

Catholic Loyalty in Jacobean England
Thomas Preston's Appeal to the English Catholic Laity
over the 1606 Oath of Allegiance

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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

CATHOLIC LOYALTY IN JACOBEAN ENGLAND

During the first three years of the reign of King James VI and I, three plots threatening the king were uncovered. In 1603, the Bye and Main conspiracies – plans to kidnap the king and force him to guarantee religious tolerance to Catholics or to kill the king, respectively – came to light. And in 1605 the grandest of all regicidal conspiracies, the Gunpowder Plot, was discovered only hours before Guy Fawkes eliminated the king and both houses of Parliament in one fell swoop. Given the proliferation of threats against him from Catholics, it is no surprise that James sought a means of halting these regicidal tendencies. James unveiled his solution in a 1606 parliamentary bill: an Oath of Allegiance that would be required of all Catholics. Pope Paul V swiftly condemned the oath – bulls against it were issued on September 22, 1606 and August 23, 1607 – but papal opposition only fuelled the fiery debate over the oath.¹ In the course of the decades-long, trans-European debate that ensued, dozens of treatises advocating a variety of positions on the matter were published. In the words of Maurus Lunn, the “thirty years’ war” over the oath in England saw “whole rivulets of ink being exhausted,” in “a paper war that penetrated every corner of Europe, the like of which will probably never be seen again, now that Latin, the common language of that war fare [sic], has fallen into disuse.”² The 1620 tract *A New-Yeaeres Gift for English Catholikes* was a late but highly intriguing addition to the debate. Though it differed from the majority of the literature on the topic – it was printed in English rather than Latin, it is quite lengthy, and it purports to be a compilation of arguments from several authors though it was penned by a single man using pseudonyms – scholars have tended to ignore the work.

Roland (Thomas) Preston, a Benedictine monk, authored this tract while imprisoned in the Clink.³ Born in 1567, Preston was baptized Roland (he later took Thomas as his religious

¹ The Archpriest Blackwell along with his supporters and several other priests stationed in England immediately came out in favor of the oath, openly defying the pope and splitting the English Catholic community. (W.K.L. Webb, S.J., “Thomas Preston O.S.B. alias Roger Widdrington (1567-1640),” *Biographical Studies (Recusant History)* 2, No. 3 [1954], 225.)

² Maurus Lunn, O.S.B., “English Benedictines and the Oath of Allegiance, 1606-1647,” *RH* 10, No. 3 (October 1969), 148.

³ Anselm Cramer, “Preston, Roland (1567–1647),” *Oxford Dictionary of National Biography*, (Oxford: Oxford University Press, 2004).

name) and studied at Magdalen Hall, Oxford, but did not take a degree.⁴ After completing his religious training with the Benedictine Order at Monte Cassino, Preston returned to England in 1603 as one of the first two Benedictine missionaries.⁵ In the wake of the Gunpowder Plot, “a report that Preston the Benedictine is great with the Bish. of London and therefor to be taken heed of,” surfaced;⁶ this association likely came about “through [Preston’s] early and intimate relations with the Appellants, a number of whom were living under the Bishop’s protection.”⁷ This shows that Preston had been in good favor with James’s government since the beginning of his ministry in England. Some evidence suggests that Preston initially opposed the oath, but within a few days he backed the proposition.⁸ He appears to have been arrested, which may have contributed to his position “that he would not himself take the oath but would not condemn those who held as a probable opinion that it might be taken.”⁹ There is also evidence that, while Preston’s public position on the oath never wavered, he did privately swear it.¹⁰ Preston spent the latter part of his life imprisoned at the king’s pleasure, but he was allowed to write and publish works defending the Oath of Allegiance.

Though Preston wrote prolifically on the topic, he attempted to avoid the penalties normally imposed upon those who opposed the pope by publishing under the pseudonym Roger Widdrington.¹¹ King James was greatly pleased with Preston’s work; he said the 1611 *Apologia Cardinalis Bellarmini pro Jure Principum* “was the best defence of him that had appeared,” and arranged for Preston to continue writing and publishing while imprisoned.¹² Preston’s

⁴ Webb, “Thomas Preston O.S.B.,” 218-219.

⁵ Webb, “Thomas Preston O.S.B.,” 219-220.

⁶ Webb, “Thomas Preston O.S.B.,” 219.

⁷ Webb, “Thomas Preston O.S.B.,” 219-220.

⁸ Lunn, “English Benedictines,” 149.

⁹ Lunn, “English Benedictines,” 149.

¹⁰ Webb, “Thomas Preston O.S.B.,” 227.

¹¹ There was a real man named Roger Widdrington who was Preston’s contemporary. A flagrant recusant, Widdrington was fined repeatedly and even imprisoned for his religious offences, and appears to have known Preston. Ann Forster believes that Preston chose his alias with Widdrington’s knowledge and consent. (Ann M.C. Forster, “The Real Roger Widdrington,” *RH* 11, No. 4 [January 1972], 204.) The vast majority of scholars agree that all works written by “Roger Widdrington” were in fact authored by Thomas Preston. See Webb, “Thomas Preston O.S.B.,” 216; Cramer, “Preston, Roland”; Lunn, “English Benedictines,” 150. The lone dissenter to this theory was E.L. Taunton, who argued on the basis of a single document that Widdrington in the course of an interrogation alluded to the fact that he had “written in defence of the Oath of Allegiance”. (E.L. Taunton, “Thomas Preston and Roger Widdrington,” *The English Historical Review* 18, No. 69 [January 1903], 119.) While Taunton allows that Preston likely played a part in writing these tracts, he is absolutely convinced that the primary author was the real Roger Widdrington. (Taunton, “Thomas Preston,” 117-119.) Webb and Forster wrote their articles at least in part to disprove Taunton’s theory, and Preston’s use of the alias Roger Widdrington is now universally accepted.

