

FINDING GEORGIAN ANCESTORS

The 1723 oath of allegiance to George I was the last of its kind. **Ted Vallance** explains why people took oaths and how they can help family historians

thea **The pledging of oaths was a public affair like polling, shown here in a Hogarth painting** ve

AMBROSE BIERCE'S *Devil's Dictionary* sardonically defined an oath as "a solemn appeal to the Deity, made binding upon the conscience by a penalty for perjury." In the 16th century, however, perjury was understood both as a crime and as a sin. People were warned by the church's official homilies of the dire spiritual as well as secular penalties for swearing falsely. By their sin, the homilies declared, the perjurer had utterly forsaken "God's mercy, goodness and truth" and would be condemned at the day of judgement to "everlasting shame and death".

These grave warnings reflected the central role that oath-taking played in public life in the early modern period (1500–1800). In the 15th and 16th centuries oaths fulfilled three basic roles: they bound those in public office to carry out their obligations faithfully; they gave the assurance of truthfulness to statements given in court; and they tied subjects to giving obedience to their rulers. The lowliest of public occupations could carry an oath of office, binding the taker to fulfill their duties. A compendium printed in 1689 listed over 200 oaths of this type. Midwives and ale tasters (the parish officials given the onerous task of checking that the local beer was passable), along with lord lieutenants and high court judges, swore to serve the crown or the parish faithfully.

EVEN THE LOWLIEST PUBLIC OCCUPATIONS COULD CARRY AN OATH OF OFFICE

An oath of office is still required of many public servants today, including MPs, who cannot sit in the House of Commons until they have sworn an oath of loyalty to the Queen. Until the 19th century, these oaths effectively barred Catholics, Jews or Quakers from the Lower House.

Oaths were also essential for the administration of justice. In Anglo-Saxon law, the oath of the accused or the accuser alone was frequently not deemed adequate and had to be

attested to by compurgators or "oath-helpers".

Although compurgation had gone out of use in common law courts by the end of the 12th century, in ecclesiastical courts the procedure continued to be employed under the Tudors

and Stuarts. The compurgator swore not to the truth of the statement made by the plaintiff or defendant but rather certified that the individual in question had made a good oath. This was the meaning of the jibe that Shakespeare placed in the mouth of Sir Toby Belch in *Twelfth Night*: "It comes to pass oft that a terrible oath, with a swaggering accent sharply twanged off, gives manhood more approbation than ever proof itself would have earned him."

For those interested in genealogy, though, the most

significant use of oaths in Tudor and Stuart England was as devices to test the loyalty of subjects to the government. The English reformation, and later the English Civil War, led to a transformation in the nature of oath-taking in Tudor and Stuart England. Firstly, these events led to the content of these state oaths becoming much more complicated (requiring subjects to commit themselves to an ideology – the Protestant faith, the Parliamentary cause – rather than simply pledge fealty to a person). Secondly, they seriously broadened the category of persons expected to take these oaths, from only being required of those who held crown or ecclesiastical offices to being (theoretically) tendered to all adult males (and, as we will see, some women) for subscription.

LOYALTY TO AN IDEA

The initial catalyst for these changes was Henry VIII's break with Rome. The Henrician Oath of Succession imposed in 1534 was to be tendered to all men over the age of 14 (in fact, it was mainly taken by officeholders and clergy). By requiring the swearer to assert that the children of Henry and Anne Boleyn were the heirs to the throne it effectively required subscribers to side with Thomas Cromwell and the king against the Pope and Catherine of Aragon. Henry's particularly violent brand of serial monogamy made taking such an oath a very risky business. The priors of King's Langley and Dunstable who, when asked to swear this oath, also promised to be loyal to any wife whom Henry might marry after Anne's death, were clearly far-sighted. Barely two years later, in 1536 the trial of Anne for treason and Henry's subsequent marriage to Jane Seymour necessitated a new oath of allegiance, this time binding the swearer to uphold the line of succession as it was defined in Henry's last will and testament. The new oath also made it treasonable for any to protest "upon any interrogatories that shall be objected to

HENRY VIII'S VIOLENT BRAND OF SERIAL MONOGAMY MADE OATH-TAKING A RISKY BUSINESS

The 1641 Protestation oath bound subscribers to defend the Church of England



them for or conc[er]ning this Acte as any thing therin contayned, that they be not bound to declare their thought and consciens." For the first time, the English crown was making clear that it felt it had the right to make windows into the souls of its subjects.

