

Addenda.

Westmorland.¹

Dent.²

A true and perfect account concerning the beginning and progress of the holy and blessed truth in our age, day, and generation, within Dent, &c.

In the year 1652, came George Fox to Stonehouses in Dent, and had a meeting with and amongst a company of great professors in the Independent way, but none of the greatest accounted did own his testimony, nevertheless some of lower note did believe, own, and accept thereof, *viz.*, Thos. and George Mason, &c.

Afterwards, George Fox went into Garsdale, and met with some great professors, as Major Bousfield, but little or no reception or acceptance of his testimony ; yet, with James Guy, and some else, Thos. Winn, of Grisedale, and some few others, the same was owned.

Then he went into Sedbergh, and met with the most noted professors, *viz.*, Jervas Benson, who owned and received his testimony with all gladness of heart. Afterwards, upon the day called Whitsun Wednesday, Geo. had a meeting with several of the most noted professors at R. Parrott's house, in Sedbergh town, and immediately from thence went into the steeple house yard at Sedbergh, and George, refusing to go into the Steeple house as was prepared at that time for him, rather chose, and accepted, and did stand up upon a bench, made under the Yew tree there, and there preached to a great auditory his testimony concerning the new way of the Light of Christ Jesus leading to

¹ The district comprising the late Sedbergh Monthly Meeting belongs to Westmorland Quarterly Meeting, though within the county of York.

² This has been taken from a copy of an old manuscript lent by Robert Rennison, of Sedbergh, to William Thistlethwaite in 1858. The copy is now in the Thistlethwaite collection previously referred to. Additions to this account have been made from other manuscripts.

the Kingdom of Heaven, more clearly than heretofore had been preached. At hearing whereof, many were convinced and became followers. Immediately after, were meetings agreed upon to be observed, as, I think, first at the house of Richd. Robinson, of Briggflatts, and also divers other places within Sedbergh, Killington, Middleton, Dent, Garsdale, and Grisedale, meetings were from house to house for twenty years and more, sometimes in a house and sometimes without doors.

Above the hall Gill on Risle side, against Dent's town, was two meetings; at one of them, Thos. Taylor ministered, upon Holmes Knot Hill was one Meeting, where Jervase Benson ministered. At and about Gawthorp in Dent, in the grounds of one James Capstack, were two meetings, where Gervas Benson ministered at one, and Thos. Taylor at the other.

At Chapel houses in Dent were some meetings by means of Alexander Hebblethwaite.³

At Stonehouses in Dent, at Willm Mason's, were several meetings.

At Thos and Jas Greenwood's at Gaile Garth, were several meetings.

Vpon ye 15th Day of the 4mo, Ano Dmj, 1679, was a Meeting at Leayeat in Dent. Also againe that day month was another meeting there, all 3 meetings without Doores in the Comon there. Then after that did Anthony Mason offerr his house for ffriends to meet in once a month vpon the first days, wch continued for sevrall years.

Also a meeting came to be settled every first day of the weeke within Dent, about Ano 1680, wch Continued for about 20 years, viz., at Antho Masons house, Willm Masons house, Richard Harrisons house, John Huggonsons house, some times at Mason bank, then at George Capstack's house, at the High, and at Robt Willans house at East banke in Dent.

In the year 1700, was the Meeting house at Loneing in Dent built, mostly at the charge of Richard Harrison. Afterwards, within one or two years, was the Meeting house at Leayeat in

³ Alexander Hebblethwaite, of Gate, in Dent, was cousin of Sir John Otway, of Ingmire Hall, Vice-Chancellor of the Duchy of Lancaster. See THE JOURNAL, ii. 23n.

Dent built, at the charge mostly of friends within Kirthwait. John Dent, of Sedbergh, Gaue towards the Charge of building both Meeting houses aforesaid £20, Conditionally, that is to say, paying him yearly Interest for the same during his natural life and no more, nor any after his Death, so friends of Dent did yearly collect so much as to pay the same.

Dent.⁴

To all my Beloved friends, neighbors, & Countrymen, well wishing yow from me, Richard Harrison, of Dent, in the County of York.

It is my desire, will, & mind in the Loue & freedom of our ever blessed Lord & Gracious Saviour, & Redeemer, healer, & Restorer, who is the dear Son of God & Lord Jesus Christ, to declare my true and perfect knowledge concerning the Dawning or breaking of the Day of the Sun of Righteousness & Truth in this Age wherein I now live. In wch it pleased God in mercy & of great Loueing Kindness to vissitt us, in & by sending of his good and faithfull Servant, George ffox, to declare & publish the Gospell of Light, Life, Grace, Truth, & way of Salvation & Restoration to God Againe. How lost & degennerate man might Come to be Saued, & Restored, by turning inwards to the Light of Christ Jesus, which God had caused to shine in the heart, & manifest to everyone their estate & Condition, what it was, & what it ought to be, before they were meet & fitt for ye Kingdom of heaven. This was to search ye wound to ye bottom Caused by sin & transgression. Then did God in mercy, & of great loueing kindness, Reveal what he had ordained, even a fountain set open for sin and uncleanness to wash in, by sending of his Dear Son, who offered up to God an acceptable Sacrifice for lost man, in & by ye offering up himself to Dye upon ye Cross, where his most pretious blood was shed for

⁴ This account has been copied from MSS. belonging to Westmorland Quarterly Meeting by Emily J. Hart, of Scalby, Yorkshire.

Remission of the Sins of Men, by whose Stripes, as it is written, we are heal[ed], who owns, beleives in, & follows him, in the way of Regeneration, wch many did accept of, and came to be made prtakers of Salvation, Restoration, & Reconslason, & peace with God to their great Desire, Comfort, & Satisfaction. And thus by the Dawning or breaking out of the holy and blessed day, & Riseing & Shineing light of the Sun of Righteous[ness], Did the night of Darkness & Ignorance fly away; and the work of the Lord was sett about, for many was turned from Satan to God by takeing heed to the Light of Christ Jesus, wch God caused to shine in their hearts, and to his word, and power, and Spirit; by yeilding obedience thereunto, they were made new Creatures, even because Created, & formed, & fitted to work good works for the glorifying of God in their mortall bodies, as many came to be. Glory to God for ever & ever.

In the year 1652, did George ffox Come unto Dent, & had a Meeting at Stonehouses in Dent wth & amongst several that were in a great p̄fession of Religion, as Independants or the like, but they, being rich & full of knowledg in their own Conseit, were not sensible of want of Information or need of a phisician, so they mostly opposed & Rejected his offerrs, & Testimony Concerning the Light, & Manifestation of Christ, in the hearts & Consciencs of peopl, to be Come in power to Restore into p̄fect health, happyness, & peace wth God againe. Nay, they did believe any such Condition was not attainable in this life, Altho some of them said they had sought after such an estate but obtained not, And so gave up to sitt down short, and thought it the best estate to acknowledge an estate of owning & Confessing to be a misserable sinner, and could not otherwise be while in this life, and who p̄ssed more was deceiued & deluded, etc. Nevertheless, at same time, there were some who were not so high in p̄fession that was convinced, & owned the Testimony born by Geo. ffox, who lived and dyed in the same Truth testified off, viz., Thomas Mason, & George Mason, his brother, neer Cowgill in Dent, & some others.

This was a litle before ye time Called Whittsuntide, in the said year 1652. From & after this, Georg went over into Garsdale & Sedbergh to and amongst the p̄fessors there, and upon the day called Whit Sun Wedensday, being the ffair time at Sedbergh, Georg ffox preached a Sermon, Standing on ye bench under the yew tree in Sedber Steeplehouse garth,⁵ where he had a very great Auditory. That day, was I at Sedbur, but did not know of that meeting till afterward.

Then immediately was many Convinced, of Sedbur, & of Dent, as Alex. Heblethwaite & his wife, Thomas Greenwood & his wife, and divers others below in Dent, as well as above, as before mentioned, & in Garsdale was James Guy & his wife, wth divers othrs, also in Grisedale as Thomas Winn & his wife & familly, & divers others; So that a meeting was setled in Sedber forthwith, and went from house to house, sometime in Sedber, sometime at Miles Walker's House, in Midleton, & oth'r houses there away, & sometime in ffirbank, and sometimes in Dent, at the said Thomas & Geo: Masons, and sometime in Garsdale & Grisdale; thus for most of Twenty years & vpwards, from plac to place, and many times without Doores.

In Dent, about in the yeare 1655, ffriends came from Sedber, and mett wth ffriends of Dent vpon Risell side, above the Hall gill, in Dent, being a comon, vpon one ffirst Day of the week, whre was a great meeting, but very Rude and abusiuē were many of Dent people that came there. Afterwards, ffriends, another time, had a meeting there, but not without trouble. At which meetings aforesaid were Thomas Taylor, who formerly had been a priest, also one Georg Harrison, & other publick ffriends there.

