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Editorial

T the meeting of the Society on Friday, 3rd May, Constance Braithwaite delivered an address on "Legal problems of conscientious objection to oaths, vaccination and military service". This is printed in this issue. The author has been engaged, for some time, on a full history of conscientious objection in England and the various ways in which it has been dealt with by legislative and executive authority, and readers will look forward with interest to the publication of this work. A paper on Charles Bayly (1632?-80) is contributed by Kenneth L. Carroll, professor of religion at Southern Methodist University, Dallas, Texas, and author of Joseph Nichols and the Nicholites (1962), as well as being editor of The Creative Centre of Quakerism (1965). Henry J. Cadbury contributes two short papers on "Friends and the Inquisition at Venice" based on documents of 1658 in the muniments of the Holy Office at Venice, and on "John Bunyan in controversy with Friends". George Edwards writes on Friends as churchwardens. This number also includes Reports on Archives and the usual features. It has been suggested that Friends and others working currently on some research in the field of Quaker history might usefully insert a notice of their work in the Journal, to inform our members of projects which are proceeding toward completion, and perhaps elicit information from a

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EDITORIAL

source, of which the research worker might not be aware. We would welcome such notices for a "Research in Progress" section, if they relate to long-term research, or work for higher degrees not due to be completed before the next annual issue of the *Journal* appears.

At the meeting of the Society on Friday, 1st November, members learnt with great regret that Konrad Braun had been prevented by illness from writing and delivering his projected Presidential address "Alfons Paquet (1881-1944): poet, prophet, Friend". We were most grateful to T. Joseph Pickvance, who at short notice gave an address on "the major influences on George Fox's thought". One of these, the influence of the Puritan tradition in the Fenny Drayton district, will be the subject of a Supplement to the *Journal*, written by Joseph Pickvance, which it is hoped to publish shortly.

* * *

We regret to record the death of Alfred B. Searle on 26th November, 1967. Alfred Searle was president of the Historical Society and delivered his presidential address on "Friends and Arbitration" in 1950. This was printed in the Journal of the Institute of Arbitrators, New series, vol. 16, no. 3, pp. 53-90. Alfred Searle served as chairman of the Society's committee for a number of years. A notice appeared in The Friend, of 19th January, 1968, vol. 126, no. 3, p. 70.

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Legal Problems of Conscientious Objection to Various Compulsions Under British Law

Address to a Meeting of the Friends' Historical Society, 3.v.1968

(Note. All statements of fact relate only to Great Britain: some statements relate only to England and Wales.)

7HEN the law imposes upon individuals obligations with which some individuals feel that they cannot conscientiously comply, then, unless special legal provision is made for them, these individuals must choose between disobeying their consciences and disobeying the law. In order to prevent or minimize conscientious lawbreaking, Britain made statutory provision for legal conscientious objection in four branches of law—the law regarding oaths, the law regarding compulsory military service, the law regarding compulsory vaccination, and the law regarding religious worship and religious instruction in schools. There have been some other kinds of legal compulsion to which there has been conscientious objection with no statutory rights for objectors: some examples of these are industrial conscription and compulsory fire-watching in war time, and the legal compulsion on parents to provide or allow necessary medical treatment for their children. It will be noted that the kinds of legal compulsion to which there has been conscientious objection are very diverse -I cannot think of any other subject of inquiry which would involve comparing the law of oaths with the Vaccination Acts! But I have found this very diversity helpful, as it assists the inquirer to identify what are the problems of conscientious objection itself as contrasted with the problems of conflicting views on particular questions. I have found myself in agreement with the views of some conscientious objectors and in disagreement with the views of others and I have had to consider what is the right treatment of objectors holding views which I regard as mistaken or even nonsensical.

Another result of my inquiry has been to make me very interested not only in the views and problems of the objectors but also in the views and problems of their opponents—the authorities enforcing the law. This is a salutary result as, while I have been an objector to certain legal compulsions, I am also a citizen with some responsibility for the formation and enforcement of laws. In this address I shall discuss the legal problems of conscientious objection bearing in mind the problems of both sides.

Regarded logically, provision for legal conscientious objection is a queer phenomenon. When Parliament has decided, rightly or wrongly, to make a particular type of action compulsory, it can be presumed that Parliament has also decided that the advantages to be gained from the universal performance of the action outweigh the expense of effort and other disadvantages of enforcing compulsion on the recalcitrant. Why then should Parliament make concessions based on the motives for recalcitrance of some of those unwilling to obey the law?

In three out of the four spheres of law in which conscientious objection has been provided for by legislation, this legislation was preceded by a considerable amount of conscientious law-breaking over considerable periods. The granting of the first legal right of affirmation in 1689 was preceded by thirty years of illegal refusal of oath-taking by Quakers and Baptists. The first concession made to Quakers in the Militia Acts, in 1757, was preceded by a hundred years of Quaker resistance to military service. Compulsory vaccination of children against smallpox existed for 45 years—from 1853 to 1898—before legal conscientious objection was allowed, and in the last thirty years of this period there were considerable numbers of conscientious law-breakers. The fourth sphere of law-the "conscience clause" in the Education Acts-seems to show a contrast, as the right of parents to withdraw their children from religious worship or religious instruction in schools has been part of the law as long as there has been compulsory education, that is since 1870. But if this right is regarded as part of the wider right of religious freedom, then it can be said that this right was preceded by much conscientious law-breaking in the sixteenth and seventeenth centuries. Thus it is clear that one reason for the introduction of legal

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conscientious objection was the wish to avoid a state of law under which a considerable amount of illegal conscientious objection occurred.

Britain has experienced illegal conscientious objection when there has been no provision for legal conscientious objection, as in spheres of law already cited. But illegal conscientious objection has also occurred when there has been inadequate provision for legal conscientious objection, inadequate in the sense that the right has not been granted, or has not been granted fully, to all objectors, for example, with regard to objectors to military service from 1916 onwards. I will now discuss some of the problems of illegal conscientious objection.

PROBLEMS OF ILLEGAL CONSCIENTIOUS OBJECTION

The enforcement of the law in cases of illegal conscientious objection has included three types of sanction: (1) Direct constraint; (2) Legal disabilities of various kinds; (3) Punishment under the criminal law. I will discuss these three types of sanction in turn

types of sanction in turn.

DIRECT CONSTRAINT

I am using the term "direct constraint" to mean coercion which attains the object of the law without involving the co-operation or consent of the objector. This method cannot be used to compel any type of action but it can be used to enforce claims on money or property and to perform certain medical operations.

During the seventeenth, eighteenth and early nineteenth centuries Quakers consistently refused to make payments for military purposes—these payments included rates, fines and payments to substitutes for militia service. They also refused to supply specific property, for example, horses and carriages. The demands of the law were normally enforced by distraint on the property of the objector, the value of goods taken often exceeding the original demand. At some periods the total of distraints was considerable; for example, the returns from Quarterly Meetings for the year 1803-4 showed a total value of $f_{2,840}$ for goods taken in distraints for military purposes. In Essex Quarterly Meeting area in that year thirty-two individuals (including

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three women) suffered distraints for original demands varying between 1s. 8d. and $\pounds 25$: the goods taken in distraint included wheat, barley, cheese, sugar, wearing apparel, a silver spoon and two gallons of gin. The legal right to distrain for fines and rates has also been used against conscientious objectors in other spheres of law; for example, it was fairly commonly used with regard to fines under the Vaccination Acts and, with regard to rates, it was used to enforce the law against the considerable number of "passive resisters" who refused to pay rates for denominational schools in the early twentieth century.

The medical operation of vaccination could, theoretically, have been enforced by direct constraint-in practice the seizure of babies and children from their parents would probably have led to riots. Such action was never officially sanctioned in Britain nor even (as far as I know) seriously proposed. But in a few cases in recent years the method of direct constraint has been used to enforce the law when Jehovah's Witnesses have refused, on religious grounds, to consent to necessary blood transfusions for their children. In these cases a Juvenile Court has placed the child in the care of the local authority which has then given consent to the operation. Direct constraint seems to me to be, in some circumstances, the least objectionable method of enforcing the law against the conscientious objector: the object of the law is attained, punishment is avoided, and there is no violation of the conscience of the objector because his consent is not involved. However, the possible scope for methods of direct constraint is limited.

LEGAL DISABILITIES

Legal disabilities affecting the objector were very important in the history of the law of oaths. William C. Braithwaite in "The Second Period of Quakerism"¹ described the legal position of Quakers before 1696 as follows: without taking oaths "they could not sue for their debts, nor carry through their transactions with the customs and excise, nor defend their titles, nor give evidence: they were, in strict law, unable to prove wills or be admitted to copy-

¹ P. 181.

holds, or take up their freedom in corporations, and in some places they were kept from voting at elections. Nor could they answer prosecutions in ecclesiastical courts for tithes and church-rates." In 1833 the preamble to the Act giving Separatists the right of affirmation stated: they "are exposed to great losses and inconveniences in their trades and concerns, and are subject to fines and to imprisonment for contempt of court, and the community at large are deprived of the benefit of their testimony". This last phrase showed a recognition that insistence on oaths harmed the community as well as the objector. A striking case of this was cited in Parliament in 1869: a witness as to the identity of a murderer was not allowed to take the oath because he was an unbeliever and his evidence therefore could not be used. Oaths were also obligatory on assumption of certain offices, for example M.P.s and members of a jury. It was not until 1888 that all conscientious objectors to oaths were allowed on all occasions to affirm instead of swearing.

LEGAL PENALTIES

Penalties imposed on conscientious objectors under the criminal law have varied in severity from the maximum penalty of a fine of twenty shillings and costs under the Vaccination Acts to the sentences of imprisonment for life or at the King's pleasure incurred by seventeenth-century oath-refusers and the death sentences pronounced, but not executed, on some objectors to military service in the First World War. The history with which I am concerned does not, fortunately, include any executions, though it does include the deaths of some objectors caused or partly caused by conditions of imprisonment.

With the possible exception of the seventeenth-century period of persecution of Nonconformists, I think it is fair to say that the motives for punishing the objector have not normally been vindictive. The purpose of punishment has been to enforce the law both by coercing the law-breaker himself and by deterring others from taking his line of action. The present discussion is not concerned with the effectiveness of law-enforcement on recalcitrants other than conscientious objectors. With regard to objectors the effects of successful coercion must be distinguished from the effects of unsuccessful coercion.

Legal deterrence of the conscientious objector has probably often been successful. On this matter one would not expect any conclusive evidence but the two following sets of figures show a strong probability that many objectors were successfully deterred by fear of the law.

In the 1880's, when there was no legal exemption from vaccination, there were 11,400 cases of fines inflicted on parents breaking the law over a period of about ten years. In the nine years 1899 to 1907 nearly 400,000 legal exemptions were granted to parents claiming as conscientious objectors. It is true that the number of fines inflicted would have been considerably greater had all the local authorities concerned rigorously enforced the law—there were many law-breakers unpunished. It is also true that the annual number of births was larger in the later period. But the difference between the two figures is so great as to convince me that many parents in the 1880's did not resist the law but would have applied for legal exemption had it been available.

Another convincing set of figures concerns objectors to military service in the Second World War. Out of 12,200 men refused any exemption by tribunals, probably not more than a quarter proceeded to resist military service by breaking the law (though a considerable number among the others were able to work in Civil Defence or other civilian employments). There were also some objectors who were successfully coerced after starting illegal resistance: probably about 8 per cent of those prosecuted for refusing medical examination then submitted to examination (though a number did so for the purpose of entering Civil Defence). The effect of successful deterrence or coercion of the conscientious objector is that the object of the law is attained by forcing the individual to act against his conscience or with an uneasy conscience. We should consider whether this result is worth the price paid for it. Public opinion and the authorities have usually been much more worried about the effects of unsuccessful coercion than about the unseen effects of successful deterrence. Fines and, to a greater extent, imprisonment cause suffering. to the objector and his family. This has often roused the sympathy not only of people agreeing with his views but of many disagreeing. Most objectors have been generally

law-abiding people, often respected by their neighbours and acquaintances, and their treatment as criminals has been resented by those who have known them. It has also shocked many Christians to find fellow-Christians punished for acting according to their interpretation of Christian principles.

Public resentment against the use of coercive methods was particularly important in the history of compulsory vaccination. At Derby, in 1871, an objector, on his release from prison, was received by bands of music and "several thousand people with a large red flag carried in front". Sympathetic magistrates sometimes imposed nominal penalties. The local Board of Guardians (the authority responsible for enforcing the law) might refuse to prosecute offenders: the Royal Commission on Vaccination found that in 1891 nearly a fifth of the Boards in the country were not enforcing the law. The Commission also found that, "In some districts guardians have been elected from time to time solely because they have pledged themselves not to prosecute those who fail to have their children vaccinated". As a result of resistance to the law and non-enforcement of the law the percentage of babies vaccinated decreased from $84\frac{1}{2}$ per cent to $62\frac{1}{2}$ per cent between 1885 and 1897. The majority of the Royal Commission reached the conclusion that it would conduce to increased vaccination if, while general compulsion remained, "a scheme could be devised which would preclude the attempt (so often a vain one) to compel those who are honestly opposed to the practice to submit their children to vaccination". The majority therefore recommended some form of legal exemption for those "honestly opposed" to vaccination and this was enacted in 1898. Imprisonment causes not only suffering but waste waste of the services of the prison staff and waste of the services of the imprisoned objector. This waste has been regarded as particularly harmful in war time and the wish to avoid it has influenced the treatment of objectors to military service, particularly during the Second World War. In that war the Ministry of Labour had to enforce the provisions of the National Service Acts, but it often refrained from using its powers to prosecute again after one sentence of imprisonment had been served and instead tried to

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fit the objector into some form of useful service which he was willing to undertake.

One of the important problems of illegal conscientious objection has been the problem of repeated prosecutions of the same individual. The possibility of repeated prosecutions has occurred whenever the law has created a continuing obligation and the objector has not been induced to obey the law by being punished once. Two extreme cases, cited before the Royal Commission on Vaccination, were those of one parent prosecuted sixty times in respect of nine children and another parent prosecuted seventy-nine times in respect of two children. During the First World War 1,548 objectors to military service were sentenced by court-martial more than once and of these 372 were sentenced more than three times. During the Second World War local authorities were responsible for enforcing the law concerning fire-watching and in some cases authorities persisted in prosecuting the objector: the record was one case of eleven and one case of nine prosecutions.

The argument against repeated prosecutions was well expressed by the Chairman of the Magistrates on the occasion of the ninth and last prosecution in one of these fire-watching cases: "We do feel that his case has been before us quite often enough, and we cannot see any useful purpose is served by further prosecution... The law cannot make a man do things—it can only punish him for not doing them." The authorities have often refrained from using their powers to continue indefinitely the prosecution of the same offender: in contrast, the position of the objector in the army has been especially unfortunate because under army law the commission of a further offence has almost inevitably led to further punishment. There have been two types of statutory protection against repeated prosecutions. In 1871 a Vaccination Bill included a clause limiting the number of prosecutions of one individual but, having passed in the House of Commons, the clause was defeated by one vote in the House of Lords. However, in 1898 the Vaccination Act provided that no parent could be convicted more than twice on account of the same child. The other type of protection was that given by the National Service Acts of 1939 and 1941 and continued under post-war

National Service: these Acts provided that an objector sentenced to imprisonment for three months or more, either by court-martial or for refusal of medical examination, should have the right to apply to the appellate tribunal.

