

## FURTHER NOTES ON THE VENERABLE JOHN BRETTON

by HUGH BOWLER, O.S.B.

The following article was found among the papers of Dom Hugh Bowler, O.S.B., after his recent death, and it is sad to think that this will probably be the last contribution to appear in *Recusant History* under his name. His articles in this journal, like his other published writings, were not numerous, but every one was characterized by the same sound general scholarship and painstakingly thorough research of the subject under investigation.

By years of dedicated study, with almost no outside help, he had arrived at an unparalleled knowledge of the penal legislation which successive English governments had enacted against their Catholic fellow-citizens, and of the complicated network of legal and fiscal procedures which the implementation of those laws required. His hundred-page preface to volume 57 of the Catholic Record Society's publications, *Recusant Roll No. 2*, combines such technical mastery of the whole subject-matter with such precision of statement and clarity of presentation that it has become universally recognized as the definitive treatment of its subject. Without Dom Hugh's sure guidance through that labyrinth, no historian would be in a position properly to understand the stages by which those who wielded political power in England laboured to eliminate any Catholic opposition which might threaten their newly-established religious settlement. His work of historical enlightenment speaks for itself and will retain its major importance.

Despite his distinction as a recusant historian, Dom Hugh remained always personally unassuming and modest. The Editors of this journal will not cease to remember the friendly interest he took in it from its foundation and the practical help he was always ready to give. May he rest in peace.

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In the process for the beatification of Ven. John Bretton examined at Rome in 1929 the two most factual sources quoted<sup>1</sup> are Champney's History and the 'Paris Catalogue'. On these I now offer a few remarks.

A. *Annales Elizabethae*, 1558-1603. Latin MS. by Dr Anthony Champney, c. 1569-c. 1643 (Archives of the Archbishops of Westminster, B.28: Catalogues of the English Martyrs, p. 969).

Challoner's account of Bretton is a free translation of Champney's.<sup>2</sup>

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He had good reason for his choice, for not only was it the most circumstantial account available, but also (as has since been discovered) remarkably accurate. Champney must, in fact, have been personally acquainted with John Bretton from childhood, since their strongly recusant families lived in neighbouring villages. Cawthorne, where the Champneys' home lay, is only five miles south of West Bretton. Moreover, Anthony Champney himself, as a 'seminary priest', was reported to have actually visited his people at Cawthorne in 1603-04.<sup>3</sup> Even though this visit must have been highly dangerous and his movements necessarily restricted, he had, therefore, good opportunity to learn at least the broad facts of Bretton's latter years and recent execution. Regarding the martyr's career he makes four main points: 1. 'He was of old a zealous Catholic' (*antiquus fidei Catholicae cultor*). 2. Forced to live apart from his family for many years by reason of persecution. 3. Falsely accused of uttering certain words against the Queen. 4. Was offered his life if he would apostatise. Let us consider these points.

1. The earliest reference to the recusancy of John and Frances Bretton occurs in Archbishop Sandys' list of Yorkshire recusants returned to the Privy Council in 1577, wherein they are stated to have no 'habilities' (wealth) 'and yet are most obstinate and perverse'.<sup>4</sup> This was sent five years after the Earl of Huntingdon had begun his intense investigation and persecution of Catholics in those parts, and four years before the passing of the Act 23 Eliz., c. 1 (1581), which made 'reconciliation' to the Catholic Church a capital crime. If, indeed, they had ever previously abandoned the Faith, such 'reconciliation' must have been made earlier than 1577. There is no record of it: and in any case it was not the charge upon which John was executed in 1598.<sup>5</sup>

2. The flight of John Bretton was the most prominent episode of his career. Our first intimation of it comes from the court-roll of the Rectory Manor of Dewsbury<sup>6</sup> of which he was a major tenant.<sup>7</sup> Before this court it was his duty to appear twice a year to do his customary suit and service, and pay his rent. Under date April 1580 a complaint was enrolled that he had failed to do this 'for the past six years and more', and, moreover, had neglected to send in his excuse. The court therefore decided, as a punishment, to seize part of his lands there.