Afterwards, the said Thomas Taylor had a meeting wth out Doors in James Capstacke parroock at Gawthropp in Dent, and at other places in Dent, as once in a year, etc.

⁵ John Handley, of Brigflatts, writes me, "The Whitsun Wednesday fair of that day was a very important occasion, in which young people gathered to enjoy one another's company, and their elders to buy articles for summer use. The fairs were held in the church-yard until removed to the village green by Act of Parliament in the fourteenth century." A reproduction of a photograph of the yew tree may be seen in *Francis Howgill*, "Friends Ancient and Modern" series, recently published.

Also Gervas Benson had severall meetings wth friends in Dent, time after time, & year after year, one meeting on top of Helms Knott hill, another on the Riggs towards Sedber, another in Janes Capstack low feild below Gawthropp, another at Chappell fould or parrock⁶ or barn in Dent, and some time at Wm Maso[n] house at Stonehouses in Dent. So had John Wilkinson, who formerly had been a priest, a great meeting in Wm Mason Barn, at Stonehouse in Dent, at another time, Besides Diverse other friends had meetings in Dent, at sewerall times, as at Alex. Heblethwait's house, also at Tho: or James Greenwoods house, also at Willm̄ Masons house, also at Robt Lunds house, etc. Yet for all that there was very few owned, and Received, or gave vp to Truth for many years.

Cumberland.¹

⁶ *Fould* means a farm-yard; *parrock* is a small fold, from the Saxon *parruc*, meaning a croft, now corrupted into *paddock*.

¹ The condition of religious life in the Episcopalian Church in Cumberland may be seen in Bishop Nicholson's *Miscellany Accounts of the Diocese of Carlisle*, 1703, published 1877. There are several references to Friends in this book, *e.g.* under Kirklington, "In the Churchyard (which is pretty well fenced) there is a great Store of Graves; notwithstanding the mighty Swarms of Quakers in the parish, who have also a Sepulchre of their own within View." In the churchyard is a tombstone to the Rector, Robert Priestman, who died 1679, having been rector there thirty-eight years.

Lancashire.¹

A Record for ye meetings of Marsden, Rossendale, Sawley, and Oldham (the mans meeting) of these six particulars following.

Marsden.

1st. First Messengers.

The first yt brought ye message of glad tydings amongst us was William Dewsbury, & soon after, with him, came Thomas Stubbs² & Christopher Taylor, in ye summer, 1653.

2nd. Their Sufferings.

William Dewsbury & Chrstopher Taylor, being in ye high way, one Calld Colonel Nowell, of Read, & his man, overtaking them, ye sd Nowell drew forth his rapier, & gave his scabbard to his man, & they followed them a great way striking them, & ye said Nowell stabbed Chrstopher Taylor into ye back untill bloud came.

William Dewsbury being moved to go to Colne on ye 21th of 10th month, 1653, & coming into ye Market place, declared ye word of ye Lord to ye people, untill one James ffoster, of Colne, came behind him, & fell vpon him, & so smote him down, & so they hurried him out of ye Towne.

Thomas Taylor (though not ye first yt brought ye message of glad tydings, yet being an early labourer in ye gospel) Coming to Colne vpon ye 4th day of week, in ye 5th month, 1655,

¹ This additional account from Lancashire has been copied from a MS. book belonging to Marsden Monthly Meeting.

For a record of sufferings in Manchester, Blackburn, Bury, and other places, see *The Persecution of them People They call Quakers in several Places in Lancashire*, written by William Adamson, William Simpson, Leonard Addison, John Branthwaite, Isaac Yeats, Leonard Fell, and Thomas Holmes, 1656.

² Thomas Stubbs was one of the earliest converts to Quakerism in Cumberland. He had been a soldier. The records of his life are scanty. In his *Call into the Way of the Kingdom*, 1656, he refers at some length to the imprisonment of Peter Head, John Head, and himself at Carlisle, in 1654. He died in 1673. See *Biographical Memoirs*, 1854.

& being with a friend in ye Market place, many people came about him, & he, being speaking of some Texts of scriptures, drew forth a book call'd a Testament out of his pockett, which Testament one Gyles Hamond, of Catlow, pluckt out of Thomas Taylor hands, & did not Restore it again; And as ye sd Thomas Taylor was rideing out ye street to pass out of the Town, The said Gyles Hamond said, "Strike him down," Whereupon one William Huet, as a watchman in ye Town, stroke Tho: Taylor on ye head with a pike, so that his mare reeled under him, which stroak made a great wound in his head, & drew much blood.

3dly. What friends first Received them & their Message.

James Smithson, Anne Wilkinson, James Wilkinson, Richard Hargreaves, of Edge-end, & Henry Robinson, first received those first messengers & their message.

4th. The names & travells, faithfulness, & unblameable Conversations of ye publick Laborers in these sd meetings, yt are deceased.

John Moore,³ a faithfull Laborer in ye work of ye ministry amongst us, who travelled severall times in Yorkshire, Lincolnshire, Nottinghamshire, & part of Lecestershire, in ye ministry, & was an innocent harmless man in his time, who was as to his outward sight blind, though inwardly as a guide to them that were blinde, as directing to Christ Jesus, ye true guide, being an Instructor of them that were out of ye way, A strengthener of them that were weak, & a Comfort to all them that Loved ye truth, Who had a good Testimony for God & his truth where-ever he was ordered, unto which he was faithfull unto ye time of his departure, which was in ye first month, 167 $\frac{1}{2}$. And though he be taken away, yet ye memoriall of him still remaineth fresh in our hearts.

And also our dear brother, William Whalley, who was a faithfull labourer in ye Gospel, who travelled through many parts of this nation in ye service of ye Lord to ye Comfort of those yt truly fear God & Love truth; & he sealed to his testimony by much suffering, & was faithfull vnto ye end, &

³ John Moore is described in the Lancashire Burial Register as "of Ball house." He was buried at Foulridge.

John Moore lived at Ball House, now an old farm-house, near Foulridge.

was never overcome by his Enemyes yt had a hand in persecuting him, but overcame; And often blessed God that he had Counted him worthy to suffer for his Testimony; Yea, & greatly rejoyced very often amongst friends & praised God for ye rich recompense of Reward he had Returned into his bosom, in ye midst of great sufferings. And ye Remembrance of his constant Labour & fervent travell for ye strengthening & edifying of friends of our meeting, unto wch he belonged, even near before his Death, doth Live fresh and weighty vpon our hearts, in much brokenness of spirit ever desireing ye good of our meeting in particular, & Crying to God for us very often in our meetings, a little before his death, with much fervency of spirit. Oh! we cannot but Remember him, & wee may truly say he was a man of God amongst us, & his works follow him. And this our dear brother, when he was visited with sickness nigh vnto death, was preserved in much patience & Contentedness, though his disease was very sharpe; & made a sweet & Comfortable end, in a heavenly frame of spirit, & often Testified, Though his outward body was weak, yet his inward man was strong. And ye time of his departure⁴

5th. What Judgements fell vpon persecutors.

The aforesd James ffoster, of Colne, who had been so bitter against William Dewsbury, & was also a bailiff yt had taken much goods from friends upon ye Account of Tythes, as he was in their bell-house, a great log of wood fell vpon him, & slew him suddainly, & so he dyed. And ye afore named Willm Huett, that did wound Tho: Taylor in ye market in Colne, with a stroke with a pike, as before mençoned, dyed very miserably.

Rossendale.⁵

1st. The first that brought ye message of glad tydings of ye blessed truth amongst us were

William Dewsbury, & with him Thomas Stubbs.

⁴ The account breaks off here, and space appears to have been left for some addition. William Whalley died in 1682, and was buried at Heyhead. The Burial Ground is close to the Meeting House at Marsden, and is still in the possession of Friends, though long closed for burials.

⁵ Rossendale corresponds with the Meeting now called Crawshaw-booth.

2d. Their Sufferings.

There was no sufferings inflicted on them, but many gladly received them, yea, ye then priest of Rossendale, Thomas Sommerton, received them, & William Dewsbury had a large time of ministring in ye steeplehouse, & afterwards ye priest Confirmed by words ye Testimony delivered.

3d. The first that received them & their message were
Susan Heyworth, widdow, & Mary Birtwisle, widdow.

4th. A testimony concerning a publick Labourer, deceased.