Oaths reached their greatest degree of ideological complexity under James I. In 1606, in the wake of the Gunpowder Plot, Parliament passed a new oath of allegiance specifically directed against England's Catholic population.

The oath required the swearer to declare that the Pope's claims to be able to excommunicate or depose secular rulers were "heresy" and demanded that they acknowledge James's political authority. The oath also attempted to counter Catholic tactics which had been developed to evade earlier penal legislation. The 1606 oath incorporated complicated clauses, requiring those taking it to declare that they had not employed any mental reservations or equivocations in swearing. The Jacobean oath was successful in maintaining the appearance of moderation, apparently only penalizing those "bad" Catholics who refused to recognize James's temporal authority, while actually splitting the English Catholic community between those who would subscribe and those who would not.

However, these earlier oaths of loyalty were still largely targeted either at office-holders or specific religious groups (Catholics and Puritans). It was the incorporation of oath-taking into the process of mass political and military mobilisation, necessitated by the English Civil War, which changed this and saw for the first time subscription to oaths of loyalty on a massive national scale. By the 1640s not only the so-called "middling sorts" but even some of the poorer members of society were being required to swear loyalty. Some parishes included the names of women as well as men on their returns, a feature of these documents which had become more common by the beginning of the 18th century.

The scale of some of these oath returns is really quite





Clergy had to swear allegiance to Henry VIII, and his wives

staggering. The 1641 Protestation oath bound subscribers to defend “the true reformed Protestant religion, expressed in the Doctrine of the Church of England” against the perceived threat of “Popery”. In Devon, over 60,000 individuals signed or, if semi- or illiterate, added their mark to this oath. The content of the Protestation appeared quite uncontroversial (even some Catholics surreptitiously took it).

DEFENDING THE CHURCH AGAINST ‘POPERY’

However, in the fevered religious atmosphere of the 1640s, the Protestation was incredibly divisive. Some of those who signed the Protestation believed that it required them to attack “Popery” by smashing “idoltrous” stained glass windows, as the parishioners of St Thomas the Apostle, London, did after taking the oath in June 1641. Many clergymen saw it as part of a Puritan attack on the episcopacy, noting that the oath only bound subscribers to the “doctrine” but not the government of the church. Nonetheless, despite the controversy that the Protestation aroused, it was the most widely subscribed of the oaths of allegiance imposed during the 1640s. Later parliamentary oaths, like the Solemn League and Covenant of 1643 and the Engagement of Loyalty to the English Commonwealth of 1650, were intended for national subscription but only patchy returns survive.

The tendering of an oath of loyalty continued to be seen as a good means of dealing with a crisis of national security into the late 17th and early 18th century. Following the Glorious

Revolution of 1688–9, the regime of William III faced continued threats from the remaining supporters of the ousted Catholic King James II. In 1696, a Jacobite assassination plot prompted the drafting of an Association of loyalty to William, modelled on Elizabethan precedent (a similar bond was drafted in defence of Queen Elizabeth I in 1584), but this time imposed on a much wider section of the population. The returns for some English counties were even larger than those gathered for the 1641 Protestation.

The historian David Cressy has estimated that there were more than 70,000 signatories to the Norfolk Association. The 1696 Association certainly had a much greater geographical reach than the Protestation, being taken in Britain’s overseas colonies as well as the mainland. The detail recorded on these Association oath rolls was, in some cases, also much greater than that included in the Protestation returns of 1641. The Newcastle roll divided signatories by occupation with separate columns for bricklayers, barber-surgeons, tanners, coopers and free-masons. The humble professions linked with some of the names on these association rolls, including servants and journeymen, indicate that the Association was not only taken by property-holders. In St Michael’s parish, Suffolk, the marital status of those signing was also recorded.

However, the Association, like the Protestation, was a divisive document. It required takers to acknowledge William III as “rightful and lawful” King of England, something many Tories, with residual loyalties to the exiled James II, found

BACKGROUND

The Devon and Exeter oaths

Over 25,000 people from Devon paraded before local magistrates to swear their allegiance to the crown between July and December 1723. Their names are recorded on 59 oath rolls now held at the Devon

The longest roll consists of eight parchment membranes almost six metres in length. The names of the oath-takers simply appear in the order in which they signed, and inhabitants of the same parish did not necessarily swear on the same day or at the same place. Indeed, people did not always pledge allegiance at the nearest available location – over 4,000 people signed at the Castle in

Transcribing the documents helped to unlock their potential

Record Office, Exeter. These were transcribed as part of the “18th Century Devon” project, run by the Friends of Devon’s Archives (FoDA).

