

Defenders of the Faith, loyal to the Crown: the experience of the Catholic Gentry of Yorkshire, 1600-1900

Abstract

For 300 years, Catholicism was considered a danger to the nation. Catholics were officially thought to be wishing to dislodge the monarch, if not actively working towards doing so. Most Catholics did not wish to be disloyal to the Crown, or to the established government, but wanted to continue their lives contributing to the fabric of society in the same way as they had done in the past, though they also wished to be able to practise their religion unmolested. The Yorkshire gentry as a whole were important to the stability of the realm and the contribution of the Catholic gentry within this body was significant, as exemplified in this study of the two leading Catholic families in the North Riding. It also reveals the quiet contribution the Catholic gentry made to preserving the Catholic faith in the United Kingdom, providing the bedrock on which their church could be reestablished in 19th and 20th centuries. This study attempts to redress the fact that their role and contribution, in both respects, has been overlooked or ignored.

Keywords

Catholic, gentry, Yorkshire, recusant, squire, North Riding.

Article

From Henry VIII's *Act of Supremacy* in 1534 to the restoration of a Catholic diocesan hierarchy in 1850, the life of the gentry who remained attached to Roman Catholic belief was made difficult in a number of ways. Following Henry VIII's Act of 1534, there were successive penal laws which sought to enforce the State decreed religious monopoly of the the Church of England up to the end of the 18th century. These laws carried civil penalties, forfeitures, fines and various disabilities on Catholics and other non-conformists. Queen Elizabeth I's *Act of Supremacy* of 1558 demanded that all officials swear allegiance to herself as Supreme Governor of the Church in England. In 1562 to refuse the Oath of Supremacy if it was offered, was defined as treason, which could carry the heaviest of penalties. In response Pope Pius V issued a Bull of Excommunication against Elizabeth which declared her to be a heretic and a usurper and absolved her subjects of having to take the Oath. This was seen as inviting her subjects to remove her from the throne. Both these moves were troublesome to Catholics. The Bull was not popular in England; representations were made to the Pope by senior English Catholics, and it was largely ignored, and the next pope wisely allowed it to drop. Throughout the 17th century other Acts followed aimed at reinforcing the authority of the established Church of England and it's Head, the Monarch. *The Popery Act* of 1698 offered reward to those reporting on Catholic Masses being said and it also tried to deprive Catholics of owning land. In 1714 there was the *Security of the Sovereign Act* which empowered Justices of the Peace to test Catholics with the Oath of Allegiance and to prosecute anyone who refused.

But apart from the Penal Laws, over the years, particularly in the 17th century, a culture of suspicion and bigotry was fostered in the population at large against Catholics. From the reign of Elizabeth I, it was claimed that anyone adhering to Roman Catholic practice must be seeking to overthrow the monarch. In response to Elizabeth's *Act of Supremacy* and its accompanying *Act of*

Uniformity, which sought to standardise religious practice and worship through the Book of Common Prayer, there were from the beginning Catholic voices who sought to establish a Catholic loyalist agenda in the English Court.¹ But Catholicism came to be characterised as a threat to the realm and to society. In 1778 *The Papist Act* repealed various of the Penal laws, for Catholics who swore allegiance to the Crown. This relaxing of penal laws came about because the Pope in 1766 recognised the Hanoverian dynasty. However, the suspicion and bigotry which had built up over the years remained, expressing itself forcefully in the Gordon Riots of 1780, during which Catholic houses and property in London were attacked and burned.

This study centres on the two leading Catholic families of the North Riding in Yorkshire, the Fairfaxs and the Cholmeleys, and examines how they retained their loyalty to the realm, managed their way through the various penalties and laws and kept their faith. In Yorkshire the gentry were an essential part of society as landowners and civil officers and in the early days of the Reformation, most of them were Catholic. It also exemplifies the way in which Catholic gentry continued to contribute to established society, as far as was possible at any one time. In addition, it shows how they were fundamental to sustaining a Catholic community in Britain and facilitating the creation of a social climate which enabled the 19th century reestablishment of the Catholic church.