Thomas Lorimer, in his Childhood, came Apprentice to Abraham Heyworth,⁶ performed it justly, & dwelt with him afterwards, a servant, then Removed to John ffeildens,⁷ where he abode, a faithfull Servant & a good Example, haveing a Testimony in meetings. And in ye year 1669, he travelled in ye service of ye Lord in Cheshire, Darby-shire, Nottinghamshire, & so along to Huntingtonshire, where he was imprisoned. He visited ye people of God in Jreland, & severall times in ye Eastern parts of England, And returning to Rossendal meeting, being not in health, Abode with Alice Radcliff about eleaven weekes ; departed this Life ye 8th day of ye 3d mo, 1678, & was buried ye 10th day of ye same, in Rossendal burying place.

5th. Judgements upon a persecutor.

Edmund Mills, of Hall Carr, in ye parish of Bury (a great Jnformer and persecutour of ffriends in Rossendal, by means whereof friends suffered about 120l., about 2 years before he dyed), he fell sick & was distracted, but Recovering for a season, seemed greatly to Repent, declareing to severall his great trouble for what he had done, saying yt ye goods he took from our friends never did him good, but went, & took his with them. He became very poore. When he dyed, all yt he had would not near pay his debt ; because of his poverty, he was layd naked in his Coffin.

⁶ The family of Heyworth (Haworth), of Rossendale, was a large one ; Abraham's name appears in THE JOURNAL, ii. 138.

⁷ John Fielding lived at Hartley Royd in Stansfield, and was a member of Mankinholes Meeting, Yorkshire (see THE JOURNAL, ii. 34). The Fielding and Heyworth families were connected by marriage.

Being helped up out of his Chaire by some present, he sware that he could not have risen up but for their help, & so dyed in their Armes, as he had Lived, in Swearing.

Oldham.

1st. The first that brought ye glad-tydings of ye gospel of salvation to us we:re

James Taylor, Richard Roper,⁸ John Braithwait, & Thomas Briggs.

2d. Their sufferings.

These messengers was struck, & haled out of ye steeple-house-yard, at Oldham, by John Tetlaw,⁹ who thrust them over ye wall. At Ashton under Line, one Priest Harrison gave Charge they should not Entertain them into their houses, whose Enmity was so great against ye Appearance of Truth.

witness hereof, JAMES SYKES.

⁸ George Fox writes, under date, 1653, " Amongst the priests' hearers [at Cartmel] was one Richard Roper, one of the bitterest professors the priest had ; but afterwards he came to be convinced, became a minister, and continued faithful to his death." D. possesses two letters written by Richard Roper and Richard Waller, presumably in the handwriting of the former, from the city of Waterford, Ireland, and addressed to Margaret Fell. One is dated " ffrom the Cittie Gaoll," 4th of Seventh Month, 1657, and commences, " Dearly beeloued in the Lord. . . Thou art Cloathed with the pure Roobe [of] thy beauty, and thy comlynes shines through Countries and nations ; and thy fame spreads through the earth." The letter refers, among other things, to Lettish Shaine, who had come from Dublin to visit them, and who was at one time in the household of Oliver Cromwell. [There had been a considerable convincement in the Protector's household. See G. Fox's *Journal*, i. 215, 332.] The second letter was written ten days later, when the writers were free again. They acknowledge the kindness of Irish Friends ; George Lathom, of Dublin, brought them ten shillings " from the publique stock," James Sicklemore gave them four shillings and sixpence, and a woman Friend of the city provided " a waystcoat " for each, " or else wee should haue sent to England for somthing." Their thankful acknowledgement of the receipt of three letters from M. Fell gives us a glimpse of the large correspondence between M. F. and Friends in all parts. Both letters are endorsed by George Fox. The Cumberland Burial Registers record the burial of Richard Roper, of Woodbroughton (presumably the same Friend), at Height, in 1658. [James Sicklemore, of Youghal, had been a captain. He wrote *To all the Inhabitants of the Town of Youghall who are under the Teachings of James Wood*, 1657.]

⁹ Tetlow.

3d. *The first yt Entertained them & their message were James Sykes,¹⁰ & Joshua Ogden.*

5th. *Judgmts upon persecutors.*

The aforesd Priest Harrison, whose Enmity was great against them, Afterwards ye use of ye one side he had taken from him. And John Tetlaw, aforesd, who thrust them over ye wall, & did strike some of them, The hand of ye Lord was seen against him, & soon after he sold up that he had, & went into Ireland, where he dyed suddenly.

Witness, ISAAC WILD.

Hardshaw.¹¹

¹⁰ James Sykes was "of Lingards in Slaighwood, Almondsbury, Yorks," at the time of his decease in 1679, but he was buried at Heyside within Marsden Monthly Meeting.

¹¹ There is a reference, on the minutes of the Monthly Meeting in 1706, to the request of the Yearly Meeting, but nothing further on the subject appears to be recorded.

Shropshire.¹

Shrewsbury.

At a Meeting of Men Friends upon the 6th of the 11th Mo., 1680, Wee did by dilligent search find that

Elizabeth Leven and Elizabeth Flasher [Fletcher] weare the first friends that came with the true message of glad tidings to Shrewsbury in or about the year 1654. For which they were examined and committed, but weare garded out of Toune with a Pass towards their own Country, but two Freinds of Shrewsbury, that is to say, William Payne and Katherine Broughton, brought them on their way.

¹ Copied by William Gregory Norris, of Coalbrookdale, from a book belonging to Shropshire Monthly Meeting, containing various early records. Shropshire is the only English county of which the name does not appear in the list of Quarterly Meetings in 1720. This district belonged to North Wales.

Hertfordshire.¹

¹ At a Monthly Meeting at Watford : the 2d of ye 9th mo., 1704.

This day was Read a Paper from ye 2d Days morning Meeting in London, bearing date ye 12th of 4th mo., 1704, Recommended to ye severall Quarterly & monthly Meetings Jn England, &c.—Desireing that ffriends would take care to Collect all such remarkable & Effectuall Labours & Services of our deceased friends as are not already in print, And their severall Births, Ages, & Deaths, and ye Times when & wheare, together with their Christian Testimonys, & faithfull sayeings on their sick & Dying beds and before their Departure, as allso what Publick ffriends ffirst Came into your Respective Countys to publish ye Everlasting Gospell, & who received them, & what Suckcess attended their Labours, and what sufferings they mett with, and what meetings they Gathered & Settled.

And it was thereupon desired that ffriends of Each perticuler meeting belonging to this mo : Meeting Do Take Care as much as in them Lyeth to gather up whatsoever of this Nature they Can & Present them to this Meeting.

At a Monthly Meeting at Hempsted, ye 1st of 10th mo, 1704.

This meeting haveing under their consideration the Contents of A minnuit made at ye Last meeting Concerning Gathering up any thing remarkable relateing to Publick friends in ye first breakeing forth of Truth which are not allready in print, Jn order thereunto do apoint the friends undernamed to Take Care of the same :—

Phillip Tompson,	John Edmonds, Senr.
Wm. Loddington,	John Edmonds, Junr,
Mickhaele Turpine, Senr,	Joseph Meade,

And that James Stirridg, Junr, Draw up three severall Abstracts of what they are to Jnquire about, and send them to the friends nominated ffor the Respective meetings.

At a Monthly Meeting at Hertford, ye 2d of ye 1st mo : 1705.

The friends Appointed to make Jnquiry concerning any thing remarkable relateing to Ancient friends in ye first breakings forth of Truth, &c. Report to this meeting that they Cannot ffinde anything material but what is allready in print.

At a Mo. Meeting at Watford, 4 9 mo. 1720.

This Meeting having considered ye Matter relating to what Ministring friends came first into this County, &c., finds, upon Examination, that there was a like Recommendation to the sevrall Quarterly & Mo : Meetings from ye Morning Meeting at London, 12th 4 mo, 1704, whereupon divers friends were then Appointed to make Enquiry, and they Reported that they could not find any thing more than wt was then already in Print ; neither do we know of any thing Material since.

At a Monthly Meeting at Hertford, ye 6th 9 mo, 1704 :

Agreed at this meeting that Richard Thomas, Henry Sweeting, and John Thurston doe collect an account . . . what friends first came into our Respective Towne[s] to publish the everlasting Gospell, & who received them, what Success attended their labours, what Sufferings they mett with, & what Meetings they gathered & Settled thereby.

4th of 10 mo. 1704 :

Henry Sweeting acquainted this meeting that James Naylor was the first Publick friend that came into Hertford, and he received him first, & the said James Naylor had a meeting at Henry Sweetings house, and Henry Sweeting was convinced at the same time.

31 10.

Henry Sweeting did (at this meeting) further give an Account that his wife and two daughters were convinced at ye same time he himself was.

The Penal Laws affecting Early Friends in England.

The Editor asked me to furnish some notes on the legal terms used in "The First Publishers of Truth."¹ On consideration it seemed best to put the information required in a systematic form in order to give a general view of the Penal Laws as they affected Early Friends in England, illustrating the statement mainly from references in F.P.T. No attempt is made to give a history of the persecutions to which Friends were subjected—for this would mean writing the external history of the Society for the first forty years of its life—and I have further confined myself to English law.

