

WOMEN, POLITICS AND THE 1723 OATHS OF ALLEGIANCE TO GEORGE I \*\*

EDWARD VALLANCE

*University of Roehampton*

Abstract

*This article explores the last instance of mass public oath-taking in England, the tendering of the oaths of allegiance, supremacy and abjuration in the aftermath of the Jacobite Atterbury Plot of 1722. The records of this exercise, surviving in local record offices, have been little examined by historians. The returns are, however, unusual not only in the level of detail they occasionally provide concerning subscribers (place of abode, occupation and social status) but also in the consistently high numbers of women who can be found taking the oaths. Prior to 1723 the appearance of female subscribers on oath returns was exceptional and usually assumed to be accidental. As this article seeks to demonstrate, the targeting of women in 1723 was intentional and represented a recognition of women's economic and political influence in early Hanoverian England. Even so, the presence of women on these oath returns represented a breach in the normal exclusion of women from formal political participation. The article suggests that other means of presenting public loyalty, namely the loyal address, were subsequently preferred which both seemed more the product of popular enthusiasm rather than state direction and which could informally represent women without conferring a public political identity.*

In one of his later reflections on opposition, Arthur Onslow, speaker of the House of Commons under George II, recalled how the uncovering of the Atterbury Plot in 1722 had worked to fix 'Mr Walpole's interest and power'. The seriousness of the conspiracy, which

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would have seen local Jacobite risings coordinated with the landing of invasion forces in Scotland and south-west England, has been disputed by some historians.<sup>1</sup> Walpole, Onslow said, nonetheless pursued the plot with ‘great skill and clearness’, using it as the pretext to levy a tax of £100,000 on the estates of Catholics, though ‘but very few of them were engaged’ in the conspiracy. The tax in turn led to a proposal that Protestants should also be obliged to swear loyalty to George I in order to identify all non-subscribers and force them to register their estates. The result was that ‘the whole nation almost, men, women, and children’ flocked to the ‘places where the Quarter Sessions were’ to take the oaths of allegiance, supremacy and abjuration. Onslow witnessed the oath-taking at first-hand and it was, he said,

a strange as well as ridiculous sight to see people crowding to give a testimony of their allegiance to a Government, and cursing it at the same time for giving them the trouble of so doing, and for the fright they were put into by it

Onslow viewed the whole exercise as counter-productive, making the king’s government ‘appear tyrannical and suspicious’. The experience led him to reflect ‘what little use to a Government the imposition of oaths to it has ever been’.<sup>2</sup>

Onslow was not alone among contemporaries in seeing the imposition of oaths in 1723 as, at best, an exercise in futility, and, at worst, an operation which diminished the reputation of George I’s government.<sup>3</sup> Historians have generally followed these hostile contemporary reports in their assessments of the exercise. In his *Whigs and hunters: the origin of the Black Act*, E. P. Thompson echoed Onslow in regarding Walpole as opportunistically exploiting the fears provoked by the Atterbury Plot to secure further his grip on power. For Thompson, the act which governed the administration of the 1723 oaths was part of the same suite of repressive Hanoverian legislation as the infamous Waltham ‘Black

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Act' of the same year.<sup>4</sup> Paul Langford viewed this episode instead as the last gasp of what he described as 'the farce of state oaths'. For Langford, the 'pernicious' practice of mass public oath-taking was finally rendered 'ridiculous' through what for Walpole's administration would be a 'chastening' exercise in canvassing public loyalty.<sup>5</sup> A more positive perspective on the 1723 oaths has recently been offered by Mark Knights who has argued that 'the subscriptions were testimony of an inclusive, consensual, society but one in which the representation of loyalty was as important as popular participation'.<sup>6</sup> Knights' comments are supported by Hannah Smith's work on the Georgian monarchy which has stressed the importance placed by communities on drafting and presenting loyal addresses to the crown, as in the wake of the Atterbury Plot in 1722.<sup>7</sup>

Although there is now a significant amount of scholarship dealing with oath-taking in both early modern England and Europe, with the exception of the pioneering work of Simon Dixon on Devon, the oaths imposed in 1723 have attracted relatively little attention from historians.<sup>8</sup> This article seeks to extend that research by exploring the political ramifications of the oaths, in particular as they related to women. It will endorse Knights' argument that the need to demonstrate public loyalty to the Hanoverian dynasty was a key motivation for imposing the oaths. However, it will also suggest that the role of these oaths in legitimating the Protestant succession was combined with the aim of pressurising political opponents and stifling dissent. The discriminatory aspects of the 1723 oaths were a consequence of their development from earlier anti-Jacobite and anti-Catholic measures, measures which, importantly, had targeted women as well as men. The political aims of the Oaths Act were, though, combined with financial goals which demonstrated the connections between the Oaths Act and the legislation it had sprung from, the Catholic Taxation Act. All of these objectives were brought together in the most striking feature of the 1723 oath returns – the very high number of women subscribers present on the records. While women had appeared

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on oath returns before, the scale and consistency with which they featured in 1723 was unprecedented. It will be argued that the frequent presence of women on these oath returns was not accidental. Rather, the conscious decision to tender the oaths to women as well as men was driven not only by financial concerns, the desire to harvest money from both male and female property-holders, but also by a desire to simultaneously monitor and represent feminine loyalty to the Hanoverian dynasty. This was itself prompted by the contentious history of women's involvement in politics in the early years of the eighteenth century. The 1723 oaths also indicate broader shifts in the representation and organisation of popular loyalty in the early modern period. This exercise in surveying women's loyalties through the imposition of oaths would not be repeated. As Langford argued, the 1723 oaths represented the last instance of state-directed mass political oath-taking in England. However, this article contends that the 'death' of the 'state oath' was not a result of the ineffectiveness of this exercise. Indeed, in the short-term, the 1723 oaths arguably achieved their political and financial goals. Instead, mass oath-taking ended as a result of the changing role of the state oath itself and the emergence of alternative means of representing public loyalty, namely the loyal or humble address.

i

By the early eighteenth century, the practice of tendering oaths of loyalty to the nation was a well-established political practice. Beginning with the oath of supremacy of 1534 as a means of testing public support for Henry VIII's break from Rome, mass oath-taking really came to the fore during the English civil wars. Intended to facilitate military, political and economic mobilisation for the parliamentary cause in particular, oaths and solemn tests such as the Protestation of 1641/2 and the Vow and Covenant and Solemn League and Covenant of 1643, required people in parishes across England to agree to sometimes deeply contentious religious or political positions. (The Vow and Covenant of 1643, for example, broke with

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tradition in containing no promise to protect the king's person or estate.)<sup>9</sup> Renewed in the wake of the revolution of 1688/9, oath-taking became a means of legitimating the change in the royal succession. The largest of these post-revolutionary exercises in canvassing public loyalty, the Association of 1696, was imposed in the aftermath of a Jacobite plot.<sup>10</sup> Similar circumstances led to the tendering of oaths of loyalty to George I in the latter half of 1723. On 27 May 1723, the same day that the king gave his assent to the bills of pains and penalties for punishing Francis Atterbury and the other Jacobite plotters, the Catholic Taxation Bill and the 1723 Oaths Act were approved. The former statute imposed a tax of £100,000 upon English Catholics with a flat sum determined for each county to raise and with those liable defined as any who refused the oaths of allegiance, supremacy and abjuration.<sup>11</sup> The measure provoked significant opposition in parliament from both Tories and Whigs. Onslow, then Whig MP for Guildford, voiced his opposition to the tax for persecuting individuals on the basis of conscience.<sup>12</sup> Thomas Lutwyche, Tory MP for Callington, Cornwall, alluding to the lack of Catholic involvement in the conspiracy, spoke against the bill as making 'one man suffer for the crime of another'.<sup>13</sup> Eveline Cruickshanks has argued that the strength of opposition to the measure explains why the government delayed re-introducing the bill, first discussed in November 1722, until May 1723, hoping that it would have an easier passage now that many MPs had returned to their constituencies.<sup>14</sup> The Oaths Act emerged only as a by-product of the debate on the Catholic Taxation bill. As Onslow later noted, it seemed to have been created as a result of Lutwyche's argument that, in fairness to loyal Catholics, the oaths should be tendered to Protestants as well, so that all non-jurors should share the burden of this levy.<sup>15</sup> The most contentious aspect of this suggestion seems to have been whether the measure should apply to Scotland as well as to England. The proposal may have been deliberately provocative. Contemporary press reports implied that the suggested amendment

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was part of an unsuccessful attempt to ‘clog’ the Catholic Taxation bill and prevent it from becoming law.<sup>16</sup>

Ultimately, the separate Oaths Act which received the royal assent would cover both kingdoms. Although this article focuses on subscription in England, there is surviving evidence relating to the imposition of the oaths in Scotland and, indeed, North America as well.<sup>17</sup> The Oaths Act required both men and women over the age of eighteen to take the oaths of allegiance, supremacy and abjuration before 25 December 1723 or register their names and property in court. Failure to either subscribe or to register would result in the forfeiture of an individual’s estate. So, although the act notionally required all men and women to swear who had not previously done so, the punitive aspects of the law suggested that it was targeted at property holders.<sup>18</sup> That it was broadly interpreted in this way by local officials is also indicated by quarter sessions instructions published in the press and by the numbers of individuals subscribing to these oaths (discussed below).<sup>19</sup> The act was enforced not only through the subscription process but also by incentivising informing on those who failed to register: informers would receive one third of any estate sequestered with the remaining two-thirds going to the crown. Even for those who subscribed, the legislation came with a price attached: subscribing to the oath was charged at 3d with an additional shilling charged for issuing a certificate confirming that an individual had sworn.<sup>20</sup>