Those who swore did so at special meetings of the county quarter sessions across the county and in Exeter. These were often crowded affairs – as many as 500 people swarming into a local inn at a session. When and where the oaths were to be administered was circulated through the local press.

The way oaths were administered makes the information in the original documents virtually impenetrable.

Exeter, some undertaking a gruelling 40-50 mile round trip. This means that finding an individual oath-taker on the originals can take some time.

Transcribing the documents helped to unlock their research potential. A dedicated research officer transcribed the names, with the transcripts then checked for accuracy before being prepared for online publication. The names were entered into a database so that they could be sorted alphabetically and indexed by

name and parish of residence, and the information was made freely available on the FoDA website.

In total, one fifth of Devon’s adult population swore allegiance to George I and local history societies were enlisted to find out more about who these people were. Using the names of oath-takers, volunteers delved into the archives to build up a picture of the types of people likely to have sworn allegiance. This revealed that the chances of finding an ancestor

among the documents are greater for the wealthier sections of society, with many more yeomen and artisans named than labourers.

Surviving oath rolls for 1723 can be found in local record offices among the quarter sessions records for many other counties, boroughs and cities. Their full potential can only be realised once they have been transcribed and indexed. With Devon and Exeter rolls now online (www.foda.org.uk), hopefully others will follow suit. *Simon Dixon*



Volunteers in Devon discover more about oath-takers

PERSONAL FILE

SIR COPLESTONE WARWICK BAMPFYLDE MP

His loyalty to George I in question he still signed

THE 1723 OATHS of allegiance were prompted by the discovery of the Atterbury plot the previous year, named after one of the leading conspirators, Francis Atterbury, Bishop of Rochester. Amid the conspiratorial activity that took place, a list was compiled in 1721 of the leading gentry in each county of England who could be relied upon to support a Jacobite rebellion. The Devon section of this

A list was compiled in 1721 of the leading gentry who could be relied upon to support a Jacobite rebellion

list named 20 likely supporters, including both of the county's MPs: Sir William Courtenay and Sir Coplestone Warwick Bampfylde.

Bampfylde was a colourful character, described by the diarist Mary Cowper as a "drunken country gentleman". His Jacobitism was a family affair, since on his deathbed his grandfather had exhorted his descendents to always "pay their allegiance to the right heirs of the crown". According to the 1721 list Bampfylde's brother John could also be relied upon to support an uprising. At the time of the Jacobite rebellion of 1715 Coplestone was among those arrested on suspicion of treasonable activity.

Bampfylde's sympathies were revealed again in 1722 in the aftermath of the discovery of the Atterbury plot. Among those suspected of

involvement in the plot was Thomas Carte, an ordained clergyman whose political allegiances were made clear by his refusal to swear his loyalty to George I. Carte was believed to have acted as an agent for Francis Atterbury, and a proclamation was issued in August 1722 offering a £1000 reward for his arrest on the grounds of high treason. He eventually fled to France, having first obtained refuge with Bampfylde.

In spite of his political leanings, as a justice of the peace Bampfylde was among those responsible for ensuring the successful administration of loyalty oaths to George I in 1723. Therefore, his name appears among the presiding magistrates on rolls signed in Exeter on 8 and 10 October. Intriguingly, the only oath-taker named on the second of these occasions was his wife, Lady Gertrude. Bampfylde himself did not pledge allegiance to the king until the

statutory deadline for taking the oaths, his signature finally appearing on a roll subscribed in

Exeter on Christmas Day, 1723.

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very difficult to do. In Norwich itself, subscribers were split in two, as political factions within the city drafted rival versions of the Association: one, signed by Whigs and their supporters, which retained the original wording; and another more mildly framed oath, which was taken by Tories. Aside from Tories, the oath again threatened England's Catholic community. Robert Throckmorton, a prominent Buckinghamshire Catholic, who had asked to stay at home with his sick wife, she "havving binn lately lyke to dye" and had offered profuse expressions of loyalty to the king, was nonetheless placed in custody in London.