¹² Lunn, “English Benedictines,” 150-151.

imprisonment was extremely comfortable and, aside from the fact that he lived in the Clink, his life bore little resemblance to that of a traditional inmate.¹³ In addition to the high standard of living he enjoyed, Preston found his imprisonment politically convenient. His flouting of papal authority (in addition to his writings he openly associated with the Venetian Ambassador while Venice was under Interdict) meant that prison was the safest place for Preston to reside for it allowed him to avoid the consequences of his insubordination.¹⁴

A New-Yeaes Gift for English Catholikes is one of Preston's later works. He presents *A New-Yeaes Gift* as a treatise written by "E. I. Student in Divinity," for the purpose of providing "a more full instruction, and appeasement of the consciences of English Catholics, concerning the said oath".¹⁵ After a brief introduction to "what is contained in this treatise," Preston examines the text of the oath itself.¹⁶ He then moves into a lengthy defense of the oath which he acknowledges he collected "out of Roger Widdrington's express doctrine and grounds."¹⁷ The treatise, presented in multiple parts, employs a multi-layered rhetorical approach in defending the Oath of Allegiance. I will only treat the introductory sections of *A New-Yeaes Gift* in this paper. The publication is over two hundred pages long, but the key rhetorical techniques are all introduced in the first few dozen pages.

In *A New-Yeaes Gift*, Preston speaks directly to the English Catholic laity about the Oath of Allegiance. He employs his considerable learning and rhetorical expertise to convince English Catholics that they could, in good conscience, swear allegiance to King James. By situating his argument as a reaction to political developments of which all Englishmen were aware and citing multiple historical precedents in which others had successfully defied the pope, Preston presents a very persuasive argument in favor of the oath. Scholars tend to dismiss *A*

¹³ Joseph Cresswell, S.J. described in a letter that Preston "has a well-stocked library, a personal valet, and a maid-servant who does his cooking and keeps his quarters tidy. He goes out when he pleases, and I am informed that some priests who share his views and approve the Oath go out to the theatre, and their prison serves them like a comfortable suite booked at an hotel." (Webb, "Thomas Preston O.S.B.," 237.)

¹⁴ On Preston's association with the Venetian Ambassador see Lunn, "English Benedictines," 149 and Webb, "Thomas Preston O.S.B.," 226-227. The reason prison was a desirable residence for Preston was that as long as he and his fellow priests who supported the oath "remained ostensibly prisoners for their religion, Rome would make no open move against them, it being the Holy See's fixed policy that no man might be condemned, no matter how serious the charges against him, unless he were present in person before a properly constituted ecclesiastical tribunal to plead his cause, and unless the prosecution could produce satisfactory documentary or oral evidence against him." (Webb, "Thomas Preston O.S.B.," 241.)

¹⁵ E. I., Student of Divinity, *A New-Yeaes Gift for English Catholikes*, (1620). I have modernized spelling, capitalization, and punctuation except for titles.

¹⁶ E.I., *A New-Yeaes Gift*, 2. The pagination in the document is not consistent, so I have counted pages sequentially beginning with the title page as page #1.

¹⁷ E.I., *A New-Yeaes Gift*, 26.

New-Yeaeres Gift because it is in English and far more polemical than Preston's other works defending the oath, but I argue that it is precisely these facts that make the treatise so interesting: this is what allowed Preston to reach the laity.

The Political Context Behind the Oath of Allegiance

As I mentioned in the introduction, James was keenly aware of the threat that disaffected subjects posed to his reign and to his life. While the Society of Jesus was often considered the driving force behind regicidal conspiracies, the Bye, Main, and Gunpowder plots demonstrated that Catholics of any affiliation (and even some Protestants) could be induced to take up arms against their king. The Bye plot was masterminded by William Watson, a Catholic secular priest who had been deeply disappointed when James failed to announce toleration of Catholicism upon his accession.¹⁸ Watson recruited another Catholic priest, two Catholic gentlemen, and a Protestant to help execute his plan.¹⁹ They proposed to abduct James and imprison him until he granted "a pardon for their actions, full toleration of the Catholic religion...and the removal and prosecution of ministers—particularly Cecil—identified with old, repressive policies."²⁰ While the plotters denied any intent to harm the king, their plan was still classified as treason. The Main plot was intertwined with the Bye plot and featured some of the same conspirators. The two plots earned their names from an exchange between Lord Cobham and Sir Walter Raleigh which noted that while others "laboured upon their 'Bye', Cobham and Raleigh were embarked upon the 'Main', which amounted to nothing less than the extirpation of... 'the king and his cubs'."²¹ While details of the Main plot could generously be described as scant, there was enough evidence to try Cobham and Raleigh.

Much grander in scale than the Bye and Main conspiracies was the Gunpowder Plot. On the eve of the opening session of Parliament, the Catholic Lord Monteagle forwarded James a cryptic warning he had received. This prompted a search of the cellars under the Houses of Parliament and uncovered Guy Fawkes, hiding with tonnes of gunpowder and a lantern. Interrogation of Fawkes revealed that the Gunpowder Plotters had hoped to eliminate the entire

¹⁸ Mark Nicholls, "Two Winchester Trials: The Prosecution of Henry, Lord Cobham, and Thomas, Lord Grey of Wilton, 1603," *Historical Research* 68 (1995), 29.

¹⁹ Nicholls, "Two Winchester Trials," 30.

²⁰ Nicholls, "Two Winchester Trials," 30.

²¹ Mark Nicholls, "Treason's Reward: The Punishment of Conspirators in the Bye Plot of 1603," *The Historical Journal* 38, No. 4 (December 1995), 826.

governmental and episcopal structure of England (save for a few Catholic lords they had warned), and erect a Catholic government. They also planned to kidnap the king's daughter and set her up as a puppet queen – at only 9 years old, Princess Elizabeth was considered young enough to be persuaded to convert to Catholicism – thus restoring England to the Church of Rome.²² All of the principal conspirators (including Henry Garnet, S.J.) were captured within a few days of the plot's discovery and paid the price for their treason. Though these three plots involved an infinitesimal proportion of England's Catholic population, they convinced James that subjects loyal to the Church of Rome posed a real threat.