This discussion has illustrated some of the problems of illegal conscientious objection. I will now discuss some of the problems of legal conscientious objection.

PROBLEMS OF LEGAL CONSCIENTIOUS OBJECTION

British law has wisely not attempted to define conscience but, in conceding the right of legal conscientious objection, it has had to decide how to distinguish between the conscientious objector and the objector for other reasons. Three alternative methods of identifying the conscientious objector have been used: (I) to confine the right of legal conscientious objection to members of certain religious bodies; (2) to make the right dependent on the decision of a judicial body in each individual case; (3) to give the right substantially to all who claim it by making some form of statement. I will discuss these three methods in turn.

The two spheres of legislation which confined the right to members of certain religious bodies were the early law of affirmations and the law concerning the militia.

The Toleration Act of 1689, which gave the first legal right of affirmation, allowed this right, for very limited purposes, to Protestant dissenters. Apart from the provisions of this Act, rights of affirmation prior to 1854 were confined to three religious groups—Quakers, Moravians and Separatists. Quakers were covered by legislation from 1696 onwards, Moravians were covered from 1749, and Separatists were covered by an Act of 1833. From 1833 onwards members of these three bodies had the right of affirmation on all occasions and in 1838 the right was extended to former Quakers and Moravians if they had "conscientious objections to the taking of an oath". (This is the earliest use of the term "conscientious objection" that I have yet found.) The Quakers and Moravians Acts 1833 and 1838 are still in force.

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In a series of Acts from 1854 to 1867 limited rights of affirmation were granted to all religious objectors. The person claiming the right had to declare "that the taking of an oath is, according to my religious belief, unlawful". In 1869 and 1870 limited rights of affirmation were granted to unbelievers—atheists and agnostics. The position since 1888 will be discussed later.

The law concerning the militia first made special concessions to Quakers in 1757 and from 1786 they were protected from compulsory enrolment in the militia. From 1803 these concessions were extended to Moravians. In practice there was no compulsory military service between the 1830's and 1916. In 1916 a proposal was made during the parliamentary debates on the Military Service Bill that the ground for legal conscientious objection should be that the applicant was "a member of the Society of Friends or of any other recognized religious body one of whose fundamental tenets is an objection to all war". But this proposal was not adopted and the twentieth-century law of military conscription has not exempted members of specified religious bodies solely on account of their membership. There are some arguments in favour of this method of identifying the conscientious objector. Probably a historical reason was that concessions to religious bodies, whose objection to oaths or military service was well known, were regarded as logical corollaries of religious toleration of these bodies. The method is easy for the administrator, as the objectors are in well-defined groups whose approximate numbers are known. Another advantage of the method is that it lessens the risk of a pretended conscientious objection: few people would become Quakers or Christadelphians or Jehovah's Witnesses just to avoid military service; they would be deterred by the other obligations of membership of these bodies. But there are two strong arguments against this method of exemption. One argument is that the method excludes many objectors. For example, during two years of the Second World War, out of 3,350 applicants to the South-Western Tribunal only some 40 per cent were members of religious denominations with collective views against military service. (Quakers were 9 per cent of applicants.) The second argument is that this method is based on the

false conception that consciences can be classified tidily in groups and that it shows a lack of respect for what is essentially a decision of the individual.

RIGHTS DEPENDENT ON DECISIONS OF A JUDICIAL BODY

The second method of identifying conscientious objectors —by making the right dependent on the decision of a judicial body in each individual case—was used in the first period of legal exemption from vaccination and in the two twentieth-century periods of military conscription.

The Vaccination Act of 1898 exempted the parent from any penalties "if within four months of the birth of the child he satisfies two Justices . . . in petty sessions, that he conscientiously believes that vaccination would be prejudicial to the health of the child". This system of exemptions lasted for nine and a half years—from the middle of 1898 to the end of 1907. In the nine years 1899–1907 the total number of exemptions was just under 400,000; the number of exemptions each year averaged about 5 per cent of the total number of births in the year.

Magistrates were given no initial guidance as to how their new powers should be exercised and there was no right of appeal against their decisions. There were wide differences between different courts in their method of treatment of applicants and in their interpretation of the requirement that the applicant should "satisfy" the magistrates. At one extreme were courts which granted exemption with no examination of the case: at the other extreme were courts which cross-examined applicants or urged provaccination views on them. The Lord Chief Justice stated in 1904: "Some Magistrates appeared to think that they ought to be satisfied that vaccination would be harmful to the child... He desired to point out that this was not the question which Magistrates had to decide." There was no information available as to the number of applications refused but the Home Secretary received frequent complaints about refusals. In 1907, in introducing the Bill which ended this system of exemptions, John Burns spoke of "requiring the applicant to satisfy the Bench of the reality of his conscientious conviction—that is, to satisfy others of the state of his own conscience—an impossible task".

During the First World War and from 1939 to 1960

exemptions from military service on the ground of conscientious objection were granted on the decision of tribunals. Because of lack of time I will discuss only the tribunal system in the Second World War.

During the War there were nineteen local Conscientious Objectors' Tribunals in Great Britain, each with a county court judge (or his Scottish equivalent) as Chairman, and there were six divisions of the appellate tribunal. All applicants dissatisfied with the decision of their local tribunal had the right to appeal to the appellate tribunal. The tribunals had to decide not only whether to grant exemption but also what (if any) conditions of exemption to impose.

From 1939 to the end of June, 1945, the number of men who had their cases considered by tribunals was 59,192. The decisions of local tribunals or, in the cases of appeal, of the appellate tribunal were as follows (these figures do not include applications to the appellate tribunal after a sentence of imprisonment):

> Number Percentage of Abblicants

| Registered unconditionally Registered conditionally on per- forming civilian work specified | 3,577 | 6 % |
|---|--------|-------------------|
| by the tribunal | 28,720 | $48\frac{1}{2}\%$ |
| Registered for non-combatant duties in the Forces | 14,691 | 25 % |
| Total registered as conscientious objectors | 46,988 | $79\frac{1}{2}\%$ |
| Not granted exemption | 12,204 | $20\frac{1}{2}\%$ |

At least 31 per cent of applicants appealed to the appellate tribunal and decisions on appeal added over 5,300 to the number of men granted exemption by local tribunals.

These figures show that nearly 47,000 men—nearly fourfifths of all who appeared before tribunals—obtained some type of exemption without breaking the law. In the large majority of cases the legal exemption granted apparently satisfied the conscience of the objector and he was able to engage in useful work to his own satisfaction and to the benefit of the community.

Decisions of the appellate tribunal in cases of men apply-

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ing to it after a court-martial sentence of imprisonment resulted in the discharge from the army of more than 500 original objectors and of a considerable number of men who had become objectors. Decisions in the cases of men applying after a sentence of imprisonment for refusal of medical examination freed over 1,000 men from future liability for military service. Thus a considerable number of illegal conscientious objectors had their position eventually legalized.

No one who observed the system working would claim that it led to no mistaken decisions, though it was administered with much greater efficiency and generosity than the system of the First World War. Tribunal members were fallible and sometimes prejudiced. Objectors did not always make the best of their case. The inarticulate were sometimes at a disadvantage. There were large differences between local tribunals in the proportions of applicants exempted so that, even with the rights of appeal, the system was not completely fair in the sense of giving equal treatment to all in equal circumstances. Applicants with certain types of views often had a special difficulty in convincing tribunals, for example, non-religious objectors, non-pacifist objectors, and objectors who refused to accept any condition of exemption. The system did not eliminate conscientious law-breaking but it did make it unnecessary for the majority of objectors. I leave it to your consideration whether any system of this type can achieve perfect results, dependent as it is on the judgement of fallible human beings without powers of telepathy.

RIGHTS AVAILABLE TO ALL WHO CLAIM THEM

The third method of identifying conscientious objectors to give the legal right substantially to all who claim it—is the method used in the present law regarding religion in schools and in the present law regarding rights of affirmation; it was also the method used in the last forty years of compulsory vaccination.

The "conscience clause" for parents has been part of the law since 1870, when education became compulsory. The clause in the Education Act of 1944¹ reads as follows:

¹ Section 25(4).

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"If the parent of any pupil... requests that he be wholly or partly excused from attendance at religious worship in the school, or from attendance at religious instruction in the school, or from attendance at both religious worship and religious instruction in the school, then, until the request is withdrawn, the pupil shall be excused from such attendance accordingly." (The parent has no legal right to withdraw his child from religious activities in independent schools, that is schools entirely outside the public educational system.) The law gives the parent an unconditional right: his reasons for requesting the withdrawal of his child need not even be reasons of conscience, though presumably they usually are. There seem to be no collected figures regarding the number of parents who use this right, though it is certain that they are a fairly small minority of all parents. Some parents are probably deterred from withdrawing their children by reluctance to make the child feel conspicuous or by inadequate provision of accommodation and alternative activities for children who are withdrawn. The child himself has no legal right of objection. The present law regarding rights of affirmation for conscientious objectors to oaths is governed by the provisions of the Oaths Act of 1888. The wording of the main provisions of the Act is as follows: "Every person upon objecting to being sworn, and stating, as the ground of such objection, either that he has no religious belief, or that the taking of an oath is contrary to his religious belief, shall be permitted to make his solemn affirmation instead of taking an oath, in all places and for all purposes where an oath is or shall be, required by law."¹ "Every such affirmation shall be as follows: 'I, A.B., do solemnly, sincerely and truly declare and affirm', and then proceed with the words of the oath prescribed by law, omitting any words of imprecation or calling to witness".²

It should be noted that the right to affirm has to be claimed. The objector to being sworn can be asked to state the reason for his objection, though in many cases he is not asked to do so.

Do the present legal provisions include all conscientious

¹ Section 1.

² Section 2.

objectors to oaths? A religious believer might disapprove of oaths but not regard them as "contrary to his religious belief": in this case, in strict law, his objection would not be covered. But the provisions probably do cover nearly all objectors.

There are no figures available as to the number of people claiming the right to affirm but it is certain that they are a fairly small minority. Some objectors may be deterred by reluctance to make themselves conspicuous in court, a place where, in any case, many people tend to be nervous. In some cases it is probably still a social disadvantage to the person concerned to make a public statement of unbelief, and there have been cases in which unbelievers asking to affirm have been subjected to a detailed inquisition on their opinions.

There is no legal advantage to be gained by affirming, as the law of perjury applies to affirmations in the same way as it applies to oaths. After a long struggle it has been accepted that, for the purpose of ensuring truth-speaking or the performance of promises, the religious sanction of the oath is not necessary for everyone. Those who conscientiously take an oath and those who conscientiously make an affirmation are equally fulfilling the purpose of the law. The Vaccination Act of 1907 exempted a parent from penalties if, within four months from the birth of the child, he made a statutory declaration before a magistrate or other authorized officer. The wording of the declaration was: "I... do hereby solemnly and sincerely declare that I conscientiously believe that vaccination would be prejudicial to the health of the child". This remained the law until compulsory vaccination was ended in 1948 under the provisions of the National Health Service Act. In the first year of the new law the proportion of babies exempted was 17 per cent—double the proportion in the previous year. In the years prior to 1939, from 1913 the proportion was over 35 per cent; from 1925 the proportion was over 40 per cent; and in each of the years 1935 to 1938 the proportion was slightly above 50 per cent. The actual number of exemptions was large—it averaged 259,000 a year in the decade 1908–17 and 295,000 a year in the decade 1928-37.

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These figures raise two interesting questions. The first question is whether the legal right of exemption was claimed by some parents whose objections were not conscientious. In my opinion the right probably was so claimed in some cases: the parent had to take some initiative and trouble to claim exemption but might prefer this to the trouble and discomfort of having the child vaccinated. In providing for all conscientious objectors the law took the risk of providing for some unconscientious objectors. The second question is whether the effects of this system of exemptions defeated the purpose of the Vaccination Acts to obtain universal or near-universal vaccination of children. To this question the answer is clear: this purpose was defeated, and this fact was one reason for the eventual ending of compulsion. The law had given to all parents opposed to vaccination the opportunity to obtain exemption, and, as such a large proportion had used this opportunity, the logical sequel was to make vaccination voluntary.

CONCLUSION

I have discussed some legal problems of conscientious objection under British law. But conscientious objection involves not only legal problems but problems of ethics and problems of political theory. I do not propose to tackle these problems this evening! I will merely state my opinion that conscientious objection is one of the bulwarks of liberty of conscience. It is a menace to any totalitarian system and a reminder to all governments and parliaments that they are not infallible. The objector's conviction that the State is not the ultimate moral authority, and that he must act according to his own conscience, even though it is fallible, is a contribution of great value both to morality and to citizenship.

CONSTANCE BRAITHWAITE

From Bond Slave to Governor

THE STRANGE CAREER OF CHARLES BAYLY (1632?-1680)

NTIL the summer of 1966 Charles Bayly, one of the earliest American converts to Quakerism, was little more than a name to me. Bayly, whose name is found in several other forms [Baily, Bailey, Bayley], was convinced by the preaching of Elizabeth Harris during her 1656 visit to Maryland.¹ Several works which mention Bayly's convincement suggest that this was the same Charles Bayly who went to Rome with Jane Stokes in 1660 or 1661, and who sought the release of John Perrot from prison.² None of these writers however, offers evidence that these two Charles Baylys were the same person. During the summer of 1966, while I was engaged upon research on John Perrot,³ I found it necessary to track down all the available material on Charles Bayly-one of Perrot's strongest supporters in the great schism produced by Perrot in the 1660's. As a result of this search, Charles Bayly not only emerged from the shadows as a living figure but suddenly appeared as one of the more colourful figures of the seventeenth-century world. Charles Bayly was the son of Roman Catholic parents who were connected with the English Court, even though they themselves were of French origin. Born about 1632 and reared around London, Charles was carefully brought up a Roman Catholic by his parents who spared "neither cost nor pains, for anything which might tend unto my

¹Concerning Elizabeth Harris and her work see my article, "Elizabeth Harris, the Founder of American Quakerism", *Quaker History*, LVII (1968), 96-111.

² Rufus M. Jones, The Quakers in the American Colonies, 1923, p. 267; William C. Braithwaite, Beginnings of Quakerism, 1923, p. 426; William Sewel, The History of ... Quakers. 1795. I, 490; J. Reaney Kelly, Quakers in the Founding of Anne Arundel County, Maryland, 1963, pp. 21-22.

³ A monograph on John Perrot is to be published as a Supplement to Journal F.H.S.

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edification, and . . . [brought] me up in that way."¹ In spite of the love, concern, and encouragement of his family and friends, Bayly could never "heartily embrace" this religious approach but actually developed a secret dislike for it. A time of real religious doubt and rejection of the Roman "ways and worship" began when Bayly was about twelve or thirteen.