The Yorkshire gentry were next after the nobility in terms of social status. They generally did not have titles, but had a coat of arms and formed part of the aristocracy. The distinguishing feature of a Yorkshire gentleman fit to bear arms was that he was able to support himself without manual labour. Income came almost entirely from land, through rents, sale of timber, mining, hunting and farming. This highly stratified aristocracy did not just enjoy privileges, but provided the functionaries to govern civil society. The most powerful nobleman in Yorkshire was the Lord President of the Council of the North, who exercised the functions of viceregal government based in York. Beneath him, in the absence of a professional bureaucracy in the shires, the Crown was heavily dependent on the gentry for local administration. They served as deputy lieutenants, justices of the peace, sheriffs, and in many lesser offices such as commissioners of sewers and subsidies, colonels, captains and high constables of the hundreds of wapentakes. There were few gentry who didn't serve in some public capacity during their lifetime. They were also expected to quarter troops in times of threat to the Northern borders of the kingdom and to raise a militia when needed.² Many of the gentry had worked hard to establish, cultivate and make prosperous their estates. The arrangement of suitable marriages was an important element in this and formed a network of links between these families. They had a strong sense of status and identity. Within this group, the Catholic gentry did become a distinct community, with their own identity, but many links with the wider gentry remained.

Earlier researchers of Catholic history, such as Hugh Aveling in the 1950s and 1960s, assessed the strength of the Catholic community mainly through counting those convicted of recusancy – that is

¹ Michael Questier, *Catholics and Treason, Martyrology, Memory and Politics in the Post-Reformation*, Oxford 2022, pp. 229-258.

² I am indebted to J.T. Cliffe, *The Yorkshire Gentry from the Reformation to the Civil War*, London, 1969 for the characteristics and functions of the Yorkshire gentry.

those who refused to attend the established church on Sundays, or refused communion.³ There were also fines and other penalties for sheltering other Catholics, harbouring priests or refusing the Oath of Supremacy if it were offered. However, Alan Dures and Francis Young point out that the survival of a Catholic body in England was not in the end due to heroic resistance and martyrdom, but to the emergence of the English Catholic community as a social whole with its own internal logic. According to Dures and Young, more recent studies indicate that it was not just a community of recusants, but a more diverse group made up of ‘church papists’ (those who remained Catholic at heart but attended the established church), occasional conformists, hardened recusants and foreigners, visitors and converts. A Catholic community continued to exist despite a largely successful Protestant Reformation, exercising ongoing local influence and sporadic influence in national affairs.⁴ The Catholic gentry were essential to the survival of the Catholic community as they provided, in their houses, almost the only means of access to the sacraments and Catholic services.

Richard Cholmeley of Brandsby (squire 1602-1623) in the North Riding of Yorkshire, whose family were to remain doggedly Catholic to the end of the 19th century, lived through the worst of penal times. His father, Roger Cholmeley (died 1538), had come into the manor of Brandsby and Stearsby through marriage. His grandfather, Richard Cholmley⁵, like many other gentry including Catholics, had profited from the availability of previously monastic land and bought Whitby Abbey. Richard Cholmley fought for King Edward VI against the Scots and was knighted. His second wife, Lady Catherine Scrope, a woman of great influence and beauty, was a committed Catholic and dominated the family. She was able to protect the family to some extent, though some of its lesser members were penalised for recusancy. Her god-daughter Katherine Dutton was gaoled, but Lady Scrope was untouched because of her age and powerful connections. However after her death, from 1600 the Whitby Cholmleys⁶ collapsed into conformity, in order to safeguard their estates.⁷

Not so Richard Cholmeley of Brandsby, who avoided conviction and fining as a recusant until 1607 by living away from his estate in the remoter parts of West Riding, until Thornborough’s Commission caught up with him and he was convicted at Middlesex Quarter Sessions. After this all the family were convicted. Richard married Mary Hungate in 1604 or 1605, in a clandestine Catholic ceremony. His memorandum book records small payments to two of his wife’s brothers. They are recorded as dying unmarried and were probably priests; the payments would seem to be

³ Hugh Aveling, OSB, *Northern Catholics: The Catholic recusants of the North Riding of Yorkshire 1558-1790*, Chapman, London, 1966 and
 Hugh Aveling, *The Catholic Recusancy of the Yorkshire Fairfaxes: Part I*, Catholic Records Society Vol 3 Oct 1955.

⁴A. Dures and F. Young, *English Catholicism 1558-1642*, Routledge 2022, Introduction.

⁵ The Cholmleys of Whitby adopted a different spelling of their name from the Cholmeleys of Brandsby.

