

**The Church Court System -  
Presentments to the Manx Church Courts  
1640-1799**

Thesis submitted in accordance with the requirements of the University of Liverpool  
For the degree of Doctor of Philosophy

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August 2010

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## **Acknowledgements**

I would like to thank all those who have assisted and advised me during the long years it has taken me to complete my research. To start at the beginning, I would especially like to thank Roger Sims and the staff at the Manx National Heritage Library, Douglas, who were always willing to assist in retrieving documents from the Manx archives. I would also like to thank Dr. Peter Davey and the staff at the Centre for Manx Studies, especially Drs. Ros Stott and Breesha Maddrell not only for assistance with everyday matters but also for their advice and volunteering a ready ear to any ideas that I might have.

I would especially like to thank my supervisors at the University of Liverpool: the late Dr. Michael Power for his help at the start of my research. It is with sadness that I finish my research unable to truly thank him for his support and cheerful advice when I started this project. In the latter years I have received exceptionally patient guidance from Dr. William Ashworth. I would like to set down my thanks to him for not only looking at my work with an objective eye and guiding me through the bulk of my research but also advising upon the need for succinct syntax. Any overly long sentences which may remain in my thesis are perhaps a throwback to the seventeenth and eighteenth century Manx sources in which full stops were always something of a rarity. I would also like to thank Dr. Martin Heale for his guidance.

Finally I would like to thank my family; my children, Nicholas, Sarah, Jonathan and Emily, who have (as well as Jonny performing some excellent work proof reading) endured the endless 'stressing' that accompanies any thesis preparation. They have kept me sane and given me a sense of proportion as to the important things in life. However I owe the most and my deepest debt of gratitude to my late husband, Colin, who encouraged me to embark upon this project, patiently listened to my theories, read endless drafts of chapters and was there for me whenever I needed advice - this is for him.

## 1. Introduction

The Isle of Man (Ellan Vannin in Manx) covers an area of a little over 200 square miles and is situated in the middle of the Irish Sea. At its highest point, Snaefell, it reaches 621 metres above sea level, however it is not entirely upland having a large fertile plain in the north with a smaller fertile area in the south. Conventional opinion regards the Isle of Man as being land linked to the other British Islands in the immediate post glacial period (less than 15,000 years ago) but the melt of the ice sheet eventually led to rising sea levels and the formation of the Isle of Man.<sup>1</sup> Although inhabited since circa 8,000-4,000 B.C. it remained relatively untouched by the Roman occupation of Britain and instead was overcome by Norse invaders in the ninth century.<sup>2</sup> Up until the advent of the fifteenth century it was subject to a variety of rulers and influences - Scandinavian, Scottish and English. In 1079 it had fallen under the control of Godred Crovan, (a follower of Harald Hadrada), passing to Magnus Barefoot (King of Norway) in 1098. Thereafter the Isle of Man remained under Norwegian control until 1265 when it was given to Scotland. During the succeeding years it was the subject of a power struggle between England and Scotland, being finally granted by Edward III to William de Montecute in 1333. It fell back into the direct control of the English Crown with the execution of William le Scrope in 1399, and although granted to Henry de Percy in 1403, it was repossessed by Henry IV and given to Sir John Stanley in 1405.<sup>3</sup> Thereafter the island remained in the control of the Stanley family until the commencement of the period covered by this thesis.

The seventeenth and eighteenth centuries saw dramatic changes in the island's fortunes, initially because it was in the possession of one of Charles I's most powerful supporters, James Stanley, who was beheaded at Bolton in 1651. The Parliamentary forces took control of the island late in 1651 and it was granted to Thomas Fairfax until the restoration and its return to the control of the Stanleys, thence passing to the

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<sup>1</sup> D. McCarroll, L. Garrad, and R. Dackombe, 'Lateglacial and Post glacial Environmental History' in V. Robinson and D. McCarroll eds., *The Isle of Man Celebrating a Sense of Place*, (Liverpool 1990) p. 53

<sup>2</sup> D. Freke, 'History' in V. Robinson and D. Mc Carroll eds, *Sense of Place*, p.103

<sup>3</sup> For a more detailed history of the Isle of Man see A.W. Moore, *A History of the Isle of Man, Volumes 1 & 2* (1900, reprinted Isle of Man 1992), R.H. Kinvig, *A History of the Isle of Man* (Liverpool 1950)

Dukes of Athol. Its legislation allowed for the rapid expansion of its economy in the late seventeenth and early eighteenth centuries as part of the running trade. However the Duke of Athol's sale to the British Crown of some of his rights in the island (the Act of Revestment) in 1765 put an end to the running trade and the economy of the island suffered a dramatic decline from which it was not to recover for many years.

The overall aim of my research, upon which this thesis is based, is to provide an analysis of the church courts that functioned in the Isle of Man in the seventeenth and eighteenth centuries together with an insight into the information that they supply regarding the social history of the Manx people at that time. The comparison between the church courts in the Isle of Man and those in mainland Britain, (chiefly the North West of England) reflects the extraordinary circumstances of the Isle of Man in the seventeenth and eighteenth centuries. The church's influence over the population was shaped by not only social conditions, that were in turn influenced by agriculture, geography and the economy but also by a combination of other factors that led to the development of a unique system of ecclesiastical moral regulation of manners and behaviour. The Isle of Man has often been depicted as a backward ecclesiastical jurisdiction that employed strict censures during the seventeenth and eighteenth centuries long after such policies had been abandoned in mainland Britain. This study examines and evaluates the presented ecclesiastical offences during the period. It primarily investigates the role of the church in regulating morals, examining the variations between the functions and practises of Manx and the English church courts and assessing how these differences combined in the Isle of Man to form a society in which manners and behaviour continued to be regulated by the church up until the end of the eighteenth century.

For comparison the works of McIntosh, Houlbrooke, Hair and Doran and Durston all supply a valuable insight into the workings of ecclesiastical discipline in England for the period of the sixteenth/seventeenth centuries or earlier, as does the excellent work on Terling by Wrightson and Levine.<sup>4</sup> However, completed research into situations in

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<sup>4</sup> M. McIntosh, *Controlling Misbehaviour in England 1370-1600* (Cambridge 1998), R. Houlbrooke, *Church Courts and People during the English Reformation 1520-70*, (Oxford 1979), P. Hair, *Before the Bawdy Court*, (London 1972), S. Doran and C. Durston, *Princes, Pastors & People, the Church and Religion in England 1529-1689* (London 1991) K. Wrightson and D. Levine, *Poverty and Piety in an English Village Terling 1525-1700* (New York 1979)

England, comparable to that of the Isle of Man for the eighteenth century, (especially with regard to the enforceable regulation of morals by the church rather than voluntary regulation), has not been extensive to date. For the purposes of this thesis therefore, the research by Jan Albers into the diocesan Church Courts for North and South Lancashire (principally the Diocese of Chester) has been taken as the main comparison with regard to the functioning of the English church courts.<sup>5</sup> Albers' work includes a statistical and descriptive evaluation of the presentments to the church courts in the South Lancashire part of the Diocese of Chester for the period 1691-1781 as well as for the part of North Lancashire under the care of the Archdeaconry of Richmond. The detail and structure of Albers' work provides an excellent comparison for the geographically close Diocese of Sodor and Man.

It has often, in earlier years, been accepted that the church courts in England were suffering a terminal decline by the eighteenth century. Lawrence Stone writing in the 1970s noted "the cases brought before the church courts concerning sexual immorality declined drastically as the power of the courts declined in a secularized society" and similar views were also expressed by Tina Isaacs who noted, "the eighteenth century church did not recover its jurisdiction over lay morals."<sup>6</sup> Paul Hair, although initially noting that "the lack of church discipline in the eighteenth century has often been exaggerated" remarks that, with the acceptance of Toleration in the 1680s, the "irremediable decline" of the English church courts began.<sup>7</sup> M.G. Smith similarly notes "the history of the ecclesiastical courts.....was one of decline" in the period 1680-1730.<sup>8</sup> Even works published in the twenty-first century bear reference to the decline of the functions of the church courts in England by the eighteenth century. In the posthumously published work of R.B. Outhwaite the decline in the business transacted by the church courts in the period from the restoration to 1830 is clearly examined and D. Spaeth also points towards a "disastrous collapse in business both correctional and plenary, and in authority in the

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<sup>5</sup> J. Albers, *Seeds of Contention: Society, Politics and the Church of England in Lancashire 1689-1790 Volumes I and II*, (unpublished Ph.Dd thesis, Yale 1988)

<sup>6</sup> L. Stone, from *The Family Sex and Marriage in England 1500-1800* (Middx, 1977) pp. 399-400 quoted in Albers, *Seeds*, p.215, T. Isaacs, 'The Anglican Hierarchy & the Reformation of Manners 1688-1738', *Journal of Ecclesiastical History* vol 33 no 3 (Cambridge 1982) p.410

<sup>7</sup> Hair, *Bawdy court*, p.23

<sup>8</sup> M.G. Smith, 'Pastoral Discipline and the Church Courts: the Hexham Court 1680-1730', *Borthwick paper* 62. (1982) p.2

late seventeenth century”.<sup>9</sup> There is therefore certainly a considerable body of work that proposes that the business of the church courts in the eighteenth century was dramatically reduced over its levels in previous centuries. However recent research has led to a questioning of this evaluation.

Despite the backdrop of research that shows a decline in the business of the ecclesiastical courts in the seventeenth and, more particularly, the eighteenth century, there have been works published which show that in some dioceses a reasonable volume of business was still being covered for much of the eighteenth century. W. Jacob sets out the different view by stating that “how inaccurate is the assumption that the courts had largely gone out of business”.<sup>10</sup> Albers, in her research into the Diocese of Chester, notes that in Lancashire the church courts were “booming throughout much of the eighteenth century.”<sup>11</sup> Additionally the research into the Diocese of Carlisle by Mary Kinnear and the large parish of Whalley by M.F. Snape also confirm the view that church courts were still viable up to at least the half way point in the eighteenth century.<sup>12</sup> Nigel Yates also confirms a similar view in noting the volume of business transacted at the ecclesiastical courts in Wales between 1750 and 1759 where the diocesan court of Bangor dealt with 226 cases in the decade.<sup>13</sup> Re-evaluation of the status of ecclesiastical discipline in the long eighteenth century is clearly underway, but all the evidence as to the survival of the English church courts in this period needs to be set in a clear light. Whilst it is evident that the discipline of the established church was still utilised in eighteenth century England it had not maintained its position of a century earlier.

It is the extent of the usage of the eighteenth century church courts that now requires examination. Against the back drop of current research into the viability of the church courts in England in the eighteenth century it is especially important to evaluate the church courts in the Isle of Man – a jurisdiction that has long been

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<sup>9</sup> R.B. Outhwaite, *The Rise and Fall of the English Ecclesiastical Courts, 1500-1860*, (Cambridge 2006) D. Spaeth, *Church in an Age of Danger: Parsons and Parishioners 1660-1740* (New York 2001)

<sup>10</sup> W. Jacob, *Lay People and Religion in the Early Eighteenth Century*, (Cambridge 1996) p.135

<sup>11</sup> Albers, *Seeds*, p. 216

<sup>12</sup> M. Kinnear, ‘The Correction Court in the Diocese of Carlisle 1704 – 1756,’ *Church History* 59, (Cambridge 1990), M.F. Snape, *The Church of England in Industrialising Society, The Lancashire Parish of Whalley in the 18<sup>th</sup> century*, (Woodbridge 2003)

<sup>13</sup> N. Yates, *Eighteenth Century Britain Religion and Politics 1714-1815*, (Harlow 2008) p.146

recognised as having a viable system of ecclesiastical discipline in the early eighteenth century. Lord Chancellor King writing in the early eighteenth century concerning the diocese that was at that time under the control of Bishop Wilson remarked, "If the ancient discipline of the Church were lost, it might be found in all its purity in the Isle of Man."<sup>14</sup> This primary source supports the view of the continued strength and efficacy of the Manx church courts in comparison to their English counterparts, a view that appears to have been widely held. Writing in the nineteenth century about the early eighteenth century, John Keble notes that "the main characteristic of the Manx ecclesiastical code was its perseverance in supposing that the people subject to it had faith, long after that too flattering idea had been practically given up in every other portion of the Reformed Church of England."<sup>15</sup> Whilst Keble is suggesting, whether correctly or not, that the Manx people were not particularly religious, he is clear upon the strength of the ecclesiastical discipline on the island. However even recent publications on the Manx church point towards the discipline of the church having "more or less collapsed" by 1755.<sup>16</sup> The extent to which any of these views can be justified is best evaluated by reference not only to the extant documents that contain details of the presentments to the Manx church courts but also in comparison to the circumstances in England. This comparison of the situation, background, volume and variety of cases in the Manx ecclesiastical courts with published works upon certain dioceses in England is therefore important in evaluating what occasioned any differences between the efficacy and volume of business of the church courts in the Isle of Man in comparison to their English equivalents. Thereby confirming whether the church courts in the Isle of Man were true 'survivors' in the eighteenth century. This thesis evaluates the reasons behind the maintenance of the Manx church courts, as well as showing how they were intertwined with the lives of the Manx people, not only on the Sabbath, but throughout the remainder of the week.

Additionally the records of the ecclesiastical courts in the Isle of Man are important not only in their provision of an insight into the regulation of behaviour, but also because they contain valuable information for the social historian. The majority of

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<sup>14</sup> quoted in Kinneer, 'Carlisle' p.192

<sup>15</sup>J. Keble, *The Life of the Right Reverend Father in God, Thomas Wilson, DD, Lord Bishop of Sodor & Man*, (Oxford 1863), p.202

<sup>16</sup> J. Gelling, *A History of the Manx Church 1698-1911*, (Douglas 1988), p. 6

the Manx population in the seventeenth and eighteenth centuries were illiterate and left little extant evidence as to their social conditions and practices. However the information supplied by parishioners in cases brought to the ecclesiastical courts, together with changes in this information over time, give an insight into the everyday lives of the Manx. These lives were influenced by agriculture, fishing, smuggling, and to a lesser extent manufacturing during the period studied. The changes in these sectors show a variety of influences from the growth of the running trade, to the influx of non-Manx, the benefits and drawbacks of the increased wealth and trade that accompanied smuggling, the recession which took place upon the Revestment of the Island in the British Crown in 1765 and the situation at the close of the eighteenth century when the island was experiencing rapid population growth. In some respects in the social conditions, as in the ecclesiastical censures, the Isle of Man had distinct differences to mainland Britain that combined to support the regulation of the population by the church.