The substance of the Oaths Act was not particularly novel: the texts of the oaths had been taken from earlier legislation and, as the research of Rachel Weil has shown, the use of informers was a feature of a number of post-1688 laws against Catholics and ‘disaffected’ persons.<sup>21</sup> Unlike these measures, though, the oaths legislation required the general public to prove their loyalty, not just those suspected of being papists or ‘disaffected persons’. The 1723 oaths were subscribed at special Midsummer and Michaelmas sessions of the peace and the records of subscription can generally still be found in surviving local quarter sessions

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records.<sup>22</sup> The returns for 1723 are not on the same scale as those for the Association of 1696 in defence of William III. (There is nothing to compare with the reputed 70,000 names on the Suffolk Association roll).<sup>23</sup> Nonetheless, returns for several counties stretch into the tens of thousands, with the largest identified so far being those for Devon and Exeter which contain close to 27,000 names. As they were organised as special sessions of the peace, often held at inns or even private residences around the county, individuals sometimes needed to make fairly lengthy journeys to subscribe, a fact noted in contemporary accounts which referred to people trudging ‘fifteen to twenty miles’ to swear.<sup>24</sup> As a result, in order to identify individuals clearly, some returns (such as those for the City of London and Cheshire) feature not only details concerning the subscriber’s place of residence, but also their occupation and marital or social status.<sup>25</sup> The most striking aspect of the 1723 returns is the frequent presence on rolls of large numbers of women subscribers, accounting for 44 per cent of names on the return for the city of York for example.<sup>26</sup> Both features of these returns – the high numbers of women signing and the extraordinary level of detail about subscribers on some rolls- are, it will be suggested, a product of the combined financial and political aspects of the Oaths Act.

ii

The revenue-raising potential of the oaths legislation was noted in the press. On 16 November 1723, the *Weekly Journal or Saturday’s Post* carried a report of an ingenious Cobler, a great Politician, [who] has made a remark, that the Papists have no Cause to complain of the Tax of 100000L, rais’d upon them for their refusing to take the Oaths, since more than twice that Sum will be levied upon Protestants, for taking the same Oaths, which he makes out by this Calculation, that allowing, that four Million of Persons in the whole Kingdom have taken them, the Sum of 15 Pence which every one is obliged to pay for

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the Oath and Certificate, amounts to two hundred and 50 thousand Pounds Sterling which, tis hoped, will be applied towards paying the Debts of the Nation.<sup>27</sup>

The figure of four million was, from the evidence of surviving returns, a gross exaggeration. A very rough estimate of between 200,000 and 250,000 total subscribers in England, though, appears reasonable.<sup>28</sup> It is difficult to calculate what the revenue from this exercise would have been, as we cannot tell how many individuals paid 3d as compared to 15d for swearing and having a certificate produced. In contrast to the records of payment for the £100,000 levy on papists' estates, which do survive, similar records for the Oaths Act have yet to be located.<sup>29</sup> One possibility is simply that payments were meant to ensure that the costs of this extensive administrative exercise were covered. We can see, however, that in some areas, a great deal of work was put into recording both subscription and payment. The City of London returns indicated by the name of the individual whether they had paid (marking either 3d or 1[s], 3 for those who had also paid for a certificate.) To aid identifying subscribers, the return for each session was accompanied by a tabbed index. Those who had not subscribed were listed with the initials 'N. S.' beside their names. Later sessions, from 17 December 1723 onwards, had an alphabetically organised list of 'queries' with many of the names within crossed out, presumably when the query had been resolved, indicating that non-subscription was carefully followed up.<sup>30</sup>

The London returns give the impression of a city administration which had a very good idea of who should subscribe, who had or had not done so, and who had paid what amount. The receipts of payments for subscription also survive for the city and these reveal not only that fairly substantial sums of money were being raised through the process of swearing (the receipts include tallies ranging from just over £30 to £38 for each list) but also that the individuals listed here chose predominately to pay the higher fee both to swear and receive a certificate. The largest of these lists, for 23 December 1723, includes over a

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thousand names.<sup>31</sup> Given that the word of an informer could potentially lead to the forfeiture of an entire estate, there was obviously a clear incentive for property holders to acquire written evidence of subscription. Although no other returns have been identified with the same level of detail concerning payment, the considerable amount of information on other rolls or the numbering of subscribers, as on the Westminster returns suggests a significant effort was being made to determine who had subscribed and what payment each subscriber had made.<sup>32</sup> The importance of acquiring a certificate for property holders is also testified to by the survival of these certificates in local archives amongst records relating to property transactions.<sup>33</sup>

We cannot say definitively whether the Oaths Act was primarily intended as a form of taxation by other means without a firm sense of what the total income from subscription was. It is clear, however, that subscription to these oaths could be turned to political as well as financial advantage by the Hanoverian regime. The fine detail in some returns about individual subscribers' status, occupation and residence, coupled with the reliance of the act on informers for enforcement, all pointed to a statute that was designed to survey the political loyalties of George I's subjects very closely. This level of scrutiny is evident too in the contemporaneous local records made of papists and their estates, with even the names of 'reputed' Catholics holding little or no real or personal property being recorded.<sup>34</sup> Some assessors such as Bennett Metcalf of Cheap ward, London also worked as assessors of the Land Tax, facilitating the identification of wealthy Catholics (the Land Tax was levied at a double rate on papists' estates).<sup>35</sup> In a broader sense, some of the oath returns suggest a move towards creating an official, fixed identity: in the Exchequer rolls names were adjusted that had been misspelt (deliberately or otherwise) and known aliases were recorded as well alongside given names.<sup>36</sup> Here, perhaps, we can see a connection between the oaths

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legislation and the infamous Waltham Black Act, as both laws sought to penetrate beneath disguised or simulated identities.<sup>37</sup>

These attempts to identify individuals, however, also indicate some of the ambiguities surrounding the marital and occupational status of women in early modern England highlighted in recent work by Amy Erickson.<sup>38</sup> For example, though the majority of women listed on the York return were either identified as widows (37.4 per cent of women subscribers), spinsters (26.8 per cent) or married (34.5 per cent), nine female subscribers (1.3 per cent) were listed with no statement regarding their marital status. Even larger numbers of women (771) where only their place of abode was indicated can be found on the Cheshire returns, amounting to approximately one third of all women subscribers.<sup>39</sup> The York return even provides two interesting instances in which women are listed either with an occupation (the ‘Eliz. Aldridge Baker’ who subscribed on 21 December 1723) or with a male title (‘Cornelia \_ayley[?] Esq.’ who took the oaths on 19 December).<sup>40</sup> Of course, such identifications hang on the vagaries of early modern palaeography.<sup>41</sup> It is worth noting, however, that seventeen women feature in the freedom registers for York during the reign of George I, the majority with occupations ranging from merchant to milliner ascribed to them.<sup>42</sup> Given that York was a freeman borough, the admission of women on to the registers could also be taken as an indication that these women were viewed as having at least some of the attributes of citizens.<sup>43</sup> Given too the regularity with which other women were identified as ‘widow’, ‘spinster’ or ‘wife of’ on these oath returns, it seems unlikely that the lack of such a description was simply a result of scribal error or oversight. Instead, it may indicate, as may marks suggesting that payment had been made for a certificate of subscription, that these were economically significant women whose other roles took precedence over identification via their marital status in certain contexts.<sup>44</sup> [Fig 1.]

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Fig 1. Cheshire 1723 oath return, Cheshire Archives and Local Studies, QDR 3, p. 35, 28

August session. Image reproduced with permission of Cheshire Archives and Local Studies.

This level of scrutiny also clearly placed considerable pressure on the politically disaffected. In the case of two English non-jurors, Richard Welton, curate of a non-juring congregation in Whitehall, London, and Thomas Brett, a non-juring bishop, renewed demands to swear loyalty to the Hanoverian dynasty led both to consider emigration to North America.<sup>45</sup> While Welton and Brett refused to subscribe, others who were directly implicated in Jacobite activity did swear and their submissions were reported in the contemporary press. Lord North and Grey had had extensive contact with Atterbury, and had even travelled to Rome to meet the Pretender in 1721. With the discovery of the Atterbury and Layer plots in 1722, North and Grey was arrested and committed to the Tower. He was bailed in May 1723, paying £23000 plus four sureties of £10000.<sup>46</sup> On 30 November 1723, the *British Journal* reported that Lord North and Grey had taken the oaths in the Court of Chancery.<sup>47</sup> The Chancery rolls for 1723 have not been identified but the signature of North and Grey's wife, Maria Margerita, can be found on the Exchequer roll for 23 November.<sup>48</sup> Another aristocratic Jacobite, Peregrine Osborne, second duke of Leeds, was also reported to have taken the oaths in the court of King's Bench around the same time.<sup>49</sup> Simon Dixon has noted that in Devon, a county with a significant number of Jacobite activists, leading supporters of the Stuart dynasty such as the wonderfully named Sir Copplestone Warwick Bampfylde also took the oaths.<sup>50</sup> Such subscriptions might be read as evidence that Jacobites felt little qualms in taking 'forced' oaths imposed by an illegitimate regime (Bampfylde, for example, had pledged his loyalty before in 1715). Yet, however men such as Bampfylde viewed their subscriptions, their public submission represented a propaganda victory for the Hanoverian

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monarchy. Press reports of this kind delivered the impression of a Jacobite cause being cowed into submission by the administration of oaths of loyalty.