WILLIAM CHARLES BRAITHWAITE.

¹ This book may be briefly described as *F.P.T.*

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Commonwealth Period.

Sect. 1.—Introductory.

“*The First Publishers of Truth*” deals primarily with the rise of the Society in the Commonwealth period, although it includes isolated documents about events in London in 1683 and at Norwich 1682-1683, and contains many scattered references to post-Restoration days. It was the earnest temper of the Commonwealth period, and its atmosphere of qualified religious liberty, that gave the Quaker message its opportunity. The army of “Publishers” that issued from the North was indeed greatly harassed by the magistrates, but there is little evidence of any settled policy of persecution on the part of the central authorities at Whitehall, and, apart from the proceedings against James Nayler, there was no special legislation directed against Friends.

During the Commonwealth period, the “First Publishers” came into conflict with the law mainly in the following ways:—

Sect. 2.—Charges of plotting against the Government.

I find no direct references in *F.P.T.* to such charges, but George Fox was carried up to London in February, 1655, on a charge of this kind, and there were other cases.

Sect. 3.—Proceedings under the Blasphemy Act, 1650.

This Act² was milder than the blasphemy ordinance of 1648. It was passed 9th August, 1650, and enabled a Justice for a first offence to commit to prison or the House of Correction for six

² 1650, cap. 22. Scobell's *Collection of Acts and Ordinances*, London, 1658, pt. 2, p. 124.

months, and, until a surety for good behaviour be given, up to a year. For a second offence, the penalties were incurred of imprisonment till the Assizes, and, if convicted there, of banishment under pain of death. The offence took place where any person (1) affirmed himself or any other mere creature to be very God or to be infinite or almighty or equal with God, or that the true God or the eternal Majesty dwells in the creature and nowhere else; or (2) affirmed that acts of gross immorality were indifferent or even positively religious. George Fox was imprisoned a year at Derby under the first branch of this Act, 30th October, 1650-1651; proceedings were threatened against him at Lancaster Quarter Sessions, October, 1652; and at Carlisle in 1653 he was imprisoned presumably as a second offender, with a view to his conviction at the Assizes. There were several prosecutions against other Friends under this Act. Again we have no direct references in *F.P.T.*, but see pp. 34, 248.

Sect. 4.—Refusing the Oath of Abjuration.

According to George Fox (*Journal*, i. 246), this came out in 1655. In April, 1655, after the Royalist insurrection, a proclamation was issued announcing that the law would be enforced which required persons suspected of Roman Catholicism to take an oath abjuring the Papal authority and the doctrine of transubstantiation.³ An Act of 1656, cap. 16,⁴ provided a more searching form of oath. The wide-spread idea that Quakers were Jesuits in disguise led to some persecution under this head. See the imprisonment of Ambrose Rigge and Thomas Robertson at Basingstoke, 1655 (p. 112; Besse's *Sufferings*, i. 228), and of Miles Halhead and Thomas Salthouse at Exeter, 1655 (p. 78; Besse's *Sufferings*, i. 146).

Sect. 5.—Vagrancy.

This was the readiest means of punishing travelling Friends, and is abundantly illustrated in *F.P.T.* By St. 39 Eliz. cap. 4,

³ See S. R. Gardiner's *History of the Commonwealth and Protectorate*, vol. iv., p. 18, and the Ordinance of 1643, cap. 15.

⁴ Scobell's *Collection*, pt. 2, p. 443.

“an act for punishment of rogues, vagabonds, and sturdy beggars,” continued from time to time, any person taken begging, vagrant, wandering, or misordering themselves might be ordered by any Justice to be “stripped naked from the middle upward,” and “openly whipped until his or her body be bloody.” The Justice was then to make out a Testimonial or Pass, which Michael Dalton⁵ gives in the following form :—“John at Stile, a sturdy, vagrant beggar, of low personage, red-haired, and having the nail of his right thumb cloven, aged, &c., was this 6th day of April, &c., openly whipped at, &c., according to the law, for a wandering rogue, and is now assigned to pass forthwith from parish to parish by the officers thereof the next straight way to P., where, as he confesseth, he was born ; and he is limited to be at P. aforesaid, within ten days now next ensuing, at his peril.” Dalton says it is needful to specify expressly “some assured marks of the party, as his stature, colour of haire, complexion, or (if it may be) some apparent scar or other note.” Any passes for Friends that have been preserved might accordingly contain interesting particulars of their personal appearance. The Pass for himself which George Whitehead gives (*The Christian Progress*, &c., ed. 1725, p. 104) simply describes him as “a young man about twenty years of age.”

The Vagrancy Act needed some stretching to cover the itinerating Publishers of Truth. Its definition clause included “all wandring persons and common labourers, being persons able in body, using loytering, and refusing to work for such reasonable wages as is taxed or commonly given in such parts where such persons do, or shall happen to dwell or abide, not having living otherwise to maintain themselves.”

In 1657, it was extended to all persons wandering without sufficient cause, although not taken begging.⁶ By St. 7 Jac. 1, cap. 4. a House of Correction was to be provided in every county, to which vagabonds could be sent. The governor of this house was to set them to work and labour, and had power to punish them “by putting fetters or gyves upon them and by moderate

⁵ *The Countrey Justice*, 6th ed., 1643, p. 464.

⁶ Act 1656, cap. 21, coming into operation, 1st July, 1657. Scobell's *Collection*, pt. 2, p. 477.

whipping of them." At every Quarter Sessions he was to render an account of all persons committed to his custody.

For charges of vagrancy in *F.P.T.*, see pp. 136-141 (William Caton and John Stubbs at Maidstone), also pp. 18 (Richard Hubberthorne at Chester), 80-87 (Dorset), 97 (George Whitehead's case already referred to), 209-211, 258-260 (Elizabeth Fletcher and Elizabeth Leavens at Oxford), 213 (William Simpson at Oxford).

"Going naked as a sign" appears less extravagant when we remember that it belonged to an age which was familiar with the brutal practice of openly stripping and whipping Friends as vagrants.

Sect. 6.—Travelling on the Lord's Day.

The ordinance of 1644, cap. 37,⁷ forbad travel on the Lord's Day without reasonable cause, under a fine of five shillings or, for failure to pay fine, three hours in the stocks. The Act 1650, cap. 9,⁸ was fuller, and extended to days of public humiliation and thanksgiving, while the fine was increased to ten shillings or six hours in the stocks. No person was to travel on the Lord's Day, &c., except to or from some place for the service of God, or upon other extraordinary occasion to be allowed by a Justice. The Act 1656, cap. 15,⁹ extended the offence to all persons vainly and profanely walking on the Lord's Day. For cases under these laws, see pp. 280 (Evesham), 319 (York); Thomas Ellwood's *Life* (under year 1659).

Sect. 7.—Disturbing Ministers and Refusing Honour to Magistrates.

By the Act 1 Mar. st. 2, cap. 3, the malicious disturbance of a preacher in his sermon or when celebrating divine service made the offender liable to three months' imprisonment. Friends

⁷ Scobell's *Collection*, pt. 1, p. 68.

⁸ Scobell's *Collection*, pt. 2, p. 119.

⁹ Scobell's *Collection*, pt. 2, p. 438.

generally waited till the sermon was over and so avoided breaking this law. (See, e.g., pp. 83, 85, 87, 92, 157.) In *The Perfect Pharise under Monkish Holinesse, &c.*, by Thomas Welde and others, ministers in Newcastle (London, 1653, p. 47),¹⁰ it is made a charge against Quakers that "they can now of late forbear till our public worship and exercise be concluded. At their first breaking forth it was otherwise, but since they have found that their speaking in the time of our public work is punishable by law, they can now be silent till we have closed up the work." The account of George Fox's service in 1653 at Bootle, Cumberland, given in the MS. "Short Journal," preserved at Devonshire House, shows the legal position clearly as it was understood by Friends. He visited the "steeple-house" both in the morning and in the afternoon. In the morning, he says, "I was moved to speak in his time, he uttered such wicked things, and therefore, for the truth's sake, I was moved to speak to him, if I had been imprisoned for it." In the afternoon, he writes, "I sat me down and heard till he had done, though several friends spoke to him in his time. So, when he had done, I began to speak to him. . . . and he began to oppose me. I told him his glass was gone, his time was out; the place was as free for me as for him; and he accused me that I had broken the law in speaking to him in his time in the morning, and I told him he had broken the law then in speaking in my time." The Lord's Day Act, 1656, cap. 15,¹¹ required attendance at worship under a fine of 2s. 6d. and provided that if any person, after 1st August, 1656, should wilfully disturb a minister in the doing the duty of his place, or in his going to or returning from such place, or should cause any public disturbance on the Lord's day in any such place, he might be committed to prison till the next Quarter Sessions, and be there fined £5, or sent to the House of Correction or workhouse for not more than six months, to be there set to hard labour with such moderate correction as should be thought fit. Apart however from express law, judges and justices would regard themselves as having a

¹⁰ I cite from Barclay's *The Inner Life of the Religious Societies of the Commonwealth*, p. 286.