It was not until April 1590 that John lodged his protest, claiming that his lands in Dewsbury could not be legally seized, since they were not copyhold but freehold—a fact which he was able to prove to their satisfaction (apparently in person) on 28 September 1591. Whereupon they cancelled the seizure and substituted the penalty of a fine for his contempt.

Reports in surviving diocesan visitation books likewise indicate that he was away from home in 1586 and 1590, but in residence from 1594 till his arrest.<sup>8</sup>

Altogether, he seems to have been a fugitive from 1577 to approximately 1593, when the Act 35 Eliz., c. 2, forced all recusants to return home and stay within five miles thereof on pain of the loss of all property. It is interesting to note, therefore, that he was probably away from home

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during the periods covered by his convictions for recusancy in 1587 and 1590,<sup>9</sup> and also when his lands were seized in 1589.<sup>10</sup>

That the reason for his early decision to leave West Bretton was solely related to religious persecution is clearly inferable from the date of Archbishop Sandys' first menacing report and from references in the records of the York Court of High Commission. His earliest contact with the emissaries of the Archbishop (*c.* 1576), and the reputation of Huntingdon's ruthless methods with 'contumacious' recusants, must have persuaded John that a confrontation with the latter could result only in a long term of imprisonment in York Castle or the Hull Block-houses—to evade which he would have to disappear for a while. Robert Bretton, the martyr's elder half-brother<sup>11</sup> and steward of the estate, had been approached by the High Commissioners as early as April 1578.<sup>12</sup> The reasons for this are not stated, but the fact surely indicates the absence of John, the legal owner. Not until 1580, however, do we find definite evidence that Huntingdon was on his track and that the search had begun.

The story emerges from an amazing series of entries in the Act Book (1580-85) of the High Commission court.<sup>13</sup> Under 15 August 1580, at a sessions held at Wakefield before Sandys, Huntingdon and other commissioners, Matthew Wentworth, Esq., of Bretton Hall appears and is put under bond to go to church, receive the sacrament, apprehend Romish priests, bring his wife before the commissioners at York, and 'to apprehend John Bretton if at any time he meet with him hereafter and bring him to York'. On the same day Robert Bretton also appears, alleges his conformity and is told to bring to York his mother, Agnes Bretton, on 17 January next, to answer for her recusancy. A note adds that he failed to do this, and so forfeited his bond (f. 21).

Eighteen months later (August 1582), Robert, now evidently in charge of the Bretton property during John's absence, was summoned to York, and on being escorted to Bishopsthorpe, the episcopal residence, was bound over 'to bring John Bretton, his brother, the first day after Michaelmas next, or else yield himself personally in the Castle' (f. 178). On the appointed day, 10 October, Robert appeared before the Archbishop and other commissioners, but without his brother, and was committed immediately to prison in York Castle (f. 179). Three days later, he was brought before the Dean and other ecclesiastical officers in the Cathedral vestry and again placed under bond 'to bring in John Bretton, esq., on Monday before Martinmas next following or else that day to yield himself personally in the Castle and there remain according to the order taken in that behalf, and a warrant was sent to the gaoler for his delivery forth of the prison for this' (f. 183). The above proceedings were repeated on 29 October 1582, 14 January 1583, 17 February, the 4th Monday of Lent, and 6 April (ff. 183v, 189, 193, 195, 197), Robert appearing on each occasion, still without his brother. The case was then adjourned for five months, till 28 September, when all witnesses were summoned and gave evidence (unfortunately not recorded) (f. 226v). On 4 November 1583, Robert was again summoned, this time to hear the court's decree—to the effect that 'the said Bretton shall have warrant to apprehend John Bretton,



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his brother, and condemned him [Robert] in charges of this suit, and set a fine of £20 of his head for the contempt by him committed. He is commanded to pay the expenses *ante recessum*' (f. 237). He was summoned again on 20 January 1584, but failed to appear. An attachment order was therefore issued for him to be produced on Monday, 9 March 1584. This proved to be his final appearance before the commissioners. The occasion was marked by a surprising leniency on their part. The record states that 'the said [Robert] Bretton is commanded to pay 40s. of his fine of £20 and remitted the rest, and so dismissed him with the cancelling of such bonds as he was bound in. Which sum of forty shillings he paid accordingly to Anthony Darrell, pursuivant' (f. 250).<sup>14</sup>

