohibition of 'delinquents and the friends' to malign or molest churchwardens for giving due presentments was included as part of Canon CXV of 1604 under the heading 'freedom of presentments'. In his commentary of the Canons, Edmund Gibson included two extant examples of the direct legal ramification of this law. In 1627/8, a prohibition against two churchwardens for the presentment of a woman for adultery, issued by a Baron, was dismissed at the Arches Court in defence of the warden's right not to be troubled for presenting by any plaintiff. Four years later a similar complaint for a 'false and malicious Presentment' against the wardens was similarly judged in their favour.<sup>281</sup>

Within visitation articles, clauses are introduced that make it an offence not only to hinder the churchwarden in their duties, but to abuse them, individually or as an office. Bishop Wren's articles of 1636 are highly prescriptive when it comes to what was expected of the churchwarden, but also has a separate articles that reads: 'Whether do you know of any that have abused the churchwardens or sidemen of your parish, or given them evill words for executing of their office, according as by oath and dutie they are bound?'<sup>282</sup> Criticism of the legitimacy of the office of churchwarden, or their presentments, was swiftly put down by the authorities. During the 1636 visitation, a 'surrogate' for a Mr. Talbot, evidently a minister although not known where, argued it was not necessary for the churchwardens of his parish to swear the oath, 'so long as they do their dutie', and that the number need not be two. The court replied in no uncertain terms that this was the law and not optional: indeed, the single churchwarden who attended the court, a Mr. Lardock, had not been elected by his parishioners and thus gave illegitimate testimony, and thus an offence itself.<sup>283</sup> The oath had been granted a seriousness and practical legal standing that was not the case prior to 1604.

We also begin to see far higher incidences of parishioners were taken to task at court for refusal to pay the fine levied by the churchwardens for absence at church. In 1636, we see the highest levels of presentments for refusals to pay fines of any visitation record to date. Over forty-eight cases of individuals who owe the churchwardens their twelve-pence absence fee are recorded, and possibly more whereupon mentions of owed 'fees' or 'rates' are displayed without details as to

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<sup>280</sup> NRO, DN/VIS 4/1.

<sup>281</sup> Edward Gibson, *Codex Juris Ecclesiastici Anglicanae* Vol. 2 (London, 1713) 1005.

<sup>282</sup> Fincham, *Visitation Articles Vol. II*, 143.

<sup>283</sup> MS Tanner 68, fol. 212.

what form it took. The wardens, aware of their newfound sense of authority, often accompanied such presentments with reasonings behind lack of reparations or new items they have not been able to afford due to this individual now paying their fine, such as a new Bible and book of Homilies at Sidestrand and 'reparations of the Church' at Bircham Newton.<sup>284</sup> Fines for absence of course no longer went to the Poor Box, with wardens now levelling a few rate for poor relief, but directly to the parish Church to be used for the good of the parish as a whole.<sup>285</sup> Within the same parish, William Miller, for 'refusing to paye xiid to the same rate', had his fine increased to thirty-six pence due to his hindrance of the 'custos guardiani' [churchwarden duties].<sup>286</sup>

Contrariwise, the churchwardens began to be charged in far greater numbers for failure to carry out their duties involving the enforcement of conformity. Failure to levy the twelve pence fine for non-attendance at church was to be found multiple times in each of our central visitation reports. Usually the punishment would be public admonishment, but at times such as at Barton in 1604 the wardens were ordered to return to their parish, collect the fine and report back to the Ordinary upon completion.<sup>287</sup> The churchwardens of Rendham in 1611 were in fact themselves fined for failure to present defaults in both non-attendance and dilapidation of church fabric, just as the Canons had threatened.<sup>288</sup> In 1629, a churchwarden from Lakenheath parish was presented to court with the charge 'for not exhibiting a recusant at the church visitation.' Whether this was a previous churchwarden or one of the incumbent two is not known, but a charge of admonition before the court is crossed out and replaced by an order for the offender to report to a later court date.<sup>289</sup> The authorities clearly believed the changes they had made to the offence ought to bear some fruit, and excuses for not presenting became more commonly dismissed. A Charles Newton Tuffet, churchwarden, was sent to Wren's 1636 court for failure to present: he allegedly cited social pressures from unknown individuals as his defence, but was dismissed by the bishop's chancellor, as Wren had given 'the churchwardens an oath to present without fear.'<sup>290</sup> Tuffet was subsequently 'excommunicated for not presenting, [and] his minister forbid to give him sacrament to such [a] Churchwarden.'<sup>291</sup>

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<sup>284</sup> NRO, DN/VIS 7/1.

<sup>285</sup> Carlson, *Churchwarden*, 185-188.

<sup>286</sup> Carlson, *Churchwarden*, 185-188.

<sup>287</sup> NRO, DN/VIS 4/1.

<sup>288</sup> NRO, DN/VIS 4/3, loose leaf.

<sup>289</sup> NRO, DN/VIS 6/3.

<sup>290</sup> MS Tanner 68, fol. 334.

<sup>291</sup> MS Tanner 68, fol. 334.