From this time forward Charles Bayly says he "was ever seeking for to separate myself from my natural Parents". The accomplishment of this desire was soon aided by the "wars [Civil War] coming on in England, [which] did enlarge my opportunity, for to fulfill my intended purpose" —for most of the Court Officers were dismissed from their positions and lost their homes. The young lad of thirteen began to wander about, "not being kept at School, nor at Board, as formerly I had been".²

Charles Bayly's parents, having fled to France, desired that he join them in their native land. When the King of France sent his "Extraordinary Embassador . . . (called the Prince Deicourt)" to England, young Charles was drawn under his care and even served as the Ambassador's interpreter while he was still in England. Soon, however, the Ambassador returned to France, taking the wayward lad with him. Here he fed "at the table of Princes" and was "in their love and favour" but felt that he was "without the love and favour of God".³ The inner search and struggle which had begun in Charles Bayly some months before continued to grow-so that his restless condition made him leave France and return to England without the knowledge or consent of family or friends. Having landed at Gravesend, it was his intention to travel overland to London. Unfortunately, however, Charles met with a man named Bradstreet "who was commonly called a *Spirit*, for he was one of those who did entice Children and People away for Virginia". Bradstreet engaged the boy in conversation, so that Bayly later wrote

¹ Charles Bayly. A true and faithful Relation of some of the sufferings, tryals, sorrows, and travels of ... C.B., p. 7. This is at the end of his, A True and Faithful Warning to the Upright-hearted & unprejudiced Reader, 1663.

² Ibid., pp. 7–8.

³ Ibid., p. 8. The Prince Deicourt [perhaps d'A'court?] has not been identified.

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"and I being tender in years, he did cunningly get me on Board of a ship, which was then there riding ready for to go to those parts, and I being once on Board, could never get on Shoar, untill I came to America".¹

The kidnapped youth, upon his arrival in "Virginia" [a name used for the whole area opening off the Chesapeake Bay] was sold as "a bond-slave for seven years". His treatment during this period, like that of many indentured servants or "bond-slaves", was rather inhuman:

it would be too hard for me to shew (in every particular) the hardship and misery that I did undergo (in that time of hunger, cold and nakednesse, beatings, whippings, and the like;) for many times I was stripped naked, and tied up by the hand, and whipped; and made to go bare-foot; and bare-legged in cold and frosty weather, and hardly [had] cloths to cover my nakednesse, besides the soare and grievous labour which I was continually kept at.²

The outward misery which the once-pampered youth now underwent was accompanied by the suffering that is experienced by one on an inward pilgrimage. Bayly writes that, during these seven years of untold hardship at the hands of a member of an Independent Church:

my poor soul would be often bemoaning itself (every way) concerning my soar captivity and misery; and something I can indeed say did in secret answer and refresh my tender soul; in the feeling of which, I could in truth of heart say, I did forgive my then persecutors: And when grief would be ready to swallow me up, I would consider how that that which did then befall me, was surely for my good; and would rather judge myself than others, beleeving that I indeed did deserve it, and much more for my disobedience, though of a truth it was very grievous and hard for me to bear, as to the very natural, what I did, and surely had not the secret hand of Gods love upheld me, I could never have supported my burden, there being such an alteration with me, when I came to eat my bread in the Ash heap, when as before I had been in the presence of Princes; and also the alteration both of food and everything else; for instead of a well-stringed Lute in my hand, I had hard labour, and my daily exercise was beyond the common manner of Slaves, for mine was often night and day: I say, had it not been the very hand and love of God which had supported me, my very outward man would have been laid in the dust, as several

¹ Ibid. ² Ibid.

of my then fellow Labourers were, in a most sad and deplorable condition.¹

It must have been about 1645 or 1646 when Charles Bayly, a youth of thirteen, was sold to an "approved" member of an Independent Church in "Virginia". Church membership of this Puritan owner not only did not seem to lead him to love his neighbour as himself but also seem to have little effect on the man—for Bayly some years later wrote that "he was unconverted, as to the Lord ... for indeed, I never saw any change or alteration in the man at all."²

The name of Bayly's "owner" or master and the scene of his sufferings are unknown today. Even though Bayly, in various places, speaks of his connection with "Virginia", we cannot be sure that this means Virginia, since—at the time of his experiences in the 1640's and 1650's and the time of his writings in the 1660's—this title also was used for Maryland. It seems probable, however, that it was to Virginia the youth was first carried and sold into "bondslavery" for seven years. If this be true, then his Puritan master, carrying Bayly with him, moved to Maryland as a part of the Virginia Puritan migration to Lord Baltimore's colony in 1650 (following Maryland's Act of Religious Toleration in 1649). Until recently there has been a real question as to whether or not Charles Bayly ever lived in Maryland. Such a question was raised by the fact that (1) there are no extant Maryland records (wills, land records, etc.) which mention him; (2) Bayly almost always refers to "Virginia" rather than Maryland—although this, of itself, means little; (3) there is no mention of Bayly in the 1657–60 sufferings of Maryland Quakers as listed by Besse, Howgill, and others.3 The one suggestion that Charles Bayly ever lived in Maryland is found in the 1658 letter of Robert Clarkson of Severn [Annapolis], Maryland, to Elizabeth Harris⁴—as Clarkson reports on the present state of those

Ibid., pp. 8–9.

² Ibid., p. 9.

³ Concerning these accounts (which are not complete, it would seem), see my article "Persecution of Quakers in Early Maryland (1658–1661)," Quaker History, LIII (1964), 67–80.

⁴ Swarthmore MSS. (Friends House Library), III 7.

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who had been convinced by her in 1656. All of the places named in the letter are recognizable Maryland localities, and all the other people listed are known to be Marylanders. For this reason it has generally been surmised that Maryland *alone* was the scene of Elizabeth Harris's proclamation of "the Truth" and that Bayly therefore was an inhabitant of Maryland. Only recently, however, has there been unearthed a document which shows that Bayly lived in "Mary-land in Virginia".^I Thus we now know that he was a Marylander at least in the second half of his American stay.

Bayly lived in "Virginia", probably in *both* of the Tidewater colonies, for fourteen years [1646–1660]—first as a "bond-slave" and then as a freeman. During the first ten years of this period his religious search continued. He found himself unable to return to the faith of his childhood and parents. The initial success of the "Parliament Party" for a time drew him towards the Puritan approach. In a "short time", however, he discovered that

the chiefest of those [Puritan] people, who were amongst us, lost their first integrity, soon especially, when the Lords hand had given their Brethren great rest and victory from their enemies, and so soon turned that little they had gotten to a wrong end, and made use of it as an occassion to the flesh, by which means they became as much in bondage as ever, every one seeking his own, and not anothers good.²

When Charles Bayly's seven years of service was completed, he decided to remain in America rather than seek out his nearest relations ["for I said in my heart, their sorrow is over concerning me"]. He chose, instead, to "labour with my hands, and so get my bread with painfulnesse" among his Puritan neighbours rather than "to return unto the *Romish* stuff"—even though he saw little but rioting, drinking, singing, and dancing amongst the best of the people around him.

In the midst of all of this, his "soul in secret did mourn after a holy life of love", although he could not see the existence of such a life among any of those he knew and had dealings with. Charles's own condition often caused him to

¹ The Second Part of the Cry of the Innocent for Justice, 1662 [Wing Short-title catalogue . . . 1641–1700, S 2303], pp. 19–20.

² Bayly, A true and faithful Relation, p. 10.

lament in secret, "say[ing] unto the Lord, 'Hast thou created me thus to destroy me?'" Even though this youth, now in his early twenties, outwardly attempted to lose himself in the "laughter, lightness, and vanity" of those around him, he still looked for a "man of love" or a people in whom he might place his confidence—for this was what his inner yearning drew him to.¹ Bayly was convinced that God, who had raised this yearning in him, soon answered his seeking,

by sending one of his dear servants into those parts, whose name was Elizabeth Harris, who soon answered that which was breathing after God in me; by which means I came with many more to be informed in the way and truth of God, having a seal in my heart and soul of the truth of her message, which indeed I had long waited for: And then when I had found this beloved life and people, I was like a man over-joyed in my heart; not onely because I heard that God had raised up such a people in England,² but also because I saw the sudden fruits and effects of it, both in my heart, and in others, insomuch that in a short time we became all to be as one entire family of love, and were drawn together in his life, (which was his light in us) to wait upon him in the stillnesse and quietnesse of our spirits, like so many people which desired nothing but the pure teachings of Gods Spirit, in which we were often refreshed together, and one in another.³

Having undergone his own spiritual pilgrimage (much as St. Francis, Luther, George Fox, John Wesley, and others have done), Charles Bayly underwent his religious convincement when he was about twenty-three—some ten years after having arrived in "Virginia". With him it was a moving and lasting experience, so that there was no backsliding. More than a year later, Robert Clarkson wrote to Elizabeth Harris that "Charles Balye [Bayly] ye yonge man who was with us at our parting abides convinced & several others in those parts where hee dwelt".⁴

¹ Ibid., pp. 10–11.

² The birth of Quakerism in England is usually dated 1652. It spread to the West Indies in 1655 and to the Chesapeake Bay area in 1656.

3 Bayly, A true and faithful Relation, p. 11.

⁴ Swarthmore Manuscripts, III, 7 [Transcripts IV, 197], 14th January, 1657 [1658], Friends House Library, London. Where were "those parts where hee dwelt"? The letter gives no real hint as to the location, although it seems likely that it must not have been too far from the Annapolis area. The term "yonge man" simply refers to Bayly's tender age rather than distinguishing him from an older man of the same name as suggested by Kelly, *op. cit.*, p. 22.

What did Charles Bayly do in the four years between the time of his convincement in 1656 and his early 1660 departure for England? His name does not appear in Francis Howgill's or Besse's listings of those Maryland Friends who were whipped, fined, or imprisoned for their Quaker testimonies during the period 1658 to 1660.¹ This does not necessarily mean that Bayly was either outside the area for any or all of that period of time or that he was unwilling to stand up for his new-found beliefs (which seems most unlikely, given what we know of his life in the early 1660's). One should remember that Howgill's list of Quaker sufferings in Maryland, slightly fuller than that of Besse, contains the statement, "these are not all of the Sufferings by much which this poor people have undergone".²

Quite possibly during this period Charles Bayly may have been a missionary to the Indians—the first Quaker to work among them. It is known that some Indians in the Maryland-Virginia area accepted the Quaker message quite early, and that one Indian Quaker preacher (and, it would seem, four or five more shortly thereafter) was hanged in 1659 or 1660.

Richard Pinder, writing 17th August, 1660 [O.S.], says,

And friends is wel in Maryland and in Virginia & y^e power of y^e Lord is entred among y^e Indians and one of them was moved to go abroad in y^e power to minister & they did hang him, & since 4 or 5 of them is moved to go forth & we here as if they should have hanged them. So y^e power of y^e Lord is stired up mightily among them.³

Charles Bayly in 1663 wrote that "the Lord ... called me from the *Indians* in *America*" to minister unto the Protestants in France.⁴ John Perrot, shortly *after* the arrival of Charles Bayly in Rome, wrote, "the sound of New-England Sufferers, and the fame of the *Indian Martyrs* in the Continent of *Virginia*, hath pierced to my bottoms

¹ Francis Howgill, The Deceiver of the Nations Discovered and His Cruelty Made Manifest, 1660 [Wing H3158], and Joseph Besse, Collection of the Sufferings of the People Called Quakers, 1753, II, 378-380.

² Howgill, op. cit., p. 24. Italics added.

³ Swarthmore MSS., IV, 39 [Transcripts, IV, 293]. Pinder's language leaves uncertain the site of such a development which could easily have happened in Virginia and possibly in Maryland (given the treatment of both Indians and Quakers in the two colonies in 1659).

⁴ Charles Baily [Bayly], A Seasonable Warning to such who profess themselves Members of Reformed Churches, 1663 [Wing B1473B], p. 62.

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within me".¹ It seems likely that Perrot heard of these Tidewater atrocities from Bayly who had just arrived in Rome from "Virginia" where they took place. These three small items, buried in the writings of Pinder, Bayly, and Perrot, suggest the possibility of Bayly's working among the Indians during the final three or four years of his stay in the Chesapeake Bay area.

Sometime early in 1660 Charles Bayly felt *led* to leave "Virginia" and return to Europe. He was convinced that this was a divine leading. In one place he writes "the Lord . . . hath called me from a far country, where I was an inhabitant".² Elsewhere he says, "God separated me outwardly from my Brethren in *Virginia*, who were more and dear to me than all my outward kindred, because they were such as did the will of my father".3

It may be that Bayly knew Charles II who had just recently been placed upon the throne of England. Possibly, in the days of his childhood in England where his parents were attached to the Court or through some contact during Bayly's brief stay in "princely" circles in France, a friendship had developed between them. It is known that Charles Bayly (who later shows other signs of influential connections) was shortly "moved" to go to Rome to try to rescue John Perrot from the prison in which he had suffered terribly since his arrest by the Inquisition in 1658. Quite probably Charles Bayly took letters from Charles II to aid his cause, for Perrot later said that he owed his life to letters which had come from King Charles while Perrot was in his Roman prison.⁴ Probably armed with these letters from Charles II and fired with the enthusiasm of one who believes that he has received a God-given task, Bayly set out for Rome. Just as his

¹ John Perrot, Glorious Glimmerings of the Life of Love, Unity, And pure joy, 1663 [Wing P1618]. Perrot says this was written in 1660 [which lasted until 24th March, 1661, according to the Old Style Calendar], but not published until 1663. Perrot speaks of these Indian deaths in the plural, implying that the later four or five were also killed.

² Charles Bayly, Seasonable Warning, p. 62.

3 Bayly, A true and faithfull Relation, p. 13. Bayly, A True And Faithful Warning to the Upright-hearted & unprejudic'd Reader, p. 6, suggests that he arrived in Bristol from "Virginia" about May or June, 1660.

⁴ State Papers, C.O.I, 18, item 65 [Public Record Office, London]. The original manuscript contains this passage which is omitted in the printed Calendar of State Papers.

journey was beginning, he met Jane Stokes who had also experienced the same moving or prompting to go to Rome to aid Perrot. The two travelled overland through France to Marseilles, took a ship to Genoa, travelled by land to Leghorn (arriving penniless) where they met William Ward, master of a vessel, and two other Quakers who took them in for a while until they were able to proceed onward to Rome.

Immediately upon their arrival in Rome, Bayly and Stokes went directly to the prison where Perrot was incarcerated, but they were refused admission. After having met with this rebuff, Charles Bayly went to the Inquisition, saw the Inquisitor, and told him that:

"I was come from England for to see my brother J[ohn] P[errot] to which he answered I should see him, and appointed me to come to a certain place called Minerva, and there saith he, I will procure you liberty of the Cardinals to see him."¹

Shortly after this Bayly himself was brought before the Inquisition. While Charles Bayly was being questioned by the Inquisition, he offered to take the place of Perrot in prison (very much as many of his fellow religionists in England had offered themselves in the place of their brethren suffering in English prisons). Bayly even tried to meet with and speak to the Inquisition each time it met (twice a week once at Minerva and once at Monte-Cavallo, the Pope's residence). Many Jews and other people, sensing Bayly's danger, tried to persuade him to save himself rather than continue with his concern for Perrot. Finally, as they had foreseen, Bayly was arrested at Minerva and carried "to the Pazzarella which was the Prison or Hospital of madmen where our dear Brother was a prisoner".² While he was being taken to this prison, Bayly came face to face with the Pope who was being "carried in great pomp" with "the people being on their knees on each side of him". Bayly then called out to him in Italian "to do the thing that was Just and to release the Innocent".3

While in this prison Charles Bayly engaged in a twenty-

¹[John Perrot], A Narrative of some of the Sufferings of J. P. in the City of Rome, 1661 [Wing P1627], p. 15. Pp. 11–16 contain a letter written by Charles Bayly in August, 1661, describing these events.

² *Ibid.*, p. 16.

