

Episcopacy and Enmity in Early Modern England
Bishop Richard Smith, Catholic Information Networks,
and the Question of Religious Toleration, 1631-1638

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LIST OF ABBREVIATIONS

Anstruther	Godfrey Anstruther, <i>The Seminary Priests: A Dictionary of the Secular Clergy of England and Wales</i>
Bossy, <i>ECC</i>	John Bossy, <i>The English Catholic Community, 1570-1850</i>
<i>JEH</i>	<i>The Journal of Ecclesiastical History</i>
<i>DNB</i>	<i>Oxford Dictionary of National Biography</i> (online edition)
Questier, <i>NCC</i>	Michael C. Questier, <i>Newsletters from the Caroline Court, 1631-1638: Catholicism and the Politics of the Personal Rule</i>
<i>RH</i>	<i>Recusant History</i>

CHAPTER I

EPISCOPACY AND ENMITY IN EARLY MODERN ENGLAND

Landing in the dead of night on the coast of Kent, William Bishop walked thirteen miles to a Catholic safehouse.¹ The first Roman Catholic bishop England had seen in decades arrived secretly, shrouded by darkness. Eight years later Bishop's successor Richard Smith emerged from hiding in London and fled across the Channel to France. He also travelled secretly as his compatriots who hoped to cash in on the handsome rewards offered for information of his whereabouts scoured the countryside for him. Bookended by clandestine travel, the experiment of restoring Catholic episcopacy to England lasted less than a decade. But the tensions between the secular clergymen who firmly believed that hierarchy was required in England and those who supported an autonomous mission did not end with Smith's departure and resignation in 1631. Supporters of English episcopacy worked to restore Smith's appointment as bishop from the moment he resigned, for Smith quickly regretted leaving his post.²

Many of the letters that circulated among Smith's network in the 1630s survive, providing a glimpse into the debate about the role of episcopacy in post-Reformation English Catholicism.³ Two of Smith's most trusted lieutenants – John Southcot and George Leyburn – sent regular reports to the bishop and to Peter Biddulph, an advocate stationed in Rome. John Southcot (b. 1587) was ordained in 1613 at the English College in Rome, after which he studied at Douai and travelled around Europe; he returned to England in 1623 and remained there until his death in 1637.⁴ George Leyburn (b. 1600) was also educated at Douai. After he was ordained in 1625 he became one of Smith's most trusted supporters as well as Smith's agent in England.⁵ Leyburn remained in London after Smith fled to France and was one of Henrietta Maria's chaplains.⁶ Aside from Smith, Southcot's and Leyburn's most frequent correspondent

¹ Peter Holmes, "Bishop, William (c.1554–1624)," *DNB*.

² A.F. Allison, "A Question of Jurisdiction. Richard Smith, Bishop of Chalcedon, and the Catholic Laity, 1625-31," (*RH* 16, no. 2, October 1982), 138.

³ The letters are among the papers of the English secular clergy in the holdings of the Archives of the Archdiocese of Westminster. Michael Questier transcribed the letters for the Camden Fifth Series, and all citations in this paper are drawn from this volume.

⁴ Godfrey Anstruther, O.P., *Early Stuarts 1603-1659*. Vol. II of *The Seminary Priests: A Dictionary of the Secular Clergy of England and Wales 1558-1850*, (Great Wakering, England: Mayhew-McCrimmon Ltd., 1975), 305.

⁵ Anstruther, 191-194

⁶ William Joseph Sheils, "Leyburn, George (1600–1677)," *DNB*.

was Peter Biddulph (b. 1602), who was stationed in Rome from July 1631 as Smith's agent. Biddulph's education had been frequently interrupted, as he was expelled from the English College in Rome for insubordination and had to leave Douai due to the plague.⁷ As was the case with most English Catholic priests, all three men came from gentry families.

The ninety-seven letters published as *Newsletters from the Caroline Court* by the Camden Society only provide one side of the debate about episcopacy. While this offers a skewed perspective of the dispute as a whole, reading the letters closely yields insight into other issues. Working from a position of weakness both within England (where Catholicism was technically illegal) and within the Catholic community (Smith's resignation left England without a bishop, Pope Urban VIII seemed unsympathetic to Smith's pleas to be reinstated, and the last English cardinal had died in 1594), information was the best tool the secular clergy had at their disposal.⁸ English secular priests had no official avenue through which to influence policy decisions in either London or Rome and were greatly outnumbered in England by the regular clergy (dominated by the Society of Jesus) at this time, so gathering and disseminating information strategically was their only source of political clout.⁹ Given the seculars' position, I assume that facts were presented with some rhetorical spin. After all, attempting to control what both the pope and King Charles learned was the seculars' only hope at shaping policy decisions. But since the letter-writers knew that the Jesuits – their chief opponents – were reporting many of the same facts to Rome through separate channels, it is unlikely that either side fabricated information.¹⁰

Newsletters were a common part of political culture in the early seventeenth century; English gentry considered writing good newsletters part of the required skill set to navigate in

⁷ Anstruther, 25-26.

⁸ Secular clergy were priests who did not owe allegiance to any specific religious order. For the purposes of this paper, I will adopt Southcot's assumption that secular clergy stationed in England in the 1630s were on Smith's side.

⁹ Caroline M. Hibbard, "Early Stuart Catholicism: Revisions and Re-Revisions," *The Journal of Modern History* 52, No. 1 (March 1980), 11. Hibbard describes, "While the number of seculars in England nearly doubled from 1600 to 1640, the number of regulars more than quadrupled—and among the regulars, the most startling expansion was experienced by the Jesuits who came to dominate the English mission."

¹⁰ The Society of Jesus was established in 1540 by Ignatius Loyola. The Jesuits were largely autonomous, for unlike other religious orders they obeyed only their own superiors and the pope; they were not required to accept orders from other strains of Roman Catholic hierarchy. The Society of Jesus was also the leading missionary society in the seventeenth century and had controlled the English mission since the 1580s. For the purposes of this paper, it can be assumed that other regular orders were aligned with the Jesuits in this dispute unless otherwise noted.

court circles.¹¹ Southcot's and Leyburn's gentle breeding suggests that they would have been practiced in gathering, collating, and disseminating information. While there is no direct evidence that Southcot and Leyburn frequented such places themselves, several London inns were operated by Catholic innkeepers in this period; these establishments drew both lay and clerical travellers from around the country and were hubs of information.¹² Even if Smith's correspondents did not personally visit these establishments, the number of clerics they mention in their letters who passed through London strongly suggests that their acquaintances may have.¹³ More concrete evidence supports a close acquaintance between Smith's entourage and the Viscounts Montague of Cowdray. The Montague family had "an extremely wide set of marital relationships and ideological affinities, in some sense national in scope (since they were not restricted by county boundaries), perhaps even international (if one takes into account the entourage's clerical members' friends and contacts abroad)," a relationship that was frequently plumbed for information.¹⁴ Finally, as we will see, the seculars counted on Henrietta Maria's entourage to relay pertinent court gossip. Southcot and Leyburn were well connected in English aristocratic circles and practiced at compiling the information they received into reports which they dispatched across the Channel.

Reading the letters closely reveals that the prospect of official tolerance of Catholicism was at the heart of the debate about English episcopacy. It was in the seculars' interest to emphasize that persecution in England was ending: if English Catholics were allowed to worship openly then a restoration of episcopacy was sure to follow swiftly.¹⁵ The seculars labored to secure toleration not just to affect the restoration of episcopacy but also because the *de facto* tolerance that English Catholics enjoyed under a queen loyal to the Roman pontiff left quite a bit to be desired. Everyone from the queen to ordinary chambermaids labored under the restrictions

¹¹ Alastair Bellany, *The Politics of Court Scandal in Early Modern England: News Culture and the Overbury Affair, 1603-1666*, (Cambridge, Cambridge University Press, 2002), 86.

¹² K.J. Lindley, "The Lay Catholics of England in the reign of Charles I," *JEH* 22, No. 3 (July 1971), 204-205.

¹³ Michael C. Questier, ed., *Newsletters from the Caroline Court, 1631-1638: Catholicism and the Politics of the Personal Rule*, Camden Fifth Series, Volume 26, (Cambridge: Cambridge University Press for the Royal Historical Society, 2005), passim.

