Ann Fenwick of Hornby: British Catholicism and the State in Hanoverian England

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ABSTRACT

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In eighteenth-century Britain, Roman Catholics were formally disabled by the restrictions imposed upon them by the penal laws. Under these laws, Catholics could not inherit land, dispense with their property as they wished, or obtain justice in the courts. However, the penal laws were not as rigid as they appeared in formal legislation. Ann Fenwick, a woman from Hornby, Lancashire, inherited her father's estate at a young age and lived her life openly as a Catholic without facing any legal repercussions for her violations of these laws. However, when her husband died intestate, her brother-in-law, Thomas Fenwick, a lawyer and Member of Parliament for Westmorland from 1768-1774, took advantage of the disabilities imposed by the penal laws to deprive Ann of money she was owed. Despite this, Ann continued to live unabashedly as a Catholic, using what little money she had to finance the Catholic mission she began in her home. After her brother-in-law failed for years to pay her according to the annuity agreement the two had struck, Ann sued Thomas and received relief through a private Act of Parliament passed in the House of Lords. By investigating the life experiences of Ann Fenwick through previously underutilized archival material, including correspondence, financial ledgers, written prayers, legal petitions, and a private Act of Parliament, this thesis reveals a thriving Catholic community in Hanoverian England, a community that drew upon connections made in economic, religious, and familial spheres to live fruitful and faithful lives with limited fear of state persecution. The growing toleration from the landed Protestant elite towards Catholicism was born out of discussions of liberty and property. This interpretation challenges the traditional view of the English Catholic community in Hanoverian Britain as a group which was forced to act clandestinely to eke out a meagre subsistence.

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The help and enthusiasm of the priests and the community at St. Clement Parish in Ottawa has been invaluable to this thesis. I owe much to Fr. Grzegorz Doniec, whose diligent catechesis gave me an insight into the most important aspect of Ann Fenwick's life: her religion. His earnest interest in my subject was a source of great inspiration to me.

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Introduction

In 1724, Ann Fenwick (née Benison) was born the only child of an interfaith couple belonging to the middling sort in Hornby, a town in rural Lancashire. She was a woman whose life experiences force us to confront many of the assumptions historians make about Hanoverian England. Because she inherited her Protestant father's considerable estate at the age of 11, Ann came of age already possessing experience in estate management. Her mother, Ann Winder Benison (née Dowbiggin), was her tutor, ensuring that Ann obtained a robust and distinctly Roman Catholic education. In her youth, Ann Winder Dowbiggin had been educated at an illegally established Catholic school in London. After marrying Thomas Benison, a lawyer, the couple had one child, and Ann Winder Benison passed her knowledge as well as her Catholic faith on to her daughter. Like her mother, the young Ann Benison would marry a Protestant lawyer, John Fenwick of the nearby town of Burrow. John had recently inherited a sizable estate from his uncle, solidifying him as a significant landowner in the Lune Valley. With their union and the subsequent combination of their estates, the couple was granted a comfortable life as influential members of their rural communities. However, Ann's husband died intestate before the couple had any children. As a result of this unforeseen death, a decade-long struggle ensued between Ann and her brother-in-law, Thomas Fenwick, a lawyer and a Member of Parliament for Westmorland from 1768 to 1774, over the estate. Because Ann had conveyed her property to John in order that he could raise money upon its credit, Thomas, as John's next-of-kin, inherited not only the Fenwick estates, but the Benison estates as well. Ann soon sought the counsel of two lawyers who recommended that Thomas grant her an annuity for life. The terms of this annuity agreement allowed for Ann's eventual success in the courts. In the years that followed the agreement, Thomas failed to provide his sister-in-law with the money he was contractually

obliged to pay her. After years of financial neglect at the hands of Thomas which culminated in suits being brought against Ann because of nonpayment of debts, Ann sought recourse through the courts and eventually obtained relief from the House of Lords through a private Act of Parliament. This came despite the legal disabilities she faced as a Roman Catholic subject to the penal laws. Ann's victory within the House of Lords suggests changing attitudes among the elite towards the legal status of Roman Catholics, especially concerning property rights. Throughout her life, Ann financed and aided the direction of a Roman Catholic mission within her own home, which legally belonged to Thomas Fenwick, boldly defying the laws of the same courts which would rescue her from debtor's prison. In 1777, at the age of 53, Ann Fenwick died at peace not only with the Roman Catholic Church, but also with the state which maintained laws intended to disable all those who did not conform to the established church. English legislation in the eighteenth century consistently reaffirmed laws enacted to deny the "Papists" their legal privileges. If our understanding of the Roman Catholic experience is coloured by this legislation, then Ann Fenwick emerges as a total paradox.

Among historians, knowledge of Ann is sparse at best. Even in her humble hometown she faces fierce competition for scholarly attention. John Lingard, the Roman Catholic priest and church historian, retired to Hornby in 1811 and did much of his writing there. His influence on history, as well as fame deriving from his well-known Catholic hymn, "Hail Queen of Heaven, the Ocean Star," has granted him consistent attention within scholarship.[1] The notorious eighteenth-century "Rape-Master General," Colonel Francis Charteris, owned Hornby Castle for

[1] Peter Phillips, *Lingard Remembered: Essays to Mark the Sesquicentenary of John Lingard's Death* (London: Catholic Record Society, 2004); Peter Phillips, *John Lingard : Priest and Historian* (Leominster: Gracewing, 2008); Philip H. Cattermole, *John Lingard : The Historian as Apologist* (Kibworth Beauchamp: Matador, 2013); Anthony Brundage and Richard A. Cosgrove, "Reassessing Religion and the National Narrative: John Lingard and the English Reformation," in *British Historians and National Identity: From Hume to Churchill* (London: Pickering & Chatto, 2014), 43–54.

a short time before passing it on to his descendants. Ann Fenwick, on the other hand, has not received much recognition from historians. She is referenced briefly in Catholic histories written in the nineteenth and early twentieth centuries as a woman whose unfortunate situation elicited an outpouring of compassion for Catholics, consequently leading Parliament to pass the first Catholic Relief Act in 1778.[2] These accounts combine hagiography with history, and the information and evidence these early authors provide is not proportionate to the importance they claim that Ann Fenwick had in her lifetime. The first history which noted her was written by Charles Butler, a nephew of the famed Roman Catholic priest and author Alban Butler. Written in 1822, 45 years after Ann's death, Butler's *Historical Memoirs*, which never explicitly named her, was not so much about Ann as it was about the fruits her case had purportedly yielded for the legal status of Catholics in England. She is portrayed as a passive character, a "lady who found her case remediless, in any court of law or equity," and who therefore had to be rescued by certain political actors.[3] Charles Butler presented the facts of the case through the perspective of Charles Pratt, the Earl of Camden, who, Butler claims, took pity upon her plight, and by his manner of speechmaking, which was "colloquial and pleasing, though dignified oratory," he was able to present Ann's unfortunate circumstances to the House of Lords in such a way as to prompt "an unanimous burst of applause."[4] This speech, Butler suggests, led to a private act of Parliament passed for her benefit. The antiquarian Joseph Gillow picked up the story of Ann Fenwick in 1885 in his encyclopedic *Bibliographical Dictionary of the English Catholics*,

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[2] Charles Butler, *Historical Memoirs of the English, Irish, and Scottish Catholics, since the Reformation*, 3rd ed., vol. 3 (London: J. Murray, 1822), 264–65, http://archive.org/details/historicalmemoi00butlgoog; Joseph Gillow, *A Literary and Biographical History, or Bibliographical Dictionary, of the English Catholics from the Breach with Rome, in 1534, to the Present Time*, vol. 2 (London: Burns & Oates, 1885), 246–47, http://archive.org/details/literarybiograph02gilluoft; William Wrennall, "The Catholic Registers of Robert Hall and Hornby, Co. Lancaster, 1757-1851," in *Miscellanea*, vol. IV (London: Arden Press, 1907), 322–23, https://archive.org/details/miscellanea04cath/page/318/mode/2up.
[3] Butler, *Historical Memoirs of the English, Irish, and Scottish Catholics, since the Reformation*, 3:264.
[4] Butler, 3:265.

providing the first serious account of Ann's experiences. Gillow's portrayal is notable in that he hinted at Ann's active participation in her own victory within the postscript, commenting that "being a woman of great spirit, she would not sit down, as many might have done, to weep silently over her wrongs." Gillow concluded his very brief account of Ann's life by claiming that "the sympathy which she had evoked resulted in the first Relief Act passed to lighten the unjust oppression under which Catholics suffered."[5] A century later, in 1986, Gordon Rupp devoted a sentence to Ann, similarly positing that the public outcry against her mistreatment heralded increased sympathy for Catholics. He concludes that Ann's case was the final attempt by a Protestant to claim a Catholic family member's inheritance, though Rupp does not attribute the Catholic Relief Act of 1778 to her as Gillow had.[6] These portrayals of Ann, which emphasize that her only major achievement was prompting sympathy from powerful Protestant lawmakers, make up the majority of written material about her. However, one work which sought to present a more nuanced account of Ann Fenwick was produced by the Bishop of Lancaster, B.C. Foley, and is worth considering in greater detail here.

For decades, Bishop Foley was drawn to the life of Ann Fenwick. In 1991, Foley devoted a short chapter to Ann in his booklet on Catholics living in the "Penal Times," summarizing her as "an indomitable woman whose courageous fight … brought to light some of the disabilities under which Catholics were living and so helped to create a climate for toleration."[7] Despite its brevity, the chapter was the culmination of decades of research. Foley was especially devoted to making Ann's story known, and in a dozen short pages, ably conveys the sense that she was a woman of extraordinary complexity, intelligence, and resolve. The bishop's notes upon Ann

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[5] Gillow, *The English Catholics*, 2:247–48.
[6] Gordon Rupp, *Religion in England, 1688-1791* (Oxford: Clarendon Press, 1986), 185.
[7] B.C. Foley, *Some People of the Penal Times: Aspects of a Unique Social and Religious Phenomenon (1688-1791)* (Lancaster: The Bookshop, Lancaster Cathedral, 1991), 25.

Fenwick's life are voluminous, and still remain within the attic of St. Mary's Presbytery in Hornby to this day.[8] In 1977, Foley had produced a 40-page booklet which intended to bring further attention to Ann's story. Although it provided a good general overview of her life, this short work contained many odd errors that reflected inadequate research and revision. In addition to many grammatical and spelling mistakes, this work contains major informational errors. Perhaps the most puzzling error is Foley's claim that Ann's brother-in-law and legal rival, Thomas Fenwick, had passed away just months after the private Act of Parliament in her favour had been made law in 1772.[9] This is an especially peculiar mistake as Thomas Fenwick kept a diary for many years after 1772 and lived until 1794, 22 years after the Fenwick Act had been passed. His 1991 work on Ann removed the most glaring mistakes and more rigorously and concisely presented the facts of her case. Published by the bookshop of the Lancaster Cathedral, the book was intended as an overview of English Catholics for the general reader. The book remains a well-researched introduction to the lives of the many recusants who have not received proper recognition in present scholarship. Still, the brevity of the piece means that her story has yet to be fully explained and historically contextualized. This yearning for a complete telling of Ann's experiences is one of the primary motivations for this thesis.

Only two scholars have written anything substantial upon Ann Fenwick this century. The first is by Nicholas McArdle, who wrote the *Oxford Dictionary of National Biography* entry on Ann in 2004. Although the entry is fairly thorough, it also reproduced certain errors, likely as a result of an overreliance on Foley's work. For example, the article alleges that Ann's mother, Ann Winder Dowbiggin, had been a widow of "Mr. Winder," before her marriage to Thomas

[8] As of the author's visit on 2023/11/05.
[9] B.C. Foley, *Ann Fenwick of Hornby: A Woman of the Penal Times (Born 1724 Died 1777) - a Memoir, by the Bishop of Lancaster* (Preston: T. Snape, 1977), 17.

Benison. The second historian to devote ink to Ann in recent years, Jennifer S. Holt, claimed that this unsubstantiated first husband was likely a total fabrication. Through her research, Holt was able to reveal that Ann's mother was named after Ann Winder, her father's aunt, dispelling the notion that she had been married twice.[10] Notably, and in contrast to the Catholic historiography of the previous century, McArdle does not imply that Ann's case directly prompted the Roman Catholic Relief Acts. Although McArdle's interpretation of events is accurate and measured, the reader does not gain any sense of the subject's personality.[11] Holt, who compiled, edited, and wrote the introduction for a publication of Thomas Fenwick's diaries, provides a more striking description of Ann Fenwick. Holt lamented the ill-treatment of Thomas Fenwick, Ann's legal opponent, within the historiography and subsequently presented a less sympathetic picture of Ann, deeming her to be "her own worst enemy," and the cause of her own misfortune.[12] The reasons for Holt's portrayal, which was rooted in the most thorough research upon Ann and Thomas Fenwick to date, are complex and are explored in chapter three.

This summary thus concludes the existing scholarship on Ann Fenwick. Though Foley's devotion to his subject was admirable, he was the first to admit the inadequacy of his work. In the foreword to his 1977 booklet, he concluded with a wish for another, more capable scholar to take up Ann's story and write a more worthy account of her life.[13] Although Foley's request continues to go unanswered, this thesis may serve to repeat his rallying cry for greater scholarly attention on Ann Fenwick. Virtually every student of eighteenth-century English history could

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[10] Jennifer S. Holt, "Introduction. Thomas Fenwick and His Time," in *The Diary of Thomas Fenwick Esq. of Burrow Hall, Lancashire, and Nunriding, Northumberland, 1774 to 1794*, vol. 2: 1785-1789 (Kew, Surrey: List and Index Society, 2011), 12.

[11] Nicholas McArdle, "Fenwick [Née Benison], Ann (1724–1777), Roman Catholic Litigant and Heir.," in *Oxford Dictionary of National Biography*, September 23, 2004, https://www-oxforddnb-com.proxy.bib.uottawa.ca/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-64661.

[12] Holt, "Introduction. Thomas Fenwick and His Time," 50.

[13] Foley, *Ann Fenwick of Hornby*, 1.

benefit from examining documents pertaining to Ann Fenwick which are now housed at the Lancashire Record Office in Preston. This source material is as informative as it is fascinating. They are not, as Ann Fenwick herself deemed her writings, simply “the dictates of a heavy heart & stupid head,” but a treasure trove of information which provides an elaborate picture of life in Hanoverian England.[14] Scholars of the law likely stand to benefit the most from a study of Ann Fenwick, as the private Act of Parliament which benefitted her contrary to the laws in place against Roman Catholics was passed six years before the passage of the Catholic Relief Act of 1778. That private legislation reveals deep complexities in legislation which demand a more thorough investigation. Those interested in gendered or women’s history will find Ann and her mother both to be prime candidates for a full biography. Ann’s use and occasional exploitation of gender norms and social conventions provide a significant example of a woman, who, as an orphan and a widow fighting a legal battle against a domineering and ambitious brother-in-law, had an uncanny ability to turn negative situations to her favour. For social historians interested in the experiences of the domestic servant, tracing the lives of those who worked within Ann Fenwick’s household is possible through an examination of her account books and wills. The intimate relationships she fostered with her servants will prove useful to those seeking to explore the dynamic of the Hanoverian household. This thesis explores these avenues of history and of Ann Fenwick as a means of casting light upon the relatively understudied experiences of eighteenth-century English Catholicism.

This thesis utilizes the methodological approaches from various fields in history to properly investigate Ann Fenwick’s life. Being a study which focuses on one woman over a limited period of time, the approach of microhistory here is especially suitable. Just as the noted

[14] Ann Fenwick, “Ann Fenwick to Mr. Perrot,” December 14, 1758, RCHY 2/6/1, Lancashire Record Office.

historian Keith Wrightson found personal narratives to be especially useful to reconstruct a picture of life during the 1636 plague in Newcastle upon Tyne, so too are they useful to reveal differences in how certain restrictions enshrined in legislation actually affected people in their daily lives.[15] Regarding the familiar circumstance of anti-Catholic persecution in Hanoverian Britain through the unique perspective of one woman, Ann Fenwick, allows for an engagement with several underexamined facets of the subject matter which historian David Cressy claims a wider-ranging history may skip over.[16] Namely, that questions of property were central to the penal laws. When, as in the case of Ann Fenwick, the legislation against Catholics came into conflict with the rights of an individual to their rightfully inherited and dutifully managed property, the rights of the landowner seemingly won out, even if this came at the consequence of allowing an unapologetic Roman Catholic woman to achieve victory in the courts against a conforming Member of Parliament. Microhistory does more than merely illustrate complex themes through an in-depth look at one specific moment in time: it also brings these moments to life in ways which are difficult to achieve in other fields. Though microhistories often concern themselves with extraordinary situations, as in Carlo Ginzburg's *The Cheese and the Worms* or in Natalie Zemon Davis's *The Return of Martin Guerre*, the author of such a work must successfully depict normal life in order to showcase the novel qualities of their subject matter. As this thesis reveals, Ann Fenwick sought a 'normal life' in extraordinary times.

Within Catholic historiography, the predominant portrayal of Ann is that of a nearly martyred woman who required rescue from injustice. Not only does this view devalue her struggles or her resolve, but it also presents a fundamental misunderstanding of Ann and the mid-

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[15] Keith Wrightson, *Ralph Tailor's Summer: A Scrivener, His City, and the Plague*, 1st ed. (New Haven: Yale University Press, 2011), 7–8, https://doi.org/10.12987/9780300177596.
[16] David Cressy, "The First Vanguard, 1586–1630," *The Mariner's Mirror* 110, no. 1 (January 2, 2024): 39, https://doi.org/10.1080/00253359.2024.2291951.

century conditions which culminated in 1778 with the first Catholic Relief Act. Although Ann Fenwick faced a grim situation brought about by unfortunate circumstances, an examination of primary source material reveals that she be more accurately perceived as simply more than an object of pity and sympathy. Ann was no bystander waiting to be rescued by the English state, nor was she someone the Anglican church ought to have rescued at all.[17] Furthermore, an explanation of Catholic relief in the period which leans on the notion of a sudden burst of toleration, sympathy, or pity ignores centuries of political and philosophical thought regarding the status of the 'Papist' along with deeper conceptions of liberty as presented through British legislation.[18] For this reason, it would also be overly simplistic to say that Ann Fenwick's case acted as the catalyst which prompted lawmakers to reexamine anti-Catholic legislation and thus bring about the Catholic Relief Act of 1778. The gradual revocation of the restrictions against Catholics would have taken place with or without Ann Fenwick.[19]

The historiography on Roman Catholics in Britain has focused upon anti-Catholicism or as Catholics as merely another variation of nonconformists within the wider tapestry of British Christianity. Much of this scholarship provides excellent insight into the realities faced by British Catholics under state persecution and popular prejudice.[20] However, a burgeoning field of

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[17] J. C. D. Clark, *English Society, 1660-1832: Religion, Ideology, and Politics during the Ancien Regime*, 2nd ed. (Cambridge: Cambridge University Press, 2000), 68–71.

[18] See especially the Bill of Rights 1689; Clark, *English Society*, 126-164.

[19] The Catholic Relief Act of 1778 was passed in the context of a broader imperial discussion on the rights of Roman Catholics. The Quebec Act of 1774 had allowed for Roman Catholics in Quebec to practice their faith freely and participate in the provincial government. Ireland, with its Catholic majority, also influenced the passing of the 1778 Catholic Relief Act. See Karen Stanbridge, *Toleration and State Institutions: British Policy toward Catholics in Eighteenth-Century Ireland and Quebec*, (Lanham: Lexington Books, 2003); and R.B. McDowell, *Ireland in the Age of Imperialism and Revolution, 1760-1801*, (Oxford: Clarendon Press, 1979), 209-274.

[20] See especially J. P. Kenyon, *The Popish Plot* (London: Heinemann, 1972); John Miller, *Popery and Politics in England 1660-1688* (Cambridge: Cambridge University Press, 1973); John Wolffe, *The Protestant Crusade in Great Britain, 1829-1860* (Oxford: Clarendon Press, 1991); Colin Haydon, *Anti-Catholicism in Eighteenth-Century England, c. 1714-80: A Political and Social Study* (Manchester: Manchester University Press, 1993); Alexandra Walsham, *Charitable Hatred: Tolerance and Intolerance in England, 1500-1700* (Manchester: Manchester University Press, 2006).

Catholic-centred narratives has emerged which places the emphasis on the Catholic rather than the *anti*-Catholic.[21] One such work, written by historian Francis Young in 2015, *The Gages of Hengrave and Suffolk Catholicism, 1640-1747*, which provides a reconstruction of the lives of an individual Catholic family, "teased out of domestic documents," is a particularly important inspiration to this thesis.[22] Young's use of primary source material to accomplish this reconstruction allows for social, legal, and political circumstances of the period to be gleaned through an investigation of the personal lives of the Gage family. This thesis uses similar methods, albeit through a look into the life of only one person, to achieve similar goals. Young's work, too, indicates a British Catholicism which, through Protestant neighbours and political connections obtained through marriage alliances, as well as business and social connections, could address their issues through the courts and though Parliament.[23] This commonality between the Suffolk Catholicism researched by Young and the Lancashire Catholicism presented in this thesis demonstrates shared experiences and opportunities for the wider English Catholic community.

Before and after her tribulations had ended in victory, Ann remained an ardent supporter of Catholicism and of Jacobitism. Even at the height of her financial difficulties, Ann would directly contribute to the spread of Catholicism throughout Lancashire and England more broadly. When she was eventually awarded a vast sum of money by a state which maintained

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[21] See especially John Bossy, *The English Catholic Community, 1570-1850* (London: Darton, Longman and Todd, 1975); J. C. H. Aveling, *The Handle and the Axe: The Catholic Recusants in England from Reformation to Emancipation* (London: Blond and Briggs, 1976); Michael C. Questier, *Catholicism and Community in Early Modern England: Politics, Aristocratic Patronage and Religion, c. 1550-1640*, Cambridge Studies in Early Modern British History (Cambridge, UK ; Cambridge University Press, 2006); Gabriel Glickman, *The English Catholic Community, 1688-1745: Politics, Culture and Ideology* (Woodbridge, UK: The Boydell Press, 2009).
[22] Francis Young, *The Gages of Hengrave and Suffolk Catholicism, 1640-1747* (Woodbridge, Suffolk: Boydell Press, 2015), xiii.
[23] Young, 88–90.

laws against Popery, she used the funds to become a great benefactress within the English Catholic community. What her life demonstrates is that Ann Fenwick, as well as those who opposed her, understood the limitations placed upon her by the Penal Code and, crucially, what avenues of relief she could pursue in order to remedy her situation. These limitations and opportunities demonstrate how Catholics, even those in difficult circumstances, could not only navigate, but thrive within the social, political, and financial realms of Hanoverian England during the "Penal Times." Catholics around the country, but especially in more rural environs like Lancashire, had ways of circumventing laws against them by means of friendly Protestant connections and the help of a broader Catholic community. Especially consequential was an implicit expectation, demonstrated consistently by the actions of people like Ann, that certain sectarian laws would not be enforced with much zealotry, if at all. This reveals a growing sense of religious toleration among the elite in the eighteenth century which allowed a considerable, if seemingly tentative, degree of freedom. The second chapter of this thesis will explore the extent of this freedom, as well as the social and legal contexts in which English Catholics lived. Commonalities in how English Catholics of different standings navigated these contexts will be examined through research into the lives of Nicholas Blundell and Alice Harrison, two Catholics living in Lancashire during the eighteenth century.

Ann Fenwick's case also provides insight into how eighteenth-century women could leverage their femininity in order to sway social and political situations to their advantage. However, this did not mean that Ann was granted any political or legal advantage because of her femininity. As a widow and an orphan whose economic status depended upon her brother-in-law, Ann's limited financial autonomy was tenuous until she achieved victory through the courts. The study of women in the early modern period in England has expanded considerably in the last

three decades.[24] The research advanced within this field is key to this thesis. Vitally, historian Amy Erickson's work, *Women and Property in Early Modern England*, provides a detailed study of the common female experience as it related to property rights, inheritance, the laws of coverture, and widowhood. One central theme in Erickson's work is how a woman's familial life determined her role in financial and social mechanisms of the day. The circumstances of an unmarried woman who inherited property, for example, were very different than those of a woman who did not. Erickson's work informs much of this thesis as it relates to Ann Fenwick's economic and social position. Specific scholarship upon British Catholic women has also been developing over the past two decades.[25] These works suggest that the role of women in the survival of English Catholicism was essential. Martyrs like Margaret Ward, Anne Line, and Margaret Clitherow are well-known and have even been canonized as saints by the Roman Catholic Church. This thesis presents a woman whose life, though not ending in martyrdom,

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[24] See Bridget Hill, *Women, Work And Sexual Politics In Eighteenth-Century England* (London: Routledge, 1993), https://doi.org/10.4324/9780203986318; Amy Louise Erickson, *Women and Property in Early Modern England* (London: Routledge, 1995), https://doi.org/10.4324/9780203435939; Amanda Vickery, *The Gentleman's Daughter: Women's Lives in Georgian England* (New Haven: Yale University Press, 1998); Ingrid H. Tague, *Women of Quality: Accepting and Contesting Ideals of Femininity in England, 1690-1760*, vol. 1 (Boydell & Brewer, 2002), https://www.jstor.org/stable/10.7722/j.ctt81gd7; Tim Stretton and K. J. Kesselring, eds., *Married Women and the Law: Coverture in England and the Common Law World* (Montreal: McGill-Queen's University Press, 2013); Hannah Barker and Elaine Chalus, eds., *Gender in Eighteenth-Century England: Roles, Representations and Responsibilities* (London: Routledge, 1997), https://doi.org/10.4324/9781315842523; Briony McDonagh, *Elite Women and the Agricultural Landscape, 1700–1830* (London: Routledge, 2017), https://doi.org/10.4324/9781315579078.

[25] Marie B. Rowlands, "Recusant Women 1560-1640," in *Women in English Society, 1500-1800*, 1st ed. (United Kingdom: Routledge, 1985), 112–35, https://doi.org/10.4324/9780203985342-5; Sarah L. Bastow, "'Worth Nothing, but Very Wilful'; Catholic Recusant Women of Yorkshire, 1536–1642," *Recusant History* 25, no. 4 (2001): 591–603, https://doi.org/10.1017/S0034193200030491; Anna Battigelli and Laura M. Stevens, "Eighteenth-Century Women and English Catholicism," *Tulsa Studies in Women's Literature* 31, no. 1 (2012): 7–32, https://doi.org/10.1353/tsw.2012.a517503; Giada Pizzoni, "Mrs Helena Aylward: A British Catholic Mother, Spouse and Businesswoman in the Commercial Age (1705–1714)," *British Catholic History* 33, no. 4 (October 2017): 603–21, https://doi.org/10.1017/bch.2017.27; Susan M. Cogan, *Catholic Social Networks in Early Modern England: Kinship, Gender, and Coexistence* (Amsterdam: Amsterdam University Press, 2021), https://doi.org/10.1017/9789048552887.

reminds us of the ways in which recusant women played an active and unique role in the preservation and propagation of Catholicism throughout England.

In the courtroom, lawmakers were forced to confront a situation in which recently bolstered anti-Papist policies were in conflict with the established tenets of Hanoverian society: the obligations and ideals presented by family, femininity, and property. Granting Ann relief was not a move to radically restructure the way that society treated recusants. Conversely, Parliament acted to uphold these essential Hanoverian values in spite of Ann's fervent Catholicism. The special Act of Parliament which provided relief for Ann Fenwick served to maintain these values, not undermine them, even if this came with the implication that certain anti-Catholic measures, which were already losing popularity among the elite, had to be temporarily set aside. Moreover, the simple fact that Ann Fenwick sought redress through the courts demonstrated that she and her lawyers understood that even though she was a Roman Catholic facing disabilities under the penal laws, she could still turn to the courts, even the House of Lords, for relief. Despite her status, Ann was able to foster relationships and find support from influential figures both in her locality and the whole of Britain, including the Earl of Lonsdale, James Lowther, and Edmund Burke. The penal laws did not stop her from building these important connections, nor from participating in social life with her neighbours in rural Lancashire, with booksellers in London, or during an encounter with William Pitt in Bath. Ann's legal case, the private Act of Parliament passed for her benefit, and the political support she obtained will be discussed in full in chapter four.

Chapter One

The Early Life, Education, and Spiritual Formation of Ann Fenwick

"*Senectus eorum qui adulescentiam suam honestis artibus Instruxerunt veterum studiorum dulcissimos fructos metit*."
- Written by a young Ann Fenwick (Benison), quoting the letter of St. Jerome to Nepotian.[26]

Though it burned to the ground in the 1940s, Hornby Hall was, for centuries, a fixture within the idyllic Lune Valley of Lancashire. Built by Thomas Benison in 1735, the manor was intended to serve as a family home for the Benisons, which numbered only Thomas, his wife, and their daughter. His wife, Ann Winder Benison, née Dowbiggen, married Thomas in 1723 and had just one child, Ann, in 1724.[27] Although Thomas was himself an Anglican, both of the Anns in his home were Roman Catholics. Thomas, a successful lawyer, died quite suddenly after Hornby Hall's completion, widowing Ann Dowbiggen and robbing this small family of the home life they had envisaged. Although Gillow, Foley, and Holt all claimed that Thomas had died intestate, this does not appear to have been the case.[28] On December 6, 1739, John Christian, a lawyer, wrote to Mr. Knott, likely another lawyer, assessing young Ann's inheritance. In his letter, he begins by stating that he had "perused old Mr. Benison's will," and goes on to reference some of the stipulations contained within it, concluding that the document ought to be honoured.[29] In his relatively brief analysis of Ann's inheritance and the stipulations of her father's will, Christian makes no reference to the young girl's Catholicism, even though it ought to have been a primary consideration because of the laws concerning inheritance. The one bright spot for the family in this difficult time was Thomas's financial success, which granted young

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[26] Ann Fenwick, "Miscellaneous Note in Latin," n.d., RCHY 2/5/22, Lancashire Record Office "Old age, if men have trained their youth in honourable accomplishments, reaps the sweet fruit of its ancient studies."
[27] Foley, *Some People of the Penal Times*, 25.
[28] Gillow, *The English Catholics*, 2:246; Foley, *Some People of the Penal Times*, 25; Holt, "Introduction. Thomas Fenwick and His Time," 14.
[29] John Christian, "John Christian to Mr. Knott," December 6, 1739, RCHY 2/5/14, Lancashire Record Office.

Ann a staggering £900 per year.[30] On November 5, 1739, at the age of fifteen, Ann appointed her "Dear & Loving Mother," as well as her "relative and good friend Henry Faithwaite," as her guardians until she was able to take full control of the estate at the age of twenty-one.[31] Alongside with her religion and the fact that she did not have any siblings, the premature death of Thomas Benison was the first in a series of unlikely events which would lead Ann Fenwick to her trials and tribulations and, ultimately, to a position of power within the English Catholic community.

Before and after her father's untimely death, Ann received an excellent education from her mother at home. Though the antiquarians Joseph Gillow and B.C. Foley claimed that Ann had been educated at the Bar Convent at York, there are no records of her ever attending that school, nor does Ann ever imply in any of her writings that she had received a formal education.[32] It seems likely that Gillow and Foley made this claim as a way to explain Ann's vast knowledge, her clear handwriting, and her general wit. The convent at York was, for Ann, the closest of the very few schools that existed in England for Catholic girls.[33] Contrarily, the only reference to Ann's education indicated that her mother, Ann Winder Benison, must have been the source. In her 1775 spiritual will, Ann left some money to a school at Hammersmith, noting that her mother had been educated there. With this bequest, she remarked that "it was oweing to the Instructions of my Pious & Vertuous Parent next to the Blessings of Alm: God that I was called to the true Faith."[34] This education, which was later be supplemented by extensive study of

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[30] "Petition of Ann Fenwick," March 23, 1772, HL/PO/JO/10/7/359, Parliamentary Archives Also reprinted in Jennifer S. Holt, Diary of Thomas Fenwick vol. 4.
[31] Ann Benison, "Appointment by Ann Benison of Ann Winder Benison, Widow, and Henry Faithwaite of Littledale, Gent., as Her Guardians," November 5, 1739, RCHY 2/5/13, Lancashire Record Office.
[32] Foley, *Some People of the Penal Times*, 25; Gillow, *The English Catholics*, 2:247.
[33] A. C. F. Beales, *Education under Penalty: English Catholic Education from the Reformation to the Fall of James II, 1547-1689.* (London: University of London, Athlone Press, 1963), 264.
[34] Ann Fenwick, "The Spiritual Will of Ann Fenwick," April 11, 1775, RCHY 2/1/61, Lancashire Record Office.

Catholic literature, provided Ann with a mind for business, and also substantial knowledge of the law and a deep devotion to the Catholic faith. Although the quality of a home education could vary, the state's restriction of Roman Catholic education instilled certain women with a strong sense of duty. Understanding that their daughters might not receive the formal education they had if sectarian persecution continued, these mothers felt compelled to pass on the knowledge themselves.[35] Luckily for young Ann, her mother was exceptionally skilled in this role.