⁶ The spelling of the family name, at some point became settled that the Whitby branch used Cholmley, while the Brandsby branch adopted Cholmeley and this distinction remained.

⁷ Hugh Aveling, OSB, *Northern Catholics: The Catholic recusants of the North Riding of Yorkshire 1558-1790*, Chapman, London, 1966.

for services rendered.⁸ In 1609 two priests were caught in their house; Richard only succeeded in getting a pardon for this capital felony by bribing a courtier he knew, the Earl of Montgomery, to the sum of £1500. In 1619 Richard was fined £900 for harbouring a widow and three yeomen, all convicted recusants; however in 1623 these people were all still living with him, together with Thomas Cholmeley, Richard's son Marmaduke and two spinsters, all of them Catholics.⁹

The challenge of remaining Catholic took place under the normal circumstances of changing economics. This was a time of high inflation. Richard Cholmeley managed his own estate and worked to modernise his system of leasing out his lands, in order to improve his rents, and experimented with enclosing the estate pinfold. He also had to defend his property against deer hunting, rabbit poaching, trespass and theft of wood. Through these measures he had many disputes with tenants and neighbours, and when these arose, because he was Catholic, tenants felt free to verbally abuse him, calling him a papist and rogue. The parson's daughter called him a 'papist blood sucker'.^{10 11}

Despite this, recusancy did not seem to mean exclusion from parish affairs; he still used the parish church, or at least the church porch, as his place to conduct business.¹² Despite all his difficulties he was able to lead a life of wide interests and to enjoy the pleasures of a Yorkshire gentleman. He built new houses, planted orchards, introduced unusual plants to his gardens, shot woodcock, grouse and pheasant, and welcomed players and musicians to his house, especially for the lengthy Christmas festivities. He built a new house at Brafferton, in which his wife was able to entertain. He spent time in London, participating in society events. He died in October 1623.¹³

Richard's life shows that he continued to function as a gentleman despite the difficulties inflicted on him. It was for such as he that William Allen, a senior Catholic priest (later a Cardinal), in 1584, had raised his voice in a two-volume defence of English Catholics, pointing out that they had '... suffered meekly whatever punishments have been put upon them for the last 25 years.'¹⁴ Allen questioned the legality of Elizabeth's statutes which had created new treasons, that he maintained were not justified in English law. He also argued strongly that if Catholics were allowed to exercise their religion openly, as in other European countries, there would be nothing hidden and all would be able to see that they posed no threat to monarch or state. He acknowledged that Pope Pius V's Bull of 1570, in which he declared Elizabeth a heretic, was troublesome to English Catholics as they were not wanting to be disloyal to the Queen, despite her penal laws. Special suit was made to

⁸ *The Memorandum Book of Richard Cholmeley of Brandsby 1602-1623*, published by the North Yorkshire Records Office, 1988. Introduction.

⁹ Aveling, 1966, p.277-278.

¹⁰ Cliffe, pp.46-47.

¹¹ *Richard Cholmeley Memorandum Book*, p.ix.

¹² Dures and Young, p.71.

¹³ *Richard Cholmeley Memorandum Book*, Introduction.

¹⁴ William Allen, *The Execution of Justice in England*, 1584. Vol. 1, p.80.

the Pope that they should not be blamed for obeying and serving her. Wisely the next Pope let the matter drop.¹⁵

Richard and his immediate successors suffered the worst from penalties for Catholicism. Between the years 1624-1627 they endured two prosecutions for Catholic marriages, and fines of £900 for harbouring Catholic domestic servants. They made full use of debts and the need to pay dowager portions to negotiate low compound fines;¹⁶ despite this, in 1653 the Cholmeleys' estate was seized and sold for papal delinquency. However, most of the estate was bought by Gilbert Crouch, a London lawyer with Catholic connections. He nominally owned other Catholic estates, sometimes leasing them back to the original owners at a peppercorn rent. It is not known what the precise arrangements were for Brandsby, but Marmaduke Cholmeley was back living there in 1655.¹⁷ During the civil war William Cholmeley of Brandsby died fighting on behalf of the realm in Ireland. After the Restoration the Cholmeleys somehow paid their debts and regained full ownership of Brandsby and Stearsby; although Brafferton, which had been bought by another buyer, was lost. After the Civil war and the Restoration, the persecution of recusants lessened, but also Catholic families had learned how to negotiate the laws and statutes to avoid serious consequences.