3 Ibid.

day fast—believing that God required this action on his part as a sign¹ of the church officials' guilt in bringing about the death of John Luffe (Perrot's fellow Quaker and fellow Irishman who had been arrested with Perrot and who had died in prison sometime earlier). Church officials claimed that Luffe had fasted nineteen days and died on the twentieth, having starved himself to death. Perrot and Bayly both believed that he had been hanged and that church officials invented the fasting and starvation story to cover up his murder.² It was as a result of this belief that Bayly fasted twenty days, showing that a person might live through such a period.

Jane Stokes, who had accompanied Bayly on his dangerous journey to Rome, was also arrested and taken before the Inquisition. From the Inquisition she was then carried to the same prison in which Perrot and Bayly were being held. Apparently any Quaker who came to Rome and sought out either the Pope or the Inquisition was thought to be insane and quickly deposited in the "Prison of Madmen" or Bedlam!

The presence of Charles Bayly and Jane Stokes gave John Perrot the spiritual help and consolation he so much needed:

Moreover the everlasting mercies of my God did stir up the bowells [of compassion] of [an]other two of his tender babes, named... Jane Stokes and Charles Baylie to come to visit me whilest I was as forsaken of all men, who in the uprightness of their hearts and perfect faith in my god of wonders, came travelling through land towards me, bruised in their righteous souls in abstinence and fasting, in weekness and sore pains, yet spared not their bodies to the utmost, but in their faith persevered in their pilgrimage until they arrived to *Rome*, where C. B. offered his life to ransome me, and both of them entered into captivity for the love which they bore to my life; and *Charles* wore the irons of my bonds in fastings and sore sufferings, which melted my heart like wax and made me drop

¹ Bayly was steeped in the life and thought of the Bible, where the Old Testament prophets often performed "signs" to act out their message. ² Perrot, Narrative p. 16; John Perrot's Answer to the Pope's feigned nameless Helper: or a Reply to the Tract Entitled, Perrot against the Pope, 1662 [Wing P1610], p. 1; Charles Baily [Bayly], A Seasonable Warning and Word of Advice to all Papists, But Most especially to those of the Kingdom of France, 1663 [Wing B1473A], p. 6. William Penn later expressed this same view that Perrot and Bayly had voiced.

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down the tears of mine eyes, which pretious visitations of my Father's eternal love manifested unto me in tender compassions through the yerning bowels of these his beloved babes must never be forgotten by me.¹

At the very end of May or the 1st June, 1661, all three Quaker prisoners were released—bringing to an end three years of imprisonment for Perrot and a relatively short period for Stokes and Bayly.² The three Friends must have left Rome almost immediately, for they faced the threat of "being condemned to perpetual gally-slavery if ever [they] returned again to Rome".3 The return journey of Bayly, Stokes, and Perrot to England was under way by 2nd June, 1661, when Perrot wrote his letter "from without the gates of Rome".4 As they made their way through France, Bayly was arrested for speaking to two priests—"desiring them that I might have the liberty either in a public Market place, or some convenient place, where the people might hear, and I should prove what I said to them to be the truth of God". He was then imprisoned in "Bourg de Ault" near "Deept" [Dieppe] and Abbeville,⁵ which was about thirty leagues from Dover.⁶ Joseph Fuce reports that he heard Perrot, after his arrival in England, refer to Charles Bayly's arrest and imprisonment near Calles [Calais] for "speaking to a Cupell of priests that bowed to an Image as they passed y^e streets".⁷ These two accounts probably refer to the same experience in the summer of 1661. Bayly's return to England, delayed by his two months' French imprisonment, did not take place until the autumn of 1661—when the Perrotonian schism was already beginning to develop. John Perrot, during his imprisonment in Rome and the intense physical and mental suffering and persecution which he experienced in those three years, had come to

¹ Perrot, Narrative, pp. 9-10.

² Swarthmore MSS., V, 42 [Transcripts, VII, 189] contains a letter written 2nd June, 1661, by Perrot "upon delivery from his long imprisonment". Concerning Bayly's treatment in Rome, see Bayly, A True and Faithful Warning to the Upright-hearted & unprejudic'd Reader, pp. 2-3.

3 Perrot, Narrative, p. 16.

4 Swarthmore MSS., V, 42.

⁵ Ault, arrondissement of Abbeville in the department of the Somme, France.

⁶ Bayly, A Seasonable Warning and Word of Advice to all Papists, p. 6. Cf. Perrot, Narrative, p. 11.

⁷ Swarthmore MSS., IV, 224 [Transcripts, II, 249].

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believe that *all* religious forms must be put aside. First he attacked the removal of the hat in time of prayer. Next, he rejected the shaking of hands (with which Friends' meetings ended). It was only a question of time before he and his followers went the next step and rejected holding meetings for worship at a *pre-arranged* time, saying that true worship came only when people were led by the Spirit.¹ Perrot's view that one should follow the leading of the Spirit—and that alone—led to many excesses. Charles Bayly, who had risked his life to rescue John Perrot from prison in Rome, became one of his chief supporters in England.

The time of Charles Bayly's liberation from his French imprisonment and the exact date of his return to England are unknown, but it is clear that he had already become a prisoner in Dover prison for his Quaker beliefs some months before March, 1662. It was at this time that he wrote a letter from prison to the "Deare Lambs of my Fathers" fould", urging his fellow Quakers to remain in unity and not to give up hope—for the persecuting enemy would be overthrown.² Bayly himself says that he had been in Dover less than twenty-four hours before he was arrested as a Jesuit! It was during this seven months' period of imprisonment, beginning late in 1661 it would seem, that Charles Bayly began to express certain beliefs and to engage in certain practices which brought him into disrepute with his fellow Quakers. His continued championing of John Perrot in 1661 and 1662, when the final rupture of relations between George Fox and Perrot took place, led an increasing number of Friends to question their unity with Bayly. Equally as disturbing was his inclination toward "visions, prophecies, and miracles".

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¹ For a brief discussion of these views see Kenneth L. Carroll, "Thomas Thurston, Renegade Maryland Quaker", *Maryland Historical Magazine*, LXII (1967), 184-87. My forthcoming monograph on John Perrot treats them in much greater detail.

² Humphrey Smith, To the meek and open hearted Lambes, and Flock of Heaven, in meekness of Love with Greetings of Peace from the Seat of Infinite Mercy [1662] [Wing S4081], p. 7, contains this letter written by Bayly, 15th day of 1st month, 1661 [O. S.]. Concerning Bayly's account, see Bayly, A True and Faithful Warning to the Upright-hearted & unprejudic'd Reader [Wing B1473D], p. 4.

Quaker records are relatively silent concerning this aspect of Bayly's career, except in so far as they attempt to defend Friends against the attacks of their adversaries. Several anti-Quaker documents by Richard Hobbs are much more detailed and descriptive. These, however, must be read with care—for "anything goes" is the rule of seventeenthcentury religious controversy, and they did not appear in print until a decade later.

Hobbs claims that Quakers "owned" [accepted, countenanced] Bayly and were in fellowship with him at the time of his Dover imprisonment.¹ He then states that Bayly "did prophecie, see false Visions, and pretend to work Miracles". Bayly developed such a reputation as possessing an extraordinary gift of healing-having been said to have cured Anne Howard's eyes, convulsion fits of Katherine Fern, and a sore leg of Edward Salisbee (who "threw away all his plaisters, and clouts that formerly he used")—that great numbers of people sought him out. Hobbs says that Bayly had success only with Quakers (such as the above three) and not with all of them. Bayly failed to cure the swelling in William Williams's face and the weakness and lameness of Samuel Tavenor's wife. His greatest failure (caused by the presence and opposition of some Baptists, according to Bayly), as Hobbs tells the story, was in casting out the Devil from Christopher Woolet [Wollit] of Alkham. Richard Hobbs was a Baptist minister who was so anti-Quaker that he would visit the prison room where Bayly, some of his fellow Quaker prisoners, and Quakers from Dover (who had freedom to come in for these meetings!) gathered for meetings—in order that he might dispute Bayly's message. This should be kept in mind as one reads his somewhat coloured account of the events of 22nd October, 1661.

The next Project was ... upon one Mr. Christopher Wollit of Alkham, a man that had lived well and being decayed in his

¹ Richard Hobbs, The Quakers Looking Glass Look'd upon, And turned towards Himself, 1673 [Wing H2271], p. 1, says "the Quakers did own Baily for an eminent Quaker amongst them before and after his pretended Vision, Prophecie, and Miracles... by their affirming and justifying him to be led by the true Light, as they did by hearing him preach, and devoutly joyning with him in Prayer."

estate, was sometimes a little Frenzie[d] in his brain, but had the use of his reason, and well read in the Scriptures. This man coming to visit the Prisoners, as his manner was, did in Discourse tell C. Baily, that he thought him to be one of the Locusts, that came out of the bottomless Pit, the hair of his head and beard for length being like the hair of Women; Charles Baily, with two Female Quakers, got this man into their Chamber, and takes in with him five of the Baptist Prisoners . . . and shuts the door upon them, bidding them sit still, and they should see the great Power of God; All men silent, Charles Baily after a little time fell a quaking, and his Belly working and his body swelling, with a strange bubling in his throat, striving, as if he had been choak'd, and then was by that Power that wrought in him, thrown down from a chest whereon he sat, flat on his face, to the amazement of the people; in this posture he uttered some words as if he prayed with his Hat on; Mr. Woolit thereupon reproved him for praying covered, and quoted I Cor. where *Paul* forbids it, at which *Baily* stands up, and takes hold of Woolits Garment, and with an audible voice in the Name of God, commandeth the Devil to come out of him; afterward adjuring him several times in the name of Jesus of Nazareth to come out of him: In like manner comes one of the Females with strange ratling and swelling in her throat, crying, thou Beelzebub, thou Fiend, thou Legion come out of him; and thus she stood gaping eight or nine times together; and she being spent, a younger Female comes swelling and ratling in her Throat, and foaming at her Mouth: Note, till this last came Wollit was patient: he seeing her come rathing and foaming at him, said What will this young Jezebel do? What hast thou to belch out? But she, like the others, cried out with a loud voice, Thou Lucifer, Son of the Morning, come out, come out, I adjure thee to come out, thou must come out, and thou shalt come out: with such like words she stood gaping nine or ten times, to the amazement of the Spectators. In this fearful manner they stood about him till they raised the man so much, that he went and called out of the Window to the people that passed by, to come and let him out, telling them that the Quakers had shut him in their room, and would not let him out, and that he did not know, but that they were minded to murder him. Whereupon *Baily* said, Now the devil rages, now he is mad, keep him in, and you shall see the Devil flie out of the window: but, some of the *Baptists* would let him out, which being done, Mr. Wollit went away the same Man he was, and so continued, affirming that *Baily* was a false Prophet and a Deceiver.¹

Hobbs reported that those who had observed this episode believed that Bayly and his female followers, rather than

¹[Richard Hobbs], A True and Impartial Relation of some Remarkable Passages of Charles Bailey a Quaker, who profest himself a Prophet, and that he was sent of God, pp. 3-4. (This is printed at the end of Hobbs, The Quakers Looking Glass.)

Woolet, were possessed by the Devil.¹ Before viewing the Quaker response to Hobbs's attack upon them through his account of Charles Bayly, it should be noted that Hobbs was writing *twelve* years after the events discussed, that Hobbs himself seems to have been greatly influenced by the language of the Revelation of John in the words of description for Bayly which he put in Woolet's mouth, and that he mistakenly dated the episodes in 1667 rather than 1661.

Quaker writers, such as Luke Howard and Thomas Rudyard, were quick to reply to Richard Hobbs's writing, and within a few months each of them produced answers. Luke Howard reported that Hobbs had neglected to say that among the men Friends in Dover prison and among the Quakers outside many "did not own C. Bayly so much as R. Hobbs reporteth of, though to him it was not declared".² He also stated that:

Anne Howard my Wife (I being then a Prisoner in the Castle) did so far disown him [Bayly], that she sent up to London, to the Elders of Friends, and gave them an Account of his mad Actions, who sent down two Friends to look after him and they testified against him, when they saw him; this [act] Friends did not acquaint the Baptists with, who we knew waited for Mischief: but Friends Care was of him, to preserve him, if possible, and to restore him in the Spirit of Meekness and Love, as our Duty is according to Scripture, but when no Recovery can be, then deny'd, as he was and is to this day.³

Luke Howard continued by saying that those Quakers with Bayly were "young Convinced, and tender, and could not easily discern, and afraid to judge, not knowing what to say". When they acquainted Luke Howard and the other older Quakers in the Castle Prison with accounts of Bayly's acts, Luke Howard said, "this we did not see meet to acquaint the *Baptists* with, but rather endeavoured to get him to *London*, which was done in order to his recovery". He then concluded, "so that Friends are clear of him in the sight of God, and according to Scripture, although the *Baptists* in envy seek to lay *Stumbling-blocks* in the way of

¹ Ibid., p. 4.

* Luke Howard, A Looking Glass for Baptists, 1673 [Wing H2986], pp. 32-33.

3 Ibid., p. 33. Luke Howard also denied that his wife had been cured by Bayly.

3.

the Simple by it".¹ In another pamphlet Luke Howard said that because many of the accounts of Charles Bayly's "Mad Actions" were true ["for which he must bear his own burden"], the Baptists thought they could add still other stories to these.²

Thomas Rudyard also reacted to Hobbs's sectarian attack, and pointed out three facts. First, that the story was one of eleven years' standing. Second, that the events mentioned took place half a dozen years before the 1667 date given by Hobbs. Third, that five of the nine "witnesses" whose names were attached to Hobbs' account were dead before the account was drawn up.³ He also reports that Charles Bayly had been "disowned" by Friends:

And [God] hath raised True Prophets in this Age to cry against the False Prophets, and particularly against Charles Bayly, who was *many years ago* judged and denyed by the Prophets and Servants of the Lord, because he prophesied Lyes and false Divinations by the leadings of his own unclean spirit, which ruled in his own deceitful Heart: and because of these things he hath been shut out of the Assemblies of God's People (in Scorn called Quakers) for many years, although he sometimes appeared amongst them, as the false Apostles and deceitful workers did in the dayes of the true Prophets and Apostles appear amongst them; and as the true then judged, and denyed the false; so have we done unto C. B. in and with the Light, Life, and Spirit of God.⁴

George Fox in 1661 produced a paper which "denied" both Charles Bayly and John Perrot. Fox, in his Journal, writes that both Perrot and Bayly [Bailey] "ran out from Truth. But I was moved to give forth a paper how the Lord would blast them all, both him and his followers, and that they should wither like grass on the house-top, and so they did. But others returned and repented."⁵

Although Charles Bayly was "disowned" or testified

¹ Ibid.

²Luke Howard, The Seat of the Scorner Thrown Down: Or, Richard Hobbs his Folly, Envy and Lyes in his late Reply to my Books, called, A Looking Glass &c, Manifested and Rebuked, 1673 [Wing H2987], p. 4.

3 Thomas Rudyard, The Water-Baptists Reproach Repeld, Being A further Reply Answering a Defence of R. Hobbs to his pretended Impartial Narrative of one C. Bayly, hereto a pretended Quaker: A story of 11 years standing, 1673, pp. 44, 48.

⁴ Ibid., p. 58. Italics added.