We may recognize the substance of Ann's education by its fruits. Evidence of her skill in the realm of finances and estate management can be found in the administrative skill she possessed and in the meticulous records she kept throughout her life. These records also convey the young lady's character. On September 16, 1751, Ann recorded paying a man named Parkinson £5/6/- "for work he had done & for Butter." On December 4 of the same year, Ann paid £3/12/6 to settle all accounts with Mr. Parkinson, plus an additional sum of 5/- marked under the entry "Gave his daughter."[36] The relationships Ann fostered with those who worked for her, and especially her tenants, went beyond formal business. Throughout her life, she was especially fond of her tenants' children. Ann's generosity also extended to the poorest of the farmers renting her land. On May 4, 1750, Ann reimbursed one Nanny Skelton 5/- upon receiving her rents and then presented Nanny with yet another 3/- for "her Bill & allowed for the dunghill."[37] That Ann not only reimbursed certain rents but also determined how they employed their lands indicates that she held a sense of paternalistic authority over her tenants. This woman,

[35] Caroline Bowden, "Girls' Education in the Late Sixteenth and Early Seventeenth Centuries in England and Wales: A Study of Attitudes and Practice" (London, University of London, 1996), 138–39, https://discovery.ucl.ac.uk/id/eprint/10019233/1/389405.pdf.
[36] Ann Fenwick, "The Household and Estate Accounts of Ann Fenwick, Amounts Paid in 1751," 1751, RCHY 2/4/19, Lancashire Record Office.
[37] Ann Fenwick, "The Household and Estate Accounts of Ann Fenwick, Amounts Paid in 1750," 1750, RCHY 2/4/19, Lancashire Record Office.

just 27 years old in 1751, once again assumed an active role in the affairs of her tenants when dealing with a possibly ruinous situation within the farms she owned. 1745 to 1757 witnessed a period of the "distemper of the horned cattle," a form of cattle plague which had the potential to wipe out entire herds with a mortality rate of up to 90%. The government exercised both a strong executive and legislative authority to remedy this threat, ordering the slaughter of any diseased cattle, instituting a quarantine, and compensating farmers who complied with their demands.[38] These policies had been quite successful during an earlier outbreak in 1714, but the Jacobite rebellion of 1745 significantly complicated the handling of a new occurrence of this plague. The recusant diarist Nicholas Blundell, summarizing the year in December of 1714, recorded that just under 6000 cows had "dyed this year on this unuessuall Distemper."[39] Despite certain difficulties, the general success of the interventionist approach in remedying the cattle plague clearly demonstrated that government was capable of enforcing laws and policies in times of crisis, even in the relatively autonomous Lancashire. Any nonenforcement of certain regulations was a choice, not necessarily a sign of a weak state. When government assistance fell short or when farmers refused to slaughter their animals after the distemper had been identified, landlords often stepped in and granted their tenants relief which could equal or exceed the compensation provided by the government.[40] Ann Fenwick took part in these acts of relief. On the 10th and 17th of June 1751, she recorded two payments to tenant farmers who had lost part of their herds to the distemper. The first of these payments, made to a Mrs. Letousy, totalled £1/6/-, plus a 5/- reimbursement for an overpayment made to Ann in the previous year.[41] Understanding the

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[38] John Broad, "Cattle Plague in Eighteenth-Century England," *Agricultural History Review* 31, no. 2 (1983): 104–6.
[39] Nicholas Blundell, *The Great Diurnal of Nicholas Blundell of Little Crosby, Lancashire*, ed. J.J. Bagley, vol. 2 (Chester: Record Society of Lancashire and Cheshire, 1968), 119–20.
[40] Broad, "Cattle Plague in Eighteenth-Century England," 113–14.
[41] Fenwick, "The Household and Estate Accounts of Ann Fenwick, Amounts Paid in 1751."

danger that the distemper posed to her lands, Ann stepped up and bestowed this additional relief upon her tenant farmers, providing another indication of her proficiency as a landlady. The firsthand experience that Ann gained in these years with regards to her role and responsibilities as a landlady, fostered by her mother's teachings and the experience of administering her estate from a young age, would, as will be shown later, become crucial within the context of her later life.

Spiritual Formation

Ann's education consisted largely of religious instruction. Just as in the realms of business, finance, and household management, her religious knowledge was impressive and her faith was profound. One cannot portray Ann Fenwick as an Englishwoman who also happened to be a Roman Catholic; the inverse may be more accurate. Her Roman Catholicism informed her daily life. Ann kept a devotional book in which she recorded the order of the Holy Mass and the prayers she said at each stage of the liturgy. She recorded the order of the Mass from its outset, when the priest approaches the altar, to its end, when the priest performs the final ablutions and offers the prayers of thanksgiving. Moreover, Ann commented on how the Mass, being a literal re-presentation of Christ's sacrifice upon the cross, reflected certain parts of the Passion of Jesus. For instance, Ann connected the act of kissing the altar, performed by the priest near the beginning of the Mass, to Judas's kiss, which betrayed Jesus to the Romans. Fenwick likewise connected the signing of the oblation, performed directly before the consecration of the bread and wine, to the nailing of Christ to the cross.[42] In addition to her grasp of the complexities of the Holy Mass, the prayers Ann presented at each stage of the ceremony provide a deeper reflection

[42] Ann Fenwick, "Ann Fenwick's Devotional Book," n.d., RCHY 2/5/18, Lancashire Record Office.

upon the Passion and how certain lessons imparted by Christ's suffering, death, and resurrection may be applied to everyday life. On some occasions, Ann makes clear references within these prayers to her own circumstances. In her prayer at the preface, which immediately precedes the Canon of the Mass, Ann would say the following words: "Lord Jesus Christ, who tho truly innocent didest yet for my sake vouchsafe to receive the sentenence of Deth even the Death of the Cross: make me for thy love not to fear the sentence of the most cruel Deth the perverted judgement of man can pronounce against me nor even perversely to judg others amen."[43] As Ann Fenwick's life reveals, the reasons she prayed not to fear man's "perverted judgement" will become eminently clear. Since she chose to establish, fund, and outfit a Catholic mission in her own home, she had every reason to fear investigation and persecution from a state she believed possessed a perverted sense of justice. It is clear that the similarity of Christ's suffering with her own life reveals Ann to be an immensely contemplative woman who had an intimate understanding of Catholic theology.

Ann's understanding of Catholicism was reinforced by her enduring faith. She was an avid reader of apologetics and spiritual guides, both old and new. While on a trip to London in the summer of 1763, she purchased a number of current works written by Bishop Richard Challoner and other leading English Catholic theologians of the time as well as texts such as Lorenzo Scupoli's *The Spiritual Combat*, written in the late sixteenth century, and Thomas à Kempis's ubiquitous *The Imitation of Christ*, written in the fifteenth century.[44] Not only did these treatises serve to supplement her already ample education in matters of the faith, she also purchased these books to build the library of the Catholic mission she would establish at her

[43] Fenwick, "Devotional Book."
[44] Ann Fenwick, "Ann Fenwick's Receipt of Books Purchased from W. Needham," June 4, 1763, RCHY 2/4/27, Lancashire Record Office.

home in Hornby in 1761. Ann's mature understanding of the Holy Mass and of theological matters more broadly hints not at an education attained in a desperate time of persecution, but of a robust tutelage offered to her by a highly knowledgeable teacher, which left her with both the desire and ability to learn more. That this education was obtained from her mother and not formally makes Ann's intelligence even more noteworthy. This is worth highlighting in order to represent the nature of Catholic education within England. When the schoolmistress Alice Harrison is examined later in the thesis, the qualities of highly effective and comprehensive methods of Catholic education within Hanoverian England will emerge yet again. For Ann, the reading of these books was not a casual exercise but was instead a central component of her lifelong spiritual formation. At every stage of her life, she found guidance in these spiritual texts. Though much of the material we have from Ann are copies from other materials, these copies reveal that she seriously studied and considered what she was reading. The various selections she copied down reveal the level of value she placed upon them and they will be explored here chronologically to illustrate Ann's spiritual progression. This discussion reveals that Ann Fenwick earnestly took these readings to heart and substantially incorporated their teachings in her life. Any examination of Ann Fenwick must stress that every other aspect of her life, from the cradle to the grave, was ultimately subordinate to her faith.

Included among the miscellaneous written fragments left by Ann is a small scrap of paper containing a sentence in Latin written in a messy and unrefined hand. Paraphrased from a letter of St. Jerome to Nepotian, the text may be translated as: "Old age, if men have trained their youth in honourable accomplishments, reaps the sweet fruit of its ancient studies."[45] This was

[45] Fenwick, "Miscellaneous Note in Latin"; T.E. Page et al., eds., *Select Letters of St. Jerome* (London: William Heinemann Ltd., 1933), 193–94.

likely just one of many short phrases that Ann was made to copy as a child for the purposes of studying the language. This is especially clear when considering the actual text. The spelling and reading of Latin was a crucial part of every school day in the Hammersmith school attended by Ann's mother. Hers was a strict education, with the proper and devout attitudes, postures, and Roman Catholic doctrine reflected in them.[46] It is a testament to the quality of Ann Winder Benison's education that she was able to pass on to her daughter both the simple exercises as well as the attitudes imparted to her so many decades ago at Hammersmith. Ann Fenwick's consistent interest in Catholic theology and her devotion to the faith, in addition to her general knowledge of accounting and estate management, reveals that she embraced this short slogan she had learned from St. Jerome as a young girl. This small selection is not the only evidence that Ann had some grasp of Latin. Her devotional book, which tracked the order of the Holy Mass and refers to the Latin phrases employed during the celebration demonstrates that Ann was conversant with the language of the liturgy. Her dedication to learning is also revealed in her reading of books which covered a diverse range of topics. On November 13, 1760, Ann asked Thomas Fenwick, her brother-in-law, to send over some of her books. These included two volumes of Pliny's work, likely referring to his *Natural History*; Sydney's *Arcadia*, the famed work of Elizabethan pastoral romance; Charles Leigh's *Natural History of Lancashire*, a vast work dedicated to geology, biology, and proving the flood described in the book of Genesis using physical geography; *The Antiquities of York*, possibly referring to the book by the antiquarian Francis Drake; and the memoir of Cardinal de Retz.[47]

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[46] Caroline Bowden, "Convent Schooling for English Girls in the 'Exile' Period, 1600–1800," *Studies in Church History* 55 (June 2019): 195–97, https://doi.org/10.1017/stc.2018.27.
[47] Ann Fenwick, "Ann Fenwick to Thomas Fenwick," November 13, 1760, RCHY 2/6/3, Lancashire Record Office.

When, in the fateful year of 1757, Ann's husband was killed in a hunting accident, she immediately sought solace in the teachings of the Church. To this end, she consulted Saint Francis de Sales, the author of *Introduction to the Devout Life*. In Sales's masterwork, he included a section intended to guide widows in living in ways which would honour both God and their deceased spouse, which Ann dutifully copied down. In the short selection she chose to transcribe, one sees all of the key principles that guided her life. For example, evident is the reason why she would deeply regret the legal action she eventually took against her brother-in-law until her dying breath: "If some absolute necessity oblige … the widow to outward troubles, as suits in law, I counsell her to avoid them altogether, and to use that order in managing her affairs which is most quiet and peaceable altho' it seem not so profitable."[48] This line of thinking informed Ann's calm submission when her brother-in-law, Thomas Fenwick, gained the legal advantage over her during their first legal spat. Her May 1759 letter to her lawyer, Mr. Perrot, written in a moment of impending defeat, echoed the teaching of Sales: "I now shall do nothing unbecoming my station as a Christian; & the disconsolate widow of my dear Mr. Fenwick, whose memory will be ever dear to me."[49] Dozens of letters to Thomas Fenwick reveal that Ann earnestly attempted to play the role of the submissive widow. However, she found that her brother-in-law was incapable or unwilling to live up to his part of the deal. The idea that men had an obligation to provide for a widowed relative was, in many ways, the linchpin of Ann's entire life. We may assume that Ann was familiar with the multitude of verses from scripture which referenced how widows ought to be treated.[50] When her brother-in-law failed to live up to his obligations to her, then, it was a failure not only in the obvious familial and financial sense, but

[48] Ann Fenwick, "Ann's Religious Instructions for Widows," April 5, 1757, RCHY 2/5/19, Lancashire Record Office.
[49] Ann Fenwick, "Ann Fenwick to Mr. Perrot," May 21, 1759, RCHY 2/6/1, Lancashire Record Office.
[50] Especially 1 Timothy 5:3-16, Exodus 22:22-24, Isaiah 1:17, and James 1:27.

in a moral and spiritual sense as well. Though the former dereliction could eventually be made right, the latter proved, in Ann's eyes, a serious and enduring stain upon his character.

In the Roman Catholic Church, a Jubilee, or Holy Year, denotes a year in which special attention is given by all Roman Catholics to penance, reconciliation, charity, and conversion. Since 1475, a Jubilee had, in general, taken place every twenty-five years. Each of these years commenced with the opening of the Holy Door in the Archbasilica of St. John Lateran in Rome. 1775 was a unique case because Pope Clement XIV announced the Jubilee but died before the opening of the Holy Door. As a result, Pope Pius VI extended the Jubilee by six months, bringing it into 1776, allowing extra time for those who had not yet "gained the Jubilee."[51] Gaining the Jubilee meant fulfilling the special requirements specified by the Pope in order to obtain special indulgences. In England, the orders for this Jubilee were published by J.P. Coghlan, a Roman Catholic bookseller located at 37 Duke Street, in London's Grosvenor Square. Ann Fenwick must have obtained or at least read part of these instructions, as she twice copied down the devotions required to gain the Jubilee.[52] Ann's knowledge of, and care to honour the unusual circumstances of the 1776 Jubilee, clearly demonstrates that the English Catholic community in the eighteenth century was not isolated from the Papacy, nor forced to rely upon outdated religious handbooks smuggled into the country in decades past. Instead, these Britons were part of a wider Roman Catholic network and possessed the capacity and freedom to develop 'British' Catholicism too.

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[51] *Instructions and Directions for Gaining the Grand Jubilee of the Holy Year, Celebrated at Rome Anno 1775, and Extended to the Universal Church Anno 1776, by His Holiness Pius VI.* (London: J.P. Coghlan, Duke Street, Grosvenor Square, 1775), 4–6, https://link.gale.com/apps/doc/CW0123324126/ECCO?u=otta77973&sid=bookmark-ECCO&xid=0a1e76b8&pg=5.
[52] Ann Fenwick, "Ann Fenwick's "Orders for the Jubilee 1776," n.d., RCHY 2/5/20, Lancashire Record Office.

There is no better proof of this community's thriving interconnectivity than the printer himself, J.P. Coghlan. A native of Preston, Lancashire, Coghlan moved to London in 1746 and began an apprenticeship as a bookbinder, the beginning of his forty-year career in the trade.[53] Even outside the Catholic community, Coghlan was renowned for his outstanding skill in the art of bookbinding as well as for his reputation in the bookselling business, which provided him a degree of influence within London society. He used this influence to arrange and finance the safe return of many British Catholic expatriates who had been living in convents and religious schools in France when the French Revolution began. Coghlan was responsible not just for the rescue of many English exiles, but also for the purchase of over 14,000 books from a Jesuit library in the Low Countries, saving the tomes from abandonment or destruction when the Jesuit order was restricted in Holland in 1773.[54] Coghlan had, literally, imported Catholic ideas from the continent. Though a large part of his business was dedicated to printing Catholic literature, which could include tracts promoting greater freedom for recusants, and was therefore quite illegal, Coghlan did not feel any need to strike his information from the books he published, demonstrating the degree to which the penal laws had lost their sting.[55] In 1764, he published his *Laity's Directory*, a guidebook intended to educate the faithful upon the important teachings of the Roman Catholic Church. The *Directory* was published in a bid to compete with James Marmaduke, a rival Catholic bookseller, and his less in-depth guidebook bearing the same name.[56] Though Coghlan eclipsed Marmaduke, the elder in the profession, Ann Fenwick's expansive reading habit meant that when she was in London, she took the time to visit both of

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[53] J.M. Blom, *The Post-Tridentine English Primer* (London: Catholic Record Society, 1982), 73.
[54] F. Blom, "English and Irish Catholic Books and Convents in the Seventeenth and Eighteenth Centuries: The Link with the Low Countries. The Cases of Peter Wadding, Lady Lucy Herbert and James Peter Coghlan," *Dutch Crossing* 26, no. 2 (2002): 179–81, https://doi.org/10.1080/03096564.2002.11730815.
[55] F. Blom, 178–79.
[56] Foley, *Some People of the Penal Times*, 14–15.

them, as well as various other booksellers.[57] All of this demonstrated that in London, Roman Catholics were no longer forced to share their ideas clandestinely, but were instead able to disseminate their literature through a wide group of Catholic booksellers.

Reflective of her life, Ann's death revealed her to be a devout Roman Catholic. The Church's view on death can be represented using the *Ars Moriendi*, a fifteenth-century text which provided instructions on how to die a 'good death' in a manner that honoured Christ. *Ars Moriendi* often included a series of illustrations which depicted demons gathering around the dying, only dispelled once the dying fully accepted God. To a Catholic, this image signified how the devils could not lay claim to any faithful Christians. It was the reception of the sacraments, especially the Eucharist and Extreme Unction, which dismissed the threat of hell for the faithful in the Catholic view.[58] To many Anglicans, this image represented how an individual's faith alone, rather than any particular aid of the sacraments or the clergy themselves, determined their salvation.[59] For a Catholic, the most effective reception of the sacraments depended upon a final reconciliation with the Church and to those wronged on the earth. In her will, Ann Fenwick made exactly this reconciliation, proclaiming that her intentions were "for the Honour & Glory of Almighty God & that Religion may be duly observed in this part of the country & to make satisfaction for any Scandal I may have given & in attonement for my great & manifold sins; I freely & from my Heart forgive all that have injured me, & Humbly beg pardon of all whom I have offended."[60] This pledge to the Church, as well as her act of contrition and embrace of the art of dying as expressed in the *Ars Moriendi*, revealed her as distinctly Roman Catholic.

[57] Ann Fenwick, "Ann Fenwick's Receipt of Books Purchased of James Marmaduke," June 18, 1763, RCHY 2/5/27, Lancashire Record Office; Fenwick, "Ann Fenwick's Receipt of Books Purchased from W. Needham."
[58] Ralph A. Houlbrooke, *Death, Religion, and the Family in England, 1480-1750* (Oxford: Clarendon, 2000), 157.
[59] Houlbrooke, 151–54.
[60] Fenwick, "The Spiritual Will of Ann Fenwick," April 11, 1775.

The Marriage and Widowing of Ann Fenwick

In light of her subsequent circumstances, it is arguable that Ann's marriage was the most pivotal event of her life. This union, as consequential as it was brief, foundational to all of Ann's future tribulations and triumphs. In 1752, when Ann was 28, she married the lawyer John Fenwick, a major landowner at Burrow Hall, an estate approximately five miles north of Hornby along the Lune River. The story of the Fenwick family is complex and must be briefly summarized here to elaborate upon the situation Ann was entering into through marriage. Ann's husband, John, was born a Wilson, the eldest son of Thomas and Dorothy, née Fenwick. The family was spread between Lancashire and Northumberland, though because many of the men in the family were solicitors, their work obliged them to stay in London for extended periods of time. Dorothy's brother, Robert, was a lawyer and, from 1734-1747, a Member of Parliament. He would use his wealth to refurbish both Nunriding Hall in Northumberland and Burrow Hall in Lancashire, two impressive properties belonging to the Fenwicks. This was a period of success for the family, one which would not be emulated by Robert's immediate successors. Having no children, Robert's estates went to Nicholas, his brother, upon his death in 1750. Nicholas also died childless in that same year, bequeathing the estates to his sister's son, John, including a special provision within his will that Dorothy's other son, Thomas, would inherit should John die without issue.[61] A condition for this inheritance was that the beneficiary assume the Fenwick name and coat of arms. When he inherited, John dutifully assumed his new identity as a Fenwick and proved himself a successful landowner and solicitor, following in the footsteps of his uncle. In 1747, at the age of 23, Ann employed the legal services of Robert Fenwick in some unknown

[61] Jennifer S. Holt, Introduction to Thomas Fenwick, *The Diary of Thomas Fenwick Esq. of Burrow Hall, Lancashire, and Nunriding, Northumberland, 1774 to 1794*, ed. Jennifer S. Holt, vol. 4 (Kew, Surrey: List and Index Society, 2012), 4–5.

matter.[62] This intersection of the Fenwicks and the Benisons culminated in the 1752 union between Ann and John. This was an interfaith marriage, with John ostensibly professing Anglicanism.

Seemingly, John and Ann deeply trusted and loved one another. Because of their differing faiths, the act of marriage alone can help to prove this. Even in a rural area like the Lune Valley and especially within the larger centres in Lancashire, both John and Ann had plenty of opportunities to find a spouse of their own faith. By marrying a Catholic woman, a law-abiding Protestant like John willingly took on a number of financial penalties resulting from his wife's recusancy. Why, other than for love, would a man choose to burden himself with such a penalty? A more cynical interpretation might depict John as a man after the Benison estate, though this wealthy landowner and solicitor, certainly a most eligible bachelor, would have been able to seek out a well-to-do Protestant wife through his business connections anywhere between Lancashire and London. Coupled with our understanding that marriage could sometimes be used as a tool to effect relationships within business further reveals that John was disadvantaging himself even further by marrying a Roman Catholic orphan who could do comparatively little for him in terms of business connections. Amanda Vickery, the noted historian, cautions against portraying marriage as an entirely transactional or strategic arrangement, writing that while social rank certainly played a role in the selection of a spouse, "human motivation rarely boils down either to pure, disinterested emotion or to scheming, material strategy."[63] Ann, too, was placing herself at a disadvantage. By marrying John, she was effectively placing her life in his hands. If John had indeed married her for financial purposes, or for any other selfish gains, he could have used

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[62] Ann Benison, "Personal Accounts of Ann Benison, 1747," 1747, RCHY 2/4/18, Lancashire Record Office.
[63] Vickery, *The Gentleman's Daughter*, 44; On marriage, see also Keith Wrightson, *English Society, 1580-1680*, [New ed.]. (London: Routledge, 2003), 75–96.

the fact of his wife's Catholicism as a means of victimizing her. Catholic priests worried about interfaith unions and counselled against them for these exact reasons. Roman Catholic Missals intended for use by English mission priests from the 1620s onwards stated that interfaith marriages of this nature were to be strongly discouraged, though permissible only with a special dispensation.[64] Like her mother, Ann had so much confidence in her husband that she had effectively wagered her financial and personal safety on the belief that their love was true. In January of 1760, a few years after being widowed, Ann exclaimed her desire to travel to Burrow Hall, the home in which she lived with her husband, to "take a final adieu of a House where I was once the happiest woman in the World."[65] The intensity of the mutual love they shared overcame the great financial burdens and the religious differences that had to confront as a result of their union. Owing to the couple's combined legal knowledge, as well as that of their families, these financial issues were mitigated. However, unintended and unforeseen consequences would affect Ann most grievously for the rest of her life.

This story, which ultimately hinges on the experiences of Ann Fenwick and her mother, two unrepentant and influential Catholic women who married Protestants, is something of an anachronism. In his monumental *English Catholic Community*, John Bossy considered 1620 to be the end of what had been a thriving "matriarchal era" of English Catholicism, the time in which a growing number of Catholic women widely and openly disseminated their faith despite being married to members of the established church. According to Bossy, the very existence and form of the English Catholic community in England in the subsequent centuries may be traced back to these women who were dissatisfied with the rise and ascendency of the Church of

[64] Dom Hugh Aveling, "The Marriages of Catholic Recusants, 1559–1642," *The Journal of Ecclesiastical History* 14, no. 1 (1963): 69–70, https://doi.org/10.1017/S0022046900064381.
[65] Ann Fenwick, "Ann Fenwick to Thomas Fenwick," January 17, 1760, RCHY 2/6/3, Lancashire Record Office.

England.[66] Ann, however, was evidence that these women, though perhaps a rarity, still existed to foster the faith as late as the eighteenth century. She is the ultimate counter to an old English Catholic stereotype that women were at best neutral, and at worst an actively hindrance, to the propagation of the faith.[67]

Like her mother, Ann's marriage to a member of the Anglican church allowed her to circumvent the most consequential financial penalties that stemmed from her recusancy. However, the couple went one step further to remedy possible penalties as a result of the penal laws. Soon after they were married, Ann Fenwick transferred everything she owned to John. This financial and familial strategy demanded an exceptional amount of trust on the part of the recusant and also took place between other Catholic landowners and their trusted Protestant contacts. Such arrangements had been more frequent before and amidst the 1745 Jacobite Rebellion when the seizure of Catholic estates was more common.[68] The common explanation within the historiography for why Ann transferred ownership of the Benison estate over to John Fenwick is entirely insufficient. As this is the immediate catalyst for the most crucial events of Ann's life moving forward, it is necessary to more thoroughly pursue this matter. According to Joseph Gillow's 1885 history, Ann transferred the Benison estates to John Fenwick "to enable him to raise money … when afterwards he would have re-conveyed them, he found that he could not legally do so, on account of the rigorous penal laws against the professors of Catholicity."[69] Under English common law, the management of a woman's property fell under the doctrine of coverture, which, in practical terms, meant the total legal subordination of a wife to her

[66] Bossy, *The English Catholic Community, 1570-1850*, 157–58.
[67] Bossy, 152–53.
[68] Leo Gooch, "'The Religion for a Gentleman': The Northern Catholic Gentry in the Eighteenth Century," *Recusant History* 23, no. 4 (October 1997): 545.
[69] Gillow, *The English Catholics*, 2:247.

husband.[70] Why would Ann transfer her estates to John if he already had a right to them? There are two likely reasons for this: First, that John Fenwick needed to raise money to pay debts, and secondly, that this transfer was an expedient way to avoid the financial penalties incurred by Catholic land ownership. This latter reason ought to be explained. A precedent had been set in several early seventeenth-century court cases which precluded a husband from paying his wife's recusancy fines if she did not hold rights to lands or goods. After all, the fine would, in those cases, serve only to penalize an Anglican and not a Roman Catholic and would contradict the spirit of the penal laws.[71]

Jennifer S. Holt, Thomas Fenwick's biographer, wrote off Ann's transference as "a very rash action," due to the supposed impossibility of the Benison estates ever returning to her hands once she had transferred it to a Protestant. Holt noted that Ann, with a father and many cousins who practiced the law, ought to have known better.[72] Both Gillow and Holt do not provide a convincing explanation of this situation. Gillow portrays John Fenwick as being ignorant of the law regarding Catholic inheritance, only discovering that his wife's estates were permanently his when he attempted to reconvey them to her. John, a lawyer who had consented to marry Ann in a Catholic ceremony, must have understood exactly what he was doing by assuming control of his wife's property. Even upon making the unlikely assumption that he did not comprehend the situation, his brother and fellow lawyer, Thomas, was the witness to the contract. Although his profession would seemingly prove that he understood the basic contours of property law, we also know from his subsequent legal struggles with Ann, which were based entirely on Roman

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[70] Tim Stretton and K. J. Kesselring, "Introduction," in *Married Women and the Law: Coverture in England and the Common Law World*, ed. Tim Stretton and K. J. Kesselring (Montreal: McGill-Queen's University Press, 2013), 7–8.
[71] Arthur F. Marotti, *Religious Ideology and Cultural Fantasy: Catholic and Anti-Catholic Discourses in Early Modern England* (Notre Dame: University of Notre Dame Press, 2005), 34, 224.
[72] Holt, "Introduction. Thomas Fenwick and His Time," 12.

Catholic rights to property in English law, that he had a firm grasp upon the subject. Even if we accept the tenuous premise that both of the Wilson brothers were somehow unaware of the stipulations of property law with regards to Catholics, there are still two key figures involved in the familial dispute over the estate who would have understood them to the letter of the law: Ann Fenwick and her mother. As Holt pointed out, Ann's many immediate relatives within the legal profession, as well as her home education, would have afforded her at least a general knowledge of her property rights. Because Ann Winder Benison had been in an interfaith marriage with Ann's father, we may assume that she would have informed her only daughter upon the dynamics of such a union. It is presumptuous and dismissive to believe that none of the parties involved understood the legal arrangement they were entering into. The origin of the perception that each party was ignorant of the details may be found in the Act of Parliament enacted to relieve Ann on June 3, 1772, which stated:

> John Fenwick had no Intention by this Act to deprive your said Subject of her Inheritance; for when he was afterwards informed that by this Conveyence she was destitute of a Provision, he expressed the greatest Concern at what she had done, and would have reconveyed the said Estates to your said Subject, or to some other Person, in Trust, for her, so as to secure to her a competent Provision, if that could have been done consistent with the laws against Popery.[73]

This statement is in itself nearly identical to Ann Fenwick's petition to the House of Lords on March 23 of the same year. Powerful political forces worked to bring about this act for their own ends, a subject which will demands a full investigation in a later chapter. For now, it will suffice to say that the Fenwick Act, being a formalized legal document, offers a partial account of these events. It would not have reflected well upon John Fenwick's personal and legal reputation, his

[73] Great Britain, "Ann Fenwick's Estate Act 1772, 12 Geo. 3. c. 122," June 3, 1772, 2, HL/PO/PB/1/1772/12G3n228, Parliamentary Archives.

wife, or indeed on any persons involved for the statue to note the Benison estates had been conveyed to John Fenwick in order to circumvent the laws that restrained the Roman Catholics.

Furthermore, we must also call into question the premise that John even wish to reconvey Ann's land to her at all. Aside from the 1772 Act of Parliament which served to exonerate her, there is no evidence that Ann's conveyance to her husband was intended to be temporary. It seems more likely that this was an invention by Ann's lawyers to support the legal argument she pursued against Thomas Fenwick in March of 1772. Both the Fenwick Act and the petition presented against Thomas Fenwick portray John as being unaware that he could not reconvey his wife's estates to her.[74] Married couples were considered to be one legal entity, which carried consequences in terms of property rights. In his *Commentaries on the Laws of England*, first published in 1765*,* jurist William Blackstone commented that a wife "cannot by will devise lands to her husband, unless under special circumstances; for at the time of making it she is supposed to be under his coercion," and imperatively, that "all deeds executed, and acts done, by her, during her coverture, are void, or at least voidable."[75] John and Ann Fenwick did not enter into this arrangement because they did not understand the conditions; they did so because they assumed that their union would produce children who could inherit the wealth of their parents. After all, this was exactly the situation of the Benisons when Ann's father had died intestate. That John would die in a hunting accident on February 5, 1757 before the couple could have children was a catastrophe which Ann would continue to mourn until her death.[76] Just as her

[74] "Petition of Ann Fenwick"; Great Britain, "Ann Fenwick's Estate Act 1772, 12 Geo. 3. c. 122."
[75] William Blackstone, *Commentaries on the Laws of England*, ed. Ruth Paley, vol. 1 (Oxford: Oxford University Press, 2016), 286.
[76] Ann Fenwick, "Ann Fenwick to Thomas Fenwick," February 6, 1763, RCHY 2/6/5, Lancashire Record Office. In expressing her great distress, Ann wrote: "This is a season that always brings my heaviest afflications to my memory; Yesterday was a fatal day to me, & is always marked in my calender," in reference to the anniversary of the death of John Fenwick.

father had died before the family's new life could begin at the newly constructed Hornby Hall, so too did her husband die leaving the family in grief and legal uncertainty. This was not, as Holt insinuated, a situation which Ann or any woman could anticipate. The furthest thing from her mind when she conveyed her property to her husband was the prospect of her brother-in-law taking advantage of her status as a recusant to claim all that had belonged to her. As a result of this familial imbroglio, Ann would spend the next 15 years fighting an increasingly desperate battle against her husband's brother for the control of what had been her own family estate.

Chapter Two
Community and Conflict

Blessed Lady and St Joseph
I beg for thee obtain
by Constancy and Courage
I Preseverance may Gain
that this Community
will Please me to admite
and I prove ever Grateful
their Favours nevre forget.

- An excerpt from a prayer by Ann Fenwick.[77]

For Thomas Butler, the late 1750s proved a time of immeasurable stress and difficult decisions. The beloved son of an ancient Catholic family from Lancashire had been studying at the English College at Douay since 1750 with an uncertain goal, though he faced significant pressure from his family to join the priesthood. Alban Butler, a relative belonging to the Northamptonshire branch of the Butler family, had been educated at Douay and ordained in 1734, and was now one of the leading English Catholic scholars of the day. Alban was a close associate of another such scholar, the Bishop Richard Challoner, and is best known for writing the *Lives of the Saints*. In the 1750s, Thomas was still deliberating whether or not he wished to be a priest. After the death of his father in 1754, he received a letter from his brother, Richard, with the details of the patriarch's will. Although Thomas had been bequeathed a £10 annuity for life, he still owed several hundred pounds for the payment of his education, which for the moment was being paid by his family and various benefactors. On August 21, 1757, Richard made it known that these payments on Thomas's behalf would cease "unless you do enter into Religion … if not, you are loosing your time and spending your fortune … but if your pious

[77] Ann Fenwick, "Prayers of Ann Fenwick," n.d., RCHY 2/5/21, Lancashire Record Office.

intentions be for the church you may assure your self to find a sincere and kind Brother in me."[78] Richard also reminded him of another stipulation of their father's will: that Thomas was to be paid £400 upon his ordination as a Catholic priest. This young man now had to decide between alienation from his kin and social network as well as a great burden of debt, or the continued payment of all of his debts, plus a grant of £400, and a warm relationship with his well-connected family. Yet, strong family ties came at the price of entering into the priesthood and serving as a missionary in England. It took him two years to decide in favour of the latter. In 1761 he began serving as mission priest at Hornby Hall in Lancashire and did so for the rest of his life. Consequently, he became a close confidante to Ann Fenwick.[79] Ann, an admirer of Alban Butler's *Lives* and ten years Thomas's elder, immediately took to the priest, working with him to bolster the faith in Lancashire and beyond. This came about because of Ann's own extensive connections and by utilizing the widespread social network of the Butler family, which allowed the pair to fund Catholic organizations and individuals throughout the country. Upon Ann's death in 1777, Thomas Butler, as the executor of her will, was in charge of distributing the thousands of pounds Ann had left in further service of the faith.