The primary sources, upon which this study is based, are the records of the Ecclesiastical Courts held in the Isle of Man in the seventeenth and eighteenth centuries; most specifically the presentments to the Ecclesiastical courts that were supplied for each parish. These presentments were based upon information given to the church officials by the parishioners, as to offences committed against the Spiritual Laws of the Isle of Man. The earliest surviving canons of the Manx church date from 1229 under Bishop Simon with later additions in 1291 and 1350.<sup>17</sup> However the most extensive set of Spiritual Laws survive in a transcribed version made, at the request of Bishop Wilson, by W.S. Walker in 1703.<sup>18</sup> It is clear from a comparison of the actual presentments made and accepted by the church, with the transcription by W.S. Walker, that there were other matters that the Manx church regulated that were not specifically included in the written abstract. This would indicate one of two possibilities; either an older written source that has not survived or that the Laws were essentially passed down by word of mouth and that this oral tradition took precedence over written laws, the abstract merely being a guide. It is clear that the laws were sufficiently flexible to allow for extenuating circumstances to be considered and could

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<sup>17</sup> Keble, *History*, p. 225-231

<sup>18</sup> W.S. Walker, *Abstract of Spiritual Laws of the Isle of Man 1703*, Manx National Heritage Library (hereafter MNHL), MMMs 9A

be varied to some degree by the Bishop and Vicars General without the need for a new written ecclesiastical legislation. Using a comparison with the traditions in the Manx secular courts it would be plausible to suggest that the spiritual laws were in fact based upon an older verbal tradition. The benefits of legislative system that was based upon a verbal tradition, which could be altered as and when required, were important in that they were more flexible and conducive to the needs of the church at any given time. This gave the Manx church not only power but also a responsiveness to the changing needs of the population and circumstances that would have been harder to maintain if the church's edicts relied solely on written laws involving a lengthy process of amendment. The methods for amending ecclesiastical legislation at the end of the eighteenth century were less clear, the recommendation by convocation of 19-5-1796 for the introduction of fines for the more serious ecclesiastical offences was evidently not adopted as censures of penances and incarceration were still used in 1799.<sup>19</sup>

The church court records for the Isle of Man, used in this thesis, are 1640, 1659, 1667-8, 1678-9, 1695-1704, 1730-9, 1760-9 and 1790-9. The reason for the use of only isolated years in the seventeenth century is due to the poor survival of documents for many early years. Most particularly these are: the period before 1640, between 1641-58, and between 1660-6 together with 1677. For the eighteenth century the motives behind the use of particular decades were different; the period 1695-1704 covers the commencement of the Bishopric of Thomas Wilson in 1698. Wilson, upon taking office, allegedly was greeted by "a church which appeared to be in ruins".<sup>20</sup> Evaluation of the impact of one, if not the most celebrated, of the island's Bishops, was therefore important in selecting a decade that overlapped the commencement of his incumbency. Interestingly, as will be seen later, there was no significant change in the immediate years surrounding the commencement of his incumbency. The 1730s were chosen as they hold a position roughly equidistant between the 1700s and the 1760s, the latter being the years surrounding the Revestment of the island in the British Crown. The effects of the running trade and its demise in the immediate post Revestment period had a marked effect on the business brought before the church courts. Finally the 1790s were chosen as it was formerly generally accepted that the

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<sup>19</sup> G. Bray, *Records of Convocation I: Sodor and Man 1229-1877 vol. 1*, Woodbridge 2006) p.344

<sup>20</sup> Bray, *Convocation*, p.8

church courts were in significant decline by this date. As an examination of the number of cases in this decade proves this is far from a correct assumption; the Manx church courts were still alive and kicking at the close of the eighteenth century.

Wherever possible presentation documents have been allocated into the year that they would currently fall, using a year end in December rather than in March. Therefore in years before 1752 dates in January, February and March have been put into what was at the time the succeeding year. In cases where the month is not mentioned the document has been merely placed in the year indicated thereon.

The spiritual regulation of the Manx people had been undertaken by the Manx Church since at least the late 1630s (although records only survive for isolated cases before the mid seventeenth century), and it is probable that it had been employed for a considerable time prior to this date with varying degrees of usage, although it cannot be said with any certainty that the regulation of manners by the Manx church was as old as regulation in England.<sup>21</sup> The Isle of Man was divided into seventeen parishes in the seventeenth century (fig 1) comprising Lonan, Onchan, Braddan, Marown, Santan, Malew, Arbory, Rushen, Patrick, German, Michael, Jurby, Ballaugh, Andreas, Bride, Lezayre, and Maughald. These parishes appear to be based upon an older division of the island into sixteen units, with a later subdivision of one parish into the two parishes of Santon and Marown. The combination of Santon and Marown into an older, larger parish would account for the lack of a coastline to the parish of Marown, all the other parishes in the Island containing a stretch of coast. The main towns in the seventeenth century were Castletown (seat of the legislature), Peel, Douglas and Ramsey. The Lord of Mann had residences in Castle Rushen (Castletown) and on St. Patrick's Isle in Peel, whereas the Bishop resided at Bishopscourt, just to the north of Peel in the parish of Michael. The cathedral (often in a state of disrepair) was also on St. Patrick's Isle, although the isle itself was divided between the parishes of German and Patrick. Several churches from the seventeenth century survive to the present day. St. Runius in Marown (see fig 2 & 3)

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<sup>21</sup> J.R. Dickinson and J. Sharpe, 'Public Punishment and the Manx Ecclesiastical Courts during the Seventeenth and Eighteenth Centuries' in S. Devereaux and P. Griffiths eds. *Penal Practice and Culture 1500-1900* (Basingstoke 2004) pp. 141-143, for the strength of the church court system in England in the sixteenth century see Houlbrook, *Church Courts*

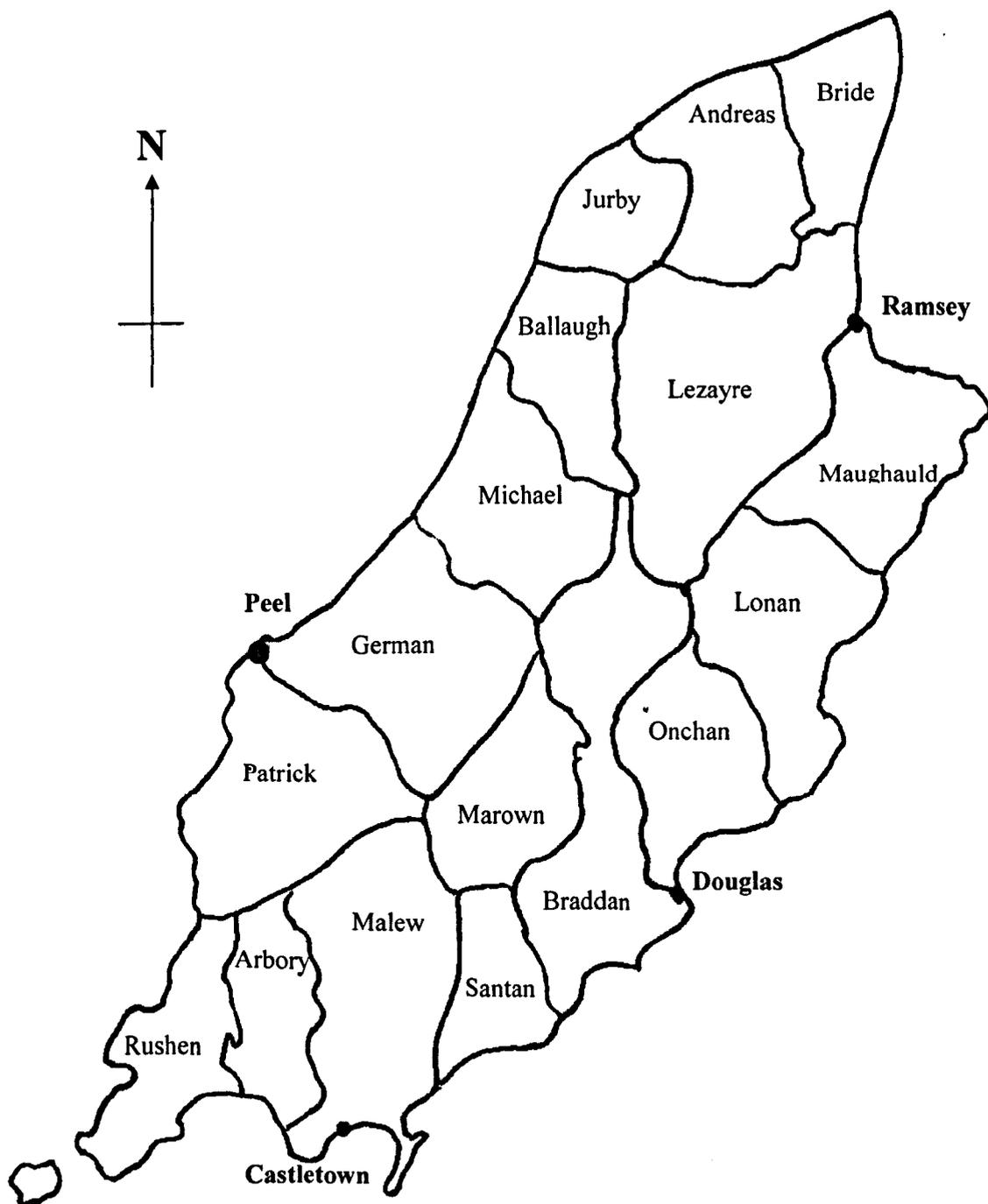


Fig.1 Map of the Isle of Man,  
showing the seventeen parishes, from  
The Manx National Heritage Library,  
Douglas



Fig.2 Exterior of St. Runius, Marown



Fig. 3. Exterior of St. Runius, Marown from the North

clearly illustrates the situation of the rural Manx churches, exposed to the winds, and now, as in the seventeenth century, relatively isolated. Whilst old St. Runius has no windows on its northern face (the Manx belief being that ill fortune comes from the north) nevertheless it is full of atmosphere although remaining small and containing seating for a maximum of 150.

Unlike the secular courts (that were divided into a Southside and a Northside), the Manx Ecclesiastical courts were not subdivided into two administrative areas. Instead for some of the functions of the Ecclesiastical law the workload was divided according to the season. The administration of wills was divided between the care of the Archdeacon and the Bishop according to the time of year during which the will was presented to the court. This administration of wills was an important part of the church's field of influence at this time and the penalties for supplying an incorrect inventory of an estate or, alternatively, no inventory at all, could be severe. The importance placed upon the proving of wills mirrors the situation in England where pressure to ensure the effectual, or inexpensive, administration of wills was partially instrumental in the re-adoption of some aspects of the church courts upon the Restoration.<sup>22</sup>

The Manx system of church courts differed from those in England in its distribution of administrative functions as well as in its frequency of sittings. Whilst the ecclesiastical system in both England and the Isle of Man provided for different church courts according to the type of business involved, the frequency of some sittings in the Manx church courts appears to have been greatly increased over some areas of England. In the Isle of Man whilst the proving of wills was split between the Bishop's and Archdeacon's offices any problems with administrations and failures to collect debts under wills were brought before the Consistory Court and the documents filed in the *Libra Causarum*. This court, under the ultimate responsibility of the Bishop, also dealt with other matters such as maintenance payments for illegitimate children, problems with provision of care for the infirm and cases that would have had an initial viewing in the churchwardens presentments. The Consistory Court was able to take depositions from witnesses in disputed cases as to the validity of claims and

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<sup>22</sup> I.M. Green, *The Re-establishment of the Church of England 1660-1663*, (Oxford 1978) pp.117-142

the accuracy of allegations of slander, cursing, possible witchcraft or charming. These, often extensive, depositions were procured and transcribed by church officials, the witnesses adding their mark or signature at the close of their statement. The church was able to enforce attendance at court (failure to attend resulting in a fine) on some individuals necessary to a case but failure of a plaintiff to attend court would result in the case being dropped and in some cases charges being levied. Whilst the Consistory Court might not always be attended by the Bishop, he viewed the documents and was able to enforce attendance, at his Bishops court residence, of those whose behaviour caused concern.

Whilst more serious matters requiring the church's regulation were transferred to this Consistory Court, by far the greatest volume of business in the Isle of Man was transacted by the courts that were directly based upon the churchwardens' presentments. In contrast to England, the churchwardens' presentments in the Isle of Man were presented to the church courts at least twice a year in the mid seventeenth century and three times a year in the eighteenth. In the Isle of Man the vicars general, travelling in circuit, gave judgement at these church courts and upon their request the serious matters were referred to the consistory court. The attendance of the two vicars general, who were also clergy in two of the island's parishes allowed for a consistency of censures throughout the island. The accuracy of the record keeping and the cross referencing, especially in the mid eighteenth century, allowed for the church to treat all cases with a similar authority, thereby decreasing any antagonism towards the church that would result from discrepancies in the censures given. The consistency of the filing of these documents in the eighteenth century facilitates finding the records of a particular parish in the presentments files with the documents for Lonan appearing first followed by the remainder of the parishes in a specific order with the files finishing with Maughald. For this thesis the older spellings for the parishes of Santan (Santon) and Maughald (Maughold) have been maintained.

The small size of the Bishopric of Sodor and Mann (17 parishes and a maximum population of nearly 28,000 at the close of the eighteenth century) meant that, unlike some English diocese; visitations from the Bishop, travelling at intervals of several years to each parish, were not the general practice. Instead any resident Manx Bishop

was able to visit each parish as and when required. Although travelling to some parishes was difficult, the bishop would have been able to reach any parish with only one days travelling, although visiting a succession of parishes would have involved several nights away from home. In this respect the small number of parishes aided the administration of the See.

In each parish there was not only a vicar but frequently a curate, who also was able to undertake the provision of church services. The imposition in 1696 of a secular law as to the residency of Manx clergy and the availability of a soldier from the garrison to enforce some ecclesiastical punishments indicates the interaction and crossing over between the secular and ecclesiastical courts.<sup>23</sup> These were not two systems that worked separately or even against each other (apart from the well documented disputes between Governors Horne and Horton with Bishop Wilson), instead there was often an interweaving of responsibilities.<sup>24</sup>

The offences that could be presented to the church courts were extremely varied. These ranged from serious cases such as witchcraft, buggery and rape (which if found guilty would be transferred to the secular courts), sexual offences such as adultery, fornication and criminal conversation (suspicion of fornication that had not resulted in pregnancy) and anti-nuptial fornication (evidenced by the birth of a child too soon after marriage), verbal offences of slander (relating to a spiritual court offence e.g. whore), cursing, charming, tale bearing and swearing, behavioural offences such as non attendance at church services, Sabbath breaking, Sunday drinking, drunkenness at any time, fighting on the Sabbath or in church, unruly behaviour in church, irreverence towards the clergy or their officials, and non payment of church assessments, neglect of the upkeep of church property (most particularly churchyard fences), to a myriad of minor offences that were deemed to be against the moral good of the parish. The need for information upon serious offences brought before the spiritual courts to be supported by more than one individual meant that these offences were usually the result of a consensus of opinion. Any evaluation of types and incidences of presented offences therefore indicates not only the behaviour of parishioners but also the value systems deemed to be important by clergy and laity

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<sup>23</sup> J.F. Gill, *Statutes of the Isle of Man Vol 1, 1417-1820*, (London 1883) p.152

<sup>24</sup> Gelling, *History* p.6-12

alike. The presentation of offences required the vocal support of both the church and the congregation. If the clergy disapproved of a case being brought before them they had the power (which was exercised in some cases) to dismiss the case as frivolous. Likewise if the congregations disapproved of the presentation of certain offences then they would be unlikely to provide any information to the courts. The number of individuals presented for any type of offence therefore reflects some of the values of the ordinary parishioners who left little other legacy as to their attitudes and behaviour. As will be seen later these attitudes to 'manners' and acceptable behaviour were designed to augment the smooth running of society, a system that was enforced by ecclesiastical legislation.

This thesis primarily examines the differences between the functions and practices of the Manx church courts in the late seventeenth and eighteenth centuries in comparison to those of its nearest English neighbour, before examining in detail the methods of censure employed in the two jurisdictions. It then evaluates the caseload for sexual and non-sexual offences evidenced by the presentments to the church courts in the Isle of Man in comparison with the equivalent courts in Lancashire and in some cases Carlisle. Finally it investigates aspects of the Isle of Man (primarily from evidence from the church records) which may have served to influence the acceptance and employment of the ecclesiastical regulation of morals during the period under review. The Manx church court records can be used to examine whether the church did manage to effectively regulate the morals of the population and whether the regulation in the Isle of Man was comparable to that in a neighbouring diocese.

## 2. The Functions of the Church Courts

To effectively evaluate the Manx church's regulation of the morals and manners of its charges and to set it in context against the North West of England it is necessary to examine its *modus operandi*. It becomes important to outline the similarities and differences between the Manx church and its English neighbour, primarily regarding the functions and operations of the church courts but also in the size of the diocese and its population that it sought to regulate, for these aspects all influenced the church courts in their role as regulators of morals. As previously noted at the beginning of the period under review, the Isle of Man was owned by the Stanley family; it was in many respects an independent kingdom and not subject to the laws of England. However there were close ties between the Manx and the established church in England. The Bishop of Sodor and Man (whose diocese originally is thought to have covered the southern islands on the west coast of Scotland) was appointed by the Archbishop of Canterbury, and the Manx Diocese was part of the Anglican Communion. The links between the Manx and English churches however had not existed since the earliest writings for in the early medieval period the Manx church was a subsidiary of Trondheim. Nevertheless by the seventeenth century the Manx church had returned to a position under the ultimate authority of the English church.