⁵ George Fox, Journal, ed. John L. Nickalls, 1952, p. 411.
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against by Quaker leaders such as Fox, he still considered himself a Friend and—as pointed out by Thomas Rudyard he "sometime appeared among them". On 27th June, 1662, after only a short period of freedom, Bayly and three other Friends took themselves to the Old Bailey in London to hear "the cause of our innocent Brethren". All four were arrested as a result of this and were questioned. Bayly later reported "but I being a Foreignor was free in myself to tell my Name and place of abode, which was in Mary-Land in Virginia". Because he would not take an oath, he was sent to Newgate Prison.¹ Bayly was a prisoner in Newgate for about four months "until I was so weak that I was carried out in a chair". Following his recovery from this weakness, Bayly attended a Friends' meeting in London near Aldersgate and was arrested again. Many Quakers suffered death at this time, and Bayly himself was a "deep sufferer".²

Two other imprisonments in London in 1662 and 1663 preceded his sentencing to Newgate Prison in Bristol in 1663, after being in the city just three days. This time he was jailed for being unable to take an oath. From this prison, on 13th May, 1663, Bayly wrote a "warning" unto the people of Bristol,³ and there, on 4th September, 1663, he wrote his *Causes of God's Wrath.*⁴ Charles Bayly appears to have been transferred to the Tower of London and spent the next six years as a prisoner there. During this period he wrote several letters to Charles II, admonishing him to avoid rioting and excess, chambering and wantonness.⁵ Sometime in 1669 there was a temporary break in Bayly's imprisonment, so that he was released on parole in order that he might make a trip to France

¹ The Second Part of the Cry of the Innocent for Justice, pp. 19-20. Cf. Besse, Sufferings, I, 381-82. Besse says Bayly was accompanied by two other Friends rather than three.

• Bayly, A True And Faithful Warning to the Upright-hearted & unprejudic'd Reader, pp. 4-5; William C. Braithwaite, The Second Period of Quakerism, 1921, pp. 9-13.

³ Charles Baily [Bayly], A True and Faithful Warning Unto the People and Inhabitants of Bristol, 1663 [Wing B1473D].

⁴ Charles Bayley [Bayly], The Causes of God's Wrath Against England; And a Faithful Warning From the Lord to Speedy Repentance, 1665 [Wing B1472]. This was published two years after it was written.

• Ibid.

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on a special mission.¹ Upon his return, he was again imprisoned for a brief time—only to be released once more on the surety of the Governor of the Tower, John Robinson.² These last two developments once again remind us that Charles Bayly must have been a person of ability, striking personality, and influential connections which time, absence, and imprisonment had not completely destroyed.

Shortly after his return from France, Bayly was released once more, this time for service with the Hudson's Bay Company. Once again one sees Bayly's influence, for his release "stipulated that he must be assured of such conditions and allowances as should be agreeable to reason and the nature of his employment".³ Bayly, therefore, was not only an employee but also a stockholder (with a full share of £300 to his credit) when he joined the Company! Even more than that, he was to be the Governor.

In late Spring 1670, Charles Bayly sailed on the *Wivenhoe*, which was accompanied by the *Rupert*. It was quite obvious that the exploration and trade were not the only tasks to which Bayly was to give his attention—for the ship took bricks and building materials, as well as "great Gunns to be left in the Bay". The Company hoped to establish a new post on the Nelson River.4 The efforts of Bayly and his party met with great misfortune, tragedy, and death, so that no permanent post or settlement was made on Nelson's River. Instead, the whole expedition began its return to England on 1st July, 1671, with Bayly being forced to navigate the Wivenhoe (since both the captain and the mate had died). Finally the survivors arrived back at Plymouth in England on 26th October, carrying many beaver skins with them.5 A second expedition set out for Hudson Bay in June, 1672. Bayly was to build a fort at Moose and leave half of his thirty or forty men there.

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¹ If Charles Bayly is the Bayly who was "an old Quaker with a long beard" in September, 1669, *Journal of the Friends' Historical Society*, XIII (1916), 67, he was "old" because of his imprisonment and suffering rather than in "age".

* E. E. Rich, The History of the Hudson's Bay Company, 1670-1860, 1958, I, 65; Henry J. Cadbury, "The End of Another Schismatic" [Letter from the Past-183], Friends Journal, VI (1960), 256. Robinson was active in the formation of the Hudson's Bay Company.

³ Rich, op. cit., I, 65.

4 Ibid., I, 66.

⁵ Ibid., I, 68–69.

Bayly himself spent the winter of 1672-73 at Rupert River, trading for furs. The next two years appear to have been spent in trading and in jockeying for position with the French.¹

There must have been some dissatisfaction with Bayly, for a new Governor was sent out from London and arrived in Canada on 15th September, 1674. Bayly, however, stayed on at the Company post, since it was too late for ships to leave for England that winter. By the time the ice broke in the spring, the whole expedition was ready to return to England. Charles Bayly and three other men stayed on, while William Lydall (who had failed as Governor) and the rest sailed for England as soon as possible. With Lydall's failure, Bayly became Governor once more.²

Charles Bayly remained as Governor in the Bay until the summer of 1679, when he was called home by the Company to answer certain charges which had been lodged against him. It has been suggested that probably the old charge (in 1671) of conducting private trade may have risen up to haunt him once more. More important, though, was the criticism of general mismanagement and lack of discipline.3 Although he was credited with doing much "to establish the Company's posts and practices", he was accused of doing so "in a slipshod and unbusiness-like way. with much kindliness but without any great driving force of personality or conviction to make up for his lack of attention to detail."4 There was no question of his honesty, and his relations with the Indians appear to have been both friendly and successful.⁵ Bayly, we are told, "had taught the Indians to trust him and to expect steady terms of trade".⁶ Charles Bayly's return trip to England was a difficult one, for he was so abused and mocked by Captain Nehemiah Walker of the John and Alexander that he was sometimes brought to the point of tears.⁷ Shortly after his return to

² Ibid., I, 78–79.

3 Ibid., I, 79.

• *Ibid.*, I, 80. Bayly's successor was ordered to hold prayers, homilies, and readings from the Bible regularly, and Bayly was censored for not doing this. If he was still a follower of Perrot, he would have looked upon this as form.

^b Ibid., I, 80–81. ⁶ Ibid., I, 107. ⁷ Ibid., I, 92.

¹ Ibid., I, 70–78.

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England, Bayly died on 6th January, 1680. The officials of the Hudson's Bay Company, probably with a twinge of conscience, gave him an elaborate funeral at St. Paul's, Covent Garden, and also repaid his widow Hannah Bayly certain expenses and back salary.¹ The Company also sent out a plaque in his memory, to be erected in the Hudson's Bay Country. This plaque, says Rich, was designed to let the Indians know that Bayly "was dead and that the Company had used him well". His policy of "making treaties with the Indians was to be preserved".²

Thus the strange career of Charles Bayly came to an end in England, just as it had begun there. Between birth and death there had come two trips to the New World: one as a kidnapped youth sold into bond-slavery, and the second as Governor of the Hudson's Bay Company. Henry Cadbury has spoken of "the last chapter" of Bayly's life as "both useful and romantic".3 We can go beyond that and say that Bayly's whole life, in so far as we have been able to uncover it, has proved to be highly colourful or romantic.

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¹ Ibid., I, 93; Cadbury op cit., 282. Nothing is known of his widow. ³ Rich, op. cit., I, 109. Cf. I, 93. 3 Cadbury, op. cit., 282.

Friends and the Inquisition at Venice, 1658

THE period of maximum missionary effort by the early Quakers to European and Mediterranean territory falls within the decade 1655-65.¹ This was also the period of special exposure to the hostility of non-Protestants and non-Christians, including the Papal authorities in several areas, and particularly to the Inquisition. Of this last encounter the best-known instances were the experience of John Perrot and John Luffe in 1658 in Rome where Luffe soon died but Perrot remained a prisoner until released in 1661, and of the two married women, Sarah Chevers and Katharine Evans, prisoners in 1659-62 of the Inquisition at Malta.

Since the Papal Inquisition kept very careful records it would be of great interest if we could compare them with the Quaker version. But they are not easily accessible. I once thought an account of John Perrot in Rome by a Jesuit author might supply such information, but I concluded that it was based on Quaker printed books.² Shortly afterwards my friend, Cecil Roth, announced that while searching principally for source information about the Marranos he had found in the muniments of the Holy Office at Venice some references to persons from England belonging to the sect of the Tremolanti.³ Twenty years later I secured photostats of these items. They occupy a fascicle of twelve foolscap pages in envelope 108 (5). But they are written in a script which is not very legible, with its abbreviations and blots, at least in the facsimile, and in places are completely obscure. The language is part Latin but mostly Italian. In June, 1963, Edward F. Oddis of

¹ Cf. W. C. Braithwaite, Beginnings of Quakerism, Chap. XVI; Joseph Besse, Sufferings, 1753, Vol. II, Chapters XII-XV; and the unpublished paper by Bettina Laycock, Quaker Missions to Europe and the Near East, 1655-1665, 1950.

² Theodore Rhay, Confusa Confessio Trementium seu Quackerorum, etc., Köln, 1666. See Journal F.H.S., xxxi, 1934, pp. 37f. Cf. ibid. xxviii, 92, xxix, 84.

³ "The Inquisitional Archives as a Source of English History" in Transactions of the Royal Historical Society, Fourth Series, Vol. xviii, 1935, pp. 115f.

Haddonfield, New Jersey, a master of both languages, offered to attempt to make for me an interlinear translation and in due course sent it to me. That was in February, 1964, and it is not an evidence of the gratitude I feel to him for a difficult undertaking that I have waited so long to use it.

The title on the envelope is "the Quakers' sect 1658" and it includes, with elaborate listing of the persons present and conducting the inquiries, transcripts of questions and answers on six dates from 18th June to 22nd August, 1658. For the modern reader this form of report may be a little tedious. I will therefore summarize the information of the three first occasions and, to illustrate the character of the originals, present thereafter the questions and answers of the three last occasions. These last have to do with the same witness, one George of Ravenna.

It will be seen that the Quakers themselves were not confronted. Some pamphlets which they had distributed in Venice had alerted the Holy Office. The witnesses were called and testified that they did not know their names, nor their exact whereabouts at the time of the inquiry, but I think the Friends can be identified as John Stubbs and Samuel Fisher. We know from Quaker sources that these Friends spent about two months in Venice, having reached it overland on 15th April before John Luffe and John Perrot left Venice for Rome.¹ By the time Stubbs and Fisher left the city for Rome they had heard of the intention of the Inquisition to arrest them in Venice. The two unnamed Quakers who were reported as having been in Venice but now in prison in Rome must be John Luffe and John Perrot. Other Quakers, including a man and a woman who set out for Constantinople, and the woman who had returned being sent back by the British consul, cannot be identified. They may include Mary Fisher, who interviewed the Sultan at Adrianople earlier this year. The hearings reported begin on the 18th June, 1658, with a reference to one a week earlier and followed by one on the 27th. The rector of the Somasca Congregation, a

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¹W. C. Braithwaite, Beginnings of Quakerism, pp. 426-28. The original letters in Portfolio 17 at Friends Library, London, have not yet been published, though they were read by Braithwaite and by Roth. See Braithwaite, op. cit., p. 420, note 5.

Catholic Seminary in Venice, tells how he had a few weeks before conversed with two English gentlemen who reported the arrival in Venice of two Englishmen of a certain modern sect called Quakers, who had increased in London in three or four years to 40,000, and now were spreading here and there throughout the courts of Europe.

During this conversation the two English sectarians themselves appeared and were challenged by the Catholic Rector, not for their moral exhortation, but concerning belief in a visible head of the Church. The Quaker spokesman said that Christ had been visible as the head of Church and was still visible since he (the Quaker) has Him in himself, while the Catholic asserted that upon his ascension to Heaven, Christ had left us a vicar and visible head of the church.

Later the Rector reported that one of the English Catholics mentioned that he had had given him some pamphlets sent to him by the Quakers and since delivered to the officers of the Inquisition. The respondent replying to questions said he did not know either the names or last names of the said English sectarians but the one of them who spoke better was of middle stature, about 40 years old, of ruddy complexion, gaunt face, dark hair, or somewhat hanging hair, beard and moustache shaven, of modest bearing, with a dark suit of woollen cloth, French style. The other was of somewhat shorter stature but as old as the other, of white and pink complexion, narrow little face, very modest bearing, with a grey suit of French style. To judge from the respect that he showed towards his associate he was a person of inferior position. The witness said that a few days later he saw the former of these two English sectarians walking in the palace court in a mood of thought. He had also met on a later occasion the two English Catholics who ridiculed the madness of those who claim to be perfect. They said the English Quakers sometimes preached in Italian, of which they know a little. They had gone to preach in the Jewish Ghetto. Members of their sect were travelling two by two to Frankfurt, Rome, Modena, and some to Constantinople, where a man and woman of the said sect had gone. The witness when asked said he did not know of other copies of the printed leaflets distributed to other persons, nor did he know whether the said sectarians were the

authors of the said leaflets, nor did he know who might inform the Holy Office on this matter. Also he did not know where they lived.

The next witness is an innkeeper at the sign of the White Lion at the Piazza of the Holy Apostles who replies that he has now no English lodgers. He mentions another place where Englishmen often lodge, and he had heard of two Englishmen who had arrived there recently from Rome, but he had not seen them and does not know them.

The next witness (on 4th July) is a Londoner, Thomas Harp . . . [name obscured], 25 years old, who has been living about four years in Venice. He is himself a Catholic priest, living abroad in the house of the Englishman George Ravenna. He knows that there are English Quakers in Venice, because two of them had come a few times to the house of the aforesaid George for bread and beer, and sometimes he has met them in the street at the piazza [or bridge] of SS. Giovanni e Paolo at the house of an English tailor called **Raphael who works at home.** He reports that nine members of the sect had come and that two had been detained at Rome. He was given some pamphlets printed in English which dealt with the dreadful day of judgement, of the light we have in us, of the faith we ought to have, and similar things. But he knows nothing of similar pamphlets in Latin distributed by them. As for a description of them, he said the one must be about 50 years old, of ordinary size, dressed in a dark grey woollen suit. The other must be 25 or 26 years old, of shorter stature, dressed almost as the other.¹ Hereafter is given a less condensed transcript of the official hearings, omitting the listing of the members of the inquisitional staff present on each occasion, and the usually obscure concluding formula.

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9th July, 1658

Mr. George of Ravenna [son] of Mr. James, an Englishman, 22 years of age, living in Venice for four years, dwelling in S. Marina, merchant.

¹The discrepancy about the conjectured ages of the two Quakers is natural. See above p. 41. If properly identified as Samuel Fisher (born 1605) and John Stubbs (born 1618) they would have been about 53 and 40 respectively.

Q. If he knows or can imagine the reason for this investigation.

Ă. I do not know it nor can I imagine it.

Q. If about a month ago toward the end of May or the beginning of June he has given to any person printed leaflets . . .

A. On the occasion that aboard my ship Alessio Svanc, an Englishwoman came who had decided to go to Constantinople, saying that she was inspired by the Lord God to speak in the matter of religion to the Turkish Sultan (Divan), although later she was sent back by the Consul of our nation on the same ship and dwells on Malamocco and comes sometimes on land, as far as I understand. And as I went to the ship, I saw the same (woman) giving some printed sheets to two Englishmen; one with the last name of the Bishop Fissero [Fisher?] a noble family in England, and another companion of his whom I do not know whom he is. So I had one [sheet] given to me in Latin, as the greater part of the leaflets were in English and I gave it to a Somascan Father.