Churchwardens were expected to behave beyond what was socially expected of an ordinary parishioner, and this assumption was bolstered as our period progressed. In 1611, the court was presented with a written letter, drafted in anticipation of the court and reflecting a singular churchwarden:

The presentment of John Jacob [blank] the first of October.  
 I present Simon Shepardy of Wayngford church warden for not repayinge to the church since this last yeare.  
 I present him for bykinge bread & woyn at Ester without the consent of the minister, & that through his negligent couveryinge of the common it had not woyn then.  
 I present him uppon suppestition of incontynence with Elizabeth Sherman of Wayngford .  
 I present Francis Colby of Brandon uppon a rivance (?) of incontynency and adultery with Elizabeth [blank] the woife of John Bond of Brandon fourvyd (?)  
 I present Simon Shepardy for that he beinge the church warden and knowinge these things to be done yet woulde not cover these at the Bishoppes visitation.  
 I present him for lettynge the church be bethatched, & for sufferinge the chest to be out of populations reach, [and] ready to fall downe.  
 I present him for that he knowinge [blank] in the parishe [to] seldom to come to the church and neither to receyve the communion, yet will not present them.<sup>292</sup>

Unfortunately, the outcome of this case is not known as Shepardy was not mentioned in Wangford's separate visitation record. Within this letter we can get a glimpse of the expectations dutiful parishioners had by the 1600s regarding their parish churchwarden - despite each tenure only lasting a year, failure to perform the role satisfactorily amounted to a serious social faux pas. In the same visitation, a former churchwarden of Thorpe Morieux was similarly presented for failure to inform the previous court of a default regarding the detaining of a legacy left to the church; it is likely that this crime had taken place many years before but still caused consternation among the parish.<sup>293</sup>

Furthermore, we begin by the Jacobean and Caroline reigns to see evidences of serious ramification for parishioners to take on the role of churchwarden itself. Boxford is a famous parish among scholars of parochial Reformation history as it contains some of the best surviving churchwardens' accounts, inventory lists and vestry records, due to their long-lasting and influential system of parish councils and meetings.<sup>294</sup> In a letter to the court entitled 'The state of the cause of Edward Aeston', we see written testimony from an incident at 'The parishe meeting at the usuall tyme of Easter for the choyce of officers.' At this election of churchwardens and their assistants in

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<sup>292</sup> NRO, DN/VIS 4/3, loose leaf at end of visitation book.

<sup>293</sup> NRO, DN/VIS 4/3.

<sup>294</sup> See Peter Northeast (ed.), *Boxford Churchwardens' Accounts* (Woodbridge, 1982)

1611, Edward Aeston reacted furiously upon being told he was chosen to serve as churchwarden another year.

The [aforementioned prescribed] comosion did [happen] unto this: And whereupon Edward Aeston came in, Mr. Brande told him the choice to continue him as churchwarden an other year, who responded there was not cause for it, to which he replied, that there was cause enough for said continuing 3 or 4 yeares on, and because doing so things that last yet, unrepayred in the church, would be said to be cast on the next [churchwarden], as the shold come on to, to which he asented that then they shold goe outside and fight as they did.

After the clash, Aeston continued to refuse to serve even as pressure to consent increased in intensity from the parishioners. He went as far as to offer money in exchange for a waiver from duty, and was eventually after much 'rough calling' at the next 'generall meeting' he was excommunicated from his parishioners 'according to the lawes of the land.' This being a gross overstep of authority by the Boxford parishioners aside, Aeston continued to refuse and so a presentment was made to the court for fear that the parish itself may suffer from a lack of churchwarden.<sup>295</sup> This clearly caused quite a stir among the court, with the case delayed twice into the following months whereupon more evidence could be gathered - unfortunately the ultimate outcome is unknown.

Nevertheless, we can ascertain several things from the drama at Boxford. Firstly, for many denizens the position remained unpopular, echoing statements from earlier historians such as Roland Usher.<sup>296</sup> Secondly, failure to partake in the duty, unpopular or not, was considered a serious breach of the unwritten sociocultural contract of the early-modern parish. Thirdly, and perhaps the one most changed by the ongoings of the 1600s, the choice of churchwarden and the fulfilment of that office was seen as an integral part of early modern religious and communal society. Indeed, when the denizens St. Mary-in-the-Tower, Ipswich and their minister failed to 'nominate a Curate', Wren sent an amicable letter warning them of imminent censure for failure to do so. The letter was addressed to, and expected to be relayed to St. Mary's parishioners, by, in Wren's words, 'my loving friends, the Churchwardens.'<sup>297</sup>

## ix. Conclusion

Having thus examined the ramifications of the 1604 Canons, we can adjudge that the elevation of power and responsibility of the English churchwarden did see a direct, positive correlation within the parishes. Recusancy reports, ultimately relying on the soft-social power of the office to enforce, increased in scope and number in the early years of the 1600s and do not begin to

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<sup>295</sup> NRO, DN/VIS 4/3, loose leaf after Boxford parish.

<sup>296</sup> Craig, *Politics and Polemics*, 47-49.

<sup>297</sup> MS Tanner 68, fol. 40.

subside until the reign of Charles I and his shift in strategy, before increasing again during the 'moral panic' of recusancy towards 1640. Reports on non-conformists are less obvious but were undoubtedly contained within numerous reports for non-communicants or perennial non-attenders; in each visitation, this has either increased compared to the 1590s or at the very least remained at a similar level. Enforcement of conformity within England's parishes by the churchwarden had reached its zenith, and while certainly and unsurprisingly consistent in its efficacy, was even strongly imposed among some of the most heavily non-conformist or factious areas of England, such as the city of Norwich or the Archdeaconry of Sudbury.

The most striking aspect of the period 1604-1640 compared to earlier decades is the overhaul in the professional relationship between the churchwarden, the minister, and the Church hierarchy at large. An alliance between bishop and churchwarden arose that saw the latter be used as both a weapon and a demonstration of legitimacy in ousting troublesome puritan ministers, with churchwarden presentments continuing to be the beginning of legal proceedings against their own minister. When ordered to by their bishops, the churchwardens of a diocese routinely reported their clergy en masse for pertinent signs of either non-conformity or a negligence in producing conformist parishioners or youths, such as Jigon's enquiry into the catechism in 1604/05, or his enquiry into lack of sermons in 1611. Each of these saw large increases compared to the 1590s, yet even other ministerial issues such as dual benefices remained at the very least a steady rate from the 1590s. Defaults regarding the surplice saw their highest point in the early 1600s after the issue was 'settled' by the Hampton Court Conference: being arguably the most widespread and obvious sign of non-conformity, presentments for this default litter reports in even the puritan hotbed of Sudbury.