An interesting example from the early years of the Reformation of not just survival, but of prospering is that of Roger Cholmeley (1485-1565) half uncle to Richard Cholmeley of Brandsby and half brother to the Richard Cholmley who bought Whitby. Owing to his illegitimacy he inherited nothing from his father, but he was sent to Lincoln's Inn to train as a lawyer. He was very bright and found a career working in the Court of Augmentations which handled a lot of monastery and chantry land which had been taken over by the Crown. This worked much to his advantage. He was granted estates in North London by the Crown in 1515. He survived because he did not get involved in religious debates, and he succeeded in working for Henry VIII, Edward VI, Mary and Elizabeth I. His work illustrates that Catholics did not reject all new religious ideas, but sought to understand them in Catholic terms. It also revealed the varieties of Catholic belief which were possible despite policies under Tudor monarchs. Under Edward VI he became Lord Chief Justice of the King's Bench, and continued in the same office under Mary. He had a setback at the start of her reign, as he had been made by Edward VI on his deathbed, with others, to draw up an Act of Succession in favour of Lady Jane Grey. This resulted in him spending a spell in the Tower under Mary. However, his faith was never questioned, and she acknowledged that he and others had been coerced; they were pardoned with a fine of £1000. But he had to pay his bill of £3.16s. 8d for lodgement in the Tower. He was then restored to his former status.

Roger Cholmeley had many friends at law; Lincoln's Inn remained firmly Catholic and there were many Cholmeleys studying and working there. Roger could countenance the executions of Nicholas Ridley and Thomas Cranmer under Mary, as they were burnt for heresy, not treason. Cholmeley's job was to uphold the law under the Crown and he did this successfully for four monarchs. He died before the Northern Rebellion of 1569, so did not have to cope with the reprisals that followed, which might have caused him problems. His will starts with a reformed commendation to God alone, but otherwise is thoroughly Catholic, full of redeeming good works and bequests to family

¹⁵ Allen, Vol.1.

¹⁶ Aveling, 1966,p.277-8.

¹⁷ Aveling, 1966, p.310..

and friends. His biggest legacy was to the foundation of Highgate Grammar School, which is still operating today as Highgate School.¹⁸

In the same period the Fairfaxs of Gilling, the other leading North Riding Catholic family, prospered economically. Sir Nicholas Fairfax, (1498-1571), had improved the family fortunes; holding many lucrative offices and bought land. His successor William Fairfax (c.1530-1597) was knighted at Berwick in 1560 for fighting against the Scots in Elizabeth's reign. William was considered a safe Protestant and became a member of the Council of the North, which implies that he must have taken the Oath of Supremacy. His successor, Thomas Fairfax (1576-1636), became Vice-President of the Council of the North. Thomas attended church, but he also married Catherine of Barton Constable who was closely connected to all the influential recusant families. It seems that the Fairfax heads of family generally followed the expedient of appearing to conform by attending church, but actually presiding over an otherwise Catholic family.

This Thomas Fairfax is an example of how heads of households were able to navigate their way through the difficulties presented by the various Statutes of Elizabeth I. People like Thomas and Roger Cholmeley should not be dismissed as hypocrites. They adhered to the core doctrinal beliefs of the Catholic Church, including the sacramental mystery of the Mass and the real presence, but practised discreetly; and they retained their loyalty to the Crown. It helped that Elizabeth I's Book of Common Prayer of 1559 had removed the more extreme elements of Edward VI's Book, making attendance at parish services more palatable, if not equivalent to attending a real Mass.¹⁹ In addition the strong network of connections which existed among the gentry and aristocracy, Catholic and Protestant, meant rules could be bent. Thomas Fairfax, for example, obtained a dispensation from the Privy Council Order which forbade anyone with a recusant wife from holding office, which allowed him to become Vice-President of the Council of the North. It also enabled him to shield his wife from recusancy fines. He had his children educated as Catholics abroad, while being elevated to the peerage in 1629. However, to protect his estate for the family, he was obliged to leave it in trust to his grandson, with life usage only to his eldest son, also Thomas, who was a recusant. This Thomas Fairfax became the most heavily fined recusant in Yorkshire. His fines cost him £2600 over five years and he had constant battles over custody of his son.²⁰

At the time of the Scottish war in 1639 there was a collection within the Catholic community to assist the King's military expenses, at the request of the Queen. In the lead up to the Civil War many Yorkshire Catholics supported the King. Of Yorkshire Catholic families, 86 fought for the King against 10 for the Parliamentarians, whilst 52 remained neutral.²¹ After the Restoration all the machinery for harrying recusants returned, but it was more formal and more easily negotiated. Catholics had also become better at dealing with it. Charles Fairfax (1631-1711) and his wife were convicted as recusants in 1663, 1667, 1680, 1690 and 1698; but by clever use of trusts, dowager

¹⁸ Benjamin Dabby, *Loyal to the Crown: the extraordinary life of Sir Roger Cholmeley*, London 2014,

¹⁹ Dabby, *Loyal to the Crown*: pp.62-64.