Thomas Butler's experience reveals limitations and opportunities which the English Catholics confronted in the eighteenth century. An insight into the complex relationship between these 'Papists' and the Hanoverian state will allow us to understand why Butler took the decision to become a mission priest so reluctantly. Then, we will look at the laws laid out against Catholics at the time and the reasons for their existence. What effect did these laws, much less their enforcement, have upon the population they had intended to limit? A consideration of

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[78] Richard Butler, "To Monsieur Butler," August 21, 1757, RCHY 1/5/1, Lancashire Record Office.
[79] Godfrey Anstruther, *The Seminary Priests: A Dictionary of the Secular Clergy of England and Wales, 1558-1850*, vol. 4 (Great Wakering, Essex, England: Mayhew-McCrimmon, 1969), 53.

Lancashire Catholicism in general establishes the setting and context for the events described throughout this thesis and demonstrates how individuals within the county palatine navigated a purportedly hostile Hanoverian England. In doing so, this thesis expands upon oft-misunderstood notions of agency as possessed by the English Catholic community in Hanoverian England. Before examining Ann's legal struggles in any depth, we must provide further context on Lancashire Catholicism in order to prime the future discussion. Although she found herself in an utterly unique situation, the conditions she was born into and the degree to which she relied upon the nonenforcement of laws and the ardent support of Protestant allies was not at all unusual. Despite her marriage to an Anglican, Ann was certainly more insulated from the wider Protestant community than some of the most successful Roman Catholics in eighteenth-century Lancashire. This can be proven through an examination of the area and the lives of two Catholics: Nicholas Blundell and Alice Harrison, who flourished during the penal times for different reasons. Gauging the state of Catholicism in her native Lancashire through an examination of a broader English Catholic community will help place Ann's experiences in context. Was there anything about the state of the faith in Lancashire that was unique for England? How, in comparison with the rest of England, did fellow Lancashire recusants cope with living in the "penal times?" Were there advantages that these individuals could leverage that Ann could not, and vice versa?

Two widely different people, though each bearing certain similarities with Ann, will be examined in turn. Nicholas Blundell of Little Crosby (1669-1737) is the first of these individuals. Nicholas was several rungs higher on the social ladder than Ann, and the fact that he was a man of significant wealth allowed him certain advantages as well as significant challenges which Ann never encountered. Blundell's comprehensive diurnal offers historians considerable insight into his life and times. Furthermore, Alice Harrison, the Catholic schoolmistress of Fernyhalgh

(1680-1770) also serves as an excellent foil for Ann. Though Alice did not leave any written primary source material, her legacy can be traced through many pupils educated at the school she continuously maintained for decades. Harrison represents what Ann might have become if the latter's material wealth had not been as bountiful as her religious devotion. Living at the same time about 30 miles apart from one another, the consequences of these women's lives intersected through the people they knew and the communities they served. Through an analysis of Blundell and Harrison, as well as Lancashire Catholicism more broadly, we can see that, despite differences in class, successful recusants shared a number of commonalities.

These commonalities primarily relate to active cooperation and integration within a wider Protestant community. As the noted historian Alexandra Walsham has argued, religious nonconformists participated in "the regular round of parochial and civic activities" in order to stay on good terms with the established community.[80] In some cases, nonconformists had no choice but to participate. A proper Christian burial, for example, was not something from which a Roman Catholic, or anyone, could recuse themselves. Like other Christians, Catholics wished to be laid to rest alongside their departed family members, both ancient and recent. This presented a unique difficulty for those whose family had been wealthy enough to afford an interment within the church itself. In these cases, Roman Catholics were forced to draw upon their personal and familial connections within the church in order to reserve a spot of honour in the established church they had spent their lives avoiding and resisting.[81] This was exactly the case of Ann Fenwick, whose father and mother had been laid to rest directly before the steps to the chancel of St. Wilfrid's Church in Melling. From at least 1770 onwards, in the last years of her life, she

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[80] Walsham, *Charitable Hatred*, 208–11.

[81] Peter Marshall, "Confessionalism and Community in the Burial of English Catholics, c. 1570-1700," in *Getting along? Religious Identities and Confessional Relations in Early Modern England - Essays in Honour of Professor W.J. Sheils*, ed. Nadine Lewycky and Adam David Morton (Surrey, England: Ashgate, 2012), 62–63.

regularly recorded paying church dues every April to the church in Melling.[82] We must imagine how Ann, an ardent Roman Catholic, felt when paying church dues to St. Wilfrid's. Did she do so contemptuously? Or, in her pious way, did she accept this as a trial of obedience, comparing her payment to the Anglicans with the biblical account of Mary's offering of turtledoves for her own unnecessary purification during the presentation of Jesus in the Temple?

Eighteenth-century Lancashire, as portrayed through an account of these people's lives, presents an experience in which the terminology of "toleration" is insufficient. This was, as the historian Susan Cogan notes, a place for "religious coexistence," an environment where, generally, both Protestants, whether they be members of the established church or nonconformists, and Roman Catholics chose to work more for a common good than they did for the other's disadvantage. A terminology of coexistence is effective because it allows for a proper recognition of agency. A description of "religious tolerance," prompts images of a Protestant majority allowing for a meek and humble Catholicism to exist in their communities. The term "coexistence," as Cogan aptly describes, reflects a series of diverse experiences that took place when two religious communities intersected.[83] The neutrality of the term does not imply either positive or negative interactions, simply that the two "coexisted." Though Catholics such as Blundell and Harrison were deeply aware that they were unable to function without the willing participation of Protestant allies, written material left behind by Ann Fenwick reveals that Catholics did so begrudgingly, resenting the legal status forced upon them by an Anglican state. This observation is important for it helps reorient the history of English Catholicism by

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[82] Ann Fenwick, "The Household and Estate Accounts of Ann Fenwick," 1770, RCHY 2/4/24, Lancashire Record Office.
[83] Cogan, *Catholic Social Networks in Early Modern England*, 30.

considering the Catholics themselves rather than upon the Protestant communities within which they lived.

Nicholas Blundell of Little Crosby is best known for his diurnal which has been used by historians to gain insight into his thoughts upon both the horticultural and medical practices of the English gentry, as well as the life of domestic servants within the eighteenth century.[84] However, one important detail about Blundell not entirely explored in full by historians was his Catholicism. This may be taken as an indication of his success; his status as a recusant was relatively inconsequential in light of the challenges he faced that histories may be written on him which forgo any prolonged discussion of his recusancy. From his daily entries, we can also see that Blundell indulged in cockfighting.[85] For him, this was more than just a hobby. Cockfighting was less than appropriate for a man of Blundell's station, being a vulgar sport in which he would be forced to make company with men who were clearly beneath him.[86] From his other habits, we can see that clear that Blundell was a man of recreation and leisure, belonging firmly to the social elite. However, his deep interest in cockfighting shows that he did not use his wealth and status to shield himself against interaction with his plebeian Protestant countrymen, but as a means of accessing their social circles. As Walsham noted, Catholics mingled and interacted with Protestants by means of activities which would have certainly been discouraged by their priests, though the laity often found such occasions necessary, and enjoyable. Thus, if not simply for

[84] John Edmondson and Jennifer Lewis, "A Lancashire Recusant's Garden, Recorded by Nicholas Blundell of Crosby Hall from 1702 to 1727," *Garden History* 32, no. 1 (2004): 20–34, https://doi.org/10.2307/1587311; Sophie Mann, "'A Dose of Physick': Medical Practice and Confessional Identity within the Household," *Studies in Church History* 50 (2014): 282–93, https://doi.org/10.1017/S0424208400001777; Bridget Hill, "Nicholas Blundell's Servants," in *Servants: English Domestics in the Eighteenth Century* (Oxford: University Press, 1996), https://doi.org/10.1093/acprof:oso/9780198206217.003.0008.
[85] Blundell, *The Great Diurnal of Nicholas Blundell of Little Crosby, Lancashire*, 2:51.
[86] Vickery, *The Gentleman's Daughter*, 214.

their simple recreation, such pursuits helped integrate them within the broader community.[87] In detailing the excitement brought on by a day of cockfighting on February 13, 1713, Blundell recorded his plans to have another session of the sport with his friends on Easter Monday, "to play eather Battle Victory or Battle Royall,"[88] an event hardly suited for devout Catholics or Christians more generally in the week of Easter, the most sacred season within the liturgical calendar. Surprisingly, gambling was one habit shared by both between Ann Fenwick and Nicholas Blundell. Ann occasionally played card games, but very rarely went to the horse races. On June 6, 1770, she recorded losing one shilling as a result of her betting at the track.[89] It is worth noting that Ann only ever recorded her losses from playing cards, never her gains. It seems as if she was simply poor at the game because she only played socially, an indication that she only participated to be part of the local community. Alternatively, it may be the case that she never recorded her winnings in her account books. Whatever the case, it can be noted that even the pious Ann Fenwick found some reason to gamble on occasion in social settings, indicating how useful and unifying these simple forms of recreation could be.

During the Jacobite Rising of 1715, Nicholas recorded that his home was searched several times "for Horses, Armes, and Gunpowder," which were prohibited for him to possess on the basis of his religion.[90] His relationships with his Protestant countrymen paid off as he was forewarned of these searches and could react accordingly. On October 31, 1715, when the Jacobite forces were at their peak, Nicholas Blundell stayed with a tenant all day while the authorities searched his home yet again. Nicholas recorded that he "came not in till dark Night

[87] Walsham, *Charitable Hatred*, 209.
[88] Blundell, *The Great Diurnal of Nicholas Blundell of Little Crosby, Lancashire*, 2:51.
[89] Fenwick, "The Household and Estate Accounts of Ann Fenwick," 1770.
[90] Blundell, *The Great Diurnal of Nicholas Blundell of Little Crosby, Lancashire*, 2:144.

expecting a Call."[91] This suggests not only that he was in good standing with his neighbours and tenants, but that he also had a direct or indirect connection to the local constabulary. This was common for Catholic members of the landed gentry but remained important for those who were not elite either. This could be a potentially life-saving act of kindness, as Nicholas Blundell regularly sheltered Catholic priests in his home. As the tide turned against the Jacobites in the '15, he would find himself engaging in this activity much more frequently, especially to support those fleeing from the fighting in Preston in November of that year.[92] However, it was not always a Protestant who directly warned Nicholas about a search. On July 6, 1718, Nicholas recorded that he "expected som unwelcome Gests," and accordingly "prepair'd for them." The day before, Nicholas wrote that "Pat: Gelibrond came very late & brought word we might soone expect a sevear Serch for Priests."[93] "Pat" was a shorthand term for *Pater*, indicating that this was Father Gelibrond, a Jesuit priest and his cousin.

This consideration of Nicholas Blundell serves two purposes. Firstly, to detail the experience of a member of the English Catholic gentry in Lancashire in order to explore the social connections which helped to sustain the Roman Catholic faith. Summarizing the state of the Lancashire Catholics by using the Blundell family to exemplify them, John Bossy wrote that "they were a comfortable, well-established body, not incurious or un-willing to experiment, but satisfied with the pattern of their lives, intent on country concerns, and convinced that the world would get on all right if only people would let it alone. With these characteristics they were not badly equipped for survival."[94] While Bossy is correct, there were exceptions to this rule. Ann Fenwick was indeed one of them. Much has been written about the continued strength of

[91] Blundell, 2:150.
[92] Blundell, 2:152.
[93] Blundell, 2:235.
[94] Bossy, *The English Catholic Community, 1570-1850*, 94–95.

Lancashire Catholicism after the Reformation. The historian Christopher Haigh has argued that during the pivotal moments of Henrician reform, the emergent Anglican Church's and the state's control of this historically impoverished region was weak, and that the Catholicism had entered a period of popularity.[95] Because of this, reformation gave way to multiple forms of rebellion which could become violent, as during the Pilgrimage of Grace, demonstrating that the Reformation would not easily uproot Catholicism in Lancashire. The second purpose of this discussion is to explore just how unique a personality Ann Fenwick seems to have been when compared to her peers. Bossy's apt summary of the Blundells and Lancashire Catholicism in general is unapplicable to Ann. This is not a critique of Bossy; his assessment is correct, and Ann, being a rare exception, helps to prove the rule. Ann Fenwick was, through familial, legal, and even health problems, a chronically uncomfortable person who was, for the majority of her life, inhabited an uncertain legal purgatory. Ann was not content with being a passive supporter of her faith, even when, at times, her activities placed her at incredible risk when she was under the full scrutiny of the authorities. The range of her philanthropy was not restricted to Lancashire or even Northern England more broadly, instead extending all the way to London and Douay College in France. Though Nicholas Blundell was a member of the gentry, Ann Fenwick was a member of the middling sort, whom by her lifetime were growing in both size and importance to the Roman Catholic faith in England.[96] One striking difference between Ann Fenwick and Nicholas Blundell remains, however: Blundell was, in 1715, forced as a suspected Jacobite to flee England for several years and did not return until the risk of persecution had dissipated. If he

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[95] Christopher Haigh, *Reformation and Resistance in Tudor Lancashire* (London: Cambridge University Press, 1975), 116–17.

[96] Aveling, *The Handle and the Axe*, 252; For more information on the middling sort, see Henry French, *The Middle Sort of People in Provincial England, 1600-1750* (Oxford: University Press, 2007); Roy Porter, *English Society in the Eighteenth Century* (London: Allen Lane, 1982).

had such fears because of his activity in sheltering priests, we may assume that Ann's activity: the establishing of a Catholic mission, financially supporting Catholic institutions within England, and aiding in converting and catechising Protestants, warranted even greater legal repercussions than Blundell's crimes, which had prompted him to seek refuge on the European continent. However, there are no records of, and Ann made no reference to, any attention from the constabulary or any need to lay low or flee the country as Blundell had. Though her status and gender may be reasons for this lack of state persecution, the time and place in which she lived certainly saved her from legal peril as well. Further proof of this may be found in Alice Harrison, whose actions would have caused her to be martyred had she lived a century earlier.

The lack of any scholarly research on Alice Harrison represents an opportunity for expansion in the field of eighteenth-century Catholic studies. This woman's influence far surpassed her humble origins, and though none of her writing has survived, her legacy was the vast number of priests, scholars, and laypeople who began their education in Dame Alice's classroom at Fernyhalgh, located just outside Preston in Lancashire. The antiquarian, Joseph Gillow, noted that "many of the most able of zealous missioners of [the eighteenth century] were pupils in the early life of 'Dame Alice' and indeed this famous school was in reality nothing less than a nursery for the English colleges abroad."[97] Alice Harrison began life as a part of a middling sort Anglican family, though she converted to Catholicism before coming of age through her own private study. Her access to Catholic materials in the first place signified forms of intimacy between Protestants and Catholics in the area, with Catholics bold enough to catechise and convert their neighbours and their children. Despite the tolerance of the broader

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[97] Joseph Gillow, *A Literary and Biographical History, or Bibliographical Dictionary, of the English Catholics from the Breach with Rome, in 1534, to the Present Time*, vol. 3 (London: Burns & Oates, 1885), 146, http://archive.org/details/literarybiograph03gilluoft.

community, which allowed for the transmission of these differing theological beliefs, attitudes were not always so generous when parents were forced to confront the reality of their children converting from within their own household. In Alice's conversion, she suffered grievous abuse at the hands of her father. This was recorded in a 1816 letter from one of Alice's former students, Richard Southworth, who noted that Alice's home life was "a kind of martyrdom," and that her father expelled her from the family home. Thereafter, the Catholic priests at Fernyhalgh "took her under their protection, and encouraged her to set up a little school."[98] Southworth was himself a Vice President at Douay College, one of many of Alice's students who went on to be educated at or hold administrative roles at that French institution. Alice Harrison's school was unique in that it was interdenominational; both Catholic and Protestant parents sent their children to be educated there. This intermingling of children signals a greater degree of integration, perhaps even toleration, between the faiths than previously noted by historians.

Although Ann Fenwick's education is perhaps unsurprising to due her relatively privileged status and her mother's history at Hammersmith, Alice Harrison's schooling proved that wealth and social status were not necessarily required in order to obtain an excellent education in the Catholic tradition, even when such an education was illegal in the Anglican England of the 18th century. Although historian Eric G. Tenbus deemed the state of English Catholic education before the 1850s as being "decentralized, irregular and poverty-stricken," certain institutions, like Hammersmith, proved to be exceptions to this rule.[99] Fernyhalgh, too, was something of an outlier. The pupils who emerged from Dame Alice's humble little school included Alban Butler, the author of the *Lives of the Saints*, Charles Dodd, the church historian,

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[98] Richard Southworth, "Letter of Richard Southworth, December 15, 1816," *The Catholic Magazine and Review* 2 (1832): 484–85.
[99] Eric G. Tenbus, *English Catholics and the Education of the Poor, 1847-1902* (London: Pickering & Chatto, 2010), 13.

and Hugh, Richard, and Henry Kendal.[100] One of the Kendal brothers, Hugh, is notable in that he forms a link between Ann Fenwick and Alice Harrison. In May 1763, Hugh Kendal was appointed as the first president of Sedgley Park, a new Catholic institution of education in Staffordshire created at the behest of Richard Challoner.[101] Kendal proved a guiding figure within Sedgley Park for many years. In a letter addressed to Ann Fenwick sent on June 21, 1772, Kendal thanks her and Thomas Butler for recommended a new Master for Sedgley Park. Although the man the pair recommended had previous engagements in the West Indies and could not commit to the position, Kendal remained infinitely grateful for Ann and Thomas's guidance. The letter also hints at familiarity: not only did Kendal inform Ann that he had recovered from his bout of the gout, but he also enthusiastically congratulated Ann on her recent legal victory over Thomas Fenwick.[102] This intersection between Alice Harrison and Ann Fenwick reveals much. If Alice can be said to have provided a nursery for the Roman Catholic faith in England, Ann was the woman who bankrolled it. Of course, neither a nursery nor a bank would matter much to the Roman Catholics without a social structure to support them.

Was it possible for someone to cast off their status as a recusant and participate more fully in public life? Nicholas Blundell, Alice Harrison, and Ann Fenwick all had to grapple with this question. There were several paths forward for those keen or bold enough to pursue them. A radical yet obvious choice for those seeking to remedy their political exclusion was apostatizing and accepting, through conversion, the Anglican Church. As historian Joanne E. Myers remarked, this was hardly a practical or a reasonable suggestion, akin to advising a married

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[100] Gillow, *A Literary and Biographical History, or Bibliographical Dictionary, of the English Catholics from the Breach with Rome, in 1534, to the Present Time*, 3:147–48.
[101] F.C. Husenbeth, *The History of Sedgley Park School, Staffordshire* (London: Richardson and Son, 1856), 17.
[102] H. Kendal, "H. Kendal to Ann Fenwick," June 21, 1772, RCHY 2/6/9, Lancashire Record Office.

woman seeking to avoid the impositions of coverture to orchestrate her own widowing.[103] This is not to say that apostasy did not take place; the opportunity cost for remaining Catholic was just too large for some to accept. 1714-1850 is commonly regarded as a period of great decline for the English Catholic gentry because of widespread Catholic conversion. Historical estimates show that there were roughly 400 Catholic landowning families in 1700 and about 200 just 70 years later.[104] Many members of the aristocracy had much to gain by submitting to the established church and, conversely, much to lose by remaining loyal to the Roman Catholic Church. Though there was a wave of apostasy among the Catholic gentry in this period, the earnestness of these conversions, which were usually performed for financial and political gain, was dubious.[105] Though apostasy, sincere or not, was certainly the most direct way of solving the penalties of the Catholic faith, it was far from the only or most common method of achieving relief. Alice, Nicholas, and Ann all found ways to circumvent or at least dampen the effects of the restrictions against them. Through an examination of Nicholas and Alice, it is clear that both the modest and the wealthiest members of society could stay relatively insulated from the penalties which they were likely to have imposed upon them. This was achieved through mutually beneficial personal relationships with Protestants. In this regard, Ann Fenwick was no different. However, unlike Nicholas or Alice, we know that Ann harboured explicitly anti-Protestant and anti-Hanoverian sentiments, especially later in her life.

Blundell, Harrison, and Ann Fenwick had all been effective in cultivating mutually beneficial relationships with Protestant neighbours. All three could not have carried out their

[103] Joanne E. Myers, “Catholics, Property, and the Experience of the Penal Laws in Eighteenth-Century England: Evidence from the Vincent Eyre Manuscripts,” *British Catholic History* 36, no. 1 (May 2022): 82, https://doi.org/10.1017/bch.2022.5.
[104] Bossy, *The English Catholic Community, 1570-1850*, 325.
[105] Aveling, *The Handle and the Axe*, 262–63.

activities without the consent of Protestant companions. None of these three were crypto-Catholics who practiced their faith behind closed doors while declaring adherence to Anglicanism in their public lives. They were not occasional conformists. If someone like Nicholas Blundell was one such 'church papist,' why would his Protestant neighbours deem it necessary to warn him of a constabulary search party? This was part of a wider trend experienced by Catholics which stressed engagement and cooperation with the Anglican aristocracy. This does not mean that feelings of fellowship were entirely artificial, as evidenced by Nicholas Blundell's passion for cockfighting.[106] While this strategy can be traced and tracked through the movements and actions of the Catholic gentry, Alice Harrison's experience demonstrates that this trend of cooperation through mutual interest was apparent even in those Catholics who did not benefit from elite privileges. Although Ann Fenwick seems to have been more hostile to Protestantism than Harrison and Blundell, ironically, she interacted with and relied upon members of the established church more than either of them.

Legal Realities: English Catholics in the Eighteenth Century

Before turning to Ann's long struggle with her brother-in-law, it is necessary to consider the laws against the English Catholics in the eighteenth century to properly understand the legal contexts in which she lived. According to the statutes of the law, Ann Fenwick would have found it difficult to be more subversive than she already was. Despite a mood of increasing toleration, both Protestant and Catholic contemporaries held an expectation that certain laws, largely unenforced yet still unrepealed, could be dispensed at the discretion of the state. Such a case is exemplified by Thomas Fenwick's overconfidence whilst pursuing his legal contrivances against

[106] Glickman, *The English Catholic Community, 1688-1745*, 129–30.

his sister-in-law and in Thomas Butler's hesitation to be ordained as a Catholic priest. Furthermore, certain provisions in Ann Fenwick's spiritual will reveal to us how these laws seriously affected the minds of English recusants, even if they were largely unenforced. As this discussion will ultimately demonstrate, Ann was not simply a passive practitioner of the Roman Catholic faith, for which she was already a criminal under British law, but a highly connected and eminently active member of a Catholic community which took radical steps to propagate the faith throughout England. If this was not sufficiently unlawful enough, Ann was also a staunch Jacobite, possessing ideas consistent with the sort of confessional politics which were so controversial that the exiled Stuart pretenders themselves had already distanced themselves from them.[107] This confessional identity did not distinguish the Stuart's Catholicism from the political activity, allowing them to be depicted as an absolutist 'Papist' threat by the Anglican state.[108]

William Blackstone's *Commentaries* presented the laws and penalties present against the Roman Catholics in Ann Fenwick's time clearly and succinctly. As "recusants," the Catholic population could not participate in government in any official capacity. The common lay Catholic could not, by law, inherit or purchase land, nor travel five miles from their home without written permission, nor could they hear mass without incurring both a hefty fine and a year's imprisonment.[109] Catholic priests were subject to all of these same restrictions and warranted more severe punishment because of their vocation. If these priests were discovered, captured, and convicted, special prisons had been established where they could be kept for life in solitary confinement.[110] Knowing this, we may better understand why Thomas Butler hesitated to

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[107] For overviews on Jacobitism, see Paul Kléber Monod, *Jacobitism and the English People, 1688-1788* (Cambridge: Cambridge University Press, 1989); Murray Pittock, *Jacobitism* (London: Macmillan Press, 1998).
[108] Glickman, *The English Catholic Community, 1688-1745*, 97–99.
[109] William Blackstone, *Commentaries on the Laws of England*, ed. Ruth Paley, vol. 4 (Oxford: Oxford University Press, 2016), 36.
[110] Aveling, *The Handle and the Axe*, 246.

become a mission priest in England and why his family felt it necessary to dangle so many incentives before him in order to encourage him into his vocation.[111] Looking back to the Glorious Revolution and its aftermath, a trend of nonenforcement of these very same laws against Roman Catholics reveals itself. The Toleration Act of 1688 allowed greater freedom for Protestant nonconformists but explicitly excluded the Roman Catholics from any such benefits. Despite this, the restrictions against recusants were still quite elastic. The wording of the 1715 Papists Act, which bolstered the preexisting legislation against the Catholics as a result of the Jacobite Rebellion of that year, made it known that the time of lax enforcement was over because the Catholics had again demonstrated that they could not be trusted to operate as loyal subjects in a Protestant kingdom. The Protestant lawmakers claimed that they previously acted much too leniently with the recusants:

> omitting to put in Execution the many Penal Laws which (on Occasion of the many just Provocations they have given, and horrid Designs they have framed for the Destruction of this Kingdom, and the Extirpation of the Protestant Religion) have been made against them; and notwithstanding they have Enjoyed, and do still Enjoy the Protection and Benefit of the Government.[112]

Here was an explicit acknowledgement within an Act of Parliament that the government had failed to enforce certain laws against the Roman Catholics. The following analysis will demonstrate that this failure continued as the eighteenth century progressed. After the Glorious Revolution and despite this statement made within the 1715 Papists Act, enforcing the penal laws was a choice, not a hard requirement, which depended upon the political situation within Britain and Europe as a whole, as well as on individual and communal attitudes within law enforcement,

[111] Butler, "To Monsieur Butler," August 21, 1757.
[112] Great Britain, *An Act to Oblige Papists to Register Their Names and Real Estates* (London: Printed by John Baskett, 1716), 711, https://link.gale.com/apps/doc/CW0124293790/ECCO?sid=gale_marc&xid=8cbbccc4&pg=1.

the courts, and on sectarian moods within the broader locality. More often than not, enforcing the penal laws was a deeply unpopular option which was continuously made more difficult not only because of political pressure, but because of certain loopholes in laws which were carefully introduced by enemies to anti-Catholic legislation.

Blackstone himself understood that the mood among the elite was trending towards tolerance and that the measures enacted against Catholics were untenable, commenting that "these laws are seldom exerted to their utmost rigor: and indeed, if they were, it would be very difficult to excuse them."[113] Blackstone, writing the most accepted legal commentary of the time, openly observed that certain laws ought not to be enforced. This was a clear indication of their general unpopularity in the late 1760s when his *Commentaries* were published. Furthermore, the fact that Ann Fenwick inherited her father's estate without legal difficulty and faced no legal persecution for violating any laws throughout her life is proof that Blackstone's words rang true in a practical sense. Anthony J. Williams, in his own analysis of the laws laid out against Catholics from 1660 onwards, showed that while legislation continuously grew more severe, such laws would only be widely enforced amidst surges of popular anti-Papist sentiment, as during the Popish Plot of 1678.[114] It is also telling that such outbursts did not produce any lasting increase to anti-Catholicism. Furthermore, a rural setting, like much of Lancashire, was relatively insulated from these moods.[115] Even in the city, recusants could depend upon sources of aid from unlikely places, as was the case in London from 1767-1771. In this time, an anti-Catholic, William Payne, made his living by infiltrating Catholic groups with the goal of gathering information and bringing forth charges against them. The state had made this occupation quite

[113] Blackstone, *Blackstone's Commentaries*, 2016, 4:37.
[114] J. Anthony Williams, *Catholic Recusancy in Wiltshire, 1660-1791* (London: Catholic Record Society, 1968), 27.
[115] William Sheils, "'Getting on' and 'Getting along' in Parish and Town: Catholics and Their Neighbours in England," in *Catholic Communities in Protestant States* (Manchester: Manchester University Press, 2009), 80.

lucrative. If an individual presented information which led to the conviction of either a Roman Catholic mission priest, or parents who had sent their children to obtain a Catholic education abroad, he would be awarded £50 per case.[116] Payne seemed to be a particularly successful. He informed on over a dozen priests arrested in these years, including Bishop Richard Challoner himself. Payne was, in many respects, a man who missed his time. He was simply an opponent of active Catholicism in London which, according to the penal laws, should not have existed.[117] Despite the zealotry of individual anti-Catholics like Payne, men of authority like Lord Mansfield, the Lord Chief Justice, refused to bring charges against priests without evidence of their ordination.[118] Already challenging, these difficult tasks proved even more so with the dissolution of the English College at Douay in 1793 amidst the chaos of the French Revolution. By requiring proof of ordination, Mansfield had removed the ease of informing against priests. Even Bishop Challoner, one of the most widely known Roman Catholic figures in England at the time, was released without charges. Men like Mansfield, who believed in the principles of religious toleration toward Roman Catholics which were expressed at the accession of William and Mary in 1688, were becoming increasingly common. This was a period in which toleration was increasingly seen as virtuous, making informers such as William Payne a rarity by the late eighteenth century.[119]

Why, until the passage of the first Catholic Relief Act in 1778, did the penal laws remain despite the fact that contemporaries recognised them as unjust? Even amidst arguments for religious toleration, distrust of the Catholic population was seen as natural because of their

[116] Aveling, *The Handle and the Axe*, 246.
[117] Joanna Innes, *Inferior Politics: Social Problems and Social Policies in Eighteenth-Century Britain* (Oxford: University Press, 2009), 326–27.
[118] Eamon Duffy, *Challoner and His Church: A Catholic Bishop in Georgian England* (London: Darton, Longman & Todd, 1981), 22.
[119] Steven C. A. Pincus, *1688: The First Modern Revolution* (New Haven: Yale University Press, 2009), 457.

association with Jacobitism.[120] Early in the eighteenth century, and especially after the failed 1745 rising, English Catholic support for the Stuarts ebbed, marking the end of any serious Jacobite threat and signalling a growing Catholic loyalty to the Hanoverian dynasty.[121] This period of quelled internal tensions did not mean that the state threw caution to the wind even though contemporaries understood all too well that being Catholic was not a necessary prerequisite for Jacobitism. The answer, then, may be found in part within the party politics of the era. In the decades after the Glorious Revolution, the Whigs succeeded in linking their party to the Hanoverian regime and the Tories to Jacobitism. This Jacobite taint was doubly disadvantageous for the Tories since Protestant Jacobites were viewed as being even more traitorous than their Catholic equivalents.[122] Under this line of thinking, the Protestant Jacobites were betraying both their rightful king and the established Church. The Roman Catholics, though also guilty of disloyalty to the Hanoverians, were at least loyal to their faith and to their ultimate monarch, the Pope. Indeed, the Papacy's official recognition of the Stuarts as the rightful ruling dynasty of Great Britain forced lawmakers to confront difficult questions about the Catholic population. If 'Papists' owed ultimate allegiance to Rome, how could they be trusted to live in civil society after Rome claimed that the Hanoverians were illegitimate monarchs?[123] The reasons lawmakers had for bringing about anti-Catholic legislation only multiplied when the Stuart pretenders themselves were taken into consideration. In this period, religious toleration depended on political allegiance; for Catholics, this tension proved intractable.

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[120] Haydon, *Anti-Catholicism in Eighteenth-Century England, c. 1714-80*, 258–59.
[121] Aveling, *The Handle and the Axe*, 254–55.
[122] Christopher Dudley, "'They May Well Bear the Same Name': The Revolution and the Succession in the Election of 1715," in *The Hanoverian Succession in Great Britain and Its Empire*, ed. Allan I. Macinnes and Brent S. Sirota (Woodbridge, Suffolk, UK: The Boydell Press, 2019), 52–53; Pincus, *1688*, 453.
[123] Jacqueline Rose, *Godly Kingship in Restoration England: The Politics of the Royal Supremacy, 1660-1688* (Cambridge: Cambridge University Press, 2011), 244–45.

The exiled Stuarts did the British Catholics no favours. Their mere existence as pretenders served to exacerbate divided allegiances for all who practiced Roman Catholicism. The rather draconian measures enacted against Catholics had been bolstered by the Popery Act of 1698, signalling the state's intentions to be a bulwark against 'Popery' as a remedy for a nascent Jacobite rebellion. These legislative tools were proactively put in place to allow the constabulary to staunch hints of rebellion and were not necessarily active restrictions to be zealously enforced. This threat to the Hanoverian reign seemed to be existential, carrying connotations not just of the Catholic Stuarts, but of a pro-French universal monarchy of the kind that had gripped the Whiggish political imagination through the Exclusion Crisis during the reign of Charles II and especially during the monarchy of James II (1685-1688).[124] The Old Pretender himself, James Edward Stuart, understood this and sought to rehabilitate his image amongst the British Protestants. He and his supporters attempted to offset the perceived foreignness of the Roman Catholic faith by promoting ecumenism and by emphasising the non-British origin of the Hanoverians.[125] Despite his tolerant attitude, the would-be James III could not overcome the barrier that his religion presented to achieving popular support, which harmed his claim of a divine right to the throne. In 1759, when it became public knowledge that Charles Edward Stuart had apostatised, the Pope no longer recognised the Stuarts as the rightful monarchs of England, relieving a major external inconvenience for Catholics in England.[126] The longevity of the penal laws demonstrated exactly how seriously the Hanoverian state took the threat of a Catholic rebellion. Even though penal laws were recognized as inexcusably cruel by leading political,

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[124] Andrew C. Thompson, *Britain, Hanover and the Protestant Interest, 1688-1756* (Woodbridge, UK: Boydell Press, 2006), 44–45; Tim Harris, *Revolution: The Great Crisis of the British Monarchy, 1685-1720* (London: Penguin, 2007), 182–85.