Given James's proclivity for balancing factions against one another within his realms and for keeping his kingdoms out of military conflicts on the continent, he sought a more moderate solution than arresting or expelling all English Catholics. Lori Anne Ferrell describes how James "gloried in the epithet *Rex Pacificus*" a title he had earned through careful political maneuvering.²³ Thus he devised the Oath of Allegiance, which was simultaneously a temperate political compromise and a "fierce assault made upon the innocent thousands of loyal subjects whose only offence was membership in the same religious organization to which the conspirators were attached."²⁴ Preston emphasized the moderate nature of James's action by noting in the introduction to *A New-Yeares Gift* that the oath was occasioned by "that unwonted barbarous and devilish conspiracy of the Powder-Traitors."²⁵ Further dispelling notions about any sinister motives on James's part was the fact that the concept stemmed from the final days of Queen Elizabeth I's reign. According to Preston, in January 1602 "thirteen reverend priests" protested their allegiance to the queen.²⁶ They promised "to obey her in all cases and respects as far forth, as ever Christian priests within this realm, or in any other Christian country were bound by the Law of God and Christian religion to obey their temporal princes."²⁷ Thus both James and his

²² Samuel Rawson Gardiner, *What Gunpowder Plot Was*, (London: Longmans, Green, and Co., 1897), 36.

²³ Lori Anne Ferrell, *Government By Polemic: James I, the King's Preachers, and the Rhetorics of Conformity, 1603-1625*, (Stanford: Stanford University Press, 1998), 20.

²⁴ Clarence J. Ryan, "The Jacobean Oath of Allegiance and English Lay Catholics," *The Catholic Historical Review* 28, No. 2 (July 1942), 159.

²⁵ E.I., *A New-Yeares Gift*, 4.

²⁶ E.I., *A New-Yeares Gift*, 33. Preston dates the petition to 1602; modern scholars date it to 1603. Since the distinction does not matter for this paper, I will assume the 1603 date is correct.

²⁷ E.I., *A New-Yeares Gift*, 34.

defenders located the 1606 oath within a tradition of Catholic allegiance to the English monarch.²⁸

Despite James's conciliatory, moderate rhetoric on the subject, the Oath of Allegiance bitterly divided the English Catholic community. Seventeenth-century Catholics and modern historians alike disagreed as to what James's true motivations were in promulgating the oath. Michael C. Questier and Johann P. Sommerville have debated for the past fifteen years over how the Oath of Allegiance fit into Jacobean domestic policy and how to characterize the Catholic response. Questier was one of the first historians to reintroduce the Oath of Allegiance into historical discussion. Before his 1997 article "Loyalty, Religion and State Power in Early Modern England: English Romanism and the Jacobean Oath of Allegiance," historians had generally glossed over the oath unless they were writing confessional history.²⁹ Questier challenges the thesis of James's "theoretical moderation merged with practical incompetence" in dealing with Catholics³⁰ and argues instead that the oath "was possibly the most lethal measure against Romish dissent ever to reach the statute book, even though it appears restrained by comparison with the Elizabethan treason legislation."³¹ He shows that contemporaries grasped the divisive potential of the oath and "foresaw the destruction of English Romanism from within through the regime's new stratagem," because restoring Roman Catholicism in England would require a strong united force.³² The wording of the oath "struck at the entire ideological basis for Roman catholicism in England" by undermining the claim that religious tenets were distinct from political allegiance.³³ While this is an accurate assessment of the oath's wording, there were also plenty of English Catholics (including Preston) who labored to show that the oath was not repugnant to Catholic morals.

²⁸ Proponents of the Oath of Allegiance conveniently ignored the fact that, of the thirteen priests who signed the 1603 Protestation of Allegiance "only two took the oath, while another two suffered a traitor's death rather than swear it." (Johann P. Sommerville, "Papalist Political Thought and the Controversy over the Jacobean Oath of Allegiance," in *Catholics and the 'Protestant Nation': Religious Politics and Identity in Early Modern England*, ed. Ethan Shagan, [Manchester: Manchester University Press, 2005], 165). There is also evidence (a report from the priest Richard Boughton) that several other pleas for toleration followed the 1603 protestation, though these documents no longer exist. (T. Clancy, S.J., "English Catholics and the Papal Deposing Power, 1570-1640. Part II," *RH* 6, No. 5 [April 1962], 207.)

²⁹ The notable exception to this trend is J.H.M. Salmon, who treated the debates over the Oath of Allegiance as part of the development of English constitutional thought. J.H.M. Salmon, *The French Religious Wars in English Political Thought* (Oxford: Clarendon Press, 1959), 69-79.

³⁰ M.C. Questier, "Loyalty, Religion and State Power in Early Modern England: English Romanism and the Jacobean Oath of Allegiance," *The Historical Journal* 40, No. 2 (June 1997), 312.

³¹ Questier, "Loyalty, Religion and State Power," 313-314.

³² Questier, "Loyalty, Religion and State Power," 316.

³³ Questier, "Loyalty, Religion and State Power," 329.

Sommerville took issue with Questier's characterization of the oath. While he concedes that "people of the theological acumen of Bancroft and even James I were well aware that a great many Catholics, and not just a few extreme Jesuits, would find the oath unpalatable," instead of investigating how the oath was received by English Catholics (as Questier did), Sommerville turns instead to the theological heavyweights who wrote about the oath.³⁴ Situating the oath of allegiance as part of a broad debate about the limits of papal power, Sommerville examines how theologians used different concepts about the origins of governmental power to consider the oath.³⁵ This constitutional framing leads Sommerville to conclude that Catholic objections to the 1606 Oath of Allegiance were primarily political, not religious, in origin.³⁶ This absurd conclusion goes against centuries of scholarship (as well as common sense), and prompted an invective riposte from Questier.³⁷ In a 2008 article, Questier disproves Sommerville's thesis that Catholic objections to the Oath of Allegiance on religious grounds were spurious. Questier raises the excellent point that Sommerville's research was limited to printed sources, when a great deal of communication about the oath occurred in unpublished letters, leading Sommerville to biased conclusions.³⁸ A thorough consideration of manuscript sources in addition to printed ones shows that religion was absolutely at the heart of the Oath of Allegiance controversy for Catholics, though it also occasioned a constitutional debate.³⁹ Though neither scholar more than touches upon *A New-Yeaers Gift*, this disagreement revived the Jacobean oath as an important part of the religio-political narrative of the early seventeenth century.