Q. Tell the time and what and how many were present when he had one of the said sheets from the said woman. A. It was a month and a half [ago], three days after the arrival of said ship, Mr. Thomas Alarpoon [sic] and other Englishmen being present. Q. How many sheets did the said woman give to those Englishmen and what for? A. She gave about 20 leaflets to the said Englishmen; I do not know what for. Q. When and why did the witness give those printed sheets to the said Somascan Father. A. Because I have familiarity with the Somascan Fathers, and Father Cosmo helped me in the translation of the book entitled "End of Controversies"¹ printed in Ferrara. I gave to one of the Somascan (Fathers) said sheets to let them see the novelties of the new countries on matters of religion. Q. If he knows whether the said two Englishmen have distributed the sheets described to anyone in this city.

¹ An End to Controversy Between the Roman Catholique and Protestant Religions by Thomas Bayly, Douai, 1654 [Wing, Short-title catalogue... 1641-1700, B1510].

A. I know well that there were in this city about two months ago two other Englishmen who distributed similar sheets and leaflets to several persons, even to the Jews, who left, and we heard that they are imprisoned in Rome. But of these two who are at the Bridge in Venice I do not know whether they have distributed any.

Q. If he heard the said two Englishmen discuss with any religious person about the visible head of the Church, may he tell what they were asserting.

A. I have seen the said two Englishmen discussing with several persons several times. I have never heard them discuss religion but "about good customs. Stay away from evil and do good" [de bonis moribus. Declina a malo et fac bonum].¹ The older man is a wise person, who conversing with me about religion shows the errors and advises to be circumspect with others in similar matters and not to go to jail as the other two in Rome. The other, his companion, does not talk about this and had no other language than his native one.

Q. If he knows that the said Englishmen have distributed or brought to the gates [of the College] similar printed sheets. A. I heard that about two or three months ago similar sheets have been brought to the gates of the Most Excellent College and the two said Englishmen told me they have done so, and added that they were sent by God to preach and to present them. Q. If he knows who are the authors of said sheets. A. There is a note on the sheets themselves; I leave it to them. Q. If he knows whether any of these four Englishmen, that is the two in Rome, and the two here in Venice, have the same name as on these sheets. A. I do not know that any of these is one of those on the sheets. I know that Fox went to Holland and afterward to England, so far as I know . . .

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30 July, 1658. George of Ravenna

A. Those two sectarian Englishmen, noted in my investigation left, as I heard, Saturday the 8th by sea, toward Ancona. Before leaving they came to my house, and not

¹ Psalm 36, 27 in the Latin Vulgate.

finding me at home they left two or three sheets handwritten in Latin, with the signatures of them both. These sheets I promise to bring to this Holy Office, since I have forgotten to bring them.

Q. May he tell the contents of these sheets?

A. I have read only the first lines, and as to what I was able to understand they deal with moral matters, similarly to the printed sheets that I have identified which are in this Holy Office.

Q. If he knows to what parts these two sectarians are going.

A. The tailor already mentioned by me, at whose house the two sectarians were lodging, told me that they embarked for Ancona with the purpose of going to Rome.

Q. If he knows whether the said sectarians have left sheets with other persons.

A. I think they have left some and especially to three other Englishmen and to Jews, and I shall have better information about this and I shall report when I bring the sheets I have received.

22 August, 1658. George of Ravenna

Of his own accord Mr. George Ravenna appeared, who brought, in accord with promises made, a sheet in four pages [?quarto] which he said that he had received from two Englishmen who finally left this city.

Q. If he knows where these two Englishmen are at present. A. I have heard it said that they are now in Loreto and they say they are going towards Rome.

Q. If he knows the name of those Jews and others to whom the sheets were distributed by the same said sectarians as [told] in other investigations.

A. They are Jewish Rabbis, whose names I do not know. I have seen one of these sheets in the hands of the young Almeda, but I do not know whether it was his or from whom he had received it.

Signed: George Ravenna

HENRY J. CADBURY

John Bunyan and the Quakers

JOSEPH SMITH'S Bibliotheca Anti-Quakeriana, 1873, has few omissions. That remarkable bibliographer was as complete and meticulous in listing "A Catalogue of Books Adverse to the Society of Friends, Alphabetically Arranged" as in his earlier Descriptive Catalogue of Friends' Books, 1867.

It may be worth while to note an omission in the *Biblio-theca* of a work by one of early Quakerism's now most famous opponents, John Bunyan of Bedford. As I have noted elsewhere, *Beginnings of Quakerism*, Second Edition, 1955, p. 568, we are indebted to a quite recent biographer of Bunyan, W. Y. Tindall, *John Bunyan*, *Mechanick Preacher*, 1934, "for recovering a forgotten episode belonging to Cambridge and 1659, in which John Bunyan became involved in an unsavoury charge against two Quakers of bewitching a woman and turning her into a mare".

I now call attention to a publication among the many

theological controversies of a later time. In a pluralistic society controversy tends also to be many-sided. One of Bunyan's works was addressed to answering a book called The Design of Christianity.¹ The author was Edward Fowler, an Anglican rector, also of Bedfordshire. His book was first published in 1671. It is duly mentioned by Smith, for it also attacked the Quakers, but Bunyan's reply entitled A Defence of the Doctrine of Justification by Faith in Jesus Christ . . . or Mr. Fowlers Pretended Design of Christianity proved to be nothing more than to trample under Foot the Blood of the Son of God, etc.,² though not mentioned in Smith's Bibliotheca, also shows his animosity to the Quakers by the application of what today is called "guilt by association". He concludes, "But to wind up this unpleasant Scrible [sic] I shall have done when I have further shewed how he [Fowler] joyneth with Papist and Quaker against these wholesome and fundamental Articles" [10th, 11th and 13th of the Thirty-Nine Articles of Fowler's own Church of England].

¹ 1671, Wing F1698. ² 1672, Wing B5507.

For the papist agreement with Fowler he quotes from Campion, the Jesuit; for the Quaker he uses Penn's Sandy Foundation Shaken,¹ and quotes in eight parallels first a passage from "Pen" (page reference agreeing with its 1668 edition) and then a passage from Fowler to the same effect. Of course the outraged Fowler promptly published a reply (1672). Its characteristic long title begins: Dirt Wip't Off, or a manifest Discovery of the Gross Ignorance, Erroneousness, and most Unchristian and Wicked Spirit of one John Bunyan.²

I do not know that William Penn intervened, but the interesting thing is that almost before the *Defence* could have been printed (its Premonition to the Reader is dated "From Prison the 27th of the 12 Month 1671" [i.e. 27th February, 1672]) King Charles II on 15th March issued his Declaration of Indulgence. In accordance with this, Friends, with great effort, provided a list of prisoners to be freed, and among them, at the invitation of George Whitehead, John Bunyan and a few other non-Friends were included in the general pardon of 8th May. On the next day Bunyan's license to preach was granted.³

HENRY J. CADBURY

¹ 1668, Wing P1356. ² 1672, Wing F1701. ³ Cf. Journal F.H.S., x (1915), pp. 290-91.

Quakers as Churchwardens and Vestrymen

UNDER the Act 1st William and Mary, commonly called the Act of Toleration, provision was made "whereby those who scruple to undertake the office [of churchwarden] are allowed to appoint a deputy". Some Friends felt that it did not afford the relief they asked for, they argued that the principal is responsible for the acts of his agent. Some, however, were willing to serve by deputy, others paid a fine, while some Friends felt able to serve in person.

By the Act 43rd Elizabeth, "the church warden, and two, three or four householders are to be the Overseers of the Poor". It was this duty of caring for the poor that appealed to those Friends who did serve. A strong point made by objecting Friends was that the Society of Friends in general was a great relief to parishes in point of expense, for the Society did not suffer its poor, young or old, to become chargeable to the parish. Possibly this argument weighed with those church authorities who refrained from calling on Friends to serve. A document dated 1751¹ shows that a Quaker could make a special declaration. It reads:

I, John Cator, one of the churchwardens elect of the parish of St Saviours Southwark, do sincerely, solemnly and truly profess, testify and declare that I am one of the Dissenters from the Church of England, commonly called a Quaker, and that I will faithfully execute the office of church warden of the said parish for the present year, and I shall present all such matters and things as I know to be presentable by the Ecclesiastical Laws of this realm.

Between 1806 and 1809 Meeting for Sufferings devoted some consideration to the matter. The minutes record:

In one [or] two districts a Friend is thought to have served the office [of churchwarden] many years ago & in London the practice of choosing Friends is well known not to be uncommon. A

¹ Greater London Council, Members Library & Archives, "Commissioners of Surrey".

Friend cannot consistently comply with such a practice, and this Meeting thinks it will be useful for the Monthly Meetings to put their members on their guard in this respect, and informs them that if anyone should be called upon to serve the office or provide a substitute he may have a copy of some reasons shewing the inconsistency of compliance by applying to the Clerk of this Meeting.¹

In March, 1836, Samuel Theobald of No. 1, Bishopsgate, London, was elected under-churchwarden for the parish of All Hallows, London Wall.² He asserted that he could not perform the duties of the office, stating his reasons. His objections were over-ruled. A month later he was re-elected, and was instructed to attend the Visitation on 14th May, 1836. He then appealed to the Archdeacon of London, and received the following reply:

Sir, I beg to inform you that the circumstances of your being a Dissenter from the Church of England does not exonerate you from being liable to being elected churchwarden, and if so elected you must either serve personally or by deputy, this is the only exception made in the Act of Toleration in favour of lay members of dissenting congregations. It will therefore be necessary for you either to attend on Saturday next, to take the Affirmation faithfully to execute the office or appoint a deputy to act in your stead.

A Vestry was held on 19th May, 1836, at which was recorded:

Samuel Theobald this day attended the Vestry, and having refused to take upon himself the office of churchwarden of this parish, to which he had been duly elected, it is resolved that Richard Webb Jupp, the solicitor of this parish, be instructed to attend the Ordinary and inform him thereof, that measures may be taken by him accordingly.

As a result, Samuel Theobald was cited to appear personally before Joseph Phillimore,³ Judge of the Ecclesiastical Court of the archdeaconry of London at the Hall of Doctors Commons in the parish of Saint Benet, near Paul's Wharf, London.

¹ First sentence abridged from report of Committee to Meeting for Sufferings 2.v.1806; remainder of text from minute of Meeting for Sufferings 3.ii.1809 (MS minutes vol. 41, pp. 117, 250-1).

² Document printed by order of Meeting for Sufferings, 1837. See Joseph Smith, Catalogue of Friends' Books, ii. 732.

³ Joseph Phillimore (1775–1855), regius professor of civil law, Oxford, 1809–55. Dict. Nat. Biog.

On the 25th November, 1836, Samuel Theobald attended, accompanied by Samuel Gurney. As Samuel Theobald was unwell, Samuel Gurney was allowed to read the document prepared by Samuel Theobald, but was not allowed to state the case, as only an Advocate of the Court could do that. He submitted that as a member of the Religious Society of Friends, he declined to undertake the office on conscientious grounds, at the same time expressing his entire willingness to perform such parts of the duties as did not involve a violation of the well-known scruples of the Religious Society of which he was a member with reference to ecclesiastical matters. His objection was grounded on the very nature and essence of the office itself, as absolutely an ecclesiastical one, having for its object to take care of the goods, repairs and ornaments of the church, to present offenders to the ecclesiastical court, to levy the rate, and to see that the parishioners attend duly during the service, with other duties relating to the church.

Dr. Burnaby^I appeared for the parish, and argued that it was not the function of that court to try scruples of conscience or questions of casuistry. It was not in the power of the court to dispense with an Act of Parliament. In justice to the other parishioners the parish was compelled to enforce the provisions of the law. In regard to scruples of conscience there was another authority which was binding, it said "Render to Caesar the things that are Caesar's". Dr. Phillimore, in delivering judgement, expressed the opinion that it was extremely injudicious in members of the Established Church to compel persons whose religious principles were well known, to discharge duties which would be incompetent for a Quaker to perform, such as preserving order during divine service and being present at the administration of the sacrament. There was a case where a churchwarden was tried for assault for pulling off the hat of a person during divine service. It was held that as Guardian of the Church his action was permissible, but a churchwarden who was a Quaker would not only not take off the hat of another person, but it is part of the formal discipline to which he adheres to wear his own. By the duties of his

¹ Sherrard (Sherard) Beaumont Burnaby, LL.D., died 1848. Venn, Alumni Cantabrigienses, II, vol. I, p. 436.

office he would be obliged to be present on Sundays, and to present any parishioners who did not attend. It had been held that if a parish was to elect to the office of churchwarden a Jew or a Papist he could not serve.

"I should like to know the distinction between a Jew and a Quaker. It has been contended that I am bound by the Toleration Act to compel a Dissenter to serve. Such a conclusion would be wholly irreconcilable with respect to Papists and Jews. I infer from this that there may be cases in which there is a discretion of the Court. The Society of Friends is known; they are privileged even to their exemption from the forms of marriage enjoined by the legislature. A Judge of an Ecclesiastical Court ought not to attempt to violate the religious scruples of this class of person. The Parish must proceed to the election of some other person. Mr. Samuel Theobald is dismissed from this cause."

But what duties would a Friend have had to perform should he have chosen to serve?

In the Churchwardens Book of the Parish of St. Benet, Gracechurch Street,¹ are recorded the names of two Quakers who did serve as churchwardens, the one for two years, and the other for one year and thereafter for over forty years as assistants to the churchwardens in the office of "Overseers" of the Poor". Peter and James Collinson traded as woollen merchants in Gracechurch Street.² Peter Collinson was elected churchwarden on 11th April, 1727. Before he gave up the office, he had the Minute book, which had been in use for more than one hundred years, rebound. Inside the cover he wrote: "This Book was New Bound 1729 p[er]P. Collinson, Thos. Foster, Churchwardens of St. Bennetts Gracechurch".3 James Collinson, who served also on the London Friends' Six Weeks Meeting, was elected churchwarden by eleven votes on 21st April, 1731. He served for one year. The names of those attending the meetings of the Vestry were recorded

³ Guildhall Library, City of London: MS. 4214.

² The property was demolished in 1831 when the approach to the new London Bridge was made.

³ This church stood on the east side of Gracechurch Street, at the junction with Fenchurch Street. It had been rebuilt by Sir Christopher Wren to replace the one destroyed in 1666. Collinson entered the cost of the rebuilding as " $_{\pm 3983-9-5}$. P. Collinson".

52 QUAKERS AS CHURCHWARDENS AND VESTRYMEN

at each meeting. Generally only one of the Collinson brothers was present. We can assume that the other one was attending to their own business. Neither were present when the business was solely ecclesiastical.

The parish owned a fire engine. $\pounds 2$ 5s. was paid for "Looking after the Engine". In 1728 a Mr. Falconer was employed to repair the engine. Peter Collinson was present when it was agreed to levy a rate of 1s. 3d. for the relief of the poor; he also concurred in the distraint on Mr. Wood of Grace Court for non-payment of the rate.

In 1730 considerable feeling was aroused by "The Clerk of Thames Water Company demanding of the Church-Wardens ten shillings per annum for water to wash ye Church with at Christmas, Easter &c. it was thought by this Vestry to be an Imposition, nothing of that nature having ever been demanded before". However, it was referred to Mr Wm. Newland & the Churchwardens to agree the matter with the Water Company. The well in the churchyard was "stopped up" and a pump installed this may have been in answer to the demand for payment of a water rate.

In the same year Peter Collinson was appointed auditor. A resolution was adopted as follows: "The Sending of Wine into ye Vestry hath been found a great unnecessary Expense to ye Parish. It is ordered that no Wine be sent into ye Vestry at the Parish charge for ye future."