At the start of the period governed by this thesis the Isle of Man was without a Bishop, the previous incumbent Bishop Phillips (who made great efforts to translate the prayer book into Manx even though this was not finally published until 1810) having held office from 1605-1633.<sup>25</sup> From the early 1630s the Manx people remained without a bishop until the appointment of Bishop Barrow in 1663. As noted by Albers, parishes and church courts could function in the absence of a Bishop: it was the "duties of ordination, visitation and confirmation" that required the physical presence of a bishop.<sup>26</sup> The lack of a bishop was therefore not an unsurmountable obstacle to the functions of ecclesiastical moral enforcement, however any absence for a significant period would seriously hinder the development of the diocese.

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<sup>25</sup> Moore, *History vol 1*, p.363

<sup>26</sup> Albers, *Seeds*, p.20

The period surrounding the mid seventeenth century marks a distinction between the functions of the Manx church and its English counterpart. During this time the Manx Episcopacy was under the control of James Stanley, and, after his execution, the Commonwealth governors appointed by Sir Thomas Fairfax. It is probable that this period (especially 1649-60) marks one of chief divergences of the Manx church from the English Ecclesiastical system, it being in many other respects “strictly conformable to the doctrine and discipline of the Church of England.”<sup>27</sup> The main difference between the Manx church and its English neighbour in this period was the degree of consistency in the Manx system throughout the era. During the upheavals of the mid-seventeenth century, only one Manx vicar (John Cosnahan from Arbory) was removed from office during the Commonwealth period.<sup>28</sup> The continuity experienced by the Manx church at this time marks a divergence from the upsets that many Dioceses in England experienced where, in the most severe cases, up to 36% of the clergy lost their posts.<sup>29</sup> No doubt the requirement of a Manx speaking clergy to effectively communicate with the parishioners helped ensure that many clergy were safe in their positions on the island during this period of upheaval. It is probable that the language barrier was sufficient to protect the Manx clergy for the Lord of Mann, Sir Thomas Fairfax, was specifically charged with removing suspect ministers in England at this time.<sup>30</sup> Even given Fairfax’s role in England there seems to have been no incentive towards changing the ecclesiastical system on the island. The Manx Church courts continued to function (unlike their counterparts in England) albeit under the ultimate control of the Governor and although their censures were generally issued in the form of fines in this period, much of the business remained unchanged. During the Commonwealth period presentments for moral offences were to be submitted on each “head court day” (Court of General Gaol) usually held in May and October, which were then to be considered on the following Thursday for the North side of the island and Friday for the South side.<sup>31</sup> This division into a North side (including the town of Peel) and the South side (from Laxey southwards) is common in the Manx records and reflects the topography of the island. The offences submitted to these courts in the Isle of Man, for which records survive for 1659, show that

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<sup>27</sup> W. Sacherverell, *An Account of the Isle of Man*, (1702) MS vol.1, (Isle of Man 1859) p. 94

<sup>28</sup> Bray, *Convocation*, p. 7

<sup>29</sup> Doran and Durston, *Princes, Pastors and People*, p.175-6

<sup>30</sup> Ibid

<sup>31</sup> MNHL Libra Scaccari (hereafter LS) 1655, (RB445, 69)

offences presented ranged from adultery, fornication, non attendance at church, Sabbath breaking, Sunday fighting and slander to problems relating to the upkeep of the church property; these cases were in effect identical to the type of business transacted at the ecclesiastical courts before the interregnum. Isolated documents pertaining to these courts survive filed in the *Libra Scacc*. Indeed the inclusion of adultery in the Manx church court cases, being subject to a fine rather than its inclusion as a secular capital offence (such as occurred in England after 1650) supports the view that the Manx church courts remained largely outside the field of influence of the English state and some of its views during the period 1649-1660.<sup>32</sup>

The continuation of the Manx ecclesiastical court business during the Commonwealth period suggests that it was not subject to the same stresses and strains as its near neighbour, for the English church suffered problems relating to a lack of state support for church discipline.<sup>33</sup> This lack of state support for ecclesiastical discipline did not occur in the Isle of Man where the governors were instead active in supporting the role of the courts in regulating behaviour. Both Matthew Cadwell and James Chaloner made efforts to ensure that the business transacted at these virtual “ecclesiastical” courts was carried out effectively.<sup>34</sup>

The continuity experienced during the Commonwealth period was to stand the Manx church’s regulation of behaviour in good stead upon the Restoration, in direct contrast with the situation in some English diocese, where the need to find new church officials, combined with the lack of religious regulation during the interregnum, made the reintroduction of the episcopacy and all its courts difficult; these difficulties sometimes extending to problems in ensuring the compliance of the churchwardens with presenting offences.<sup>35</sup> The difference between the situation in the Isle of Man to that in England during this period suggests that upon the restoration the Manx church courts were already in a stronger position than their English counterparts for they were not obliged to re-introduce censures for moral offences or find the necessary officials to undertake the administration of the system. The 136 cases presented to the

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<sup>32</sup> Adultery Act decreeing the death penalty for adultery passed May 1650, B. Coward, *The Stuart Age England 1603-1714*, (Harlow 1994) p. 525, MNHL Santan Presentments 1659, Jurby Presentments 1659,

<sup>33</sup> C. Hill, *The Century of Revolution 1603-1714*, (London Second edition 1980) p. 148

<sup>34</sup> MNHL LS 1655, 1658, (RB445, 1655,69, 1658, 62)

<sup>35</sup> I.M. Green, *Church of England*, p.138-9

'church' courts in 1659 are testament to the continuing business of these courts in the Isle of Man when there was no Bishop and they were under the guidance of the secular governor.

Before commencing a detailed evaluation of the Manx church courts over the period under review it is relevant to set out in detail how the Manx ecclesiastical courts functioned and to illustrate any differences between them and their English counterparts. The system of ecclesiastical courts functioned on several levels; at its base were the presentments submitted by or via the churchwardens and (in the Manx case chapter quest) regarding any offences committed by the parishioners. In England these presentments were generally compiled when the notification of an impending visitation was received and were submitted to the visitation courts, held by the Bishop's official.<sup>36</sup> In Lancashire these courts were held on a twice yearly basis, whereas in other diocese they are noted as having taken place annually.<sup>37</sup> However in some diocese they were far less frequent. The Diocese of Salisbury, that contained 245 parishes, only received a visitation from the Bishop or one of his officials on average every three years.<sup>38</sup> The frequency of visitations or at least of requests for returns is important in evaluating the strengths of the church court system. A healthy system was more likely to have frequent sittings of its courts, presumably even if there was only a small amount of business to transact. Frequent visitations served to keep the congregations and church officials not only 'on their toes,' but also provided consistency throughout the diocese. Evidence from the Norwich diocese confirms that following a visitation the volume of business brought to the courts was markedly higher.<sup>39</sup> Moreover once visitations became infrequent, business transacted at the church courts appeared to fall off even further. This further accelerated the decline; as the volume of business transacted fell, increasing distances to travel to find a church court and the alternative of secular courts for some types of instance cases (most particularly cases of defamation) meant that the volume of church court cases

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<sup>36</sup> Snape, *Whalley* p.98, Albers, *Seeds*, pp.216-218

<sup>37</sup> Albers, *Seeds*, p.216-8, Smith, *Hexham*, p.5, Kinnear. 'Carlisle' p.192

<sup>38</sup> Spaeth, *Church in an Age of Danger*, p. 64

<sup>39</sup> W. Jacob, 'In Love and Charity with your Neighbours.. Ecclesiastical Courts and Justices of the Peace in England in the Eighteenth Century' in *Retribution, Repentance and Reconciliation papers read at the 2002 Summer Meeting and the 2003 Winter Meeting of the Ecclesiastical History Society*, eds. K. Cooper, and J. Gregory,(Woodbridge 2004) p. 207

declined even further.<sup>40</sup> Frequency of visitations, or in the Manx case the courts dealing with the presentments to the church courts, were therefore not only an indicator of the health of the system at any given time but they also influenced the continuity of the church court system.

In the Isle of Man the extant documentation indicates that the churchwardens' presentments were submitted to the church courts at least twice a year in the mid seventeenth century. Moreover the frequency of these courts increased in the eighteenth century and by 1730 they took place three times a year at regular intervals; chiefly February-April, June-July and September-October, albeit with slight variations. From an examination of the Manx presentment files for the eighteenth century it becomes apparent that the majority of parishes collected in the presentments from the wardens and chapter quest on at least a monthly basis, rather than when they received notification of an impending visitation. Reference to the requirement for these monthly meetings was made by Bishop Wilson and it is probable that the increased regularity of the courts at which the presentations were submitted (thrice instead of twice yearly), was introduced by him.<sup>41</sup> However it is likely that the practice of compiling lists of offences submitted by the churchwardens and chapter quest on a frequent basis had been the general course of action throughout the era of the Manx church courts; the presentation document for an unspecified parish in 1678 shows that the church wardens had met on 29<sup>th</sup> July, 18<sup>th</sup> August, 15<sup>th</sup> September and 13<sup>th</sup> October to hand in their presentations for the parish.<sup>42</sup> This regular submission of information no doubt helped to ensure that offences were not forgotten before the submission to the court was due and also enabled serious matters to be submitted urgently outside the general run of business.<sup>43</sup> Frequent compilation of offences, whether or not they were submitted to the church courts straight away, would also have instilled in the church officials, together with the parishioners who supplied the information, the practice of submitting the information, such a policy would have resulted in not only more information being supplied than in dioceses where presentments were only collated when a visitation was pending, but would

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<sup>40</sup> Outhwaite, *Rise and Fall*, p.100-1

<sup>41</sup> MNHL Presentments file 1731 letter from Bishop Wilson to his clergy, 5<sup>th</sup> November 1731

<sup>42</sup> MNHL Presentments for unspecified parish, 29<sup>th</sup> July 1678, examination of the names of the church wardens suggests that it is for Jurby

<sup>43</sup> MNHL German Presentments 1731, Peter Dawson's offence of buggery with a mare was transferred to a higher court

have ensured that many more cases were included that might otherwise have been forgotten. The continued practise of this policy of compiling information on a near monthly basis would have eventually resulted in the submission of information concerning moral offences almost becoming second nature to those concerned. The frequency of the vestry meetings and of the lower ecclesiastical courts in the Isle of Man in the eighteenth century indicates that they were well used and vibrant at this time; they were not experiencing the decline in business felt by some English dioceses.

Unlike the practice in England, where the visitation courts were overseen by the bishop, his archdeacon or chancellor, the Manx visitation courts were overseen by the vicars general. These two clergymen, who were also parish incumbents, travelled in circuit, giving judgement. Upon their request serious matters were referred to the bishop's attention at the consistory court. The attendance of the two vicars general, as well as the registrar, at all of these courts allowed for a consistency of censures throughout the island and from year to year. The accuracy of the record keeping and the cross referencing, especially in the mid eighteenth century, allowed for the church to treat all cases with a similar authority, thereby decreasing any antagonism towards the church that would result from discrepancies in the censures given.

The business that could be brought to these visitation or lower church courts was similar for both the Isle of Man and England. Offences mainly consisted of 'office' cases - i.e. those brought by the court. These offences included sexual offences (adultery, fornication, ante-nuptial fornication and incest), Sabbath breaking offences (fighting, playing, dancing, spending time in the alehouse and working on the Sabbath), non attendance at church services together with irreverence therein, general cursing and swearing, and disrepair of the church property and surrounds. Additionally, there were 'instance' cases involving business instigated by a plaintiff: these comprised cases of slander, cursing and pew disputes. More serious cases of any of the aforementioned offences would be transferred up to the consistory court.

In the Isle of Man the Consistory Court, over which the Bishop usually presided functioned upon very similar lines to that in England, where serious matters were transferred from the visitation courts to the higher court and depositions were taken to

support the evidence given.<sup>44</sup> The business transacted at these consistory courts varied slightly between some English dioceses and the Isle of Man. Some are noted as dealing mainly with ‘instance cases’ whereas for the Diocese of Chester the majority of the business transacted at the Consistory Court related to the proving of wills, the non-payment of tithes, defamation and serious sexual offences.<sup>45</sup>

By the eighteenth century in the Isle of Man the business transacted at the Consistory court was extensive and varied. Items found in the *Libra Causaurum* for the 1760s (the file of the Consistory Court) often extend to three volumes per year.<sup>46</sup> Matters addressed ranged from maintenance payments for illegitimate children owing to the mothers from the natural fathers, funeral expenses presented to the court, non payment of church assessments, the disrepair of church property, cases of slander, testamentary business, a case of bigamy, cases of drunkenness, tithes, schoolmasters licences and the care of orphans. Whilst the Manx courts that dealt with the presentations of the churchwardens, called the ‘visitation’ courts in England, are the main focus of this research reference is also made to the Consistory Court, which oversaw the business transferred up from these lower courts.

Before examining the caseload of the ‘visitation’ courts and the facilities at their disposal, it is important to evaluate the officers of the presentation courts together with the reasons for the submission of information in office and instance cases, together with an evaluation of the area that they were required to ‘police’. The churchwardens, and in the case of the Isle of Man the chapter quest, were charged with collecting information about the ecclesiastical offences committed in the parish. There were four churchwardens as well as four chapter quest appointed for the majority of the island’s seventeen parishes. Additionally the chapels of Douglas (from the 1730s) and Ramsey (from the 1760s) each had two wardens and chapter quest, whilst during part of the period examined the parish of Malew had additional officials to cover the town of Castletown. The churchwardens, who were also in charge of collecting the church assessments, were propertied men of the parish, who

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<sup>44</sup> Snape, *Whalley*, p. 99

<sup>45</sup> Snape, *Whalley*, p. 99, Albers, *Seeds*, p. 216

<sup>46</sup> MNHL *Libra Causaurum* (hereafter LC) 1760

usually held their office for periods of about a year.<sup>47</sup> In contrast there appears to have been no property qualification noted for the chapter quest. In certain circumstances churchwardens and chapter quest held office for periods of longer than a year and the wardens could not be discharged until the accounts that they were obliged to present, had been accepted. Penalties for supplying inaccurate accounts were severe, as were the censures for late submission. The position of the churchwarden was therefore often difficult as it could entail endeavouring to collect funds from those who were unable to pay. In these circumstances the wardens could present those who did not pay their assessments. The wardens were also to provide the necessary provisions for services of communion, a circumstance that could also lead to difficulties. In one Manx parish the communion wine was kept in the alehouse and by the time of the service had been partly consumed.<sup>48</sup> Difficulties with obtaining wine in the early eighteenth century had also led to the presentation of the curate responsible for the communion wine at the important Easter service.<sup>49</sup>

Unlike the church wardens, the chapter quest appear to have been solely concerned with collecting information as to ecclesiastical offences, however this information was also supplied by the churchwardens and there was a degree of overlap in their responsibilities in this respect. There appears to have been no division of responsibility of presenting certain types of offence by either the churchwardens or chapter quest. Presentments given in to the Manx church courts clearly indicate that both churchwardens and chapter quest were involved in submitting details of offences to the court. At the court held in Castletown in October 1679 one of the churchwardens and one of the chapter quest from the parish of Arbory delivered in the presentments collected by their fellows in the preceding few months. The aforesaid presentments included three that were supplied upon the information of specific members of the chapter quest and three from specific churchwardens, all involved verbal offences of either cursing, slander or quarreling on the Sabbath.<sup>50</sup>

In order to effectively regulate the behaviour of the parishioners the support of these officials was important. Reticence to adequately fulfill the position of warden

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<sup>47</sup> MNHL Lezayre Presentments 1791

<sup>48</sup> MNHL Braddan Presentments 1761

<sup>49</sup> MNHL Ballaugh Presentments 1702

<sup>50</sup> MNHL Arbory Presentments 1679

involved a steady trickle of cases, about one per year, in the courts of South Lancashire. These cases usually involved the neglect of certain aspects of the churchwarden's duty, rather than an outright refusal to perform the office. However instances were recorded of wardens refusing "to collect rates & assessments."<sup>51</sup> Of course concerted efforts to neglect the office of warden would have seriously undermined the strength of any church court system; that incidences of neglect were comparatively few in the Diocese of Chester, in turn suggests that the majority of wardens in South Lancashire were willing to undertake the office and that the church was able to call upon the assistance of the willing to undertake the function.