Presentments regarding the office of churchwarden itself markedly increase after 1604. This can involve abuses of the churchwardens, which exist in the visitations of 1605 and 1611, but seem particularly apparent in 1636 after Wren's article for the same. Refusing to take the office is also mentioned sporadically after 1604 as a presentment at court. The most common default was refusal to pay the churchwarden fine, or failure to levy it, which, bestowed by the churchwarden's greater legal and political powers and expectations, becomes a common feature of Norwich's visitation reports. Perhaps more so than any quantitative evidence, which is always hindered by differences in quality and quantity of surviving reports, is the language used by the Church to describe their churchwardens. In the visitation articles we have looked at, one gets the impression that the articles are written to the churchwardens directly from the mouth of the bishop, demanding their obedience and attention yet soothing their worries surrounding overwork, molestation or counter-

presentments. 'Failure to present' as it was described pre-1604 is replaced by 'concealment of abuses', whereas preventing a churchwarden presenting a case was in of itself a crime punishable by censure.<sup>298</sup> The evidence we have outside of regular presentments portray the wardens as omnipresent at the visitation court, now unambiguously the central presenters of *every* case, asked for feedback and key testimony, asked to enforce court sanctions and to report back, and now to always be present during a confession of a crime and its subsequent penance. Contrarily, the churchwarden now resembled a modern bureaucratic office, despite continuing to be nominally 'voluntary'. Two churchwardens per parish was now obligatory, with penalties imposed on the parish for failure to provide this number: although usually, the fine was levied on a singular individual who refused the position. Concealment of offences was spoken in the most harsh of terms, described by Wren as the 'horrible crime of perjury', with multiple visitation articles referring to the breaking of the churchwarden oath as an affront to the Church.<sup>299</sup>

While Wren's description of his churchwardens as his 'loving friends' in 1636 is a step too far, at the end of our period it is apt to describe the relationship between bishop and churchwarden as that of uneasy trust. Accompanying visitation articles that seem domineering over the office of churchwarden, would usually include a clause to make it an offence to even issue abusive words to individual churchwardens or even the office itself: the Canons, and particularly subsequent bishops such as Wren, wanted above all the office to be respected, from both its members and potential detractors. Thirty years after the Canons of 1604, and nearly one hundred years after the beginning of our study, the churchwardens had incorporated countless duties from the minister, and introduced a number of brand new responsibilities regarding the enforcement of England's religious settlement in the localities. Perhaps most telling, by 1640, no alternative system of enforcement was seriously considered by the Church, and the office appeared stronger and more revered than ever.

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<sup>298</sup> 'Articles for the Visitation of Norwich, 1611'.

<sup>299</sup> 'Visitation Articles for Norwich, 1636'.

## Conclusion

### i. Churchwardens in the Later Seventeenth Century

In early 1641, the clergyman and writer Thomas Fuller, his curate Henry Sanders, and the parish churchwardens signed the 'Protestation' of the Long Parliament. This was undertaken as a representative of 242 adult males within Fuller's parish of Broadwindsor.<sup>1</sup> This declaration, a response to perceived threats to the Protestant Reformation itself, consisted of an oath of allegiance to 'the true Reformed Protestant religion, expressed in the Doctrine of the Church of England, against all Popery and Popish innovations' and a promise to combat all internal and external threats to such.<sup>2</sup> The 'Protestation' marked one of the final nationwide endeavours that relied on churchwardens before the outbreak of war. This began as a duty to administer the oath at a parish-wide level, but by July 1641 the churchwardens and their ministers were further tasked to ensure the oath was said by every male aged eighteen or over annually.<sup>3</sup> The image of Fuller and his churchwardens signing the Protestation encapsulates how far the office had come. Not only in terms of their importance in delivering national efforts for religious reform, or even their now advanced aptitudes in clerical and civil administration; but also, crucially, that their minister regarded the office as one of utmost importance. In 1642 Fuller published *The Holy State and the Profane State*, describing a series of characters, professions and ways of life and the ideal way in which they would be lived. The 'good parishioner', Fuller argued, would happily and willingly accept the office should it be expected of them: '...he hides not himself from any Parish-office which seeks for him.'<sup>4</sup> 'If chosen Churchwarden', Fuller continues, they ought to be diligent and not 'busily-idle', nor 'rather to trouble than reform'. At church courts, churchwardens should present the correct offices, scolding those for 'presenting all things but those which he should.'<sup>5</sup> In the same section, Overseers of the Poor, always intrinsically linked to the churchwardens, were to be indifferent in their disposition, and not to give in to 'peoples wants by their clamorous complaining' nor to 'dispenseth more to those that deserve then to them that onely need relief.'<sup>6</sup> *The Holy State* was Fuller's attempts at portraying an idealised Christian society from top to bottom; by the 1640s, the churchwardens had become an intrinsic and

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<sup>1</sup> W.B. Patterson, *Thomas Fuller: Discovering England's Religious Past* (Oxford, 2019), 78–128.

<sup>2</sup> Patterson, *Fuller*, 78–128.

<sup>3</sup> David Cressey, 'The Protestation Protested, 1641 and 1642', *Historical Journal* 45, 2 (2002), 265–267.