¹⁴ Michael C. Questier, *Catholicism and Community in Early Modern England: Politics, Aristocratic Patronage and Religion, c. 1550-1640*, (Cambridge: Cambridge University Press, 2006), 5; Questier, *NCC*, passim.

¹⁵ At this time, Catholic theologians agreed that in formerly Catholic countries currently ruled by Protestant governments, the pope "had the right and duty to make special provision for the spiritual needs of the faithful of that country. He did this by sending missionary priests, regular and secular, with extensive faculties which they exercised in his name" in lieu of bishops. (A.F. Allison, "Richard Smith, Richelieu and the French Marriage. The political context of Smith's appointment as bishop for England in 1624," *RH* 7, No. 4 [January 1964], 149.)

imposed upon English Catholics and the seculars eagerly collected evidence of these hardships as irrefutable evidence that bishops were integral to the practice of Catholicism even in missionary territories. But somewhat paradoxically, the Society of Jesus was not eager to see persecution of English Catholics end because they enjoyed a great deal of autonomy while England was classified as a mission; much of the animosity between the seculars and the Jesuits stemmed from their disagreement on this point.¹⁶

This hope of tolerance also dictates the timeline for my study. From the seculars' point of view, there was a window of opportunity to secure tolerance with Charles I on the throne. Taking Smith's resignation in the fall of 1631 as the starting point for this story, I will conclude my examination in 1638. As the first rumbles of the English Civil War were felt in late 1637 and early 1638, the chance to secure toleration evaporated.¹⁷ Also, the second papal envoy to England, George Con, arrived in late 1636, ending the seculars' attempt to position themselves as the pope's best source of information on English politics.¹⁸ Furthermore, Leyburn was not convinced that Con's loyalties lay with the seculars; with the arrival of a papal agent who appeared to support the Jesuits, Smith's cause essentially died.¹⁹ Though most of the key actors in this episode survived for several more years, by 1638 Charles was no longer concerned with the prospect of allowing Catholics the right to worship.

In short, I argue here that the story of English Catholicism in the 1630s can be seen as a quest for toleration through the control and use of information. I will examine how Smith's followers turned information into a weapon in their clandestine crusade to restore traditional, secular episcopal hierarchy in England. Trapped as they were between the King of England and the pope, facts were all they had to prove their case. Southcot, Leyburn, Biddulph, and Smith

¹⁶ The Society of Jesus was particularly opposed to the restoration of episcopacy because they enjoyed a great deal of autonomy as long as England was considered a "mission". See John Bossy, *The English Catholic Community, 1570-1850*, (New York: Oxford University Press, 1976), 24-25.

¹⁷ Dating the start of the Civil War has been a topic of debate for centuries. Mark Kishlansky argues in *A Monarchy Transformed*, his contribution to the Penguin History of Great Britain, that serious cracks in Charles's regime were evident by 1637 and crises in Scotland began to destabilize his rule that same year. (Mark Kishlansky, *A Monarchy Transformed: Britain 1603-1714*, [New York: Allen Lane, The Penguin Group, 1996], 138.)

¹⁸ Caroline M. Hibbard, *Charles I and the Popish Plot*, (Chapel Hill: The University of North Carolina Press, 1983), 16. The first papal envoy, Gregorio Panzani, had been at court for two years beginning in 1634. While he is referenced in the letters that circulated among Smith's entourage, Panzani's tenure was largely ineffectual. (Hibbard, *Charles I*, 16-17) His most notable achievement was brokering an accord between the seculars and several regular orders (Questier, *NCC*, 264-265; 293.)

¹⁹ Leyburn's mistrust of Con can clearly be seen in Letter 87, G[eorge] Fountayne [Leyburn] to Leuys Amerine [Richard Smith], 24 November 1636 and Letter 88, [George Leyburn] to [Richard Smith], 27 December 1636. (Questier usually presents the names of the letters' addressees in brackets because the men used pseudonyms lest their messages go astray.) Hibbard also supports Leyburn's reading of events; see Hibbard, *Charles I*, 67.

employed easily digestible parcels of information to further their cause. Searching for hints that Charles was leaning in favor of open toleration and ensuring that the king received appropriate information were key parts of this strategy. Collecting salacious stories that showed the dire straits to which English Catholics were reduced in the absence of a bishop also figured prominently in the information campaign. And since the dispute was, at its heart, a battle between the seculars and the Jesuits, Smith's supporters collected stories of Jesuit misconduct while attempting to hide evidence of any secular misdeeds. The newsletters show what the state of the English Catholic community was in the 1630s and also provide insight as to which topics elicited a response across Europe in the early seventeenth century.

Catholicism in Post-Reformation England

In 1559 Queen Elizabeth I purportedly proclaimed that she had no intention to make windows into men's souls. While this speech was apocryphal, Elizabeth and her councilors were generally satisfied with outward shows of conformity in religious practice and did not investigate the personal doctrinal convictions of average Englishmen, a practice that her successor James VI and I also employed. While there were intermittent episodes of persecution, often following the discovery of Catholic plots against the regime, English Catholics could generally live their lives without interference from the state.²⁰ Consequently many English Catholics bided their time while Elizabeth was on the throne, hoping that a Catholic heir would succeed her and restore the true religion.²¹ As time wore on Englishmen who had only ever lived under Protestant regimes came of age, leading historians to accept that Catholicism became a religion practiced by a few gentry families who could afford to maintain a priest (and hide him). John Bossy's 1976 work

²⁰ Peter Lake and Michael Questier have convincingly argued that the Elizabethan regime very seldom employed its full power in recusancy cases though the legal code allowed for severe punishment. See "Margaret Clitherow, Catholic Nonconformity, Martyrology and the Politics of Religious Change in Elizabethan England," (*Past & Present* 185, November 2004), 86. During the 150 years in which Catholics could be executed for their beliefs in England, only 314 suffered this fate. Of these, "50 took place between 1535 and 1544, in the reign of Henry VIII; and 189 between 1570 and 1603, in the reign of Elizabeth I. The number of those who suffered under the Tudors is thus 239, almost exactly three quarters of the total. The remaining quarter (75) suffered in four detached periods between 1604 and 1680; 25 in the years 1604-18, in the reign of James I; 24 in the six years 1641-6, in the reign of Charles I; two in the years 1651 and 1654, during the Commonwealth and Protectorate; and 24 in a final outburst of persecution during the three years 1678-80, in the reign of Charles II." (Geoffrey F. Nuttall, "The English Martyrs 1535-1680: a statistical review," *JEH* 22, No. 3 [July 1971], 192.)

²¹ Alexandra Walsham's groundbreaking study *Church Papists* (1993) is the foremost work detailing how Catholics remained true to their faith while attending Church of England services often enough to escape recusancy punishments during the reigns of Elizabeth I and James I. John Bossy also suggests in *The English Catholic Community* that lay Catholics fought during the reigns of Elizabeth I and James I to reach a sort of accommodation with the Church of England (see p. 58).

The English Catholic Community, 1570-1850 makes a strong case for gentry Catholicism and few historians have challenged this aspect of his work.²²

By the 1620s, many English Catholics were cautiously optimistic about the future of their religion for Prince Charles appeared ready to take a Catholic princess as his wife. After failing to secure the hand of the Spanish Infanta, Charles turned his attention to princess Henrietta Maria of France.²³ The marriage treaty was completed in 1624 but King James passed away before the actual wedding took place, and King Charles I took a Catholic wife as one of the first acts of his reign.²⁴ A royal interfaith marriage was extraordinarily rare in Europe, and the marriage treaty reflected the trepidation that accompanied such a match.²⁵ The marriage treaty stipulated that the queen and her household were allowed to hear mass and Charles also quietly promised to suspend enforcement of penalties against Catholics, but this pledge was not part of the formal treaty.²⁶ While official toleration was not extended to the population at large, allowing religious plurality for even a select group of subjects was an extraordinary move in seventeenth-century Europe. Most European countries were entangled in the Thirty Years War so Charles's unusual move provided English Catholics with a concrete basis for their dream of open religious toleration.

As Charles's and Henrietta Maria's marriage negotiations took place, Pope Urban VIII decided to restore episcopacy in England. In 1623 the pope consecrated William Bishop as an English bishop, filling a see that had been vacant since last Marian bishop passed away in 1585 and reviving authority that had not been exercised since Elizabeth's accession.²⁷ Bishop's tenure was brief, for he died in April 1624, less than a year after donning the bishop's mitre. The appointment of Richard Smith as the second Bishop of Chalcedon was a by-product of Charles's marriage negotiations. When the secular clergy resident in England gathered to vote on their

²² Bossy, *ECC*, 60.