[125] Jeffrey S. Chamberlain, "The Jacobite Failure to Bridge the Catholic/Protestant Divide, 1717-1730," in *Religious Identities in Britain, 1660-1832*, ed. William Gibson and Robert G. Ingram (Aldershot: Ashgate, 2005), 82–85.

[126] Aveling, *The Handle and the Axe*, 254.

philosophical, and legal minds, the perceived severity of a Catholic Jacobite (and pro-French) threat to the Hanoverian establishment was so dire as to wholly prevent their abolition. Even when the penal laws were revoked, it was to be a gradual process, beginning in 1778 with the Papists Act, and continuing until Catholic Emancipation in 1829 when most provisions were abolished with the passage of the Roman Catholic Relief Act.

Despite any outward declaration of toleration in society, contemporaries within legal and intellectual spheres understood why these laws were in place and voiced their reasonings in their writings, as we will see with Blackstone in his *Commentaries* and John Locke in several of his works. As historian has Linda Colley pointed out, it would be uncharitable to see the continuation and longevity of the legislation against Catholics as the result of the uninformed prejudices of irrational bigots.[127] The threat of Jacobitism and of Catholic absolutism more broadly presented a rational basis in the minds of Hanoverian Britons for these restrictions and guaranteed that Catholics would not, for the entire eighteenth century, be emancipated from the penal laws. This fear had originally been a primary reason for the exclusion of Catholics from the Toleration Act of 1688. John Locke, the English philosopher well known for his tracts promoting liberal thought and religious toleration, had argued as early as 1667 that unlike the Protestant nonconformists, Catholics could not receive the full benefits of toleration because of the implicit threat that their faith and loyalty to the Papacy presented Anglican England's security.[128] The solidarity between the established church and the dissenting nonconformists presupposed and even required the exclusion of the Catholics from civil society. This reveals the true extent to which the abstract concept of Catholic absolutism, rather than any specific English Catholics,

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[127] Linda Colley, *Britons: Forging the Nation, 1707-1837*, Revised edition (New Haven, CT: Yale University Press, 2008), 22–25, https://doi.org/10.12987/9780300177206.
[128] Maurice Cranston, "John Locke and the Case for Toleration," in *On Toleration*, ed. Susan Mendus and David Edwards (Oxford: Clarendon Press, 1987), 104.

was feared. In other words, the penal laws were not intended to restrict freedom of the minority, but to safeguard it for the majority. For a state like England, and later Britain, which had become increasingly concerned with questions of liberty, these were not decisions, in 1688 and, thereafter, to be made casually.

Even if the penal laws were repealed, they could just as easily be reintroduced should any other Catholic threat emerged. As Blackstone wrote, “when all fears of a pretender shall have vanished… it probably would not then be amiss to review and soften these rigorous edicts; at least till the *civil* principles of the roman-catholics called upon the legislature to renew them” (emphasis his own).[129] Blackstone’s emphasis on the “civil” mood of the Catholic community insinuated that religious persecution on its own was no longer tenable and that any further persecution of the Catholics would be a result of their disobedience to the state, not on the sole basis of their religious persuasion. In the published philosophies and discourses of the 1760s and 70s, polemicists continued to portray Catholicism as ridiculous and superstitious, though not worth any minor sense of validation and attention afforded to it by state persecution.[130] This ridicule was actually an informal toleration, not based on any popular mood of reconciliation between the Roman Catholics and the Church of England, but on the extension of the general philosophy of toleration to the Papists after the threat of Jacobitism had evaporated. Locke himself signalled this changing sentiment within his 1689 *A Letter Concerning Toleration*, in which he defended the right of individuals to believe in Catholic doctrines in principle, though he tempered this sentiment by arguing that the state was well within its rights to withhold toleration

[129] Blackstone, *Blackstone’s Commentaries*, 2016, 4:37–38.
[130] Haydon, *Anti-Catholicism in Eighteenth-Century England, c. 1714-80*, 166–69.

from Catholics in order to safeguard civil society.[131] The notions espoused by Blackstone in his *Commentaries* just under a century later, then, were a continuance of these same Lockean ideas.

Just as those within the state could not yet discard the idea of bringing back more strict enforcement of the penal laws as a means of safeguarding their authority against Catholic Jacobites, recusants accordingly understood that their informal liberty was a privilege which could be revoked at any time. This fact, as well as the severity with which established church Protestants regarded the Catholic issue, has occasionally been taken for granted within the historiography. The historian Nigel Abercrombie, writing about the conditions of the Catholic community on the eve of the Roman Catholic Relief Act of 1778, posited that "it is easy to doubt whether the grievances of the British Catholics in 1778 posed any serious threat of this kind … [British Catholics] were theoretically at risk under the law but in practice were only occasionally endangered."[132] Though Abercrombie readily admits that the benefit of hindsight offers such a perspective, this idea may still cloud our judgement of how English Catholics viewed their own circumstances. Persecutions may have only taken place occasionally, but the restrictions themselves still threatened Catholics. In Ann Fenwick's case, this recognition is made clear by looking at her first spiritual will. Here, "spiritual will" refers to a type of will drafted by Catholics which contained illegal provisions, like the granting of money to Catholic institutions or requesting that a Catholic mass be said for the testator.[133] Recusants, then, were forced to produce a "civil will" as well which contained no references to their faith and thus could be certified by the probate. Essentially, this was a way for an English Catholic to render therefore to Caesar the things that are Caesar's whilst still fulfilling obligations to their brethren in the faith.

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[131] Cranston, "John Locke and the Case for Toleration," 108–9.
[132] Nigel Abercrombie, "The First Relief Act," in *Challoner and His Church: A Catholic Bishop in Georgian England*, ed. Eamon Duffy (London: Darton, Longman & Todd, 1981), 176.
[133] Foley, *Some People of the Penal Times*, 33.

The spiritual will did not necessarily revoke the stipulations of the civil will. The major difference between the two is that the former would be created and administered without producing an official record. In her first spiritual will, created in 1767, Ann left the tidy sum of £1000 for the maintenance of the Catholic community in Hornby and Claughton, but thought it necessary to make a special provision to maintain a priest "in case of troublesome times," and added an extra, more extreme provision, "if such should be the misfortune of our unhappy country that a persecution should be continued for some years."[134] These stipulations would put the £1000 on hold in the event of a crackdown on the faith, with a revival of the Catholic mass to take place using those same funds if restrictions ever loosened. Despite the very clear mood of toleration, in hindsight, historians now recognise, these special provisions remind us that toleration was not inevitable, and that the prospect of more radical, widespread persecution remained not just in the Catholic imagination, but well within the realm of possibility for lawmakers as well if the prospect of political instability and widespread rebellion became reality. Catholics living in this transitional period between persecution and toleration understood that their situation was Damoclean.[135]

Because the situation depended so strongly factors beyond their control, such as the status of the Pope, the Stuart pretenders, and relationships between Britain and the Catholic states in Europe, for ordinary British Catholics the prospect that penal laws could suddenly be enforced or tightened always loomed. External events, which included Bourbon support for the Catholic Stuarts, or in the Jacobite rebellions of 1715 or 1745, often prompted a highly public display of anti-Catholicism by the state to bolster domestic stability. These actions often took the form of

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[134] Ann Fenwick, "The Spiritual Will of Ann Fenwick," September 19, 1767, RCHY 2/1/59, Lancashire Record Office.
[135] Williams, *Catholic Recusancy in Wiltshire, 1660-1791*, 3.

increased persecution against the English Catholics.[136] For members of the established church in Britain, the St. Bartholomew's Day massacre in France in 1572 and the subsequent presence of the Protestant Huguenots in Britain, provided a reminder of the dangers that a Catholic kingdom could pose to its Protestant residents. This, along with news of the persecution of Protestants in Spain and other Catholic states, demonstrated a need for solidarity against the subversion of Catholics at home and abroad.[137] These threats, especially as they became part of a nationalist mythos, signalled a constant threat of Popery and Catholic absolutism. This mythos was reinforced not only through current events in Europe, but by the presentation of British history at home. As historian Linda Colley argued, the long-standing intolerance of Roman Catholicism by the Protestant majority within Britain was rooted in how the nation's history was depicted. The popular history being printed in this period bombarded the populace with a portrayal of British history in a distinctly anti-Catholic lens, highlighting the supposed tyranny and foreignness innate to Roman Catholicism.[138] Through these depictions, the nation's perception of itself was partially founded upon the basis of Protestantism as the natural British religion, with internal British Catholicism relegated to the role of an increasingly weak and desperate antagonist.

Fostering Relationships

Because of the death of her father at a young age, and her tendency to stay at home due to her perpetual poor health, one of the more remarkable aspects of Ann's life was her vast social network. Though many of her most valuable connections stemmed from familial ties (her mother and her godparents) she effectively carved out mutually beneficial relationships by herself. The

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[136] Marie B. Rowlands, "Hidden People: Catholic Commoners, 1558-1625," in *English Catholics of Parish and Town, 1558-1778*, ed. Marie B. Rowlands (London: Catholic Record Society, 1999), 13.
[137] Haydon, *Anti-Catholicism in Eighteenth-Century England, c. 1714-80*, 25–28.
[138] Colley, *Britons*, 19–23.

death of her father, Thomas Benison, made her the sole heir to the family estate, but robbed her of the opportunity to be sent out to live with other families, a common practice to strengthen bonds within an elite family's social circle.[139] Instead, from the death of her father, she spent her childhood learning household management for when she came of age and assumed responsibility for her family's wealth. The temporary placement of children within Protestant households served to benefit the host family more than the fostered child. This was especially the case for Catholics, who found obvious benefits in forming links with influential members of the established Church of England.[140] With all this in mind, it is unsurprising that Ann hosted the six-year-old Elizabeth (Betty) Dowker beginning in March 1757, one month after the death of her husband. Through her marriage to John Fenwick, Elizabeth's was Ann's niece. The Dowker family held considerable sway in Kendal because of their work in the legal profession and the family's extensive philanthropic ties, though Ann Fenwick never seems to have leveraged this relationship to aid her during her legal struggles. Just because Ann did not use the strong bond she had with the Dowkers in an attempt to her own legal advantage does not mean that she did not regularly draw upon the friendship in other ways. Ann regularly purchased goods from the Dowker family and borrowed money from them, at one point owing them £100 and three years of interest upon the principal. This issue eventually became a source of contention between her and Thomas Fenwick when he did not send Ann the money to satisfy her loan.[141]

Ann doted over her 'Betty,' perhaps seeing her as a surrogate for the daughter she never had. Ann paid for monthly haircuts, as well as fine clothing which included stockings, quilted caps, and a collection of fine silks, worsted wool, swanskin, and other luxuries all for the young

[139] Cogan, *Catholic Social Networks in Early Modern England*, 114.
[140] Cogan, 116.
[141] Fenwick, "Ann Fenwick to Thomas Fenwick," February 6, 1763.

lady to enjoy.[142] When Ann left Burrow in June 1759 and returned to Hornby Hall, the young ward came too.[143] In Hornby, Elizabeth's life was set upon an entirely new course. Shortly after arriving home, Ann pursued the case against her brother-in-law with great vim, contacting the lawyer William Turner Carus to aid her in establishing a manorial court, an aspect of Ann's story which will be discussed in full detail in a later chapter. Through this action, young Elizabeth was introduced to William's son, Dickenson Carus, who she would wed in 1789 in Melling.[144] By comparing the final reference to Elizabeth as being under Ann's care to the first reference of her being at boarding school, we know that the young girl must have left Hornby for London sometime between 1761 and 1765. This means that Ann had cared for the Dowker girl for a minimum of four years and a maximum of eight years during a crucial stage in her childhood, influencing not only her development but also introducing her to the man she would eventually marry.[145] Ann maintained contact with Elizabeth, visiting her during a July 1772 trip to London and giving her £1/1/- as a gift.[146] Betty, who would have been 21 at the time of this visit, must have recalled Ann as an important influence upon her early life. As she grew older, she would have remembered the way that Ann doted over her as a child. This brings us to some of the most important concerns within Ann's life and a primary way in which she maintained influence and good relations with her neighbours, her friends, and with significant figures within her sphere of relations: gift giving, patronage, and charity.

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[142] Ann Fenwick, "An Account of Money Laid out for Betty Dowker since She Came to Live with Me at Burrow Hall," 1757, RCHY 2/4/30, Lancashire Record Office.
[143] Jennifer S. Holt, "James Dowker's Daughters: Benefactors of Kendal," *Transactions of the Cumberland & Westmorland Antiquarian & Archaeological Society* 14 (2014): 196.
[144] Holt, 196.
[145] Ann Fenwick, "Ann Fenwick to Thomas Fenwick," December 29, 1760, RCHY 2/6/3, Lancashire Record Office; Thomas Fenwick, "Thomas Fenwick to Ann Fenwick," December 19, 1765, RCHY 2/6/6, Lancashire Record Office.
[146] Ann Fenwick, "The Household and Estate Accounts of Ann Fenwick," 1772, RCHY 2/4/24, Lancashire Record Office.

Above all else, Bishop Foley's chapter on Ann Fenwick portrayed her as a charitable woman whose kindness knew no bounds. Writing concluding remarks to his chapter upon Ann in 1991, Foley lamented that he could not fully portray "the attractiveness of her personality, her warmth and vivacity, her generosity to her dependents, and all 'the little unremembered acts of kindness' to those in need. Hers is a name to recall with gratitude."[147] For women especially, the Church emphasised charitable acts as being one of the greatest outward expressions of piety.[148] Ann's account books reveal this charity in vivid detail, and it is impossible to read through a month of her spendings without encountering at least one act of charity. This kindness seemed to extend across the entirety of Lancashire. On August 3, 1771, Ann gave "a mad woman from silver-dale" 6d. Exactly one month later, she gave "a poor sailor going to white haven" 1/-. In the next month, she gave a poor woman in Wray 1/- to recompense her "for damage by water."[149] A small scrip of paper, undated, but bearing Ann's handwriting, best summarized her attitude towards those beneath her status upon the social ladder. It begins with a phrase virtually identical to the first lines of Jaques's well-known monologue in Scene VII, Act II of Shakespeare's *As You Like It*, but then proceeds into something different: "We are all but actors in this worlds great stage / Some plays authors & some with Equipage / Death draws the Curtain & the Farce is o'er / Then all distinction ceases betwixt rich & poor."[150]

Though Ann might well have been regarded as a kind woman, her ultimate goal was the furtherance of the Catholic faith within England. In service of this goal, and because her faith

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[147] Foley, *Some People of the Penal Times*, 37.
[148] Emily Vine, "Charitable Acts and Lived Religion in the Funeral Sermons of Early Seventeenth-Century Women," *E-Rea : Revue d'etudes Anglophones*, no. 18.1 (2020): para. 7, https://doi.org/10.4000/erea.10486.
[149] Ann Fenwick, "The Household and Estate Accounts of Ann Fenwick," 1771, RCHY 2/4/24, Lancashire Record Office.
[150] Ann Fenwick, "Miscellaneous Note Containing Some Lines of Poetry," n.d., RCHY 2/5/22, Lancashire Record Office.

offered justification for the mistreatment she suffered at the hands of her brother-in-law, she refused to contribute to the wealth of Protestants. This was made explicit within her wills. The most unusual item in Ann's will, created in 1775, was a bequest left to a young man amongst the paupers she had taken to mentoring. A staggering £500 was left for one Thomas Brogden, "that poor unfortunate youth … to be given to him occasionally or as may be most proper to put him in a way to gain an Honest livlehood."[151] This sum, (with a present value of roughly £100,000) was the largest amount she willed to any single person, but was granted to Brogden on the condition that he did not "shew any bad dispositions," and, if he had, Ann "wod not have him to have one penny." In Ann's first spiritual will, drafted in 1767, Brogden was to be left Ann's complete library "in case he takes to the Church," demonstrating that Ann saw him as something of a project.[152] That this youth was now being granted this substantial sum instead of the books shows that Ann's project had likely succeeded and that she had successfully converted him to Catholicism. Ann willed her library to the care of Thomas Butler instead so that he could use the materials to serve the mission. We may posit that one of these "bad dispositions" which would have excluded Brogden's inheritance was a conversion or reversion to Protestantism. Though this is speculation, it is consistent with the fact that Ann did not bequeath any money to Protestants. Ann even made special provisions to prevent the possibility of any converts to Protestantism benefitting from her will. A sum of £600 was left for the education of Mr. Charles Ingilly's daughters "to bind them apprentices pay a Nun's portion or whatever vocation they take too," with the explicit condition that they would receive nothing "if any of them turn Protestant."[153] Ann's many bequeathments to local youth, taken with her strict requirements for the

[151] Fenwick, "The Spiritual Will of Ann Fenwick," April 11, 1775.
[152] Fenwick, "The Spiritual Will of Ann Fenwick," September 19, 1767.
[153] Fenwick, "The Spiritual Will of Ann Fenwick," April 11, 1775.

beneficiaries, reveal that her patronage was performed in line with the "expectations of normative femininity" as described by Cogan.[154] Ann assumed the mantle of a community matriarch in this way, using a firm yet conventionally motherly hand to guide the young in the Roman Catholic faith. She also wished that this reputation of Catholic devotion be her ultimate legacy. In her final spiritual will, written in 1775, Ann arranged for £20, as well as an annual stipend to be granted to the poor within the area.[155] All of her acts of charity, ranging from her mentoring of Betty Dowker and local children as well as to the many donations she made to the poor and sick of Lancashire, should be unsurprising. When widowed, Ann had transcribed a selection from Francis de Sales's religious instructions for widows as found in his *Introduction to the Devout Life*. This included, as Ann noted, the directive of "serving the Poor and the sick; Comforting the Afflicted, instructing of youth in devotion; and making them-selves a perfect pattern of all Vertues to young women."[156] From her actions, it seems as if Ann Fenwick truly wished to live up to these principles.

The facts of Ann's spiritual will display not only the continuance of her religious convictions but also the way in which she interpreted the social premises of the age. This is not limited to her ideals concerning charity and patronage but instead extends to topics as personal and as intimate as the management of her household too. If, as historian J.C.D. Clark argued the domestic servant was part of the familial structure in a similar way as the children were, this image of Ann Fenwick as a matriarch continues.[157] This familial relationship between master and

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[154] Cogan, *Catholic Social Networks in Early Modern England*, 245.
[155] Fenwick, "The Spiritual Will of Ann Fenwick," April 11, 1775.
[156] Fenwick, "Ann's Religious Instructions for Widows."
[157] Clark, *English Society, 1660-1832*, 183; For more on domestic home life and familial relationships, see also Naomi Tadmor, *Family and Friends in Eighteenth-Century England: Household, Kinship, and Patronage* (Cambridge, UK: Cambridge University Press, 2000); Linda Pollock, "Little Commonwealths I: The Household and Family Relationships," in *A Social History of England, 1500–1750*, ed. Keith Wrightson, A Social History of England (Cambridge: Cambridge University Press, 2017), 60–83, https://doi.org/10.1017/9781107300835.004.

servant came with well-defined religious expectations. Ann's "Good Friend Mr. Hornyold," who served as a witness to Ann's final spiritual will, was Thomas Hornyold, a relative of Bishop John Hornyold of the Midland district and a close associate of influential English Catholics like Challoner. [158] The Bishop Hornyold had served as the president of the Sedgley Park School in Wolverhampton, a Catholic institution which Ann had patronized since its inception. John Hornyold believed that priests in England ought to be attended to only by practicing Catholics who regularly made use of the sacrament of penance.[159] Accordingly, and in addition to Ann's own convictions about keeping money within the Catholic community, it seems eminently clear that Ann would have seen it fit to exclusively employ Catholic servants. The fact that she left provisions for her servants within her spiritual will rather than her civil will is further proof of this. She bequeathed £5 to each of her manservants and £10 to each of her maids; the latter being the same amount she had willed to the Catholic schoolmaster of Sedgley Park at the time of her death, indicating the value she ascribed to her domestic servants.[160] Through her death, as evidenced by her wills, she dealt with her community as she did in life. Her bequests reveal a strong sense of duty and almost familial bonds with certain members of her household and community which speak to the expectations held by Ann for her associates and vice versa.

The contemporary view of hired help as part of the family was especially true within tightly knit Catholic households and especially for the childless Ann Fenwick. In lieu of children or a husband, she expected her servants to attend to her in her final moments. She felt a particular warmth towards a woman she listed in her will as "my Servant Ellin Jackson." Ann bequeathed £200 to Ellin, on the condition that "she is with me at the time of my death."[161] Ellin, who had

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[158] Fenwick, "The Spiritual Will of Ann Fenwick," April 11, 1775.
[159] Bossy, *The English Catholic Community, 1570-1850*, 172.
[160] Fenwick, "The Spiritual Will of Ann Fenwick," April 11, 1775.
[161] Ann Fenwick, "The Civil Will of Ann Fenwick," April 10, 1775, RCHY 2/1/60, Lancashire Record Office.

been hired by Ann on February 20, 1762, continued to serve Ann for many years, despite a series of complications which ought to have proved fatal for their relationship. On June 19, 1770, when she was approaching financial ruin, Ann gave Ellin a receipt for a full year's wages, which Ellin had been due since mid-February, and also paid Ellin £4/4/- which she had previously lent to Ann.[162] The wages Ellin received in a year as recorded on the receipt was £4. That this once-affluent woman was forced to borrow over a full year's wages from her own servant illustrates just how destitute Ann had become. Moreover, this demonstrates the fierce loyalty which existed between mistress and servant at Hornby Hall. The £200 willed to Ellin was Ann's way of giving thanks in death to a woman who had continued to serve her in life even as Ann faced poverty. £200, being approximately 50 years of wages for a woman like Ellin, was nothing short of life-changing for her and her entire family. If Ann had not beaten the odds and secured a victory in the courts, Ellin and the other servants may have never received all of the wages they were owed, making their loyalty during this time all the more surprising. It would have been expedient for Ann's staff to forsake her for another household as soon as she failed to pay their wages in the first instance. Female servants were in high demand at this time, with wages on an increase as a result.[163] The constancy of people like Ellin as servants in Ann's household is highly unusual. By staying with Ann Fenwick, her staff were effectively handicapping their own finances and defying the market. Conversely, Protestant households often refused to hire Catholics, perhaps providing for a more cynical interpretation as to why Ann's staff stayed with her even when she could not pay them.[164]

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[162] Ann Fenwick, "Receipt of Payment to Ellen Jackson by Ann Fenwick," June 19, 1770, RCHY 2/4/30, Lancashire Record Office.
[163] Vickery, *The Gentleman's Daughter*, 138.
[164] Vickery, 141.

Ann Fenwick used her household ties for more than simply a sense of familial connection. Through the connections she made between the mission and her servants, she was able to tap into a group poised against the Hanoverians. These were the Jacobites, who had orchestrated both the 1715 and 1745 rebellions. Ann demonstrated her discomfort with Hanoverian reign most plainly in her private prayers. Ann concluded one of her prayers, written to the tune of the popular song "The Lass of Patie's Mill," with a request for intercession from the Blessed Virgin Mary:

Chast mother of my saviour
& you thrice Happy saint
who with your sweat and Labour
[fed?] the omnipotent
for our white doves obtain
they may professed be
Poor Englands freedom gain
from sin and tyranny[165]

In Ann's prayer, the association of spiritual failings with the country's political ills demonstrates a continuity with the confessional politics of the Jacobites in the earlier part of the eighteenth century. This ideology often depicted the exiled Stuarts as kingly saints who would rescue Britain from a state of iniquity, forming a link between Catholic devotion and political rebellion.[166] After the 1745 rebellion, many Jacobites in Britain, including the Young Pretender, Charles Edward Stuart himself, were disillusioned with this confessional ideology and took major steps to distance themselves from it, taking serious steps to disconnect their Catholicism from their politics in order to safeguard the legitimacy of their faith. James Stuart had attempted

[165] Fenwick, "Prayers of Ann Fenwick."
[166] Glickman, *The English Catholic Community, 1688-1745*, 97–99.

something similar but had failed to make any sort of headway.[167] The fact that Ann maintained her belief in this confessional ideology, even when Bonnie Prince Charlie did not, illuminates her unrepentant nature. By calling England under the Hanoverians a place gripped by "sin and tyranny," Ann revealed herself to be a fervent Jacobite and an unremorseful believer in the restoration of an explicitly Catholic monarchy, even after the Stuart prince had apostatised in 1759. Clearly, her religion was the prime determinant for her politics. While a tacit loyalty to the Stuart cause often characterized English Catholic thinking in the earlier part of the century, Ann harbouring such sentiments even in the latter half of the 1700s was highly unusual.[168] Ann's Jacobitism may have been largely brought over to Hornby by the Butler family, connecting her to a wider network of Jacobitism still active in England. We may ascertain this because Ann attributed two of her private prayers, including the one just examined, to two different Butler women.[169] Furthermore, the Hornby Mission possessed a number of manuscripts tying them to the Jacobite cause, such as a celebratory poem written for the birth of James Edward Stuart in 1688, a description of the Stuart family, and a number of manuscripts related to the Stuart campaign to reclaim the British throne.[170]

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[167] Haydon, *Anti-Catholicism in Eighteenth-Century England, c. 1714-80*, 165; Chamberlain, "The Jacobite Failure to Bridge the Catholic/Protestant Divide, 1717-1730," 94–95.
[168] Glickman, *The English Catholic Community, 1688-1745*, 124–25.
[169] Fenwick, "Prayers of Ann Fenwick."
[170] "'The Royal Family Described,' a Description of the Stuart Family," n.d., RCHY 1/6/14, Lancashire Record Office; "Verse Entitled '10 June A.D. 1688,'" n.d., RCHY 1/6/20, Lancashire Record Office; "Copy of Letters of 'Charles, Prince of Wales, Etc., Regent of the Kingdoms England, Scotland, France & Ireland and the Dominions' and of `James R'," December 23, 1743, RCHY 1/6/13, Lancashire Record Office.

Chapter Three

Ann the Landlady: Hornby Court and the Mission

"I can't blame myself so much; for had I been selfish it was in my power to have distressd my Brother greatly: but I thank God I have an honest heart & if I am abusd for my Credulity I must submit."
-Ann Fenwick writing to her lawyer, Mr. Perrot.[171]

Ann's words here perfectly encapsulate so much of her character in 1759. Ann saw herself as a martyr- an untarnished victim, too honest for her own good, who might be ruined on account of her "Credulity," a fate she was apparently willing to accept. However, her declaration that she "must submit" in the case that her honesty was taken advantage of was demonstrably untrue. She was never willing to lay down and accept the loss of her family estate to her brother-in-law, Thomas Fenwick. This chapter will examine how Ann opposed her brother-in-law during this early struggle over her estate. Though she ultimately failed, her attempt to seize control of both the Benison and Fenwick estates was as sophisticated as it was bold. Much of this struggle concerned perceptions of power. Ann believed that if she could be recognized by the tenants as the proper landholder, it might cement her entitlement to the estate. For the woman whose life up to this point had revolved around land management, collecting rents, and running her own household, this was well within the realm of possibility. Thomas's successful ploy to take the Benison estate and make Ann a dependent was born out of a need for money. Despite the way in which Thomas went about obtaining the Fenwick and Benison estates and the consequences that Ann faced as a result, it was, for both parties, a desperate struggle. The sources of the case reveal that Thomas was not an unredeemable villain within this story, and instead went to great pains to live up to the agreement he had struck with his sister-in-law.

[171] Ann Fenwick, "Ann Fenwick to Mr. Perrot," January 20, 1759, RCHY 2/6/1, Lancashire Record Office.

While the majority of the surviving letters scribed by Ann Fenwick were written to Thomas Fenwick, the few pieces of correspondence she wrote to her lawyer, Mr. George Perrot, provide valuable context to the litigious side of Ann's story and serve to illuminate her character as well. The correspondence proves useful in showing how Ann Fenwick represented herself, her case, and her brother-in-law. Ann's first letter to a solicitor was written on the 14th of December 1758 and concerned the uncertain ownership of her family's estate. Because of the informality of the arrangement which placed the Benison estate in Ann's hands, its lawful ownership was now under scrutiny. As Ann would discover, the deed confirming her rights to the estate had not been properly enrolled, granting Thomas an opportunity to challenge its validity. Writing to her lawyer after this revelation, Ann wanted to confirm her control over the estate to "have the power fully to discharge mine & my parents debts & to enjoy the use of the remainder for life."[172] Regardless of the deed's informality, Ann had a clear expectation that the estate was her property, to be used as she pleased; accordingly, Thomas's actions demonstrated his understanding that taking control over the Benison fortune would be a contrivance. As Thomas Fenwick was a practicing lawyer at Gray's Inn, London, he would have understood that this sort of dispute was hardly unique; the eighteenth century was a period in which a diverse range of women across England more commonly sought redress for issues like inheritance through the courts.[173] Thomas's proficiency in these matters was noted by Ann herself in a letter to her lawyer, in which she remarks in the postscript that "he is well acquainted with all the Chicanery of the law, young as he is."[174] The fact of Ann's Catholicism was not necessarily a saving grace for Thomas in legal terms. Within

[172] Fenwick, "Ann Fenwick to Mr. Perrot," December 14, 1758.
[173] Margaret R. Hunt, "Wives and Marital 'rights' in the Court of Exchequer in the Early Eighteenth Century," in *Londinopolis: Essays in the Cultural and Social History of Early Modern London*, ed. Paul Griffiths and Mark S. R. Jenner (Manchester: University Press, 2005), 110–11.
[174] Ann Fenwick, "Ann Fenwick to G--- P--- Esquire," April 5, 1759, RCHY 2/6/1, Lancashire Record Office.

the courts of equity, a precedent had been established as the result of legal disputes in 1736 and 1751 which allowed litigants to deny discovering their faith in the courts when requested, thereby providing a way out of legal difficulty brought about by one's Catholic faith. If, for instance, a Protestant sued for a recusant family member's estate on the basis of a Catholic's ineligibility to inherit or even own property, the defendant had the ability to rob the prosecution of their main argument.[175] According to Ann, the fact that the estate was hers had previously been affirmed by Thomas himself: "he told me the Estates was absolutely in my own power to devise as I pleasd by Will."[176] Thomas expected her to accept his words at face value, though Ann remained rightfully suspicious.

Thomas Fenwick

Before what of Thomas Fenwick himself? If Ann may be called the protagonist of this thesis, we may have a natural inclination to consider Thomas the antagonist. Though much of the thesis explores less admirable moments of his life, it would be inappropriate to represent Thomas as a villain. No reasonable consideration of this complex situation may be built up by simply tearing Thomas Fenwick down. Ann herself, long the victim of his financial failures and neglect, did not see him as so contemptible. Thomas, too, often displayed a sincere warmth towards Ann. When she was living at Burrow Hall, and he was in London on business, Thomas would go to lengths to see that Ann was comfortable, arranging for meat to be sent to the home and attempting to arrange company for her to remedy her loneliness.[177] When Ann travelled to London in the summer of 1759 to meet her lawyers and arrange the terms of her settlement,

[175] Myers, "Catholics, Property, and the Experience of the Penal Laws in Eighteenth-Century England," 75–76.
[176] Fenwick, "Ann Fenwick to Mr. Perrot," December 14, 1758.
[177] Thomas Fenwick, "Thomas Fenwick to Mrs. Fenwick," June 17, 1759, RCHY 2/6/2, Lancashire Record Office; Thomas Fenwick, "Thomas Fenwick to Mrs. Fenwick at Burrow Hall," February 27, 1759, RCHY 2/6/2, Lancashire Record Office.