Prior to Questier's and Sommerville's sparring, the oath was usually investigated by confessional historians. Most articles on the subject appear either in *Recusant History* or *The Catholic Historical Review*; this speaks volumes about the limited appeal of the topic for much of the twentieth century. Clarence J. Ryan authored one of the earliest scholarly articles on the topic, "The Jacobean Oath of Allegiance and English Lay Catholics," in 1942. His examination

³⁴ Sommerville, "Papalist Political Thought," 166.

³⁵ Sommerville, "Papalist Political Thought," 167-172.

³⁶ Sommerville, "Papalist Political Thought," 175.

³⁷ For discussions as to how and why religion was at the heart of the debate over the oath of allegiance, see Maurus Lunn, "The Anglo-Gallicanism of dom Thomas Preston, 1567-1647," in *Schism, Heresy and Religious Protest: Papers Read at the Tenth Summer Meeting and the Eleventh Winter Meeting of the Ecclesiastical History Society*, ed. Derek Baker, (Cambridge: Cambridge University Press, 1972), 241; Lunn, "English Benedictines," 147; Ryan, "The Jacobean Oath of Allegiance," 163-164.

³⁸ Michael Questier, "Catholic Loyalism in Early Stuart England," *The English Historical Review* 123, No. 504 (October 2008), 1136.

³⁹ Questier, "Catholic Loyalism," passim.

of the subject is largely an introduction to the myriad theological issues that the oath raised for English Catholics and their varied responses. While the article contains valuable information about the enforcement of the oath and the penalties that were imposed upon those who refused to swear, Ryan's polemical tone segregated his work from the dominant historiography.⁴⁰ Phrases such as "how the Catholic masses fared during the 'Reign of Terror'," can give the impression that he is not engaging in objective historical scholarship.⁴¹ Consequently, his conclusion that swearing the oath cannot be used as a litmus test for true loyalty to King James does not seem to have carried much weight.⁴² W.K.L. Webb, S.J. explored the oath and Preston's works in a biographical context. But it appears that the enmity that existed between Benedictines and Jesuits in the seventeenth century remains sharp,⁴³ for Webb concluded that Preston's "activities did grave harm to the cause of the Church in England...[he sowed] confusion and discord among his fellow-Catholics [and] made it virtually impossible for them to make a united effort in the face of persecution."⁴⁴ A thorough examination of Preston from a more sympathetic scholar can be found in Maurus Lunn's "English Benedictines and the Oath of Allegiance, 1606-1647." Lunn's objective is to provide a statistical overview of how English Benedictines viewed the oath from its introduction to the civil war. The primary contribution of the article is the clear elucidation of how the oath divided the clerical community. Treatises published by Preston feature in Lunn's work, but *A New-Yeaers Gift* is not thoroughly examined.

The 1606 Oath of Allegiance has also been explored in the context of the Gallican movement that was prominent in the sixteenth and seventeenth centuries.⁴⁵ While conversation about the circumstances under which citizens had the right to depose a tyrant had existed for decades, events at the start of the seventeenth century gave the debate added urgency.⁴⁶ T. Clancy explored the papal deposing power in a three-part article, explicating the various opinions

⁴⁰ Ryan describes, "Should a recusant refuse to take the oath when tendered to him by a bishop or two justices of the peace, he was to be consigned to the common gaol and held there without bail until the next court session. Recalcitrants at this time incurred the penalty of *praemunire*, which included deprivation of all civil rights, loss of all property, and perpetual imprisonment." (Ryan, "The Jacobean Oath of Allegiance, 161.")

⁴¹ Ryan, "The Jacobean Oath of Allegiance," 175.

⁴² Ryan, "The Jacobean Oath of Allegiance," 183.

⁴³ See Lunn, "English Benedictines," 150.

⁴⁴ Webb, "Thomas Preston O.S.B.," 257.

⁴⁵ I am using Lunn's definition of Gallicanism, "the name given to the general theory that the Church, especially the Church in France, is free from the jurisdiction of the pope, while remaining Roman and Catholic." (Lunn, "Anglo-Gallicanism," 239.)

⁴⁶ "Both the Gunpowder Plot in 1605 and the assassination of Henri IV by Ravaillac in 1610 were seized upon as evidence of the bloodthirsty tenets of the Society [of Jesus]." (Clancy, "English Catholics – II," 216.)

on the matter.⁴⁷ While he offers insights into the complexities of the debate, his conclusion is that “the attitude of any Catholic toward the papal power in temporal affairs at any particular time in the years 1570-1640 depended on a great number of factors,” which was hardly groundbreaking.⁴⁸ J.H.M. Salmon’s exploration of Gallicanism offers more interesting insights. In particular, he notes that some “admitted that a pope might depose the Holy Roman emperor but he could not deprive a king of his right in a hereditary monarchy,”⁴⁹ and that an important part of this argument was that “papal jurisdiction had been unjustifiably expanded since the early centuries, when the provinces of the church and the bishop of Rome himself had followed the teaching of the councils.”⁵⁰ Both this theory and associations with the Appellant Party (who firmly opposed Paul V on the matter of the Oath of Allegiance) led many Benedictines to support the oath and Preston to employ Gallicanism in his works.⁵¹

While a fair amount has been written on the Oath of Allegiance, the majority of it has been confessional history or part of a personal debate. And while Preston features in every discussion of the topic, *A New-Yeaers Gift* is only mentioned in passing. I pick up where previous scholars have left off. Instead of examining Latin theological treatises or scouring court records for evidence of how frequently the Oath of Allegiance was administered, I will consider how one learned priest tried to enlighten his compatriots.