²³ Mark A. Kishlansky and John Morrill, "Charles I (1600–1649)," *Oxford Dictionary of National Biography*, (Oxford University Press, 2004); online edition, October 2008.

²⁴ Caroline M. Hibbard, "Henrietta Maria (1609–1669)," *DNB*.

²⁵ The only precedent of note was the marriage between the Calvinist Henri de Navarre and the Catholic Marguerite of Valois, a match masterminded by Catherine de Médicis as an attempt to end the French Wars of Religion in 1572. Instead, the wedding incited the St. Bartholomew's Day Massacre. This union was annulled by the pope in 1599 (Henri was King Henri IV of France at this point and had converted to Catholicism) and Henri took Marie de Médicis as his wife. Henrietta Maria was a child of this second marriage. (Michael Wolfe, "Henry IV (France) (1553–1610; Ruled 1589–1610)," *Europe, 1450 to 1789: Encyclopedia of the Early Modern World*, ed. Jonathan Dewald, Vol. 3, [New York: Charles Scribner's Sons, 2004].)

²⁶ Hibbard, "Henrietta Maria".

²⁷ Holmes, "Bishop, William".

nomination for a bishop after Bishop's death, Smith received a fair amount of support but was not his peers' first choice for the position.²⁸ In the end, it was Smith's strong connection with Richelieu (in whose household he had resided since 1611) and the French king's desire to try and wean English Catholics away from their traditional dependence on Spain that won Smith the bishopric.²⁹ His appointment was contentious and his arrival in the British Isles ignited dormant tensions that lay between different English Catholic factions.³⁰

Other scholars have addressed the debate that raged during Smith's tenure as Bishop of Chalcedon from 1624 to 1631. A.F. Allison has examined the theological disputes that Smith's tenure provoked and the furor the Jesuits whipped up against his episcopacy in great detail. In "A Question of Jurisdiction. Richard Smith, Bishop of Chalcedon, and the Catholic Laity, 1625-31," Allison asks "What exactly was the nature of the jurisdiction that [Smith] claimed? and How did he set about trying to exercise it in practice?"³¹ In addition to answering these questions, Allison describes how supporters of the Jesuits repeatedly petitioned Smith, requesting that he explicitly define which powers traditionally granted to bishops he claimed and which he relinquished given his unusual circumstances, a dispute which escalated and engulfed both King Charles I and the pope.³² This article is an excellent elucidation of the myriad issues at play during Smith's episcopacy, but Allison concludes the story with Smith's departure. Allison's second article on the subject, "Richard Smith's Gallican Backers and Jesuit Opponents –I," locates "the conflict in the Catholic Church in England" as part of a "wider struggle in Europe."³³ While this article shows that the controversy between seculars and Jesuits had repercussions beyond England, it too ends in the autumn of 1631.

But, as I argue, the story does not end with Smith's departure. Rather, the scope of the conflict grew exponentially in the 1630s, engulfing English Catholics, the English court, members of other European courts, and the pope. As early as 1628 a group of English Catholics

²⁸ After a secret ballot, Smith was in a four-way tie for third place. He and three other candidates each received nine votes, two candidates each received ten votes, and the top candidate received twelve. (Allison, "Richard Smith, Richelieu and the French Marriage," 154-155.)

²⁹ Allison, "Richard Smith, Richelieu and the French Marriage," *passim*.

³⁰ Bossy posits that the split between the secular clergy and the Society of Jesus occurred not long after the English mission was established (Bossy, *ECC*, 24). The split was certainly in place by the time the Appellant Controversy broke out in 1598. Allison also explains how the enmity was exacerbated during the extended debate over whom (if anyone) to name as Bishop's successor; the Jesuits lobbied against the appointment of another bishop. (Allison, "Richard Smith, Richelieu and the French Marriage," *passim*.)

³¹ Allison, "A Question of Jurisdiction," 111.

³² Allison, "A Question of Jurisdiction," 117-123.

³³ A.F. Allison, "Richard Smith's Gallican Backers and Jesuit Opponents –I," *RH* 18, no. 4 (October 1987), 330.

– likely encouraged by Jesuits – submitted a petition to the Privy Council rejecting Smith’s authority and providing evidence that he had been proving wills.³⁴ This episode was a harbinger of what was to come in the 1630s, for five years later John Southcot received intelligence that the Jesuits were considering reviving this tactic. In June 1633 he reported that “a certaine Jes[uit] pr[iest] demanded of an other pr[iest]... (hearing that we were to have more *bishops*) whether it were a mortall sinn to seek to hinder it by meanes of the State, by *which* it appears how these men are minded and how strang[e]ly they are bent *against* episcopall power.”³⁵ This demonstrates that Jesuit opposition to episcopal hierarchy in England was so intense that they considered employing Protestant assistance to prevent it. Or, in the words of George Leyburn, “From the unhappy opposition of episcopall jurisdiccion have proceeded many foule scandals and disorders to the infinit dishonor of the Catholique cause in this kingdome. This opposicion hath made Catholiques a laughin[g] stock to all Protestants, and hath begot the greatest confusion that ever was seene amongst them.”³⁶

Despite abundant evidence that debate did not cease with Smith’s departure, historians neglect this chapter of the story. Richard Smith appears repeatedly in Bossy’s tome, but most of these mentions are passing references. When Bossy treats Smith’s tenure, it is simply to note that Smith, like his predecessor Bishop, “was dogged by an obsession with hierarchical order which got in the way of practical adjustments to the missionary task.”³⁷ Several points of contention between Smith and the regular clergy are noted, but Bossy dismisses Smith’s tenure as unimportant because the secular clergy were far too disorganized in the 1620s and 1630s to accomplish anything. Furthermore, Bossy’s treatment of the subject is colored by his opinion that Smith’s “defeat was certainly inevitable, but it came with a swiftness and a totality which are staggering.”³⁸ While Bossy acknowledges that missionaries were reaching larger segments of rural and poor Catholics in the 1620s and 1630s, his main line is that the gentry had

³⁴ Proving wills was a prerogative specifically claimed by the king; if Smith were engaged in this practice it would be a clear usurpation of royal authority. (Allison, “A Question of Jurisdiction,” 126.)

³⁵ Letter 45, [John Southcot] to Fitton [Peter Biddulph], 7 June 1633, 182-183. “The original spellings have been retained [except for a few common usages that have been changed to aid understanding], except that modern usage is employed for *u* and *v*, and for *i* and *j*. Most abbreviations have been expanded through the use of italics and square brackets.” (Questier, *NCC*, *xii*) Also, he “modernized capitalization and part-modernized (or rather, tidied up) the punctuation of these newsletters, while leaving the original spelling intact. Interlineations are indicated by the use of brackets <thus>. Deletions (where the deleted word is still legible) are indicated ~~thus~~. Other deletions and obliterations are noted in square brackets.” (Questier, *NCC*, *xii*)

³⁶ ‘Short Instructions’, 1635, 248.

³⁷ Bossy, *ECC*, 210-211.

³⁸ Bossy, *ECC*, 49.

established social norms for maintaining Catholic households by this point and would not subscribe to Smith's reforms because they challenged the status quo.³⁹ His model of English Catholicism is that it should be "considered a branch of the English nonconforming tradition," an anachronistic characterization that does not allow for any changes to the political structure of the community during the seventeenth century.⁴⁰ Despite significant critiques of Bossy's work, it remains the only comprehensive survey of post-Reformation English Catholicism.⁴¹ Focused studies have treated individual counties, but no other historian has examined the English Catholic community as a whole. Because of this, Bossy's estimation that the experiment of episcopacy was doomed to fail and Smith's policies simply hastened the demise of the ill-fated plan has stood unchallenged and the 1630s have been dismissed as an unimportant period in English Catholicism.