Evidently the York High Commissioners now had the information for which they had so long been searching, and from their changed attitude to Robert it seems probable that he had at last told them of John's whereabouts (there can be little doubt that from the start he had been privy to John's movements). The records are silent regarding what was revealed, but we fortunately learn the truth by means of an extant letter, dated York, 21 October 1585, from the sheriff of that county, Sir John Hotham, to Walsingham, wherein he states that 'John Britton is supposed to be in gaole in Manchester'.<sup>15</sup> This was in answer to an order from the Privy Council requiring Hotham to interview notable Yorkshire recusants about their supplying 'a light horse, a man and furniture' (or £25 in cash) for the Earl of Leicester's ill-fated enterprise against the Duke of Alva in the Netherlands. Consequently, on 10 November, Thomas Preston, sheriff of Lancashire, received a nasty letter from Walsingham telling him to request from his prisoner John Britton the sum of £25 for the above purpose, and ten days later Preston wrote back to say that he had already done so and that a schedule containing John Britton's reply (with those of other Lancashire recusants) had been sent to the Privy Council—adding that 'John Britton still remains in Manchester gaol'.<sup>16</sup> This schedule still survives,<sup>17</sup> and is to us a valuable document, since it contains the martyr's dictated words and the only example of his personal signature. It runs as follows:

John Bretton doith answer that he is a poor mean [minor] gentelman but of iii li landes, not able to fynde nether horse, money or furnytur, but one that lives of the charitye and reliefe of others. John Britton.

He was not long in gaol. The Pipe Roll of the Exchequer, in which it was the custom to register the debts of prisoners incurred for not going to church during their incarceration, shows the span of recusancy (and therefore of imprisonment) in the case of 'John Brettaine of Salford [gaol] in the parish of Manchester' to have been four lunar months, viz. from 3 September, 26 Eliz. (1584) to the following 27 December.<sup>18</sup> When, in the previous March, the Yorkshire authorities first learnt of his whereabouts, he was, therefore, still at large. Did Hotham of Yorkshire then warn his colleague of Lancashire of the presence of this much-wanted Yorkshireman in their midst, and urge his speedy arrest? It seems certain

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that the two sheriffs had had some communication with each other on the case (cf. the words ‘. . . *is supposed to be in gaol . . .*’).

The tracing of a person whose aim was self-concealment naturally presents many difficulties for the searcher, and it is not surprising that the place in Lancashire where he had been staying remains a mystery. There is, however, a possibility that after his release he lay low at Samlesbury, near Preston, the home of Sir John Southworth, a recusant who had been a fellow-prisoner with him in Salford. Samlesbury at this time seems to have been an open house for such refugees. In a statement made by John Wright, a servant in charge of the house during Sir John's imprisonment, entitled ‘Names of the persons dwelling in Sir John Sothworthe his howse at Samlesburie’, and dated 21 November 1592,<sup>19</sup> occur ‘Richard Bretton, senior, laborer; Richard Bretton, junior, laborer’. Is ‘Richard Bretton, senior’ in reality John Bretton, posing as one of the staff? Is ‘Richard Bretton, junior’ to be identified with the martyr's eldest son, who never appears with the rest of the family at West Bretton except in the Archbishop's list of Yorkshire recusants in 1595<sup>20</sup> (the year of Sir John's death)? Did the martyr go originally to Samlesbury to join his son? These are questions to which an answer may yet be found.

By 1594, however, all the wanderers, John and Frances, Luke, Mark and Dorothy, were back once more in their home, and certified by the churchwardens as ‘obstinate recusants’;<sup>21</sup> again in 1595, with Richard (see note 20); again in 1596.<sup>22</sup> Finally, a copy of a list of presentments in 1597 (the last year of John's life)<sup>23</sup> gives the same names, with the exception of Mark, and states ‘Dorothy is 20 years owld. All recusants’.