Like its English counterpart the Manx church also viewed any disinclination to fulfill the office of warden as a serious matter. At the end of the eighteenth century such a position resulted in the ecclesiastical censure of imprisonment until bonds of £3 were supplied as to the churchwarden's oath of office being sworn within seven days of his release from prison.<sup>52</sup> This disinclination to fulfill the office of churchwarden was seen as a major problem for the English church courts in some diocese upon the Restoration and is indicative of declining enthusiasm for the business of the church courts.<sup>53</sup> It is therefore important that the only incidence of this type of offence in the Manx records examined for this thesis occurred in the 1790s. It has been proposed by Spaeth that the "natural instinct of wardens was to avoid making a presentment," as after any year when wardens were able to prosecute their fellows they would return to the general body of the community.<sup>54</sup> However whilst disinclination to present offenders might have occurred in some dioceses, it was not universal. That any recorded disinclination to fulfill the office of warden, (in the years examined for this thesis) was not seen as a particular problem in the Diocese of Chester and only took place at the end of the eighteenth century in the Isle of Man implies that for the preceding years the Manx church courts like their counterparts in South Lancashire were not experiencing significant problems with finding officials. (However if objections, such as occurred in 1793, became more frequent then certainly the Manx church courts were entering a period of serious objections to their authority from those who were supposed to officiate.) Nevertheless there were certain occupations

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<sup>51</sup> Albers, *Seeds*, p. 263

<sup>52</sup> MNHL, Douglas Presentments 1793

<sup>53</sup> Green, *Church of England*, p.139

<sup>54</sup> Spaeth, *Church in Danger*, p.67

that were excused from the duties of churchwarden, such as attorneys at law, most probably due to a conflict of interest.<sup>55</sup> The disinclination on the part of parishioners to fulfill the office of warden had been found throughout the English system, from incidences at the time of the restoration. However Albers' comment that "most wardens were quite diligent in the eighteenth century" seems to hold true for the Isle of Man as well as for Lancashire.<sup>56</sup> The importance of a willing group to collect information as to the misdemeanours of others is significant in the maintenance of the church court system. The disinclination of Londoners to provide such information to Societies for the Reformation of Manners in the late seventeenth and early eighteenth centuries outlines not only the problems faced by large urban areas but also that, once lost, the enthusiasm for such policies was not easily regained.<sup>57</sup>

Given the high rate of presentation per head of the population in the Manx courts the churchwardens and chapter quest must have often been widely employed and no doubt the four extra pairs of eyes and ears provided by the chapter quest might be an important factor in contributing to the higher reporting of offences. The chief benefit to the Manx system in including a chapter quest was that, without an apparent property qualification for these individuals, they provided more balance to the proceedings of the church courts.<sup>58</sup> Any system that relied upon the propertied classes for its prosecution of moral offences would be liable to create an underclass of individuals who might feel that their complaints might be overlooked. Therefore, the inclusion of a chapter quest in the Isle of Man would have resulted in the church courts being more representative of society. That the chapter quest were selected from a more varied background is supported by not only the greater variety of surnames of those appointed but also the greater lack of ability in these individuals to sign their names on church documents. The majority of chapter quest, when required to sign, simply marked 'X' against their names.

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<sup>55</sup> MNHL Douglas Presentments 1793

<sup>56</sup> Albers, *Seeds*, p. 263

<sup>57</sup> R. Shoemaker, 'The Decline of Public Insult in London 1660-1800' in *Past and Present* No 169, (Oxford 2000) p.128

<sup>58</sup> A comparison between the list of the churchwardens and chapter quest for 1768 with the Assessment for the parish of Malew for church alterations in 1767 (MNHL Malew Presentments 1767) supports this view. All the six church wardens (including 2 for the district of Castletown) are noted as holding land (some owning several portions), however four of the chapter quest do not appear on the list of landholders and the other two might be also be debatable allowing for the duplicity of names.

Although on rare occasions the churchwardens were reminded of the penalties for committing perjury if they overlooked offences, the volume of business presented to the Manx church courts in the eighteenth century implies that the majority of possible offences were not deliberately overlooked as a matter of course.<sup>59</sup> The infrequent reminders to the churchwardens and chapter quest to present all offenders suggest that for the majority of the time they fulfilled their functions to the satisfaction of the church. It is possible that the churchwardens and chapter quest might have become unpopular with the parishioners that they were liable to present, however the volume of information supplied to the officials, far more than they could have gleaned themselves, indicates that many parishioners were willing to supply the church courts with information. The motives behind the supply of information as to ecclesiastical offences are also important in evaluating the efficacy of the Manx church court system and its role in society.

In the most obvious of instance cases the information was supplied in order to gain some form of redress; this was particularly so in cases of cursing and slander; the aggrieved party was able to clear their character of any slur as well as gaining an apology in front of the congregation. In an era when loss of face in the community was important this was a valid consideration of any individual bringing a presentation. This aspect was also seen as important in the cases of slander brought before the church courts in England, similarly any decline in the importance placed upon one's good name in the community could lead to a concomitant decline in slander cases being brought before the ecclesiastical courts. Evidence for the records for London and York suggests that these instance cases declined in many areas in the eighteenth century as a result of a variety of influences but the motive behind these cases, at the beginning of the period under review, was clear.<sup>60</sup>

Slander cases mentioned in the presentments to the Manx church courts are not irrevocably clear as to whether they were always brought at the instigation of the aggrieved party. Even as early as 1659 some cases of slander are recorded in the same manner as office cases; "Thos. Quirk weaver for callinge Henry Ratcliffe's

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<sup>59</sup> MNHL Presentments file 1731, letter from Bishop Wilson 5<sup>th</sup> November 1731

<sup>60</sup> For a general discussion of the importance of slander cases in the church courts see Shoemaker, 'Decline of Public Insult, J. Sharpe, 'Defamation and Sexual Slander in Early Modern England: The Church Courts at York' *Borthwick Paper* 58, (York 1980) and Outhwaite, *Rise and Fall*, pp.95-103

wife a common whore.”<sup>61</sup> However others show that they are very much akin to instance cases and involved a tit for tat exchange of slanders.<sup>62</sup> Information as to the presentation of information concerning slanders in English dioceses is less clear. In her work concerning the Archdeaconry of Chester, Albers includes incidences of slander in the 8% of miscellaneous cases between 1691-1781 and therefore being such a small percentage of the overall caseload, clarity as to whether it was presented as an office case is difficult.<sup>63</sup> However the general body of work concerning cases of slander always implies that the offence was brought to the courts by the plaintiff.

The number of instance cases in the visitation courts in the Isle of Man was considerably less than the number of office cases. Importantly in a few Manx cases, most particularly office cases, the parishioner would supply information as to their own misdemeanour. The motives behind these confessions were often deeply religious; in a period where it was generally recognised that certain offences were ‘sinful’ then there were those who believed that any sins should be brought before the God and the community to be forgiven as soon as possible. Albers also refers to this motive in the cases presented to the Chester diocese, however she links those that “feared for their souls” not with those who willingly supplied information as to their own offence, but with the willingness of some individuals to appear at the deanery courts to answer the charges against them.<sup>64</sup> The depth of religious feeling, shown by the few Manx individuals who voluntarily supplied their offence to the court, begging for censure, must have been so much greater than those who merely felt obliged to answer the charges levied against them, when called upon to do so.

The Manx cases that were brought upon information supplied by the offender themselves were generally, though not exclusively, incidences of fornication. In one case a man who had committed fornication gave in a petition as to his guilt and desiring censure as soon as possible in order that he might “quiet his conscience and give testimony of his sincere repentance to all whom he might have offended by his enormous crime” and be received once more into the “grace of God.”<sup>65</sup> The dangers

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<sup>61</sup> MNHL Patrick Presentments 1659

<sup>62</sup> MNHL Bride Presentments 1659, Jurby Presentments 1659

<sup>63</sup> Albers, *Seeds*, pp.250, 267

<sup>64</sup> Albers, *Seeds*, p.220

<sup>65</sup> MNHL Malew Presentments 1737, Petition of Hen[ry] Corrin Jr Castletown 1737,

of childbirth and the fear of dying in a state of sin were also enough to ensure that a few women also acknowledged their sin to the church officials before they were officially presented. Jane Moor, after having committed fornication asked for and was granted permission to fulfill her penances and period of incarceration before the birth of her child.<sup>66</sup> She was very concerned that she might die in childbirth and without the consolation of the church. (It would have been unlikely that if she were dying that the church would have denied her the assistance of a minister, but communion was denied to those who had ecclesiastical offences uncensored or censures unfulfilled).<sup>67</sup> Even so the strict rule of the law was not applied in cases where spiritual welfare of the very young was in danger, as is shown in the case of Eleanor Duggan. Illegitimate children were usually only to be baptized after the mother had been churching, (such churching also being dependent upon any penances being fulfilled), however in 1761 John Gill the curate of Malew made a special journey to the house of Eleanor Duggan in order to baptize her sick baby, even though she had not yet been able to fulfill her censure for fornication.<sup>68</sup>

A few isolated presentments were brought upon the information supplied by the offender for less religious reasons; Ann Stole admitted her offence of fornication (it is likely that this is the same Ann Stole who was excommunicated for persistent relapses in 1762), as did W[illia]m Clague and John Cannel who also acknowledged their faults to the church before the cases were brought by the church officials.<sup>69</sup> The motive behind Ann's voluntary admission appears to have been to allay the most severe censure the church could offer by acknowledging her offence early, an eventuality that also occurs in the admission of Ferdinando Calcot for his offences of adultery and incest.<sup>70</sup> There were also very isolated incidences of confessions of minor offences. In 1659 a poor farmer confessed to carrying two sacks of grain to the mill on the Sabbath before sunset.<sup>71</sup> He was censured to a fine of 6d (see later chapter for a discussion of the use of fines in the commonwealth period) however the motive behind his confession is unclear, of course he might have been seen and felt that by

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<sup>66</sup> MNHL Braddan Presentments 1731,

<sup>67</sup> Gelling, *History*, pp. 7-8

<sup>68</sup> MNHL Malew Presentments 1761, document 22 April 1761

<sup>69</sup> MNHL Patrick Presentments 1765, LC 1762, 2, Braddan Presentments 1738, Douglas Presentments 1731

<sup>70</sup> MNHL Presentments file petition September 21 1667

<sup>71</sup> MNHL Andreas Presentments 1659

confessing his offence that his censure might be reduced or he might have merely felt aggrieved that he had worked on the Sabbath. Additionally mishaps could also occasion accidental cases of Sabbath breaking, in such cases a confession before any case could be brought seems to have sufficed to allay any censure. A member of the chapter quest from the north of the island had inadvertently ridden his horse on the Sabbath, he had lost his way the previous night coming from St John's and had not arrived home until after sunrise.<sup>72</sup>

Once presentations were brought for sexual offences that resulted in an illegitimate child then it was normal for the woman to supply, under oath, the name of the co-offender without complaint, and in the vast majority of these cases the man presented confirmed his guilt. It was therefore not always necessary for the church officials to disclose the name of the father of the illegitimate child when presenting the mother, this practice became more prevalent in the mid-years of the eighteenth century; unmarried pregnant Manx women were told to return to the court at a later date to filiate the child.<sup>73</sup> In a few cases the men involved admitted their guilt at the same time as the woman was presented, lessening the burden on the woman as to stating under oath the name of the father.<sup>74</sup> In cases where the mother of an illegitimate child died in childbirth then the midwife was asked to supply the name of the father, for it was the midwife's duty to ask the woman 'in extremis' the father's name.<sup>75</sup> The licensing of midwives, and correspondingly the presentation of any unlicensed midwives, by the church ensured that only reliable women were allowed to fulfill this function.<sup>76</sup> The licensing of midwives is also found in the English church courts being the subject of a Statute in 1725 regarding the obligation of endeavouring to ascertain the paternity of any illegitimate child.<sup>77</sup> In the vast majority of fornication cases presented there was no recorded voluntary admission of guilt before the pregnancy became generally known. Most probably in a time of limited medical care any miscarriage might have removed all knowledge of any offence having taken place.

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<sup>72</sup> MNHL Andreas Presentments 1679

<sup>73</sup> MNHL Braddan Presentments 1768

<sup>74</sup> MNHL Santan Presentments 1731, German Presentments 1799

<sup>75</sup> MNHL Malew Presentments 1765 includes testimony from the midwife Mary Cain as to the father of the illegitimate child of Marg[are]t Quirk who had died in childbirth

<sup>76</sup> MNHL Rushen Presentments 1667

<sup>77</sup> Snape, *Whalley*, p.120

Even though the proof as to the father in cases of fornication was supplied by an oath given by the mother in the vast majority of cases there was no dispute as to whether the oath was accurate - only in very isolated cases were there allegations of perjury.<sup>78</sup> Accounting for only a handful of the more than 1,300 women presented for sexual offences in the years examined, incidences of perjury by women were thus remarkably rare, as were objections by the men involved in such cases. This would suggest that the fear of contravening the ninth commandment was widely held in the Manx community. This ensured not only that honest oaths were given but also confirms that the vast majority of Manx people held enough religious conviction to ensure that they were likely, if placed under pressure, to commit to the authority of the Manx church and its teachings. The threat of damnation in this world and the next for those who contemplated perjury was apparently sufficient to ensure that honest oaths were given in the vast majority of cases. This attitude was to prove an important consideration in the Manx people's acceptance of ecclesiastical discipline.

Supplying information as to certain types of offence was the role of the ordinary parishioner as well as the churchwardens and chapter quest. Here there could be a variety of motives behind the presentation of offences. It has been proposed that there was an economic motive as well as a moral issue, for the ecclesiastical presentation of those guilty of fornication and that this supported the offences' continued existence, as such cases "heralded a future economic burden on the parish".<sup>79</sup> Albers, however, notes that any requests for financial assistance by the mothers concerned were increasingly to be made via the secular parish authorities in the eighteenth century and thus cases of bastardy (which involved this maintenance) were not found in the Archdeaconry of Chester after the 1770s.<sup>80</sup> This is supported by evidence from the parish of Whalley in Lancashire in the mid eighteenth century where incidences of fathers not paying maintenance to the mothers of their illegitimate children could result in their imprisonment by the local Justices in Lancaster castle under the

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<sup>78</sup> MNHL undated Lezayre Presentments bound with 1704 sequence, Jane Kissag, German Presentments 1763. Isabel Kelly, Santan Presentments 1760, Alice Kinvig, Braddan Presentments 1735, Mary Moore

<sup>79</sup> Kinnear, 'Carlisle', p.196

<sup>80</sup> Albers, *Seeds*, p.248

Bastardy Act of 1733.<sup>81</sup> Nevertheless any economic justification for bringing presentations for fornication is an example of the differences between the church court system in the Isle of Man to that in England.

It would have been recognized in both communities that any children that were forced to rely upon the income and care of only one parent would have been in a far less secure position than those who were supported by two adults, a fact that is evidenced by the remarriage of widowed individuals in England.<sup>82</sup> The provision for orphans (often children whose father had died and were left with only a mother's care) in the Isle of Man indicates that the Manx church also recognized that a single parent family was not an acceptable situation in the Early Modern Period, even if the child had been born in wedlock. The Manx church supported this point not only by enforcing the cohabitation of spouses (reminding them of the "duties and obligations of the marriage state," notably in cases where the man had committed adultery,) but also, in exceptional circumstances, aiding a parent to remarry contrary to its teachings.<sup>83</sup> In 1698 Christopher Hampton's wife was sentenced to transportation to Jamaica (having had her capital sentence for the theft of two lambs commuted to banishment) and was therefore never to return to the island. Christopher was left with the care of his small children (one of whom had been born in Castle Rushen gaol) and accordingly petitioned the Bishop requesting permission to remarry in order to provide the children with a mother.<sup>84</sup> Bishop Wilson accordingly granted approval for his remarriage even though it was presumed that his first wife was still alive.<sup>85</sup>

In England undoubtedly some of the presentations for fornication were a direct response to the perceived burden of illegitimate children on the remainder of the parish that would be forced to support them on the parish rate. This economic motive for presentations is also reflected in a decline in these offences being notified to the church courts in times of increased prosperity. The textile area of Lancashire saw a decrease in numbers of sexual cases presented when there was no longer the same

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<sup>81</sup> Snape, *Whalley*, p.121

<sup>82</sup> P. Laslett, *The World we have Lost*, (London second edition 1971) p.137

<sup>83</sup> MNHL Andreas Presentments 1761, LC 1761, (Case of adultery Ewan Corlet with Celia Clinton)

<sup>84</sup> For a fuller description of this case see H. Creer, *Never to Return* (Douglas 2000) pp.14-22

<sup>85</sup> MNHL LC 1698, Document 26 May 1698,

level of concern with the demands of the poor rate.<sup>86</sup> The economic incentive in bringing cases of sexual incontinency cannot be discounted in the English system, however the differences between the English and Manx systems, (where there was no compulsory Poor Rate levied) means that the economic motive behind presentations for sexual incontinency was not felt to the same extent in the Isle of Man.