The press also emphasised the unavoidability of subscription. Newspapers regularly reproduced the Oaths Act as a reminder of its obligations.<sup>51</sup> In addition to this, the next sessions' dates for subscription were frequently printed.<sup>52</sup> As well as making clear who should take the oaths and when and where they could be taken, the press also emphasised the lengths that the authorities would go to ensure that individuals had subscribed. As the *Daily Journal* reported on 15 October, illness and infirmity would not be an obstacle:

Several Persons of Quality being Bed-ridden, and otherwise incapable of attending the Session to take the Oaths appointed by Law, we hear that the Justices of the Peace have determined to adjourn the Sessions to the Houses of such Persons, to the End they may avoid the Penalties inflicted by the Statute for neglect.<sup>53</sup>

In Surrey, evidence survives of assistance being given to blind inhabitants to ensure that they could also subscribe.<sup>54</sup>

Yet, as well as the evidence of the oaths legislation being used to pressurise opponents of the Hanoverian monarchy and to scrutinise the loyalty of the public in general, mass subscription across the summer and autumn of 1723 was also reported as a great show of public support for the Protestant dynasty. The press frequently alluded to the large numbers of subscribers who flocked to take the oaths. The *Daily Journal* stated that the crowds that gathered at Hicks-Hall and the Guildhall to subscribe the Middlesex rolls were so great 'that the ordinary Business of the Sessions was obstructed'. The *London Journal* claimed that 'upwards of 3000' had subscribed in Gloucestershire, Herefordshire and Worcestershire. Not all of these accounts of mass swearing necessarily conveyed a sense of popular enthusiasm. The *British Journal* reported that the City justices were occupied from

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five in the afternoon to midnight on Christmas Day, 1723 taking subscriptions, implying that many in London had left it to the very last minute to sign.<sup>55</sup> Reports of subscription focused not only upon the great and good, including Robert Walpole himself, but also on the social range of subscribers, the ‘Great Numbers of Persons of all Ranks’.<sup>56</sup> Though reports of subscription by observers such as Onslow often dwelt on the lack of public enthusiasm for the exercise, the image generally presented in the press was of the nation as a whole, from great peers to lowly small holders, rushing to declare their loyalty to George I.<sup>57</sup>

By 1723, however, mass oath-taking was not the only means through which to demonstrate popular loyalty. The oaths to George I were preceded by many loyal addresses, expressing public disgust at the Jacobite plotters and assuring the monarch of their faithfulness.<sup>58</sup> As with oath-taking, loyal or humble addressing was by 1723 a well-established political practice but of a more recent vintage, originating as it did during the Cromwellian Protectorate. (A fact often invoked to discredit addressing as an activity.) Related to but distinct from popular petitioning, loyal addresses increased in number during the post-Restoration period.<sup>59</sup> As with oaths and petitions, addresses were also ‘subscriptional texts’ (as Mark Knights has described them) which drew at least part of their claim to speak for particular groups and communities from the testimony of their subscribers.<sup>60</sup> Addresses were issued from political constituencies, English counties and boroughs, but also from other types of communities, such as dissenting churches.<sup>61</sup> Even addresses from counties and boroughs often included the broader category of ‘inhabitants’ as well as local officials and freeholders amongst their subscribers.<sup>62</sup> In this way, addresses, promoted through the official press such as the *London Gazette*, both provided the Hanoverian state with the image of a loyal public, and offered groups and individuals the opportunity to demonstrate their loyalty and in turn win concessions from the state. In some cases, this exchange of monarchical thanks for expressions of public gratitude was realised in the conferring of honours upon the

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addressers, as in the case of Felix Feast, one of the sheriffs of London, who was knighted for presenting an address to the king on 2 December 1723.<sup>63</sup>

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If it is evident that part of the purpose of the oaths legislation was, in conjunction with these loyal addresses, to demonstrate popular support for the Hanoverian dynasty (and by extension Walpole's government), the contemporary value of surveying and representing the loyalty of Georgian women still seems unclear. In a 1716 edition of his *Freeholder*, Joseph Addison had claimed that a 'States-woman' was 'as ridiculous a Creature as a Cott-Quean. Each of the Sexes should keep within its particular Bounds, and content themselves to excel within their respective Districts.'<sup>64</sup> The 'particular Bounds' of the female sex, according to the gender norms of the early eighteenth-century, were represented by the domestic sphere of home and hearth, not the world of public politics. One possibility is that the large number of women subscribing was simply an unintended consequence of some ambiguous and ill-thought out legislation. This was not unprecedented. In the 1640s, a number of parishes had included women as well as men on oath returns in part because of a lack of precision in the orders given for subscription.<sup>65</sup>

Some oath-taking by women during the civil war, however, can be linked to other pieces of evidence which suggest that these subscriptions were 'self-conscious' assertions of 'citizenship'.<sup>66</sup> Scattered instances of this kind can be connected with more extensive evidence of female political assertiveness in the early modern period, such as mass petitions produced by women.<sup>67</sup> Though petitioning from women on political and religious matters remained controversial, late seventeenth-century petitions on issues connected to women's economic roles were given a hearing by parliament. Philip Lofts has suggested that

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parliament's readiness to accept such petitions indicates the degree to which women's involvement in the economy was seen to give them some rights to political representation.<sup>68</sup>

As will be shown later, the decision to tender the 1723 oaths to women may have been a similar acknowledgment that women's importance to holding and administering property accorded them some of the attributes of citizens. Addison's comments too were part of an established satirical tradition mocking women's political interventions, a genre which Sharon Achinstein has demonstrated was not merely ridiculing the supposedly outlandish *possibility* of feminine political activism but also channelling male anxieties about women's *actual* political interventions.<sup>69</sup>

The explanatory act of March 1724 which sought to clarify the earlier oaths legislation nonetheless suggested that it was confusion rather than political assertiveness which had led large numbers of women to subscribe the previous year. The explanatory act made clear that women were not expected either to swear or to register their estates.<sup>70</sup> But whereas in previous oath-taking exercises, women's signatures and marks had only appeared on the returns in a few parishes, in 1723 women consistently appear on returns in very large numbers. Moreover, if the authorities had not intended women to sign, we might anticipate seeing subscriptions from women fall off dramatically after the first few sessions. Analysis of the York rolls indicates that the largest percentages of female subscribers actually came in the later sessions, on 21 November (where women constituted over 70 per cent of subscribers) and 19 December (where they represented just over half).<sup>71</sup> As we have also seen, both the national and the local press made strenuous efforts to publicise the initial orders that both men and women should sign, and, as will be shown later, the press also paid particular attention to reporting the subscription of women. It will be argued that these subscriptions and reports were not the product of confusion or legislative ambiguity but were the result of a

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deliberate campaign to scrutinise and harness both the political and economic resources of women in early Georgian England.

One clear motivation for women to sign was to protect their property rights. As Rosemary O'Day has noted, married women under the act could lose two-thirds of their jointure and be left unable to act as executrix of their husband's property through refusing to sign.<sup>72</sup> The same logic applied to unmarried women who might inherit property from their family or, in the event of getting married, would need to be able to demonstrate that any dowry or portion could legitimately be transferred to a future husband. Viewed in this way, women property holders and those women who could realistically stand to hold or administer property in the future also presented a sizeable constituency of individuals who could be made to pay for oath certificates. That this might have been the intention of the legislation was suggested by one of the most critical newspapers of the time, the *True Briton*, sponsored by the dissolute peer and sometime Jacobite, Philip, Lord Wharton. In its 12 August issue, the *True Briton* published a presumably spurious letter sympathising with the plight of women now required to take the oaths and producing a petition 'from all the Rich Unmarry'd Women of Great-Britain' demanding repeal.<sup>73</sup> Other papers critical of the Hanoverian regime, such as Nathaniel Mist's *Weekly Journal*, also reprinted letters purporting to come from female property holders terrified of losing their estates if they refused to swear.<sup>74</sup>

While the satirical intent of Mist's *Journal* and the *True Briton* was clear, the available evidence indicates that securing their property rights was a key consideration for women in taking these oaths. On 28 November, the earl of Aylesford wrote to the earl of Dartmouth with news that:

the Lawyers at London, are of opinion, that all Persons are obliged to take the oaths, as well those who have an Interest in Land, as those who have not, apprehending that those who

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refuse or neglect, will lie under an incapacity to take an Estate hereafter tho' at present they dont dream of any such good fortune... – My wife will go to Warwick & swear, for fear of the worst.<sup>75</sup>