<sup>4</sup> Thomas Fuller, *The Holy State, the Second Book* (Cambridge 1642), 94.

<sup>5</sup> Fuller, *Holy State*, 94.

<sup>6</sup> Fuller, *Holy State*, 94.

respected part of spiritual life within the parishes, reflected not only in their ubiquity within Church ordinances, but also reformist writers like Fuller.

During the Civil War, the activities of England's churchwardens, just as all other aspects of religious life, were hugely disrupted. In 1646, Dr. Fuller would encounter the churchwardens of St. Clement's, Eastcheap, who were desperately seeking a preacher to perform a series of voluntary lectures due to a chronic lack of regular clergymen.<sup>7</sup> Fuller agreed to this, before discovering that in fact all the 'management of temporalities' at St. Clement's were being performed by the churchwardens of the parish after the departure of their last clergyman, John Kitchen.<sup>8</sup> It was not uncommon during the clerical upheaval of the war that churchwardens would assume many duties erstwhile in the domain of the minister. In September 1641, to combat the 'conformist' measures of Laud, the Long Parliament released an ordinance authorising parishioners 'to set up a lecture, and to maintain an orthodox minister at their own charge, to preach every Lord's day where there is no preaching, and to preach one day a week where there is no weekly lecture.' We can assume the churchwardens would be heavily involved in this: the same day the Commons ordered the churchwardens of Farnham parish to 'maintain' a weekly lecture, alongside their minister.<sup>9</sup> During the years 1646-1660, when 'the Church of England was technically dismantled', it has been thought by historians that parochial life and the role of the churchwarden remained surprisingly unchanged, despite the cessation of any sort of checks on their regular duties at visitation. The extent to which this is true is hard to prove, as diocesan records dried up after 1642, before the entire system of bishops, archdeacons and ecclesiastical courts ended in 1646. Andrew Foster has recently written of the difficulty in making definitive assertions regarding parochial life during this period purely down to lack of evidence; although thankfully several recent and projected studies should shed some light on this.<sup>10</sup> The collapse in the creation of records, both parochial and ecclesiastical, make charting the office of churchwarden in the years of the Civil War exceedingly difficult; what remains ostensibly true is that these decades disrupted the upward trajectory in the importance of the churchwarden, the office never truly returning to its peak.

This was not, however, an instantaneous collapse after the Restoration: the 1660s saw the churchwardens feature in several ecclesiastical efforts to combat post-republican non-conformity. As

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<sup>7</sup> John Eglington Bailey, *The Life of Thomas Fuller: His Books, His Kinsmen and His Friends* (London, 1874), 411.

<sup>8</sup> Edward Churton, *The Minor Theological Works of John Pearson* Vol. I (Oxford, 1844), 30.

<sup>9</sup> 'House of Commons Journal Volume 2: 08 September 1641', in *Journal of the House of Commons: Volume 2, 1640-1643* (London, 1802), 281-284.

<sup>10</sup> Andrew Foster, 'What Happened to English and Welsh Parishes c.1642-62? A Research Agenda', in Fiona McCall (ed.), *Church and People in Interregnum Britain* (London, 2021), 1-2, 19-21.

we have suggested in this thesis, the churchwardens were tasked with informing on conventicles and seditious meetings in several ordinances and visitation injunctions, yet little to no physical evidence remains that this was actually carried out. The argument that this is due to the records being lost – having been made aside from regular visitation returns – is backed up by the wardens returning as central arbitrators in tackling this phenomenon as late as 1664, when they were made a crucial part of the ‘Conventicles Act’. The Act was an attempt at ‘speedy Remedyes against the growing and dangerous Practises of Seditious Sectaryes and other disloyall persons’;<sup>11</sup> Wardens were, under the authority of the justices, to levy and administer the five and ten pound respective fines for first and second offences regarding partaking in conventicles - to be distributed as local poor relief.<sup>12</sup> Any churchwarden found guilty of failing to enforce the Act were themselves to be fined five pounds.<sup>13</sup> The wardens had retained some of their repute as successful agents of conformity. The use of churchwardens as enforcers of this new religious constitution in the 1660s was seen as successful - the Act itself was particularly popular and passed Parliament with little opposition, although a significant group of people did lack representation at this parliament.<sup>14</sup>

Bishop Wren returned after the upheaval to conduct a visitation of Ely in 1662, and his vigour in ensuring a cooperative and diligent system of churchwardens continued. These presentments, just as in 1636, inform us that each parish who attended sent between one and two churchwardens and one and two sidesmen, with no other available information to say of any other attendees.<sup>15</sup> An unusual custom occurred at this visitation, in which the churchwardens referred to each visitation article chronologically, even if there was nothing to declare; the expectation that they should know each article astutely had survived since the 1640s. The vast majority of the articles had not been infringed upon, with the wardens reporting that there had been no offences ‘as before’.<sup>16</sup> Wren’s chancellor Thomas Eden himself presented the wardens of Hungry Hatley: ‘I present the Churchwarden and his Assistant for not presenting the private baptism of two children by Popish

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<sup>11</sup> John Raithby (ed.), ‘Charles II, 1664: An Act to prevent and suppress seditious Conventicles.’, in *Statutes of the Realm: Volume 5, 1628-80* (St. Andrew’s, 1829), 516-520.

<sup>12</sup> Raithby, Charles, 516-520.

<sup>13</sup> Raithby, Charles, 516-520. Eric Carlson, ‘The Origins, Function and Status of the Office of Churchwarden, with particular reference to the diocese of Ely’, in Margaret Spufford (ed.), *The World of Rural Dissenters 1520-1725* (Cambridge, 1995), 177.