Whilst the lack of compulsory Poor Rate in the Isle of Man might have led to less animosity towards any bearers of illegitimate children, if there had been no other safeguards in place, it might have occasioned considerable hardship for the mothers concerned. There are no records available by which the community spirit, that might support such individuals, can be assessed. No doubt in a small community with little mobility, (the majority of Manx parishes comprising less than 1,000 individuals until well into the eighteenth century), a system would have functioned by which assistance was given by relatives and friends although as can be seen in the cases brought before the consistory court reliance on the assistance of relatives could not always be guaranteed.<sup>87</sup> However by the eighteenth century in the Isle of Man there were forward thinking ecclesiastical practices, to support the mothers of illegitimate children, that are more indicative of the situation in Britain at the close of the twentieth century and which not only allowed for provision for illegitimate children but also helped to remove the animosity towards such women that a community might feel if it were asked to support them on the parish rate.

In 1576 in England the secular courts were empowered to impose maintenance payments upon the fathers of illegitimate children.<sup>88</sup> This led to an overlapping of the two jurisdictions, in the field of child maintenance, in the English courts. As noted by Albers the quarter sessions punished the crime of bastardy and “determined which parish would provide support” whereas the ecclesiastical courts merely dealt with the sin of the transgressor.<sup>89</sup> This meant that mothers of illegitimate children would have to appear before both the secular and ecclesiastical courts in order to obtain

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<sup>86</sup> M. Snape, ‘The Church in a Lancashire Parish’ in J. Gregory & J. Chamberlain, *The National Church in Local Perspective*, (Woodbridge 2003), p.259

<sup>87</sup> MNHL LC May 17 1760, Christopher Corlett

<sup>88</sup> Snape, *Whalley*, p.120

<sup>89</sup> Albers, *Seeds*, pp. 218,

support for their child and even then it appears that assistance was sometimes given by the parish rather than the father.<sup>90</sup>

In the Isle of Man provision for the care of illegitimate children differed from the English situation in that, not only was it reliant upon maintenance payments from the father rather than upon the parish rate, but also that it seemed to be based in the ecclesiastical jurisdiction rather than the secular. In the eighteenth century the mothers of illegitimate children could apply to the Manx church courts for maintenance payments from the father of their child to cover their lying in and ongoing care of the child, such maintenance payments being enforceable by the church. The burden on the English parish rate that claims for bastards would incur would have led to increased animosity towards the mothers of illegitimate children, whereas this would not be the case in the Isle of Man where maintenance payments, by the mid-eighteenth century, were frequently provided by the father of the child. This situation mirrors that found in the Scottish church where most fathers of illegitimate children seem to have accepted their financial responsibility.<sup>91</sup> The extent to which these Manx maintenance payments provided support for the child is found in the *Libra Causaurum*, variations in the amounts that were to be paid appear to take into account the financial situation of the father. These maintenance payments have started to appear in the records by the 1730s and amounted to 20s per year in 1738, rising to 12s per quarter or even £1 8s for half a year by the 1760s.<sup>92</sup> Although they do not appear for every case of fornication or adultery they account for an average of 13 cases per year in the period 1760-2. Whilst some couples appear in the records more than once in this three year period there were obviously many women who applied for maintenance from the father of their illegitimate child through the church courts. The number of women presented during this period for either fornication or adultery averages 36 per year. Even allowing for the continuance of some cases for several years the 35 separate cases for maintenance mentioned in the *Libra Causaurum* for the period 1760-62 indicates that nearly one third of all Manx women who were presented for fornication or adultery at this time applied to the church

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<sup>90</sup> Albers, *Seeds*, p.248

<sup>91</sup> N. Yates, *Eighteenth Century Britain 1714-1815*, (Harlow 2008), p. 153

<sup>92</sup> MNHL LC 1738, Maintenance payment William Seddon, Malew 7 November 1738, LC 1762, 4, Maintenance payment John Corkill, Maughald, LC 1762, 4, Maintenance payment John Cross, German

courts and were able to secure maintenance payments from the father. Of course fathers might also have provided support voluntarily for their illegitimate children, such cases never needing documentation in the Consistory Court.

In the Isle of Man the naming of the father in cases of illegitimacy and the maintenance payments required, were not only a reminder of parental responsibility in the days before any child support agency, but also acted as an insurance against the death of the mother and subsequent lack of provision for the child. There is no doubt that this system would have provided recognizable benefits to the mothers of illegitimate children and made her earlier acknowledgement of the father a worthwhile proposition. In cases where the father was absent then the documentation of his responsibility was still important as the woman would be able to claim maintenance payments when he eventually returned to the island.<sup>93</sup> If he remained absent for a significant period of time, she was able to apply for funds from any of his relatives that held assets on his behalf.<sup>94</sup> Additionally, maintenance payments could be requested by those who would care for the child if its mother died in childbirth.<sup>95</sup>

The presentation of offenders for fornication could therefore be justified on many levels, both spiritual and economic, by many in the community and there is a clear indication in the Manx system that there was an equal responsibility on the part of both the father and the mother of any illegitimate child, not only to acknowledge their offence of fornication or adultery and to undergo the required censure, but also to provide for the child in future years. The equality with which the Manx church treated those guilty of fornication justified the continued presentation of these ecclesiastical offences on both spiritual and economic grounds and contributed to the situation in which the church maintained its moral regulation to a greater extent than in some comparable situations in England.

In contrast this continuation of moral regulation was hampered in England by the division into the secular and ecclesiastical domain of financial care for illegitimate

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<sup>93</sup> MNHL LC 1735/6 Maintenance Payment Silvester McGilchrist/Mylchreest, Lonan for period from 1730-5, 19 March 1735/6

<sup>94</sup> MNHL LC 1760 case of Isabel Gell and Philip Kewley

<sup>95</sup> MNHL LC 1761, request to James Kinnish of Maughald by Peter Corkill for maintenance of the illegitimate child of Catherine Callow who had died in childbirth, 7 March 1761

children. As previously noted in England provision for the support of the child was set out by the quarter sessions of the secular courts and provided for by the parish.<sup>96</sup> There is no mention in Albers' research of the church advocating or enforcing any maintenance payments on the fathers of illegitimate children.<sup>97</sup> The allocation of maintenance payments into the secular domain was long standing in England when compulsory provision for illegitimate children by their fathers had been enforced by the Magistrate's Courts.<sup>98</sup> Such a division affected the ability of the church courts to continue to present sexual offences by removing a valuable justification for their existence. The English church courts, unlike those in the mid-eighteenth century in the Isle of Man, were not able to guarantee to the mothers of any illegitimate children that they would enforce maintenance payments upon the father. This situation would in turn lead to a sense that the mothers of illegitimate children were being persecuted by the church, as secularists saw little advantage in the forgiveness of sins that such presentations entailed. It appears that the English church courts became increasingly constrained to merely concerning themselves with the spiritual welfare of their charges. Additionally the absence of any enforceable ecclesiastical law in England for the provision of illegitimate children by their fathers would have no doubt been restrictive upon the number of requests for financial care brought by mothers in the secular courts, for the cost involved and the time spent in bringing a case before these courts, after previously having been censured by the Ecclesiastical Courts, would have deterred some women. Whilst some fathers in both jurisdictions would no doubt have voluntarily contributed to the welfare of their illegitimate child there is the likelihood that in cases where the father was reluctant to provide any maintenance that illegitimate children in English parishes would have received less provision than their Manx counterparts. This is an important distinction between the Manx and the English systems and clearly illustrates not only the increased power of the Manx church but also the application of this power to the benefit of the weaker members of the community. It could be considered that this situation was only to be expected when the moral regulation of society remained firmly in the control of the church. In England, where moral regulation was divided between the church and secular bodies, the advantages of coherent policy were often lost. In the Nottinghamshire town of

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<sup>96</sup> Albers, *Seeds*, p.218

<sup>97</sup> *ibid*

<sup>98</sup> Laslett, *World*, p.140

Laxton, the evidence suggests that bastardy was becoming an increasing problem after 1770, before this time incidences had been rare with fathers being traced and persuaded to support their children, however by the end of the decade there was an increasing number of cases in which children were not supported.<sup>99</sup> Such cases would have only served to heighten the animosity felt towards the mothers of these illegitimate children.

Of course whilst there was no compulsory parish rate in the Isle of Man, in cases of special need the Manx church was willing to support illegitimate children. This is noted in the petition of William Corrin who as a result of his wife's wet-nursing had been left with the care of two illegitimate children whose parents had absconded. William Corrin therefore applied to be put on the parish for the maintenance of the children.<sup>100</sup> This case highlights the provision for illegitimate children in the island; that they were in the majority of cases supported by their parents and only upon specific petition were they placed into the parish's care. Earlier presentation of the father of any illegitimate child helped the identification of anyone liable for its care. In his petition William Corrin also notes that his acceptance of the child in the early stages was a "lawful industry," this implies that there was not only a policy by some women of farming their children out for nursing and suckling but that the children's mother had already been presented for fornication and fulfilled her penances. In other cases regarding the care of children the church pursued any individuals that were believed to be caring for children whose parents were unmarried or had not fulfilled their censures for fornication.<sup>101</sup>

In the Manx system the availability of the Bishop's prison, (discussed later) as the ultimate censure for those who did not supply maintenance payments, assisted in the collection of funds. There was a small variation in the maintenance payments enforced by the church indicating that they were set at a level according to the wealth of the father. Any father who was unable or unwilling to pay could always suggest that he cared for the child himself and this was supported by the church especially when the father could teach the child a trade. In 1731 Isable Goldsmith/Gouldsmith

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<sup>99</sup> J.V. Beckett, *A History of Laxton*, (Blackwell 1989) p.122-3

<sup>100</sup> MNHL LC 1760, 1

<sup>101</sup> MNHL Malew Presentments 1762, Thos Lowney documents June-November 1762

had been presented for fornication with Thomas Corlett and the church provided that Isable should care for the child and Thomas Corlet should provide 10s maintenance for this purpose per annum until the child was 14 years old, thereafter he was to live with his carpenter father and was to be taught his trade.<sup>102</sup>

The Manx system of presentation of sexual offences and enforcing maintenance payments on absent fathers seems to have worked well, there were certainly benefits to the children born into this system that would not have been found in England where a combination of courts carried out a similar function. The attitude of the Manx church that lay behind the enforcement of maintenance payments stressed the importance of provision for the child. This is further outlined in the Manx church's treatment of orphans. It had noticed from "woeful experience" that children (termed orphans) whose father had died were often previously cared for by the relatives on the father's side, even if the mother was still alive.<sup>103</sup> This scenario allowed for cases of neglect as the paternal relatives would often inherit the estate upon the death of the child. The Manx church therefore provided that upon the death of the father either the child should be cared for by the mother or alternatively (if she was already dead) by her relatives who would receive no benefit from the child's death. The maintenance of the child was to be paid out of the estate of the father until the child was old enough to inherit in its own right. If the child received an estate from his mother the reverse would be practised. This scenario allowed for the best care of the child that was available although in one particular case the mother's care was still inadequate and upon receiving a petition the church acted accordingly. William Kelly, a miller, had died in 1734 and his children, William and Catherine, were left in the care of his wife Jane and Mary Kissack (aunt to the children). Jane remarried and by 1738 it was noted that the boy was "abus'd by ill usage" from his mother and stepfather. His care was transferred by the church courts to his Aunt Mary and her husband Paul Kissack, who confirmed their willingness to care for him and it was noted that his mother and stepfather should supply Mr. and Mrs. Kissack with 20s maintenance for him per annum, (even though William had assets of £2 2s 9d these were clearly not to be spent upon his maintenance).<sup>104</sup> The Manx church's authority in being able to enforce such

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<sup>102</sup> MNHL Douglas Presentments 1731, LC April 21 1735

<sup>103</sup> Walker, *Abstract*

<sup>104</sup> MNHL LC 1738

an order was clearly of benefit to the child concerned and indicates the advantages of the system in the Isle of Man wherein the church held greater power than its counterpart in England. As will be seen later much of the Manx church's power stemmed from the larger range of punishments that it was able to mete upon transgressors above those that could be issued by the English church, however moral regulation could not function without a degree of consensus. The Manx church was able to maintain this consensus by providing benefits to the population. It is apparent that even minor differences in the Manx system, such as the provision of maintenance payments through the ecclesiastical courts, could have a profound effect upon the attitudes of the parishioners in presenting cases.

The motives, of either professing one's guilt to receive censure for the offence, and thereby ensure early reception back into the body of the church, or of endeavouring to allay a very serious charge, account for only a small minority of the cases brought before the Manx church courts. Whilst the church would be able to issue instructions to the church wardens and chapter quest to ensure that they supplied information as to all the ecclesiastical offences that took place in the parish, (threatening punishment if incorrect declarations were made), it is clear that the church officials, even with the best will in the world, could not gather information upon many offences without the assistance, even if tacit, of the population. Although cases of fornication were made obvious by the pregnancy of the woman, this was not as easy to prove in the cases of adulterous women, however these cases were presented to the Manx courts. Similarly many offences of Sabbath breaking could have been concealed from the wardens unless they were directly visible to the majority. Just as verbal offences would only have come to the attention of the officials if they had been within earshot of the words spoken. That such offences were presented in the Isle of Man throughout the period examined attests to the continued consensus between the community and the church as to the classification of improper behaviour that constituted ecclesiastical offences. It appears that in the vast majority of cases the information was supplied by the parishioners without any apparent motive other than that the offenders were not conforming to the general rules of acceptable behaviour. Of course the guidelines as to this acceptable behaviour had been previously laid down by the church, but once established in the community they seem to have been upheld with little difficulty.

The earliest Manx church court records that survive are for the 1630s, and it is possible that the courts existed before this time, however it is certain that by the early eighteenth century there would have been no Manx individuals left alive who could remember a time when moral regulation was not enforced by the church. This contrasts with the system in England, which was interrupted by the abandonment of the church courts in the Commonwealth period and the increasing transfer of some business to the secular courts. The view that any interruption in the business of the church courts would have a detrimental effect upon the imposition of discipline by the church is supported by the evidence from Ulster in the late eighteenth century and early nineteenth centuries where the revival of strict discipline was not universally accepted and led to an increase in numbers of those who would not submit to the church.<sup>105</sup> Conversely the survival of the status quo in the Isle of Man aided the population's acceptance of their moral regulation by the church, and this remained until there were significant changes in the perception of offences. The continual presentation of certain offences by parishioners (see Tables Ai-v) suggests that the guidelines as to the constituents of acceptable behaviour in the Isle of Man therefore remained relatively constant during the period under review. Whilst the conservative nature of much of Manx society would have perpetuated the continuation of these standards, there also seems to have been little incentive for the majority of the population to abandon the prosecution of certain behaviour, even when such actions were uncensored in neighbouring dioceses.

A detailed discussion of the impact of the views of the church and congregations upon the presentations of offences is given later but it is sufficient to say that any presentation relied upon such a consensus of opinion between the church and parishioners that it was difficult to uphold ecclesiastical discipline if the consensus failed. It is clear from the records that if the Manx church did not agree with the presentations submitted, thinking that they were too petty or un-necessary then the cases would be dropped or excused, as was to increasingly occur with cases of slander in the eighteenth century. Alternatively if the parishioners did not agree with the offences presented then they would be unlikely to supply information of future

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<sup>105</sup> A. Holmes, 'Community and Discipline in Ulster Presbyteriansim, c 1770-1840' in *Retribution, Repentance and Reconciliation*, p.275

offences.<sup>106</sup> The rotation of churchwardens and chapter quest meant that those who compiled the information one year were returned into the general body of the congregation thereafter and if they were seen to be too severe might be liable to rebuke from the remainder of the community. However, contrary to popular belief there seems to be little evidence that those who were wardens one year were presented by their fellows for minor offences upon retirement. Comparison between the names of the churchwardens and those presented in the parish of Arbory suggests that this did not occur.