In July, 1733, Peter Collinson was appointed one of eight trustees for property left to the parish, and a few years later he was engaged in inquiring about the Stock belonging to the parish:

An account of Stock in the South Sea Companys Books in the name of Lord Onslow in trust for the gift of Sir Thomas Foot to two Parishes [St Benet & St Leonard].¹ Taken by order of this Parish with ye consent of the Directors.

¹St. Benet, Gracechurch Street was amalgamated with St. Leonard Eastcheap, destroyed in the Great Fire and not rebuilt.

Sir Thomas Foot(e), baronet, lord mayor 1649-60, died 1688. See G.E.C., Complete baronetage, III, 129 (1903).

Sir Arthur Onslow, baronet, married Mary, 2nd daughter and co-heir of Sir Thomas Foot. The barony of Onslow was created in 1716 for their son Richard; Richard died 1717, and was succeeded by his son Thomas Onslow, the second baron (1679–1740). See G.E.C., Complete peerage.

May 15. 1737.

P. Collinson

| In South Sea Stock In old Annuitys In new Annuitys | | 2 9 18 | 3 | |
|--|-----|--------------|---|--|
| | 155 | 10 | 8 | |

The Particulars of this Stock with all the Dividends & Anhilliations was here inserted but taken out by Richd. King when he settled with Lord Onslow but not returned & Replaced. Query if Leave of this Parish was had for so Doing.

Query if the Annihilated Stock was Ever Repurchased by Lord Onslow or paid by King.

Replaced 30 November 1744 by P. Collinson.

The church clock was a constant source of expense. A contract for winding it at f_2 per annum for seven years was agreed. A new "Dyale" was purchased; 15s. paid for new ropes for the clock; the clapper of the Great Bell was repaired; and a smith was paid 7s. 6d. for his labour. An apothecary's bill on behalf of a parishioner was settled; allowances were made to help a widow. Bread and wine were purchased for the Sacrament at a cost of f_{1} 8s. A resolution was adopted: "That no person shall be Buried in the Church in Lead for the future unless previous to Making the Grave an Extra Charge of Ten Guineas is paid." It is clear that the parish appreciated the service of these Quakers. A note of record against their names in 1759 reads: "Peter Collinson, James Collinson, Mercers and Haberdashers, Lived at the Sign of the Red Lion, being the first house in the parish on the West side from Fishe Street Hill, have served this parish above Fifty Years."

GEORGE W. EDWARDS

HISTORICAL RESEARCH

Historical research for university degrees in the United Kingdom: Theses completed 1967. (University of London, Institute of Historical Research. List no. 29. Part I. May, 1968.)

- 112. Non-conformity in Shropshire, 1662–1815: a study in the rise and progress of Baptist, Congregational, Presbyterian, Quaker and Methodist societies. By R. F. Skinner. London Ph.D.(External).
- 142. The Ashworth cotton factories and the life of Henry Ashworth, 1794–1880. By R. Boyson. (Dr. D. C. Coleman.) London Ph.D.
- 164. Quakers and society in Victorian England. By Mrs. Elizabeth M. Isichei, née Allo. (Mr. B. R. Wilson.) Oxford D.Phil.

University of London School of Librarianship and Archives: Occasional publications no. 14. Bibliographies, calendars and theses accepted for Part II of the University of London diplomas in Librarianship and Archives, 1963-67. 1968.

- 29. A bibliography of books, reports and other printed documents concerning Friends schools in Yorkshire, by S. J. Crann. 1964. 35 l.
- 42a. The "Beacon" controversy in the 1830s: a catalogue of certain pamphlets in the collection of the Society of Friends; comp. by J. D. S. Hall. 1968. [i], viii, 93 l.
- 45. William Law (1686–1761): a select bibliography of published works by and about William Law, by B. A. Ralph. 1965. 1311.
- 67. The records of the Society of Friends in Norfolk; being the records of the quarterly meeting of Norfolk and Norwich, later the quarterly meeting of Norfolk, Cambridge and Huntingdon; with the records of certain constituent monthly meetings in Norfolk: a catalogue by M. G. Gray. 1965. 705 l.

RESEARCH IN PROGRESS

John Hunter (Dept. of General Studies, Wolverhampton College of Technology, Wolverhampton): The Society of Friends in Birmingham, 1815–1918 (for London Ph.D.).

Reports on Archives

The National Register of Archives (Historical Manuscripts Commission) List of accessions to repositories in 1967 (Her Majesty's Stationery Office, 1968), reports the following additions to the manuscript collections in various institutions which may interest workers on Quaker history.

Birmingham University Library, P.O. Box 363, Edgbaston, Birmingham, 15.

Single letters and small groups: John Bright.

Y

Bodleian Library, Department of Western Manuscripts, Bodleian Library, Oxford.

Single letters or small groups: John Bright.

Bristol Archives Office, Council House, Bristol 1.

Society of Friends: Frenchay Preparative Meeting, minutes 1945-60.

Cheshire Record Office, The Castle, Chester.

Society of Friends: Cheshire Monthly Meeting 1655–1906.

Cumberland and Carlisle Record Office, The Castle, Carlisle.

Imprisonment of Quakers in Appleby gaol 1664.

Society of Friends: (addnl.): Carlisle Monthly Meeting, men's minute book 1713-37, papers incl. membership, conscientious objection, a/cs., 1776-1940, drawing of Meeting House 1776; Caldbeck Monthly Meeting, papers incl. membership, briefs, 1761–1828. Westmorland Record Office, County Hall, Kendal. Crewdson of Kendal (addnl.): will and papers of John Crewdson, stuffweaver, 1706–13; Thomas Crewdson & Co., hosiers and linsey manufacturers, abstract order book 1784, ledger and a/c. book 1784–95, bank book 1787–95, etc. 1795–1811; Lancaster-Kendal Canal plan 1792, and papers 1797–1862, and a/cs. of Leeds and Liverpool Canal and Douglas Navigation 1813-27; Rev. George Crewdson, letters, etc. 1863-1905; letter book of W. D. Crewdson, jr., Normanby Iron Works, near Middlesbrough, 1868–70; c.200 family letters, late 18-20c.; plans of Helme Lodge by F. Webster 1824, and other maps and plans 1801-1915; Kirkby Lonsdale, overseers' a/c. books 1813–35, vagrants' books 1825–58, lighting rate books 1853-58, etc. Personal: 2 documents about Quakers 1725. Norfolk and Norwich Record Office, Central Library, Norwich, NOR 57E. Society of Friends: Beccles Monthly Meeting, minutes and sufferings book, 18c.

The National Union Catalog of Manuscript Collections, 1966 (Washington, The Library of Congress, 1967) records entries for collections

of manuscripts housed permanently in American repositories open to scholars. Previous volumes in the series were mentioned in our former volume (J.F.H.S., vol. 51, p. 215). The 1966 volume records manuscripts at Haverford and Swarthmore colleges, and a Whittier collection at Haverhill Public Library.

University of Manchester: Library report. 1966-67. Donations: "The business records of W. M. Christy and Sons, Fairfield Mills, Droylsden, donated by Courtaulds Ltd., represent also a gift of considerable research potential."

Government of Northern Ireland: Public Record Office.

Report of the Deputy Keeper of the Records for the years 1960-65. Presented to Parliament, May, 1968. (Belfast, H.M. Stationery Office, 175. 6d. Cmd. 521.)

This report includes summary inventory of accessions, and indexes of names, places and subjects. Deposits received during the period include the following:

E. D. Atkinson, Solicitor, Portadown, County Armagh.

Legal papers relating to Albert Shemeld of Portadown, a Quaker merchant, c. 1880-1910. D.1253.

H. Bass, Lisburn, County Antrim.

c. 50 documents. Correspondence of Isaac Bass of Lisburn in 1837 which is concerned with family affairs and Quaker administration and which includes a number of letters from relatives in Brighton. *Mic.III/2*.

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Carleton, Atkinson & Sloan, Solicitors, Portadown, County Armagh.

Legal papers relating to Thomas Sinton & Coy., flaxspinners, etc., Laurelvale, Co. Armagh, and the Sinton family, c. 1875-c. 1919. D.1252.

G. R. Chapman, Portadown, County Armagh.

15 documents. These include: diaries and correspondence of Sarah Potts, a teacher in the Quaker school at Brookfield, Co. Antrim, 1870-1914; genealogical notes relating to the Chapman family, compiled c. 1944. T.1848.

John Douglas, Belfast.

Quaker certificate of marriage between John Whitfield of Tinahely, Co. Waterford, and Anne Millen of Cootehill, Co. Cavan, 1791. T.1973.

Volume containing the out-correspondence, accounts and memoranda of Robert Bradshaw of Dublin and Milecross, Co. Down, 1784-92; the early years provide details of Bradshaw's interest in the flax seed trade but eventually the entries become concerned exclusively with Quaker trust affairs. *Mic.* 99.

J. Eastwood & Sons Ltd., Scrap Merchants, Belfast.

20 documents., Testamentary papers, etc., relating to the Lawrence family of Waringstown, Co. Down, 1760-91, with some reference to the Society of Friends in Lisburn, c. 1800-57. D.1867.

Society of Friends, Ulster Quarterly Meeting per Library of Friends House, London.

16 volumes. Minutes of the Ulster Province meeting, 1694– 1770, with marriage certificates, 1731–86; minutes of Lurgan Monthly meeting, 1675–1779, with marriage certificates, 1715–1811, and family records, 1670–1768; minutes of Lisburn Monthly Meeting, 1676–1782; minutes of Ballyhagan Monthly meeting, 1705–34, with marriage certificates, 1692–1789, and a group of early 18 cent. wills and inventories. *Mic.* 16.

The Earl of Gosford, Camberley, Surrey.

c. 30,000 documents. Records of the administration of the Earl of Gosford's estates. These consisted of the original estate at Markethill, Co. Armagh, containing some 30 town-lands, together with a further 60 townlands spread over the ... former Richardson estate at Richhill, Co. Armagh. D.1606.

W. A. Lacey, Lurgan, County Armagh.

Photographs, including: the Friends meeting house at Moyallen; Friends' School at Brookfield. T.2199.

F. H. Green, Lurgan, County Armagh.

3 documents. Quaker marriage certificate of the Jackson family, Dublin and Youghal, Co. Cork, 1747–1810. T.1811.

4 documents. Marriage settlement, etc., relating to the Marsh family of Belfast, 1857-96, and including a letter describing the death of W. J. Walpole in Mexico in 1900. T.1821.

Basil Megaw, Belfast.

Copy of Quaker marriage certificate, James Shaw of Mountmellick, Queen's County, with Elizabeth Walshe of Cork, 1803. D.1413.

G. Nicholson, Cranagill, County Armagh.

c. 200 documents. Genealogical notes, etc., relating to the Nicholson family of Cranagill, Co. Armagh, from 1588, compiled c. 1900. Copies of the following wills (including), Thomas Pim of Mountrath, Queen's County, 1752; Robert Jaffray of Dublin, 1733. Mic. 76.

J. S. W. Richardson, Bessbrook, County Armagh.

c. 100 documents. Letters of Elizabeth Goff and her family, Horetown, Co. Wexford, which contain much relating to the meetings and organization of the Society of Friends, 1768c. 1840; they also include: a detailed description of a journey from Quebec to Toronto and Kingston made by emigrant Friends, c. 1823; anti-slavery petition from Friends in Moyallen, Co. Down, c. 1824. D.1762.

Abstract of title to the Quaker burial ground, known as Lynastown, at Moyraverty, Co. Armagh, 1673-79. T.1885.

Card from Mr. Gladstone to J. N. Richardson, commenting obliquely on employer-worker relations, 1892. T.1949.

Will of Thomas Christy of Moyallen, Co. Down, 1780. T.1976.

Cash book of J. & J. Richardson, linen bleachers and merchants of Lisburn . . . 1784-89 and 1815-17. *Mic.120. Miss M. C. Richardson, Belfast.* Genealogical notes relating to the Richardson family of Loughgall and Lurgan, Co. Armagh, c. 1600-c. 1900. *T.2287. Stewart Papers* [Purchase] Includes various notes relating to the history of the Society of Friends in Ireland. *D.1759.*

SHACKLETON FAMILY PAPERS, 1707-85

Under the title "Hands Across the Sea" this Journal published in 1923 (Vol. xx, pp. 33–51, 116–25, including notes by Norman Penney) a series of letters between members of the Shackleton family in Ireland and Pennsylvania. They were from typed copies of the originals. All the originals and many others are included in a collection of some 82 items acquired by purchase in December, 1967, by the Quaker Collection at Haverford College. The writers most fully represented are Roger Shackleton (York, 29 letters), Thomas Carleton (Kennett, Penna., 16 letters), William Shackleton (York, 13 letters), Elizabeth Shackleton (Dublin or Ballitore, 8 letters), Richard Shackleton (Ballitore, 4 letters) and Samuel Carleton (4 letters). The transatlantic letters are interrupted by the American Revolution. The letter from Elizabeth Shackleton to Thomas Carleton printed as of date 4th mo. 9th, 1778, (J.F.H.S. xx, 45) is no exception for the original is clearly dated 1773.

HENRY J. CADBURY

Notes and Queries

A BATTLE-DOOR

The Battle-Door (1660) by Fox, Stubbs and Furly has been reprinted in English Linguistics, 1500-1800, a series of facsimile reprints, selected and edited by R. C. Alston (Scolar Press, Menston, 1968). The introductory note, on a cancel leaf following the title-page, remarks on the bibliographical complexity of the work, which is reproduced (original size) by permission of the Librarian, York Minster.

EDUCATION IN BRADFORD Chapters on Quaker Sunday

History for the steps which Friends took to establish their own schools in the 19th century. W. E. Forster figures largely in the dozen years coming up to the Act of 1870.

"THE FRIENDS' LINE"

The Dublin and Kingstown Railway was financed from a small personal circle centred round James Pim, Junior, "the father of Irish railways", the Pim family, and the private bank of Boyle, Low and Pim. James Pim used the resources of the bank to keep the scheme moving, and to pay some early dividends to help establish public confidence in the venture. These points are brought out in an interesting article on "The provision of capital for early Irish railways, 1830–53" by Joseph Lee, in Irish Historical Studies, vol. 16, no. 61, March, 1968, pp. 33–65.

Schools, "The Quaker Schools in Bradford" and on "Bradford Friends' Adult School" appear in a Leeds University M.Ed. thesis (1967) entitled The contribution of the non-conformists to the development of education in Bradford in the nineteenth century, by Norman Brian Roper. The Society of Friends in Bradford, by H. R. Hodgson (1926), and Bradford Friends' Adult School ... a Sketch of its first ten years, 1875-1885 (1885) appear in the bibliography.

John Hustler and John Priestman figure also in the story of Bradford education unfolded in the M.Ed. thesis of Henry Eric Walsh: An outline of the history of education in Bradford before 1870 (Leeds M.Ed., 1936). They played a part in work for the education of the poor in the town, such as the Ragged Schools. The author has used Hodgson's

INDUSTRY

Industry before the industrial revolution, by William Rees (2 vols., University of Wales Press, 1968., 126s.) contains material concerning the London Lead Company, and the Quaker ironmasters. There are some illustrations of the Coalbrookdale works. In parts the story is taken right through the eighteenth century. There is an extensive bibliography.