<sup>14</sup> Ronald Hutton, *The Restoration: A Political and Religious History of England and Wales, 1658-1667* (Oxford, 1985) 208-209

<sup>15</sup> E. H. Vigers (ed.), ‘Episcopal Visitation Returns, Cambridgeshire’, in *Transactions of the Cambridge & Huntingdonshire Archaeological Society* Vol. IV Part VIII (The Minster Press, 1929). Vigers give full extracts from eight parishes: St. Edward’s, Cambridge, Swavesy, Whittlesey, Hatley, Drayton, Chesterton, Histon and Madingsley, and we can assume the custom was repeated for the other parishes in this visitation.

<sup>16</sup> Vigers, *Visitation Returns*, 313-411.

Priests.’ An unknown whistleblower had let the chancellor know of this deed ‘upon advertisement.’<sup>17</sup> Other visitations later in the century continue to mention recusancy, popery and ministerial non-conformity akin to before the Civil War, but not at the same level as before. In 1683, Bishop of Ward of Salisbury<sup>18</sup> produced a set of visitation articles that resemble a pre-war set, including exhortations for churchwardens to report on absences from church, ministerial misconduct, or the presence of seditious sects within the parish. Visitations would continue to require such presentment, but we begin to see a decline in their vigour and length: Ward’s set does not introduce any new concepts or priorities and is smaller in number than we would see in the 1630s. Fervour over the Tudor and Stuart concepts of conformity had dampened.

When reading presentments from the 1677/8 visitation of Norwich diocese, one gets the impression that non-attendance at church had lost some of its magnitude in the minds of the churchwardens and parishioners. Presentments for absence from divine service were in fact very common throughout, but gone were references to recusancy, popery, ‘ill-religion’ or sedition. The churchwardens were not reticent to give lengthy lists of non-attendees: at Ingham parish, all but two of their nine presentments were for absence from divine service; none appeared at the court, nor was any clue given as to their reasons.<sup>19</sup> At Mildenhall, thirty-three individuals were presented for absence.<sup>20</sup> It appears that the churchwardens had stopped making any differentiation between absentees for negligence, and those for outward non-conformity. Indeed, it is quite interesting that there were no presentments in this visitation for a lack of payment of recusancy fines.<sup>21</sup> In the 1660s-1680s, authorities began to newly criticise the churchwardens’ lack of diligence. A series of at least twelve churchwardens were presented at the visitation of Norwich diocese in 1677/8 for lack of ‘exhibiting’ at a previous visitation; this was undertaken as the first action at the visitation court of an unnamed deanery.<sup>22</sup> The outcomes are not listed, except four who did not attend court and were summarily excommunicated.<sup>23</sup> In March 1683, an unknown individual from the diocese of London, most likely the bishop, wrote to his clergymen that ‘The Churchwardens of our Diocese having been generally very remiss in making due Presentments; particularly of such that absent themselves from the Holy Sacrament of the Lords Supper; we do hereby require you to use all Diligence in admonishing the Churchwardens of their Duties.’ All absentees were to be recorded to their

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<sup>17</sup> Vigors, *Visitation Returns*, 403.

<sup>18</sup> Then known as ‘Sarum’.

<sup>19</sup> NRO, DN/VIS 7/3, Deanery of Wilford, Ingham.

<sup>20</sup> NRO, DN/VIS 7/3, Deanery of Wilford, Mildenhall.

<sup>21</sup> NRO, DN/VIS 7/3. All forty-three parts of this visitation have survived well; there is considerably less detail for each case than previous iterations, however.

<sup>22</sup> NRO, DN/VIS 7/3. This is likely to be Great Yarmouth.

<sup>23</sup> NRO, DN/VIS 7/3.

archdeacon at the next visitation, with the ministers given permission to present their churchwardens should they fail, 'that due course may be taken for their speedy Reformation.'<sup>24</sup>

The point of no return happened in 1689, when it was decreed that all in England must attend some type of church, but not necessarily an Anglican one. This 'official toleration' did not excuse churchwardens from their central task in enforcing attendance, but it became practically impossible for the wardens to know of all comings and goings of their parishes to so-called churches, and many parishioners began to get away with going to none. In 1692, a parson from Norfolk complained that 'no churchwarden or constable will present any for not going to church, though they go elsewhere else but to the alehouse.'<sup>25</sup> As discovered upon a request from this writer, a visitation book from Norfolk from this year was discovered to be missing by the NRO, but one imagines that the vague and demanding new definition of non-attendance would lead to much fewer efforts by the churchwardens to enforce. Churchwardens began to find wholesale persecution of peaceful parishioners for lax attendance increasingly 'distasteful', as Eric Carlson has described. From both a central Church position and amongst the churchwardens, the social danger in lack of attendance at a church due to laziness or irreligion – while certainly not becoming excusable – had lowered to the rank of other forms of disorder, such as drunkenness or thievery. Churchwardens would continue to be important figures in their parish communities, but by 1692 they had ceased to be enforcers of conformity: 'their work in that respect was done.'<sup>26</sup>

## ii. The Transformation of the Office of Churchwarden c.1558 - 1640

During this thesis, we have charted the rise of the English churchwarden from its original standing of a lowly curator of church inventory and registers to an office integral to the state Church's struggle for conformity. As a direct consequence, the office lost the variety that it had during the pre-Elizabethan era, as its incorporation into the state and subsequent standardisation of the role supplanted local traditions that had dominated many aspects of the role. The nature of their election and their day-to-day responsibilities emerged much changed from their traditional foundations, with

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<sup>24</sup> Anonymous, 'The Churchwardens of our Diocess having been Generally very Remiss in Making due Presentments, Particularly of such as Absent Themselves from the Holy Sacrement of the Lords Supper we do Hereby Require You to use all Diligence in Admonishing the Churchwardens of their Duties...' (London: 1683)

<sup>25</sup> Quoted from Carlson, *Churchwarden*, 180.