The Power of Precedents

A key aspect of Preston’s rhetorical strategy in *A New-Yeaers Gift* is to locate James’s 1606 Oath of Allegiance as part of a tradition of loyalty to the monarch. Preston draws upon multiple episodes that show English Catholic priests believed spiritual and temporal authority were distinct in England. By emphasizing that the 1606 oath was simply another incarnation of an English tradition, not an innovation, Preston hoped to assuage the fears of the laity as they

⁴⁷ All three parts of Clancy’s “English Catholics and the Papal Deposing Power, 1570-1640” were published in *Recusant History*. Part I was in Volume 6, No. 3; Part II was in Volume 6, No. 5; Part III was in Volume 7, No. 1.

⁴⁸ T. Clancy, S.J., “English Catholics and the Papal Deposing Power, 1570-1640. Part III,” *RH* 7, No. 1 (January 1963), 8.

⁴⁹ J.H.M. Salmon, “Catholic Resistance Theory, Ultramontaniam, and the Royalist Response, 1580-1620,” in *The Cambridge History of Political Thought 1450-1700*, ed. J.H. Burns, (Cambridge: Cambridge University Press, 1991), 235.

⁵⁰ Salmon, “Catholic Resistance Theory,” 251.

⁵¹ Lunn, “Anglo-Gallicanism,” 240-245. Clancy also notes that the connection between the Appellants and the Benedictines affected the latter’s stance on the oath due to the former’s reliance on French works identifying the papal deposing power with the Society of Jesus. (Clancy, “English Catholics – II,” 206.)

decided how to proceed. Taking the text of the oath as his starting point, Preston methodically examines each instance of clerical support for loyalty to the English monarch and draws out points that bolster his argument.

At the heart of everything lies the text of the Oath of Allegiance. Points two, three, and four of the oath contain the crucial language separating spiritual and temporal authority and defining limits of papal authority.

2. And that the Pope neither of himself, nor by any authority of the Church, or See of Rome, or by any other means which any other hath any power or authority to depose the King, or to dispose any of His Majesty's kingdoms or dominions, or to authorize any foreign prince to invade or annoy him or his countries, or to discharge any of his subjects of their allegiance and obedience to His Majesty, or to give license or leave to any of them to bear arms, raise tumults, or to offer any violence, or hurt to His Majesty's royal person, state, or government, or to any of His Majesty's subjects within His Majesty's dominions.

3. Also, I do swear from my heart, that notwithstanding any declaration, or sentence of excommunication, or deprivation made or granted, or to be made or granted by the Pope or his successors, or by any authority derived or to be derived from him or his see against the said king, his heirs or successors, or any absolution of the said subjects from their obedience, I will bear faith and true allegiance to His Majesty, his heirs and successors, and him and them will defend to the uttermost of my power, against all conspiracies and attempts whatsoever, which shall be made against his, or their persons, their crown and dignity, by reason or color of any such sentence or declaration or otherwise, and will do my best endeavor to disclose and make known unto His Majesty, his heirs and successors, all treasons and traitorous conspiracies, which I shall know or hear of to be against him or any of them.

4. And I do further swear, that I do from my heart abhor, detest and abjure, as impious and heretical, this damnable doctrine and position, that princes which be excommunicated or deprived by the pope may be deposed or murdered by their subjects, or any other whatsoever.⁵²

⁵² E.I., *A New-Yeares Gift*, 30-32. In its entirety, the oath has eight points. The remainder of the points are: "(1.) I, A.B., do truly and sincerely acknowledge, profess, testify, and declare in my conscience before God and the world, that our sovereign lord King James is lawful and rightful king of this realm, and of all other His Majesty's dominions and countries; (5.) And I do believe, and in conscience am resolved, that neither the Pope, nor any person whatsoever hath power to absolve me of this oath or any part thereof; (6.) Which I acknowledge by good and full authority to be lawfully [ad]ministered unto me, and do renounce all pardons and dispensations to the contrary; (7.) And all these things I do plainly and sincerely acknowledge and swear, according to these express words by me spoken, and according to the plain and common sense and understanding of the same words without any equivocation or mental evasion, or secret reservation whatsoever; (8.) And I do make this recognition and acknowledgement heartily, willingly and truly upon the true faith of a Christian. So help me God."

These three items largely reiterate the limits of papal power: the pope does not have the authority to depose a monarch, authorize an invasion of a sovereign state, or incite rebellion among a monarch's subjects. James covers this point with remarkable thoroughness, addressing successors to both the pope and the king *and* including multiple definitions of invasion and rebellion. In other words, he attempts to account for all eventualities and prevent anyone who took the oath from equivocating.⁵³ Items two and three posed no crisis of conscience, for they simply stated the principle that spiritual and temporal authority were distinct entities. The point to which Catholics objected was number four, which defined the pope's stated opinion as impious and heretical. As many scholars have pointed out, this clause flouted the spiritual-temporal distinction and made James the arbiter of all religious orthodoxy in his realm.⁵⁴

Despite the difficulties the impious and heretical clause posed, Preston used nearly two decades of precedents to argue that the Oath of Allegiance was not repugnant to Catholic sensibilities and morals.⁵⁵ The earliest precedent he cited was from the reign of Elizabeth I. The thirteen priests who vowed their allegiance referenced "divers conspiracies against Her Majesty's person and estate, and sundry forcible attempts, for invading and conquering her dominions" that made such a protestation necessary.⁵⁶ Elizabeth had been excommunicated by the pope long before the thirteen priests submitted their petition, yet these clerics saw no contradiction in offering their temporal allegiance to her and their spiritual allegiance to the Roman Pontiff.⁵⁷ Furthermore, one of the signatories to the petition was William Bishop, who was later made England's first bishop with real authority since the reign of Queen Mary.⁵⁸ At

⁵³ James was particularly concerned about equivocation for Robert Persons, S.J. suggested in 1607 that "to equivocate under oath was not to perjure oneself but simply to recognize and exploit the fact that any set of words could support more than one signification," providing Catholics with a potential loophole. (Ferrell, *Government by Polemic*, 93.)