Thomas seemed his friendliest, offering Ann an escort while she traveled and wishing her a sincere journey, concluding his letter, uncharacteristically for the man, with a "God bless you."[178]

Among historians, Thomas Fenwick has found an ardent defender in Jennifer S. Holt, who sought to rehabilitate his image within her introduction to his diaries, which she also edited. It is from these diaries that we may piece together an image of Thomas Fenwick. By examining the comprehensive daily entries which Thomas provided for nearly twenty years, it becomes clear that he was a passionate and pensive man with an abiding interest in popular medicine and the natural sciences. In 1776, when he began devoting significant time to his diaries, he also displayed his penchant for experimenting upon his own body. His entry for March 4 exemplifies this fact as well as his general personality. Thomas had lately been concerning with the temperature and quantity of his urine, which he measured in a glass with a thermometer, and now wished to perform experiments to see if the time of day or the sorts of liquids ingested influenced the temperature or the quantity produced. He then concluded the day's entry by complaining of poor service at his local inn.[179] While Thomas may certainly be called eccentric, this simply reflected the fact that he possessed a fixation on scientific discovery which extended to most aspects of his life. He was especially interested in developments within land management and in performing experiments to best determine how to improve the stewardship of his property. Even in 1792, when his health had almost entirely failed him, he maintained a thirst for knowledge which could not be sated. Within his entry for June 29, 1792, he included a long diversion entitled "On Tufts of Grass." Still displaying that same youthful singularity which prompted so many of his investigations into natural philosophy, he delved into a series of observations upon

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[178] Thomas Fenwick, "Thomas Fenwick to Mrs. Fenwick," June 15, 1759, RCHY 2/6/2, Lancashire Record Office.
[179] Thomas Fenwick, *The Diary of Thomas Fenwick Esq. of Burrow Hall, Lancashire, and Nunriding, Northumberland, 1774 to 1794*, ed. Jennifer S. Holt, vol. 1 (Kew, Surrey: List and Index Society, 2011), 16–17.

the grass he had seen in a pasture: especially upon the types which cattle were most fond of as well as the discolouration of the grass because of cow urine. Ordering his men to prepare an experiment, he intended to discover if it was cow or horse dung which caused the grass to grow "more luxuriant" than in parts of the field which had not received such fertilization.[180]

Holt also provided insightful commentary on the issues between Thomas and Ann. In describing how Thomas is viewed within the historiography, especially in the early Catholic accounts, Holt wrote that "the charge [against Thomas Fenwick] was that he had unlawfully withheld his sister-in-law's property, and later writers have elaborated by supposing he was either anti-Catholic or driven by malice, envy and lack of charity." As Holt correctly pointed out, this is an unfair analysis, and Thomas's financial difficulties as a result of his own personal endeavours and inherited debt ought to be noted accordingly. We ought not ascribe malice to the man without just cause. However, the way in which Holt portrayed Ann Fenwick is questionable. Holt argued was that it was Ann's own fault for marrying John Fenwick, a Protestant, "despite there being no shortage of Catholic men within a 30-mile radius," going so far as to suggest that "Ann was her own worst enemy in marrying without a marriage settlement … She lacked rights because she had signed them away by marriage."[181] This line of argumentation, which places the blame upon the woman for marrying a man she apparently ought not to have, seems uncharitable to Ann's situation. Ann could not have known that her husband would die in a hunting accident before they could have children. Did not her own mother, the guiding star of her life, also marry a Protestant lawyer? Holt's suggestion is unreasonable because it presupposes marriage as just another economic transaction between two rational actors selecting a partner who can grant them

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[180] Thomas Fenwick, *The Diary of Thomas Fenwick Esq. of Burrow Hall, Lancashire, and Nunriding, Northumberland, 1774 to 1794*, ed. Jennifer S. Holt, vol. 3 (Kew, Surrey: List and Index Society, 2012), 205.
[181] Holt, "Introduction. Thomas Fenwick and His Time," 49–50.

the greatest benefit. This was not the reality of the situation.[182] While Holt's remarkable research into Thomas Fenwick's life should prove valuable to any future study of the man, the politics he was involved in, and of the time period in general, her claims that Ann Fenwick was the cause of her own misfortunes are difficult to accept when taken alongside Thomas's repeated failures to live up to the terms of their annuity agreement.

For Thomas, this legal imbroglio with Ann was not only a battle over a vast fortune, but also a struggle which carried deeply personal ramifications. The death of his brother, however tragic it may have been for Thomas, ought to have been a major reversal of fortune for him. He, as the younger brother, did not originally stand to inherit much of his uncle's estate. If Ann and John had produced heirs, his very identity would have been different: he would have remained 'Thomas Wilson.' With the death of John, Thomas now inherited the Fenwick name and coat of arms. Unfortunately for him, his brother's estates were now tied up with Ann's, another who had recently claimed the Fenwick name. Because John controlled what had belonged to Ann, everything fell to Thomas. If he had taken only what had belonged to his brother prior to Ann's conveyance, he would have been acting contrary to his brother's own agreement. However, by claiming the estates of his sister-in-law, he was obtaining a vast estate for much less than it was worth and depriving Ann of what had originally belonged to her family. The choice was difficult: either undermine his dead brother's legal agreements or seize the estate of his widow. Though imperfect, Thomas's decision to take Ann's estates yet provide her with an annuity seemed to be a reasonable compromise to compensate Ann Fenwick yet still honour the terms of his brother's agreement.

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[182] Wrightson, *English Society, 1580-1680*, 109–10; Vickery, *The Gentleman's Daughter*, 44.

What of the correspondence between Thomas Fenwick and his sister-in-law? Reading through these letters chronologically, one may chart the total breakdown of the relationship. Though we know from Ann's letters to her lawyers that both parties were uneasy and uncertain of the other, there remained an outward display of courtesy and respect which persisted between the two until the late 1760s. However, cracks in this façade began to appear in written correspondence between the two as early as 1760. This came partially because of an earlier conflict over Ann leaving Burrow for Hornby but primarily because of Thomas's failure to pay the money he owed his sister-in-law. On January 17, 1760, Ann sent an especially passionate letter to Thomas which clearly sought to appeal to both his emotions and his sense of justice. She makes veiled, if overt, references to her need for money, writing that she soon needed to "know in what manner you propose to assist me this Candlemas; you know the Terms of our agreement," (emphasis her own). Most of the letter notes Ann's complete dismay with not having her clothes with her when she fled from Burrow to Hornby, as she was now worried that the linen would be ruined by the damp. She asked for Thomas's permission to go to Burrow once more and remove her things from the home, writing rather desperately that "where there's debts I know a widow can pretend no claim so I shall not remove any thing not even the cloaths; with out your permission."[183]

The relationship between Ann and Thomas after the death of John Fenwick was an emaciated simulacrum of a re-marriage. Like other wealthy widows within Hanoverian England, Ann was something of a commodity. Because she ostensibly held rights over both the Benison and Fenwick estates, at least before Thomas had succeeded in claiming them, she would be worth much as a bride to a future husband. As historians Mary Chan and Nancy E. Wright reveal

[183] Fenwick, "Ann Fenwick to Thomas Fenwick," January 17, 1760.

through a case study on a late-seventeenth-century woman, competition over the marriage of a valuable widow could lead interested men, as well as their families, to contrive marriage by any means necessary, including legal trickery.[184] Thomas Fenwick never showed any interest in marrying his brother's recusant widow, or any other woman, and would die unmarried and childless. However, Thomas acted as if both the Bension and Fenwick estates were his as soon as Ann was widowed. This may be seen in some correspondence from Thomas, in which he tells Ann that during a dinner with a local gentleman, he offered the use of her coach to ferry a family to the nearby town of Kirkby Lonsdale, and had "almost assured him that you would not refuse it; But I forgot to mention it to you."[185] By lending Ann's property without her permission and only informing her after the fact, Thomas was letting her know in no uncertain terms that he could dispense with her possessions as he saw fit. Being under Thomas's roof and relying upon him for the essentials of life was, to him, proof enough of her consent. Moreover, this was an example of how Thomas leveraged the social customs of the day to advance his own status. By maintaining an outward appearance of perfect unity and cordiality between himself and his sister-in-law, Thomas was playing the part of a dedicated brother, both to Ann and especially to John Fenwick, whom he was purportedly honouring through selfless service towards his widow. Among the elite, a great deal of emphasis was placed upon the showing of affectionate love towards the single women within the family, which came with a clear expectation that unmarried girls would be taken care of financially.[186] As a childless widow, Ann naturally belonged to this grouping, especially after she would become financially unmoored as the result of Thomas's

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[184] Mary Chan and Nancy E. Wright, "Marriage, Identity, and the Pursuit of Property in Seventeenth-Century England: The Cases of Anne Clifford and Elizabeth Wiseman," in *Women, Property, and the Letters of the Law in Early Modern England*, ed. Nancy E. Wright, Margaret W. Ferguson, and A. R. Buck (Toronto: University of Toronto Press, 2004), 170–71.
[185] Fenwick, "Thomas Fenwick to Mrs. Fenwick at Burrow Hall," February 27, 1759.
[186] Ruth Larsen, "For Want of a Good Fortune: Elite Single Women's Experiences in Yorkshire, 1730-1860," *Women's History Review* 16, no. 3 (2007): 392, https://doi.org/10.1080/09612020601022279.

ambitions. That Ann was an obvious outsider on account of her religion did not necessarily remove this obligation.

Ann's Gambit: Seizing the Rents

To avoid being made a dependent, Ann would have to seize some semblance of autonomy by leaving Burrow Hall and returning to the Benison home. Ann's flight to Hornby, then, was a crux of this early struggle. The notion of a widow or a valuable heiress being abducted and forced into marriage while she openly dissented against the union was not unheard of in early modern England. As the historian Amanda L. Capern notes, women in this situation occasionally sought relief through the courts, demonstrating that women's understanding of their own legal rights was greater than previously understood.[187] Functionally, there was little difference between an abducted heiress and Ann Fenwick after she had been widowed in 1757 and before she returned to Hornby in the summer of 1759. Arabella Alleyn, the woman Capern considers, was an orphan who had been abducted as an infant, had lived for years at the home of her captor as his wife, and only fled once the beatings and the mental abuse had become too much to bear.[188] Ann was 33 at the time of her widowing and, as far as her correspondence shows, suffered no physical abuse from Thomas at Burrow. Though the two women's experiences were quite different, they bear some similarities. Like Arabella, Ann felt totally isolated from the outside world and was in a state of constant unease. When Ann informed Thomas of her intentions to return to her family estate at Hornby in June of 1759, he became quite irate, accusing Ann of treating him poorly, and as Ann wrote, "highly resented my thoughts of quitting Burrow."[189]

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[187] Amanda L. Capern, "The Heiress Reconsidered: Contexts for Understanding the Abduction of Arabella Alleyn," in *Women and the Land, 1500-1900*, ed. Amanda L. Capern, Briony McDonagh, and Jennifer Aston (Woodbridge: The Boydell Press, 2019), 124–25, https://www.jstor.org/stable/j.ctvktrws2.
[188] Capern, 119–20.
[189] Ann Fenwick, "Ann Fenwick to Mr. Perrot," June 9, 1759, RCHY 2/6/1, Lancashire Record Office.

Ann's flight from Burrow to Hornby could have harmed Thomas's image within the community, thereby hindering his political ambitions. Ann, as a dependent to Thomas, had allowed him to access social circles in ways which he could not have done previously. When Ann left Burrow, she also left behind most of her possessions. Did she simply not have the capacity to transport most of her belongings, or did she harbour some fear of brother-in-law? In any event, in May of 1760, Ann returned to Burrow after obtaining Thomas's permission to retrieve some of her clothes. Thomas gave her no help in this regard, being certain to be away from Burrow when she was there and not giving any instructions to his servants to aid her. Because of this, Ann wrote on May 29 that "as there's now nobody at Burrow it makes me uneasy to go like a Thief," and further requesting that Thomas have a trusted servant, Edward, assist her with the moving of her property.[190] Though Ann had greatly feared a break in relations, it had now undoubtedly taken place.

During the same 1759 confrontation in which Thomas told Ann he resented her plan to leave Burrow, Thomas let something slip which troubled Ann to no end. During this outburst, Thomas "[denied] he ever told me my Estates were in my own power which I am sure I may very safely swear he did."[191] Ann's suspicions regarding Thomas's intentions proved correct, and ultimately Thomas was awarded the estate. Ann's letter to Perrot reveals a fear that Thomas was planning on seizing control over the Benison estate within the coming days: "I am pretty sure by slight hints; that my brother has taken, & is taking every step to secure himself."[192] Thomas's inclination to act in such a clandestine way suggests he believed that Ann had a legitimate claim over the estate. Regardless of the laws against Catholic inheritance, Thomas believed he had to

[190] Ann Fenwick, "Ann Fenwick to Thomas Fenwick," May 29, 1760, RCHY 2/6/3, Lancashire Record Office.
[191] Fenwick, "Ann Fenwick to Mr. Perrot," June 9, 1759.
[192] Fenwick, "Ann Fenwick to Mr. Perrot," December 14, 1758.

act without arousing suspicions and do so before Ann could obtain legal protection. At the outset of the dispute, Ann informed Thomas in no uncertain terms that, upon her death, the Benison fortune would be willed to him. She affirmed this in her December 14, 1758 letter to Perrot, stating that she "wod not do an unkind or an ungenerous thing to my Brother for all the World nor wod I wish to have my fortune center'd but in my dear Mr. Fenwick's Family," though felt it necessary to add the disclaimer that she "wod rather have the merit of giving it then to be a dependent."[193] The irony of the situation is that, at least according to Ann, had Thomas allowed her to live out her life unmolested, he would have indeed received a portion of the Benison estate. Because of this initial dispute and the long conflict to follow, none of Ann's money was bequeathed to a Fenwick.

When Thomas told Ann that she may seek rectification for the issue of her estate through a recently passed Act of Parliament, she was informed enough upon the matter of the law to read through the act and comment upon the odds of her success to her lawyer: "upon perusing the act I find it is so, except one had made an objection before the 1st of January 1758: so that I fear I am now past the time to relieve my self."[194] That Ann was able to obtain an Act of Parliament so quickly, and the fact that she was able to parse through it and interpret it for herself speaks to the wealth of social connections as well as to her knowledge. She intersperses these hints of insight and intelligence between cries of powerlessness and overt pleas for sympathy, following up her insight into the Act of Parliament with a promise that she "will be wholly govern'd by your advice … I beg you'll act for me as you wod wish any friend to assist your Lady was she in my situation for indeed I am very uneasy & unhappy."[195] In conducting herself in this manner, Ann

[193] Fenwick, "Ann Fenwick to Mr. Perrot," December 14, 1758.
[194] Fenwick, "Ann Fenwick to Mr. Perrot," December 14, 1758.
[195] Fenwick, "Ann Fenwick to Mr. Perrot," December 14, 1758.

was drawing upon conceptions of politeness and gentlemanly virtue in order to further her own ends. First, we must understand Ann's language. The word 'friend,' in this period, carried a more intimate, associational meaning, often signifying a familial relationship, but could also be used to describe an economic partner.[196] Perrot, in being asked to aid Ann as he would wish a friend to assist his wife, would have understood the gravity of her request. Besides domestic work, typical Hanoverian sensibilities had an appreciation for women as possessing strong moral convictions, thereby capable of assessing and improving a man in a moral sense.[197] By first proclaiming her submission to Perrot and then begging his aid, Ann presented an irrefutable request to an Hanoverian gentleman.

In Ann's corner of rural Lancashire, the most immediate political power was not to be found in the distant halls of Westminster, but in the manors of the countryside; the estates owned by landholders to whom the locals owed both their deference and their rents.[198] These landowners were, at the local level, the custodians of social hierarchy; baronial rulers who ruled over pocket-sized demesnes.[199] This was the manor court; an ancient paternalistic system in which a tenant would approach their landlord at their estate to determine how the land would be worked and to arrange for the paying of rents.[200] Holding court was also a time to settle legal disputes, which could include violent offences.[201] In the eighteenth century, the authority of these local courts was not simply a symbolic holdover from a feudal age. The manorial court continued

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[196] Tadmor, *Family and Friends in Eighteenth-Century England*, 167–69.
[197] Philip Carter, *Men and the Emergence of Polite Society, Britain 1660-1800* (London: Routledge, 2014), 67, https://doi.org/10.4324/9781315840239.
[198] Peter Laslett, *The World We Have Lost: Further Explored* (London: Routledge, 2005), 62.
[199] Malcolm Gaskill, "Little Commonwealths II: Communities," in *A Social History of England, 1500–1750*, ed. Keith Wrightson, A Social History of England (Cambridge: Cambridge University Press, 2017), 88, https://doi.org/10.1017/9781107300835.005.
[200] John Baker, *An Introduction to English Legal History*, Fifth edition. (Oxford: University Press, 2019), 244, https://doi.org/10.1093/oso/9780198812609.001.0001.
[201] Laslett, *The World We Have Lost*, 60–61.

to hold real power throughout the English countryside until the mid-nineteenth century, though from around 1750 onwards their typical use was to settle issues concerning agriculture and land management.[202] It was this power that Ann Fenwick sought to harness in the summer of 1759 to secure her estate and move against Thomas's authority. Such actions showed she had realized the prospect of losing her estate. During her marriage, John Fenwick dutifully kept court for his villeins, though Thomas did not keep up this custom, as Ann herself noted: "there has been no court held at Burrow since my Mr. Fenwick's death."[203] Ann took an active role in the management of the Burrow household, no doubt drawing upon the experience of her position as landlady to aid her. Ann meticulously recorded the wages paid to the servants of the house, which included hired labourers.[204] Already a proficient accountant at this point in her life, Ann used some elements of double-entry bookkeeping. The widow Elizabeth Prowse, a contemporary of Ann, used a similar system to manage her vast Northamptonshire estate, demonstrating some commonalities in education amongst heiresses in the realm of financial management.[205] Young ladies were expected to understand how to manage both money and land in situations like their widowhood, but also so that they might sustain their property. Even more striking than her financial skill was Ann's method of obtaining power, which proved to be a bold display of confidence. She understood that to achieve her goals, she must be recognised as legitimate by the tenants. The clearest way to obtain this recognition would be through the collection of rents, but also by holding of her own manorial court at Hornby. Ann immediately set to work on these tasks, writing to her lawyer on April 5th to ascertain how she should act against Thomas. Thomas

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[202] Brodie Waddell, "Governing England through the Manor Courts, 1550–1850," *The Historical Journal* 55, no. 2 (June 2012): 306, https://doi.org/10.1017/S0018246X12000040.
[203] Fenwick, "Ann Fenwick to G--- P--- Esquire," April 5, 1759.
[204] Ann Fenwick, "An Account of the House and Kitchen Expenses," 1756, RCHY 2/4/20, Lancashire Record Office.
[205] McDonagh, *Elite Women and the Agricultural Landscape, 1700–1830*, 42.

had written to let her know that he may soon hold a court at the request of one of his tenants who had fallen ill and, consequently, wished to settle his estate. Since Thomas was then at Gray's Inn in London, and, according to his April 17th letter to Ann, did not intend to be in Lancashire for any length of time beyond a short visit, Ann felt that the time to press her claim drew near.[206]

Though Ann Fenwick inhabited a patriarchal society, women owning land in their own right was not an anomalous concept within the early modern period. Indeed, scholarship on women and property, as well as the implications female land ownership had on the early modern social and economic order, has flourished within the last two decades. In particular, Amy Erickson's *Women and Property in Early Modern England* remains a landmark work in this field. Erickson demonstrated that widows often controlled more than the third of their husband's property- property that they were entitled to by law if he died intestate. The courts still possessed the right to enforce this policy of minimum inheritance but often did not. In cases where the husband had been able to produce a will before death, wives were typically left a reasonable inheritance designed to grant them economic stability rather than economic independence. A married man with no children usually elected to grant his wife everything in his will.[207] These situations demonstrate that Hanoverian Britons, as well as the courts, held an expectation that widows could manage their late husband's property on their own, though contemporaries were unwilling to go so far as to grant them any true sense of financial emancipation.[208] Ann Fenwick's circumstances, as a young heiress with a robust education in estate management provided by her widowed mother, reinforces the view of early modern women as being deeply

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[206] Thomas Fenwick, "Thomas Fenwick to Mrs. Fenwick at Burrow Hall," April 17, 1759, RCHY 2/6/2, Lancashire Record Office.
[207] Keith Wrightson, *Poverty and Piety in an English Village Terling, 1525-1700*, Rev. ed. (Oxford: Clarendon, 1995), 97.
[208] Erickson, *Women and Property in Early Modern England*, 172–73, 186.

involved in finances beyond traditional interpretations of the powerless woman.[209] By contrast, nineteenth-century representations of Ann assume she was alone in her situation and remained passive, unable to remedy any part of her unfortunate situation until Parliament itself stepped in to rescue her.[210] However, as she proved repeatedly throughout her life, Ann was entirely capable of taking matters into her own hands and bringing about drastic changes. Equally significant is the fact that she found support within the legal community. Ann made her boldest moves against Thomas with the full support and assistance of her lawyers, demonstrating that many involved in her legal issues believed she had a just claim not only to the Benison estate, but the Fenwick estate as well.

With the support of her lawyers, Ann sought to exploit her status as the rightful landlady over her tenants in 1759 to bolster her income and to retain the sway she held within the community. Ann noted in her April letter to Mr. Perrot that she agreed with his suggestion "not to suffer the Tenants to attorn to my Brother."[211] Leveraging the social position of landowner in this way was an avenue which had worked for Catholics in the recent past. In the 1730s, Cuthbert Constable, a recusant gentleman in the East Riding of Yorkshire, similarly employed his status as a landlord to gain authority within a broader Protestant community. The historian Carys Brown notes that the act of asserting one's own political power in this fashion demonstrated an active and aggressive type of English Catholicism which found creative ways to exert influence in a highly restricted environment. This activity went beyond simply eking out a life amidst persecution, but consisted of highly public and subversive ways by which recusants could

[209] For a broader European account of women which investigates their prominence in society, see Olwen H. Hufton, *The Prospect before Her: A History of Women in Western Europe* (London: Fontana Press, 1995).
[210] Gillow, *The English Catholics*, 2:247.
[211] Fenwick, "Ann Fenwick to G--- P--- Esquire," April 5, 1759.

actively resist their own exclusion.[212] If being a Roman Catholic was not problematic enough, widowhood brought with it inherent difficulties with regards to the collection of rents. In the early eighteenth century, the widow Frances Addison, also facing a dispute over her estate from close family members, did not have her status as landlady recognised and was forced to sue her tenant farmers in order to obtain her rightful rents. Though she had been married to the landlord, the tenants simply refused to acknowledge her claim.[213] Though the odds were certainly against her, Ann Fenwick's lifelong training in estate management and her experience in dealing with tenants proved to be a boon to her in these moments. While unusual, widows could indeed become major landowners within England. A contemporary of Ann Fenwick, Jane Ashley of Northamptonshire, was a successful landholder not only in terms of rent collection, but in the active management of tenant farms as well, owning over 90% of the land in Ashby.[214] These varied experiences reveal that time, place, and circumstance proved crucial determinants for widows wishing to assert their property rights.

Though Ann had intended to merely write to the tenants, she eventually decided, without first seeking the guidance of her legal counsel, to personally visit them. These were the Burrow tenants of her late husband, John Fenwick, not the Benison tenants of Hornby whom she had been managing since she had assumed control of her father's estate when she came of age. This was as an action taken in desperation not only to dispute the succession of her husband's estate, but to disrupt the authority of the man who seemed poised to usurp her own family's fortune. Upon meeting one of the tenants in June of 1759, Ann informed him that he would now "bring

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[212] Carys Brown, "Catholic Politics and Creating Trust in Eighteenth-Century England," *British Catholic History* 33, no. 4 (October 2017): 639–41, https://doi.org/10.1017/bch.2017.28.
[213] Christine Churches, "Putting Women in Their Place: Female Litigants at Whitehaven, 1660-1760," in *Women, Property, and the Letters of the Law in Early Modern England*, ed. Margaret W. Ferguson, A. R. Buck, and Nancy E. Wright (Toronto: University of Toronto Press, 2004), 60–61.
[214] McDonagh, *Elite Women and the Agricultural Landscape, 1700–1830*, 71–72.

his half years rent to me at Hornby for that I was his Landlady;" although Ann suspected that this was all for naught and that Thomas had already "secur'd all," undercutting her at every turn with regards to the dispute over the estate.[215] Though Ann was correct in this assessment, she successfully collected rents from the Burrow tenants for years. Thomas had not anticipated this move and was unaware or at least unwilling to confront Ann about it until the final days of 1760. In her response to Thomas's inquiry about the rents she had collected, she sharply responds: "as to what rents I have rec'd: I believe they are not much more than what my mama's thirds will amount to." This rather blunt response, which reminded Thomas that he had failed in his most basic financial obligations to her, as well as in his duties to his tenants, is further elucidated in a subsequent sentence. Ann stated that "I rec'd the rents yet it was with no other view, then to make every thing appear easy to my mama while God Almighty spares her Life."[216] Ann's took every measure to ensure that her mother would not sense the rupture taking place in the family. Indeed, Ann took no legal actions against Thomas until after Ann Winder Benison's death in 1762. In the meantime, Ann Fenwick would continue to collect the rents from her tenants in Hornby. During the 1772 legal battle between Thomas and Ann, the rents became a crucial topic once again. In his petition to the House of Lords, Thomas argued that "at [Ann Fenwick's] Request, and in order, as she alledged to make herself of more Consequence in the Neighbourhood, [Thomas Fenwick] permitted her to have the letting and Disposal, and to receive the Rents and Profits of other Estates in the Neighbourhood of Hornby, and in the Town of Lancaster, of the yearly value of £100 or thereabouts."[217] What was in actuality a bold

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[215] Fenwick, "Ann Fenwick to Mr. Perrot," June 9, 1759.
[216] Ann Fenwick, "Ann Fenwick to Thomas Fenwick," December 28, 1760, RCHY 2/6/3, Lancashire Record Office.
[217] "Petition of Thomas Fenwick," April 30, 1772, HL/PO/JO/10/7/369, Parliamentary Archives. Also reprinted in Jennifer S. Holt, Diary of Thomas Fenwick vol. 4.

manoeuvre on Ann's part to assert her right to the property was now claimed by Thomas to be a result of his generosity.

Ann's collection of the rents casts light on our understanding of eighteenth-century property rights for both women and Catholics. This is a unique, though hardly exceptional, example of a Roman Catholic landlady collecting rents without issue from both Protestant and Catholic tenants. Though the notion of an unmarried female landowner was uncommon in the eighteenth century, scholars such as Sarah Shields remind us that as one in four aristocratic women would never marry, the concept of a wealthy single woman in a position of power was not an anachronism.[218] Despite their status, the majority of women in these positions were still required to adhere to familial obligations, especially deference to their fathers and brothers. More often than not, these single women had brothers who would rely upon them to take up certain duties, like the management of their household in times of need.[219] As a childless widow and orphan with no siblings, Ann Fenwick serves as a unique example of a woman totally untethered from many of the social obligations she would have faced were she a woman with children in typical circumstances. Gone was any semblance of a safety net which may have resulted from close family ties. In part, this explains why she was forced to take a more aggressive stance against Thomas. In the moment, Ann's successful collection of rents served as a vindication of her claims to the Fenwick and Benison estates. That the tenants paid their rents to her at all suggests a number of things. First, these tenants were willing not only to recognise the old landlord's widow regardless of her Roman Catholicism. The payment of rents to Ann was a statement of consent both to Ann's person and to the idea of a Catholic as their most immediate

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[218] Sarah Shields, "'An Old Maid in a House Is the Devil': Single Women and Landed Estate Management in Eighteenth-Century England," *Journal for Eighteenth-Century Studies* 44, no. 4 (2021): 434, https://doi.org/10.1111/1754-0208.12807.
[219] Larsen, "For Want of a Good Fortune," 394–95.

superior. Because of the presence of the manorial court, the deference of the tenants denoted their acceptance of a Catholic woman's authority in matters of the law. This acceptance of Ann also implied that the tenants viewed her as the rightful controller of the estate.

In a December 1758 letter to her lawyer, Ann made it abundantly clear that she did not wish Thomas to know of any of her actions, writing that if he or anyone else found out her intentions, it might cause "an intire breach between us which wod make me if possible more miserable than I am at present & that need not to be."[220] This letter was repeatedly requests that Perrot proceed carefully, as she expected that when her actions were inevitably revealed, she would not be treated as kindly by Thomas. She stated, "I fear when all is compleated I shall not have the same regard shewn me that I could wish. If I am too late I beg for God sake you will not mention my writing to you upon this subject neither to Mr. Morley or any Person living." Ann was especially uncomfortable with Morley being acquainted with her situation as he was, as one of the few family members she had, her heir.[221] Ann wrote to Perrot once again on January 20, 1759, revealing to him that Morley, had, seemingly unintentionally, exposed Ann's actions to Thomas. Writing through her frustration, Ann exclaimed that "Mr. Morley has not wrote in the cautious manner as I begd he would do; he has not a capacity to correspond with a person of my brother's sense & understanding which made me desire he would say little upon the subject." This accidental betrayal prompted considerable despair in Ann: "I seem totally deserted by every body & as my Brother is indefatigable for his own Interest & is in London I am sure he'd spare no money or pains to accomplish his ends & render fruitless everything I can do."[222]

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[220] Fenwick, "Ann Fenwick to Mr. Perrot," December 14, 1758.
[221] Fenwick, "Ann Fenwick to Mr. Perrot," December 14, 1758.
[222] Fenwick, "Ann Fenwick to Mr. Perrot," January 20, 1759.

Ann had lost her secrecy and any advantage that came along with it. Now that Thomas was in contact with Mr. Perrot and the facts of the matter came out, his right to the estates could no longer be denied. It was a clear-cut case. She had, after all, signed over her rights to John. Thomas, as the nearest descendent, was the rightful heir. That Ann was only facing the consequence of this one part of the penal laws regarding inheritance but no other aspects of the legislation is a telling example of how, by the eighteenth century, property had become the focus of these laws rather than religion itself. This fateful defeat proved the foundation both for Ann's later tribulations and her eventual victory. Though Thomas had won the estate, he could not simply seize the assets and forget about his sister-in-law. Both Perrot and Morley strongly recommended to Thomas that Ann be granted an annuity to live on for the rest of her days. Unfortunately, the agreement has not survived. However, we know its since they were described in the Fenwick Act of 1772. On 4 August 1759, Thomas agreed to pay all of Ann Fenwick's debts, provide her with £250 quarterly while Ann's mother lived, to be reduced to £100 after her death, and to finance the ongoing construction work taking place at Hornby Hall.[223] This arrangement was admittedly generous, especially when considering that Thomas owed Ann nothing. Social mores and conventions, rather than legal obligations, prompted such an arrangement. Though Ann's effective subjugation was a major victory for Thomas, the annuity agreement would prove to be a legal imbroglio which would eventually lead him into total political and financial ruin.

[223] Great Britain, "Ann Fenwick's Estate Act 1772, 12 Geo. 3. c. 122," 4–5.

Establishing the Hornby Mission and Two Journeys

"… no riches can compensate for the loss of a good name; & ingratitude & breach of trust is more despicable than an open robbery."
- Ann Fenwick to her lawyer, Mr. Perrot.[224]

On November 5, 1762, Ann Fenwick sent one of her typical letters to her brother-in-law, Thomas. The 38-year-old woman, writing from a fashionable Italian-style estate in rural Lancashire, bemoaned that she was "at present an object of pity; no tender Parent or dear Husband to alleviate or compassionate my severe pains … nor have I one friend in the world but your dear self."[225] Interspersed between these declarations of loneliness and illness were requests for vast sums of money. This time, she wanted £150, plus interest, to pay off some debts which she had been asked to pay that Candlemas (February 2nd), plus a £100 annuity payment which had come due to Ann the day prior to her writing. She also inferred that she would be travelling soon and would therefore require more funds, as her physician and her friends recommended she get a "change of air & exercise; & there is no stirring without money."[226] For this purpose, Ann saw £1000 by next Candlemas as suitable, including with her request a tactful reminder that this was just one third of what Thomas presently owed her. Although she couched her intentions in an outward presentation of weakness, a closer reading of Ann's words reveal her subtle wit and guile. After her request for £1000 are two lines which read: "if I hear nothing from you I shall depend of the money so much as if I already had it." Evidently thinking this wording too bold, she crossed it out and replaced it with a compliment to Thomas for complying with her financial wishes thus far, going on to explain that "as my troubles are increas'd & I am more desolate so

[224] Ann Fenwick, "Ann Fenwick to Mr. Perrot.," n.d., RCHY 2/6/1, Lancashire Record Office.
[225] Ann Fenwick, "Ann Fenwick to Thomas Fenwick," November 5, 1762, RCHY 2/6/4, Lancashire Record Office.
[226] Fenwick, "Ann Fenwick to Thomas Fenwick," November 5, 1762.

your compassion & tenderness; will rather increase."[227] Both her original phrasing and her careful revision serve to tell Thomas the same thing: that the money is spent whether he sends it to her promptly or not, and he ought to be ever-ready to send more. Though this is the most overt example of Ann's craftiness in this letter, hints of her wit are present throughout her writing. In Thomas's previous letter to Ann, written on October 6th, he notes that he had just sent her £80 and that another payment was coming very soon.[228] Though Thomas's meaning was to say that he was £20 short of what he had intended to send, the total sum of an annuity payment, Ann took this promise, yet unfulfilled, and used it to entreat a sense of urgency and guilt on Thomas's part for the money she was now requesting, writing that he "was so good to say that I should have some more money when you sent the last… I have many things to pay that money wod be quite acceptable."[229] Despite the natural sense of cunning we may attribute to Ann, as seen in large volume of correspondence she left behind, not all of her grief was affected. A month earlier, Ann's mother had died, depriving the young woman of her final close relation. Her natural slyness combined with overt expressions of both feigned and genuine misery make Ann something of an unreliable and biased narrator of her own story. The multitude of letters sent to Thomas Fenwick by his sister-in-law were a major part of how she mounted her resistance against what she firmly believed was an unending onslaught of neglect and mistreatment. She was the gadfly who constantly reminded Thomas of his failures in the hopes of prompting him to honour his commitments to her.

As we have already seen in her letters to her lawyer, Mr. Perrot, Ann felt a great deal of unease and worry over the prospect of her relationship with her brother-in-law failing. However,

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[227] Fenwick, "Ann Fenwick to Thomas Fenwick," November 5, 1762.
[228] Thomas Fenwick, "Thomas Fenwick to Mrs. Fenwick at Hornby," October 6, 1762, RCHY 2/6/4, Lancashire Record Office.
[229] Fenwick, "Ann Fenwick to Thomas Fenwick," November 5, 1762.

Ann firmly believed that Thomas was compelled by social conventions to honour their arrangement. Although Ann believed that Thomas did not always have her best interests at heart, she desperately wanted to avoid a break in their relations. This was a pragmatic move in the sense that Thomas might have felt less obligated to honour the agreement if Ann treated him flippantly. However, Ann also had a less practical reason to stay on good terms with Thomas: she felt a genuine sense of affection for the man and enjoyed his company. Accordingly, Ann always maintained an irenic tone. Furthermore, she had no wish of alienating herself from her late husband's family. As she wrote in 1758 to Mr. Perrot, she seemingly had little use for any of her own extended family: "I may justly say I prefer my dear Mr. Fenwicks Relations infinitely above my own."[230] A friendly dynamic was on full display in Ann's correspondence with Thomas from 1760 until all pretense of mutual respect and courtesy dissipated, giving way to less polite correspondence in 1769. Perusing the extant letters sent by Ann to her brother-in-law reveal why Thomas sometimes responded to her bluntly and with an impatient tone: there are almost no surviving letters from Ann Fenwick to Thomas in which she does not at least mention the fact that the man still owes her considerable sums of money.