¹¹ Scobell's *Collection*, pt. 2, p. 438.

general authority to punish cases where contempt either of the ministry or the magistracy was shown. Cases are frequent in *F.P.T.* See, especially, pp. 24 (keeping on hats when a proclamation was read), 69 (abusing the Mayor of Carlisle), 79-87 (Dorset cases, chiefly for speaking in churches),¹² 147, 148 (Lancashire, a case under the 1656 Act), 202 (speaking to the Mayor of Berwick), 277 (Worcestershire), 283 (Edward Bourne's conversation with Major-General Berry, the officer charged by Cromwell with the care of Worcestershire, Herefordshire, Shropshire, and North Wales), 318 (York cases), 322, 324 (South Wales).

Sect. 8.—Tithes and Ecclesiastical Demands.

(See under Restoration Period, Sect. 16.)

Sect. 9.—General Policy of Authorities during the Commonwealth Period.

Under the several heads above referred to, a great amount of persecution took place; 3,170 Friends suffering for conscience sake prior to the Restoration. (George Fox, *Journal*, i. 522.)

So far as the central authorities were concerned, it was as persons causing disturbance that the Quakers suffered and not because of their religion. Their denunciations of ministers as hirelings, deceivers, and false prophets were especially provocative of disorder. A proclamation announcing the Protector's intention to enforce the law was accordingly issued on February 15th, 1655, which Gardiner¹³ gives at length, and says "may justly be regarded as the charter of religious freedom under the Protectorate." It rejoices in the "free and uninterrupted passage of the Gospel running through the midst of us . . . without any interruption from the powers God hath set over this Commonwealth . . . a mercy that is the price of much blood,

¹² These Dorset cases are illustrated by a document in *Calendar of State Papers (Domestic)*, 1656-57, p. 123, "List of Justices in County Dorset who have persecuted Quakers."

¹³ *History of the Commonwealth and Protectorate*, vol. iii. p. 260.

and till of late years denied to this nation," and assures the continuance of this liberty. But the Protector holds himself equally obliged "to take care that on no pretence whatsoever such freedom given should be extended by any beyond those bounds which the royal law of love and Christian moderation have set us in our walking one towards another, or . . . to the disturbance or disquiet of any of their brethren in the same free exercise of their faith and worship." Then comes a reference to the disturbances occasioned "by divers men lately risen up under the names of Quakers, Ranters, and others, who do daily both reproach and disturb the assemblies and congregations of Christians in their public and private meetings, and interrupt the preachers in dispensing the word, and others in their worship, contrary to just liberty, and to the disturbance of the public peace." The proclamation accordingly closes by strictly requiring "that they forbear henceforth all such irregular and disorderly practices; and if in contempt hereof any persons shall presume to offend as aforesaid, we shall esteem them disturbers of the civil peace, and shall expect and do require all officers and ministers of justice to proceed against them accordingly."

This proclamation fairly represents the general attitude of the Government, and is well illustrated by Major-General Berry's conduct at Worcester, 1656 (p. 284), though it will of course be understood that an active, persecuting spirit was often shown by the county magistrates. In justice to these, however, it should be remembered that the stiffness of Friends in refusing to pay prison-fees (*e.g.*, p. 138), or to give hat-honour or the accustomed phrases of respect to the Court, or to find surety for good behaviour often entailed imprisonment far in excess of what was originally intended against them. The authorities at Whitehall issued many orders releasing specified Friends; one of these is referred to, p. 280; and on the 10th November, 1657, a general letter was sent down to the justices,¹⁴ "His Highness and Council have received several addresses on behalf of Quakers imprisoned for not pulling off their hats, and for not finding sureties for good

¹⁴ *Calendar of State Papers (Domestic)*, 1657-58, p. 156.

behaviour. Some have long lain in prison and are not likely to get out by conformity. Though his Highness and Council are far from countenancing their mistaken principles or practices, especially in disturbing godly ministers and affronting magistrates, yet as they mostly proceed rather from a spirit of error than a malicious opposition to authority, they are to be pitied and dealt with as persons under a strong delusion, who will rather suffer and perish than do anything contrary to their ungrounded and corrupt principles. Therefore his Highness and Council recommend them to your prudence to discharge such as are in prison in your County (though discountenancing the miscarriages), so that their lives may be preserved, divers having died in prison. From tenderness to them, you are, by causing their hats to be pulled off, to prevent their running into contempt by not giving respect to magistrates, as those whose miscarriages arise from defect of understanding should not be treated too severely." Much suffering however continued, and in 1659 (see *Besse*, Preface, pp. iv.-vi. ; *Letters etc., of Early Friends* by A. R. Barclay, pp. 62-69), 164 Friends attended in Westminster Hall and tried to get Parliament to accept of them as prisoners in place of the 140 Friends then lying in gaols and houses of correction. At the Restoration, 700 Friends, imprisoned for contempts, were set at liberty. (George Fox, *Journal*, i. 490.)

Restoration Period.

Sect. 10.—Royalist Policy.

With the Restoration a period of deliberate persecution against all Nonconformists began. In the Declaration of Breda, 4th April, 1660, the king had declared "a liberty to tender consciences, and that no man shall be disquieted or called in question for differences of opinion in matter of religion, which do not disturb the peace of the kingdom; and that we shall be ready to consent to such an Act of Parliament, as, upon mature deliberation, shall be offered to us, for the full granting that indulgence." This, no doubt, expressed the disposition of the tolerant and pleasure-loving king, at heart a Roman Catholic, and, although the rising of the Fifth Monarchy Men in January, 1661 (referred to pp. 118, 163, 164), embittered the authorities, an act of grace, issued on the king's coronation, 23rd April, 1661, discharged a number of Friends who had been imprisoned on scruples of conscience for not taking oaths, etc. (See the proclamation, dated 11th of May, 1661,¹⁵ referred to in *Letters, etc., of Early Friends*, p. 96, and *F.P.T.*, p. 127.) But the full grant of religious liberty was a matter properly reserved for Parliament, and the Parliament, elected amid the fever of Restoration loyalty, was intolerant and bigoted, with nine-tenths of its members churchmen and cavaliers. With the zealous support of the county magistrates, it addressed itself to the suppression of dissent, and carried out a deliberate policy of persecution, tempered by occasional interferences on the part of the king, and varying in severity according to the degrees of local zeal. It will, of course, be remembered that, upon the Restoration, all ordinances and laws passed by Parliament after 1642 ceased to have any legal force.

¹⁵ *Calendar of State Papers (Domestic), 1660-61.*

The principal charges on which Friends were imprisoned were the following :—

Refusing the oaths of supremacy and allegiance.

Offences as Popish recusants for non-attendance at church.

Offences against the Quaker Act, 1662, and the Conventicle Acts, 1664 and 1670.

The Act 35 Eliz. cap. 1, and the common law offence of causing a riot.

Failing to find a man for the Militia.

Refusing tithes and other ecclesiastical demands.

There is a good summary of the persecuting laws in the statement made by Friends to James II. and Parliament in 1685 (see *Besse*, Preface, pp. xxxix-xliv). There were then 1,500 Friends in prison.

Sect. II.—Refusing the Oaths of Supremacy and Allegiance.

By St. 5 Eliz. cap. 1, the refusal by persons within the Act of the oath of the King's *supremacy* was punishable as *praemunire* for the first refusal and as high treason for the second. By St. 7 Jac. 1, cap. 6, a complex oath of *allegiance* to the king and *denial of the pope's authority* was dealt with. The refusal of this involved imprisonment till the next Assizes or Quarter Sessions, when the oath was again to be tendered, and, if refused, the penalty of *praemunire* was incurred. Married women, however, were only to be imprisoned without bail until they should take the oath. Two Justices, often one Justice alone, could require any person of eighteen or more, under the degree of baron, to take the oath. We need to know what was meant by *praemunire* before we can understand the effect of these laws. The word was taken from the beginning of the writ, "*praemunire facias A B, &c.*" "cause A B to be forewarned, &c.," and denoted the punishment devised in the fourteenth century for use against persons who supported the pretensions of the papacy against the king.¹⁶ After conviction, the defendant was out of the king's

¹⁶ See St. 16 Rich. 2, cap. 5.

protection, and lands and goods were forfeited to the king, and he remained a prisoner at the king's pleasure. Throughout the Restoration period cases were frequent. See pp. 44, 109, 118, 119, 126, 149, 158, 175, 217, 281, 324. The oath was often tendered at the Assizes when other charges failed, a perversion of justice which brought every Friend who was in custody under the risk of a *praemunire*.

