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## Nonconformity and the Corporation of Nottingham

WITH Protestant Nonconformity extending from Broxtowe through Mansfield, Scrooby, Worksop, Gainsborough and Retford, almost encircling Nottingham, we would expect to find early evidences of its strength in the city itself and, of course, we do. Nottingham Borough Records<sup>1</sup> show frequent instances of its falling foul of the authorities, especially in the early days. Throughout the sixteenth century people were frequently "presented" at the Quarter Sessions for not attending the parish church. One of these, Nicolas Fransys, "presented" on April 20th, 1558, "be casse he dothe worke evere Sondag and holydaye of the yere" can hardly be considered a Protestant Dissenter, good or otherwise, but others, such as "Mistris Rachaell Skevington," who was fined xijd (one shilling) in 1587 for not attending church for the space of three months, and Robert Collinson, "pottycarye," fined twenty shillings in 1592 for not attending for "two months", were obviously persistent offenders, acting from conviction. With the turn of the century the names of some individuals appear quarter after quarter, and the fines become a shilling per Sunday per person as a matter of course. Such people must have found it an expensive business to remain true to their convictions. Among them are Richard Lea, yeoman, and his wife Dorothy, of St. Peter's parish, whose names first appear in 1607 and continue for twenty years. On July 17th, 1620, the name of Catherine Cooke, aged 38 years, wife of Michael Cooke, appears. Eighteen years later, on April 9th, 1638, the names of her daughters, "Kathern" about 18 years of age, and Mary, about 16, appear; they were fined the usual shilling each. Another family whose name frequently appears at this period is the Nix or Nyx family. It is not clear whether these prosecuted families are Protestant or Catholic Dissenters, though occasionally an individual is referred to as a "recusant." This could still mean that he was either a Protestant or a Catholic, though the term is usually taken to mean the latter. The returns for 1676, however, show a total of only fifteen "popish recusants" in the three Nottingham parishes whereas there were 391 other Dissenters.<sup>2</sup> In an article on Nottingham Baptist Beginnings<sup>3</sup> S. F. Clarke refers to George Fox winning over some followers in Mansfield in 1646 or 1647 from a company of "shattered Baptists" who had been centred in Nottingham. It is quite possible that some of those whose names are on record as having been fined were among these Baptists.

The prosecutions continue until the time of the Civil War, after

which only one instance appears in the published Records, that of Mary Cooke again, in the year 1657, by which time she would be 45 years of age, apparently unmarried and still faithful to the convictions she held at the age of 16. Not included in the Borough Records is the well-known instance of Colonel Hutchinson being compelled by the Presbyterian ministers to break up a meeting of Baptist soldiers in the cannonier's room in the castle. This event had the unexpected result of both Colonel and Mrs. Hutchinson becoming Baptists.<sup>4</sup>

With the Restoration in 1660 the situation changed again and Protestant Nonconformity came clearly into conflict with the city authorities. Hitherto Colonel Hutchinson had been Member of Parliament for Nottingham; his membership was suspended immediately on the grounds of his part in the condemnation of Charles I. The city administration changed and the mayoralty was taken over by Francis Toplady. Toplady had been suspect by the Parliamentary authorities as far back as 1645 when he was nominated mayor. Questions were raised as to his "malignancy" since he took the Covenant. These accusations were not proved, but he considered it expedient to relinquish the mayoralty.<sup>5</sup> Toplady had been a continual source of trouble to Col. Hutchinson during the siege of Nottingham because of his royalist sympathies and now, in 1661, they were publicly recognised. With the Ejection of 1662 the puritan clergy of the three Nottingham parishes, St. Mary's, St. Peter's and St. Nicholas' had to leave the city, though they did not go far, and some of them later returned to preach, at first secretly, and then openly.

The change in the attitude of Nottingham Corporation towards the Dissenters is indicated by the resolution passed at a special meeting in 1663 to the effect that the Solemn League and Covenant ought not to be binding on their conscience as it was "illegal and seditious."<sup>6</sup> Dissenters now disappear from the Borough Records until 1689 when, under the Toleration Act, Presbyterians, Independents and Baptists each registered premises for worship. The Baptists registered a room in the Swann Inn, High Pavement.<sup>7</sup> Apart from the meeting in the cannonier's room, this appears to be the earliest record of a Baptist meeting place in Nottingham.

Before this, however, there are other signs that the Test and Corporation Acts were being applied. The Records for Friday, February 19th, 1686, say "Ordered that any person who may claim for Burgesse parte and doe not bring a certificate under the hand of a Minister of the faith to their receiving the Sacrament according to the usage of the Church of England" is to be debarred from such status.<sup>8</sup> Then, on July 30th, 1689, "Master Thomas Smith, Alderman . . . hath appeared this day before this house and hath declared his willingness to serve the Corporation with the best of his

ability and skill ; that he cannot receive the Sacrament according to the Church of England and so cannot qualifie himself as the law doth require."<sup>9</sup> A few days later, August 10th, seven other members of the council refused to take the Sacrament in order to qualify for office and were compelled to resign. Their names were John Nevill, Thomas Pool, John Welch, Joseph Syll, Samuel Roach and William Belfin.<sup>10</sup> Three days later another councillor, Samuel Smith, did not specifically refuse to qualify himself but refused to serve on the Corporation under the conditions imposed, which amounted to the same thing.<sup>11</sup> Such was the immediate impact of the Corporation Act on Nottingham.