The letters written by Smith's supporters have been cited piecemeal by scholars examining the influence of Catholics at the Caroline court. An excellent example of this sort of use can be found in Caroline Hibbard's work *Charles I and the Popish Plot*. Hibbard explores how the myth of a "popish plot" haunted Charles's court in the 1630s and contributed, at least indirectly, to the outbreak of the civil war. Smith's supporters feature in her account, and her description of how the relationship between Leyburn and Con evolved is a valuable contribution to the field.⁴² While she restores agency and significance to the actions of Smith and his entourage in the 1630s, her conclusion is that "Court Catholicism became associated with papal meddling, Spanish intrigue, and repressive domestic policies, and the king with all of these," giving rise to public paranoia that Charles I was involved in some sort of popish plot, for she focused primarily on Henrietta Maria and her entourage, not on the whole English Catholic community.⁴³

Michael C. Questier is the only scholar who has extensively considered the long-term implications of Smith's tenure. In "Arminianism, Catholicism, and Puritanism in England During the 1630s," Questier relies heavily on the letters to explore connections between

³⁹ Bossy, *ECC*, 279-280.

⁴⁰ Bossy, *ECC*, 7.

⁴¹ Numerous critiques of *The English Catholic Community* exist. See Hibbard, "Early Stuart Catholicism," 5-9 for an introduction to the holes in Bossy's scholarship.

⁴² Hibbard, *Charles I*, 67-70.

⁴³ Hibbard, *Charles I*, 71.

Laudianism and Catholicism, particularly a shared hatred of puritanism.⁴⁴ And as the editor of *Newsletters from the Caroline Court*, Questier displays his knowledge of the letters in the introduction to the volume. He highlights the “active Catholic clerical traffic of information and exhortation” visible in the letters, which in turn illuminates “the way in which these clerics tried to appropriate and retain the aristocratic and gentry patronage on which their claims to and assertion of authority and superiority so heavily relied.”⁴⁵ Additionally, he describes how the “debates and quarrels about Smith’s powers both fed into and fed off similar debates and quarrels raging in the contemporary French Church.”⁴⁶ While I am highlighting similar themes, Questier draws out these topics primarily to demonstrate that “these ideological tensions and collisions were not merely or only the result of personal bitterness and antagonism,” which is how other scholars have characterized the conflict; I focus on the how the seculars’ quest for toleration was intertwined with debate about episcopacy and the arguments they thought would be most useful in convincing both pope and Charles I.⁴⁷ While historians have either explored the theological debates about the nature of episcopacy or assumed that Smith’s position did not affect the trajectory of the English Catholic community, the trans-European information campaign Smith’s entourage conducted deserves study.

The Catholic Sympathies of Charles I

The marriage of Charles and Henrietta Maria encouraged many Catholics to believe that there was a real possibility for official toleration in England. In Queen Henrietta Maria the English Catholic community gained unprecedented access to the innermost circles of the court as well as a staunch advocate for Bishop Smith.⁴⁸ Supporters of Smith’s episcopacy took full advantage of this situation. Not only did they utilize sympathizers close to the king to seek hints that Charles was leaning in favor of religious toleration, they also employed the queen as a spokeswoman for their cause. Multiple episodes described in the letters demonstrate that the seculars truly believed they were standing at a religious crossroads and did everything possible with their information network to bring about religious plurality.

⁴⁴ Michael Questier, “Arminianism, Catholicism, and Puritanism in England During the 1630s,” *The Historical Journal* 49, No. 1 (2006), passim.

⁴⁵ Questier, *NCC*, 5-6.

⁴⁶ Questier, *NCC*, 16.

⁴⁷ Questier, *NCC*, 37.

⁴⁸ Leyburn had particular cause to believe that Henrietta Maria was supportive of the seculars as she had helped secure his release from prison in 1630. (Sheils, “Leyburn, George”.)

One particularly promising episode occurred only a few months after Smith left the country. During the Christmas season, “Doctor Fludd, a Cath[olic] doctor of phisick,” was questioned by the king about a prominent member of the Church of England who had converted to Catholicism on his deathbed.⁴⁹ In the course of this conversation, “the king expressed him self so far as to say that he hated neither the papists nor their religion, and that (notwithstandi[n]g they were more under the lash of the law) he would be as gracious to them as to his other subjects.”⁵⁰ John Southcot, who forwarded the report, considered Fludd “our great freind and my phisitian and freind in particular,” and vouched for the authenticity of this encounter.⁵¹ Charles’s experience with Henrietta Maria’s Catholic entourage had apparently shown that the religion and its adherents did not pose a threat to his reign. Furthermore, the simple fact that Doctor Fludd approached Charles as a professed Catholic and was received graciously by the king shows that Catholics were welcomed at Court.

This episode was promising enough to incite a flurry of planning for a rejuvenated English Catholic episcopal hierarchy. Southcot reported in February 1632, “We have consulted a little concerning the buisnesse of making *bishops* with English titles,” and formulated three potential arrangements.⁵² While Southcot did not endorse any particular scheme, he did emphasize that his chief concern was “feare of offending the State,” and proposed several ways to prevent such a situation.⁵³ The details of his suggestions are less important than his firm conviction that toleration was close enough to begin making contingency plans.

A year later no tangible progress had been made but Charles continued to bolster hopes by expressing interest in Catholic doctrine. In March 1633 John Southcot heard from “one that hath many times privat conference with the k[ing]” that Charles “is well persuaded of all the Cath[olic] tenets.”⁵⁴ Unfortunately, Charles was easily swayed, and “when he talketh with any Protest[ant] minister or other he is presently drawn of[f] againe.”⁵⁵ Having Charles publicly convert to Catholicism would obviously achieve all of Smith’s dreams, but the secular clergy restricted their hopes to the more realistic possibility of earning the right to worship openly. In the same missive Southcot also reported, “the same party saieth that he is not *against bishops* and

⁴⁹ Letter 3, Clerk [John Southcot] to [Peter Biddulph], 20 January 1632, 48.

⁵⁰ Letter 3, 48.

⁵¹ Letter 3, 48.

⁵² Letter 5, Antonio [John Southcot] to [Peter Biddulph], 3 February 1632, 53.

⁵³ Letter 5, 54.

⁵⁴ Letter 36, Clerk [John Southcot] to [Peter Biddulph], 1 March 1633, 157.

⁵⁵ Letter 36, 157.

might be soon persuaded to admitt of them, and to think them convenient for the government of his Cath[olic] subjects.”⁵⁶ This statement was excellent news for it showed that, not only was Charles leaning toward Catholicism, he appeared to side with the seculars. A month later, reports that Charles had spoken “very Catholickly both of the use of the Inquisition and of the popes pardons,” in front “of his own domesticall servants” began leaking out of the royal household.⁵⁷ The restoration of Catholic episcopal hierarchy appeared to be a very real possibility.

In the first few months after Smith vacated his see, the seculars did not need to distort the facts for the reports from Charles’s privy chambers were extremely encouraging. Furthermore, during this period Englishmen attended masses at Catholic embassies in London in greater numbers than ever before.⁵⁸ But all was not as quiescent as the seculars would have liked. Even as greater options for worship opened to Catholics and Charles suggested that more could be in the offing, those who worshipped outside of the auspices of the Church of England risked punishment.

Given the illegality of Catholic worship, persecution of Catholics and prosecution of recusancy cases could be used as a barometer of the regime’s attitude toward Catholics. Southcot noted in both June and December 1633 that searches for recusants and priests were far less frequent and that the few cases that went to trial resulted in far more lenient fines than required by law.⁵⁹ Southcot speculated that the cause behind the decrease in home searches was that the officials’ “commissions are taken from them or els some restraint is made.”⁶⁰ The most explicit elucidation of the situation can be found in the “Short Instructions”, a memorandum likely prepared by George Leyburn in 1635. This document summarized Charles’s attitude toward Catholics. The memorandum described how,

⁵⁶ Letter 36, 157.

⁵⁷ Letter 44, [John Southcot] to [Peter Biddulph], 26 April 1633, 176.

⁵⁸ See Albert J. Loomie, “London’s Spanish Chapel Before and After the Civil War,” *RH* 18, No. 4 (October 1987), passim. Loomie details the various services provided by each embassy, which were far more numerous than required to attend to the ambassador and his staff, indicating attendance by a significant number of Londoners.

⁵⁹ Letter 45 noted that the law allows for taking “a full third part” from recusants, but generally only “a fift part” is taken. (182) In Letter 55, (Clerk [John Southcot] to [Peter Biddulph], 13 December 1633), Southcot commented, “Neither are the pursevants very buissy in searching and when they do search they do it but slightly, and nothing so vigorously as heretofore.” (210)

⁶⁰ Letter 36, 157.