Edward Christian, in a note to Sir William Blackstone's *Commentaries on the Laws of England*, book iv., chap. 8, says, "The terrible penalties of a *praemunire* are denounced by a great variety of statutes, yet prosecutions upon a *praemunire* are unheard of in our courts. There is only one instance of such a prosecution in the State Trials, in which case the penalties of a *praemunire* were inflicted upon some persons for refusing to take the oath of allegiance in the reign of Charles the Second." He cites Hargrave's *State Trials*, vol. ii., p. 463, where the trial of John Crook and other Friends at the Old Bailey, 1662, is given. See *The Cry of the Innocent for Justice*, etc., 1662, small 4to.¹⁷ The weapon forged for use against the pretensions of Rome rusted in idleness until the malignant spirit of intolerance sharpened it for use against the Quakers. In Francis Howgill's trial at Appleby, 22nd and 23rd of August, 1664 (see *Besse*, ii. 14-17), Howgill asked Judge Turner if any Papists had been proceeded against by the Act, and the Judge, when faced with the question, had to answer, "No." George Fox's last imprisonment at Worcester was on a *praemunire*, but the conviction was finally quashed on errors in the indictment after Counsellor Corbet, on George Fox's behalf, had forcibly argued that they could not imprison on a *praemunire*. The result of Chief Justice Hale's discouragement of *praemunires* on this occasion was, according to Richard Davies (see the full account in his *Journal* under date 1674), that "that trial put an end to all the *praemunires* in the nation."

¹⁷ The account in *Besse*, i. 369-379, is taken from this.

Sect. 12.—Offences as Popish Recusants for Non-attendance at Church.

The words of the oath of allegiance were contained in an Act 3 Jac. 1, cap. 4, which had been made against "Popish recusants," after the Gunpowder Plot. By sect. 27 of this Act (in extension of St. 1 Eliz. cap. 2, sect. 14), any person not resorting every Sunday to church could be fined 12d by a Justice for every default, the fine to be distrained for by the churchwarden, and, in default of distress, the offender might be imprisoned until payment. These fines, which went to the poor, are the "Sunday shillings," referred to p. 65. The same Act (taken with St. 23 Eliz. cap. 1, sect. 5 and St. 29 Eliz. cap. 6, sects. 3, 4) enacted that every person over sixteen not attending church should on conviction forfeit £20 for every month of non-attendance, except where the king chose to take two parts of the offender's lands till he came to church, leaving the offender one third for his maintenance. For cases under this harsh law, see pp. 65, 69, 101, 102, 123, 314. Besse (i. 68-70) gives particulars of fines at Bristol in 1683, reaching the enormous total of £16,660, charged on 191 persons. John Whiting, in his *Memoirs*, under this year, gives this total, but says that he cannot say how many distrains were made nor how much was seized.

Sect. 13.—The Quaker Act, 1662, and the Conventicle Acts, 1664 and 1670.

These three Acts comprised the persecuting legislation specially enacted against Friends, and may conveniently be treated together. The other persecuting Acts—the Corporation Act, 1661, the Act of Uniformity, 1662, and the Five-mile Act, 1665—hardly affected Friends. The Quaker Act, St. 13 and 14 Car. 2, cap. 1, was passed in May, 1662, but had been taken in hand a year earlier. For the efforts of Friends respecting it, see *Letters, etc., of Early Friends*, pp. 95-114. This Act and the two Conventicle Acts are printed in *Besse* (Preface).

The Quaker Act was directed against (1) any person maintaining "that the taking of an oath in any case whatsoever (although before a lawful magistrate) is altogether unlawful and contrary to the word of God," *and* either wilfully refusing an oath duly tendered, or endeavouring to persuade any other person to refuse such oath, or, by printing, &c., going about to maintain that the taking of an oath in any case whatsoever was altogether unlawful, and (2) Quakers who left their habitations and assembled to the number of five or more persons, sixteen years old or upwards, at any one time in any one place under pretence of joining in a religious worship not authorised by law. The Act provided that in either case on conviction by a jury, or confession, or the notorious evidence of the fact, the offender, for the first offence, incurred a fine not exceeding £5, for the second a fine not exceeding £10, and for the third was to abjure the realm or otherwise be transported to any of his Majesty's plantations beyond the seas. The fines were distrainable, and for want of distress or payment within a week three months' imprisonment with hard labour was incurred for a first offence, and six months for a second. For cases under this Act, see pp. 159-162 (London cases). It was soon superseded for practical purposes by the precise wording and more effectual provisions of the Conventicle Acts, 1664 and 1670, although still occasionally resorted to. Besse (ii. 154) has a case in 1683, and the imprisonment and threat of banishment in the Norwich cases, 1683 (see p. 178), depended upon the provisions of this Act. It will be noticed that as regards the first branch of the Act the wording made it difficult to prove a breach of the Act unless the person charged gave evidence against himself.

The Conventicle Act, 1664 (St. 16 Car. 2, cap. 4, "an Act to prevent and suppress seditious conventicles"), was in force from 1st July, 1664, to 1st July, 1667, and was directed against all seditious sectaries. After declaring that the St. 35 Eliz. cap. 1 (to be referred to later), was still in force, it enacted that if any person sixteen years old should be present at any assembly, conventicle, or meeting, under colour of religion in other manner than allowed by the Liturgy, at which there should be five or

more persons beyond the household, then two Justices (the Quaker Act required a jury), within three months, could convict and imprison on a first and second offence for three and six months, unless fines of £5 and £10 were paid down (the Quaker Act allowed a week for payment). For a third offence elaborate provisions for transportation were devised. An indictment was to be made at the Assizes, and on conviction a sentence was to be passed of seven years' transportation to any of his Majesty's foreign plantations, except Virginia and New England, unless £100 fine were paid; married women whose husbands were not under sentence being liable instead to twelve months' imprisonment. The cost of transportation was to be recovered out of the offender's lands and goods, and if these failed, the sheriff could contract with the shipmaster to detain and employ the offender as his labourer for five years. The Act also dealt with Quakers refusing oaths, in terms more effectual than those used in the Quaker Act. Where any person refused a *judicial* oath, having no legal plea to justify or excuse such refusal, the mere refusal was to be recorded as a conviction, and the person offending should, for every such offence, incur the judgment and punishment of transportation; provided that, where such conviction did not take place at the Court of King's Bench or the Assizes, the offender was to be committed to the Assizes, where, if he refused the oath, sentence of transportation was to be passed.

The Conventicle Act, not quite three years after its expiration, was renewed, with milder penalties, but with encouragement to Informers, by St. 22 Car. 2, cap. 1, which came into force 10th May, 1670. A single Justice could convict, and fines of five shillings and ten shillings were imposed for the first and second offence, to be distrained for, and, in case of any offender's poverty, the distress up to ten pounds for any one meeting might be levied on any other person convicted of the like offence at the same meeting. The fines went one-third to the king, one-third to the poor, and one-third to the Informer, and to such persons as the Justice should appoint, having regard to their diligence in discovering and punishing the said conventicle. The punishment of transportation, which had broken down in practice, was omitted,

and no imprisonment was provided for, and the provisions as to judicial oaths were dropped, but the following new offences were created, which could be tried by a single Justice, with appeal to a jury at Quarter Sessions :—

(a) A person preaching or teaching in any such conventicle was to be fined £20 for the first offence, to be distrained for on his goods, or if a stranger or poor on the goods up to £10 of any person convicted of being present at such conventicle, and for a further offence was to be fined £40, to be distrained for in the same way, the fines going in thirds as aforesaid.

(b) Every person wittingly and willingly allowing a conventicle to be held on his premises was to be fined £20, to be distrained for in the same way, the fines going in thirds as aforesaid.

For references to these Acts, see pp. 164 (cases Sept., Oct., 1664, many of which resulted in sentences of transportation), 32 (£20 fine), 41, 53, 64, 65, 95, 101, 114, 122, 170, 227, 271, 300, 308, 316 (date should be 1670; see the proceedings set out at length by Besse, ii. 120-129, who gives a total of £2,000 of fines upon William Thornaby's information in about fourteen months' time).

Sec. 14.—The Act 35 Eliz. cap. 1, and the Common Law Offence of Causing a Riot.

As already mentioned, the Conventicle Act, 1664, had specially revived the St. 35 Eliz. cap. 1. This Act was originally a temporary one, and provided that if any person over 16 who refused to come to church should persuade any other person to abstain from coming to church or to be present at any unlawful conventicle, or should himself be present at any such conventicle, he should, on conviction, be imprisoned until he conform, and, in default of conforming within three months of conviction, should forfeit his goods and lands during his life to the king, and by oath abjure and depart the realm, and for refusal to abjure should be adjudged a felon, and should suffer as in case of a felony without benefit of clergy.