Similar considerations may have led the duchess of Ormond, wife to the exiled Jacobite second duke, to swear to ensure the protection of her jointure.<sup>76</sup> The letters of Cassandra Brydges, first duchess of Chandos, reveal discussions amongst gentlewomen themselves about the issue. Brydges' mother considered making over her estate to her son in the hope of avoiding having to subscribe only to receive legal advice against pursuing this strategy. Brydges also reported the similar case of a female friend with responsibility for a 'very much burthened estate' who had resolved to take the oaths after much diligent searching of scripture.<sup>77</sup> However, as the numbers of women subscribing indicate, it was not just gentlewomen who took the oaths in order to protect their property. Evidence from surviving subscription certificates corroborates this view. (Some certificates, for example, survive as part of relatively modest marriage settlements.)<sup>78</sup>

It was not only women who currently held property who were threatened by the legislation. The Oaths Act also encouraged those women for whom inheriting or administering property was only a mere possibility to swear as well. Analysis of the oath returns for the city of York reveals that 34.5 per cent of the 690 women subscribing were married (only 3 per cent less than the percentage of widows subscribing). In York, however, the wives of gentlemen (those marked as 'Gent' or 'Esqr') made up the largest occupational or status group (35 per cent), indicating the importance of securing property rights (see Fig. 2). However, the same return also included the subscriptions of wives of labourers as well as gentlemen and, in the case of nearly 20 per cent of the married women, their husbands' occupations cannot be identified from either the oath return or contemporary freedom

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registers.<sup>79</sup> The total number of subscribers in York (1571) was only a small proportion (12.6 per cent) of the estimated total population of the city (12,000), suggesting the way in which it was seen as applying primarily to property holders.<sup>80</sup> There is considerable overlap between the names appearing on the oath return and on the city freedom registers, suggesting a significant link between subscription and citizenship: of the ninety-seven men who subscribed the oaths at the first two sessions, fifty-two can be identified with some certainty on freedom registers and another fourteen may also have been freemen.<sup>81</sup> However, the number of men signing (881) was also less than half the estimated turnout in the 1722 election.<sup>82</sup> This suggests subscribers formed another sub-set within the York population, including those who might anticipate inheriting, acquiring or administering property in the future (women and poorer subscribers), and those connected to freemen by blood or marriage, as well as property-owning, enfranchised males. A striking example that nationally these concerns stretched down the social scale is provided through press reports of the subscription of celebrated eighteenth-century courtesan, Sally Salisbury. As the *Daily Journal* reported on 7 December 1723:

Yesterday Morning the famous Mrs. Sally Salisbury was brought from Newgate to the Court in the Old-Bailey, [Salisbury was already in prison for her assault on John Finch, son of the earl of Nottingham] where she took and subscribed the Oaths appointed by the late Act of Parliament, she being in Possession of a small real Estate.<sup>83</sup>

Fig 2. Occupations/status of spouses of married women on York oath roll (1723)

Occupation	Number of women	Percentage of female subscribers
Agriculture	2	0.8
Building	16	6.7
Dealing	21	8.8
Gentry	84	35
Manufacturing	35	14.7
Service/Professions	28	11.7

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Transport	5	2.1
No occupation	47	19.7

Sources: York City Archives, F12 fos. 140v-149r; 'Admissions to the Freedom of York: Temp. George I (1714-27)', in *Register of the Freemen of the City of York: Vol. 2, 1559-1759*, ed. Francis Collins (Durham, 1900), pp. 211-228 (<<http://www.british-history.ac.uk/york-freemen/vol2/pp211-228>>)

The evidence from the 1723 oath returns gives further weight to Amy Erickson's findings relating to the importance of women to property holding arrangements in early modern England, especially in acting as executrixes.<sup>84</sup> In the early modern period, of course, property rights were intimately connected, both intellectually and legally, with political rights. For married women though, the principle of 'coverture' could be seen to weaken claims to citizenship drawn from the ownership or administration of private property. The presence of wives subscribing with their husbands on oath returns might imply that the legal notion of 'feme covert' was being deployed to absolve married women from personal responsibility on the grounds that they dutifully followed the example of their spouses.<sup>85</sup> This might suggest that questions of political allegiance were marginal to women's decision to swear, or, for married women especially, that responsibility for making these decisions could be devolved to their husbands. Those papers that saw comedic potential in the government requiring women to swear certainly sought to portray feminine discourse about the oaths as apolitical and ill-informed, little more than genteel 'Tea-Table' chatter.<sup>86</sup>

Yet, whatever the content of women's actual discussions about the oaths, (and the letters of Cassandra Brydges indicate that these involved considered decisions concerning swearing made on the basis of legal and moral advice), the evidence from subscription patterns does not indicate that all married women simply followed the example of their husbands in swearing. Women on the York rolls can be found signing at completely different

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sessions from their spouses. For example, Thomas Spooner, a mercer, took the oaths on 11 October but his wife Dorothy did not subscribe til the 19 December.<sup>87</sup> Faith, the wife of Samuell Geldert or Geldart, cook, subscribed on the same day as Dorothy, while her husband signed much earlier on 24 October.<sup>88</sup> We can also find instances of young, single women subscribing to the York return, apparently without any other family members. Rebeckha Blackbeard, who also took the oaths on 24 October, was baptised 15 September 1700 at All Saints, Pavement, York. Her father George Blackbeard, admitted as a freeman of York in 1697, had died in the city gaol in 1701. Her mother Susan or Susanna was buried in March 1718 and her uncle, John, and grandfather, James, both freemen like her father, were probably also dead by the summer of 1723. Certainly no other individuals named Blackbeard appear on the return.<sup>89</sup> Some of the spinsters subscribing to the oaths may have been even younger than the threshold of eighteen stipulated by the Oaths Act. If the Lennox Bawtry who took the oaths on 24 October was the same Lennox Bawtry baptised at Bossall, Yorkshire in 1706, she would only have been 17 at the time of subscription.<sup>90</sup> Evidence of women subscribing independently from men can also be found on other returns, such as that for Romsey in Hampshire where all the women subscribers were listed together.<sup>91</sup>

Rather than providing evidence of women's political submission to men, the 1723 oath returns arguably represent a response to women's political assertiveness. As with earlier attacks on female activism, satirical mock petitions and mock addresses from women reflected male anxieties prompted by women's contemporary public interventions. The same edition of the *True Briton* which had lampooned the oaths legislation as a tax on rich women also acknowledged another rationale for including women as well as men within the terms of the act:

Our wise Administration justly call'd to mind the fatal Instance of a certain Island, where the Women murder'd the Men [a reference to the Classical myth of the Lemnian Women]; and

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therefore, thought it prudent and necessary, for the security of our happy Establishment, to oblige them to take those Oaths which are the Bulwarks of the Protestant Succession.<sup>92</sup>

The *True Briton*'s reference to feminine violence was made more pointed by an allusion to a recent riot at Cripplegate. This had prompted one lawyer, the paper claimed, to argue that the terms of the Riot Act should be extended to apply to women 'and that it should be Felony for Twelve Females to meet together, and not disperse on the Reading of the Proclamation'.<sup>93</sup>

The Cripplegate riot of July 1723 was provoked by an election bonfire celebrating the appointment of Sir John Williams as alderman for the ward. During the rioting, the crowd was reported to have shouted 'No King George, No Hannoverian [sic] Proclamation [a reference to the Riot Act]'. Though four men (John Lant, Richard Ayres, David Kite and John Ambler) were tried for the riot, the trial report also mentioned the presence of women at the bonfire. Although the trial report said nothing about the direct involvement of women in the riot, it was not uncommon for criminal trials of this period to underplay women's involvement because of contemporary understandings of feminine criminal responsibility.<sup>94</sup>

As the work of Nicholas Rogers in particular has shown, the Cripplegate riot was only one of several anti-Hanoverian disturbances in which women played a prominent part. Both the Salisbury Court 'mughouse' riots of 1716 and the Bridgewater riots of 1721 were noted for the participation of women.<sup>95</sup> The government's sensitivity to the threat of popular disorder was indicated in George I's royal proclamation issued after the uncovering of the Atterbury plot and echoed in the loyal address for Westminster and Middlesex, which specifically mentioned the need to suppress riotous behaviour in the capital.<sup>96</sup> Besides violent action, women also used speech to denounce the Hanoverian regime: Jennine Hurl-Eamon has noted that as many women as men were bound over for seditious words in London in the period 1689-1719.<sup>97</sup> Simon Dixon has suggested that the prominence of women in anti-Hanoverian political activity might also explain the high numbers of women subscribers on

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the 1723 oath rolls.<sup>98</sup> A desire to monitor and manage the loyalties of Georgian women could also have influenced subscription patterns in some places. The presence on the roll for Winchelsea, Sussex of signatures for both male office holders and their wives suggests that it was felt necessary to determine the loyalty not only of public officials but also their spouses.<sup>99</sup> In focusing upon women as well as men, the 1723 oaths legislation also followed the pattern of earlier measures against Catholics and ‘disaffected persons’ imposed after the ’15 which gathered details of female as well as male ‘papists’ and potential Jacobites.<sup>100</sup>