<sup>26</sup> Hindle, *State and Social Change*, 207-212.

elections no longer as per 'custom' but uniform throughout all of England's parishes, and their duties in enforcement of attendance and behaviour explicitly outlined within successive Canons and injunctions.

In our first chapter, we examined the churchwardens after the introduction of recusancy fines, as well as other relatively minor standardisations in their role that accompanied the injunctions and reforms of Elizabeth I. Unlike later chapters, and as a product of their somewhat sparse prevalence in these ordinances, the majority of their escalation in responsibility during the years 1558-1571 came via ad-hoc references within visitation articles and injunctions, as well as miscellaneous injunction lists such as the *Interrogatories* and Archbishop Parker's *Advertisements*. By far the most prominent and possibly most important development of the office of churchwarden, and the primary reason as to why this thesis began in the year 1558, was the introduction of fines for non-attendance at church. This formed the bedrock of the state's efforts to enforce attendance at church by the masses. The administrative dynamics of levying of such a fine did not change significantly after its introduction in 1558, yet the circumstances surrounding its enforcement shifted greatly, as the churchwardens became more invigilated and empowered. Monetary consequences for non-attendance were seen as a key foundation of the regime's attempts to enforce religious uniformity, and as such the fine grew exponentially from twelve pence to twenty pounds.<sup>27</sup> As well as presentments at visitation court, lists of recusants began to be regularly drafted by churchwardens after 1604, as recusancy began to be policed in a more thorough and uniform manner.<sup>28</sup> Presentments for non-attendance at church featured heavily in visitation reports, only finally dissipating after legislative change in 1689.<sup>29</sup>

The Canons of 1571 embedded many of the duties many of England's churchwardens were already performing in some diocese and archdeaconries, but now irreversibly implanted upon all: this would thus form the basis of our second chapter. Eleven Canons were directed specifically to the churchwardens, finally consolidating the office into one unmistakably involved in the policing of clerical conduct and the behaviour of the laity. The Canons also formally incorporated the wardens into wider efforts to clamp down on unlicensed preaching. The role of the churchwardens in preventing unlicensed preaching is a famous one, forming a large part of criticisms as to their

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<sup>27</sup> Carlson, *Churchwarden*, 174.

<sup>28</sup> For example, Article VII of the visitation of Norwich diocese in 1611. *Articles for the Visitation of Norwich, 1611*. Minister Thomas Phillip's letter to the commissioners regarding non-communicants in Stowmarket, 1611, will be examined later in this chapter. Loose leaf compiled with NRO DN VIS 4/3. Also see large number of presentments in urban parishes in 1620, NRO DN VIS 5/1.

<sup>29</sup> Carlson, *Churchwarden*, 180.

competency.<sup>30</sup> As we saw from the visitations of Norwich in the 1590s the wardens did report on the licensing status of preaching frequently. The lack of evidence for the creation of ‘preacher lists’, registers of all individuals who preached in their parish, lessens the level to which we can describe their attempts at this as a success, but it was certainly not the abject failure it has been described. Efforts to enforce a series of licensed, conformist preaching coincided with attempts by Archbishops Grindal and Whitgift to enquire upon the competency levels of their ministry, as well as of course the removal of any inclined to disobedience or sedition. Whitgift was at best dubious as to the reliability of churchwardens and the visitation system, but despite attempts to find a system that did not rely on presentments, the status quo remained, and attempts were even revamped in the 1590s as the situation in England became precarious. Churchwardens became effective policers of their own minister, featuring prominently in visitations from the 1590s onwards as bishops became increasingly reliant on the wardens to get a grip on their own clergy. The dynamic between the churchwardens, their ministers, and other parishioners was revolutionised, with churchwardens undoubtedly emerging on top. Many duties in earlier visitations that were solely in the domain of the minister were eventually changed to the churchwarden alone, particularly regarding lay and clerical behaviour, licensing, welfare, and roles within ecclesiastical courts themselves.

The second half of the thesis focused on the period after the Canons of 1604. This marked the apex of the churchwardens’ power, responsibility, importance, and the level of scrutiny they were put under. Unlike the Canons of 1571, these Canons were present physically in every church, and the churchwardens began to display impressive knowledge as to their makeup and which articles an offender may have breached.<sup>31</sup> Taking the communion at least once annually became a benchmark in which to gauge membership of the Church and churchwardens were integral to Stuart attempts to law enforce this frontier. Furthermore, and further proving the cruciality in which the Church saw the wardens in their attempts at conformity, the wardens were given in 1604 – and backed up in subsequent visitations – a level of political protection to ensure they could perform their duties even within the most dissentious congregations. Chapter IV ends with a demonstration that the churchwardens saw the peak of their scrutiny under Archbishop Laud: not a show of doubt as to their competency, but in fact an assurance that the system was trusted after nearly a century.<sup>32</sup>

Before our period, questions remain as to which individuals actually made the presentments to the visitation courts. Although churchwardens were of course expected to keep up their mundane

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<sup>30</sup> R.G. Usher, *The Reconstruction of the English Church Vol. I* (New York, 1910), 215.

<sup>31</sup> For example, see Item 39 in the ‘Visitation Articles for Norwich, 1605.’