A NEGLECTED 18TH-CENTURY SOURCE

Historians and genealogists have been aware of the potential of the Protestation and Association oath returns as resources for some time. Aside from giving us an insight into the complexities of political life in the 17th-century, they have been used to calculate population levels, chart local migration and evaluate literacy rates. Less well known, and only now being fully explored, are the returns for the last major exercise in national, public oath-taking, the oaths of allegiance to George I tendered in 1723. Prompted, like the 1696 Association, by a Jacobite conspiracy, the Atterbury Plot, the oaths were to be taken by all persons over the age of 18 (significantly, the legislation did not limit subscription to men). Although it was undoubtedly tendered nationally, returns do not survive with the same level of geographical coverage as for the Protestation or 1696 Association. However, where returns for this oath do exist, they are often on a similar scale to these earlier rolls. The Devon roll for the 1723 oath, which has recently been digitised by Simon Dixon, contains over 23,000 signatories.

Moreover, the 1723 rolls are in many ways richer sources than either the lists for the Protestation or the 1696 Association.



Prompted by Jacobite plots, George I ordered a public oath of allegiance in 1723

The Norfolk oath roll of 1723 had a high number of female signatories

One common feature of all the rolls so far discovered is the very high number of female signatories on the returns. Approximately three in ten of those signing in Devon were women and the proportion is about the same for similar lists found in Worcestershire, Norfolk and Yorkshire. Women do appear on other rolls but these are usually the names of widows who were often significant property-holders.

Widows also appear on the 1723 lists but added to their names are those of spinsters and married women. In many cases, husbands and wives appear next to each other on the lists, like the soap-boiler William Long and his wife Hannah, who both signed the Norwich Cathedral Precinct roll on 7 October 1723.

However, the appearance of so many women on these lists is not, unfortunately, an indication that female involvement in political affairs was increasingly accepted. Rather, it was because women had been heavily involved in the rash of anti-Hanoverian rioting that had broken out after 1715. The government of Robert Walpole clearly felt it wise to monitor the political loyalties of women, as well as men.

Some of the 1723 returns also provide us with a great deal of detail about the occupations of those that took the oath. Signatories to the York city oath roll included “stuffweavers”, “whitesmiths” (tinsmiths), druggists, pewterers, merchants, brewers, cordwainers, carpenters, drapers, millers, fishmongers, warriners, physicians, apothecarys, glaziers, tanners, mercers, cutlers, stonecutters, haberdashers, plumbers, booksellers and, indicating what a cosmopolitan place 18th-century York was, one “translator”. (However, though it had butchers and bakers, there was no designated candlestick-maker).

The York roll gives us a picture of a bustling northern city, with its plethora of shop-keepers and tradesmen, already well in the grip of the 18th-century “consumer revolution”. More importantly for those interested in finding their 18th-century ancestors, it gives us a clear indication that many of those below the ranks of the gentry added their names to

these returns in 1723 making them a useful resource for anyone tracing Georgian ancestors.

The practice of regularly “testing the nation” via mass subscription to oaths of allegiance appears to have ended in 1723. Some contemporaries were already sceptical about the value of these devices. Arthur Onslow, who witnessed the public subscription to the 1723 oaths, thought:

it was 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

He believed that the inconvenience of the whole exercise caused “more real disaffection to the king and his family... than from anything [else] which happened in that time.”

Some subscribers publicly registered their lack of enthusiasm for the task. One signatory to the 1723 oath in Worcester simply wrote “tell no lies” in place of their name. However, we would be unwise to adopt as jaundiced a view of public oath-

taking as Onslow’s, and not only because of the wonderfully rich historical sources it has left us.

The end of mass subscription to these sorts of tests was a product of the relative political stability of the 18th century when compared with the turbulence of the 17th century. It was not evidence of a sudden decline in the value attached to sworn statements. Indeed, with the introduction in 2005 of new tests and declarations for those wishing to acquire British citizenship, it appears that the oath of loyalty is staging something of a comeback. ■

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TAKE IT FURTHER

➔ **Revolutionary England and the National Covenant: State Oaths, Protestantism and the Political Nation 1553–1682** by E Vallance, (Woodbridge, 2005)

➔ www.foda.org.uk/oaths

The Devon oaths of allegiance online

ONE WROTE ‘TELL NO LIES’ IN PLACE OF THEIR NAME