The political activity of women in early Georgian England was not, though, as the work of Elaine Chalus has shown, limited to the obviously transgressive, whether riotous activity or seditious speech. Women played an active part in the relatively open and highly contested electoral politics of the age of Queen Anne. Though excluded by custom from casting their votes in parliamentary elections, women acted as de facto canvassers and election agents or endorsed the votes of male electors.<sup>101</sup> The prominence of women as supporters of the high-church clergyman Henry Sacheverell indicated that the political affiliations of women in the early eighteenth century lent towards the Tory party and even Jacobitism.<sup>102</sup> Evidence suggests that the 1723 oaths were employed to encourage women to display their support for the Hanoverian monarchy instead. Press reports of subscription to the 1723 oaths certainly gave prominence to the presence of both male and female subscribers. On 10 August, the *British Journal* reported that ‘Several Persons of Quality of both Sexes’ had appeared at Hick’s Hall to take the oaths at the Middlesex Sessions, while the *Weekly Journal* stated that many ‘Ladies of Quality’ had also done so on the same day in Westminster.<sup>103</sup> Across the autumn and winter of 1723 further reports appeared in the press of subscriptions by persons of ‘All Ranks and both Sexes’.<sup>104</sup> Just as attention had been given to subscription by prominent male figures, so newspapers also widely reported the subscription of significant women. That Sarah, Dowager Duchess of Marlborough, and the

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Princess of Wales took the oaths occasioned much comment.<sup>105</sup> It was perhaps not only the status and political influence of these two women that attracted press attention but the fact that neither were Walpole loyalists. Indeed, Richmond Lodge, where Princess Caroline subscribed, had formed an alternative court for disaffected Whig politicians.<sup>106</sup> Their subscriptions might then serve as useful evidence of a political *rapprochement* with Walpole. The example of these two women did not necessarily persuade others to follow suit – the Duchess of Chandos felt that the Princess had ‘set a bad precedent’ by swearing – but in the absence of other printed guidance for women, press reports of this kind may have provided female subscribers with some reassurance.<sup>107</sup> Whatever women’s private misgivings about the oaths, for Walpole’s government, these reports gave the impression of both sexes falling in behind the Protestant succession, an especially important image given, as we have seen, the clear participation of women in anti-Hanoverian political activity in the very recent past.

iv

The 1723 oaths provide a valuable snapshot of the importance of women politically and economically in the early eighteenth-century. Behind the contemporary ‘patriarchal platitudes’, to use Phil Withington’s phrase, was a society in which women were integral to property-holding arrangements and in which their formal political exclusion was counter-balanced by their importance to informal social and economic networks.<sup>108</sup>

Nevertheless, the 1723 oaths represented an unrepeated exercise in testing the allegiances of a significant section of the female population. The ‘state oath’, as Paul Langford noted, had had its day. Contrary to Langford, however, this was not because the experience of 1723 was, particularly ‘chastening’ for Walpole’s Whigs. In the short term the Catholic Taxation Act and the oaths were relatively successful, at least in political terms.<sup>109</sup> However, this success was not without cost. Kathleen Wilson has noted how the revelations

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of the Atterbury Plot and the judicious management of its prosecution by Walpole forced the Whigs' opponents to largely abandon the dynastic issue, instead focusing their critique on corruption and the threat to individual liberty.<sup>110</sup> Exercises which could be presented as both politically oppressive and ruthlessly acquisitive readily fed into these opposition narratives. The 'state oath', as Paul Langford argued, was difficult to accommodate with a contemporary understanding of political life as primarily organised around the ideal of voluntary association. This was acknowledged in contemporary sermons urging the public to take these oaths. For John Jackson, rector of Rossingham in Yorkshire, it was self-evident that 'all Civil Power' was '*originally* founded in the Agreement and Consent of the People who are to be rul'd by it'. The government of George I was due obedience because it was established on just such a basis with a head of state guided by and ruling within the limits of the law.<sup>111</sup> Equally, while Cassandra Brydges' letters indicate that oaths could continue to provoke cases of conscience, appeals either to moral reasoning or to the threat of divine punishment for false swearing appear to have become more muted. Certainly, for the veteran Whig Sir Richard Cocks, political choices in this situation were directed not by solemn oaths but by rational interest, guided by the law. As Cocks argued in his charge to the Gloucester Grand Jury at their midsummer sessions in 1723,

if it were possible for me to believe, that King *George* and his Family were Papists, and the Pretender and his Family were Protestants, I believe I should be sooner for the Pretender, than for King *George*; and this I may lawfully say, for all my Oaths. For a Papist is, as I have demonstrated to you before, incapable of inheriting or possessing the Throne by our laws, made upon the truest Reason and consummate Wisdom of the Nation.<sup>112</sup>

Even the clergy could be found arguing that over-scrupulousness and excessive moral self-examination were to be avoided. The subject's chief obligation, as the title of one sermon of 1723 made clear, was *The Duty of studying to be QUIET and to do our own Business*.<sup>113</sup>

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Evidence such as this seems to support historians, such as Christopher Hill, who have argued the oath's power declined markedly over the early modern period. In this view, the oath's waning ability to awe was a signifier of broader processes of secularisation and modernisation.<sup>114</sup> However, even critics of the oaths such as Onslow did not propose eliminating oath-taking from all aspects of British public life and, as John Spurr has shown, the spiritual power of the oath continued to be recognised even as religious pluralism came to be accepted in the late eighteenth and early nineteenth century.<sup>115</sup> Instead, rather than simply becoming a cultural anachronism, the imposition of oaths of loyalty to the public *en masse* ended because the purpose of these devices had already changed by the late seventeenth century. From being used in the civil war to mobilise the public politically and militarily, after the revolution of 1688 oaths were used predominately to project public loyalty. By 1696, these exercises in mass oath-taking were combined with the issuing of loyal addresses.<sup>116</sup> These devices had the advantage of ostensibly being the spontaneous product of popular support for the monarchy. Of course, such exercises were often perceived as being just as directed and manipulated by the political centre as state oaths.<sup>117</sup> But they also presented further opportunities for women to engage in the public sphere of political life. The presence of women on oath returns may have offered implicit testimony to women's political and economic power, but it remained an overtly transgressive insertion of the feminine into the normatively masculine public sphere. As John Walter has argued, the taking of oaths by women

challenged one of the fundamental assumptions of early modern political culture that it was male, married, propertied householders who claimed a public political identity and that their household dependants were subsumed within that identity.<sup>118</sup>

More informal modes of political legitimation, namely the loyal address, could represent individuals without necessarily seeming to confer such a public identity. The formally

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disenfranchised could be included in the capacious description of addresses coming from the ‘inhabitants’ of a locality as well as its electors. As emotional texts which spoke of the community’s love for their monarch, they could also be more obviously accommodated with supposedly feminine qualities.<sup>119</sup> As Mark Knights has noted, such informal means of representation prompted disputes over what constituted ‘legitimate’ public opinion but it was, nonetheless, through such vehicles for conveying popular affection that the ‘truest reason and ... consummate wisdom’ of parliament could also determine the sense of the nation.<sup>120</sup> By the nineteenth century, subscriptional texts, in the form of mass petitions in support of the abolition of slavery, had become vehicles for articulating women’s own sense of their status as citizens.<sup>121</sup> Oath returns offers more ambiguous evidence regarding early modern women’s political consciousness. Were women who subscribed separately from their husbands exercising their political independence or simply seeking to protect their family’s property (possibly at their spouse’s behest)? The returns alone cannot tell us.<sup>122</sup> These signatures and marks nonetheless testify to the growth and vitality of ‘subscriptional genres’ in the early eighteenth century and to the acceptance of a broad ideal of representative government which might even include women, if only largely indirectly.<sup>123</sup>

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Prof Edward Vallance

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Department of Humanities

University of Roehampton

Roehampton

SW15 5PH

[edward.vallance@roehampton.ac.uk](mailto:edward.vallance@roehampton.ac.uk)

<sup>1</sup> For sceptical appraisals, see E. P. Thompson, *Whigs and hunters: the origins of the Black Act* (New York, 1975), p. 201; D. W. Hayton, 'Atterbury, Francis', ODNB. The most recent treatment of the plot views it as a serious Jacobite enterprise, Eveline Cruickshanks and Howard Erskine-Hill, *The Atterbury plot* (Basingstoke, 2004).

<sup>2</sup> *Historical Manuscripts Commission (HMC) 14<sup>th</sup> Report*, Appendix IX, (Onslow MSS), pp. 462-4.

<sup>3</sup> *HMC Portland*, v, p. 638; vii, p. 364, p. 366; *True Briton*, 27 Sept. 1723; *True Briton*, 3 Jan. 1723. *Remarks and collections of Thomas Hearne*, viii, (Oxford Historical Society, vol L, Oxford, 1907), pp. 122-3.

<sup>4</sup> Thompson, *Whigs and hunters*, pp. 199-200.

<sup>5</sup> P. Langford, *Public life and the propertied Englishman, 1689-1798* (Oxford, 1991), pp. 98-114 at p. 104.

<sup>6</sup> M. Knights, *Representation and misrepresentation in later Stuart Britain: partisanship and political culture* (Oxford, 2005), pp. 159-160.

<sup>7</sup> Hannah Smith, *Georgian monarchy politics and culture, 1714-1760* (Cambridge, 2006), pp. 154-6.

<sup>8</sup> Simon Dixon and the Friends of Devon Archives, 'Devon and Exeter Oath Rolls 1723', (<<http://www.foda.org.uk/oaths/intro/introduction1.htm>>) (Modified 19 January 2013); E.