<sup>32</sup> Craig, *Politics and Polemics*, 47-49.

duties regarding church inventory and registers, it appears unlikely that the parish churchwarden was in attendance as a representative of their parish for every presentment. Earlier visitations suggest the presenters were a mix of clergy, lay officials, and assorted 'notable' parishioners, for example the visitation of Chichester, when assorted individuals were 'sworn' to the court.<sup>33</sup> As canons and injunctions made it abundantly clear that the visitation court was the domain of the churchwarden, and as visitation articles began to address the churchwardens directly,<sup>34</sup> the wardens became omnipresent in early modern visitation courts. However, this was often not explicitly stated: that is until 1636, when serendipity came to our aid when the court scribe decided to label all the presenters from every parish as churchwardens, finally removing all doubt as to this crucial development. Compare this to Bishop Harpsfield's visitation just before our period in 1557, where, as we saw in chapter one, we know for certain that many presentations were made with no churchwardens or even a priest present.<sup>35</sup>

This thesis will contribute to wider historical understandings of the importance to which Tudor and Stuart regimes regarded the wardens, and has shown that the office deserves increased prominence within any history of the Reformation within England's parishes. Historiographically, this thesis has aimed to combat the somewhat dismissive attitude of some historians to the importance of the office within the state's broader aims at conformity. Oftentimes this was a product of an embedded belief that the churchwardens were irredeemable bunglers: uninterested or incapable, with the office itself so maligned that no parishioner wanted the role or respected the poor individual forced to partake in it. Perhaps worse, some historians have suggested that the office was rendered ineffective, or even counter effective, by individuals who abused the office to conceal malpractices they personally supported. Margaret Spufford argued in 1972 that visitation presentments were an unreliable guide to 'doctrinal deviations in a parish', as the predilections of their composers, the churchwardens, caused such records to be soured by bias and ulterior motives. She went as far as to argue that 'visitation records are no guide to the opinions or doctrines of the laity in the late sixteenth and early seventeenth century; possibly because the laity had such a formative hand in their composition.' This thesis has shown the opposite: that the churchwardens displayed a remarkable willingness to respond to orders from above and saw a continuous

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<sup>33</sup> See 'The Visitation of Chichester Diocese 1553'.

<sup>34</sup> The first instance being the *Interrogatories*, see Chapter I.

<sup>35</sup> 'Archdeacon Harpsfield's Visitation of 1557', 43-44, 83-4, 85-6.

confidence and renewed responsibility from anti-Puritans like Wren, who Spufford suggested failed at his attempts to root out puritanism because of their own partiality.<sup>36</sup>

Indeed, in a phenomenon that ought to be considered upon any historical evaluation of the churchwardens, throughout our study we have seen evidence that many more significant or unusual exposures of non-conformity by the churchwardens would not have been included necessarily within regular court records. Much of this is speculative until the visitation of 1636, where we encounter several examples of notable puritan activity preserved within the Tanner Manuscript collection that simply does not appear in the correlating visitation presentments at the NRO. This included several presentments of subsequently excommunicated puritan ministers, such as William Bridge. The existence of this, particularly from puritan hotbeds such as Norwich, puts greater doubt on accusations that the wardens did not have a significant impact on seditious preaching, practices and gatherings. In fact, the impression we get regarding the priorities of the churchwardens would have been exactly that which would have pleased the Church the most: a loyalty to the state and a respect for the office itself, to put their vocation ahead of any personal preferences. Even in puritan hotbeds such as Norwich and Bury, churchwardens and England's ordinaries had secured an alliance.

It would be remiss to suggest that churchwardens did not show plenty of incidences of negligence, and of religious or social bias interfering with their duties. But this was also true of every other official in English society. Considering the novel nature of the office, what is actually surprising was the level to which the role was adopted passionately. This thesis did not aim to make grandiose claims about the overall success of attempts at conformity by successive Tudor and Stuart regimes. Limitations of evidence make it impossible to make a definitive statement regarding the influence of the churchwarden day-to-day. Even regarding recusancy fines, we are hindered in attempts to prove its efficacy and frequency by the notorious phenomenon in studies of this era that we generally only see instances when the system broke down. This thesis will contribute to the historiographical discourse over the early modern period by painting the churchwardens as an enlightening facet of the English regime's social and religious strategy in this time of strife. Hopefully, the churchwardens of England between 1558 and 1640, who responded to complicated orders quickly and adeptly, who broke down erstwhile social barriers by challenging their social superiors and their minister, and who were transformed from a traditionally and locally focused administrative role to a state-backed

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<sup>36</sup> Margaret Spufford, 'The Quest for the Heretical Laity in the Visitation Records of Ely in the late Sixteenth and Early Seventeenth Centuries', in *English Historical Review Vol. 58* (Cambridge, 1971), 223-229.

armament for religious conformity within less than a century, will start to be seen as an office integral to studies of the Reformation.

## Abbreviations

### ***The Reformatio Legum Ecclesiasticarum.***

Gerald Bray (ed.), *Tudor Church Reform: The Henrician Canons of 1535 and the Reformatio Legum Ecclesiasticarum* (Church of England Record Society Volume 8, 2000).

### ***The Injunctions of Henry VIII, 1536.***

Gilbert Burnet, *The History of the Reformation of the Church of England* (London, 1681), 160-163, 178-181.

### ***The Injunctions of Edward VI, 1547.***

Edward Cardwell, *Documentary Annals of the Reformed Church of England* (Oxford, 1844), 4-31.

### ***The Visitation of Chichester Diocese, 1553.***

W.D. Peckham, 'A Diocesan Visitation of 1553', *Sussex Archaeological Collections*, Vol. 77 (Oxford, 1936), 93-105.