One of the most significant facts of this whole episode is that having forced him to return, the authorities allowed him to live quietly with his family, shorn indeed of two-thirds of his property, but otherwise unmolested. There is no hint that his original offence had ever been more serious than an outspoken obstinacy in matters of religion—a man too disturbing to be allowed to roam. Now, however, virtually under house arrest, he was carefully watched—and eventually, four years after his return, they contrived to destroy him.

3. ‘Falsely accused by a malicious fellow of having uttered some treasonable words against the Queen.’ It should be noted (a) that Challoner inserts here (wrongly, as we shall see) the word ‘treasonable’, which is not in Champney's text (see footnote 2); (b) that Bretton was arrested (*captus*) by his accuser; (c) that the latter was probably not a local person (*vicino suo* is deleted by Champney); (d) that the accusation was unjust (*falso*).

4. ‘. . . for which he was condemned to die. He refused to save his life by renouncing his faith, and thereupon was put to death’. We should note (a) that he was executed specifically for uttering seditious words; (b) that Champney's words here are our sole authority for the statement that Bretton, after being sentenced, was offered his life if he would renounce his faith. But so well-informed is his narrative in other respects, that we may safely accept this important remark as being true. The offering of pardon or reprieve after conviction was a not uncommon practice at trials of the

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English martyrs, the condition usually being that the condemned person should take the oaths of Allegiance and Supremacy and/or promise to attend the services of the Established Church;<sup>24</sup> (c) a more accurate rendering of *mortem iuxta latam sententiam passus* would be 'suffered death according to his sentence'.

B. The Paris Catalogue (MS., Latin, c. 1630, author uncertain:<sup>25</sup> Archives of the Archbishops of Westminster, B.28, p. 318).

Although the indictment and all other documents connected with the trial of Ven. John Bretton have disappeared, the words which formed the subject of the charge against him have been recorded for us.

In 1625, Dr Richard Smith, Bishop of Chalcedon, appointed seven 'vicars' throughout Britain, and in the next year sent letters to each, bidding them gather the surviving evidence regarding such martyrs as had suffered or been born within their districts.<sup>26</sup> Richard Broughton, an antiquary of repute (*ob.* 1634), was the appointed 'Vicar of the Northern Parts' and it was probably he, or one of his assistants, who conceived the idea (in the case of the Yorkshire martyrs) of ascertaining from the official 'Register of the Assizes' the formal charge upon which each had been executed. Brief notes from this source are included in the Paris Catalogue of the Martyrs of England, 1570-1618 (originally preserved at the English seminary in Paris), which is the most scholarly index of the martyrs that has come down to us. The item regarding John Bretton<sup>27</sup> is set out as follows:

ANNO 1598

JOHANNES BRETTONUS, 1[aicus], Eboraci 1 April[is]

Scriptores Catal[ogus] Eboracensis, Worthington, et alii ex propria scientia. Regist[rum] Assis[arum]	Causa Mortis: Ob verba (ex zelo Catholico) dicta. Catal[ogus] Eboracen[sis]—Worth[ington] in Catal [ogo suo] ait: quia et ipse reconciliatus fuit Ecclesiae Catholicae Romanae et alios ad eandem amplectendam religionem hortatus est, et Reginae negavit primatum spirituales. Alii ferunt dixisse quod speraret se visurum coronam in capite Catholici (Principis)—quod diceret sperare se visurum Reginae mortem. Regist[rum] Assis[arum]
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*Translation:*