⁵⁴ The vast majority of scholars agree that the "impious and heretical" clause was the crux of the matter. See Lunn, "Anglo-Gallicanism," 241; Questier, "Loyalty, Religion and State Power," 319; Questier, "Catholic Loyalty," passim. Sommerville is the only historian who argued that this language was not important and did not bother Catholics who debated whether or not to take the oath. (Sommerville, "Papalist Political Thought," 175.)

⁵⁵ While Preston argued that Catholics should swear the oath as it stood, many other Catholics tried to convince first James and then Charles to modify the language of the oath so that they could swear it without referring to the pope as heretical. (Questier, "Catholic Loyalty," 1153-1159.)

⁵⁶ E.I., *A New-Yeares Gift*, 35.

⁵⁷ E.I., *A New-Yeares Gift*, 41. The Bull *Regnans in Excelsis* was issued in 1570, and it was intended to calm English Catholic doubts about the morality of an armed rebellion against Queen Elizabeth I. (T. Clancy, S.J., "English Catholics and the Papal Deposing Power, 1570-1640. Part I," *RH* 6, No. 3 [October 1961], 114.)

⁵⁸ Questier notes that William Bishop was not best pleased when he discovered that Preston had suggested Bishop's involvement in the 1603 petition was evidence that he supported the 1606 Oath of Allegiance. (Questier, "Catholic Loyalty," 1144, footnote 54.)

the time that Preston wrote *A New-Yeaers Gift* Bishop had not yet been appointed to oversee England, but the connection is still worth noting as it would have carried more weight following Bishop's elevation in 1624.

The second precedent Preston cited was John Colleton's petition to the Archbishop of Canterbury. Colleton was one of the original English missionaries and would have been known to many Englishmen from his extensive work.⁵⁹ The petition he submitted in 1610 was written while he was incarcerated. In it, he reminds the Archbishop of his loyalty to Elizabeth (he had signed the 1603 petition) and states that "the readiness of my professed allegiance in all secular and civil affairs" had transferred to James.⁶⁰ Acknowledging James as England's true king, the petition continues with Colleton's promise to "obey [James] in all political administration, and defend his sacred person, crown, and dominions to the uttermost of my power against all enemies of what place and calling soever."⁶¹ While the purpose of Colleton's petition was to plead for clemency and parole, his profession of loyalty inserted him into the oath debate.

The final precedent that Preston cited was a document authored by the Benedictine James Houghton. A petition presented to the Bishop of Durham in November 1619 expressed Houghton's belief that the Oath of Allegiance was based upon sound principles. The opening of the petition argues "that His Majesty had very just cause, by occasion of that most treacherous plot of the Gunpowder-Treason, to propose to all his subjects English Catholics [an] oath of civil fidelity and obedience due unto kings both by the Laws of God and nature," joining the chorus of those who believed that intemperate actions by English Catholics had precipitated James's actions.⁶² Houghton pushes this point, contending that if the Roman Catholic Church "had done her duty, if she had showed her dislike of that odious practice of the Gunpowder-Treason, by some public declaration in detestation thereof," the need for an oath of allegiance might have been obviated.⁶³ Thus he locates the oath within a volatile political climate and subtly condemns the papal deposing power.

⁵⁹ After Colleton completed his studies on the continent and was ordained, he returned to England to minister to English Catholics, arriving before even Campion and Persons. Colleton's long career included organizing English clergy, involvement in the Appellant controversy, and several stints in prison. (Theodor Harmsen, "Colleton, John (1548–1635)," *DNB*.)

⁶⁰ E.I., *A New-Yeaers Gift*, 45.

⁶¹ E.I., *A New-Yeaers Gift*, 45.

⁶² E.I., *A New-Yeaers Gift*, 46-47.

⁶³ E.I., *A New-Yeaers Gift*, 47.

To further clarify his stance on the matter Houghton states, “the doctrine, which approveth murdering of kings by their own subjects or any else, is both damnable and heretical.”⁶⁴ This, of course, leads to the conclusion that English Catholics may lawfully swear the oath. Despite Houghton’s firm convictions about the oath, he presents three points upon which he is apparently undecided:

The first is, concerning the Roman Council under Gregory the seventh, and the Council of Lateran *sub innocentio tertio*, whether they have defined any thing in this point.

The second is, whether it be fit for me to oppose my private judgment to two breves of the pope, that say in the oath there be many things contrary to faith and salvation, though they express not any thing in particular.

The third is, whether by taking the oath I shall not give scandal to many learned priests and Catholics, who refuse it, and for refusal hazard their lives and estates.⁶⁵

Houghton concludes his letter with a request for more time to consider these three issues before he decides whether or not he will take the oath. While he pondered the proper course of action, Houghton promised to be a loyal subject of the King of England regardless of any penalties imposed by the pope.⁶⁶

Responding to Houghton’s scruples provided Preston with an opportunity to enlighten Englishmen about the theological underpinnings of the papal deposing power. He tackles the three points in succession, first addressing what happened during the Roman Council under Gregory VII. Ostensibly quoting from Roger Widdrington, Preston draws out two points that prove no decisions made by this council should cause concern. First, there is not “any mention made in that decree of any consent of the bishops, who were present,” and second, “the pope’s definitions in a provincial council, as was that Roman Council, are uncertain and fallible; they cannot make the doctrine which they define to be certain, and the contrary to be improbable.”⁶⁷ According to this logic, even if the Roman Council had granted the power to depose Christian kings to the pope, the bishops did not ratify this decision, nullifying the power. Furthermore, Preston demonstrates that the pope does not “hath authority to deprive sovereign princes, but only inferior lords and magistrates by the consent and authority of those absolute princes, to

⁶⁴ E.I., *A New-Yeares Gift*, 47.

⁶⁵ E.I., *A New-Yeares Gift*, 48.

⁶⁶ E.I., *A New-Yeares Gift*, 49.