Although the king out of some politick ends doe suffer to be put in execucion the penall lawes made by his Majest[i]es predecessors against recusantes, notwithstanding he ought not neither can he justly be stiled a persecutor because he hath never sought or *permitted* the effusion of blood or exercised any rigor against any of his Catholique subjectes out of hatred or malice towards the religion it selfe, as he hath often *professed* unto the queene when he hath perceaved her much afflicted for the penal mulcts of Catholiques. And his Majest[i]es clemency and moderacion is such that the Catholiques at this present doe enjoy a farr greater quietnes and liberty for the exercise of their religion than ever before during the raignes of Queen Elizabeth and of King James his royall father.⁶¹

Private statements and public policy alike could thus be used to demonstrate that Charles was the most lenient Protestant monarch to be hoped for.

Decreased persecution was not the same as toleration, however. While the seculars eagerly reported every indication that persecution was lessening and most English Catholics reveled in their relative security, the Jesuits interpreted Charles's actions in the most sinister way possible. The "Short Instructions" referenced the "Jesuites in forrayne partes and cheefely at Rome" who "style his Majesty the greatest persecutor that ever was."⁶² Such intractability should not have been surprising since continued persecution proved that the Jesuit-run mission, not a bishop, was the best option for England, but there was evidence supporting the Jesuits' claims.⁶³ Leyburn noted in 1634, "The number of priests in prison are some 10."⁶⁴ While Leyburn tried to soften the blow by suggesting that some of these priests "would not enjoy ther freedome," there was no disguising the fact that Catholic priests were still imprisoned simply due to their occupation.⁶⁵ Particularly keen pursuivants realized that waiting outside embassies would yield excellent hauls on Sundays with dozens of Londoners emerging from mass.⁶⁶ Charles also officially forbade Englishmen to attend mass at the Spanish embassy, a fact which

⁶¹ Short Instructions, 246. See Questier, *NCC*, 1-37 for a discussion of whether Smith's supporters overstated the moderation of Charles's persecution of recusants.

⁶² 'Short Instructions', 246.

⁶³ See Lindley, "Lay Catholics," 210-212 for an introduction to how Catholics suffered as a result of Charles's financial irresponsibility.

⁶⁴ Letter 59, Roberts [George Leyburn] to Louis Amarine [Richard Smith], 29 April 1634, 220.

⁶⁵ Letter 59, 220.

⁶⁶ Loomie, "London's Spanish Chapel," 403.

was not recorded in Southcot's or Leyburn's letters.⁶⁷ So Charles's attitude toward Catholics could be, and was, read both ways.

The ascendancy of Archbishop Laud in the Church of England and the attendant change in worship style also provided hope that toleration was nigh. Leyburn noted in March 1633 that Arminianism had gained several important adherents – the bishops of London and York – who influenced the king in favor of the ceremonial shift.⁶⁸ These new converts criticized the Church of England for abandoning confessions, rejecting ceremony and ending devotion to pictures.⁶⁹ It was not long before Southcot felt confident reporting that “The k[ing] and currant of the State is wholly now antipuritan, and tends to a moderation both in opinions and practise.”⁷⁰ Charles's support of Arminianism could be presented a double victory for Catholics as it brought him more in line with Catholic practices and focused his ire on puritans.

The final piece of the tolerance campaign was Henrietta Maria's advocacy; at several points she provided solid hope for his supporters. In January 1634, she “told the king that she had received a letter from the b[ishop] of Calcedoine and wish[e]d him to read it,” which Charles did.⁷¹ The queen then “tooke occasion to speake much in the commendation of the b[ishop] of Calcedoine,” and Charles “did repleye that he did esteeme him to be a very honest good man but his authority would not be suffred here, to which the queen made answere that the b[ishop] would take an oath of fidelity.”⁷² In addition to demonstrating Henrietta Maria's dedication to the cause of tolerance, this statement reaffirmed that Charles did not oppose Catholic episcopacy in principle. It also indicated that the enmity between Smith and the Jesuits remained sharp enough for Charles to fear the consequences if he allowed Smith to return to his post.

⁶⁷ Loomie argues that in issuing the prohibition, “Charles appeared to be prompted by two political, not theological, considerations: first, he concluded that their presence there was a token of their dependence upon a foreign prince and, secondly, he feared that Philip might become the unnamed head of an English Catholic faction loyal to Spanish interests.” (Loomie, “London's Spanish Chapel,” 403.) While Loomie's point is interesting, it is incidental to the fact that the prohibition was issued and enforced, at least sporadically.

⁶⁸ Letter 37, Fountayne [George Leyburn] to [Peter Biddulph], 1 March 1633, 160. While scholars have debated the extent of Laud's reforms, for the purposes of this paper, Laudianism/Arminianism will be taken to mean the changes that Laud instituted after being elected Archbishop of Canterbury in 1633. Generally, this meant a return to a more ceremonial style of worship that many contemporaries considered reminiscent of the Roman Catholic mass (though it was conducted in English), a de-emphasis on the importance of sermons, and a repudiation of some more puritan policies, among many things.

⁶⁹ Letter 37, 160.

⁷⁰ Letter 44, 175.

⁷¹ Letter 57, [George Leyburn] to Lewis Amarny [Richard Smith], 14 January 1634, 215.

⁷² Letter 57, 215.

Henrietta Maria spoke on Smith's behalf and forwarded carefully crafted letters from Smith's supporters to Charles on multiple occasions with similar results. In January 1634 Southcot reported, "The queen spake to the king since twelftide in behalf of my lord," but unfortunately Charles responded "that he liked the *bishop* well enough for his person and thought him an honest man but liked not the authority *which* he claimed."⁷³ Still, Southcot presented this information in the best light possible, conveying "we were glad to heare that his Majesty spake so well at least of the *bishops* person, and hope it wilbe a step to bring on the liking also of his authority by degrees."⁷⁴ In May of the same year, Leyburn asked the queen to show Charles a document Smith sent, including "oath *which* the bishops ther are accustomed to take."⁷⁵ It is implied that this oath might assure Charles of his Catholic subjects' loyalty without requiring as much as the 1606 Oath of Allegiance. In addition to advocating for Bishop Smith to her husband, Henrietta Maria wielded her influence in other European courts on Smith's behalf. She wrote several times to the French ambassador in Rome regarding Smith's position.⁷⁶ And Southcot references a letter that he forwarded from Henrietta Maria intended for the pope.⁷⁷ Such outreach convinced Southcot and Leyburn that the queen was a staunch ally and could be trusted to advocate on their behalf in the top echelons of European politics.

While Smith's personal prospects had not improved in Charles's estimation, well-placed informants and collaborators gathered plentiful indications that Charles bore Catholics no ill-will and was seriously considering religious plurality. Second-hand descriptions of conversations, the rise of Arminianism, and the reduction of legal prosecution all indicated that some sort of accommodation was possible. Underlying all these favorable signs was one fact that could not change. As William Morgan Case put it, "our most vertuous and Catholike queene beeing soe deere unto" the king, "it cannot bee imagined that hee will bee ~~erewell~~ cruell to any of her religion, especially to those who jumpe *with* her in religious obedience to God and king."⁷⁸ The fact that Charles had consciously chosen a bride from across the confessional divide and allowed

⁷³ Letter 56, [John Southcot] to Fitton [Peter Biddulph], 10 January 1634, 212.

⁷⁴ Letter 56, 212. Southcot also notes in this letter that it appeared puritan animosity against Smith was so virulent that Charles feared for Smith's physical safety should he return to England.

⁷⁵ Letter 60, [George Leyburn] to Louis Amarine [Richard Smith], 22 May 1634, 221.

⁷⁶ Southcot requests confirmation that the letter dated "the 2 of Decemb[er] with *which* we sent you the priests and Catholickes petition to his Hol[iness] accompagnied with a letter *from* the queen to *Monsieur* Brissac," the French ambassador to Rome, had been safely received. (Letter 5, 52.) Letter 24, Clerk [John Southcot] to [Peter Biddulph], 10 August 1632, references another letter to the French ambassador. (119)

⁷⁷ Letter 24, 119.