Apart from the possible differences between the motives behind bringing the generality of information to the visitation courts and the operations of the ecclesiastical courts during the year in both the North West of England and the Isle of Man, the size of the population and the geography of the area were also likely to influence the strength and viability of the church courts. As will be seen the size of the diocesan population and its distribution clearly affected the ability of the church courts to impose moral regulation. As previously noted the Diocese of Sodor and Man was divided into 17 parishes (a geographical area of a little over 200 square miles) with the population at the middle of the seventeenth century being fairly evenly divided between the parishes. Population figures for the seventeenth century are difficult to ascertain due to the deficiencies in many of the parish registers however the population in about 1670 is generally taken to be in the region of 10,464.<sup>107</sup> By the eighteenth century returns had been requested by Bishop Wilson and the population was recorded as 14,426 in 1726, 19,144 by 1757 and 27,913 in 1792.<sup>108</sup> In 1726 only one parish, rural Lezayre in the north of the island, can be definitely said to have had over 1,000 inhabitants, however by 1757 the population reached over 1,000 in 6 parishes with Douglas, Braddan and Malew (containing Castletown) experiencing rapid growth.<sup>109</sup> By the close of the century the population remained under 1,000 in only 6 parishes and had reached 3,625 for Douglas alone. This would have a direct bearing upon the ability of the ecclesiastical courts to regulate behaviour where

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<sup>106</sup> MNHL Lonan Presentments 1732

<sup>107</sup> J.R. Dickinson, *The Lordship of Man Under the Stanleys, Government and Economy in the Isle of Man, 1580-1704*, (Douglas 1997), p.173

<sup>108</sup> Moore, *History II*, p.646

<sup>109</sup> The figures collected by Bishop Wilson for the parish of Santon also show a large population for this year, however it is probable that they include the figures for Marown, which were omitted from the records at that time

knowledge of the community by its members (the simple familiarity of knowing your neighbor) was a primary influence on incidences of offences being presented to the church courts. How therefore do the figures for the Isle of Man compare to equivalent areas in England?

Albers, writing upon the Diocese of Chester, highlights one of the chief problems confronting the Bishop of that diocese as it was “one of the largest and most unwieldy dioceses in England,” including the counties of Cheshire, Lancashire (which alone was 86 miles long and in part 45 miles wide, as well as including the area to the southwest of the Lake District) and a small part of Yorkshire.<sup>110</sup> In the late seventeenth century the county of Lancashire was divided into 63 parishes with additional parishes being created in later years.<sup>111</sup> This comparatively large number of parishes, compared to the Manx situation, was also found in the Diocese of Carlisle that contained 100 parishes in the eighteenth century.<sup>112</sup> However this is not the complete picture for it is not merely the size of the diocese that could prove administratively problematical to the lesser courts which in turn relied upon enthusiasm for their business from clergy and parishioners alike. The size of each parish, regarding acreage and population, was also influential. The Manx parishes were comparatively small and, as previously noted, it was not until the end of the eighteenth century that the majority of them contained more than 1,000 souls. The situation in some English dioceses was very different. Whilst some parishes were small, such as Claughton in the Diocese of Chester (1,581 acres) some parishes in the same diocese were considerably larger.<sup>113</sup> Whalley parish, also in the Chester Diocese extended to 172 square miles (110,033 acres).<sup>114</sup> Indeed the parish of Whalley was not significantly smaller than the entire Diocese of Sodor and Man. However this is not an entire picture as in some areas of England parishes were considerably smaller and more akin to the Manx situation. In South Lindsay in the Diocese of Lincoln, parishes in the nineteenth century only averaged 1,736 acres (only slightly larger than the smallest parish in Lancashire).<sup>115</sup> However small parishes only comprised 10.9% of the total Lancashire parishes in the eighteenth

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<sup>110</sup> Albers, *Seeds*, p.25-6

<sup>111</sup> Albers, *Seeds*, p.28

<sup>112</sup> Kinnear, ‘Carlisle’ p.1192

<sup>113</sup> Albers, *Seeds*, p.29

<sup>114</sup> Snape, *Whalley*, p. 10

<sup>115</sup> J. Obelkevich, *Religion and Rural Society: South Lindsey, 1825-1875*, (Oxford 1976) p.8.

century.<sup>116</sup> This size of parishes, as Obelkevich notes, is an important factor as “this pattern of small parishes was on the whole favourable to the Established Church” for whilst the benefices might be smaller than in a large parish the inhabitants were more accessible to the “influence or pressure from the parson or squire”.<sup>117</sup>

The accessibility of the parishioners to the church, and vice versa, is an important factor in establishing the viability of the church’s instruction of parishioners as well as the functioning of the ecclesiastical courts, whether in England or the Isle of Man. In both cases the distance parishioners needed to travel to attend services is an important consideration as to whether they were regular attendees, especially where the Act of Toleration (discussed later) removed the requirement of compulsory attendance in England. Although as previously mentioned the parish of Whalley was subdivided into 10 chapelries, three of these were greater than 15 square miles in area, and the chapelry of Colne extended to 32.74 square miles, this was larger than many parishes elsewhere in England.<sup>118</sup> Even given the large number of parishes that were subdivided into chapelries in Lancashire, the average size of these chapelries for the county as a whole was 4,533 acres in 1800.<sup>119</sup> By this time Lancashire contained 254 chapels and 64 parish churches.<sup>120</sup>

In contrast chapels were initially only introduced into the Manx diocese for the towns that had their parish churches outside the main populated area and most of these chapels were in existence before the commencement of the period covered by this thesis. Ballure Chapel, under the parish of Maughald and serving the population of Ramsey, was old having been re-built in 1639. Castletown Chapel in the parish of Malew was originally founded in the thirteenth century and St. Matthew’s Chapel in Douglas, under the parish of Braddan, was built in 1641.<sup>121</sup> Further chapels were built in Douglas, (St. George’s 1781) and in rural St. Marks (1772) in the parish of Malew but the vast majority of the island’s acreage and population (only 5,968 out of

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<sup>116</sup> Albers, *Seeds*, p.30

<sup>117</sup> Obelkevich, *South Lindsey*, p.8

<sup>118</sup> Snape, *Whalley*, pp.10-11

<sup>119</sup> Albers, *Seeds*, p.32

<sup>120</sup> Albers, *Seeds*, pp.30, 33

<sup>121</sup> Gelling, *History*, pp.19-25

a total population of 29,913 lived in the areas covered by the chapels) were still under the direct guidance of the parish church at the end of the eighteenth century.<sup>122</sup>

The size of the population in the large parishes or chapelries in England also sets them apart from their Manx equivalents. The population of the Carlisle Diocese was 48,501 in 1747, over twice the size of the Manx population ten years later.<sup>123</sup> Even given that the Carlisle Diocese was divided into nearly six times as many parishes, the volume of business generated by the size of the population over the larger geographical area would have made visitations and the meting out of ecclesiastical censures comparatively more difficult than in the Isle of Man. For Lancashire the figure is even greater, expansion of manufacturing in certain areas of the county had led to a large increase in the population of the area. By 1801 the census under George III of the population of Lancashire was recorded as over 670,000 individuals.<sup>124</sup> To have such a large population regulated by visitation courts, based upon returns submitted by the clergy and churchwardens, that were undertaken by the Archdeacon or other church official traveling in circuit shows the problems with administration that were experienced by some dioceses. The figures for the Archdeaconry of Chester, (the southern part of Lancashire) show the problem with the collection of information. As Albers notes the growing population of South Lancashire, often by inward migration, made collection of information difficult. The situation is highlighted in the Lancashire parish of Bolton-le-Moors. This parish was presenting about 30 individuals per decade up until the start of the 1750s; however it presented none in the 1750s, 5 in the 1760s and 1 in the 1770s. This decline in presentations occurred at the same time as the population rapidly expanded to 5,339 by 1773 and doubled again by 1789.<sup>125</sup> The difficulties experienced by those collecting information in areas encountering such expansion would have been too great a hindrance to the continuation of the church court system in its previous configuration.

For information on ecclesiastical offences to be collected there was the requirement of “a strong sense of community” where the “church officials usually had to be

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<sup>122</sup> Gelling, *History*, pp.38,43, Moore, *History vol 2*, p.646

<sup>123</sup> Kinnear, ‘Carlisle’, p.194

<sup>124</sup> <http://www.histpop.org/ohpr/servlet/PageBrowser2?ResourceType=Census&SearchT> (accessed 2<sup>nd</sup> March 2009)

<sup>125</sup> Albers, *Seeds*, p.242

acquainted with their neighbours' private lives" in order to effectively administer the moral regulation of the population.<sup>126</sup> However the moral regulatory system enforced by the church was not merely reliant upon the church officials knowing their community; specifically it would be more pertinent to state that it was necessary for the members of the community to know their neighbours, for it was these individuals who would provide information to the church officials. If the system had not relied upon information supplied by ordinary members of the congregation then the number of presentations given in, especially for offences such as Sabbath breaking or spending time in the alehouse during the time of divine service, would have often failed to come to the attention of the wardens, who were themselves required to attend services.

It seems to have been that the bonds between many sections of the community were broken when the population expanded rapidly, especially in cases where the expansion was due to inward migration. That knowledge of one's neighbour, which occurred in communities with a smaller population, was important to the viability of the ecclesiastical courts, even without the consideration of the abandonment of the enforcement of attendance at the local church, is confirmed by the comparative figures for ecclesiastical presentments collected by Albers for the rural area of North Lancashire. In this region, compared to the south of the county, presentments for sexual immorality continued to increase up to the end of the period reviewed (1779).<sup>127</sup> Similarly the presentments made in the parish of Whalley also show a correlation between the size of the population and the number of presentments brought to court. A population of somewhere over 13,141 (figures taken are for 1720 and would therefore under-record the actual population) resulted in a 194 presentments for the period 1738-1742. However by the late 1770s, after a dramatic increase in the population to 33,913 (1778) the number of presentments brought for the parish only amounted to 40 (1776).<sup>128</sup> Even without considering the number of individuals who answered their summonses it seems that the church officials were not willing or in a position to collect the information as to the offences of their charges. Indeed as the population expanded the number of presentments that the church

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<sup>126</sup> Albers, *Seeds*, p.228

<sup>127</sup> Albers, *Seeds*, pp.226,228

<sup>128</sup> Snape, *Whalley*, pp.10,124,

officials were able to bring failed to rise, and in fact, for the parish of Whalley contracted slightly.

For a comparable situation for the Isle of Man and the influence of an increasing population upon the number of individuals brought before the church courts it is interesting to compare presentation figures of a completely rural parish to the rapidly expanding port of Douglas in the eighteenth century. The Manx population experienced its most dramatic expansion in the port of Douglas during the eighteenth century, during this period the population rose from 810 in 1726 to 1,814 in 1757 and 3,625 in 1792. At the same time the population of Bride in the north of the island remained remarkably constant, being 612 in 1726, 629 in 1757 and 678 in 1792.<sup>129</sup> The figures for the number of presentments brought by the church officials indicate population growth could influence the number of cases brought, but that in merely a count of the overall totals the true picture is often lost. Both population figures and the number of presentments brought to court for the rural parish of Bride show little change over the decades examined. For this rural parish there were 61 cases brought in the period 1730-9, a further 61 cases brought between 1760-9 and 47 cases brought between 1790-9. Douglas figures for the corresponding periods (presentments for the earlier decades being brought are unavailable as they were included in the parish of Braddan) show an increase that did not manage to keep pace with the town's expanding population. There were 152 presentments brought in the 1730s, 1 for every 53.3 inhabitants in any given year, 202 for the 1760s, 1 for every 89.8 inhabitants and 343 for the 1790s being 1 for every 105.7 inhabitants.<sup>130</sup> These totals at first sight might suggest that the church officials had found it difficult to collect information as to offences as the population grew. However this does not show the complete picture as the number of cases brought per head of population for the parish of Bride always falls below the comparative presentation levels of Douglas, being 1 presentment per 100.3 individuals in the 1730s, 1 per 103.1 individuals in the 1760s and 1 per 144.3 parishioners in the 1790s. Clearly these figures show that just taking

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<sup>129</sup> Moore, *History vol 2*, p.646

<sup>130</sup> The figures for the number of presentments for the 1790's show Douglas in the best possible light, Actual presentation documents show that 128 cases were presented for an unnamed area during this decade however the lack of documentation for Douglas for the corresponding years suggests that the missing documents are for Douglas and have therefore been included in the total. If these cases were not included in the total then there would have been one offence for every 168.6 individuals.

into account the total number of presentations per parish is not sufficient to ascertain the health of the ecclesiastical courts in any given year.

Variables such as the characteristics of the population, whether it was in a close knit community or widespread and disjointed, whether it was mobile or static and not least the influence of a few individuals (whether good or bad) would do much to effect the figures in any given parish. Even so the figures for the two aforementioned Manx parishes indicate that Douglas was liable to far greater stresses on the presentation of offences than the rural parish of Bride that experienced relatively little change especially in the early to mid eighteenth century. The slightly lower figure of presentations per head of population for this parish would suggest that offences were less liable to occur (or be presented) in regions where the population was small and consistent. It would be unlikely that the parish would be able to omit presenting individuals who committed serious offences as they would become known outside the area. This would in turn support the view that presentations were more accurate regarding the number of offences actually committed in such areas. This is indicated by the figures for Douglas which show a reverse correlation between the number of offences presented and the increase in the population and its mobility.

It has been the usual practice of historians to assess the health of the church courts by examining the number of individuals who, when charged with any given offence, appeared in court to answer the charges against them. Spaeth notes that many of those who were cited to appear before the church courts failed to attend, and that in Wiltshire after the Restoration “almost two thirds” failed to attend to answer the charges.<sup>131</sup> This problem was also seen in eighteenth century Whalley, between 1743-7, where over 50% of those presented appeared to answer the charges whereas for 1763 and 1776 (the years post 1762 for which evidence was given) no one appeared.<sup>132</sup> Figures for appearances do however vary dramatically between areas and over time. In studying the Southern Lancashire deanery courts Albers found that 35% appeared to answer the charges in 1712, 51% in 1741 but only 2% in 1777, whereas for the Northern part of the county the situation was reversed with no

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<sup>131</sup> Quoted from H. Lancaster, ‘Nonconformity and Anglican Dissent in Restoration Wiltshire 1660-1689’ (unpublished Phd Thesis, Bristol 1995) in Spaeth, *Danger*, p.62

<sup>132</sup> Snape. *Whalley*, p.124

appearances in 1710, 62% by 1750 and 61% in 1770.<sup>133</sup> Such figures, although relatively easy to collect for certain diocese are less readily available for the Isle of Man as the presentation documents themselves do not indicate whether individuals attended. It can only be surmised that the majority attended to answer the charges against them as presentations for non attendance at court were infrequent. Additionally the volume of business on some of the presentation documents in the Isle of Man suggests that they were near reaching a complete inventory of the offences that had taken place in a certain parish.<sup>134</sup>

It is clear that the strength of the church courts in the Isle of Man and in the North West of England should be assessed by evaluating a combination of factors. Clearly any imposition of moral regulation by the church was assisted by the frequency of the court sittings, which were higher in the Isle of Man than in the North West in the eighteenth century, as well as the willingness of the church officials to undertake their duties. In addition the ability of the courts to prosecute offences should be measured against the size of the population that it sought to regulate. There is clearly more to the situation than a simple correlation between the size of the population and the number of offences presented and a later discussion concerning the presentation of particular offences illuminates the situation further. However at this stage it is worthwhile to note that although there were many differences between the functioning of the ecclesiastical courts in Lancashire and the Isle of Man there were also similarities. In the eighteenth century both areas experienced rapid population growth and whilst the small and confined geographical area of the Isle of Man and its close knit community in the seventeenth century, aided the imposition of moral regulation, (akin to areas in the north of Lancashire in the mid eighteenth century) this does not adequately explain the differences between the ecclesiastical regulation of morals in the Isle of Man to those elsewhere in the North West. For this it is necessary to look in greater detail at the operations, most particularly the censures employed by the church courts in the two areas.