Vallance, *Revolutionary England and the national covenant: state oaths, protestantism and*

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*the political nation 1553-1682* (Woodbridge, 2005); David Martin Jones, *Conscience and allegiance in seventeenth-century England: The political significance of oaths and engagements* (Woodbridge, 1999); Conal Condren, *Argument and authority in early modern England: the presupposition of oaths and offices* (Cambridge, 2006); Jonathan Gray, *Oaths and the English reformation* (Cambridge, 2011); Carlo Taviani, 'Peace and revolt: oath-taking rituals in early sixteenth-century Italy' in Samuel Cohn Jr, Marcello Fantoni, Franco Franceschi and Fabrizio Ricciardelli eds., *Late medieval and early modern ritual: studies in Italian urban culture* (Turnhout, 2013), pp. 119-136

<sup>9</sup> On the role of these devices in military mobilisation see M. J. Braddick, 'History, liberty, reformation and the cause: Parliamentary military and ideological escalation in 1643', in M. J. Braddick and D. L. Smith eds., *The experience of revolution in Stuart Britain and Ireland* (Cambridge, 2011), ch. 6 and see also John Walter's forthcoming monograph on the Protestation of 1641/2.

<sup>10</sup> For the 1696 Association see David Cressy, 'Binding the nation: the Bonds of Association, 1584 and 1696', in Delloyd J. Guth and John M. McKenna eds., *Tudor rule and revolution: essays for G.R. Elton from his American friends* (Cambridge, 1982), pp. 217-234; Steven Pincus, *1688: The first modern revolution* (Yale, 2009), ch. 14. For the earlier oaths to William and Mary and the ensuing 'Allegiance Controversy' see Mark Goldie, 'The revolution of 1689 and the structure of political argument', *Bulletin of Research in the Humanities*, 83 (1980), pp. 473-564.

<sup>11</sup>(<http://www.foda.org.uk/oaths/intro/introduction5.htm#53>>). The full title of the Catholic Taxation Act was 'An Act for granting an aid to his Majesty by levying a Tax upon Papists', 9 Geo. 1, c. 18.

<sup>12</sup> Philip Laundy, 'Onslow, Arthur (1691–1768)', ODNB.

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<sup>13</sup> *The history and proceedings of the House of Commons: volume 6, 1714-1727* (London, 1742), p. 310. For the response of English Catholics to these demands see Gabriel Glickman, *The English Catholic community 1688-1745: politics, culture and ideology* (Woodbridge, 2009), ch. 4, pp. 147-9.

<sup>14</sup> Eveline Cruickshanks, 'Walpole's tax on Catholics', *Recusant History*, 28, (2006), pp. 95-102 at pp. 96-8.

<sup>15</sup> *History and Proceedings*, p. 315.

<sup>16</sup> *The parliamentary diary of Sir Edward Knatchbull (1722-30)*, ed. A. N. Newman (Camden, third series, vol. xciv, London, 1963), p. 23.

<sup>17</sup> National Records of Scotland, E379/7, Oaths and Declarations, George I; New York Historical Society, New York City Oaths Collection, 1715-1813. For English oath rolls, see the electronic finding list available here: (<<http://1723oaths.org/the-finding-list/>>). (Created June 2014).

<sup>18</sup> (<<http://www.foda.org.uk/oaths/intro/appendix1.htm>>), for the text of the Oaths Act. The full title of the act was 'An Act to oblige all Persons, being Papists, in that Part of Great Britain called Scotland, and all Persons in Great Britain, refusing or neglecting to take the Oaths appointed for the Security of His Majesty's Person and Government, by several Acts herein mentioned, to Register their Names and Real Estates', 9 Geo. 1 c.24

<sup>19</sup> Simon Dixon, 'Occupation, literacy, and gender in eighteenth-century Exeter: an analysis of the 1723 oath rolls', unpublished paper, p. 3. I am grateful to Dr. Dixon for sharing this research with me.

<sup>20</sup> For examples detailing these subscription costs, see the return for Lydd, Kent, Kent History and Library Centre, Ly/6/4/6/6; Cheshire oath return, Cheshire Archives and Local Studies (CALS), QDR 3, p. 13.

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<sup>21</sup> Rachel Weil, 'National security and secularisation in the English revolution of 1688', in W. F. Sullivan, R. A. Yelle, and M. Taussig-Rubbo eds., *After secular law* (Stanford, 2011), pp. 80-101; Weil, *A plague of informers: conspiracy and trust in William III's England* (Yale, 2013). For the earlier oaths legislation: (<http://www.foda.org.uk/oaths/intro/introduction2.htm>).

<sup>22</sup> An exception is the returns made in special sessions of the Court of Exchequer, The National Archives (TNA), E169/4-28.

<sup>23</sup> For these figures, taken from contemporary press reports see Cressy, 'Binding the nation', p. 231.

<sup>24</sup> For the distances travelled see (<http://www.foda.org.uk/oaths/intro/introduction18.htm>), for contemporary mentions see *HMC Portland*, vii, p. 364 quoted in Thompson, *Whigs and hunters*, p. 199 but the wrong volume cited.

<sup>25</sup> CALS, QDR3; London Metropolitan Archives (LMA), CLA/047/LR/02/04/028

<sup>26</sup> Analysis based on the York return, York City Archives (YCA), Quarter Sessions Minute Book, F12/fos.140v-149r.

<sup>27</sup> *Weekly Journal or Saturday's Post*, 16 Nov. 1723.

<sup>28</sup> Based on a calculation of total signatures on lists identified (c.150,000) plus possible returns for 11 missing counties as well as boroughs and corporations.

<sup>29</sup> See TNA, E. 369/125 fos. 138-146.

<sup>30</sup> LMA, CLA/047/LR/02/04/028

<sup>31</sup> LMA CLA/047/LR/02/01/016 (Old document reference MISC MSS/16/13).

<sup>32</sup> For the Westminster returns see LMA, WR/R/O/014. My thanks to Louise Falcini for this reference.

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<sup>33</sup> For example, Wiltshire and Swindon Archives, 628/36/1, deeds of Rose Inn, Salisbury and other properties including certificate of 1723 oath of allegiance; Leicestershire and Rutland RO, DE730/8 Barker MSS, certificate in amongst papers on rent and land values.

<sup>34</sup> LMA, CLA/047/LR/02/04/059, Papists registering their estates. (Old document reference MISC MSS/63/16).

<sup>35</sup> LMA, CLA/047/LR/02/04/059, membrane 35.

<sup>36</sup> See TNA E 169/15 where two signatures ‘Anne Pryse’ and ‘Jane Hart’ are amended to ‘Anne Draper’ and ‘Jane Dent’ in the hand of the scribe, and E 169/16 where ‘Dorothea Hyde’ is also recorded as ‘alias Tornay, Widdow’.

<sup>37</sup> On this drive in early modern legislation see E. Higgs, *Identifying the English: a history of personal identification 1500 to the present*, (London, 2011), pp. 94-5

<sup>38</sup> Amy Erickson, 'Married women's occupations in eighteenth-century London', *Continuity & Change*, 23 (2008), pp. 267-307; idem, 'Eleanor Mosley and other milliners in the City of London companies 1700-1750', *History Workshop Journal*, 71 (2011), pp. 147-72; idem, 'Mistresses and marriage or a short history of the Mrs', *History Workshop Journal*, 78, (2014), pp. 39-57. For the shifting meanings of ‘spinster’ see J. M. Spicksley, ‘A dynamic model of social relations: celibacy, credit and the identity of the “spinster” in seventeenth-century England’, in Henry French and Jonathan Barry eds., *Identity and agency in England, 1500-1800* (Basingstoke, 2004), pp. 106-146

<sup>39</sup> I have identified 771 women on the Cheshire return (QDR 3) for whom no marital status was given. The total number of subscribers has been estimated as 10500 with approximately one fifth of these being women (2100). (Estimates provided by Caroline Picco, Archivist, Cheshire Archives and Local Studies.)

<sup>40</sup> For Baker see YCA F12 fo. 148v; for \_ayley, YCA F12 fo. 147v.

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<sup>41</sup> Brian Jones' 1998 transcription, held at York City Archives, identified Baker as 'Eliz' but my own transcription had the forename as 'Clir', perhaps an abbreviation of 'Clifford'.

<sup>42</sup> 'Admissions to the Freedom of York: Temp. George I (1714-27)', in *Register of the freemen of the city of York: vol. 2, 1559-1759*, ed. Francis Collins (Durham, 1900), pp. 211-228 (<<http://www.british-history.ac.uk/york-freemen/vol2/pp211-228>>.) Some of the same women may also be present on the 1723 oath return – see Jane Stephenson, merchant and daughter of William Stephenson, merchant. Her father appears on the return on fo. 147r with his wife, while a Jane Stephenson 'widdow' appears on fo. 141r. Another female merchant, Anna Marshall, likewise may be the same 'Ann Marshall, Spin' who appears on fo. 145r.

<sup>43</sup> See J. F. Quinn, 'York elections in the age of Walpole', *Northern History*, 22 (1986), pp. 175-97 for details of York's franchise in this period.

<sup>44</sup> For the example of an 'unidentified' woman who may have paid for a certificate see 'Deborah Downes de Larton' who subscribed the oaths at Malpass, Cheshire on 28 August 1723, CALS, QDR 3, p. 35.

<sup>45</sup> R. D. Cornwall, 'Welton, Richard', ODNB, *Daily Journal*, 21 Dec. 1723; *Daily Journal*, 24 Dec. 1723; *Daily Journal*, 26 Dec. 1723; TNA SP 35/46 fos. 53-55; SP 35/47 fo.5. For Brett, Bodleian Library (Bodl), MS. Eng. Th. C. 28 fos. 257-8, Gilbert to Brett, 5 March 1723; Bodl MS. Eng. Th. C. 41 fos.28v-28r, Brett to Gilbert, 16 February 1724.