Also may be mentioned *Lead* Mining in Wales, by W. J. Lewis (University of Wales Press,

1967), which includes many references to the work of the London Lead Company during the eighteenth century.

LIBERTY OF CONSCIENCE

A few stirring paragraphs in a chapter entitled "The contagion of liberty", in The ideological origins of the American revolution (Belknap Press, Harvard, 1967, \$5.95) by Bernard Bailyn, Winthrop Professor of History at Harvard University, tells the story of a meeting on the evening of 14th October, 1774. The Massachusetts delegates in revolutionary Philadelphia were invited to a meeting in Carpenter's Hall, where they were faced by "a great number of Quakers seated at the long table with their broad brimmed beavers on their heads", together with Baptists and local Philadelphia dignitaries. The visiting delegates were treated to a lengthy condemnation of the Massachusetts establishment in religion, which was rounded off with the hope that the offensive laws in Massachusetts would be repealed, and liberty given there, in the same way as in Pennsylvania. John Adams attempted to justify the position. In vain. He was met with Isaac Pemberton's exclamation "Oh! sir, pray don't urge liberty of conscience in favor of such laws."

Hannah Brady of York, daughter of the late Thomas and Rachel Brady of Thorne, who were married at Thornton in the Clay, 24.viii.1836. Twenty-seven witnesses signed the certificate, including members of the Backhouse, Brady, Horner, Leef and Robson families, and John Ford.

SLAVE TRADE

The Anti-Slave Trade movement in Bristol, by Peter Marshall (Historical Association, Bristol Branch, 1968, 3s. 6d.) quotes from the Bristol Monthly Meeting records of 1785 concerning Friends' attitudes to the slave trade. Friends' support provided useful introductions and a solid base for Thomas Clarkson to pursue his inquiries among the commercial and mercantile elements in the city when he arrived in 1787 to collect evidence about the effect of the trade.

MARRIAGE CERTIFICATE

Leeds University Library Manuscript 195 (presented by Mr. W. E. Brady, 20th Nov., 1926) is the marriage certificate of George Brearey (son of the late Benjamin and Susanna Brearey) of Dewsbury, manufacturer, and

Socialism

The Christian Socialist Revival, 1877–1914, by Peter d'A. Jones (Princeton University Press, 1968. \$12.50) contains a good deal of material concerning the Socialist Quaker Society from the society's minute books, and from information supplied from Friends House. The author says that "Looking back from the vantage point of 1963, Mr. Stephen James Thorne sees the dynamic of Quaker inner socialism to be a status conflict between a group of young, unestablished, intellectual radicals of modest means and the great, sturdy Quaker business families, deep-rooted, socially conservative, pious, and rich." author's treatment The of personal names is not impeccable.

NOTES AND QUERIES

WILLIAM CHAMPION

Among other items in "Notes and News" in *Industrial Archaeology*, vol. 5, no. 2 (May 1968), p. 206, is a notice of the survey of William Chapman's Warmley brass works being undertaken by the Bristol Industrial Archaeological Society prior to demolition. There is a drawing (East elevation) of the clock tower building.

JOHN DALTON

"Some bibliographical aspects of the work of John Dalton", an article in the Manchester review, vol. 11, Winter 1966-67, by A. L. Smyth, reproduces a paper given to the Manchester Society of Book Collectors in the bicentenary year of Dalton's birth. A. L. Smyth is editor of the standard bibliography of Dalton published in 1966.

JOHN GRISCOM

"Public lectures on chemistry in the United States", by Wyndham D. Miles, in *Ambix*, vol. 15, no. 3 (Oct. 1968), pp. 129-53, includes some notice of the popular lectures on John Griscom, who moved from New Jersey to New York in 1806 and became one of the best academy and college teachers in the country.

WILLIAM HENRY HARVEY

"William Henry Harvey, 1811-1866, and the tradition of systematic botany" by D. A. Webb. (Hermathena, no. 103, 1966, pp. 32–45), professor of systematic botany at the University of Dublin, deals with the life and work of one who became professor of botany the at Royal Dublin Society and at the university. "He was born near Limerick in 1811, the eleventh and youngest child of a prosperous Quaker merchant of the city." At the age of 35 he joined the Church of Ireland. The author mentions the work which Harvey wrote during a long sea voyage presenting the arguments sympathetically for and against his old and his new church, Charles and Josiah, or friendly conversations between a churchman and a Quaker.

ABRAHAM DARBY

There is considerable notice of the work of Abraham Darby and the Coalbrookdale Company in "The mineral wealth of Coalbrookdale" by Ivor John Brown, an article in the Bulletin of the Peak District Mines Historical Society, vol. 2, 1965.

THOMAS GREER

"Robert Delap and the beginnings of steam power in the Irish linen industry", by H. D. Gribbon (Industrial archaeology, vol. 5, pp. 61-64, 1968), quotes from the correspondence of Thomas Greer, bleacher, of Dungannon, Co. Tyrone, in the Greer Manuscripts, now at the Public Record Office of Northern Ireland.

GERVASE KAY

A document from the consistory court of York, preceding the imprisonment of Gervase Kay of Kirkburton for non-payment of tithes, dated 25th June, 1675, is in the Wilson Manuscripts (volume ccli, 12) in the Brotherton Library, University of Leeds. The document recites that Gervase Kay had made personal appearance at the court

to answer Joseph Briggs, clerk in a cause of tythes. He was "in open Court personally monished to take his oath and sweare to give a true answer ... as the law in that behalfe directs; which he not coming to obey the processe proceedings and decrees of the eccleaissticall court, expressely, obstinately and contemptuously refused". The fact was certified to the West Riding magistrates, in order to his reformation.

Besse, Sufferings, II. 140, records the sequel, in which Gervase was committed to York Castle, by warrant dated 8th July, 1675.

HANNAH KILHAM

The Royal Commonwealth Society (Northumberland Avenue, London, W.C.2) library notes no. 144, December, 1968, include a short paragraph on Hannah Kilham, extracted from the library's file of transcripts of library talks, from a talk given 4th November, 1958, by Christopher Fyfe. abouts. This he returned to the Meeting 4.vii.1749.

Richard Kay attended Friends' meetings in London, 6th Nov. 1743 and 1st Apr. 1744.

JOHN PHILLEY

Mr. W. A. Kelly of the University Library, Leeds, has kindly drawn our attention to passages in the printed Life of Robert Frampton, bishop of Gloucester, deprived as a non-juror, 1689. Edited by T. Simpson Evans. (London, 1876).

These concern the period around the early 1660's when Frampton was in the eastern Mediterranean, and came across John Philley [printed as Pitty, but there can be no doubt as to his identity] and another Friend, un-named, on religious concern in that region. The passages quoted below appear on pages 74-78. "Here happen'd an odd adventure of a Quaker who arrived at Constantinople during Mr. Frampton's stay there, named John Pitty a Kentish man, who moved with zeal against Popery came over to invite the grand Seignior to invade Hungary to extirpate it in the Emperours dominions. And this he said he was moved to by the Lord, and wrote to the Sultan a large sheet of paper frequently interlin'd, of his visions, mission and proposals, with assurance of success, tho' the poor man was master of no other language than that his mother taught him. "[The paper] began thus, To thee, Mahomet Han, by men of earth and commonly called, Emperour of the Turks . . . [John] Philley was confined] till a ship was bound for England, upon which John was sent home, and

WILLIAM MORGAN

The Diary of RICHARD KAY a Lancashire Doctor, 1716-51. Extracts edited by W. Brockbank and F. Kenworthy. (Manchester, Chetham Society, 1968.) This diary includes (p. 123) the following entry for 25th November, 1747 (at Bury, Lancs.):

"This Day in the Morning we with many others attended at the Quaker's Meeting to hear one Morgan from Bristol preach and pray his Performance was very good"

William Morgan received a certificate from Bristol Meeting 24.xii.1745 [Feb. 1746] directed to Friends in Worcestershire, Hampshire, London or there-

taught a school not far from Deal where Mr. Frampton found him at his second voyage to Turkey...[On Frampton's departure, as a note of his respect, Philley] presented Mr. Frampton at his going off from Deal with a large basket of fine pipins, and in friendly manner waited on him to his ship with good wishes for his voyage.

"Another Quaker he met in Turkey and perswaded to return home from pursuing a voyage as ludicrous and ridiculous as the other was malicious. He came to some port and there Mr. Frampton chanc'd to be, who after some formal salutations pass'd, asked him what brought him into those parts and whither he was bound; to which the Quaker answer'd that he was mov'd of the Lord to visit Jerusalem and in obedience to the call he had set his face to the East; what, says he, art thou to do at Jerusalem? to which he reply'd that he was going thither to bear his testimony against the men that were called Fathers, and exhort them to leave that place and no longer to sit brooding over a dead Christ... The vanity and presumption of which expectation Mr. Frampton sufficiently exposed, but the Quaker persisted, tho' I think he return'd home without pursuing his intended voyage."

pp. 287-293, entitled "Daniel Quare and the portable barometer". The author concludes that "members of the company were making portable barometers in or before 1695 and that Quare was pulling a fast one."

RICHARD SHACKLETON

The letter of condolence to Mary Leadbeater on the death of her father Richard Shackleton, 28th August, 1792, in which Edmund Burke paid tribute to the parts and worth of the deceased, is printed in the most recent volume of *The Correspondence of Edmund Burke*, vol. 7, pp. 198-200 (Cambridge University Press).

BECKINGHAM

Among gifts and deposits reported in *Lincolnshire Archives Committee archivists' report* no. 18 (1966/67) are documents received through the British Records Association (p. 58 of the report), which include deeds of cottages and closes in Beckingham [5 miles East of Newark], including former Quaker meeting house, 1746-1828.

DANIEL QUARE

Daniel Quare took out a patent for a portable barometer in 1695. This met with some opposition from the Clockmakers' Company, and the case is discussed by Nicholas Goodison in an article in Annals of Science, vol. 23, no. 4 (December 1967),

DARLINGTON, 1850

Darlington, 1850, the second publication of the Durham County Local History Society (c/o The Bowes Museum, Barnard Castle, co. Durham, 25s. 1967) consists of a reprint, with introduction, of the Report to the General Board of Health on Darlington in 1850. The work, which has two town plans, shows what Darlington conditions were like in 1850 before the industrial revolution had begun to make any impact on planning in the town. The de-

tailed introduction by H. John Smith discusses the enterprising work of the Peases and other reformers in helping the town to overcome its difficulties and modernize to keep pace with the industrial expansion on Teesside. A useful list of members of the local Board of Health reads like a Darlington Quaker Who's who, for 1850-67.

EASINGWOLD FRIENDS

The History of Easingwold and the Forest of Galtres, by Geoffrey C. Cowling (Huddersfield, Advertiser Press Ltd., 1968, 428.) has the following paragraph dealing with Friends in the district (p. 93):

"Easingwold never seems to have been much of a Quaker centre, though in 1689 there were meeting houses at Crayke, Stillington, Huby, Sutton-on-Forest, Sheriff Hutton, Sittenham, another in Sheriff Hutton parish, one near Ampleforth and one at Wildon Grange. It is true that in 15th July, 1707, the house of Joseph Shipheard at Easingwold was licensed for meetings of the Society, but in 1743 there was only one Quaker family in the town and on 6th September, 1768, Jonas the son, and Mary (aged 9) and Ann (aged 8), the daughters of James Shepherd, Quaker, were baptised into the Church of England.'

BILL OF FARE

The Bill of Fare at the Friends' Workhouse in Bristol at the beginning of the nineteenth century is reproduced in an article in the *Transactions of the Bristol and Gloucestershire Archaeological Society*, vol. 86, 1967, p. 169, in the course of a paper on the Westbury-on-Trym workhouse by M. S. Moss. The Bill of Fare, from the Society of Friends records deposited in Bristol Archives Office, is as follows:

| Day | Breakfast | Dinner | Supper |
|-----------|-----------------|-----------------------|----------------|
| | Onion Broth | 28 lb Roast Beef | Bread & Cheese |
| 2 | Milk Broth | Cold Beef | • • |
| 3 | Water Gruel | 12 lb Pork & Pease | , |
| 4 | Pease or Mutton | Flower Pudding | 9 • |
| | Broth | | |
| 5 | Onion Broth | Boyld Mutton | • • |
| | Mutton Broth | Cold Mutton | , |
| 7 | Herb Broth | 8 lb Bacon & Greens |)) |
| 8 | Rice Milk | Bullock's Head Stewed | • • |
| 9 | Broth | 18 lb Boyld Mutton | |
| IO | Mutton Broth | Rice Pudding | |
| II | Milk Broth | 14 lb Boyld Beef | 1 , |
| I 2 | Herb Broth | Groat Pudding | |
| 13 | Onion Broth | 8 lb Bacon & Greens | ,, |
| -3 I4 | Water Gruel | Bullock's Head Stewed | > > |
| -T | | | •• |

The butter with broth only allowed when they have Onion and Herb Broth and Water Gruel and then one pound to be equally divided among them.

Supplements to the Journal of Friends' Historical Society

7. THOMAS POLE, M.D. (1753-1829). By E. T. Wedmore. 1908. 53 pp., 10s. 6d., post 9d.

8-11. EXTRACTS FROM STATE PAPERS relating to Friends, 1654-1672. Ed. N. Penney. 1910-13. 4 parts. 365 pp., 21s., post 1s. 6d.

12. ELIZABETH HOOTON, First Quaker woman preacher (1600-1672). By Emily Manners. 1914. 95 pp., 10s. 6d., post 9d. 13. TORTOLA. By C. F. Jenkins. 1923. 106 pp., 10s. 6d., post 9d.

14. Record of the SUFFERINGS OF FRIENDS IN CORNWALL, 1655-1686. 1928. 152 pp., 158., post 9d.

15. QUAKER LANGUAGE. F.H.S. Presidential address by T. Edmund Harvey. 1928. 30 pp., 58., post 3d.

16-17. PEN PICTURES OF LONDON YEARLY MEETING, 1789-1833. Ed. Norman Penney. 1930. 227 pp., 255., post 15.

21. AN ORATOR'S LIBRARY. John Bright's books. Presidential address 1936 by J. Travis Mills. 1946. 24 pp., 2s., post 3d.
22. LETTERS TO WILLIAM DEWSBURY AND OTHERS. Edited by Henry J. Cadbury. 1948. 68 pp., 8s., post 3d.

23. SLAVERY AND "THE WOMAN QUESTION." Lucretia Mott's Diary. 1840. By F. B. Tolles. 1952. 7s. 6d., cloth 12s. 6d., post 6d.

24. THE ATLANTIC COMMUNITY OF THE EARLY FRIENDS. Presidential address by Frederick B. Tolles, 1952. 38. 6d., post 3d.

26. JAMES NAYLER, A FRESH APPROACH. By Geoffrey F. Nuttall, D.D. 1954. 28. 6d., post 3d.

27. THOMAS RUDYARD, EARLY FRIENDS' "ORACLE OF LAW". By Alfred W. Braithwaite. 1956. 2s. 6d., post 3d. 28. PATTERNS OF INFLUENCE IN ANGLO-AMERICAN QUAKERISM. By Thomas E. Drake. 1958. 1s. 6d., post 3d. 29. SOME QUAKER PORTRAITS, CERTAIN AND UN-CERTAIN. By John Nickalls. 1958. Illustrated. 3s. 6d., post 4d.

30. "INWARD AND OUTWARD." A study of Early Quaker Language. By Maurice A. Creasey. 1962. 35. 6d., post 4d.

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