⁷⁸ Letter 58, William Morgan [Case] to [an English secular priest], 4 February 1634, 218.

her to practice her religion as she chose served as a constant buoy to English Catholic hopes. While the Jesuits portrayed a community constantly besieged, the seculars gathered enough evidence to provide hope that toleration was a true possibility and sustain their battle to have Smith reinstated.

“Inconveniences as happen here for waunt of authority”

As much as the seculars emphasized Charles’s leniency and worked to paint a rosy picture of how English Catholics fared under the Caroline regime, they could not disguise the difficulties facing the English laity. For Catholics who sought nothing more than pastoral guidance and receipt of the sacraments were often disappointed. A simple shortage of clergy accounted for much of this problem: there were not enough priests to minister to English Catholics, and the geographic distribution of priests and laity were poorly aligned.⁷⁹ Even where Catholics could access the sacraments, the absence of an episcopal hierarchy left no avenue to resolve difficult situations. The adjudication of certain matters was reserved for bishops, and Smith’s resignation in 1631 meant that none of the princes of the church could claim spiritual jurisdiction over English subjects until the pope appointed a successor. Even as the seculars lamented the situation they used all such instances as ammunition for their case. Smith’s supporters collected and spread as many tales as they could to emphasize that the English Catholic community was paralyzed in the absence of proper hierarchy.

Several contentious marriage cases in the 1630s caught the attention of English secular priests as excellent illustrations of the need for authority.⁸⁰ The most notorious of these cases was Baron Baltimore’s third marriage. The first Baron Baltimore was a prominent Catholic and firmly allied with the Jesuits.⁸¹ But his allegiance did not save his reputation when, after the death of his second wife, he sought “his daughters chambermaide” as his next bride.⁸² Leyburn related the tale to Biddulph in Rome:

⁷⁹ Allison describes how Bishop Smith’s policies were designed to address the shortage of priests in outlying counties (Allison, “Question of Jurisdiction,” 117); also see Bossy, *The English Catholic Community*, 223-228.

⁸⁰ While the powers imparted to missionaries were greater than those given to priests operating under normal circumstances, these expanded powers explicitly excluded the authority to provide dispensations for marriages. (Hugh Aveling, O.S.B., “The Marriages of Catholic Recusants, 1559-1642,” *JEH* 14, No. 1 [April 1963], 70).

⁸¹ Baltimore held several prominent positions in James’s government and there was a good deal of debate as to whether he could continue to hold office after he converted to Catholicism and refused to take the oath of allegiance. See John D. Krugler, “Calvert, George, first Baron Baltimore (1579/80–1632),” *DNB*.

⁸² Letter 4, [George Leyburn] to Fitton [Peter Biddulph], January/February 1632, 51.

He did first sollicite her and, when he could not prevaile, he did give her money to buy a ring and when he had the ring he did marrie her, notwithstanding the mayde, fearing least this was not sufficient, being not done by a pr[iest], she would not permitt him to consummate, whereupon he told her that now she was bound. Notwithstanding he could not prevaile untill she had been with Fa[ther] Knott whom he kept and told him her case, to which he replied with a smile ~~this~~ that her lord would not wish her to any thing which is unjust, whereupon she went and did consummate the act with him. Since, this good lord would goe backe pretending that there was a spirituall kindered betwixt him and her which did make the marriage invalide and this was because his wife was god mother to this maide: a foule and scandalous busines when it shall be brought upon the State, as infallibly it will.⁸³

The fact that a peer “maryed his owne made” was scandalous enough, but his attempt to extricate himself from the union by claiming a spiritual affinity that should have prevented the inappropriate match gave the incident a religious valence.⁸⁴ Leyburn’s report of the incident included the lament, “Is ther not great need of a bishop?”⁸⁵ A bishop could hear the case and rule on the validity of the union; without one, the parties were stuck in marital limbo. Baltimore’s death in April resolved the matter within a few months, but the episode clearly demonstrated the dangers that English Catholics faced as long as they remained without a bishop.

Baltimore’s ill-conceived nuptials demonstrated the need for a bishop in more than one manner, however. While the maid displayed strong morals and attempted to ensure that her marriage was valid, she lacked access to a bishop, the only man who could properly judge the issue. In the absence of episcopal hierarchy, she turned to the only available resource: the Jesuit in Baltimore’s employ. This allowed the seculars to use the incident to demonstrate that Jesuits were usurping bishops’ prerogatives as well as to emphasize the dangers of having priests entirely beholden to individual patrons for their livelihood.⁸⁶

While Baltimore’s brief marriage to his maid was the most salacious example of how the sacrament of marriage could be profaned without episcopal oversight, Southcot and Leyburn reported several similar incidents. Two examples of improper marriage ceremonies came to light

⁸³ Letter 4, 51.

⁸⁴ Letter 4, 52.

⁸⁵ Letter 4, 52.

⁸⁶ Bossy describes the practical arrangement employed by most Englishmen, “a Catholic gentleman or nobleman employs a priest, much as he might employ a lawyer, to provide him with ‘spiritual counsel’, and with the sacraments without which he believes he cannot save his soul.” (Bossy, *ECC*, 37) Thus, it was unlikely that a priest in the employ of a specific gentleman would counsel others to act in a manner that would harm his patron’s interests.

in August 1632. The first caused some confusion as to whether Southcot's cousin was properly married. A priest had advised her "to speake the words of marriage between M^r Francis Ployden the younger and her self, and yet to reserve her intention not to marry."⁸⁷ Such a tangle could only be unwound by a bishop with the authority to judge whether the promises were *de presenti* or *de futuro*, yet the couple in question did not reside within the bounds of any recognized see.⁸⁸ The second example was less theologically complicated but equally troubling. Another cousin of Southcot's had recently been married and a Jesuit had performed the ceremony. However, all that this "young Jesuitt" did was "joyning their hands together and saying, even thus, be married."⁸⁹ This incident again served the dual purpose of highlighting the need for a bishop and showing that Jesuits were running amok without authority to restrain them. A year later, a "very foule and scandalous" case of marriage between a Catholic man and a Protestant woman led to a series of lawsuits because the man did not avail himself of appropriate spiritual council before taking his vows.⁹⁰ Four different marriages thus demonstrated the myriad issues that required episcopal oversight. Biddulph's request from Rome in 1633 that any episodes emphasizing "such inconveniences as happen here for waunt of authority," suggested that this information had a favorable impact for the seculars' cause.⁹¹

Marriage was the arena in which the absence of a bishop was most visible, but it was certainly not the only such arena. The yoke of Protestantism inserted itself into highly personal situations and Southcot diligently reported restrictions imposed by the lack of religious freedom. He heard in December 1633 about "young Sir Charles Sherly, a youth of ten years of age," and his plight.⁹² After his father passed away, Charles was taken from his mother and sent to live with his uncle, the Earl of Essex, "to be bred in Protestantisme."⁹³ But since "his father charged him upon his death bed to keep his religion," the poor boy was deeply distraught and "hath never since shewed any joy, and still refuseth to go to church or to praiers."⁹⁴ If Catholicism were permitted in England again such cruel treatment would cease.

⁸⁷ Letter 26, Clerk [John Southcot] to [Peter Biddulph], 23 August 1632, 128.

⁸⁸ Aveling offers a succinct definition of the different types of marriage vows. In marriages "*per verba de presenti*," couples take "each other formally then and there as man and wife," while in marriages "*verba de futuro*," couples express "an intention to marry in the future". (Aveling, "Marriages of Catholic Recusants," 68)

⁸⁹ Letter 26, 128.

⁹⁰ Letter 49, Clerk [John Southcot] to Fitton [Peter Biddulph], 19 July 1633, 193.

⁹¹ Letter 26, 127.

⁹² Letter 55, 209.

⁹³ Letter 55, 209.

⁹⁴ Letter 55, 209.

Religious plurality would also obviate debates over the confessional affiliation of intimate household staff such as the royal wet nurse. In the same letter that related the tale of young Charles, Southcot described the drama and debate that attended Henrietta Maria's choice of wet nurse. The queen originally selected a Catholic woman for the position but was forced to hire a Protestant after Charles opposed her choice.⁹⁵ Charles later relented and the young prince was returned to the care of the Catholic nurse though "she had refused to take the oath of allegiance."⁹⁶ In addition to bolstering hopes for toleration this episode also demonstrated that religious affiliation affected daily life for all Englishmen.