⁶⁷ E.I., *A New-Yeares Gift*, 50.

whom they are subject in temporals.”⁶⁸ For in temporal matters, “emperors, kings, and absolute princes... are supreme and subject to none but God,” including the pope.⁶⁹ The rumor that popes could rightfully depose emperors, Preston claims, derived from a private opinion of Gregory VII, not from any council and such a right had “never [been] heard of before that age”.⁷⁰

Having thoroughly dispatched Houghton’s first scruple, Preston tackles the second question: whether one’s private opinion can contradict papal breves. He notes “Widdrington hath fully answered [this] in his *Theological Disputation*,” showing “that it is no disobedience or irreverence not to obey these declarative breves, being grounded upon false suppositions.”⁷¹ Not wanting to leave any doubt in his readers’ minds, Preston further declares, “it is not only fitting but necessary for every good and virtuous Catholic not to obey any such breves” based upon false suppositions.⁷² Finally, Preston briefly addresses Houghton’s third scruple. Employing the same logic he used to dispense with the second scruple, Preston argues that, since the oath is sound, it is not those who take the oath but rather those who refuse to swear that cause scandal, and cites multiple works by Widdrington that support this view.⁷³

In Preston’s view, the text of the Oath of Allegiance and several prior Catholic protestations of loyalty to the English monarch provide ample evidence that the oath does not contradict the teachings of the Roman Catholic Church, papal breves notwithstanding. Preston brings his theological expertise and rhetorical prowess to bear in locating the 1606 oath within a tradition of Catholic loyalty to the English monarch. The volatile climate in which the king had just cause to fear the actions of his subjects is almost a side note compared to the powerful precedents Preston cites. It is clear that he felt the actions of over a dozen priests should persuade the laity to swear the oath.

Papal Authority and Independent Monarchs

Preston’s responses to Houghton’s scruples go to the heart of the debate about the Oath of Allegiance: the extent of papal authority. This had been a contentious issue for much of the prior century and was one of the chief causes of Martin Luther’s split from the Roman Catholic

⁶⁸ E.I., *A New-Yeares Gift*, 50.

⁶⁹ E.I., *A New-Yeares Gift*, 52.

⁷⁰ E.I., *A New-Yeares Gift*, 51.

⁷¹ E.I., *A New-Yeares Gift*, 53.

⁷² E.I., *A New-Yeares Gift*, 53.

⁷³ Among these are the preface to his *Apologeticall Answere* and his *Theological Disputation*. (E.I., *A New-Yeares Gift*, 54.)

Church.⁷⁴ It had remained a point of contention throughout the sixteenth and seventeenth centuries with the debates becoming especially pointed in England, France, and Venice.⁷⁵ Anchoring the discussion was the quote “And Jesus answering, said unto them, Render to Caesar the things that are Caesar’s: and to God the things that are God’s.”⁷⁶ While this instruction appears transparent, there was a great deal of discussion in the sixteenth and seventeenth centuries about what belonged to God and what belonged to Caesar. With *A New-Yeares Gift*, Preston hoped to reach those who, “not knowing themselves, what authority is spiritual and due to the pope or church, and what authority is temporal and due to temporal princes,” did not understand “that the pope is not the church but only the chief member thereof,” and blithely dismissed all discussions that attempted to limit papal authority as heretical or schismatic.⁷⁷ Preston relies on a combination of Scriptural references and historical precedents to dispel this ignorance and persuade Catholics to take the oath.

One Scripturally based argument that circumscribed papal authority can be found in the thirteen priests’ protestation. The priests note by way of conclusion, “therefore we acknowledge and confess the Bishop of Rome to be the Successor of Saint Peter in that see, and to have as ample *and no more* authority or jurisdiction over us and other Christians, than had that Apostle by the gift and commission of Christ our Savior.”⁷⁸ This line of reasoning was particularly powerful because it was entirely grounded in Scripture and appealed to the early apostolic tradition at a time when both Catholics and Protestants sought to imitate the piety of the primitive church. This rationale also offered an escape for Catholics who were not fully convinced that the Oath of Allegiance was permitted for it suggested, but did not explicitly define, the boundaries of papal authority. The final line of the petition reads, “For as we are most ready to spend our blood in the defense of Her Majesty and our country, so we will rather lose our lives than infringe the lawful authority of Christ’s Catholic Church.”⁷⁹ The structure of the sentence suggests that – despite the protestations of loyalty and attempts to narrowly define

⁷⁴ In the *Ninety-Five Theses*, as part of his attack on the selling of indulgences, Luther questioned the basis upon which the pope claimed the authority to loose souls from Purgatory.

⁷⁵ I have already discussed how the debates played out in France. At the start of the seventeenth century (roughly contemporaneous with the Oath of Allegiance controversy), “Venetian subordination of Catholic clergy to civil jurisdiction and to the republic’s limitation of the right of the church to acquire property” caused Pope Paul V to place the city-state under Interdict. (Salmon, “Catholic Resistance Theory,” 250-251.)

⁷⁶ Mark 12:17, (*King James Bible*, 1611).

⁷⁷ E.I., *A New-Yeares Gift*, 17.

⁷⁸ E.I., *A New-Yeares Gift*, 40-41. (Emphasis mine.)

⁷⁹ E.I., *A New-Yeares Gift*, 41.

the pope's authority – the signatories anticipated a conflict between England and the papacy in which they would side with Rome.

Preston does not base his argument entirely on Scripture; he also provides several examples of national churches (particularly the Gallican church) overtly challenging or rejecting papal authority. The “Admonition to English Catholikes” at the beginning of the publication references several historical episodes in which a king or emperor successfully withstood challenges to his authority from the pope. Preston urges his readers to remember that “popes and princes have been and shall be in opposition; the popes both have been, may lawfully be, and also ought to be resisted.”⁸⁰ This emphasizes that the English situation was not unique and that opposition to the pope was permissible in certain situations.