As a Friend could not swear, this severe law, if applied to him, meant sentence of death. At Margaret Fell's first examination, 14th March, 1664 (*Collected Works*, p. 279), the sheriff suggested to Judge Twisden to proceed on this statute, but the Judge refused, saying to Margaret Fell, "I could tell you of a Law, but it is too penal for you, for it might cost you your life." Besse (i. 690, 691) gives a Surrey case in 1662, when twenty-seven Friends were brought in guilty on this statute and sentenced to three months' imprisonment, "after which time, if they recanted not, they must abjure the realm or be proceeded against as felons." I suppose no actual sentence of death was passed in these cases, but in 1683, under the same statute, the savage sentence was actually passed on Richard Vickris, of Bristol (*Besse*, i. 71, 72), "that he should conform, or abjure the realm in three months, or suffer death as a felon without benefit of clergy." By the influence of the Duke of York, he was, however, legally discharged upon errors in the indictment. A full account of this most important case is given by John Whiting (*Memoirs*, for years 1683, 1684). I believe it is the only case where sentence of death was passed upon a Friend in the mother country. Many Friends of course died in the loathsome prisons of the seventeenth century, but, except in this case, it is fair to acquit English judges and juries of any direct intention to cause their deaths. There is an interesting passage in Richard Davies's *Journal*, under the year 1677, which shows that at that time the idea of sentencing Friends to death was repudiated by those in authority. According to this account, it was due to the exertions of Thomas Lloyd and Counsellor Corbet that Parliament in this year passed the Act 29 Car. 2, cap. 9, which abolished the writ for burning heretics, "and all punishment by death in pursuance of any ecclesiastical censures."

The St. 35 Eliz. cap. 1, was however used against Friends in another way. When a violent persecuting spirit was abroad, the authorities were impatient of the punishment by fine alone, provided by the Conventicle Act of 1670, and chafed against its stipulation that no person punished by it should be punished for the same offence by virtue of any act or law whatsoever.

They accordingly devised a way of punishing Friends for meeting together, without having any recourse to the Act of 1670. The assembly was treated as unlawful under the Act 35 Eliz. cap. 1, and then the gathering together at the meeting became punishable under the common law as a riot or rout or unlawful assembling, entailing fine or imprisonment on conviction by a jury. By our common law, where three or more assemble to do an unlawful act and part without doing it or attempting to do it, it is an unlawful assembly; where they make some advances towards doing it, a rout; where they actually do an unlawful act with violence, or do a lawful act in a violent and tumultuous manner, it is a riot.

The London case, 1683 (pp. 153-157), illustrates this branch of the subject. The unlawfulness of the assembly was based on the St. 35 Eliz. and not on the Conventicle Act, because if this Act had been used, only its penalties, as I have shown, could have been enforced. For this reason, Thomas Jewkes, for whom the fine imposed by the Lord Mayor had been tendered, did not hold himself obliged to appear (p. 155). The importance of proving the actual doing of an unlawful act with violence explains the argument of Thomas Barker (p. 156) that an overt act, "overtackt," must be committed, and the Recorder's desire to get evidence that the meeting was tumultuous. I suggest that the word "intempts" (p. 156), although clearly so written in the MS., must be intended for "interrupts" spelt "interupts."

In the Norwich case, 1683 (pp. 169-193), most of the prisoners were charged with an unlawful assembly. The reference to the other Act against conventicles not extending to imprisonment (p. 178) is of course to the Conventicle Act, 1670. The threat of banishment seems to refer to the Quaker Act, 1662, while "the oath" is no doubt the oath of allegiance, refusal of which involved a *praemunire*. P. 65 has another reference to proceedings under this branch of the subject.

Sect. 15.—Finding a Man for the Militia.

There are two references to fines for refusing to find a man for the militia. See pp. 308, 314. This would be under the elaborate Militia Act, 14 Car. 2, cap. 3.

Sect. 16.—Refusing Tithes and other Ecclesiastical Demands.

I have left this complicated subject till the last. Its importance is considerable, since the refusal of Friends to pay tithes and church rates entailed much suffering in both the Commonwealth and the Restoration periods, and when the Toleration Act, 1 W. & M., st. 1, cap. 18, put an end to the persecution of Protestant Dissenters, it was expressly provided that nothing therein contained should exempt Dissenters from paying tithe or other parochial dues, nor from any prosecution in any ecclesiastical court, or elsewhere, for the same.

Contumacious refusal to pay tithe according to the sentence of the ecclesiastical judge enabled him to complain to two Justices of the Peace, who could commit to prison until surety was given to obey the sentence of the ecclesiastical judge.¹⁸

St. 2 & 3 Edw. 6, cap. 13, provided further for the payment of tithes, offerings, and dues, and enabled the ecclesiastical judge to excommunicate a person disobeying his sentence, and, after publication of the excommunication for forty days in the parish church, he could require process *de excommunicato capiendo*¹⁹ to be issued from the temporal courts. Under the provisions of St. 5 Eliz. cap. 23, this writ enabled the offender to be imprisoned until the sentence was obeyed. The same St. 2 & 3 Edw. 6, cap. 13, gave the courts power to decree certain penalties and forfeitures in cases of detention or subtraction of tithes (extending in some cases to treble value). For cases under these heads, see pp. 51, 53 (the "impropriator" was the lay-owner of tithes who often "farmed" them to some other person), 54, 60, 69 (Besse, i. 128, says that Francis Howard, at the Assizes, obtained judgment against the Friends for treble damages, whereupon, to satisfy demands of £3 4s., goods worth £39 5s. were taken), 73, 98, 114 ("small tithes" are such things as plants, herbs, flax, hemp), 122, 123, 224, 225, 270, 306, 308, 309 (a case of contumacy), 310, 313, 314.

¹⁸ See St. 27 Hen. 8, cap. 20, and 32 Hen. 8, cap. 7.

¹⁹ *i.e.*, for apprehending an excommunicated person.

Although the Toleration Act gave no protection against ecclesiastical demands, some relief was afforded in 1696 by St. 7 & 8 W. 3, cap. 34, and following Acts of similar tenor, which, in the case of Quakers refusing to pay tithes or church-rate, authorised two Justices to ascertain what was due, and levy the same by distress. This summary method of recovery practically superseded the tedious and oppressive proceedings in the ecclesiastical courts.

The various enactments relating to the recovery of tithes are conveniently given in *A Digest of Legislative Enactments relating to the Society of Friends*, by Joseph Davis, 2nd ed., pp. 56-67.

Sect. 17.—The Toleration Act.

By the Act 1 W. & M., st. 1, cap. 18, entitled "An Act for exempting their Majesties' Protestant subjects, dissenting from the Church of England, from the penalties of certain laws," the operation of the persecuting laws against Nonconformists was suspended, provided they attended an assembly certified as the Act required, and took the oaths of allegiance and supremacy, or in the case of dissenters who scrupled the taking of an oath, subscribed the declarations thereby provided. Nonconformist disabilities in several directions still continued, but substantial toleration was henceforth secured. The Act is given in *Besse*, Preface, pp. xlvi.-lii.

“Going Naked a Sign.”

BY THE EDITOR.

Although often charged by their opponents with neglect of the Scriptures, the early Friends were great students of the Bible, and they were diligent in carrying out its precepts in word as also in deed.

As they read of the doings of the Hebrew prophets in Israel—how, in obedience to the command of God, Isaiah removed sackcloth and shoe and walked naked and bare-foot three years for a sign and a wonder, and how Ezekiel was set for a sign unto the house of Israel,¹ their souls were fired with a desire to repeat the sign in their day.

The form taken by these sermons-in-action varied considerably.

Robert Barclay, the learned author of *An Apology for the True Christian Divinity*, believed it right “to pass through three of the principal streets of Aberdeen, clothed in sackcloth,” and when this was accomplished, he wrote *A Seasonable Warning to the Inhabitants of Aberdeen* (1672), in which occur the words, “The Command of the Lord concerning this thing came unto me that very Morning as I awakened, and the Burden thereof was very Great; yea, seemed almost insupportable unto me (for such a thing, until that very moment, had never entered me before, not in the most remote Consideration). And some, whom I called to declare to them this thing, can bear witness how great was the Agony of my Spirit, how I besought the Lord with tears, that this Cup might pass away from me! And this was the end, to call you to Repentance by this signal and singular Step, which I,

¹ Isa. viii. 18; xx; Ezek. xii. 6; xxiv. 24; Micah i. 8.

as to my own Will and Inclination, was as *unwilling* to be found in, as the *worst* and the *wickedest* of you can be averse from receiving, or laying it to heart.”²

Similar instances occur not infrequently in early Quaker literature. We read of Thomas Aldam tearing his cap into pieces before Oliver Cromwell, of a woman breaking a jug in the sight of the Parliament, of Robert Huntington appearing in a Carlisle church with a white sheet and halter round him, of Richard Sale with lantern and candle in another church, of Thomas Ibbits loosing his clothes and scattering his money in the streets of London, of Solomon Eccles with a pan of burning coals and brimstone on his head, and of George Fox himself, without sight or hearing, “as a sign to such as would not see, and such as would not hear the truth.”³

But the most noticeable symbolic action some of the early Friends felt called upon to take was the partial or entire uncovering of the body. As this action has been the subject of much criticism, it is important to ascertain how it was viewed by the leaders of the Quaker movement and to what extent it was practised.