²⁰ Hugh Aveling, *The Catholic Recusancy of the Yorkshire Fairfaxes: Part I*, Catholic Records Society Vol 3 Oct 1955.

²¹ Cliffe, p.344.

portions and favourable land valuations, they managed to have their liability in fines and taxes compounded to a very low rate.

After the Restoration Charles Howard, Earl of Carlisle, though he had become a Protestant, looked after his Catholic friends in Yorkshire, gaining commissions for the Stricklands, who were both Catholic and Jacobite. The Fairfaxs and the Cholmeleys also came under his protection. After 1688, the Catholics Lord Lansdale and Lord Thomas Howard became Lord-Lieutenants of the East and West Ridings; it had always been difficult to fill all the necessary offices to the total exclusion of Catholics. Thomas Cholmeley of Brandsby became one of the new justices of the peace, along with other Catholics. After 1740, the Anglican authorities shifted their approach to Catholics; they logged names, places, ages and personal characteristics, but generally did not prosecute. An example of the less draconian approach given by Hugh Aveling, was that in 1765 the Archbishop contented himself with lecturing Mr Cholmeley on ‘the prudence necessary in papists’.²²

In the 18th century the surviving Catholic gentry took to business. They became bankers, lawyers or doctors. In the 1760s one of the Cholmeley daughters ran a successful millinery business in York, whilst her brother Francis became the agent for Lord Charles Fairfax (c.1700-1772), the 9th and last Viscount of Emley. His Gilling estate was in difficulties because of the incompetent management of the two previous holders of the title and because Charles Fairfax was more taken up with meticulous observance of the Catholic faith than estate management. One of the consequences of being Catholic, which had evidently affected the Fairfaxs, was that they often lacked education. Catholics were denied entry to the universities of Oxford and Cambridge. Catholic education was generally by means of a tutor, who would normally be a chaplain as well, or at one of the seminary schools abroad which were heavily focused on religion.

Francis Cholmeley, as agent, rescued the Fairfax estate, selling the woods and instituting economies.²³ He was great friends with Stephen Tempest of Broughton, the Broughtons being a strong West Yorkshire Catholic family. In 1768 Stephen Tempest wrote a layman’s treatise on how to conduct life as a Catholic gentleman.²⁴ This work demonstrates that by now the Catholic community had a distinct view of its own identity. Tempest and Cholmeley defended the traditional way of life of Yorkshire Catholic gentry as follows:

For them a landowner must strike a happy mean between a country and a town life, with the balance inclining heavily towards the former. He must avoid becoming a mere rustic, a farmer of lands. There is every reason why he should have a home farm but otherwise he should live by rents. On the other hand he should not haunt London and its expenses. A house in York for the winter season and an occasional visit to town are quite enough.

This Francis Cholmeley (squire 1742-1780) made an extremely advantageous marriage to Mary Berkeley of Spetchley, née Ferrars of Baddesley in Worcestershire, who brought with her a considerable fortune and much linen and plate of the Berkeley’s which caused a feud between the two families for some generations. He rebuilt Brandsby Hall in the Georgian style to replace the old Jacobean manor house. A room in the new Brandsby Hall was set aside as a Catholic chapel. To

²² Aveling, *Northern Catholics* p351-379.

²³ Aveling, *Northern Catholics* p. 372.

²⁴ Stephen Tempest, *Religio laici: or, a layman’s thoughts upon his duty to God, his neighbour and himself*. London 1768, Introduction.

improve the view from the house, he got permission to pull down the old parish church, and built and largely paid for the building of the current Georgian church of All Saints some distance from the house. He also moved the graveyard. Members of the Cholmeley family are buried in the graveyard at the new church, which is noteworthy. Normally, the graveyard was the province of the Church of England, and services other than those conducted by the Anglican vicar or curate were not allowed. What arrangements and agreements were made to permit the Cholmeleys' burials there, are not known.