A.D. 1598

JOHN BRETTON, layman, York, 1 April

Authorities [1] The York Catalogue; [2] Worthington; [3] Others, of their personal knowledge; [4] Register of the Assizes	Reason for death: 'For words spoken (out of Catholic zeal)'—the York Catalogue. Worthington, in his Catalogue says 'Because he was reconciled to the Roman Catholic Church, and urged others to embrace the same religion, and denied the spiritual primacy of the Queen'. Others report that 'he said he hoped he would see the Crown on the head of a Catholic (monarch)'. That 'he said he hoped he would see the death of the Queen'—Register of the Assizes.
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It will be seen that this entry consists of a brief summary of evidence on one point only, viz. the cause of Bretton's execution. The compiler quotes four sources, but does not mention Champney's account—which appears to have been written independently, and possibly at a later date. The first (the York Catalogue; which has since disappeared) supports source no. 3 to the effect that certain words were in fact uttered by the martyr, and that these led to his death. The second source (the Catalogue of Dr Thomas Worthington, A.D. 1614) is shown to differ radically from the others. It differs also from Champney. Worthington cites no authorities. His statement, particularly where he refers to the martyr's urging of others to abandon Anglicanism, may well be accurate, but in so far as it purports to give the specific cause of his execution it seems to have been based purely on hearsay, and is inadmissible in view of the evidence from source No. 4.<sup>28</sup> The third source quoted clearly refers to the investigations carried out in Yorkshire by the agents of Bishop Smith, and gives the actual words spoken by the martyr as vouched for 'from personal knowledge'<sup>29</sup> by the persons whom they interrogated. The fourth source (the Register of the Assizes), being an official record, provides conclusive evidence of the charge upon which he was tried and condemned, and indicates how the martyr's words were twisted to form an indictable offence—incidentally confirming Champney's claim that he was 'unjustly' accused. One may here add in parenthesis that this Register, now lost, was probably a volume similar in content to the Newgate Gaol-delivery Register for Middlesex (extant for the period 1608 to 1672),<sup>30</sup> and would have given brief references to each case dealt with at a sessions, describing the charge and recording the judgment of the court. The Register was doubtless kept (as in Middlesex) at the Sessions House in the custody of the Clerk of the Peace for the county, but we are not told by what means access to it was obtained.

All the catalogues of martyrs give the correct date of Bretton's execution at York—1 April 1598, which is the date recorded in the only official document mentioning his death so far discovered, viz. the Chancery Inquisition-post-mortem of 29 April 1598 referred to in my former article<sup>31</sup>—the relevant part of which it will be convenient to repeat here:

et quod predictus Johannes Bretton attinctatus fuit de fellonia ultimo die Marcii ultimo preterito ante capcionem huius inquisitionis et executus fuit pro eadem fellonia primo die Aprilis proxime sequente.

### *Translation:*

and that the aforesaid John Bretton was attainted [sentenced to death] for felony on the last day of March immediately preceding the taking of this inquisition and was executed for the same felony on the first day of April next following.

We note that this passage gives not only the date of the execution but also that of the passing of sentence (which they lost no time in carrying out). Likewise that his crime was a 'felony', not 'high treason'. Here I must point out that my former comment on the significance of the word

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'felony' (*ibid.*, note 6) is misleading. True though it be that, generically, 'all treasons are felonies', nevertheless, the statutes, I find, always expressly differentiate high treason from felony according to the nature of the crime; and we must assume that in so important a document as an inquisition the technicalities are correctly stated. This being so, we are able without hesitation to identify the Act of Parliament under which Bretton suffered as being that of 23 Eliz., cap. 2 (1581), entitled 'An Act against seditious words and rumours uttered against the Queen's most excellent majesty', section 5 of which contains the following words:

Be it enacted . . . that if any person or persons of what estate, condition or degree soever they be . . . shall set forth by express words, deeds or writings . . . or shall maliciously by any words, writing or printing wish, will or desire the death or deprivation of [the present Queen] or any thing directly to the same effect, that then every such offence shall be felony, and every offender . . . therein, and also all his or their aiders, procurers and abettors in . . . the said offence . . . shall be judged as felons and shall suffer such pains of death and forfeit as in case of felony is used, without any benefit of clergy or sanctuary.<sup>32</sup>

Section 6 adds that only Justices of King's Bench and Justices of Oyer & Terminer, of Assize ('In their several circuits'), and of Gaol-delivery shall have 'full power and authority to inquire, hear and determine' such offences.