In his *Journal*, George Fox has several references to nudity, the first as early as 1652, and in no case does he appear to condemn the action.⁴ In *A Short Relation Concerning the Life and Death of . . . William Simpson* (1671), there is a brief testimony by George Fox, which is here presented to the reader in a slightly condensed form:—

“This *William Simpson* was a faithful Servant and Prophet of the Lord to the Nations . . . He went three years *Naked* and in *Sackcloth*, in the days of *Oliver* and his *Parliament*, as a Sign to *them*, and to the *Priests*, shewing how God would *Strip* them of their *Power*, and that they should be as *Naked* as he was,

² *Truth Triumphant*, 1692, p. 105. At the close of this paper there is a reply by R. Barclay to some queries on the subject of the sign, sent by some person to a Friend, of Aberdeen. See also *Diary of Alexander Jaffray*, pt. ii., chap. v.

³ *The Journal of George Fox*, i. 446, 503; ii. 55, 71, 131; Sewel's *History*.

⁴ *Journal*, i. 153, 469, 502; ii. 71.

and should *be stript* of their *Benifices*. All which came to pass after King *Charles* the Second came in. And moreover he was made oftentimes to colour his face *black*, and so *black* they should be and appear so to people, for all their great profession. And then when it came to pass, he was made to *put on his clothes again*, who was made before many times to go through *Markets*, to *preists-houses*, and to *great Mens-houses*, and *Magistrates-houses*, and to *Cambridge*, stark naked. And the *Mayor of Cambridge* put his Gown about him, being sensible there was something in the thing. And he was made to go through *London naked*, and he was obedient unto the heavenly command, and often ventured his *Life* and it was *given up* : who many times did receive *many stripes upon his naked body* with Thorn Bushes, so that when his *service was done*, Freinds were forst to pluck the Thorns out of his flesh : But he was caried over all by the *mighty power of God*."

We cannot believe that George Fox would have written of his friend and fellow-traveller in this way, if he had disapproved of that for which Simpson was specially noted, and about which the latter wrote in his tract, *Going Naked a Sign* ; and, as has been pointed out in THE JOURNAL (ii. 85), Simpson continued active in the service of Truth.

James Nayler mentions this subject in a paper inserted between two pieces by Francis Howgill, in *A Woe against the Magistrates, Priests and People of Kendall*, 1654. He says, " You take occasion to Preach and Print against the truth, because the Lord hath caused some of his servants to go naked along your streets, as in *Kendal* and *Kirkby-stephen* . . . who act such things contrary to their own wils."⁵

Solomon Eccles expressed himself thus, " I can truly say this, That I have strove much, and besought the Lord, that this going naked might be taken from me, before ever I went a Sign at all."⁶ This Friend was one of George Fox's companions on his American journey, and must, therefore, as pointed out by John W. Graham in THE JOURNAL (ii. 86), have been in unity and good esteem.

⁵ See also his *Discovery of the Man of Sin*, 1655, p. 48.

⁶ *Signes are from the Lord*, 1663, broadside, which gives a full account of his experiences in Smithfield and elsewhere. See Pepys's *Diary*.

Richard Farnsworth discussed with Priest Chester, of Wetherley, whether Isaiah's words were to be taken literally or not, and strongly asserted that they implied action not vision.⁷

When Walter Ellwood “began to reckon up a Bead-Roll of Faults against the *Quakers*, telling me [his son, Thomas] *that they were an immodest, shameless People, and that one of them stript himself stark-naked, and went in that unseemly manner about the Streets,*” Thomas Ellwood does not attempt to dissociate himself from these people, but refers to the example of Isaiah, adding, “‘How know we but that this *Quaker* may be a Prophet too, and might be commanded to do as he did, for some Reason which we understand not.’”⁸

The cases given in *F.P.T.* pp. 71 (John Watson in Carlisle), 213 (William Simpson in Oxford), 259 (Elizabeth Fletcher in Oxford),⁹ 308 (Richard Robinson), are not adversely commented upon by the writers, though the period at which they wrote was long after the events recorded.

George Whitehead, at a still later date, writes, “*As to going Naked*; it has been no general Practice among the People called *Quakers*; 'twas but very few, who many Years since were concerned therein, as Signs to those Hypocrites who covered themselves under an empty Profession of Religion, and not of the Spirit of the Lord, that they might add Sin to Sin, Isa. xxx. 1. The Shame of whose Nakedness, the Lord's Truth made more and more appear, even in those Days; and therefore I believe he set some as Signs and Wonders against them; altho' I cannot excuse every one in that Case, to have a Divine Call, to make themselves such Spectacles to the World; Yet I believe some were called to be such Signs and Wonders to the World, both of old, and since Apostacy prevailed. 1 Sam. xix. 24; Isa. xx. 2, 3, 4; Micah i. 8.”¹⁰

Possibly George Whitehead under-estimated the number

⁷ *Spiritual Man*, 1655, p. 25.

⁸ *History of the Life of Thomas Ellwood*. See notes in the Crump and Graveson editions.

⁹ See THE JOURNAL, iii. 58.

¹⁰ *Christian Progress*, 1725, p. 226.

of those who "made themselves spectacles." In 1661, William Lowther writes from Swillington, Yorks, to Sir E. Nicholas, Secretary of State, "In all the great towns, Quakers go naked on market-days through the town, crying, 'Woe to Yorkshire,' and declare strange doctrine against the Government, some officers being amongst them."¹¹

I have just turned up the following in a letter from Thomas Holme to Margaret Fell, dated "from the palas of Chester, 28 day 6 mo" [1655]:—¹²

"Vpon the 15th day of the 6 month, the word of the lord came vnto mee, & said J shuld goe A signe in this Cittie; & as J was comanded soe J did. J went to the hy way nacked, & great dread fell vpon many harts. J sufered sum percutioun, stripes, stones, & durt cast vpon mee, but by the mighty power of the lord J was keep from harme. Sence that time they iniquity of this Cittie J haue borne, which borthen was hevey, but J am clear in my obedience to the lord, & ther blood bee vpon ther owen head. Edward Morgan was put in they dungen for goeing Along they street with mee, when J was A signe."

Other similar instances will doubtless be brought to light, as research proceeds.

Living in other and different times, it is very difficult to estimate such actions as these in their true light. We shall, I think, agree with the words of Samuel M. Janney,¹³ "It would be extremely unjust to apply to all the actions of former generations the standard of propriety now adopted in enlightened nations; for, although the cardinal principles of morality have been nearly the same among good people in all ages, there has been a vast difference in their manners and their ideas of decorum. The few instances of indecorum among the Early Friends may well be pardoned, when we reflect that they lived in an age when, by order of the public authorities, and for no other offence than religious dissent, worthy men and virtuous women were stripped to the waist, and cruelly scourged in the public streets, both in England and America."

¹¹ *State Papers, Domestic, 1660-61*, p. 472.

¹² *D. Swarthmore MSS.* iv.

¹³ *History of Friends*, i. 476.

Other references to this subject may be found in:—

Higginson's *Brief Relation*, 1653; *The Querers and Quakers Cause*, 1652, 1653; Welde's *Perfect Pharise*, 1654; *The Quacking Mountebanck*, 1655; Blome's *Questions Propounded*, 1659, and *Fanatick History*, 1660; Smith's *Gag for the Quakers*, 1659; Danson's *Quakers Wisdom*, 1659; Hubberthorne and Nayler, *Short Answer to Fanatic History*, 1660; *Hell Broke Loose*, 1660; *Snake in the Grass*; *Birds of a Feather*, 17..; *Saul's Errand to Damascus*, 1728; Fuller's *Church History*, chap. viii.; Greer's *Quakerism*, 1851; Marsden's *Churches and Sects*, i. 431; Stoughton's *William Penn*, 1882; Bickley's *George Fox*, 1884; Hallowell's *Quaker Invasion of Massachusetts*, 1887; Taylor's *Cameos from the Life of George Fox*, 1907.

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