<sup>46</sup> L. B. Smith, 'North, William', ODNB.

<sup>47</sup> *British Journal*, 30 Nov. 1723.

<sup>48</sup> TNA, E 169/19.

<sup>49</sup> *Weekly Journal or British Gazetteer*, 30 Nov.1723; *Weekly Journal or Saturday's Post*, 30 Nov 1723.

<sup>50</sup> (<<http://www.foda.org.uk/oaths/intro/introduction13.htm>>).

<sup>51</sup> (<<http://www.foda.org.uk/oaths/intro/introduction7.htm#58>>).

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<sup>52</sup> For example, notice of Westminster and Middlesex sessions, *Weekly Journal or British Gazetteer*, 27 July 1723; Surrey, *Daily Journal*, 20 Aug. 1723; City of London, *Daily Courant*, 18 Sept. 1723; Kent, *Daily Courant*, 9 Nov. 1723.

<sup>53</sup> *Daily Journal*, 15 Oct. 1723 and see also *Daily Journal*, 26 Oct. 1723.

<sup>54</sup> Surrey History Centre, QS2/6/1723/Mic/41. 'Letter to the Clerk, introducing the bearer George Cottrele a blind person, and requesting the Clerk's assistance while George Cottrele took the oath of loyalty'.

<sup>55</sup> *Daily Journal*, 15 Oct. 1723; *London Journal*, 26 Oct. 1723; *British Journal*, 28 Dec. 1723.

<sup>56</sup> For Walpole, *Evening Post*, 14-17 Dec. 1723. For the subscription of other 'persons of distinction', *Weekly Journal or Saturday's Post*, 29 June 1723; For the social range of subscribers, *Weekly Journal or British Gazetteer*, 26 Oct. 1723.

<sup>57</sup> Although not all observers were convinced by these reports, see the undated letter of the Non-juror William Law to his brother George Law, British Library Add MS 34486 B 28.

<sup>58</sup> See for example the address to George I issued from Convocation in October 1722, *London Gazette*, 30 Oct – 3 Nov., 1722.

<sup>59</sup> For work on loyal addressing see Karin Bowie, *Scottish public opinion and the Anglo-Scottish union, 1699-1707* (London, 2007); Knights, *Representation and misrepresentation*, ch. 3; Knights, 'Participation and representation before democracy: petitions and addresses in pre-modern Britain' in Ian Shapiro, Susan C. Stokes, Elizabeth Jean Wood, and Alexander S. Kirshner eds., *Political representation* (Cambridge, 2009), pp. 35-57.

<sup>60</sup> Knights, *Representation and misrepresentation*, p. 118.

<sup>61</sup> See for example the humble addresses of Protestant dissenting ministers of London and Bristol, *London Gazette*, 20-24 Nov. 1722.

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<sup>62</sup> *London Gazette*, 24-27 Nov. 1722, ‘Humble address of the High Steward, under Steward, Justice of the Peace, High Bailiff, Coroner and other Gentlemen, Freeholders, Tenants and Inhabitants of His Majesty’s Liberty of Havering at Bower in the County of Essex’.

<sup>63</sup> *London Gazette*, 31 Dec- 4 Jan., 1723/4.

<sup>64</sup> Joseph Addison, *The Freeholder*, ed. James Leheny (Oxford, 1979), p. 205.

<sup>65</sup> J. Walter, ‘The English people and the English Revolution revisited’, *History Workshop Journal*, 61 (2006), pp. 171-82 at p. 179; Vallance, *Revolutionary England*, p. 110.

<sup>66</sup> Patricia Crawford and Sara Mendelson, *Women in early modern England, 1550-1720* (Oxford, 1998), p. 399.

<sup>67</sup> Ann Hughes, ‘Gender and politics in Leveller literature’, in Susan Amussen and Mark Kishlansky eds., *Political culture and cultural politics in England: essays presented to David Underdown* (Manchester, 1995), pp. 162-88; Ann Marie McEntee ‘“The [un]civill-sisterhood of oranges and lemons”: Female petitioners and demonstrators, 1642-1653’, *Prose Studies*, 14 (1991), pp. 92-111; Patricia Higgins, ‘The reactions of women with special reference to women petitioners’, in B. L. Manning ed., *Politics, religion and the English civil war* (London, 1973), pp. 179-222.

<sup>68</sup> Philip Loft, “Involving the public: Parliament, petitioning, and the language of interest, 1688-1720.” *Journal of British Studies*, 55, 1 (forthcoming).

<sup>69</sup> Sharon Achinstein, ‘Women on top in the pamphlet literature of the English Revolution’, *Women’s Studies*, 24 (1994), pp. 131-63.

<sup>70</sup> (<<http://www.foda.org.uk/oaths/intro/introduction7.htm>>).

<sup>71</sup> YCA F12, fos. 145r-146r (21 Nov); fos.147v-148v (19 Dec). Simon Dixon’s work on the Devon and Exeter returns similarly found that more women took the oaths in the later sessions (<<http://www.foda.org.uk/oaths/intro/introduction16.htm>>).

<sup>72</sup> *Cassandra Brydges (1670-1735), first duchess of Chandos life and letters*, ed. Rosemary O'Day (Woodbridge, 2007), p. 56.

<sup>73</sup> *True Briton*, 12 Aug. 1723.

<sup>74</sup> *Weekly Journal or Saturday's Post*, 24 Aug. 1723.

<sup>75</sup> Staffordshire RO, D (W) 1778/I/ii/580 A/1. I thank Rebecca Jackson, Duty Archivist at Staffs RO for bringing this letter to my attention.

<sup>76</sup> The Duchess had already come to an arrangement protecting her jointure after the '15 rebellion, Stuart Handley, 'Butler, James, 2<sup>nd</sup> Duke of Ormond', ODNB; *London Journal*, 14 Sept. 1723.

<sup>77</sup> *Brydges letters*, pp. 161-2

<sup>78</sup> Suffolk RO, Bury St. Edmunds Branch, HA 535/4/1, conveyance of a tenement under the settlement between Mary Godfrey of Bury, spinster and James Oakes of Norwich, chapman, includes Mary's subscription certificate to the 1723 oaths. For a similar certificate, see Gloucestershire Archives, D3365/13, deeds relating to a cottage called Badham, including oath of allegiance of one Eliz. Tanner.

<sup>79</sup> Although the description of subscribers as gentlemen did not necessarily mean they were not involved in trade. Rowland Mosley and Metcalfe Ingram, who took the oaths on 5 Sept 1723 were both described as 'Gent' (YCA F12 fo. 140v.) but Mosley was listed as an apothecary in the York freedom registers and Ingram as a dyer: 'Admissions to the freedom of York: temp. William & Mary (1689-94)', in *Register of the freemen*, ed., Collins, pp. 167-185 (<<http://www.british-history.ac.uk/york-freemen/vol2/pp167-185>>).

<sup>80</sup> 'The eighteenth century: Topography and population', in *A history of the county of York: the city of York*, ed. P. M. Tillott (London, 1961), pp. 207-215, (<<http://www.british-history.ac.uk/vch/yorks/city-of-york/pp207-215>>). For discussions of the percentage of

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subscribers as a proportion of the total population of Exeter see Dixon, 'Occupation, gender and literacy', p. 5.

<sup>81</sup> Comparison of YCA F12 fos. 140v – 141r with names in *Register of the freemen*, ed., Collins (<<http://www.british-history.ac.uk/york-freemen/vol2>>).

<sup>82</sup> Quinn, 'York elections', p. 186 for estimated numbers at the election.

<sup>83</sup> *Daily Journal*, 7 Dec. 1723; *Universal Journal*, 11 Dec. 1723; *Universal Journal*, 18 Dec. 1723.

<sup>84</sup> Amy Erickson, *Women and property in early modern England* (Routledge, London, 1993), esp. pp. 156-8.

<sup>85</sup> On the idea of 'feme covert' and oath-taking see *Brydges letters*, p. 55.

<sup>86</sup> *True Briton*, 4 Nov. 1723; *Pasquin*, 23 Aug. 1723.

<sup>87</sup> YCA F12, fo.142v (Thomas), fo. 147v. (Dorothy).

<sup>88</sup> YCA F12, fo.143v (Samuel), fo. 148r (Faith).

<sup>89</sup> *The parish registers of All Saints' Church, Pavement in the city of York*, ed. T. M. Fisher (2 vols., Wakefield, 1936), ii, pp. 168, 177, 194; for the possible burial of Rebecca's uncle John on 9 Sept. 1704 and for her father's death in the city gaol see, Borthwick Institute for Archives: University of York, PR Y/J 3 (burial register for York, St John Ousebridge, 1678-1821). I thank Nathan Williams, archive assistant, for the Borthwick Institute references. For George, John, and James Blackbeard's status as freemen see 'Admissions to the freedom of York: temp. William & Mary (1689-94)', in *Register of the freemen*, ed. Collins, pp. 167-185 (<<http://www.british-history.ac.uk/york-freemen/vol2/pp167-185>>). James Blackbeard is listed as 'clerici' in the registers. A James Blackbeard, rector, is recorded as dying in 1698 on a memorial in Sutton upon Derwent church, A. P. Baggs, G. H. R. Kent and J. D. Purdy, 'Sutton upon Derwent', in *A history of the county of York East Riding: volume 3, Ouse and Derwent Wapentake, and part of Harthill Wapentake*, ed. K. J. Allison (London, 1976), pp.