Challoner is therefore wrong in saying that John Bretton 'was executed as in cases of high treason'. It is clear that his offence was 'felony', the penalty for which was 'death by hanging' only,<sup>33</sup> without the 'drawing and quartering' used in cases of high treason.

Other provisions in the Act throw some light on the general situation facing Bretton at his trial and during the period immediately preceding it:

(Section 8)—No person shall be molested or impeached for this offence unless within one month after uttering such words he be accused thereof before a Justice of the Peace, who shall thereupon put into writing the accusation and witnesses' names, and certify the same at the next Quarter Sessions or Gaol-delivery; and unless he be indicted within one year after the offence is supposed to have been committed.

(Section 9)—Mayors or their bailiffs or other head officers of cities, boroughs and towns corporate shall have power to arrest and commit to ward or bail all persons so suspected, and also to inquire of the offence and indict such offenders—but without proceeding further.

(Section 13)—No person shall be indicted or attainted for such offence unless the same offence be proved by the testimony, depositions and oaths of two sufficient witnesses at the time of his indictment, 'which said witnesses, at the time of the arraignment [trial] of the party indicted, shall be brought forth in person before the party so arraigned, face to face, and there shall openly declare all they can say against the said party so indicted, unless the said party shall willingly, and without violence, confess the same.'<sup>34</sup>



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John Bretton appears to have been the only martyr who suffered under this particular Act, and an eyewitness account of his trial would indeed have been interesting, by reason of his forthright character. It is highly improbable that he pleaded 'guilty', or that he 'stood mute', refusing to plead (for which there was then a barbarous form of execution, which would certainly have been recorded), but, unaided by counsel and surrounded by skilful lawyers, he must have found any adequate defence against the official interpretation of his words a difficult task. All we know for certain is that he remained firm to the last.

### NOTES

<sup>1</sup> Process, vol. 3, 'Responsio ad novas animadversiones', pp. 84-86.

<sup>2</sup> (Champney's text) 'Anno Christi 1598. Hoc anno Johannes Brettonus, nobilis, in plaga occidentali comitatus Eboracensis in vico eiusdem nominis natus et familiam tenens, antiquus fidei catholicae cultor, ac proinde a domo sua, uxore et liberis perpetuo fere extorris, cum iam in diebus multis processerat, a malevolo quodam captus et de verbis quibusdam contra Reginam prolatis per calumniam et ex invidia falso accusatus, mortis sententiam sustulit, et quia fidem negare noluit, mortem iuxta latam sententiam passus, martyrii coronam adeptus est Eboraci primo die Aprilis'.

(Challoner's translation) 'This year (1598), on the first of April, John Britton, gentleman, was executed at York as in cases of high treason. He was born at Britton in the West Riding of Yorkshire, and being of old a zealous Catholic, was, for a great part of his life, exposed to persecutions on account of his conscience, and generally obliged to be absent from his wife and family to keep himself further from danger. At length, being now advanced in years, he was falsely accused by a malicious fellow of having uttered some treasonable words against the Queen, for which he was condemned to die. He refused to save his life by renouncing his faith, and thereupon was put to death'.

<sup>3</sup> Peacock, *List of Roman Catholics in the County of York in 1604* (1872), p. 3, under 'Caiethorne parishe'.

<sup>4</sup> C.R.S. 22, p. 32. Sandys' comment is very exceptional.

<sup>5</sup> See under 'Paris Catalogue' below.

<sup>6</sup> Published in the *Yorkshire Archaeological Journal*, vol. 21.

<sup>7</sup> See my former article, 'Exchequer Dossiers, 2: The recusancy of Venerable John Bretton, gentleman, and of Frances his wife', *Biographical Studies* (now *Recusant History*) 2 (1953-54), p. 116.

<sup>8</sup> Borthwick Institute of Historical Research, York. (MSS.): R. VI; A. 6, f. 102—A. 10, f. 243v—A. 13, f. 71. All references in this article to York Diocesan Visitation Books, High Commission books, and wills (preserved at the above Institute) have been transcribed by Dr. J. C. H. Aveling, to whom I am deeply grateful.