One other failing of gentry Catholicism was that having a priest in the vicinity was not a guarantee that the sacraments would be readily available. In a very curious case, one Catholic "died without help although he had a priest at the same time in his house, and desired help at that time; but the pr[iest] could not be found."⁹⁷ This could be taken to show the undesirability of gentry Catholicism. The freedom of movement that disorderly priests enjoyed in the absence of authority spawned frequent reports of clerical misbehavior. One extreme report placed "two Irish pr[iests] (whether sec[ular] or regular none can tell, or whether pr[iests] at all)" in Hantshire, "who go up and down the country there to all Cath[olic] houses to begg, and what they gett they spend in drink."⁹⁸ As if wasting alms on alcohol was not sinful enough, the priests "saieth no other Mass but of requiem even upon the greatest holidiaies," denying their parishioners the services their tithes should have secured.⁹⁹ Caroline Hibbard's research suggests that such instances were far from aberrations, for many Catholics considered England to be "'outlaw' territory; it attracted renegade priests fleeing discipline and sometimes served as a dumping ground for the poorer products of foreign orders."¹⁰⁰ Proper hierarchy would not only ensure that no souls went without the sacraments, it would also institute accountability, preventing such travesties.

⁹⁵ Letter 55, 208.

⁹⁶ Letter 55, 208.

⁹⁷ Letter 13, Antonino [John Southcot] to [an English secular priest at Paris], 1 May 1632, 83.

⁹⁸ Letter 42, Clerk [John Southcot] to [Peter Biddulph], 19 April 1633, 172.

⁹⁹ Letter 42, 172.

¹⁰⁰ Hibbard, "Early Stuart Catholicism," 24.

Clerical Enmity and Espionage

While Bishop Smith's supporters carefully leveraged their resources in the quest for toleration, they remained constantly wary of the Jesuits. As much as possible, Southcot and Leyburn tracked Jesuit actions in England and abroad and kept tabs on Jesuit reports of events in the British Isles. Given the havoc the Society of Jesus had wrought with Smith's episcopate, caution was only prudent.

One clear indication of how tense the atmosphere was among English Catholic clerics was the extreme attention Smith's network devoted to tracking receipt of letters. Nearly every communication began with a recitation of which letters had reached their destination and which might have gone astray. A representative example of this can be found in the opening of Southcot's letter dated 24 February 1632, "I wrote unto you the last weeke according to custome. But as yet we heare nothing from you of the receipt of our former letters *which* we much desire to doe, being in paine for feare of some miscarriage."¹⁰¹ Given that many of the missives contained sensitive information, fearing that the wrong parties had access to the information was understandable. If it appeared that a letter had miscarried, the correspondents acted quickly. In August 1632, in the wake of several weeks of uncertainty regarding the whereabouts of multiple letters, Southcot recommended a change in delivery methods. Instead of sending letters through Flanders he suggested "to send it by Lions and, to the end it may go the more securely," to send particularly sensitive enclosures with ambassadorial post.¹⁰² These are just two of the most representative examples, but a significant proportion of the letters indicate this fear.¹⁰³

Tales of Jesuit misbehavior often filled the pages of these missives, so it is not a surprise that Smith and his supporters sought to keep their newsletters out of hostile hands. Letters from April 1633 included a report of a Jesuit who had embroiled himself in scandal. Southcot suddenly found himself caring for "M^r Anthony Smith a fallen priest and Jesuit, that hath lived divers yeares with a Protestant woman, and hath had divers children by her."¹⁰⁴ While "he never fell directly from his faith, but only lived in this scandalous manner," his infamous behavior highlighted several issues.¹⁰⁵ For Southcot reported that this was not the first disgraced regular

¹⁰¹ Letter 6, Antonino [John Southcot] to [Peter Biddulph], 24 February 1632, 56.

¹⁰² Letter 23, [John Southcot] to [an English secular priest at Paris], 7 August 1632, 117.

¹⁰³ Either a recitation of letters received and sent or a concern about letters miscarrying appears in Letters 5, 6, 15, 17, 23, 25, 26, 30, 32, 36, 38, 41, 49, 51, 53, 54, 55, 57, 63, 64, 65, 68, 73, 75, 76, 77, 81, 84, 93, 94.

¹⁰⁴ Letter 41, Clerk [John Southcot] to Fitton [Peter Biddulph], 13 April 1633, 169.

¹⁰⁵ Letter 41, 169.

sent to the seculars for support and rehabilitation. According to Southcot, financial support from the Jesuits for their fallen brother was unlikely in the extreme, and so both the “dishonor and an intolerable burden” of caring for the man fell upon the beleaguered secular clergy, despite the acrimony between the two groups.¹⁰⁶ Living in sin for years was an extreme example of clerical misbehavior but evidence of lesser misdeeds abounded. Leyburn beseeched Biddulph to “inculcate the great miserie and hurt *which* doth happen unto the clergie here, in *that* the Jesuists have the power to make and send priests into England.”¹⁰⁷ In Leyburn’s estimation, this power was “the rout of many mischeefs” in England.¹⁰⁸ The priests that Jesuits sent to the British Isles were either “factious, being in voto Jesuists, or unlearned and very ignorant,” and certainly did not further the seculars’ quest for tolerance.¹⁰⁹ Additionally, the Jesuits worked to cultivate a hostile environment towards episcopal authority among the laity. Southcot complained, “the Jes[uits] in their bookes and speaches do commonly teach their followers that they are not bound to maintaine their *bishop* unlesse he be an ordinary.”¹¹⁰ Given the strong lay support the Jesuits enjoyed, this could potentially cost bishops a great deal of financial support and create impossible working conditions for seculars. Assuming these reports were accurate it appears that the Jesuits intended to gain complete control over ministry in England through any means that were available.

Clerical misbehavior was not an exclusively Jesuit phenomenon. As Smith’s supporters painted a bleak picture of Jesuit conduct, they also sought to extoll the virtues and conceal the misdeeds of priests in their own camp. On the positive side, Southcot seized a propaganda opportunity and ministered to the sick during a particularly virulent outbreak of the plague.¹¹¹ While such victories were sweet, far more common were attempts to hide poor behavior. Two young secular priests were discovered masquerading as married men in 1632. While one of the offending priests attempted to provide an innocent reason for the unorthodox living arrangements, Southcot was not persuaded and feared that the rumors “that he hath two wives, one a Protest[ant] and an other Cathol[ic]” were true.¹¹² But worse than the concubinage was the

¹⁰⁶ Letter 41, 169.

¹⁰⁷ Letter 48, Fountyne [George Leyburn] to Fitton [Peter Biddulph], 5 July 1633, 189-190.

¹⁰⁸ Letter 48, 190.

¹⁰⁹ Letter 48, 190.

¹¹⁰ Letter 52, Clerk [John Southcot] to Fitton [Peter Biddulph], 30 August 1633, 200-201.

¹¹¹ Letter 81, J[ohn] Lovel [Southcot] to Edward Hope [Bennett], 26 August 1636, 283.

¹¹² Letter 7, [John Southcot] to [Richard Smith], 28 February 1632, 62.

likelihood that Jesuits would learn of the incident.¹¹³ Indeed, a few years later a Jesuit “said that all seculer priest[s] did live unchastely here in England and that de facto they were soliciting his Holynes for dispensation to marrie.” a potentially damaging report that contained just enough fact to pass unchallenged.¹¹⁴ The rival reports of misbehavior showed that information was the best weapon available to both parties in this dispute.

Further demonstrating the importance of intelligence was the comprehensive list of all Catholic priests residing in England that Smith’s coterie attempted to compile. Organized by county of residence and noting the known allegiances of each man (secular, religious order, or neutral), the lists were intended to arm Smith’s camp with knowledge. While only the lists of the priests in Sussex, Lincolnshire, Essex and Hantshire survived, along with raw numbers but no names for Yorkshire, the existence of the project is telling in and of itself.¹¹⁵

Part of the reason Southcot and Leyburn devoted such energy to the project was the fact that the affiliation of a priest who performed religious offices could bolster the party’s cause. An excellent example of this can be seen in the unexpected conversion of “Doctour Price, subdiene of Westminster” to Catholicism three days before his death.¹¹⁶ An officer of the Church of England converting to Catholicism on his deathbed was shocking and could easily be turned into propaganda for the Church of Rome.¹¹⁷ The seculars celebrated because “He was one of ours that did receive him into the Church,” for “This example is like to doe great good.”¹¹⁸ This victory was particularly sweet because it countered the Jesuits’ prowess in recruiting seminarians. In 1633, the Society of Jesus began proactively gathering the best and brightest of the next generation of Englishmen to their cause. One Jesuit priest “lieth in or near Cambridg seeking to draw the towardliest youths from thence,” and plans were in motion to replicate this enterprise at Oxford.¹¹⁹ Though Southcot disliked that the top university candidates were going to the Society of Jesus, he commended the Jesuits “for their zeale and diligence” in this matter.¹²⁰

¹¹³ Letter 7, 61. Southcot wrote, “I feare the Jes[uits] will know it.”