This Francis was succeeded by his son also Francis Cholmeley (1730-1808). This second Francis was a well known agricultural improver. He also made a brilliant marriage to Teresa, the sister of Sir Henry Englefield of WhiteKnights, Berkshire, who was the heiress of her unmarried brother. Sir Harry was Secretary of the Society of Dilettanti and a distinguished patron of art and literature; he was a frequent visitor to Brandsby. From 1793 to the end of the Napoleonic wars, fear of a French invasion necessitated the raising of a Northern defence force. Squire Cholmeley was quite old by then, so in 1803 his wife Teresa and daughters wrote letters to the son and heir, Francis Cholmeley, entreating him to come home and organise the Brandsby volunteers. Young Francis was something of a dilettante; he was on holiday touring Scotland with Lord Palmerston and did not hurry his return.²⁵ The correspondence makes plain the discomfort felt by the family when this obligation to the State and society was not being fulfilled.

The Cholmeleys retained their sense of position, ownership and contribution in Brandsby and the North Riding. The Catholic chapel in the house was given an entrance from outside at some point in the 19th century, to enable the tenants to enter, and was served by the priests from Ampleforth. The family supervised the attendance of their Catholic servants and tenants, who would be 'spoken to' if they were not seen to attend Mass on Sundays. During the early 1880s this practice was dropped when it became necessary for Captain Thomas Cholmeley, squire from 1876 to 1889 to let out the house. The chapel was finally closed in 1907 when the last squire, Hugh Fairfax-Cholmeley, squire from 1888 to 1940, decided to permanently let out the house.

The last Lord Fairfax died in 1772, leaving but one living daughter, Anne. Anne never married and gifted a house and some land to Fr Anselm Bolton, the family's last chaplain. This house and land was taken over by Fr Bolton's friends, the Benedictines, in 1802 and became Ampleforth Abbey. The Fairfax line having died out, Gilling Castle and the estate went to a family called Pigott, who were related to them by marriage. The estate was badly managed by the Pigotts, until they in turn died out and Gilling Castle and the remains of the estate, passed to Captain Thomas Cholmeley of Brandsby in 1885 who had a later marriage connection. Thomas Cholmeley changed the family name to Fairfax-Cholmeley in honour of the long standing connection between the two families.

This march through 300 years illustrating the persistence of a Catholic gentry contributing to the management of their estates and the administration of the county, shows how unfounded, for the most part, were the suspicions and accusations levelled at Catholics of being a danger to the state. Focusing as it does on the specific example of the two leading Catholic families in the North Riding, this study does not consider events and politics at a national level, but concentrates on local experience. However, this local experience can be seen as representative of the wider situation.

²⁵ Extracts from Teresa Cholmeley and her daughters' letters published in M.Y. Ashcroft, *To Escape the Monster's Clutches*, North Yorkshire Records Office, 1977, pp.70-71.

Support for the contribution of Catholic gentry came in the 17th century from the antiquarian Roger Dodsworth, who was quoted as saying ““Catholic squire is greatly esteemed by his tenants, whilst his neighbours complained of harsh treatment.””²⁶ Following the Gordon riots of 1780, Joseph Berrington, an influential priest who settled at Oscott near Birmingham, where a Catholic seminary and school were subsequently established, wrote a book intended to inform society of the true nature and behaviour of Catholics, and to assure all that Catholics did not put allegiance to the Pope above allegiance to their country. He said:

*...whatever our present circumstance...there is not in any Catholic a disposition to turn them against his country” and “In proportion as his mind opens by the influence of science, he must be charmed with the beauties of the British constitution.”*²⁷

Berrington was echoing the pleas made by William Allen 200 years earlier, referred to above. This study supports the assertions of both these writers: Catholics were not generally a threat to monarch or State.