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173-179 (<<http://www.british-history.ac.uk/vch/yorks/east/vol3/pp173-179>>) and George Blackbeard's place of residence was recorded as Sutton upon Derwent when he married Susanna in April 1698, *Index to the archbishop of York's marriage bonds & allegations 1690-1714*, comp., P.W.G. Chilman (Borthwick Lists and Indexes, 29, York, 2001), p. 28.

<sup>90</sup> Baptism records for Bawtry found via (<[www.home.ancestry.co.uk](http://www.home.ancestry.co.uk)>) Ancestry.com. *England, Select Births and Christenings, 1538-1975* (2014) (FHL Film Number: 1068315). Lennox's father Thomas is not listed on the return, though a Barnaby Bawtry, upholsterer, took the oaths on 11 October 1723, YCA F12 fo. 142v.

<sup>91</sup> Hampshire RO, 97M81/III/3. I thank Pat Genge for alerting me to the Romsey return and for letting me have a copy of a transcription of it.

<sup>92</sup> *True Briton*, 12 Aug. 1723; for this myth, Jenny March, *The Penguin book of classical myths* (London, 2009), p. 141.

<sup>93</sup> *True Briton*, 12 Aug. 1723.

<sup>94</sup> For the trial report see *Old Bailey Proceedings Online* (<[www.oldbaileyonline.org](http://www.oldbaileyonline.org)>), version 7.2, (March 2015), 4th December 1723, trial of John Lant Richard Ayres David Kite John Ambler (t17231204-52); for further press reports see *London Journal*, 27 July 1723; *Weekly Journal or British Gazetteer*, 27 July, 1723. On bonfires as a trigger for mob activity see Robert B. Shoemaker, *The London mob: violence and disorder in eighteenth-century England* (London, 2004), pp. 124-5; on contemporary legal advice against prosecuting women for riot see Jennine Hurl-Eamon, *Gender and petty violence in London, 1680-1720* (Columbus, OH, 2005), p. 109.

<sup>95</sup> N. Rogers, *Crowds, culture and politics in Georgian Britain* (Oxford, 1998), pp. 225-6; and see also Hurl-Eamon, *Gender and petty violence*, pp. 115-6 for the 'Mughouse' riots.

<sup>96</sup> *London Gazette*, 8-12 May 1722; *London Gazette*, 12-15 May 1722.

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<sup>97</sup> Hurl-Eamon, *Gender and petty violence*, p. 112 and see Rogers, *Crowds, culture and politics*, pp. 222-3.

<sup>98</sup> (<<http://www.foda.org.uk/oaths/intro/introduction16.htm#114>>).

<sup>99</sup> East Sussex Record Office, WINCH MS 60, fos.219-220.

<sup>100</sup> For some examples, see LMA WR/R/R/017, Justices' certificates of suspected papists who were summoned to appear to take the oaths and subscribe the declaration (1722), membrane 4, return of parish of St. James, those summoned but failed to appear included 'Anne Dalton of Rupert Street, Widdow', 'Mary Matthews of Portugal Street' and 'Mary the wife of Thomas Boweyer of Broad Street'; TNA KB 18/1/1-40, Return of Papists in Lancashire, includes the names of women as well as men and details the occupation or financial status of those listed. I thank Paul Carlyle for making me aware of this manuscript.

<sup>101</sup> Elaine Chalus, "'Women are often very good scaffoldings": Women and politics in the age of Anne', *Parliamentary History*, 28 (2009), pp. 150-165. Addison, *Freeholder*, pp. 88-9 satirises the role of women as endorsers of male votes

<sup>102</sup> On Sacheverell's women supporters see Eirwen Nicholson, 'Sacheverell's harlots: Non-resistance on paper and in practice', *Parliamentary History*, 31 (2012), pp. 69-79.

<sup>103</sup> *British Journal*, 10 Aug. 1723. *Weekly Journal or Saturday's Post*, 10 Aug. 1723.

<sup>104</sup> *Weekly Journal or British Gazetteer*, 26 Oct. 1723.

<sup>105</sup> (Marlborough), *Evening Post*, 3-6 Aug 1723; *Weekly Journal or British Gazetteer*, 10 Aug. 1723. *British Journal*, 17 Aug. 1723; *Weekly Journal or British Gazetteer*, 17 Aug. 1723; (Princess of Wales), *Evening Post*, 1-3 Oct. 1723; *Daily Journal*, 4 Oct. 1723; *British Journal*, 5 Oct. 1723; *Daily Post*, 5 Oct. 1723; *London Journal*, 12 Oct, 1723.

<sup>106</sup> Stephen Taylor, 'Caroline, queen of Great Britain', ODNB.

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<sup>107</sup> *Brydges letters*, p. 55. Only one contemporary work appeared to directly address the concerns of women subscribers, *A compleat history of publick and solemn state oaths* (London, 1724).

<sup>108</sup> Phil Withington, *The politics of the commonwealth: citizens and freemen in early modern England* (Cambridge, 2005), p. 219 and ch. 7.

<sup>109</sup>For a negative appraisal of the tax see J. Anthony Williams, *Catholic recusancy in Wiltshire, 1660-1791* (London, 1968), pp. 61-2. For different perspectives see Cruickshanks and Erskine-Hill, *Atterbury plot*, p. 167; M. Rowlands 'Staffordshire papists and the levy of 1723', *Staffordshire Catholic History*, 2 (1962), pp. 33-39 at p. 37.

<sup>110</sup> K. Wilson, *The sense of the people: politics, culture and imperialism in England, 1715-1785* (Cambridge, 2005), pp. 120-121.

<sup>111</sup> John Jackson, *The duty of subjects towards their governors set forth in a sermon preach'd ... the first day of August, 1723* (London, 1723), p. 10.

<sup>112</sup> *Charges to the grand jury 1689-1803*, ed. G. Lamone (Camden Fourth series, vol. 43, London, 1992), pp. 175-89, quotation at p. 179.

<sup>113</sup> J. Wynne, *The duty of studying to be quiet and to do our own business, explain'd and recommended in a sermon preach'd ... Novemb. 17, 1723* (London, 1724).

<sup>114</sup>C. Hill, 'From oaths to interest' in his *Society and puritanism in pre-revolutionary England* (London, 1964), pp. 328-61; For this reading in general and an important counter-argument see J. Spurr, 'A profane history of oaths', *Transactions of the Royal Historical Society*, 11 (2001), pp. 37-63 at pp. 39-41.

<sup>115</sup> Spurr, 'profane history', p.60; idem, "'The strongest bond of conscience": oaths and the limits of tolerance in early modern England' in Harald E. Braun and Edward Vallance eds., *Contexts of conscience in early modern Europe 1500-1700* (Basingstoke, 2004), pp. 151-165, at pp. 163-5 but see also Barbara Shapiro, 'Oaths, credibility and the legal process in early

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modern England, part one', *Law and Humanities*, 6 (2012), pp. 145-178; Shapiro, 'Oaths, credibility and the legal process in early modern England, part two', *Law and Humanities*, 7 (2013), pp. 19-54

<sup>116</sup> For numbers see the table in Knights, *Representation and misrepresentation*, p. 117. A similar argument has recently been made in relation to the growth of loyalist voluntary associations in the eighteenth century, Frank O'Gorman, 'Origins and trajectories of loyalism in England, 1580-1840', in Allan Blackstock and Frank O'Gorman eds., *Loyalism and the formation of the British world, 1775-1914* (Boydell, 2014), pp. 19-42.

<sup>117</sup> For example *A true catalogue* ([London, 1659]), p. 5.

<sup>118</sup> Walter, 'English Revolution revisited', p. 179.

<sup>119</sup> Edward Vallance, "'From the hearts of the people": loyalty, addresses and the public sphere in the Exclusion Crisis', in T. Claydon and T. Corns eds., *Religion, culture and the national community in the 1670s*, (Cardiff, 2011), ch. 6.

<sup>120</sup> Knights, 'Participation and representation', pp. 51-3.

<sup>121</sup> Susan Zaeske, *Signatures of citizenship: petitioning, anti-slavery and women's political identity* (London, 2003); Clare Midgley, *Women against slavery: the British campaigns, 1780-1870*, (London, 1992), esp. pp. 62-70.

<sup>122</sup> More might be gathered from case studies of individuals cross-referencing returns with parochial and tax records. However, the nature of the returns, especially the lack of information in many cases about the residence of subscribers, makes uncovering more detail about individuals harder than with other oath-taking exercises, such as the Protestation of 1641/2 or 1696 Association, where returns were organised by parish or hundred. Name searchable commercial and open-access databases such as London Lives ([www.londonlives.org](http://www.londonlives.org)), ([www.home.ancestry.co.uk](http://www.home.ancestry.co.uk)), and ([www.findmypast.co.uk](http://www.findmypast.co.uk)) (used here), can be employed to enrich the biographical information in these returns.

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<sup>123</sup> Knights, *Representation and misrepresentation*, p. 126.