Part of the reason Thomas ultimately lost control over both Ann and her estate is that his actions flew in the face of a set of deeply embedded Hanoverian values regarding family and the status of women. Single women belonging to the elite, the social class to which Thomas belonged because of his inheritance, were expected to be provided for with a suitable income and to be cared for in an affectionate manner.[231]. Ann depended on this customary sense of duty and kept an outwardly cordial and warm relationship with her brother-in-law in order to keep up her

[230] Fenwick, "Ann Fenwick to Mr. Perrot," December 14, 1758.
[231] Larsen, "For Want of a Good Fortune," 392.

end of this unspoken cultural convention and social tenet. She revealed as much in a letter to Mr. Perrot, claiming that the agreement made between the two of them was:

> but a reasonable restitution & indeed the only way he can make me amends & retrieve his own character … Mr. Morley … told him it was the general opinion that he ought to restore me my own fortune: what objections he can raise to it I can't imagin; this I am very sure the more honourably he behaves to me & the more it will add to his satisfaction; & this I am very sure no riches can compensate for the loss of a good name; & ingratitude & breach of trust is more despicable than an open robbery.[232]

Ann's exploitation of this social dynamic coheres with Cogan's conceptions of post-reformation patronage, in which women usually requested financial support to aid in concerns related to personal health or the improvement of the household or estate.[233] Thomas's failure to live up to the arrangement, then, was doubly offensive to Hanoverian sensibilities. Not only was he simply not fulfilling his contractual obligations, but he was also failing to uphold very basic gentlemanly duties.

Understanding the mental exhaustion Ann faced explains why she took some of her most desperate actions later in the decade. Thomas was very much aware of these circumstances and attempted to play the part of the devoted brother. However, he soon became increasingly impatient with Ann's continuous requests for the money duly owed to her and he failed to fulfill even her most simple requests. On November 10, 1763, Ann wrote to Thomas asking for money yet again, but included in the postscript a request that he switch her newspaper subscription to the *Chronicle*.[234] Thomas did not carry out this unremarkable request, prompting further letters from Ann. She continued to ask Thomas to change her newspaper to the *Chronicle* for months. Even on one occasion in which Ann informed Thomas that she needed £450 within a week to pay

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[232] Fenwick, "Ann Fenwick to Mr. Perrot.," n.d.
[233] Cogan, *Catholic Social Networks in Early Modern England*, 245.
[234] Ann Fenwick, "Ann Fenwick to Thomas Fenwick," November 10, 1763, RCHY 2/6/5, Lancashire Record Office.

off a debt, she still found it necessary to include her curious request in the postscript. Considering this and a previous letter, we may understand why a seemingly inconsequential matter was so important to her. On February 24, 1764, Ann wrote to Thomas and explained that "I desir'd the change of my newspaper & directions common humanity must be sensible the sight of a dear deceased Parents name is too affecting to be daily renewd."[235] Ann had been receiving a newspaper addressed to her dead mother, the one person she had relied upon and loved the most, after her death in October of 1762. Her increasingly desperate pleas show us a woman wracked by mental anguish. On March 23 she wrote again to Thomas, noting once again that seeing her mother's name was "rather too much for me to bear."[236] Thomas's repeated failure to fulfill this very simple request is difficult to excuse. Not until June 21, over seven months after Ann's initial request, did she write to him thanking him for changing her newspaper subscription.[237]

As if her schedule and mind was not busy enough at this point in the 1760s, Ann Fenwick had also been labouring to establish her longest lasting legacy: the mission and church at Hornby. She had long desired a permanent chapel for the celebration of Mass near her home and would now undertake this effort herself. The Catholic histories of Ann tell us that at some point, she had written to the Vicar Apostolic of the Northern District, Bishop Francis Petre, and had requested the establishment of a mission in Hornby using the funds laid out by the Morley family of Thurnham, who had created a trust for this very purpose.[238] Though Ann's letter to Bishop Petre is currently undiscovered or perhaps lost to time, we know that in any case the newly ordained

[235] Ann Fenwick, "Ann Fenwick to Thomas Fenwick," February 24, 1764, RCHY 2/6/5, Lancashire Record Office.
[236] Ann Fenwick, "Ann Fenwick to Thomas Fenwick," March 23, 1764, RCHY 2/6/5, Lancashire Record Office.
[237] Ann Fenwick, "Ann Fenwick to Thomas Fenwick," June 21, 1764, RCHY 2/6/5, Lancashire Record Office.
[238] Wrennall, "The Catholic Registers of Robert Hall and Hornby, Co. Lancaster, 1757-1851," 320–22; Foley, *Some People of the Penal Times*, 27; Wrennall, "The Catholic Registers of Robert Hall and Hornby, Co. Lancaster, 1757-1851," 320.

Thomas Butler arrived at Hornby in the summer of 1761 and remained in service of the mission at Hornby until his death on October 8, 1795.[239] The relationship between Ann and Fr. Butler was an industrious one. Ann was more than just the primary financer of this mission: she personally supplied it and guided its development by purchasing religious texts and the various garments and accoutrements required for the celebration of the Holy Mass. Furthermore, she acted as a go-between for lay Catholics and Fr. Butler, facilitating access to the priest for the purposes of blessings and confessions.

1761, the year of the founding of the mission, is a lean one in terms of surviving correspondence between Thomas Fenwick and his sister-in-law. Of seven letters which exist, all were sent by Ann and all were urgent requests for funds. The early part of the year until the summer seems to have been a brief moment of amicability between the two. Thomas was living in Burrow at the time and visited Hornby regularly, as evidenced by Ann's note to him on January 31, 1761, in which she exclaimed her "pleasure of seeing you at Hornby everyday this week."[240] When summer came, Thomas left for London. It is no exaggeration to say that he deserted his sister-in-law, not responding to a series of increasingly desperate letters from September 25, 1761, until February 27, 1762 from Ann. When he finally responded from London in late February, his letter reads of intense guilt and shame at not having fulfilled his obligations to her. In his brief address, which begins with the sorrowful expression: "you may wonder that you have not heard from me before this time," Thomas explained that he had been awaiting a message from his associate Mr. Carus about money. It had been a poor financial year for Thomas, though he remained committed to doing right by Ann, writing that he would pay her

[239] Anstruther, *The Seminary Priests*, 4:53.
[240] Ann Fenwick, "Ann Fenwick to Thomas Fenwick," January 31, 1761, RCHY 2/6/4, Lancashire Record Office.

"four hundred pounds, & after that is paid I shall find a great want of money for other demands; for I have met with many disappointments."[241]

In a letter sent to Thomas on March 3, 1763, Ann insisted that, owing to her poor health, "a journey is absolutely necessary for me," and that the destination of her travels was likely to be Bath in order to take in the waters there.[242] Predictably, this notice was preceded by a reminder that Thomas ought to have paid her £1000 at Candlemas and that even more was due to her in order to facilitate her travels, which she claimed would be vital for her health. Thomas responded on the 13th with a characteristically acerbic note which claimed that he had "met with several disappointments," and therefore had no money left to give her, though he would attempt to gather funds quickly to remedy his sister-in-law's needs.[243] To Thomas's great credit, he successfully scraped together a significant amount of money for his sister-in-law. Six days after his letter, he sent along £400 to Hornby and promised that more would come at the beginning of April. This situation seemed a repeat of what had taken place two years earlier. What followed was a silence of several months in the extant correspondence between the two, and Ann would not mention travelling again to him until some years later. In lieu of letters, Ann's meticulous financial records show that she had indeed made a journey in May using the funds Thomas had sent her, though this time the trip was to London, not Bath. Though Ann does seem to have been something of a valetudinarian and would have benefitted from a trip to Bath, she was evidently healthy enough to make the arduous journey to London.

[241] Thomas Fenwick, "Thomas Fenwick to Ann Fenwick," February 27, 1762, RCHY 2/6/4, Lancashire Record Office.
[242] Ann Fenwick, "Ann Fenwick to Thomas Fenwick," March 3, 1763, RCHY 2/6/5, Lancashire Record Office.
[243] Thomas Fenwick, "Thomas Fenwick to Ann Fenwick," March 13, 1763, RCHY 2/6/5, Lancashire Record Office.

Thankfully Ann did not place any sort of veil over her financial records. Unlike Nicholas Blundell, whose diary contained many obscured or coded references to his more clandestine business as a Roman Catholic, Ann openly documented all of her income, expenses, and activities openly, never fearing investigation. Beginning on May 1, Ann paid for a total of 16 weeks of lodgings in London, staying for a large part of the summer whilst members of the gentry fled to the countryside to escape the heat, the stench, and the disease of a metropolitan summer. On May 9, 1763, Ann recorded that she had produced "three bags £100 each out of the Cash rec'd from my Brother & took in my Trunks to London." From an entry in August, we know that the remaining £100 was "left with Mr. Butler at Hornby,"[244] a considerable sum to be entrusted to a man Ann had only known for a few months. While in London, Ann Fenwick and her three travel companions, her servants Ann, Aggy, and Adam, had quite the time, taking in plays and seeing the sights of the city. The majority of the cash was spent on clothing, furniture, alcohol, perfume, and books. Though we know little about Ann's travel companions, we may infer their roles in Hornby Hall through other expenses found in her record books. Knowing who these three people were may help us understand Ann Fenwick's purpose in traveling to London instead of to Bath for her health. Adam was the head groom of Ann's stables, as evidenced by Ann's purchase of a pair of breeches for him in London on July 15 costing £1/1/- and in records of payment to him for his service in dealing with the horses.[245] Secondly, there travelled with Ann someone referred to as "Aggy." The woman in question was likely Agnes Rowe, hired by Ann on October 4, 1762 for £4 a year.[246] Agnes ordered supplies for the household and therefore

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[244] Ann Fenwick, "The Household and Estate Accounts of Ann Fenwick," 1763, RCHY 2/4/22, Lancashire Record Office.
[245] Ann Fenwick, "The Household and Estate Accounts of Ann Fenwick," 1762, RCHY 2/4/22, Lancashire Record Office.
[246] Fenwick, "The Household and Estate Accounts of Ann Fenwick," 1762.

played a vital role at Hornby Hall. The most important companion on this trip, sometimes called "Ann Layfeild" or "Ann Leyfeild" in her master's financial records, was primarily a household servant. However, she also served in a vital role as the sacristan of the Hornby mission. A role still present in the Catholic Church today, the sacristan's job was to maintain the garments worn by the priest and to prepare the vessels and utensils to be employed during the mass. Though the priest himself was the primary sacristan, someone like Ann L. would have supplemented his efforts. In this capacity, Ann's services were in great need during the two most important dates in the liturgical calendar, and, from the opening of the mission in 1762 until 1771, Ann Fenwick always paid her on Christmas and Easter, writing explicitly in her record book that it was for Ann's duties as the sacristan. On June 30, Ann L. had moved on from her employment within Ann's household, with Ann recording the payment of her "last bill… paid out of my pocket." Indeed, on Christmas of that year, someone named "Wilson" was now being paid for the role of sacristan.[247]

In Ann's book of expenses, nestled between dozens of transactions which tell tales of spending sprees by this band of travellers on the High Streets of London, are certain entries which offer insight into the primary reasons for Ann Fenwick's journey to the city. Enabled to do so by the funds that her brother-in-law had sent her on March 19, Ann ordered a tailor to make a cassock on May 26 and, likewise, recorded another payment "for a Vestment etc." on the last day of the month. These did not come cheap: the cassock cost 15/6 and the vestment and other articles ordered on the 31st cost £3. Also on May 31, Ann recorded the purchase of a number of books, which included "Instructions of youth 2 Vols," likely referring to the work of Charles Gobinet, a French theologian who published several guides on the education of Catholic youth,

[247] Fenwick, "The Household and Estate Accounts of Ann Fenwick," 1771.

“Historical Catechism,” “Introduction to a devout life,” by Francis de Sales, and “Spiritual Combat,” by Lorenzo Scupoli.[248] On June 4, Ann recorded purchasing Mr. Blyth’s sermons, certainly referring to the works of Francis Blyth, who had worked with Richard Challoner ten years prior on the revision of the Douay-Rheims Bible. At this time, Blyth enjoyed a position as the chaplain at the Portuguese embassy in London, granting him a measure of protection against persecution. From this post, Blyth published a number of sermons which were widely purchased by faithful Catholics like Ann. The fact that Ann furnished the mission with these and other classic works of Catholic theology, along with more current tracts, challenges received knowledge of the eighteenth-century English Catholic mission. The mission at Hornby seemed to contain a blend of old and new ideologies. In its embracing of counter-reformation figures like Francis de Sales, it maintained certain ideals in line with the Elizabethan mission, which presented a reappraisal of the faith in light of the reformation. By simultaneously carrying a number of tracts by the distinctly English Catholic scholars of the time, the Hornby mission also reveals itself to be part of the general trend within the English missions of a separation in thought between the English Catholics and those on the continent.[249] Whoever Ann purchased the vestment from must have been a regular supplier of the Catholic missions in England, as she returned on July 28 to order the making of another vestment “& for silver Cruets,” referring to the receptacles in which the wine is carried in at the Holy Mass prior to its consecration.[250] As the sacristan of the Hornby mission, the purchasing of these garments and utensils must have been the reason that Ann L. was brought along. Ann’s work in purchasing all of these items freed

[248] Fenwick, “The Household and Estate Accounts of Ann Fenwick,” 1763.
[249] Bossy, *The English Catholic Community, 1570-1850*, 290–91.
[250] Fenwick, “The Household and Estate Accounts of Ann Fenwick,” 1763.

up the priest, Thomas Butler, to continue his work in Lancashire and served to insulate him from any potential penalties from the law as a result of his travels and purchases.

In early July 1770, Ann stayed in Hornby and instead paid for Thomas Butler and a small party to travel to and from London. The mission had grown large enough that a second priest was able to take over for Thomas while he was away, as Ann recorded a transaction for “Mr. Craggs Priest wage” in late April of the same year.[251] Ann stayed in Lancashire instead of making the trip for Fr. Thomas as she had in the past because both her health and her financial situation were in critical stages. Though she had been complaining about health problems for several years, they now seriously disrupted her life and activity. As early as 1765, Ann had deteriorated to the point of being totally bedridden for extended periods of time, but hoped, if only Thomas Fenwick would deliver her the funds she was owed, to make “an excursion to either Bath or Buckstone [Buxton]” to take the waters for her health.[252] This time, she meant it. Eventually, she received the money she needed for the journey. Before leaving, she submitted yet another request for money from her brother-in-law. This was especially important, she wrote, “as travelling & spaws I imagin are very expensive … I should not wish to be destitute of cash in a strange place.” Knowing her dedication to the mission and the efforts she took in labouring for its benefit, this journey is perhaps best understood as one made in true desperation.[253]

Ann Fenwick set out to Bath to relieve her illness, which was never explicitly named but often rendered her immobile and confined her to bed. Among the miscellaneous documents which belonged to the Hornby mission is a copy of the 1771 book: “A Dissertation on the Gout and all Chronic Diseases Jointly Considered,” by William Cadogan. In the book, Cadogan spoke

[251] Fenwick, “The Household and Estate Accounts of Ann Fenwick,” 1770.
[252] Ann Fenwick, “Ann Fenwick to Thomas Fenwick,” June 7, 1765, RCHY 2/6/6, Lancashire Record Office.
[253] Ann Fenwick, “Ann Fenwick to Thomas Fenwick,” July 7, 1765, RCHY 2/6/6, Lancashire Record Office.

of the potential benefit of taking the waters at Bath. Because of the enduring quality of Ann's disease, it seems likely that she had gout or another chronic illness described within Cadogan's text. Like many of the texts belonging to the mission's library, Ann herself may have purchased it.[254] A typical visit to Bath involved staying to take the waters for at least five weeks. For women, the waters were thought to be effective in treating physical issues ranging from gout to reproductive issues as well as even mental illnesses.[255] In October of 1765, Ann felt quite strongly that taking the waters was truly beneficial for her, writing to Thomas claiming that "had I come some years ago, I need not have made so long an abode now."[256] Tracking Ann's correspondence reveals that she arrived in Bath at some point before October 1765 and stayed until sometime after May 1766, a duration of at least seven months and at most perhaps over one full year. The first letter sent from her in October 1765 begins with Ann stating that her "stay here has been much longer than I expected," and her final letter in May 1766 reveals that she was, owing to a total shortage of cash, unable to pay for transportation home and would be forced to wait upon Thomas's rescue.[257]

The spas were not just venues of convalescence. Bath was a hotbed for gossip about the latest social dramas and political happenings. Since about the 1690s, the city had oriented itself towards leisure and recreation with the construction of theatres, coffeehouses, and concert halls. Gambling was commonplace within the city as well. By the time of Ann Fenwick's visit, Bath

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[254] William Cadogan, "A Dissertation on the Gout and All Chronic Diseases Jointly Considered" (J. Dodsley, 1771), RCHY 1/6/31, Lancashire Record Office.
[255] Rose Alexandra McCormack, "'An Assembly of Disorders': Exploring Illness as a Motive for Female Spa-Visiting at Bath and Tunbridge Wells throughout the Long Eighteenth Century," *Journal for Eighteenth-Century Studies* 40, no. 4 (2017): 562–63, https://doi.org/10.1111/1754-0208.12507.
[256] Ann Fenwick, "Ann Fenwick to Thomas Fenwick," October 24, 1765, RCHY 2/6/6, Lancashire Record Office.
[257] Ann Fenwick, "Ann Fenwick to Thomas Fenwick," October 24, 1765; Ann Fenwick, "Ann Fenwick to Thomas Fenwick," May 1, 1766, RCHY 2/6/6, Lancashire Record Office.

had become one of the foremost destinations in Britain for leisure.[258] In December of 1765, Ann seemed to be recovering well and enjoying herself in the city. She spent much of her time at the Pump Room, which had been expanded in 1751 and was further renovated in 1766.[259] Ann soon found herself rubbing elbows with some of the most powerful people in the country. A letter sent to Thomas Fenwick on December 21 includes a postscript in which Ann writes: "I have had the Honour of drinking my Glass with Mr. Pitt at the Pump Room he is still very lame, but much better than he was."[260] One can only imagine how Thomas reacted to the news that his sister-in-law was now in the company of William Pitt, then the leader of the opposition, who would once again become Prime Minister in the year following his meeting with Ann when the Rockingham ministry collapsed.[261] This encounter reveals that Ann Fenwick's faith and legal status did not hinder her from sharing her time and company with someone with as much sway and national importance as Pitt. Being at Bath, that hotbed of political discussion and a virtual second home for many Parliamentarians, it is notable that Pitt took the time to sit down with a woman like Ann. Thomas certainly did not impart any reaction towards this meeting to Ann, who, on January 21, 1766, exclaimed her dismay at not having received any letters or cash from him. Though Ann often made dramatic pleas in her letters, this must have been a time of hopelessness for her. She was now in an unfamiliar place with few friends to speak of, and she was on her last £20, which would hardly sustain her for very long in Bath. Nor could she leave: "my infirmities will not at present permit me to go from hence; neither could I undertake the journey with £20."[262] Thomas's silence was not necessarily malicious: his own illness had been exacerbated by the

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[258] Phyllis M. Hembry, *The English Spa, 1560-1815: A Social History* (London: Athlone Press, 1990), 136–37; For further detail upon Bath, see also R. S. Neale, *Bath 1680-1850: A Social History, or, A Valley of Pleasure, yet a Sink of Iniquity* (London: Routledge & Kegan Paul, 1981).
[259] Hembry, *The English Spa, 1560-1815*, 122, 126.
[260] Ann Fenwick, "Ann Fenwick to Thomas Fenwick," December 21, 1765, RCHY 2/6/6, Lancashire Record Office.
[261] Jeremy Black, *Pitt the Elder* (Cambridge: Cambridge University Press, 1992), 259–61.
[262] Ann Fenwick, "Ann Fenwick to Thomas Fenwick," January 21, 1766, RCHY 2/6/6, Lancashire Record Office.

cold weather. On February 5, Ann responded to a letter from Thomas in which he proclaimed his infirmity. Ann seemed greatly concerned with Thomas's indisposition, earnestly requesting for him to join her at Bath, writing that "I realy think the Waters wo'd be of great service to you; here is good Lodgings in this House; & at present the Town is very empty."[263] Her request, both a plea for Thomas's health as well as a desire for his companionship, was not answered in the affirmative. If it had been, perhaps the impeding breakdown in their relationship could have been postponed or even softened.

This time of Ann Fenwick's life, roughly 1759-1766, exemplified just how far the tensions between her and Thomas could be stretched and how personal the struggle was for both parties involved. Ann Fenwick might very well have seen herself as an innocent victim of circumstance, simply wanting the necessities to fund the Roman Catholic mission she laboured for and to provide for the poor of her community. As illustrated throughout this chapter, Ann was a formidable and bold opponent when her goals were threatened, though she always operated within acceptable social limits, probably due to her strict morals and the fact that she valued her relationship with Thomas. The fact that Thomas agreed to pay Ann a rather generous annuity and often went to great pains to send large quantities of money proves that this respect was reciprocal. It would be a mistake to see Ann as a cold and calculating opponent due to her shrewdness. The anguish she faced over her newspaper, which contained her mother's name, demonstrated an intense vulnerability in the woman, further exemplified by her physical weakness which required her to retreat to Bath even when finances were dwindling. Moving

[263] Ann Fenwick, "Ann Fenwick to Thomas Fenwick," February 5, 1766, RCHY 2/6/6, Lancashire Record Office.

forward, we will see how this shrewd yet desperate woman was pushed to the very brink, causing a total break in the relationship between Ann and Thomas.

Chapter Four: The Scandalous Victory of Ann Fenwick

But so ineffectual is the power of legal evasion against legal iniquity, that it was but the other day, that a lady of condition, beyond the middle of life, was on the point of being stripped of her whole fortune by a near relation, to whom she had been a friend and benefactor: and she must have been totally ruined, without a power of redress or mitigation from the courts of law, had not the legislature itself rushed in, and by a special act of Parliament rescued her from the injustice of its own statutes. One of the acts authorizing such things was that which we in part repealed, knowing what our duty was, and doing that duty as men of honor and virtue, as good Protestants, and as good citizens. Let him stand forth that disapproves what we have done![264]

Giving a speech to his constituents in Bristol in 1780, Edmund Burke delivered these remarks on the case of Ann Fenwick. To Burke, this situation carried deep political significance. For him, Fenwick's case was not simply a legal matter concerning Protestantism versus Catholicism. Rather, it embodied a struggle to maintain the polite customs of the social elite and to uphold the very tenets of Hanoverian society- the preservation of property.[265] In Burke's view, the penal laws were nothing more than "legal iniquity," which had now proven themselves unjust by allowing for a man to wrongfully deprive a woman under his care of her fortune. By examining the special Act of Parliament which served to relieve Ann of the legal restraints upon Catholics to property and political life, we can more accurately understand the circumstances and motivations behind both sides of the debate over her estate and the broader implications that her unique situation had upon both local and national politics. As Edmund Burke and the Act of Parliament itself clearly noted, the state was not addressing Ann Fenwick's right to her estate as a way to reconcile with Roman Catholics, but, ostensibly, to affirm the rights of the Protestant majority which the penal laws against Catholics had been designed to protect. In reality, the legal

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[264] Edmund Burke, *The Works of the Right Honourable Edmund Burke*, vol. 2 (London: John C. Nimmo, 1887), 394–95, https://archive.org/details/cu31924088024017.
[265] Paul Langford, *Public Life and the Propertied Englishman, 1689-1798*, The Ford Lectures 1990 (Oxford: Clarendon, 1991), 35–37; Richard Bourke, *Empire and Revolution: The Political Life of Edmund Burke* (Princeton, New Jersey: Princeton University Press, 2015), 409–11.

dispute was about property rather than religion. Though victorious, Ann came out of this affair deeply regretting the scandal she had caused. Her shame was simply that her victory represented the final breach in the relationship she had so carefully sought to preserve with her brother-in-law. Her legal victory had greatly injured Thomas's reputation and social status in the community and his financial position. This scandal carried with it deep political implications which involved one of the most powerful political cabals in northern England in the later eighteenth century.

By the late 1760s, Ann's financial situation had become untenable. Her desperation was made clear through an uncharacteristically blunt letter written to Thomas on October 15, 1768. In expressing how she had been forced "to Borrow from hand to mouth," Ann remarked that Thomas's "unkindness this year has been great," and that she was "at a loss how to acct for this strange behaviour for it is realy beyond all expression." She openly posited that Thomas's silence was the result of his expectation that she would soon die of whatever illness had been wracking her body thereby saving him from further hassle. Indeed, she wrote: "perhaps my death wod be as wellcome to you as yours will be to a Gent in the Neighbourhood."[266] This remark, contained in one of the final extant pieces of correspondence between the two, was uniquely vitriolic. That Ann was driven to use such harsh words revealed just how bad things had gotten between them. Though the identity of the "Gent in the Neighbourhood" who might welcome Thomas's death was never made explicit named, there are two possible candidates. Jennifer S. Holt, the editor of Thomas Fenwick's diaries, posited that this was a reference to Thomas's next-of-kin, Nicholas Tatham, who stood to inherit the Fenwick estate.[267] While this is a reasonable assumption and is most likely, a second possibility exists, one which takes into consideration the political situation

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[266] Ann Fenwick, "Ann Fenwick to Thomas Fenwick," October 15, 1768, RCHY 2/6/7, Lancashire Record Office.
[267] Thomas Fenwick, *Diary of Thomas Fenwick*, 2012, 4:146.

that Thomas was then embroiled in and builds upon additional evidence provided by Ann's correspondence. Ann may have been alluding to James Lowther.

James Lowther, the first Earl of Lonsdale from 1784 was a highly contentious figure in eighteenth-century English politics. Described by historian Gordon Turnbull as a "notoriously tyrannical and ill-tempered boroughmonger," Lowther, one of the wealthiest men in the country, controlled a powerful political cabal in the northwest of England.[268] Thomas Fenwick accrued a number of allies hoping to break Lowther's stranglehold upon northwestern English politics. In Westmorland, an anti-Lowther coalition led by men like William Cavendish-Bentinck, Duke of Portland, and Henry Brougham, an influential Westmorland landowner whose son would become Lord High Chancellor in 1830, considered nominating Thomas Fenwick as their candidate against John Robinson, the man running for the Lowther interest in the 1768 election in Westmorland. The county seemed inexorably corrupt, having been dominated politically by Lowther since 1759.[269] Thomas kept regular correspondence with the Duke of Portland throughout the 1760s but did not seem to be overly popular among the anti-Lowther group. Those who opposed Lowther were divided over who ought to run against his candidate in the 1768 election. Despite general agreement that the Lowther interest ought to be checked, Thomas Fenwick remained something of an unknown quantity. Ever short on money, Thomas was only able to declare his candidacy because he had been promised a substantial sum for doing so by the anti-Lowther coalition. An outsider like Thomas displeased the Wilsons, a major familial faction within the anti-Lowther group, who would abstain from voting as a result of Fenwick's

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[268] Gordon Turnball, "Boroughmongering, Biography, and the Reform of Parliament: James Boswell and the Earl of Lonsdale," in *Realities of Representation: State Building in Early Modern and European America*, ed. Maija Jansson (New York: Palgrave Macmillan, 2007), 64–65.

[269] Lewis Namier and John Brooke, *The History of Parliament: The House of Commons, 1754-1790.*, vol. 1 (London: Her Majesty's Stationary Office, 1964), 403.

nomination.[270] The disunity within the anti-Lowther coalition, coupled with Thomas's lackluster political ability, ensured that Thomas obtained only a marginal victory in Westmorland in the 1768 election. Marginal or not, this was a victory nonetheless. Thomas felt confident enough to bask in this moment of triumph. In a letter to the Duke of Portland, Thomas noted ecstatically that "the general Spirit of even the lowest freeholders is averse to the dominion of Sir J. Lowther."[271] Thomas's enthusiasm for the cause was palpable, and his allies were equally chuffed that Lowther's cabal had been presented with a tangible challenge. Even after he had won, however, his allies understood that the fact that Thomas Fenwick was the man who presented this challenge was merely coincidental and dependent upon the favour of his political patrons in the county. Writing to the Duke of Portland, Henry Brougham claimed that Fenwick's election served as excellent proof that the tide had turned against Lowther, largely because Thomas was "by no means a favourite in the Country, & [was] labouring under many disadvantages."[272] Brougham's assessment of Fenwick signifies to us that even if the man had avoided the scandal with his sister-in-law, his peers recognized that a re-election in the following election would prove a challenge due to his general unpopularity. Remarkably, Thomas only declared his candidacy ten days before the 1768 election, further demonstrating that his victory was likely only because of a growing dissatisfaction with Lowther among the landholders rather than any of Thomas's personal qualities.[273] In Parliament, Fenwick always voted with the opposition, never spoke in the House, and was abandoned by his former financiers in the 1774

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[270] Brian Bonsall, *Sir James Lowther and Cumberland and Westmorland Elections, 1754-1775.* (Manchester: University Press, 1960), 117–18.
[271] Thomas Fenwick, "Thomas Fenwick to the Duke of Portland," April 1, 1768, 3647, Nottingham University: Portland of Welbeck.
[272] Henry Brougham, "Henry Brougham to the Duke of Portland," April 16, 1768, 1679, Nottingham University: Portland of Welbeck.
[273] Namier and Brooke, *The House of Commons, 1754-1790*, 1964, 1:404.

election.[274] He would not seek election again after his defeat in 1774. Regardless of his abilities in politics, by 1768 Thomas had made many enemies. The greatest of these was James Lowther himself, who certainly could have been the man referred to by Ann as the "Gent in the neighbourhood" for he too would have benefitted from Thomas's death. Ann's familiarity and personal contact with the Lowther household provides some proof of this. Simply put, Thomas was already growing in unpopularity among the elite, and there existed powerful forces in high places who would have benefitted from any attack on his reputation.

Knowing the shame she felt about this period of her life, it is unsurprising that Ann did not make copies of the letters she sent to James Lowther, a man who played some undetermined role in these events. Despite this lack of any major extant correspondence, we may learn much of her connection to Lowther through the only surviving letter which Ann had sent to one of the servants in his household. On September 23, 1774, two years after the Fenwick Act had been passed to remedy Ann's case and only a few weeks before the election of that year, Ann wrote to the Lowther household asking a servant to aid her in obtaining certain titles demonstrating her ownership of Claythrope Hall in Westmorland. Admittedly, this letter raises far more questions than it answers. What connection did Ann have to this powerful magnate? Why did she expect Lowther to help her? Although this is the only extant piece of correspondence linking Ann to Lowther, it was very clearly not the only letter Ann had sent to the Lowther household. Ann began the letter thanking the servant for his previous letter and for his assistance in obtaining a copy of a document she had requested. Also notable about this source is the note attached to it written by another person, indicating that Ann was now "asking for further assistance from Sir

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[274] Lewis Namier and John Brooke, *The History of Parliament: The House of Commons, 1754-1790.*, vol. 2 (London: Her Majesty's Stationary Office, 1964), 418–19.

James Lowther … [he] appears to have given considerable assistance in getting this matter put right," referring to past and future correspondence between the two which is now lost.[275] This does not, however, suggest that the two collaborated to orchestrate Thomas's political and social downfall through the passage of the Fenwick Act. There is no evidence to suggest collusion of any sort, and the relationship between Lowther and Ann may have simply revolved around the titles she held in Westmorland. However, Lowther's keen interest in helping Ann may have been undertaken because of some gratitude for her role in cementing Thomas's unpopularity, thereby killing the chances of one of Lowther's primary political opponents.