Turning to their contribution to the Catholic church, the Catholic gentry were crucial to its survival in England. Bossy makes the point that the Catholic community owed its existence more to its own internal structure and way of life than it did to any external enactments, be they from a political or spiritual sovereign.²⁸

A Catholic household could shelter Catholic servants and tenants and also incentivise Catholicism in various ways, though this was no different from the reverse being true of Protestant landowners with regard to enforcing conformity to the official religion. Bossy’s analysis of the role of the gentry in creating a Catholic community concludes that though there would have been recusants without the gentry, there would not have been a community. He attributes this to the role of the family, and in particular the women, in nurturing, maintaining and proselytising among their children, servants and neighbourhood. The attraction of remaining Catholic was much stronger for women than for men, largely for practical reasons. The Reformation did away with much of what women controlled in the household, namely, management of fasts and feasts and celebration of saints’ days. How many male heads of households gave licence to their wives to run a Catholic household because of an inability to stand up to their wives, rather than because it was their own preference, is not possible to know. Certainly it was difficult for a conforming head of household to control a recusant wife because she, being legally dependent on her husband, could not in the courts of Common Law be fined in her own name. At the same time, in those same courts, her husband could not be legally held responsible for her actions and behaviour.²⁹

During the revival of the Catholic church in Britain in the 19th century, its adherents were made up of the old English Catholics who had weathered the Reformation, a wave of bright new converts inspired by the Oxford Movement who intellectually invigorated the church and the teeming masses of Irish, whose numbers had been increasing steadily since the beginning of the century and rose to a flood following the Irish famine of 1848–52. Ecclesiastical structures were created, peaking with

²⁶ J.T.Cliffe, p.46.

²⁷ Joseph Berrington, *The State and Behaviours of English Catholics from the Reformation to the Year 1781*, 1781, p.131.

²⁸ John Bossy, *The English Catholic Community 1570-1850*, London 1975

²⁹ Bossy, 1975, pp. 149-181.

the reestablishment of a diocesan hierarchy in 1850, and local church organisation evolved in response to these changes. The contribution of the gentry continued to be important, partly because they supported the establishment of missions and schools and made financial contributions, but also with regard to social relations. Their involvement, as an ongoing and deep-rooted part of society, lent a sense of security and encouraged tolerance. In Yorkshire the steady growth of the Catholic church went hand in hand with a growing acceptance of Catholicism by the Protestant community.³⁰

The church arrangements for Brandsby during this period reflect an easy, tolerant relationship between the Hall and the parish church. In the parish church there was a Cholmeley family pew, which was occupied by the Protestant tenants of Brandsby Lodge, when they went there, or by Protestant visitors to the Hall. After the Cholmeley's pew, the farmers had their seats and pews according to a customary precedence. Their servants were obliged to attend church once on Sunday, though discipline in this respect was not so rigid as in the case of the Hall's Catholic dependents. Most of the population of Brandsby attended. The rector, the Rev. Percival Swann, was married to a Strickland non-Catholic cousin of the Cholmeleys. As noted previously, Cholmeleys were buried in the new churchyard from its inception in the 18th century; whether this had been the case with the old churchyard is not possible to know, as all the old graves were dug up and bones removed during the rebuilding of Brandsby Hall.³¹

Before the establishment of county councils and, more pertinently, parish councils, in 1889 and 1894 respectively, law and order and social services were managed in the countryside by a partnership of squire and parson, which was maintained despite religious differences. The squire was required to uphold law and order on his estate and, if he was Catholic, he provided for and monitored church attendance for Catholics in his household and on his estate; the parson held sway over attendance at the established church, answering to the bishop, and usually managed the parish school and school mistresses. The two shared responsibility for overseeing public morals, for example the exiling from the estate of girls who became pregnant outside marriage. This was something Hugh Fairfax-Cholmeley's father, Captain Thomas, had felt obliged to do in his time. Captain Thomas Fairfax-Cholmeley also tried to help uphold local morality by having the bedroom area in the cottages on his estate, which had originally been one under the roof garret, divided into two so that girls and boys could sleep separately. In his diary Hugh Fairfax-Cholmeley relates how, following Mass one Sunday morning shortly after he became squire, he was greeted by the village constable asking him to deal with two lads caught fishing illegally, whom he had locked in a stable. The expectation was that the squire would come down heavily on the offenders and send them for prosecution; Fairfax-Cholmeley let the lads off with a warning. This caused much complaint from the constable and there was talk locally of law and order being undermined.

Bossy also chronicles the retreat of the Catholic gentry, who from approximately 1750 declined slowly in numbers and influence. The dying out of families was one cause, as happened with the Fairfaxs of Gilling. Intermarriage within a narrowing group frequently failed to produce heirs, and the offspring produced were delicate. Lord Fairfax had had 13 children, 12 of whom predeceased him, leaving only his daughter Anne. Anne had two offers of marriage, but neither of the prospective husbands came up to the standards of Catholic religious practice which Lord Fairfax

³⁰ Discussed in J.F. Supple-Green, *The Catholic Revival in Yorkshire 1850-1900*, Leeds Philosophical and Literary Society Ltd., October 1990, p.{209}3 in particular.