¹¹⁴ Letter 70, Roberts [George Leyburn] to Lewys Amerine [Richard Smith], 8 April 1635, 252.

¹¹⁵ The Sussex and Lincolnshire lists appear in Letter 34, Clerk [John Southcot] to [Peter Biddulph] 8 February 1633; the Essex and Hantshire lists appear in Letter 35, Clerk [John Southcot] to [Peter Biddulph] 15 February 1633; the Yorkshire numbers appear in Letter 39, Clerk [John Southcot] to Fitton [Peter Biddulph], 22 March 1633.

¹¹⁶ Letter 2, [George Leyburn] to [Richard Smith], 20 December 1631, 44.

¹¹⁷ For the godly, it was precisely instances such as these that gave credence to fears of a popish plot to subvert England’s government. (Questier, “Aminianism, Catholicism, and Puritanism,” 53.)

¹¹⁸ Letter 2, 44.

¹¹⁹ Letter 45, 183.

¹²⁰ Letter 45, 183.

But he also indicated that if proper episcopal order existed, such recruitment would be appropriately regulated.¹²¹ Victories for the Catholic church could not be universally celebrated in the partisan climate; triumphs were either doubly positive or bittersweet.

With such intense animosity between Jesuits and seculars, other religious orders were forced to choose a side and nearly all regular orders sided with the Jesuits. Suggestions that the Dominicans were growing displeased with the Jesuits emerged in June 1633. The Dominican Superior visited Southcot and “complained grievously of the Jesuitts proceeding with him of late having taking some penitents from him that were very beneficiall to him.”¹²² While Southcot did not believe that an alliance with the Order of Preachers was likely, the airing of grievances showed how abrasive the Jesuits could be to their allies. The Benedictines had been even more strident in their opposition to Smith yet indications that the Benedictines might switch their allegiance surfaced later that year.¹²³ While Southcot did not appear to be optimistic that the overtures would result in significant support from the Benedictines, he intended to continue negotiating for a formal announcement of the agreement so long as Benedictines conceded that a secular bishop would have full authority over the laity (the question of the hypothetical bishop’s authority over regular clergy was to be answered by the pope).¹²⁴ And in September 1636, Leyburn noted, “the moncks and fryers here doe desire nothing more than union with the clergie, for they see that the Jesuists doe but comply with them for their owne ends,” indicating that Jesuit hijinks did not only irritate the seculars.¹²⁵

The conflict between the seculars and the Jesuits grew to such epic proportions that it became nearly impossible for English Catholics remain neutral in the 1630s. Religious orders took sides and spied on each other and information became the most valuable currency in the English Catholic network. Despite the years of scheming, very little changed on the ground. Tolerance did not materialize and the structure of the English mission did not alter.

¹²¹ Letter 45, 183.

¹²² Letter 46, Clerk [John Southcot] to [Peter Biddulph], 14 June 1633, 184. Because penitents would usually offer a monetary reward to their confessor, this reinforces the role of finances in the dispute.

¹²³ See Maurus Lunn, O.S.B., “Benedictine Opposition to Bishop Richard Smith (1652-1629),” *RH* 11, No. 1, 1971, 1-20 for an introduction to the enmity between Benedictines and Smith; see Maurus Lunn, O.S.B., “English Benedictines and the Oath of Allegiance, 1606-1647,” *RH* 10, No. 3 (October 1969), 146-164 for a more detailed explanation of how the relationship between Benedictines and seculars fluctuated in synch with Benedictine dealings with the Society of Jesus.

¹²⁴ Letter 53, Clerk [John Southcot] to Fitton [Peter Biddulph], 13 September 1633, 204. In Letter 76, Clerk [John Southcot] to [Peter Biddulph], 20 November 1635, Southcot relates a detailed account of the finalization of an accord brokered by Panzani between “the monkkes and friars” and the seculars. (264)

¹²⁵ Letter 84, R[oberts] [George Leyburn] to [Richard Smith], 7 September 1636, 293.

A Failed Enterprise

Leyburn and Southcot harbored a great deal of animosity toward the mission that the Society of Jesus operated in England. The two factions held entirely different views about the future of English Catholicism and created an environment in which all information could be packaged to meet polemical ends. The secular priests, disenfranchised by a significant (or at least vocal) proportion of the English Catholic community, King Charles I, and the pope, were at a significant disadvantage on all fronts. Consequently, they adopted a position of waiting, watching, and pouncing when they had information that supported their cause. Such information took multiple forms: indications that Charles leaned in favor of toleration, demonstrations of the need for a bishop to save the English Catholic community from ruin, and tales of Jesuit misbehavior.

As fascinating as the rival intrigue and espionage campaigns that the seculars and Jesuits conducted were, they also had implications beyond the fate of the English Catholic community. The issues that surfaced in the course of the dispute demonstrated that England was not a backwater Catholic territory but could serve as an instructional example for the rest of Europe. Much of the continent was embroiled in the Thirty Years' War, battling to control territory for religious purposes. But England in the 1630s suggested that religious plurality – at least on a limited scale – was functionally possible. It was difficult to argue that Catholics could not worship openly in a Protestant state when the queen and her court did precisely that without any negative consequences to England or to King Charles. While there had been several Catholic conspiracies to overthrow the government, the most recent had taken place in 1605; by the 1630s, the prospect of a violent clash between Catholics and Protestants in England had severely diminished and there were no indications that Charles would fall victim to regicide like his late father-in-law.

Smith's resignation raised the question of whether England would be reintegrated into mainstream European Catholicism or be permanently classified as a mission. Given the rapid growth of the Society of Jesus and the order's proclivity for missions, the classification of Catholic England had broad implications. Robert Persons, one of the original Jesuit missionaries to England, had once envisioned restoring the Catholic church there and then using the island as "the springboard for a further and vaster missionary enterprise which would have the whole of

the Protestant North for its field.”¹²⁶ Bossy argues that the Jesuits no longer harbored such grandiose visions by the middle of the seventeenth century but Persons’s original plan suggests that research into the Jesuit half of the debate in the 1630s could shed more light on how England figured in their plans at this point.

Ultimately, the years of intrigue and information were for naught. As the country descended into civil war in the late 1630s and early 1640s, Charles’s authority eroded to the point that he could not have declared religious toleration even had he wanted to do so. Hints of the turmoil that was to come can be found in some of Leyburn’s last letters to Smith.¹²⁷ The structural status quo of the English Catholic church was retained and the question of toleration faded as more pressing concerns arose. But for a brief period, it appeared that religious plurality and a restoration of Catholic episcopacy in England were possible. More research on this topic is undoubtedly needed for it is disappointing that scholars can state, “William Bishop who was appointed bishop in 1623, died after rather less than a year in office. His successor, Richard Smith, appointed by Urban VIII in 1624, became involved in disputes with the Jesuit and Benedictine clergy on the mission and, after six years of strife, withdrew to France in 1631 and resigned his charge,” and dismiss the topic.¹²⁸ The campaign that Bishop Smith and his supporters engineered should be a larger part of the conversation and not just a footnote in English history.

¹²⁶ Bossy, *ECC*, 23.

¹²⁷ In March 1638 Leyburn reported, “The puretans in Scotland are very obstinate and turbulent, and I heare that they have possessed themselves of the two cheef castles, Sterling and Edenborough.” (Letter 96, Rob[erts] [George Leyburn] to Louys Amerine [Richard Smith], 15 March 1638, 322). And two months later, he simply wrote, “The stirres in Scotland continue very bad.” (Letter 97, Ro[berts] [George Leyburn] to Louys Amerine [Richard Smith], 10 May 1638, 323.)

¹²⁸ Allison, “Richard Smith, Richelieu and the French Marriage,” 148.

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