The Fenwick Act

As she had so many times before, Ann Fenwick sent her brother-in-law a short request for money in the final days of 1768. She began with a congratulations upon his victory in the election, though followed this with a stinging reminder of his failures to compensate her: "I congratulate you upon the success of Cumberland, I am glad to hear you are so well recoverd as to be able to entertain your friends, I hope now you will remember me & send the cash I have so often wrote for."[276] She made another short plea in February of the following year, noting that "how long I must write or go on without a supply seems at present uncertain; but I shall expect [the money owed] soon."[277] Both of these letters Ann sent one more letter to Thomas Fenwick on October 12, 1769. This is the most recent extant letter between the two and was possibly the last letter either of them sent to the other. With the threat of debtor's prison looming, Ann assumed a more subdued tone, avoiding the incendiary language she had employed one year earlier. Legal

[275] Ann Fenwick, "Ann Fenwick to a Servant of Sir James Lowther," September 23, 1774, DLONS/L/1/1/55, Cumbria Archives, Carlisle.
[276] Ann Fenwick, "Ann Fenwick to Thomas Fenwick," December 29, 1768, RCHY 2/6/7, Lancashire Record Office.
[277] Ann Fenwick, "Ann Fenwick to Thomas Fenwick," February 21, 1769, RCHY 2/6/7, Lancashire Record Office.

suits were now being brought against her as a result of non-payment and subsequent accumulations of significant interest she also had to now pay. Her writing revealed her hopelessness: "The end of my troubles must be near for I was abt 10 days since served with a writ … I expect another … what will become of me?" In concluding this letter, she presented one final entreaty to her brother-in-law: "…you will easily see my life is become insupportable any longer in the present state … [I] beg of you to settle all things … on my account that I may be in ease & have some Comfort of Life while I am in being who am with due compliments to, dear Brother, your affectionate and afflicted sister, A. Fenwick."[278] Thomas never provided this relief, forcing Ann to seek relief through the courts in the Michaelmas term of 1770, which began on September 29. Ann Fenwick, now 46 years old, understood that even as a Roman Catholic, she could turn to the courts for recourse. For her, recourse to the law was a last resort. Ann had the opportunity to bring this matter to the attention of the courts for years but was not in such dire straits in the late 1750s. She was by the later 1760s. The death of her mother in 1762 meant that she no longer to hide the poor state of her and Thomas's relationship from anyone. In her correspondence with her lawyers in the late 1750s, she had always stressed that her relationship with Thomas was paramount. However, Ann records in the autumn of 1769 that she and Thomas were no longer on friendly terms.[279] Why, then, did she delay legal action until she herself was being threatened with suits for her debts? It seemed that regardless of their personal sentiments towards each other, Ann simply did not want to cause Thomas any trouble, even to her own disadvantage. Even in the initial letter she had sent to her lawyer, Mr. Perrot, in December 1758, Ann notes that the relationship between the two had greatly changed upon her husband's death and outlined her reason for not immediately pursuing more aggressive actions against Thomas: "I

[278] Ann Fenwick, "Ann Fenwick to Thomas Fenwick," October 12, 1769, RCHY 2/6/7, Lancashire Record Office.
[279] Fenwick, "Ann Fenwick to Thomas Fenwick," October 12, 1769.

lookd upon him as my only friend & wishd to do nothing contrary to his interest."[280] Despite the change in relations then, she was unwilling to take legal action against her brother-in-law. This sentiment can be found in much of her correspondence of her letters to her lawyers as well as in a multitude of letters sent to Thomas as well.[281]

Appearing before the King's Bench, Ann sued Thomas for £18,000 and sought an additional £1/10/- for damages. On December 8, 1770, Ann received a judgement in her favour. Ann's argument, which was to be repeated before the House of Lords in 1772, was, simply, that Thomas had not fulfilled a financial agreement. Thomas successfully obtained an injunction from the Court of Exchequer to forestall this decision, though this injunction was dissolved shortly after Ann appeared in court to present her case. According to her 1772 petition to the House of Lords, in reference to this injunction, Ann "[shewed] Cause upon the Merits" of the initial judgement.[282] Although this was in itself a significant victory, the issue was far from resolution. Thomas, as a Member of Parliament, could not be sued outside of his personal estate, which was not at all sufficient to cover the £18,000 settlement to Ann. As a result, Ann and her legal counsel went before the House of Lords in the hopes of obtaining a private Act of Parliament in her favour. How could it be that this openly Roman Catholic woman sought assistance from the House of Lords? Why would they listen to her case at all? Ann Fenwick, who must have appeared as a sickly widow who had been taken advantage of for years, provided an opportune chance for legislators to address concerns regarding property, its sale, and the question of inheritance when controlled by a Roman Catholic. Necessarily, this discussion also reflected views on Catholic recusancy as well. In some legal cases throughout the century, Catholics were

[280] Fenwick, "Ann Fenwick to Mr. Perrot," December 14, 1758.
[281] See RCHY 2/6/1-2/6/7.
[282] "Petition of Ann Fenwick."

granted the right to property. Notably, they could inherit titles before reaching the age of majority. The intersection of the penal laws and laws concerning property seemed to form something of a Gordian Knot for eighteenth-century jurists. If a Protestant next-of-kin had the right to claim a Catholic relative's estates when the title passed on, by what right could the Catholic sell the land to begin with? Would it not follow, then, that any such sale made by a Catholic could be disputed by the conforming next-of-kin and claimed from the purchaser?[283] These cases involving Catholic ownership were well known to Randle Wilbraham, a highly esteemed lawyer and Member of Parliament from 1740-1768. Wilbraham was sympathetic to the idea of increased Catholic property rights, believing the situation to be paradoxical; a Catholic could possess the right to own land but have their right to sell the land challenged.[284]

Ann's petition to the court in March 1772 demonstrated the cleverness of her legal counsel. Hers was not some grand appeal for the rights of the Papist, but a pointed series of proofs that Thomas Fenwick had not fulfilled a financial agreement he had made with Ann and that he had then abused the privileges he held as a Member of Parliament by playing upon the legal constraints Ann faced as a Roman Catholic. The petition to the Lords presented a solution which reconciled both the protection afforded to Members of Parliament and also Ann's legal inability to own or control property. Ann's counsel proposed selling her former lands "so that the Estates may still continue in Protestant Hands; and [Ann Fenwick] hopes she may in that Respect be considered in a meritorious Light with the Public, as one who has, in this Instance, promoted the true Spirit of the Popish Laws, by adding all her own Inheritance, to the Protestant Lands of this Kingdom."[285] Upon the sale of her former estates all money owed to Ann Fenwick would go

[283] Myers, "Catholics, Property, and the Experience of the Penal Laws in Eighteenth-Century England," 80.
[284] Myers, 81.
[285] "Petition of Ann Fenwick."

to her, while any monies left over would go to Thomas. This was a key reason for Ann's success: her petition purported to affirm and uphold, rather than to deny or seek to overturn, the Penal Laws. Ann only claimed what belonged to her and granted the rest to Thomas. According to Ann's petition, Thomas had an "undue advantage taken of [Ann Fenwick's] Ignorance" in conveying her property and estate to her late husband.[286] This notion of ignorance upon Ann's part proved the linchpin in the case. Thomas's counterargument to this point, included in his own petition submitted to the House of Lords on 30 April 1772, posited that Ann was not, in fact, as clueless to the stipulations of the conveyance as she suggested. As Thomas claimed, Ann conveyed her estate to John so he could borrow money "upon the Credit he derived from being the absolute Owner of those Estates, which was a Fact well known in his Neighbourhood."[287] Thomas noted that Ann must have understood that her husband was in desperate need of cash at the time of this conveyance and therefore could not have established a fund for her in case of his untimely demise. According to Ann's petition, however, it was only upon John's death that she "found that no Money had in Fact, been raised on the Security of the said Estates; and being greatly affected with the Circumstances of her Situation, took a Journey to London, to have a Personal Conference with the said Thomas Fenwick, as she then had Reason to believe that he intended to avail himself of the said Deed and Fines so obtained from her."[288] At that time, Thomas Fenwick agreed to refer the matter to the lawyers George Perrot and Randle Wilbraham. As a result of this counsel, a settlement was reached. On August 4, 1759, Thomas entered into a bond of £12000, the sum of Ann's annuity. He also entered into a second bond for £6000, both of which Ann's legal petition claimed were, in practical terms, Thomas's payment to Ann for the

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[286] "Petition of Ann Fenwick."
[287] "Petition of Thomas Fenwick."
[288] "Petition of Ann Fenwick."

purchasing of her property, though it was "not … Half the Value of the said Estates."[289] With decades of experience in these sorts of cases, Wilbraham understood that to give Ann the strongest possible legal position, the settlement had to have taken the form of a sale of property. If Thomas recognized that he bought the estates, he would necessarily have to recognize too that Ann actually owned them and that she had a right to the titles. This was absolutely crucial. The facts of the settlement were highlighted in Thomas's petition as well, though this deal was characterized as his way "to preserve the friendship" that existed between him and his sister-in-law.[290] Did Thomas truly believe that his friendship with his sister-in-law was worth such a staggering sum of money, or was this remark simply a way to avoid affirming Ann's claim regarding the settlement? In any event, Thomas displayed some confidence upon submitting his petition on 30 April 1772. On the same date, he wrote a letter to the Duke of Portland exclaiming that while "it may be improper at present to mention the objections which I have to the Bill: But I must say in general that it is in my power, and I will vindicate the reputation of myself and family from the Aspersions contained in it."[291] Despite this outward confidence that the House of Lords would favour him, Ann's petition ultimately won.

On 3 June 1772, a private Act of Parliament was passed which allowed for the sale of estates "which belonged to Ann Fenwick, widow, before her Intermarriage, [to be sold] for the Relief of the said Ann Fenwick."[292] Because Roman Catholics held no such right to buy or sell land in this fashion, a special stipulation was included in the Act that allowed Ann to conduct this business, through trustees, "as if the said Ann Fenwick was a person professing the Religion of

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[289] "Petition of Ann Fenwick."
[290] "Petition of Thomas Fenwick."
[291] Thomas Fenwick, "Thomas Fenwick to the Duke of Portland," April 30, 1772, 3652, Nottingham University: Portland of Welbeck. Also reprinted in Jennifer S. Holt, Diary of Thomas Fenwick vol. 4.
[292] Great Britain, "Ann Fenwick's Estate Act 1772, 12 Geo. 3. c. 122," 1.

the Church of England."[293] Much of the Act repeats the same arguments made in Ann's petition, but certain passages of the Act carry with them two major implications worth highlighting here. First, that the laws against Roman Catholics should not be exploited for the purposes of gaining money. The Act agreed that the annuity agreement between Ann and Thomas was for the purposes of purchasing her estates, and therefore:

> [Ann Fenwick] was clearly intitled to the resulting Trust ... and so would be deemed in a Court of Equity, if your said Subject was not disabled by the Popish Acts … which disability the said Thomas Fenwick ought not to take Advantage of, in order to enjoy the benefit of your said Subjects Estates, without paying for the same, and thereby reduce your said Subject to Beggary, contrary to the Faith of his own Agreement.[294]

The first half of this passage carries with it the explicit notion that the case of Ann Fenwick should be considered as though she was not a Roman Catholic and therefore unrestricted by the disabilities imposed upon her by her faith. This was something which ought to have been irrelevant since she was indeed a Roman Catholic who was legally disabled by the laws that applied to Catholics. According to the Act of Parliament, however, the greater offence was not the violation of the penal laws, but the fact that Ann was unable to receive justice from the Court of Equity and that Thomas Fenwick had taken advantage of the laws against Roman Catholics in order to enrich himself. By its wording, the next paragraph in the Act recognized and rebuked the seemingly radical nature of these implications. Repeating the arguments and wording of Ann's 1770 petition, the Act declared that she was acting in accordance with the laws against Roman Catholicism by selling her estates to a Protestant.

[293] Great Britain, 12.
[294] Great Britain, 7.

Although the Fenwick Act seemed to signal a break with the penal laws because it allowed for a Catholic to sell her property, it carefully clarified that, through its passing:

> [Ann Fenwick] humbly conceives that this Bill cannot operate as a Precedent to weaken any of the Provisions made by the Laws against Popery, but will, on the contrary, if the like Case should happen again, bring with it an Increase to the Landed Interest of the Protestants, and operate to the Advancement of the said Laws, according to the true Intent and Meaning thereof.[295]

Would this statement prove to be accurate? Six years after the Fenwick Act, the Papists Act or Catholic Relief Act of 1778 was passed and brought about a small measure of relief for British Roman Catholics. Crucially, Roman Catholics were now granted a legal right to property. Though there is no causal link between the two bills, it is worth noting that they both dealt with the rights of the Roman Catholic landowner. Ann Fenwick had been denied the right to own and control the land yet was granted the ability to sell it. Colin Haydon, an historian specializing in anti-Catholicism, argued in the single paragraph he devoted to Ann Fenwick that her case prompted lawmakers to deny “fanatics or self-interested parties” the opportunity to take advantage of the “outdated laws” against Catholics, thus directly prompting the Papists Act.[296]Beyond any direct connection of the Fenwick Act to the Catholic Relief Act, the more vital implication of the Fenwick Act is that it signalled the growing religious tolerance of parliamentarians within the House of Lords and showed how the political landscape of the elite had shifted over the century since the passage of the Test Acts and realized the need for the Catholic Relief Act in 1778. Indeed, the Prince of Wales, who in 1785 would illegitimately wed

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[295] Great Britain, 7–8.
[296] Haydon, *Anti-Catholicism in Eighteenth-Century England, c. 1714-80*, 174.

Maria Fitzherbert, a Catholic woman, commented that Catholicism was "the Religion for a Gentleman."[297] Though some of the political elite carried increasingly tolerant sentiments, this did not necessarily reflect the mood of the wider populace, regardless of certain enclaves in which co-existence took place, like rural Lancashire. Just over a decade after the passing of the Papists Act, many still had serious concerns about the direction that the state was headed in terms of Roman Catholic emancipation. John Wesley, the founder of Methodism, argued in his 1799 tract, *Popery Calmly Considered*, that although individual Catholics could be holy, the religion as a whole undermined holiness and virtue and therefore posed a supreme danger to the political liberties and spiritual lives of all Protestants. This argument, which had been put forward by John Locke over a century earlier, had some staying power.[298] There was a great difference between allowing one mistreated Roman Catholic widow the ability to sell her former property and allowing all Catholics the right to own land upon swearing an oath of allegiance. Therefore, if the Fenwick Act served to test the waters, the Papists Act seemed to be a full immersion. The anti-Catholic Gordon Riots of 1780 were led by the Protestant Association, which asserted that the 1778 Act went too far and would enable Papist subversion within the state.[299] Upon those same London streets which, less than two decades earlier, Ann Fenwick and her travel companions had purchased utensils and garments for the Holy Mass as well as Roman Catholic literature, 60,000 protestors attacked upon Catholics and those sympathetic to them, including the prominent politician and jurist Lord Mansfield. Neither was this activity confined to London: there were similar anti-Catholic demonstration throughout the Kingdom at this time, with Glasgow as the centre and origin of much of the agitation.[300]

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[297] Aveling, *The Handle and the Axe*, 265.
[298] Cranston, "John Locke and the Case for Toleration," 104.
[299] Haydon, *Anti-Catholicism in Eighteenth-Century England, c. 1714-80*, 206.
[300] Haydon, 207.

In the months and years after the passage of the Fenwick Act, Ann did not prove herself a woman who "promoted the true Spirit of the Popish Laws" that both her petition and the Fenwick Act claimed her to be.[301] Although she did begin paying Anglican church dues in the nearby town of Melling in April 1770, she also continued to fund the Roman Catholic mission at Hornby even while her legal proceedings continued.[302] Her spiritual will, penned almost two years before her death, reveals a deep knowledge of the inner workings of the English missions. She included special instructions for any future priest serving at Hornby, noting some qualities he must possess. These included: "his constant & regular attendance on all Sundays & Holidays; diligence in preaching & Catechising; care of the poor … & above all to endeavour to improve himself in Sanctity & devotion, which I fear is too little regarded amongst our missionaries in the Northern district."[303] Just how deeply connected was Ann to the northern missions if she was able to judge the quality of their priests? Further evidence of Ann's continued disregard for the penal laws can be found in her activity while under the scrutiny of the courts. When in London awaiting judgement from the House of Lords in March 1772, Ann, in characteristic fashion, took the opportunity to visit Catholic booksellers, purchasing the Memoirs of Jean Bolland, a seventeenth-century Flemish Jesuit priest and hagiographer.[304] When judgement was passed in her favour, the funds Ann was awarded provided her with the financial ability to fully immerse herself in the life of the Hornby mission. Indeed, it scarcely mattered to the legislators what Ann Fenwick did with her money. Their specific concern had been with righting a wrong in terms of property rights and financial obligations. This was consistent with national trends. After the Jacobite threat had been virtually annihilated at Culloden in 1746, sentiment among the

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[301] "Petition of Ann Fenwick"; Great Britain, "Ann Fenwick's Estate Act 1772, 12 Geo. 3. c. 122," 7.
[302] Fenwick, "The Household and Estate Accounts of Ann Fenwick," 1770.
[303] Fenwick, "The Spiritual Will of Ann Fenwick," April 11, 1775.
[304] Fenwick, "The Household and Estate Accounts of Ann Fenwick," 1772.

Hanoverian elite trended less towards anti-Catholicism and instead rested firmly upon discussions of liberty, the rights of the landowner, and over definitions of property.[305] Ann's unlikely success was largely a result of the fact that she brought her case before Parliament in a moment in which Protestantism and the Anglican church were not longer seen as in danger. Even in a period of personal physical and financial vulnerability, Ann Fenwick was willing and able to challenge Thomas Fenwick, a man who, as a lawyer and a Member of Parliament, seemed to embody the essence of established power.

[305] Langford, *Public Life and the Propertied Englishman, 1689-1798*, 27–31.

Conclusion

"I beg leave to repeat my congratulations which I sent to Mr. Bolton some time ago for having gained your lawsuit, upon the news of which I treated the Masters with a sneaker of Punch to Drink to the health of so true and worthy a friend, & gave a play-day to the boys ordering them to give 3 huzzas as loud as their mouths could stretch, with a Fenwick for ever, which was accordingly done with hats flying in the air." - H. Kendal, first president of the Sedgley Park school.[306]

If Kendal's reaction was any indication of the general sentiment surrounding Ann Fenwick after her lawsuit, it would appear as if the woman was now a hero among her friends. To Kendal, at least, Ann's victory seemed to be a monumental turning point for the rights of Roman Catholics in Britain. How do we measure the extent of Ann's success? Unlike her early modern counterparts Margaret Clitherow, Anne Line, and Margaret Ward, Ann did not die a martyr's death or face a comparable level of persecution or disability as these women of the late sixteenth century had. Unlike Mary Ward, the seventeenth-century Yorkshire nun who founded the well-known Congregation of Jesus and the Sisters of Loreto and whose name can now be found on hundreds of Catholic schools around the world, Ann Fenwick's influence upon the confessional community she inhabited is far more difficult to track. Instead of assuming that her case had a significant impact upon the legal status of English Catholicism, it is important to recognize that Ann's aim was personal and familial and not intended to inspire any grandiose social, judicial, or religious change. In her widowhood, her primary desire was to live in the spirit of Christ and express her faith through charity towards her community and devotion to the Roman Catholic Church. All else was secondary. As Ann herself wrote in her devotional book: "Lord Jesus Christ, who wouldest Be brought bound to Annas as a malefactor By an armed Band of wicked parsons: give me grace, that by no malignant spirit or bad man I be ever Drawn to sin:

[306] Kendal, "H. Kendal to Ann Fenwick," June 21, 1772.

but by thy good spirit led to the fulfilling of thy Divine will: Amen."[307] Through this meditation upon the journey of the imprisoned Christ, she concluded that, in her own life, the threat of a cruel persecution and being labelled a criminal was still no reason to resort to sinful behaviour. Her devotional book contains many such reflections upon the life of Jesus Christ which indicate how she wished to live her life in accordance with His. Notably, a large number of her meditations and prayers provide depictions of Christ under imprisonment, "bound by the hands of wicked men," as Ann wrote, for the purpose of loosening "the cheanes of my sins."[308] Even when describing in her prayers the newborn Christ in Bethlehem, she continued this theme: "wherein a Cribb dos ly / the saviour of mankind / the Lord of majesty / in Infant bands Confind."[309] Doubtlessly one of the boldest of the English Roman Catholics, even she was still preoccupied with the threat of persecution, imprisonment, and execution. Though Ann Fenwick was a Jacobite and wished for England under a restored Catholic Stuart Monarch to return to the Roman Catholic Church, her immediate concern was her own piety, along with her community's faith, wealth, and security. While this thesis has shown a confident, growing, and active Catholic community in the mid-eighteenth century which had less to fear than at any time since the Elizabethan Reformation, we cannot underrate the sense of unease which lingered while the penal laws and the threat of xenophobic popular anti-Catholic agitation remained.

Despite her privately held support of Jacobitism, Ann Fenwick was not a revolutionary in any sense, and did not agitate for the increase of rights or privileges for Roman Catholics before or after her legal victory. On the contrary, Ann Fenwick subsisted upon the bare minimum required to maintain her charitable endeavours and her lifestyle, as privileged as it may have

[307] Fenwick, "Ann Fenwick's Devotional Book."
[308] Fenwick, "Ann Fenwick's Devotional Book."
[309] Fenwick, "Prayers of Ann Fenwick."

been, until the threat of utter destitution and desperation forced her to seek legal redress. When she did act, she did so forcefully. This took many forms: from asserting her status as landlady of her brother-in-law's tenants, holding court within her home, and undermining Thomas Fenwick's authority by claiming his rents, to funding and operating a Roman Catholic mission in her home while engaged in a legal struggle. It would, however, be incorrect to say that these were acts of resistance. Ann had a profound appreciation of the social, political, and religious boundaries she lived within, but drew upon legal opportunities open to her in Hanoverian society to their fullest extent. Though technically devoid of redress because of her Catholicism, her social position as a woman, widow, orphan, and victim of an unjust financial subjugation afforded her more legal leeway than she otherwise would have had. We must recognize Ann Fenwick's experiences as atypical and reflective of unique and extraordinary circumstances. If she had not been born to an especially devout Roman Catholic mother and had not personally chosen to remain in the faith despite the obvious challenges it presented in Anglican England, she would have never faced disability under the penal laws. If she had not been the only child of her parents, she may have had been exempt from the worry about questions of property brought up by inheritance. If her husband had not died a premature death, she would have never entered into a prolonged legal struggle with her brother-in-law. Similar statements could be made about her choice to remain a Roman Catholic, her womanhood, her education and knowledge, her confidence, her illness, her charity, and the period in which she was born.

Though she often made claims of friendlessness and was often lonesome, Ann was not alone in her struggle. Throughout her life, these lonely experiences and sectarian challenges were, at times, alleviated by a host of sympathetic Protestant neighbours and by others in positions of power. The most important of these were certainly George Perrot and Randle

Wilbraham, who established the legal foundation for Ann's estate when they created the terms of the initial settlement between her and Thomas. Moreover, Ann's ability to navigate the social world of the Protestant elite remains impressive. The most remarkable among those interactions was perhaps her talk with William Pitt at Bath and her dealings with James Lowther. Even if Lowther played no formal part in Ann's legal victory, the fact that she was able to forge connections with people as politically influential as these remains, in itself, noteworthy. The sense of congeniality she held among her more immediate acquaintances outside of the household, namely her tenants and neighbours, was equally important. The diligent care she took in her dealings with neighbours, Catholic and Protestant alike, revealed Ann to be a valuable and important member of her community. She possessed an ability to make effective personal connections with people from all levels of the economic ladder, even with the Burrow tenants with whom she would not have been greatly acquainted. Essentially, Ann Fenwick was not as friendless as she believed. Her ability to play a significant role within Hornby society was enabled not only by a network of Roman Catholics from near and far, but by these local Protestants who supported her in daily life and when she had to appear before the courts.

In 1786, nine years after Ann's death, Thomas Fenwick made his only diary reference to her. It did not pertain to the sale of her property. The rarity of his mentioning of his sister-in-law is remarkable, as he penned daily entries quite regularly from 1774 to 1794. In his recollection on July 26, Thomas noted: "Newsom called: I had a little conversation with him about the servant girl of Mrs. Fenwick who heard her call for me on her death bed."[310] Thomas did not elaborate any further than this, leaving little insight into his thoughts upon Ann's final moments.

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[310] Thomas Fenwick, *The Diary of Thomas Fenwick Esq. of Burrow Hall, Lancashire, and Nunriding, Northumberland, 1774 to 1794*, ed. Jennifer S. Holt, vol. 2: 1785-1789 (Kew, Surrey: List and Index Society, 2011), 98.

Despite its brevity, we may still glean something valuable from this entry. This servant girl may have been Ellin Jackson, the woman to whom Ann granted £200 in her will on the condition that she remained with her at the time of her death. From this conversation, we may ascertain that Ann Fenwick's life and her relationship with Thomas, and especially the circumstances of her death, were still the subject of gossip in Thomas's social circle nearly a decade after her death. The brief observation notes that in death, Ann was surrounded by household servants and not her brother-in-law, with whom she desired reconciliation. Whether the servant girl's account was accurate or wholly invented, Ann's cries for Thomas must have haunted him, if not psychologically, then certainly socially. Visiting the sick and dying was expected, especially so if they were kith or kin. As historians Keith Wrightson and David Levine noted, the deathbed "was a public place … the material and emotional obligations of a lifetime were recognised."[311] It is worth noting that from the wording of the entry, Thomas himself seems to have trusted in the veracity of this recollection. The man's reputation never fully recovered from the infamy of his dealings with Ann, and with this additional rumour now spreading amongst his associates that his sister-in-law still held a true affection for him until her very last moments, Thomas's reputation was permanently tainted. In failing to reconcile with her before she died, he had dishonoured Ann in a final, permanent sense.

Ann Fenwick died on April 28, 1777, at the age of 53. She was laid to rest within St. Wilfrid's Anglican Church in Melling in her family's tomb, which is located directly before the chancel in the middle aisle. This is perhaps the most fitting resting place for a woman such as Ann. As a Roman Catholic, she had so skillfully navigated her entire life within a firmly

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[311] Keith Wrightson and David Levine, "Death in Whickham," in *Famine, Disease, and the Social Order in Early Modern Society*, by John Walter and Roger Schofield (Cambridge: Cambridge University Press, 1989), 160; On the social conventions surrounding death, see also Clare Gittings, *Death, Burial and the Individual in Early Modern England* (London: Routledge, 1984), https://doi.org/10.4324/9781003459446.

Protestant state that she was laid to rest in a church at the centre of an Anglican village and community. Predictably, her grave does not mention her Catholicism, and churchgoers at St. Wilfrid's today do not know likely who Ann Fenwick was. Even at St. Mary's Catholic Church in Hornby, parishioners are largely unaware of the woman who dedicated her life to the survival of the Roman Catholic Church in the Lune Valley and beyond. Those who know who Ann Fenwick was often become enraptured by her determination and bold action. Such was definitely the case with Bishop Foley of Lancaster, who had spent decades reaching Ann's Fenwick's life. In late 2023, the priest at St. Mary's, Fr. Michael Docherty, claimed that Ann's obscurity was woefully undeserved and that the Church should one day recognize her as a saint.[312] Though this present thesis does not have the authority to prescribe to the Papacy any sort of infallible ruling, it is clear that Ann Fenwick's life experiences deserve to be rehabilitated. Though she has been lost to historians, her memory lives on in some small way in Hornby. Visitors to St. Mary's will note an infographic board outside detailing some facts regarding Ann Fenwick. Inside the church, a pamphlet may be found which summarizes Ann Fenwick in the words of Bishop Foley. For a woman whose life was centred around this small, rural community, this is a most fitting memorial.

What may be learned from her life? Ann Fenwick's story serves as a reminder that formal regulations and expectations are not always mirrored in the realities of daily life. Historians can often miss the point when simply looking at formal documents and excluding an examination of the mundane viscera of daily life: the account books, the ledgers, the receipts, the correspondence, the prayers, the building plans, and even the books in a person's library. These

[312] Caretakers of St. Wilfrid's Anglican Church in Melling, Lancashire and parishioners and priest of St. Mary's Roman Catholic Church in Hornby, Lancashire in discussion with the author, November 5, 2023.

are important sources in discovering how people lived from day-to-day. This is doubly true in the case of Roman Catholics, who, through their recusancy, often are not represented in archival material. If Ann Fenwick had not gone before the House of Lords, she would have simply lived and died under the radar of historians. Furthermore, the materials pertaining to her life now preserved in the Lancashire Record Office may not have been saved for posterity. Even in an exclusive and expectant Anglican world, Ann Fenwick maintained her Roman Catholic faith explicitly-not as a recusant, and substantially contributed to the expansion of Catholicism in Britain. Traditionally, historians have assumed that Roman Catholics and women could not exercise political power nor dispense with property as they saw fit. The experiences of Ann Fenwick cast doubt on these assumptions. Ann conducted her daily affairs regularly in the manner she deemed most appropriate. She did not see her faith as a hinderance. Ann Fenwick was able to purchase works of Catholic theology and the supplies needed to celebrate Mass in the largest metropole within the Protestant empire to which she belonged. Meanwhile, every Sunday, from the pulpits of parish churches, Britons would hear about the Catholic enemy. On a societal level, she reminds us of the intimacies of the face-to-face world in which she lived. Business affairs, familial relations, as well as social, economic, and religious matters would have been the talk of her rural community. It was within this community that she derived every aspect of her life.

BIBLIOGRAPHY

Archival Sources

Lancashire Record Office, Preston

Hornby, St. Mary Collection (RCHY):

1/5/1: Letters of Richard Butler – 1754 to 1779.
1/6/31: A Dissertation on the Gout and all Chronic Diseases Jointly Considered
2/1/59: Spiritual Will of Ann Fenwick – 1767 19 Sep.
2/1/60: Probate Copy and original will of Ann Fenwick of Hornby – 1777 3 Jun.
2/1/61: Copy of a spiritual will of Ann Fenwick 1775 Apr. 11.
2/4/19: General household and estate Accounts of Ann Fenwick, 29 Jan 1750 – Mar. 1752.
2/4/21: Account of rents received by Ann Fenwick, 26 Nov. 1759 – 8 Oct. 1760.
2/4/22: Account of household and estate expenditure of Ann Fenwick 3 Jan 1762 – 12 May 1764.
2/4/24: Household and general accounts of Ann Fenwick, 1 Jan. 1770 – 31 July 1772.
2/4/27: Itemised bills and receipts for silver and religious books and items, paid by Ann Fenwick, 21 Nov. 1759 - 15 Aug. 1763.
2/4/30: Receipted bills, some itemised, for wages paid by Ann Fenwick, 25 Jul. 1754 – 23 Jul. 1775
2/4/32: Receipts for the payment of rent of land held by Ann Fenwick in the Manor of Hornby, 11 Jan. 1745/6 – 4 Dec. 1775.
2/5/13: Appointment by Ann Bension of Ann Winder Benison, widow, and Henry Faithwaite of Littledale, gent., as her guardians, 5 Nov. 1739.
2/5/14: Letter of John Christian to Mr. Knott giving a legal opinion on aspects of Ann Benison's inheritance, 6 Dec. 1739
2/5/18: Devotional book of Ann Fenwick of prayers to be sold during the sacrament of Holy Communion
2/5/19: Ann Fenwick's religious 'Instructions for Widows' - n.d.
2/5/20: Ann Fenwick's religious 'Orders for the Jubilee 1776' - 1776.
2/5/21: Prayers of Ann Fenwick - n.d.
2/5/22: Miscellaneous notes - n.d.
2/6/1: Draft letters of Ann Fenwick at Burrow (from 14 Dec. 1758) and Hornby (from 4 Jan. 1760) to George Perrot [later Baron Perrot of the Exchequer] of Messrs Perrot and Wilbraham, Lincoln's Inn, and one reply (2 Feb. 1760) relating to her dispute, 1758-1760.
2/6/2: Correspondence between Ann Fenwick at Burrow and Hornby with her brother-in-law, Thomas Fenwick at Burrow and Gray's Inn, London, concerning the settlement of the estate of the former after the death of her husband, John Fenwick in 1757, 8 Feb. - 30 Jul 1759.
2/6/3: Correspondence between Ann Fenwick at Hornby and Thomas Fenwick as in RCHY 2/6/2 above, 17 Jan. - 29 Dec. 1760.

2/6/4: Correspondence between Ann Fenwick and Thomas Fenwick principally comprising Ann Fenwick's repeated requests for payment of annuities and other sums due to her from Thomas Fenwick out of her estate, 9 Jan. 1761 - 5 Nov. 1762.
2/6/5: Correspondence as in RCHY 2/6/4 above, 6 Feb. 1763 - 13 Nov. 1764.
2/6/6: Correspondence as in RCHY 2/6/4 above, with some letters from Ann Fenwick at Bath, 7 Jun. - 26 Dec. 1766.
2/6/7: Correspondence as in RCHY 2/6/4 above, with some letters from Ann Fenwick at Bath, 5 Mar. 1767 - 12 Oct. 1769.
2/6/8: Letters of Mr & Mrs John Channon at London to Ann Fenwick at Hornby concerning the purchase by the latter of pictures and religious articles, 18 Jun. 1766 - 19 Dec. 1768.
2/6/9: Miscellaneous letters, chiefly relating to her financial and business affairs, received by Ann Fenwick, including that from H. Kendal of Sedgley Park, 21 Jun. 1772, referring to her success in her lawsuit, 17 Feb. 1753 - 21 Jun. 1772.

Parliamentary Archives

Great Britain. “Ann Fenwick’s Estate Act 1772, 12 Geo. 3. c. 122,” June 3, 1772. HL/PO/PB/1/1772/12G3n228.
“Petition of Ann Fenwick,” March 23, 1772. HL/PO/JO/10/7/359.
“Petition of Thomas Fenwick,” April 30, 1772. HL/PO/JO/10/7/369.
Portland of Welbeck:

University of Nottingham Archives

Brougham, Henry. “Henry Brougham to the Duke of Portland,” April 16, 1768. 1679. Nottingham University: Portland of Welbeck 1679.

Printed Primary Sources

Blackstone, William. *Commentaries on the Laws of England*. Edited by Ruth Paley. Vol. 1. 4 vols. Oxford: Oxford University Press, 2016.
Blundell, Nicholas. *The Great Diurnal of Nicholas Blundell of Little Crosby, Lancashire*. Edited by J.J. Bagley. 3 vols. Chester: Record Society of Lancashire and Cheshire, 1968.
Burke, Edmund. *The Works of the Right Honourable Edmund Burke*. Vol. 2. 12 vols. London: John C. Nimmo, 1887. https://archive.org/details/cu31924088024017.
Fenwick, Thomas. *The Diary of Thomas Fenwick Esq. of Burrow Hall, Lancashire, and Nunriding, Northumberland, 1774 to 1794*. Edited by Jennifer S. Holt. 4 vols. Kew, Surrey: List and Index Society, 2011.
Great Britain. *An Act to Oblige Papists to Register Their Names and Real Estates*. London: Printed by John Baskett, 1716. https://link.gale.com/apps/doc/CW0124293790/ECCO?sid=gale_marc&xid=8cbbccc4&pp=1.
Instructions and Directions for Gaining the Grand Jubilee of the Holy Year, Celebrated at Rome Anno 1775, and Extended to the Universal Church Anno 1776, by His Holiness Pius VI. London: J.P. Coghlan, Duke Street, Grosvenor Square, 1775.

https://link.gale.com/apps/doc/CW0123324126/ECCO?u=otta77973&sid=bookmark-ECCO&xid=0a1e76b8&pg=5.