<sup>9</sup> See my former article, p. 126.

<sup>10</sup> *Ibid.*, pp. 115 *seq.*

<sup>11</sup> The will of their father, Richard Bretton (proved January 1562) refers to him as 'my bastard son'. Test. Ebor.: 17 f. 139v.

<sup>12</sup> High Commission Act Book (1576-80), f. 144.

<sup>13</sup> Beginning on folio 21.

<sup>14</sup> It seems probable, from the evidence of the High Commission and Diocesan Visitation books already quoted, that Frances, the martyr's wife, and all her children, were likewise fugitives from their home throughout this period—even until 1590 (the children returning later still). Had Frances been residing at West Bretton up to 1584, the York Commissioners would certainly have enlisted her aid in preference to that of Robert to discover the whereabouts of her husband. The whole family was away, at any rate, in 1586, when the only Brettons reported by the Visitors for recusancy were 'Young John' (Robert's son) and his grandmother, Agnes, who died later that year. In 1590, however, on a similar occasion, we find that Frances has joined 'young John', but without her husband and children. Possibly she had returned in the previous year to face the Exchequer commissioners, who, in April 1589, arrived to seize on the Queen's behalf the greater part of the family property (see the former article, p. 116). No clue is available as to where she dwelt during her exile, but it is unlikely, in view of Champney's remark, that she accompanied her husband. She had, indeed, several relatives with whom she and her children could have stayed.

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<sup>15</sup> S.P. 12/183, no. 37, 21 October 1585.

<sup>16</sup> S.P. 12/184, no. 36, 23 November 1585.

<sup>17</sup> S.P. 12/183, no. 61, 27 October 1585.

<sup>18</sup> P.R.O., E. 372/431, rotulet 40v, 'Adhuc Res' Lancastr'.

<sup>19</sup> C.R.S. 60, pp. 38-39.

<sup>20</sup> Cf. C.R.S. 53, p. 17, under 'Sandall Magna'.

<sup>21</sup> York Diocesan visitations: R. VI; A. 13, f. 71.

<sup>22</sup> *Ibid.*, R. VI; A. 16, f. 80v.

<sup>23</sup> York Minster Library, MS. B, B. 53.

<sup>24</sup> Cf. Challoner, *Memoirs of Missionary Priests*, (ed. 1924), e.g. pp. 125, 130, 135, 140.

<sup>25</sup> Probably (thinks Fr B. FitzGibbon, s.J.) William Harewell, *als.* Farrar, priest and notary, secretary to Richard Smith, Bishop of Chalcedon; cf. C.R.S. 10. He was actively engaged in the work of investigation referred to below. Cf. C.R.S. 5, p. 393.

<sup>26</sup> C.R.S. 5, p. 393.

<sup>27</sup> Bretton is mentioned in no fewer than eleven of the catalogues of martyrs.

<sup>28</sup> This was apparently also Challoner's view, since he does not quote him.

<sup>29</sup> See marginal note [3].

<sup>30</sup> Cf. Cordy Jeaffreson, *Middlesex County Records*, vol. 2, Introd., pp. xv-xvii. There were no Assizes in London; instead, Newgate Gaol-delivery Sessions. This 'Gaol-delivery Register' is probably the authority cited by Bishop Smith as 'Registrum Carceris Neoportensis' in his accounts of several Tyburn martyrs. The counterpart volumes for London cases (as distinct from those of Middlesex) have unfortunately disappeared.

<sup>31</sup> Pp. 111 and 130, note 6.

<sup>32</sup> *Statutes of the Realm*.

<sup>33</sup> Jacob, *Law Dictionary*, under 'felony'.

<sup>34</sup> The penultimate section repeals the Act 1 and 2 Philip and Mary, cap. 3 (1554) against this type of offence (for which the penalty prescribed was a fine and imprisonment), and also the Act 1 Eliz., cap. 6 (1558), which continued it under Elizabeth. The final section lays down that the present Act of 1581 shall remain in force during the lifetime of the Queen.