### ***The Injunctions of Cardinal Pole, 1557.***

W. Sharp. and L.E. Whatmore (eds.), 'Archbishop Harpsfield's Visitation, 1557' in *Publications of the Catholic Record Society*, Vol. XLV (London, 1950), 5-7.

### ***Archdeacon Harpsfield's Visitation, 1557.***

W. Sharp. and L.E. Whatmore (eds.), 'Archbishop Harpsfield's Visitation, 1557' in *Publications of the Catholic Record Society*, Vol. XLV (London, 1950).

### ***The Royal Articles of Queen Elizabeth, 1559.***

W.H. Frere & W.P.M. Kennedy (eds.), *Visitation Articles and Injunctions of the Period of the Reformation*, Vol. III, (London, 1910), 1-7.

### ***The Royal Injunctions of Queen Elizabeth, 1559.***

W.H. Frere & W.P.M. Kennedy (eds.), *Visitation Articles and Injunctions of the Period of the Reformation*, Vol. III, (London, 1910), 8-29.

### ***The Act of Supremacy, 1559.***

J.R. Tanner (ed.), *Tudor Constitutional Documents 1485-1603* (Cambridge, U.S.A., 1922), 130-135.

***The Act of Uniformity, 1559.***

J.R. Tanner (ed.), *Tudor Constitutional Documents 1485-1603* (Cambridge, U.S.A., 1922), 135-139.

***The Royal Visitation of 1559.***

C.J. Kitching (ed.), *The Royal Visitation of 1559: Act Book for the Northern Province* (Publications of the Surtees Society, CLXXXVII, Gateshead, 1975).

***Archbishop Parker's Articles for the Province of Canterbury, 1560.***

W.H. Frere & W.P.M. Kennedy (eds.), *Visitation Articles and Injunctions of the Period of the Reformation, Vol. III*, (London, 1910), 81-86.

***The Interrogatories, 1560.***

W.H. Frere & W.P.M. Kennedy (eds.), *Visitation Articles and Injunctions of the Period of the Reformation, Vol. III*, (London, 1910), 87-93.

***Parkhurst's Injunctions and Interrogatories for Norwich, 1561.***

W.H. Frere & W.P.M. Kennedy (eds.), *Visitation Articles and Injunctions of the Period of the Reformation, Vol. III*, (London, 1910), 97-107.

***Davies' Articles for St. Asaph, 1561.***

W.H. Frere & W.P.M. Kennedy (eds.), *Visitation Articles and Injunctions of the Period of the Reformation, Vol. III*, (London, 1910), 111-114.

***Archbishop Parker's Diocesan Articles, 1563.***

W.H. Frere & W.P.M. Kennedy (eds.), *Visitation Articles and Injunctions of the Period of the Reformation, Vol. III*, (London, 1910), 140-142.

***Guest's Articles for Rochester Diocese, 1565.***

Frere, W.H., and Kennedy, W.P.M., (eds.) *Visitation Articles and Injunctions Vol. III* (London, 1910), 159-162.

**Bentham's Instructions for Coventry and Lichfield Dioceses, 1565.**

Frere, W.H., and Kennedy, W.P.M., (eds.) *Visitation Articles and Injunctions Vol. III* (London, 1910), 163-170.

**Parker's Injunctions for Norwich Diocese, 1567,** Frere, W.H., and Kennedy, W.P.M., (eds.) *Visitation Articles and Injunctions Vol. III* (London, 1910), 197-200.

**Archbishop Parker's Articles for Norwich Diocese, 1569.**

W.H. Frere & W.P.M. Kennedy (eds.), *Visitation Articles and Injunctions of the Period of the Reformation, Vol. III*, (London, 1910), 207-214.

**Bishop Horne's Injunctions for the Channel Islands, 1569.**

W.H. Frere & W.P.M. Kennedy (eds.), *Visitation Articles and Injunctions of the Period of the Reformation, Vol. III*, (London, 1910), 219-222.

**Bishop Sandy's Articles for Worcester Diocese, 1569.**

W.H. Frere & W.P.M. Kennedy (eds.), *Visitation Articles and Injunctions of the Period of the Reformation, Vol. III*, (London, 1910), 223-228.

**Archbishop Parker's Visitation, 1569 parts I & II.**

William Hardy (ed.), *The Home Counties Magazine Vols. V & VI*. (Sussex, 1922).

**The Visitation of Northamptonshire, 1570.**

Transcribed in William Sweeting (ed.), *Northamptonshire Notes and Queries, New Series Vol. II* (Northants, 1917).

**The Canons of 1571.**

Printed in Gerald Bray (ed.), *The Anglican Canons 1529-1927* (Cambridge, 2001), 172-210.

**Archbishop Grindal's Articles for the Province of York, 1571.**

Printed in Frere, W.H. and Kennedy, W.P.M. (eds.), *Visitation Articles and Injunctions Vol. III* (London, 1910), 257-272.

***Bishop Cox's Injunctions for Ely Diocese, 1571.***

Frere, W.H., and Kennedy, W.P.M., (eds.) *Visitation Articles and Injunctions Vol. III* (London, 1910), 296-302.

***Guest's Articles for Rochester Diocese, 1571***

Frere, W.H., and Kennedy, W.P.M., (eds.) *Visitation Articles and Injunctions Vol. III* (London, 1910), 332-337.

***The Visitation of Canterbury, 1573***

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<sup>1</sup> We lament the sad absence of diaconal records from the Norwich diocese during this period.

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Online Resources

**The Archaeology Data Service.** <https://archaeologydataservice.ac.uk/>

**The Clergy Database.** <https://theclergydatabase.org.uk/>

### Appendix: The Bishopric Of Norwich 1560-1640