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<sup>133</sup> Albers, *Seeds*, p.229

<sup>134</sup> Presentation of as many as 33 individuals at one parish's sitting of the courts were not uncommon MNHL Malew Presentments 1761

### **3. Ecclesiastical Censures**

A chief factor in the operations of the ecclesiastical courts was the censures that it was able to issue in response to the offences committed. These censures and their deployment are important in evaluating not only the strength and viability of the system of moral regulation but also in highlighting further the differences between the system in an English diocese to that of Sodor and Man. As with any court system the authority concerned was under a duty to issue censures for those who were found guilty and the ecclesiastical courts were no exception to this rule. It is true to say that the church courts, in both England and the Isle of Man had a variety of punishments at their disposal, however it is the variation between the punishments available and employed in these two jurisdictions that also contributes to the differences between the Manx and the English visitation court systems. The Manx church, as will be seen, had at its disposal not only more vigorous forms of censure but also a greater variety that lent themselves to the imposition of moral discipline. This increased variety of censures available to the Manx ecclesiastical authorities would have facilitated the acceptance by the parishioners of ecclesiastical regulation, for as there were more censures to choose from not only was there less likelihood of the censure being perceived as too severe but also medium and minor offences were still censured effectively. In contrast in a system (such as was to evolve in England) that only allowed a few types of censure there was always the possibility that the officials would be reluctant to issue the severest censures and that a downgrading of the punishments would eventually result for the middling sort of offences.

Any imposition of punishments could have a direct bearing on the acceptance of the court's authority by the people who voluntarily supplied it with information, (as previously described it was not merely the church officials who collected information it was often the parishioners who supplied details to the church officials of their neighbours' offences). At the extreme end of the scale the authority of a court would be directly threatened if there were concerted animosity towards any punishment issued. This aspect of society is most clearly illustrated by comparison with the secular courts where the different treatment of offenders by the crowds, especially those who were sentenced to stand in a pillory is well documented; some offenders

were released by the populace and others experienced severe treatment, far beyond that which was originally censured by the court.<sup>135</sup> The same criteria governed, to an even greater extent, the punishments advocated by the ecclesiastical courts that were provided with information by individuals who were generally not directly affected by the offence. If any censures were seen to be too severe it would lead to a future reticence to supply information on the part of informants. This is an important aspect to consider in examining the functions of the church courts and their status in the eighteenth century. Being reliant upon information supplied by parishioners who, in many cases had not directly suffered as a result of the alleged offence, these courts would always be liable to a decline in the number of presented offences if any possible informants considered that the offence was not worthy of the censure that it would receive. The reticence of secular juries in England to impose severe punishments instead opting for acquittal, together with the issuance of pardons when there were no alternative punishments available, clearly points to the problems with convictions that would ensue when the types of punishment that could be issued were very limited or viewed as unduly harsh.<sup>136</sup> It is probable that restrictions in severity of punishments would eventually tend to result in the survival of merely the ends of the punishment spectrum. The severest punishments would survive as it would be felt that these must be maintained at all costs in order to provide the ultimate deterrent. However below the severe punishment the middling form of punishment would eventually fail in some instances. Originally cases that were deemed not to warrant severe punishment would either be excused if there were no lower punishment available or alternatively would be issued with a less severe censure, an eventuality that occurred in the secular field during the eighteenth century when capital punishments were standard for cases of grand larceny.<sup>137</sup> Over time the less severe censure might become associated with these reduced serious offences and would be dropped for the middling sort of offence, which would then receive an even less serious censure. The same pattern would continue until the minor offences were no longer prosecuted to their former extent. Only major concerns with a deterioration in society could hinder such a progression, but in such cases it is probable that the major offences would again receive severe censures but that many other offences would

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<sup>135</sup> J.M. Beattie, *Crime and the Courts in England 1660-1800* (Oxford 2002) pp. 466-8

<sup>136</sup> Beattie, *Crime*, pp. 400-449

<sup>137</sup> H. Fielding, *An Enquiry into the Causes of the Late Increase of Robbers and related Writings*, M. Zirker ed., (1751 reprinted Clarendon 1988) p. 166, Beattie, *Crime*, pp. 530-538

similarly not revert back to their former levels of punishment – resulting in a wide gap between the top and the majority of the offences punished. The strength of any system of censure of offences could be judged upon whether the punishments were acceptable to the population who supplied information as to offences and whether the courts were willing to enforce the censures. The greater the variety of censures available the more adaptable the system would be to the demands placed upon it.

A comparison of the censures available to the Manx and English church courts certainly outlines the differences between the two systems in the seventeenth and eighteenth centuries and the efficacy with which they were able to regulate the behaviour of the parishioners. As will be seen all the censures that the English church employed were also in use in the Isle of Man, however the Manx church additionally issued censures that were absent from the English system.

As previously noted the English church in the late seventeenth and eighteenth centuries was restricted by the limited censures that it could invoke in response to offences presented to its courts. Although these censures ranged from excommunication, to penances, admonitions or occasional fines there was a significant gap between the types of censure. The lack of varying levels of censure that could be tailored to fit any offence was also found in the secular courts in England at this time. In these courts dissatisfaction with the lack of non-capital penalties for many offences, from the mid seventeenth century onwards, was often seen as motive for the courts' use of discretionary powers to prevent the execution of convicted felons.<sup>138</sup> This eventuality was to lead to the policy of transportation together with increasing usage of periods of imprisonment from the eighteenth century onwards as the secular authorities introduced punishments with a greater range of severity than had previously been employed. The English church, however, found itself less able to adopt varied punishments as its attempts to reform were often countered by Parliament. As noted by Sykes, there had been requests to the Convocations in the early eighteenth century to amend the canons of the English church to enable the updating of regulations permitting the punishment of contumacy

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<sup>138</sup> Beattie, *Crime*, p.455-6

by imprisonment; however these recommendations were never adopted.<sup>139</sup> As a result, the English church courts were left with only a few censures that they could issue to offenders, these consisted of mild punishments such as small fines and admonitions, penances and the severe censure of excommunication.

Excommunication was used by both the Manx and the English church courts. It was a wide-ranging measure influencing both the spiritual and secular life of the individual by severely restricting the offender's ability to carry out daily tasks. These restrictions meant that excommunicants were unable to trade, find employment, recover debts, make a will or give evidence in court.<sup>140</sup> In effect they were to be cast out of the protection of the community and socializing with an excommunicant was also prohibited. However it is unclear whether the restriction upon communication with an excommunicant was ever enforced, as prosecutions in the church courts for conversing with an excommunicant were extremely rare.<sup>141</sup> Indeed Manx excommunication documents for Catherine Christian in 1763 indicate that all conversation with an excommunicant was not prohibited, instead parishioners seem to have been encouraged to try to convert her and obtain her repentance. The population of Andreas was accordingly instructed to "avoid her company that she may be ashamed, and not to converse with her but with a design to convince her of her sin & danger, lest they also become partakers of her sin & punishment."<sup>142</sup> The view that excommunicants were not universally ostracized could be disproved by the lack of prosecutions in the Manx church courts for conversing with an excommunicant. This view is supported by Marchant's work on English church courts in the period before 1640 where cases of conversing with an excommunicant were rare.<sup>143</sup>

Nevertheless because an excommunicant was unable to legally recover any debts they would have been unable to secure payment for any goods or services that they could have provided; they would in effect have become increasingly reliant upon the charity of others. Of course any inclination to give this charity would have depended upon the community's view of their offence and their approval or not of the church's

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<sup>139</sup> N. Sykes, *From Sheldon to Secker*, (1959) referenced in Outhwaite, *Rise and Fall* p.85

<sup>140</sup> Jacob, *Lay People*, p.149, Outhwaite, *Rise and Fall*, p.12,

<sup>141</sup> *ibid*

<sup>142</sup> MNHL Presentments file Andreas 1763 (February 24<sup>th</sup> 1764)

<sup>143</sup> R.A. Marchant, *The Church under the Law: Justice, Administration and Discipline in the Diocese of York 1560-1640*, (1969) quoted in Outhwaite, *Rise and Fall*, p.12

censure of excommunication. It is little wonder that in the Isle of Man at least only a few hardened individuals ever continued long in a state of excommunication.

Alongside these secular restrictions imposed by the act of excommunication, as would be expected, there were also spiritual restraints; excommunicants were barred from entering any church or chapel, denied the sacrament and burial in consecrated ground, in effect they were to be completely separated “from the society of all Christian people.”<sup>144</sup> Of course the perceived severity of these spiritual censures would have depended upon the individual’s beliefs and it is difficult to evaluate the influence of a threat of excommunication on some individuals in the community. However it is entirely possible that belief in heaven and a corresponding fear of hell were prominent in the community. The aforementioned confessions of sins of fornication in order to seek forgiveness at the earliest opportunity, together with the preamble at the start of many wills, which declares that the individual wishes to give his soul to God and his body to Christian burial suggest that the majority of the Manx population considered inclusion in the community of the church to be of primary importance. Nevertheless it is probable that for those who were excommunicated concern for their spiritual health were not of paramount importance, at least at the outset, for the majority of excommunications resulted from a persistent accumulation of offences over several years, thereby denying the authority of the church and continuing contumacy.

Casting from the protection of the church was a serious matter and one to which the church resorted only when all other censures had failed. However it appears that many of those who were excommunicated in England failed even to appear at the church courts to answer the charges against them.<sup>145</sup> Many seem to have already ventured far beyond the sphere of authority of the Anglican Church, as Albers notes “excommunication only served to alienate them further from Anglican life.”<sup>146</sup> In contrast the case of John Teare indicates that in the Isle of Man individuals who were liable to excommunication still appeared at the consistory court and submitted their

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<sup>144</sup> MNHL Jurby Presentments 1760, John Teare

<sup>145</sup> Spaeth, *Age of Danger*, p.62

<sup>146</sup> Albers, *Seeds*, p.218

evidence.<sup>147</sup> The appearance of an excommunicant at the Bishop's request implies either that the individual was on the point of returning to the church or that the Manx church held enough authority to enforce attendance.

Once an individual had been excommunicated then acceptance back into the church was not automatic even if the outstanding censures had been completed. Petitions from those who had been excommunicated and desired reacceptance into the church are found in the Manx church records.<sup>148</sup> In order to be received back into the congregation excommunicants had to ensure that all outstanding censures were completed; additionally members of the community and the clergy were required to confirm that the offender was duly penitent. The fees payable by an excommunicant wishing to be received back into the Manx church were also considerable, amounting to 10s payable to the Bishop's Ordinary.<sup>149</sup>

In addition to the punishment of excommunication those sentenced to excommunication in England were given forty days to submit to the authority of the church, if after this time they had not complied the Bishop was able to seek a writ for 'de excommunicato capiendo' asking the local sheriff to take them into custody. However this was a lengthy and expensive process and "it was a step not frequently undertaken."<sup>150</sup> Manx excommunicants who remained irresolute were also liable to severe punishments; these individuals could be "imprison'd & delivered ov'r body & goods to ye L[or]ds mercy."<sup>151</sup> It is notable that the English equivalent to the Manx censure seems to have been less severe as it did not involve the loss of the excommunicant's possessions. It appears that neither 'de excommunicato capiendo' nor the loss of an individual's liberty and possessions to the Lord of Mann were entered into with any regularity (for the years examined in the Manx records there were no cases of an individual and his possessions being handed over to the Lord of Mann). In England the cost to the courts of 'de excommunicato capiendo' was seen to be a restricting factor upon its use.<sup>152</sup> Figures for the English parish of Whalley support this conclusion, for although 42 individuals were excommunicated in the

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<sup>147</sup> MNHL LC 1760,1, 1762,2

<sup>148</sup> MNHL Ballaugh Presentments petition of Ann Killey March 1764

<sup>149</sup> Walker, *Abstract*,

<sup>150</sup> Outhwaite, *Rise and Fall*, p.13

<sup>151</sup> Walker, *Abstract*

<sup>152</sup> *ibid*,

period examined by Snape (the late seventeenth and eighteenth centuries) none of these individuals were sentenced to 'de excommunicato capiendo' after 1649.<sup>153</sup>

Excommunicants were liable to varying periods of excommunication, the period involved was governed by how long the individual was willing to remain contumacious, for only upon conforming to the requirements of the censure would the decree be lifted. In England in the late seventeenth and early eighteenth centuries general pardons were issued for those sentenced to excommunication, which further undermined the authority of the church to issue such censures, as they could be lifted before the compliance of the offender was gained.<sup>154</sup> In the Isle of Man, however general pardons were not issued and accordingly there were comparatively few who remained outside the jurisdiction of the church for a considerable time, or who were able to avoid eventually conforming to the regulations of the church. In the case of Mary Hendricks (who was excommunicated for adultery and denying the authority of the church in 1716), she failed to remain permanently excommunicant and eventually requested to be received back into the church in 1723.<sup>155</sup> Mary's case was however the exception rather than the rule for the majority of Manx excommunications only resulted in the offender remaining outside the church for a matter of months or a couple of years at most. Indeed evidence from the Manx presentment records indicates that the mere threat of excommunication was often all that was required to ensure an individual's compliance with the courts' directives.

In general it appears that periods of excommunication in English dioceses resembled those found in the Isle of Man albeit that periods of over a year were common. Two individuals in the Hexham Church Courts remained excommunicated for eighteen months or longer in the early eighteenth century, whereas earlier, nearly three-quarters of those excommunicated in the Diocese of Peterborough in the 1630s had not been received back into the church after one year.<sup>156</sup> In combination with the issuance of general pardons in England, animosity towards the perception of excessive censures of excommunication grew in the secular domain. Even though the

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<sup>153</sup> Snape, *Whalley*, p.124

<sup>154</sup> Outhwaite, *Rise and Fall*, p.103

<sup>155</sup> Gelling, *History*, pp. 6-7

<sup>156</sup> M.G. Smith, 'Pastoral Discipline and the Church Courts: The Hexham Court 1680-1730', *Borthwick Paper* 62, (York 1982) p.34, Outhwaite, *Rise and Fall*, p.72

bill to “prevent the too frequent Denunciation of Excommunication in the Exercise of Ecclesiastical Jurisdiction” did not progress through the houses in its entirety in 1713 the writing was on the wall.<sup>157</sup> Any punishment, in which one of the chief criteria was to be cast out of the community, would necessarily fail as a deterrent once large numbers of individuals were censured. Excommunication was not so significant a punishment if offenders could socialize with others who were similarly affected. However the number of individuals in England who were excommunicated was often high as there were no viable alternatives available to the English church. Figures for the Dioceses of York and Chester show that about 1,200 individuals were living in a state of excommunication in each area in 1623 with even greater numbers for the Diocese of Norwich in 1627 and 1633; similarly in the Diocese of Oxford, 40% of offenders were excommunicated.<sup>158</sup> It is probable that censures of excommunication in the eighteenth century were less prevalent than in the seventeenth century, but the perception of the offence and the fear with which it might have been viewed, is difficult to evaluate. Albers notes that, at least up until the mid eighteenth century, basing findings upon figures for those answering summonses for presentments, that “more eighteenth century Lancastrians feared excommunication than ever before.”<sup>159</sup> It should however be noted that there were several stages in the process of excommunication, accordingly a decree of excommunication did not automatically imply that the individual was excommunicated, merely that they were under threat of this censure.<sup>160</sup>

Evidence as to actual incidences and periods of excommunication in the Manx Church are difficult to ascertain, especially in the seventeenth century, as documentation was divided between the presentment papers (which contain records of the original offence, transfers to the higher courts and decrees issued to the parish churches) and the *Libra Causarum* (Consistory court papers) where the eventual decrees were given by the Bishop. Evidence from the presentments files for the seventeenth century only show isolated incidences of excommunication such as John Christian for adultery and non-performance of his censures in 1678.<sup>161</sup> However the

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<sup>157</sup> Outhwaite, *Rise and Fall*, pp.104-5

<sup>158</sup> Outhwaite, *Rise and Fall*, pp.71,72

<sup>159</sup> Albers, *Seeds*, p.232

<sup>160</sup> Smith, ‘Hexham’, pp.33-4

<sup>161</sup> MNHL Presentment file 1677/8

lack of surviving Libra Causaurum files (where the majority of excommunication cases would fall) suggests that the figure might have been higher.