The first historical example Preston mentions is Philip the Fair. Philip's opposition to Boniface VIII is described as an instance in which resistance was perfectly lawful. According to Preston, in 1294 Boniface VIII “deprived the said king, [and] gave his kingdom to Albertus the Emperor, and declared that he accounted them for heretics, who did not believe that the said king was subject to him in spirituals and temporals,” inciting Philip's righteous resistance.⁸¹ Within Preston's schema (and according to Scripture), Boniface prompted Philip's rebellion by attempting to claim temporal authority over the king, a power which was explicitly denied to Peter's successor.

Preston also cites Louis XII's actions as an example of appropriate opposition to papal usurpation of monarchical authority. Pope Julius II deprived Louis XII of his throne, “and his kingdom given in pray to any that could take it.”⁸² Once again, Preston makes the case that the pope's actions were clearly impermissible. But what is more interesting is Preston's claim that “Lewis Richeome, Provinciall of the Jesuites” appreciated this example and suggested that his adherents follow it.⁸³ According to Preston, Richeome recommended that “Jesuits in such an occasion would do that which good clergymen, and good Frenchmen together with the said King Philip and Lewis did in those times, who defended their rights against those Popes Boniface and Julius, without any irreverence to the See Apostolic.”⁸⁴ If this is an accurate representation of

⁸⁰ E.I., *A New-Yeares Gift*, 17.

⁸¹ E.I., *A New-Yeares Gift*, 18.

⁸² E.I., *A New-Yeares Gift*, 18.

⁸³ E.I., *A New-Yeares Gift*, 18.

⁸⁴ E.I., *A New-Yeares Gift*, 18-19. I make no claims as to whether Preston accurately interpreted Richeome's message; I am simply presenting Preston's arguments.

Richeome's opinions on the subject, then this could silence (or at least problematize) the strident English Jesuit opposition to the Oath of Allegiance.⁸⁵

A New-Yeaeres Gift presents two strains of thought that limit papal authority and explicitly exclude deposing sovereign princes from the panoply of papal prerogatives: scriptural and historical. These arguments cover most of the common objections to the Oath of Allegiance. Preston persuasively presents evidence that there is nothing in the Bible, in history, or at church councils that supports the pope's right to depose sovereign princes. Combined with historical precedents of armed resistance to papal encroachment upon sovereign territory and even indications that the Jesuits will oppose the pope under specific circumstances, Preston makes a strong case for the oath. In short, he exhausts every conceivable resource in his quest to convince the English Catholic laity to swear loyalty to James.

Unresolved Debate

As soon as the Jacobean Oath of Allegiance became law, the English Catholic community split over how to react. Some cited the myriad conspiracies against the rightful king as evidence that James's action was warranted. Others retreated to the easily defensible position that the pope had condemned the oath and, while they did not condone regicide, they would not flagrantly disobey a direct papal command. Hence the extended debate as to whether English Catholics could take the proposed Oath of Allegiance was born. The ambiguity of the Bible and the vicissitudes of history meant that there was a wealth of evidence that could be appropriated by any party with rhetorical skill. After a decade and a half of vitriol and dozens of dense Latin treatises, Preston took it upon himself to collect the strongest evidence and compile an English treatise supporting the oath in an attempt to reach the population that felt the effects of the oath most keenly: the English Catholic laity.

Preston's goal was not necessarily to convince all of his Catholic compatriots to swear the Oath of Allegiance immediately. He humbly described his mission as exhorting "you that are laymen, to examine diligently this matter, and not to be led hoodwinked into the pit both of spiritual and temporal misery, especially by blind and ignorant guides who neither understand,

⁸⁵ In 1613 the Jesuits had been ordered not to engage further in debates about the Oath of Allegiance by their General, and this prohibition was not lifted; no Jesuits could respond to Preston's characterization of Richeome's argument. (Clancy, "English Catholics – III," 2.)

nor are desirous to know, the true grounds of this important controversy.”⁸⁶ By translating the theological highlights into English, Preston aimed to elevate the level discourse among the laity. But in case the sophisticated examples and rhetoric did not achieve their purpose, Preston employed the Bible as his last line of defense. He concluded his introduction with the hope that his readers, “will be careful to fear God, to honor the King, and without all partiality, to render to God and Caesar (and consequently to Popes and Princes) that which is their due.”⁸⁷

A New-Yeares Gift for English Catholikes was hardly the final word in the Oath of Allegiance controversy. While the 1606 wording that sparked the debate was James’s creation, Charles I maintained the same language.⁸⁸ The vitriol rolling off the printing presses lessened as other matters – particularly the debate over the extent of Bishop Richard Smith’s powers in the late 1620s – occupied the English clergy. And Charles’s leniency toward English Catholics significantly reduced anxiety over the issue. Not only did he marry a French Catholic princess, he allowed his wife to employ Catholics who had not sworn the oath in sensitive posts.⁸⁹ The urgency of the debate faded after the death of James I but the Oath of Allegiance remained on the statute books meaning that it could potentially be imposed at any time.

Though the threat of the oath lingered for decades, historians deemphasize the subject as the pace of the debate slackened following the prohibition on Jesuit involvement in 1613. Preston’s 1620 work is infrequently cited by modern scholars, and those who mention *A New-Yeares Gift* do so only briefly. Even scholars who try to understand how the general English Catholic populace understood and approached the oath (particularly Michael Questier) overlook the fact that Preston addressed precisely this audience with his treatise. Much work remains to be done on this topic. But I hope that this analysis will open another line of inquiry into the extended debate over the 1606 Oath of Allegiance.

⁸⁶ E.I., *A New-Yeares Gift*, 16.

⁸⁷ E.I., *A New-Yeares Gift*, 27-28.

⁸⁸ Lunn notes, “Charles could not retract the Oath without recalling Parliament, a thing he was unwilling to do, and Urban VIII could not annul a solemn condemnation made by one of his predecessors.” (Lunn, “English Benedictines,” 156.)

⁸⁹ Letter from Clerk [John Southcot] to [Peter Biddulph], (13 December 1633), reprinted in 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), 208.

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