³¹ Hugh Fairfax-Cholmeley, Personal diary material, (1910-1920) in Yorkshire Records Office, Northallerton. The examples below are also from the same source.

demanding, so she died without issue. The Cholmeleys did better. They survived to see the restoration of the Catholic church, but economic changes in the world of agriculture, which affected many gentry, Catholic and Protestant, caused the estate to dwindle and it ceased to exist with the death of the last squire, Hugh Fairfax-Cholmeley, in 1940.

One last factor in the relinquishing of the Catholic gentry's role was the transfer of the control and provision of Catholic services from the gentry to the church establishment. With regard to the Catholic chapel in Brandsby Hall, Hugh Fairfax-Cholmeley relates that the chaplain used to come from Ampleforth Abbey every Saturday night to officiate on Sundays and the squire paid the prior, who was then head of Ampleforth, £40 a year in return for this service. There had been a covert struggle between his father and Ampleforth on the question of supremacy in the chapel arrangements and as time wore on the claims of the clergy became more insistent. The Fairfax-Cholmeleys looked upon it as their private chapel and the priest as their chaplain; the clergy on the other hand were always trying to emphasise the fact that the diocesan Bishop treated it as a public chapel.

The priests at Ampleforth, however, were completely blind to the economic necessities of managing a large house. The eventual closure of the chapel in 1907 provoked great censure from the Bishop who wrote to Fairfax-Cholmeley reproaching him for expelling the Holy Sacrament from Brandsby where (the bishop claimed) it had resided for more than 100 years. The closure was prompted by Hugh Fairfax-Cholmeley's intention to let out the Hall long term. In fact the Holy Sacrament had not been kept in the chapel for some years due to the house having previously been let out for short periods. This was the final action in an ongoing series of skirmishes for control of the chapel. Fairfax-Cholmeley did not abandon the Catholic villagers, however. He initially ran a charabanc to take Catholics to Easingwold on a Sunday. Then he approached the tenant of Brandsby's Home Farm, an old man called Radcliffe, a strong Catholic. Fairfax-Cholmeley had a high regard for this tenant and his elderly sister, and did not think they should be required to travel all the way to Easingwold for Mass. He offered to build a room on the end of their farmhouse building which could be used as a chapel, if Radcliffe cared to make an arrangement with the priests at Ampleforth to serve it. This contrivance meant that Fairfax-Cholmeley was no longer responsible for any dealings with the ecclesiastical authorities, as his only transactions would be with Radcliffe, but he was still able to provide a service for the convenience of his Catholic tenants.³² The room he built still exists, now used as a storeroom, but still known as 'the chapel', though the current occupiers of the farm were unaware of the origin of this name in 2019.

Dures and Young and Bossy have described the emergence and character of the English Catholic community.³³ This study examines their experience in the North Riding, offering an example of how Catholics, and in particular the Catholic gentry, navigated their way through a society which distrusted and penalised them. The Catholic gentry proved not to be a threat to the realm, but instead made a valuable contribution to it and to the maintenance of social order through all the years of marginalisation. Following the reestablishment of the Catholic church, in the last years of the 19th century and the early 20th century, the last squire of Brandsby, Hugh Fairfax-Cholmeley,

³² Hugh Fairfax-Cholmeley, *Personal diaries*.

³³ John Bossy, 1975.

made a remarkable contribution to rural social reform in the North Riding, which has been written up elsewhere, putting a seal on the contribution of these two families to the nation.³⁴

However with changes to the economics of farming, the growth of commerce and industry and later social changes, the role of the gentry was coming to an end. They had served their purpose. The Catholic Church also owes much to the Catholic gentry for keeping the flame of the faith alive; battered, and introspective as it had become, but providing the bedrock on which the Catholic church could finally be reestablished in the United Kingdom.

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³⁴ Patricia McCarthy, 'To Whom Belongs the Land: Change and Reform on a North Riding Estate, 1889 to 1914', in the *Yorkshire Archeological Journal*, Vo. 92, 2020, Issue 1 pp.131-153.