Secondary Sources

Abercrombie, Nigel. "The First Relief Act." In *Challoner and His Church: A Catholic Bishop in Georgian England*, edited by Eamon Duffy, 174–93. London: Darton, Longman & Todd, 1981.

Anstruther, Godfrey. *The Seminary Priests: A Dictionary of the Secular Clergy of England and Wales, 1558-1850*. Vol. 4. 4 vols. Great Wakering, Essex, England: Mayhew-McCrimmon, 1969.

Aveling, Dom Hugh. "The Marriages of Catholic Recusants, 1559–1642." *The Journal of Ecclesiastical History* 14, no. 1 (1963): 68–83. https://doi.org/10.1017/S0022046900064381.

Aveling, J. C. H. *The Handle and the Axe: The Catholic Recusants in England from Reformation to Emancipation*. London: Blond and Briggs, 1976.

Baker, John. *An Introduction to English Legal History*. Fifth edition. Oxford: University Press, 2019. https://doi.org/10.1093/oso/9780198812609.001.0001.

Barker, Hannah, and Elaine Chalus, eds. *Gender in Eighteenth-Century England: Roles, Representations and Responsibilities*. London: Routledge, 1997. https://doi.org/10.4324/9781315842523.

Bastow, Sarah L. "'Worth Nothing, but Very Wilful'; Catholic Recusant Women of Yorkshire, 1536–1642." *Recusant History* 25, no. 4 (2001): 591–603. https://doi.org/10.1017/S0034193200030491.

Battigelli, Anna, and Laura M. Stevens. "Eighteenth-Century Women and English Catholicism." *Tulsa Studies in Women's Literature* 31, no. 1 (2012): 7–32. https://doi.org/10.1353/tsw.2012.a517503.

Beales, A. C. F. *Education under Penalty: English Catholic Education from the Reformation to the Fall of James II, 1547-1689.* London: University of London, Athlone Press, 1963.

Benison, Ann. "Appointment by Ann Benison of Ann Winder Benison, Widow, and Henry Faithwaite of Littledale, Gent., as Her Guardians," November 5, 1739. RCHY 2/5/13. Lancashire Record Office.

———. "Personal Accounts of Ann Benison, 1747," 1747. RCHY 2/4/18. Lancashire Record Office.

Black, Jeremy. *Pitt the Elder*. Cambridge: Cambridge University Press, 1992.

Blackstone, William. *Commentaries on the Laws of England*. Edited by Ruth Paley. Vol. 1. 4 vols. Oxford: Oxford University Press, 2016.

———. *Commentaries on the Laws of England*. Edited by Ruth Paley. Vol. 4. 4 vols. Oxford: Oxford University Press, 2016.

Blom, F. "English and Irish Catholic Books and Convents in the Seventeenth and Eighteenth Centuries: The Link with the Low Countries. The Cases of Peter Wadding, Lady Lucy Herbert and James Peter Coghlan." *Dutch Crossing* 26, no. 2 (2002): 169–82. https://doi.org/10.1080/03096564.2002.11730815.

Blom, J.M. *The Post-Tridentine English Primer*. London: Catholic Record Society, 1982.

Blundell, Nicholas. *The Great Diurnal of Nicholas Blundell of Little Crosby, Lancashire*. Edited by J.J. Bagley. Vol. 2. 3 vols. Chester: Record Society of Lancashire and Cheshire, 1968.

Bonsall, Brian. *Sir James Lowther and Cumberland and Westmorland Elections, 1754-1775.* Manchester: University Press, 1960.

Bossy, John. *The English Catholic Community, 1570-1850*. London: Darton, Longman and Todd, 1975.

Bourke, Richard. *Empire and Revolution: The Political Life of Edmund Burke*. Princeton, New Jersey: Princeton University Press, 2015.

Bowden, Caroline. "Convent Schooling for English Girls in the 'Exile' Period, 1600–1800." *Studies in Church History* 55 (June 2019): 177–204. https://doi.org/10.1017/stc.2018.27.

———. "Girls' Education in the Late Sixteenth and Early Seventeenth Centuries in England and Wales: A Study of Attitudes and Practice." University of London, 1996. https://discovery.ucl.ac.uk/id/eprint/10019233/1/389405.pdf.

Broad, John. "Cattle Plague in Eighteenth-Century England." *Agricultural History Review* 31, no. 2 (1983): 104–15.

Brougham, Henry. "Henry Brougham to the Duke of Portland," April 16, 1768. 1679. Nottingham University: Portland of Welbeck.

Brown, Carys. "Catholic Politics and Creating Trust in Eighteenth-Century England." *British Catholic History* 33, no. 4 (October 2017): 622–44. https://doi.org/10.1017/bch.2017.28.

Brundage, Anthony, and Richard A. Cosgrove. "Reassessing Religion and the National Narrative: John Lingard and the English Reformation." In *British Historians and National Identity: From Hume to Churchill*, 43–54. London: Pickering & Chatto, 2014.

Burke, Edmund. *The Works of the Right Honourable Edmund Burke*. Vol. 2. 12 vols. London: John C. Nimmo, 1887. https://archive.org/details/cu31924088024017.

Butler, Charles. *Historical Memoirs of the English, Irish, and Scottish Catholics, since the Reformation*. 3rd ed. Vol. 3. 4 vols. London: J. Murray, 1822. http://archive.org/details/historicalmemoi00butlgoog.

Butler, Richard. "To Monsieur Butler," August 21, 1757. RCHY 1/5/1. Lancashire Record Office.

Cadogan, William. "A Dissertation on the Gout and All Chronic Diseases Jointly Considered." J. Dodsley, 1771. RCHY 1/6/31. Lancashire Record Office.

Capern, Amanda L. "The Heiress Reconsidered: Contexts for Understanding the Abduction of Arabella Alleyn." In *Women and the Land, 1500-1900*, edited by Amanda L. Capern, Briony McDonagh, and Jennifer Aston, 100–126. Woodbridge: The Boydell Press, 2019. https://www.jstor.org/stable/j.ctvktrws2.

Carter, Philip. *Men and the Emergence of Polite Society, Britain 1660-1800*. London: Routledge, 2014. https://doi.org/10.4324/9781315840239.

Cattermole, Philip H. *John Lingard : The Historian as Apologist*. Kibworth Beauchamp: Matador, 2013.

Chamberlain, Jeffrey S. "The Jacobite Failure to Bridge the Catholic/Protestant Divide, 1717-1730." In *Religious Identities in Britain, 1660-1832*, edited by William Gibson and Robert G. Ingram, 81–96. Aldershot: Ashgate, 2005.

Chan, Mary, and Nancy E. Wright. "Marriage, Identity, and the Pursuit of Property in Seventeenth-Century England: The Cases of Anne Clifford and Elizabeth Wiseman." In *Women, Property, and the Letters of the Law in Early Modern England*, edited by Nancy

E. Wright, Margaret W. Ferguson, and A. R. Buck, 162–82. Toronto: University of Toronto Press, 2004.

Christian, John. "John Christian to Mr. Knott," December 6, 1739. RCHY 2/5/14. Lancashire Record Office.

Churches, Christine. "Putting Women in Their Place: Female Litigants at Whitehaven, 1660-1760." In *Women, Property, and the Letters of the Law in Early Modern England*, edited by Margaret W. Ferguson, A. R. Buck, and Nancy E. Wright, 50–65. Toronto: University of Toronto Press, 2004.

Clark, J. C. D. *English Society, 1660-1832: Religion, Ideology, and Politics during the Ancien Regime*. 2nd ed. Cambridge: Cambridge University Press, 2000.

Cogan, Susan M. *Catholic Social Networks in Early Modern England: Kinship, Gender, and Coexistence*. Amsterdam: Amsterdam University Press, 2021. https://doi.org/10.1017/9789048552887.

Colley, Linda. *Britons: Forging the Nation, 1707-1837*. Revised edition. New Haven, CT: Yale University Press, 2008. https://doi.org/10.12987/9780300177206.

"Copy of Letters of 'Charles, Prince of Wales, Etc., Regent of the Kingdoms England, Scotland, France & Ireland and the Dominions' and of `James R'," December 23, 1743. RCHY 1/6/13. Lancashire Record Office.

Cranston, Maurice. "John Locke and the Case for Toleration." In *On Toleration*, edited by Susan Mendus and David Edwards, 101–21. Oxford: Clarendon Press, 1987.

Cressy, David. "The First Vanguard, 1586–1630." *The Mariner's Mirror* 110, no. 1 (January 2, 2024): 22–43. https://doi.org/10.1080/00253359.2024.2291951.

Dudley, Christopher. "'They May Well Bear the Same Name': The Revolution and the Succession in the Election of 1715." In *The Hanoverian Succession in Great Britain and Its Empire*, edited by Allan I. Macinnes and Brent S. Sirota, 38–59. Woodbridge, Suffolk, UK: The Boydell Press, 2019.

Duffy, Eamon. *Challoner and His Church: A Catholic Bishop in Georgian England*. London: Darton, Longman & Todd, 1981.

Edmondson, John, and Jennifer Lewis. "A Lancashire Recusant's Garden, Recorded by Nicholas Blundell of Crosby Hall from 1702 to 1727." *Garden History* 32, no. 1 (2004): 20–34. https://doi.org/10.2307/1587311.

Erickson, Amy Louise. *Women and Property in Early Modern England*. London: Routledge, 1995. https://doi.org/10.4324/9780203435939.

Fenwick, Ann. "An Account of Money Laid out for Betty Dowker since She Came to Live with Me at Burrow Hall," 1757. RCHY 2/4/30. Lancashire Record Office.

———. "An Account of the House and Kitchen Expenses," 1756. RCHY 2/4/20. Lancashire Record Office.

———. "Ann Fenwick to a Servant of Sir James Lowther," September 23, 1774. DLONS/L/1/1/55. Cumbria Archives, Carlisle.

———. "Ann Fenwick to G--- P--- Esquire," April 5, 1759. RCHY 2/6/1. Lancashire Record Office.

———. "Ann Fenwick to Mr. Perrot," December 14, 1758. RCHY 2/6/1. Lancashire Record Office.

———. "Ann Fenwick to Mr. Perrot," January 20, 1759. RCHY 2/6/1. Lancashire Record Office.

———. "Ann Fenwick to Mr. Perrot," May 21, 1759. RCHY 2/6/1. Lancashire Record Office.

———. “Ann Fenwick to Mr. Perrot,” June 9, 1759. RCHY 2/6/1. Lancashire Record Office.
———. “Ann Fenwick to Mr. Perrot.,” n.d. RCHY 2/6/1. Lancashire Record Office.
———. “Ann Fenwick to Thomas Fenwick,” January 17, 1760. RCHY 2/6/3. Lancashire Record Office.
———. “Ann Fenwick to Thomas Fenwick,” May 29, 1760. RCHY 2/6/3. Lancashire Record Office.
———. “Ann Fenwick to Thomas Fenwick,” November 13, 1760. RCHY 2/6/3. Lancashire Record Office.
———. “Ann Fenwick to Thomas Fenwick,” December 28, 1760. RCHY 2/6/3. Lancashire Record Office.
———. “Ann Fenwick to Thomas Fenwick,” December 29, 1760. RCHY 2/6/3. Lancashire Record Office.
———. “Ann Fenwick to Thomas Fenwick,” January 31, 1761. RCHY 2/6/4. Lancashire Record Office.
———. “Ann Fenwick to Thomas Fenwick,” November 5, 1762. RCHY 2/6/4. Lancashire Record Office.
———. “Ann Fenwick to Thomas Fenwick,” February 6, 1763. RCHY 2/6/5. Lancashire Record Office.
———. “Ann Fenwick to Thomas Fenwick,” March 3, 1763. RCHY 2/6/5. Lancashire Record Office.
———. “Ann Fenwick to Thomas Fenwick,” November 10, 1763. RCHY 2/6/5. Lancashire Record Office.
———. “Ann Fenwick to Thomas Fenwick,” February 24, 1764. RCHY 2/6/5. Lancashire Record Office.
———. “Ann Fenwick to Thomas Fenwick,” March 23, 1764. RCHY 2/6/5. Lancashire Record Office.
———. “Ann Fenwick to Thomas Fenwick,” June 21, 1764. RCHY 2/6/5. Lancashire Record Office.
———. “Ann Fenwick to Thomas Fenwick,” June 7, 1765. RCHY 2/6/6. Lancashire Record Office.
———. “Ann Fenwick to Thomas Fenwick,” July 7, 1765. RCHY 2/6/6. Lancashire Record Office.
———. “Ann Fenwick to Thomas Fenwick,” October 24, 1765. RCHY 2/6/6. Lancashire Record Office.
———. “Ann Fenwick to Thomas Fenwick,” December 21, 1765. RCHY 2/6/6. Lancashire Record Office.
———. “Ann Fenwick to Thomas Fenwick,” January 21, 1766. RCHY 2/6/6. Lancashire Record Office.
———. “Ann Fenwick to Thomas Fenwick,” February 5, 1766. RCHY 2/6/6. Lancashire Record Office.
———. “Ann Fenwick to Thomas Fenwick,” May 1, 1766. RCHY 2/6/6. Lancashire Record Office.
———. “Ann Fenwick to Thomas Fenwick,” October 15, 1768. RCHY 2/6/7. Lancashire Record Office.
———. “Ann Fenwick to Thomas Fenwick,” December 29, 1768. RCHY 2/6/7. Lancashire Record Office.

———. “Ann Fenwick to Thomas Fenwick,” February 21, 1769. RCHY 2/6/7. Lancashire Record Office.
———. “Ann Fenwick to Thomas Fenwick,” October 12, 1769. RCHY 2/6/7. Lancashire Record Office.
———. “Ann Fenwick’s Devotional Book,” n.d. RCHY 2/5/18. Lancashire Record Office.
———. “Ann Fenwick’s "Orders for the Jubilee 1776,” n.d. RCHY 2/5/20. Lancashire Record Office.
———. “Ann Fenwick’s Receipt of Books Purchased from W. Needham,” June 4, 1763. RCHY 2/4/27. Lancashire Record Office.
———. “Ann Fenwick’s Receipt of Books Purchased of James Marmaduke,” June 18, 1763. RCHY 2/5/27. Lancashire Record Office.
———. “Ann’s Religious Instructions for Widows,” April 5, 1757. RCHY 2/5/19. Lancashire Record Office.
———. “Miscellaneous Note Containing Some Lines of Poetry,” n.d. RCHY 2/5/22. Lancashire Record Office.
———. “Miscellaneous Note in Latin,” n.d. RCHY 2/5/22. Lancashire Record Office.
———. “Prayers of Ann Fenwick,” n.d. RCHY 2/5/21. Lancashire Record Office.
———. “Receipt of Payment to Ellen Jackson by Ann Fenwick,” June 19, 1770. RCHY 2/4/30. Lancashire Record Office.
———. “The Civil Will of Ann Fenwick,” April 10, 1775. RCHY 2/1/60. Lancashire Record Office.
———. “The Household and Estate Accounts of Ann Fenwick,” 1762. RCHY 2/4/22. Lancashire Record Office.
———. “The Household and Estate Accounts of Ann Fenwick,” 1763. RCHY 2/4/22. Lancashire Record Office.
———. “The Household and Estate Accounts of Ann Fenwick,” 1770. RCHY 2/4/24. Lancashire Record Office.
———. “The Household and Estate Accounts of Ann Fenwick,” 1771. RCHY 2/4/24. Lancashire Record Office.
———. “The Household and Estate Accounts of Ann Fenwick,” 1772. RCHY 2/4/24. Lancashire Record Office.
———. “The Household and Estate Accounts of Ann Fenwick, Amounts Paid in 1750,” 1750. RCHY 2/4/19. Lancashire Record Office.
———. “The Household and Estate Accounts of Ann Fenwick, Amounts Paid in 1751,” 1751. RCHY 2/4/19. Lancashire Record Office.
———. “The Spiritual Will of Ann Fenwick,” September 19, 1767. RCHY 2/1/59. Lancashire Record Office.
———. “The Spiritual Will of Ann Fenwick,” April 11, 1775. RCHY 2/1/61. Lancashire Record Office.
Fenwick, Thomas. *The Diary of Thomas Fenwick Esq. of Burrow Hall, Lancashire, and Nunriding, Northumberland, 1774 to 1794*. Edited by Jennifer S. Holt. Vol. 1. 4 vols. Kew, Surrey: List and Index Society, 2011.
———. *The Diary of Thomas Fenwick Esq. of Burrow Hall, Lancashire, and Nunriding, Northumberland, 1774 to 1794*. Edited by Jennifer S. Holt. Vol. 2: 1785-1789. 4 vols. Kew, Surrey: List and Index Society, 2011.

———. *The Diary of Thomas Fenwick Esq. of Burrow Hall, Lancashire, and Nunriding, Northumberland, 1774 to 1794*. Edited by Jennifer S. Holt. Vol. 4. 4 vols. Kew, Surrey: List and Index Society, 2012.

———. *The Diary of Thomas Fenwick Esq. of Burrow Hall, Lancashire, and Nunriding, Northumberland, 1774 to 1794*. Edited by Jennifer S. Holt. Vol. 3. 4 vols. Kew, Surrey: List and Index Society, 2012.

———. "Thomas Fenwick to Ann Fenwick," February 27, 1762. RCHY 2/6/4. Lancashire Record Office.

———. "Thomas Fenwick to Ann Fenwick," March 13, 1763. RCHY 2/6/5. Lancashire Record Office.

———. "Thomas Fenwick to Ann Fenwick," December 19, 1765. RCHY 2/6/6. Lancashire Record Office.

———. "Thomas Fenwick to Mrs. Fenwick," June 15, 1759. RCHY 2/6/2. Lancashire Record Office.

———. "Thomas Fenwick to Mrs. Fenwick," June 17, 1759. RCHY 2/6/2. Lancashire Record Office.

———. "Thomas Fenwick to Mrs. Fenwick at Burrow Hall," February 27, 1759. RCHY 2/6/2. Lancashire Record Office.

———. "Thomas Fenwick to Mrs. Fenwick at Burrow Hall," April 17, 1759. RCHY 2/6/2. Lancashire Record Office.

———. "Thomas Fenwick to Mrs. Fenwick at Hornby," October 6, 1762. RCHY 2/6/4. Lancashire Record Office.

———. "Thomas Fenwick to the Duke of Portland," April 1, 1768. 3647. Nottingham University: Portland of Welbeck.

———. "Thomas Fenwick to the Duke of Portland," April 30, 1772. 3652. Nottingham University: Portland of Welbeck.

Foley, B.C. *Ann Fenwick of Hornby: A Woman of the Penal Times (Born 1724 Died 1777) - a Memoir, by the Bishop of Lancaster*. Preston: T. Snape, 1977.

———. *Some People of the Penal Times: Aspects of a Unique Social and Religious Phenomenon (1688-1791)*. Lancaster: The Bookshop, Lancaster Cathedral, 1991.

French, Henry. *The Middle Sort of People in Provincial England, 1600-1750*. Oxford: University Press, 2007.

Gaskill, Malcolm. "Little Commonwealths II: Communities." In *A Social History of England, 1500–1750*, edited by Keith Wrightson, 84–104. A Social History of England. Cambridge: Cambridge University Press, 2017. https://doi.org/10.1017/9781107300835.005.

Gillow, Joseph. *A Literary and Biographical History, or Bibliographical Dictionary, of the English Catholics from the Breach with Rome, in 1534, to the Present Time*. Vol. 2. 5 vols. London: Burns & Oates, 1885. http://archive.org/details/literarybiograph02gilluoft.

———. *A Literary and Biographical History, or Bibliographical Dictionary, of the English Catholics from the Breach with Rome, in 1534, to the Present Time*. Vol. 3. 5 vols. London: Burns & Oates, 1885. http://archive.org/details/literarybiograph03gilluoft.

Gittings, Clare. *Death, Burial and the Individual in Early Modern England*. London: Routledge, 1984. https://doi.org/10.4324/9781003459446.

Glickman, Gabriel. *The English Catholic Community, 1688-1745: Politics, Culture and Ideology*. Woodbridge, UK: The Boydell Press, 2009.

Gooch, Leo. "'The Religion for a Gentleman': The Northern Catholic Gentry in the Eighteenth Century." *Recusant History* 23, no. 4 (October 1997): 543–68.

Great Britain. *An Act to Oblige Papists to Register Their Names and Real Estates*. London: Printed by John Baskett, 1716. https://link.gale.com/apps/doc/CW0124293790/ECCO?sid=gale_marc&xid=8cbbccc4&pg=1.

———. "Ann Fenwick's Estate Act 1772, 12 Geo. 3. c. 122," June 3, 1772. HL/PO/PB/1/1772/12G3n228. Parliamentary Archives.

Haigh, Christopher. *Reformation and Resistance in Tudor Lancashire*. London: Cambridge University Press, 1975.

Harris, Tim. *Revolution: The Great Crisis of the British Monarchy, 1685-1720*. London: Penguin, 2007.

Haydon, Colin. *Anti-Catholicism in Eighteenth-Century England, c. 1714-80: A Political and Social Study*. Manchester: Manchester University Press, 1993.

Hembry, Phyllis M. *The English Spa, 1560-1815: A Social History*. London: Athlone Press, 1990.

Hill, Bridget. "Nicholas Blundell's Servants." In *Servants: English Domestics in the Eighteenth Century*. Oxford: University Press, 1996. https://doi.org/10.1093/acprof:oso/9780198206217.003.0008.

———. *Women, Work And Sexual Politics In Eighteenth-Century England*. London: Routledge, 1993. https://doi.org/10.4324/9780203986318.

Holt, Jennifer S. "Introduction. Thomas Fenwick and His Time." In *The Diary of Thomas Fenwick Esq. of Burrow Hall, Lancashire, and Nunriding, Northumberland, 1774 to 1794*, 2: 1785-1789:1–62. Kew, Surrey: List and Index Society, 2011.

———. "James Dowker's Daughters: Benefactors of Kendal." *Transactions of the Cumberland & Westmorland Antiquarian & Archaeological Society* 14 (2014): 187–206.

Houlbrooke, Ralph A. *Death, Religion, and the Family in England, 1480-1750*. Oxford: Clarendon, 2000.

Hufton, Olwen H. *The Prospect before Her: A History of Women in Western Europe*. London: Fontana Press, 1995.

Hunt, Margaret R. "Wives and Marital 'rights' in the Court of Exchequer in the Early Eighteenth Century." In *Londinopolis: Essays in the Cultural and Social History of Early Modern London*, edited by Paul Griffiths and Mark S. R. Jenner. Manchester: University Press, 2005.

Husenbeth, F.C. *The History of Sedgley Park School, Staffordshire*. London: Richardson and Son, 1856.

Innes, Joanna. *Inferior Politics: Social Problems and Social Policies in Eighteenth-Century Britain*. Oxford: University Press, 2009.

Instructions and Directions for Gaining the Grand Jubilee of the Holy Year, Celebrated at Rome Anno 1775, and Extended to the Universal Church Anno 1776, by His Holiness Pius VI. London: J.P. Coghlan, Duke Street, Grosvenor Square, 1775. https://link.gale.com/apps/doc/CW0123324126/ECCO?u=otta77973&sid=bookmark-ECCO&xid=0a1e76b8&pg=5.

Kendal, H. "H. Kendal to Ann Fenwick," June 21, 1772. RCHY 2/6/9. Lancashire Record Office.

Kenyon, J. P. *The Popish Plot*. London: Heinemann, 1972.

Langford, Paul. *Public Life and the Propertied Englishman, 1689-1798*. The Ford Lectures 1990. Oxford: Clarendon, 1991.

Larsen, Ruth. "For Want of a Good Fortune: Elite Single Women's Experiences in Yorkshire, 1730-1860." *Women's History Review* 16, no. 3 (2007): 387–401. https://doi.org/10.1080/09612020601022279.

Laslett, Peter. *The World We Have Lost: Further Explored*. London: Routledge, 2005.

Mann, Sophie. "'A Dose of Physick': Medical Practice and Confessional Identity within the Household." *Studies in Church History* 50 (2014): 282–93. https://doi.org/10.1017/S0424208400001777.

Marotti, Arthur F. *Religious Ideology and Cultural Fantasy: Catholic and Anti-Catholic Discourses in Early Modern England*. Notre Dame: University of Notre Dame Press, 2005.

Marshall, Peter. "Confessionalism and Community in the Burial of English Catholics, c. 1570-1700." In *Getting along? Religious Identities and Confessional Relations in Early Modern England - Essays in Honour of Professor W.J. Sheils*, edited by Nadine Lewycky and Adam David Morton, 57–75. Surrey, England: Ashgate, 2012.

McArdle, Nicholas. "Fenwick [Née Benison], Ann (1724–1777), Roman Catholic Litigant and Heir." In *Oxford Dictionary of National Biography*, September 23, 2004. https://www-oxforddnb-com.proxy.bib.uottawa.ca/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-64661.

McCormack, Rose Alexandra. "'An Assembly of Disorders': Exploring Illness as a Motive for Female Spa-Visiting at Bath and Tunbridge Wells throughout the Long Eighteenth Century." *Journal for Eighteenth-Century Studies* 40, no. 4 (2017): 555–69. https://doi.org/10.1111/1754-0208.12507.

McDonagh, Briony. *Elite Women and the Agricultural Landscape, 1700–1830*. London: Routledge, 2017. https://doi.org/10.4324/9781315579078.

Miller, John. *Popery and Politics in England 1660-1688*. Cambridge: Cambridge University Press, 1973.

Monod, Paul Kléber. *Jacobitism and the English People, 1688-1788*. Cambridge: Cambridge University Press, 1989.

Myers, Joanne E. "Catholics, Property, and the Experience of the Penal Laws in Eighteenth-Century England: Evidence from the Vincent Eyre Manuscripts." *British Catholic History* 36, no. 1 (May 2022): 66–84. https://doi.org/10.1017/bch.2022.5.

Namier, Lewis, and John Brooke. *The History of Parliament: The House of Commons, 1754-1790.* Vol. 1. 3 vols. London: Her Majesty's Stationary Office, 1964.

———. *The History of Parliament: The House of Commons, 1754-1790.* Vol. 2. 3 vols. London: Her Majesty's Stationary Office, 1964.

Neale, R. S. *Bath 1680-1850: A Social History, or, A Valley of Pleasure, yet a Sink of Iniquity*. London: Routledge & Kegan Paul, 1981.

Page, T.E., E. Capps, W.H.D. Rouse, and F.A. Wright, eds. *Select Letters of St. Jerome*. London: William Heinemann Ltd., 1933.

"Petition of Ann Fenwick," March 23, 1772. HL/PO/JO/10/7/359. Parliamentary Archives.

"Petition of Thomas Fenwick," April 30, 1772. HL/PO/JO/10/7/369. Parliamentary Archives.

Phillips, Peter. *John Lingard : Priest and Historian*. Leominster: Gracewing, 2008.

———. *Lingard Remembered: Essays to Mark the Sesquicentenary of John Lingard's Death*. London: Catholic Record Society, 2004.

Pincus, Steven C. A. *1688: The First Modern Revolution*. New Haven: Yale University Press, 2009.

Pittock, Murray. *Jacobitism*. London: Macmillan Press, 1998.

Pizzoni, Giada. "Mrs Helena Aylward: A British Catholic Mother, Spouse and Businesswoman in the Commercial Age (1705–1714)." *British Catholic History* 33, no. 4 (October 2017): 603–21. https://doi.org/10.1017/bch.2017.27.

Pollock, Linda. "Little Commonwealths I: The Household and Family Relationships." In *A Social History of England, 1500–1750*, edited by Keith Wrightson, 60–83. A Social History of England. Cambridge: Cambridge University Press, 2017. https://doi.org/10.1017/9781107300835.004.

Porter, Roy. *English Society in the Eighteenth Century*. London: Allen Lane, 1982.

Questier, Michael C. *Catholicism and Community in Early Modern England: Politics, Aristocratic Patronage and Religion, c. 1550-1640*. Cambridge Studies in Early Modern British History. Cambridge, UK ; Cambridge University Press, 2006.

Rose, Jacqueline. *Godly Kingship in Restoration England: The Politics of the Royal Supremacy, 1660-1688*. Cambridge: Cambridge University Press, 2011.

Rowlands, Marie B. "Hidden People: Catholic Commoners, 1558-1625." In *English Catholics of Parish and Town, 1558-1778*, edited by Marie B. Rowlands, 10–35. London: Catholic Record Society, 1999.

———. "Recusant Women 1560-1640." In *Women in English Society, 1500-1800*, 1st ed., 112–35. United Kingdom: Routledge, 1985. https://doi.org/10.4324/9780203985342-5.

Rupp, Gordon. *Religion in England, 1688-1791*. Oxford: Clarendon Press, 1986.

Sheils, William. "'Getting on' and 'Getting along' in Parish and Town: Catholics and Their Neighbours in England." In *Catholic Communities in Protestant States*, 67–83. Manchester: Manchester University Press, 2009.

Shields, Sarah. "'An Old Maid in a House Is the Devil': Single Women and Landed Estate Management in Eighteenth-Century England." *Journal for Eighteenth-Century Studies* 44, no. 4 (2021): 423–38. https://doi.org/10.1111/1754-0208.12807.

Southworth, Richard. "Letter of Richard Southworth, December 15, 1816." *The Catholic Magazine and Review* 2 (1832): 484–85.

Stretton, Tim, and K. J. Kesselring. "Introduction." In *Married Women and the Law: Coverture in England and the Common Law World*, edited by Tim Stretton and K. J. Kesselring. Montreal: McGill-Queen's University Press, 2013.

———, eds. *Married Women and the Law: Coverture in England and the Common Law World*. Montreal: McGill-Queen's University Press, 2013.

Tadmor, Naomi. *Family and Friends in Eighteenth-Century England: Household, Kinship, and Patronage*. Cambridge, UK: Cambridge University Press, 2000.

Tague, Ingrid H. *Women of Quality: Accepting and Contesting Ideals of Femininity in England, 1690-1760*. Vol. 1. Boydell & Brewer, 2002. https://www.jstor.org/stable/10.7722/j.ctt81gd7.

Tenbus, Eric G. *English Catholics and the Education of the Poor, 1847-1902*. London: Pickering & Chatto, 2010.

"'The Royal Family Described,' a Description of the Stuart Family," n.d. RCHY 1/6/14. Lancashire Record Office.

Thompson, Andrew C. *Britain, Hanover and the Protestant Interest, 1688-1756*. Woodbridge, UK: Boydell Press, 2006.

Turnball, Gordon. “Boroughmongering, Biography, and the Reform of Parliament: James Boswell and the Earl of Lonsdale.” In *Realities of Representation: State Building in Early Modern and European America*, edited by Maija Jansson, 63–73. New York: Palgrave Macmillan, 2007.

“Verse Entitled ‘10 June A.D. 1688,’” n.d. RCHY 1/6/20. Lancashire Record Office.

Vickery, Amanda. *The Gentleman’s Daughter: Women’s Lives in Georgian England*. New Haven: Yale University Press, 1998.

Vine, Emily. “Charitable Acts and Lived Religion in the Funeral Sermons of Early Seventeenth-Century Women.” *E-Rea : Revue d’etudes Anglophones*, no. 18.1 (2020). https://doi.org/10.4000/erea.10486.

Waddell, Brodie. “Governing England through the Manor Courts, 1550–1850.” *The Historical Journal* 55, no. 2 (June 2012): 279–315. https://doi.org/10.1017/S0018246X12000040.

Walsham, Alexandra. *Charitable Hatred: Tolerance and Intolerance in England, 1500-1700*. Manchester: Manchester University Press, 2006.

Williams, J. Anthony. *Catholic Recusancy in Wiltshire, 1660-1791*. London: Catholic Record Society, 1968.

Wolffe, John. *The Protestant Crusade in Great Britain, 1829-1860*. Oxford: Clarendon Press, 1991.

Wrennall, William. “The Catholic Registers of Robert Hall and Hornby, Co. Lancaster, 1757-1851.” In *Miscellanea*, IV:319–52. London: Arden Press, 1907. https://archive.org/details/miscellanea04cath/page/318/mode/2up.

Wrightson, Keith. *English Society, 1580-1680*. [New ed.]. London: Routledge, 2003.

———. *Poverty and Piety in an English Village Terling, 1525-1700*. Rev. ed. Oxford: Clarendon, 1995.

———. *Ralph Tailor’s Summer: A Scrivener, His City, and the Plague*. 1st ed. New Haven: Yale University Press, 2011. https://doi.org/10.12987/9780300177596.

Wrightson, Keith, and David Levine. “Death in Whickham.” In *Famine, Disease, and the Social Order in Early Modern Society*, by John Walter and Roger Schofield. Cambridge: Cambridge University Press, 1989.

Young, Francis. *The Gages of Hengrave and Suffolk Catholicism, 1640-1747*. Woodbridge, Suffolk: Boydell Press, 2015.