And so the issue was settled for a century. No more dissenters were compelled to resign, presumably because none got as far as being elected, until the year 1789, when another Alderman Smith challenged the law. This gentleman, William Smith, was elected mayor of Nottingham but in January 1790, after he had held office only a few weeks, a Mr. Chambers filed an application with the Court of King's Bench against him "in the nature of a *Quo Warranto* to show by what authority he exercised the office of Mayor of this town, he not having taken the Sacrament according to the provisions of the Test and Corporation Acts." (A "*quo warranto*," "by what warrant", is defined as a writ that lies against him that usurps any franchise or liberty. In such a case a court might give judgment of "ouster" with fine and costs. This procedure has now been modified by other legislation.) The case remained unsettled for over a year until April 23rd, 1791, when Alderman Butler was elected mayor in his place. The house, however, was by now very much in sympathy with Alderman Smith and when Mr. Huish proposed and Mr. Watson seconded a motion regretting the spirit of persecution which had resulted in the prosecution of Mr. Smith, and according to him a vote of thanks for his able and upright conduct during his period of office, it was carried with only two dissentients, the two who had filed the *Quo Warranto*.<sup>12</sup>

The brief period between Smith's election and deposition had witnessed a struggle between the spirit of intolerance and the spirit of tolerance. It had coincided with one of Fox's attempts in parliament to have the Test and Corporation Acts repealed. He was unsuccessful, but feelings in Nottinghamshire had been strong on both sides, and it is possible that the delay in settling Alderman Smith's case was due to the situation in Parliament. On February 16th the Lord Lieutenant of the County, the Duke of Newcastle, was induced to call a meeting at the Moot Hall, Mansfield "to take into consideration the very bold and dangerous attempts of late to carry into execution the repeal of the Corporation and Test Acts, the great bulwark of our safety and happiness both in Church and in State." A number of clergymen were present, and a petition to Parliament was unanimously agreed upon.<sup>13</sup>

The story was completed fifty years later as will be shown below. In the meantime, in 1811, Nottingham Corporation sent a strongly worded petition against Viscount Sidmouth's bill to impose new restrictions on Free Church ministers.<sup>14</sup> In 1820 the spirit of liberality had grown still more among the Nottingham councillors when a situation arose similar to that which had arisen in 1689 and in 1789. William Soars was elected mayor and again a *Quo Warranto* was filed on the grounds that he had not taken the Sacrament at the parish church, but this time the City Council stood solidly behind their elected mayor. On June 16th a motion was passed indemnifying him against any expense he might incur in defending himself. (An entry on September 29th shows that these costs amounted to £89 7s. 9d.) The motion met with opposition, but it was passed, and a committee formed for the defence of Mr. Soars. Its members were Richard Hopper who made the proposition, Thomas Oldknow who seconded it, John Ashwell, John Allen, William Wilson, Charles Morley, J. H. Barber and Isaac Woolley. Except for Allen, Morley and Woolley, all these men were members of Friar Lane (or later, George Street) Baptist Church, as was William Soars himself, while Allen and Morley were, if not members, at least subscribers to its funds.<sup>14</sup> The citadel had definitely been captured.

And now to complete the story of the 1789 happenings. On August 2nd, 1838, at a meeting of the Council, Mr. Bailey, also a member of George Street, moved that the survivors of the fifty-four individuals who had been admitted to the freedom of the city during the mayoralty of Mr. Smith, most of whom had gone through a second enrolment after his resignation, should receive burgess parts as from the dates of their original entrance. This was agreed to. It did not benefit them much but the principle of religious liberty had been vindicated and the old Town Clerk, Mr. H. Enfield, who had entered office just a few weeks before the 1789 incident, said he remembered how Mr. Smith had chosen to give up his gown rather than qualify by taking the Sacrament, and that he had a perfect recollection of the venerable Mr. Walker saying to him at the time "You will live to see these laws repealed."<sup>15</sup>

## NOTES

<sup>1</sup> *Extracts from Nottingham Borough Records* in 9 Vols., Nottingham and London, published by the authority of the Corporation between 1882 and 1956, covering the period 1155 to 1900.

<sup>2</sup> MS with the Keeper of the Records, Nottingham University.

<sup>3</sup> *Baptist Quarterly*, vol. xvii (Oct. 1957), p. 162.

<sup>4</sup> Lucy Hutchinson, *Memoirs of Colonel Hutchinson*, London, 1906, p. 243.

<sup>5</sup> *Nottm. Borough Records*, 1645, Vol. V, p. 237.

<sup>6</sup> Field, *Nottingham Date Book*, Nottingham, 1884.

(Concluded on p. 377)