In the years examined for the eighteenth century excommunication was threatened regularly in the 1730s and 1760s, but was only passed in a few of the cases. The presentment files record excommunications in only six cases in these two decades, although it is certain that some of the offenders referred to the higher court regarding a possible excommunication, would eventually have been excommunicated.<sup>162</sup>

However a sample examination of the Libra Causaurum for the early 1760s shows that even when called to appear before the Bishop the sentence of excommunication was not automatic for even those guilty of several relapses into fornication.

Excommunication was dependent upon the individual's attitude to the authority of the church. Those such as John Teare, who was excommunicated in 1760 for a second relapse into fornication (i.e. third illegitimate child), still remained excommunicated in 1762.<sup>163</sup> Whereas others, who were similarly guilty were seen as duly penitent and their appearance at the Bishop's court did not result in excommunication.<sup>164</sup>

"Obstinacy and Contumacy" together with "appearing hardened in.....sin" were the main factors that influenced the invocation of a sentence of excommunication.<sup>165</sup>

From cross referencing the presentments files with the Libra Causaurum for the period 1760-1762 the evidence suggests that only five individuals were excommunicated by the Manx church during this period, a fairly insignificant proportion of the population of about 20,000. Given that, as will be seen, the Manx church did not hold back from issuing ecclesiastical censures in this period, this low number of excommunicants suggests that the majority of individuals were never so persistent in their contumacy or antagonistic towards the discipline of the church as to be in danger of excommunication. Even those under threat of excommunication were in the majority of cases able to avoid this ultimate sanction, which appears to have been reserved for only the most hardened offenders. Figures for the number of Manx people who were excommunicated, when compared to those threatened with excommunication, correspond to those from Hexham in the early eighteenth century

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<sup>162</sup> Excommunications in the presentments files: MNHL Arbory Presentments 1730, Mary Tyldesley, Ballaugh Presentments 1737, Margaret Crow, Braddan Presentments 1739 Margaret Corris, Jurby Presentments 1760, John Teare, Andreas Presentments 1762, Ann Radcliffe, 1763, Catherine Christian

<sup>163</sup> MNHL L C 1760, 1 1762, 2

<sup>164</sup> MNHL LC 1762, 2, Mary Clucas

<sup>165</sup> MNHL LC 1762,2 Ann Stole, Isabel Fargher and Ann Kewley

where fourteen individuals were threatened with excommunication for non-attendance, but only two men were formally excommunicated.<sup>166</sup>

Of course by only excommunicating a few offenders the Manx church was avoiding the situation, previously noted by Albers, wherein those individuals who declined to conform to the ecclesiastical norms were cast even further from the influence of the church. By avoiding excommunication and endeavouring to keep even persistent offenders within the reach of its teachings the Manx church was able to prevent the formation of a section of the community that lived their lives devoid of any religious influence. As will be seen later the effective ability to discount the sentence of excommunication was only possible because the Manx church had more weapons in its arsenal than its English counterpart. There would have been little benefit to any church court in holding back from issuing censures of excommunication if there were no other significant censures that the church could issue – an eventuality that was to occur in the English church courts. In some respects this situation mirrors that in the secular courts in England where excusal from a capital punishment would often involve no punishment at all; circumstances that led to the dilution of the effectiveness of a deterrent as increasing numbers of individuals were pardoned from what was perceived to be too severe a punishment. It was not until the widespread introduction of transportation or imprisonment in a penitentiary that a mid point for punishments was adopted in English criminal courts.<sup>167</sup> In many respects the efficacy of a deterrent and its worthiness to match the offence, in both the secular and ecclesiastical settings was a concern of the eighteenth century.<sup>168</sup>

In the English church the most important of the punishments below excommunication was the penance. Penances, widely employed in both the Isle of Man and England, were a combination of a public declaration by the offender of his/her sins, a request for forgiveness and a promise not to re-offend in a like manner in the future. Penances were still censured by the English church courts in the eighteenth century and although incidences were recorded into the nineteenth century in some dioceses

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<sup>166</sup> Smith, 'Hexham', p.33-4

<sup>167</sup> For a more detailed discussion on aspects of punishment in the secular courts see Beattie, *Crime, M. Ignatieff, A Just Measure of Pain, The Penitentiary in the Industrial Revolution 1750-1850* (London 1978), J. Howard, *The State of the Prisons* (originally published 1777 republished Abingdon 1977) and H. Fielding, *Robbers*

<sup>168</sup> Fielding, *Robbers*,

they were used less frequently after 1770.<sup>169</sup> In the period before the seventeenth century penances had been fulfilled in either the parish church or the marketplace, however by the eighteenth century penances outside the environs of the church were rare. The survival of the penance in the marketplace at the end of the sixteenth century and its continuance in the church into the eighteenth indicates its continued practice although it seems that numbers who fulfilled such a censure in England declined.<sup>170</sup> In the Diocese of Carlisle public penances undertaken in the seventeenth century gave way increasingly in the eighteenth to private penances and the payment of a fine.<sup>171</sup> (Penance in private were allowed for offences that “had not caused public outrage.”<sup>172</sup>)

The fulfillment of the penance was to be undertaken according to set criteria. Records of English penances show that the penitent was sometimes draped in a white sheet or sackcloth, bare footed or in stockinged feet, with loose hair, holding a white wand or burning candle, with a paper setting out their offence pinned to their breast and that they were required to acknowledge their offence.<sup>173</sup> The use of a candle seems to date from before the Reformation when it was carried around the church before being placed upon the altar or shrine.<sup>174</sup> The sexual symbolism of a “white bedsheet” referred to by Albers in the English system would not have been evident in the Isle of Man where penances were not solely for sexual offences, and it is probable that the white sheet was instead an indication of purity.<sup>175</sup> The white sheet was an essential part of the act of penitence and was also found in the Isle of Man where the lack of a white sheet was a hindrance to the correct fulfillment of a penance to such an extent that the vicar of Braddan in 1716 was rebuked for lending the altar cloth to a penitent.<sup>176</sup>

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<sup>169</sup> Albers, *Seeds*, p.276, Jacob ‘In Love and Charity’ p.210

<sup>170</sup> D. Postles, ‘Penance and the Market Place: A reformation Dialogue with the Medieval Church (c1250-c1600)’ in *Journal of Ecclesiastical History Vol 54, No 3* (Cambridge 2003), pp.443-9, Albers, *Seeds*, pp.275-6

<sup>171</sup> Kinnear, ‘Carlisle’ p.194

<sup>172</sup> Jacob, ‘In Love and Charity’ p.210

<sup>173</sup> Hair, *Bawdy Court*, p.20, MNHL Rev R Usher, *Notes on White Sheet Confessions in Churches and Market Places*, (Pamphlet 1934 Newton Abbot) pp.6,16, Jacob, ‘In Love and Charity’ p.210, A. Tarver, *Church Court Records*, (Chichester 1995) p.42

<sup>174</sup> Outhwaite, *Rise and Fall*, p.10

<sup>175</sup> Albers, *Seeds* p.219

<sup>176</sup> Gelling, *History*, p.20

Physical punishments were also sometimes advocated although it appears that these were only used in penances undertaken outside the parish church and were associated with the period before the late seventeenth century.<sup>177</sup> The commutation of penances into fines (dealt with later) was also adopted in certain jurisdictions, especially for non-sexual cases, the funds being applied for the poor or in some cases for the provision of church equipment.<sup>178</sup>

The changing attitude towards penances, on the part of the ecclesiastical authorities and the population who witnessed them, can be seen partly in the places where the penances were to be fulfilled. There is, in many secondary works on English penances, especially those undertaken before the eighteenth century, an implication of public humiliation in the spectacle, especially concerning penances for sexual offences.<sup>179</sup> From the thirteenth century some penances had been undertaken at markets or other communal events rather than upon ecclesiastical premises. Whilst this practice was not consistently followed by all dioceses between the thirteenth and sixteenth centuries, it experienced a resurgence towards the close of the sixteenth century.<sup>180</sup> In the earlier of these penances there was also an element of physical punishment (see later). Penances undertaken in markets could have a twofold impact upon the overall level of offences. A very public acknowledgement of the offence not only informed the remainder of the population that this was a punishable offence but also the humiliation involved in undergoing such a censure would have been a significant punishment; loss of face in the community was a severe penalty indeed.

Penances in the market place, censured by English dioceses, that did not involve physical pain often involved a considerable element of humiliation. In the diocese of Ely in the early seventeenth century Robert Knevett (guilty of casting out his wife and bad language) was ordered to stand at the market cross in a sheet with a white wand and papers pinned to his back and front outlining his sins of “fylthye lyveinge & shameless bragginge in the same.”<sup>181</sup> Postles proposes that in some areas of England penances in the market place became increasingly rare towards the close of the

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<sup>177</sup> Postles, *Penance* pp.444-448

<sup>178</sup> Jacob, *Lay People*, p.148-9, Houlbrook, *Church Courts*, p.154, Outhwaite, *Rise and Fall*, p.11

<sup>179</sup> Usher, *Confessions*, pp.12-13, Postles, *Penance* p.447

<sup>180</sup> Postles, *Penance*, pp.443-446

<sup>181</sup> Postles, *Penance*, p.460

sixteenth century.<sup>182</sup> Nevertheless these punishments persisted for the more heinous offences in some areas. A penance for an offender (under sentence of excommunication for incest) in Whalley again outlines the public humiliation that was involved in this punishment at the end of the seventeenth century. Sarah Ryley, who had committed incest with her husband's son was to stand at the public cross in Blackburn for one hour on market day bare headed, wrapped in a white sheet with paper fixed to her breast outlining her sin. Thereafter she was to stand likewise at the parish church on an appointed Sunday and to declare that for this sin "I do earnestly repent and am heartily sorry for this my Great Offence and misdoeing, desireing Almighty God to forgive me both this and all other my offences, and to assist mee with his Holy Spirit that for the future I never fall into ye like Offence....."<sup>183</sup>

Punishments in the market place were also issued by the ecclesiastical courts in the Isle of Man in the seventeenth century; however they were described as set periods to be spent in the stocks rather than penances to be undertaken in the marketplace.<sup>184</sup> The restrictive nature of the stocks and the possibility that those undergoing such a punishment could suffer serious harm at the hands of the populace suggests that these punishments were more akin to physical punishments. Physical punishments, by their very nature, could not take place in the church as it was considered an offence to spill blood in the House of God.

Whilst there was obviously an element of humiliation in any penance undertaken in the market square, (an area that was outside the jurisdiction of the church and therefore over which the church could not maintain control over the audience) this was not always the case for penances undertaken in the church. Unfortunately documentary evidence as to the attitudes of the parishioners when faced with a penitent in church is scarce. Nevertheless information in the Manx church court records is sometimes extensive enough to allow a brief insight into the conduct of penances and their effect upon the congregations who witnessed them. The Manx church like its English counterpart held very specific views as to the manner in which

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<sup>182</sup> Postles, *Penance*, p.459

<sup>183</sup> Snape, *Whalley*, p.125

<sup>184</sup> MNHL Lonan Presentments 1659, Andreas Presentments 1659,1668 Jurby Presentments 1668, Lezayre Presentments 1668, Ballaugh Presentments 1668, Rushen Presentments 1668, Patrick Presentments 1668

penances should be undertaken. Penances were designed to show God and the congregation that the offender repented and to make this repentance acceptable in order to bring the individual back into the church. Having stood during the service appropriately clothed in white, and bearing a description of the offence the offender in the Diocese of Norwich was then required to utter his “humble confession, repeating every Word after the Minister with an audible voice”.<sup>185</sup> Records for the Diocese of Lichfield reference the words to be spoken by one penitent in 1734 requesting absolution: “Whereas I Margarett Sheratt Not having the Fear of God before mine Eyes, but being led by the Instigation of the Devil and my own carnal Concupiscence have committed the grievous Sin of Fornication with Thomas Booth To the dishonour of Almighty God, the breach of his most sacred Laws, The Scandal and evil example of others, and the danger of my own Soul without unfeigned Repentance, O do humbly acknowledge, and am heartily Sorry for this my hainous Offence; I ask God Pardon and Forgiveness for the same in Jesus Christ, and pray him to give me grace, not only to enable me to avoid all such Sin and wickedness but also to live Soberly, Righteously and godly all the days of my Live, and to that End I desire all You that are here present to joyn with me in Saying the Lord’s Prayer Our Father and so forth.”<sup>186</sup>

In these penances there is clear reference to the penitence of the offender and the form of words, however the form of the service employed in the Isle of Man appears to have been far more extensive and suggests that in the Manx church the service was designed to involve the congregation in the acceptance of the penance and in forgiving the offender. At a convocation of 1706 Bishop Wilson put forward the proposed form of service to be used by penitents and the prayers to be said by the congregations in acknowledging the act.<sup>187</sup> Set out in their entirety in Appendix A, they emphasize the true repentance of the service and the aims of the Manx church in imposing such a punishment; the church saw a penance as an act of humility not humiliation.

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<sup>185</sup> Jacob, ‘In Love and Charity’ p.210

<sup>186</sup> quoted in Tarver, *Church Court Records*, p.42

<sup>187</sup> Bray, *Convocation*

The implied sympathy with the penitent and the reconciliatory nature of the penance and accompanying service is further supported by isolated incidences recorded in the Manx church documents where members of the congregation had behaved inappropriately in the service either as penitents or onlookers. Penitents were required to be duly humble and cognisant of their sin. William Corlet, who was ordered to fulfill a penance for slandering the wife of Standish Christian, arrived at the church appropriately dressed in penitential habit and had asked forgiveness of Mrs. Christian, however once she had forgiven him, he, "in a hasty and abrupt manner took the sheet off and flung it on the end of the seat next adjoining" Standish Christian's seat, and sat on the opposite aisle. When rebuked by the minister he picked up the sheet put it about his shoulders and left the church.<sup>188</sup> For this irreverence when fulfilling his penance William Corlet was censured at the consistory court to pay 3s6d costs, to ask forgiveness on his knees being reminded that if he failed to complete this censure he was to be fined £3 for revival of the slander and to be imprisoned for forty days.

A similar act of irreverence on the part of a penitent was also noted in 1763. James Wilson, who had been employed by the Bishop for about eight weeks, had been censured to fulfill a penance for his offences of cursing, swearing and calling the Bishop's maidservants 'bitches'. However his attitude during the service was not acceptable to the minister and churchwardens. It was noted that, instead of acting as a penitent, he "stared about in a bold & hardened manner." The minister had allowed the service to continue and upon speaking to the youth after the service endeavoured to convey not only the nature of the offences but also the correct manner in which a penance should be performed, i.e. with "humility" and in particular, by asking pardon in the most humble manner." However the youth still obstinately persisted. He asked the forgiveness of the maidservants, whom he had offended, by not only "standing & staring them in the face" but also said "If I have injured you I hope you'll pardon or forgive me." When warned that he should observe the correct manner for his penance and further that he should not preface his acknowledgement with 'if' he retorted that he "would never kneel to man nor to any but God," thereby further offending the members of the congregation. He was further censured to seven days imprisonment,

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<sup>188</sup> MNHL LC 1762, 1

to supply bonds of £3, to fulfill penances in the churches of Lezayre and Michael, in a correct manner, and for his contemptuous manner to the church court, in denying his offences and making light of his punishments by saying that he would shortly be “walking & galloping about for a week together in the white sheet” he was further fined the considerable sum of 13s4d.<sup>189</sup>

Irreverence whilst another was fulfilling a penance was also brought to the attention of the Manx courts. William McBoyd was initially censured to acknowledge his offence (although the censured was later remitted) of laughing when William Croaghan was undergoing his penance for anti-nuptial fornication. Likewise Patrick Cannel was brought before the courts for making fun of William Kneal who was fulfilling penances for his offence of incest.<sup>190</sup> Cases of inappropriate behaviour whilst another was fulfilling a penance only appear in the Manx records in the eighteenth century and were extremely rare. This would suggest that in general the congregations behaved with due reverence in the eighteenth century although there is no evidence as to whether or not this would have been the case a century earlier. The use of the stocks in the seventeenth century would suggest that in some cases at least the humiliation of offenders was part of the punishment. By the eighteenth century the presentation of members of the congregation for not observing the correct attitude when others were fulfilling penances suggests that penances were usually regarded as extremely serious events by the clergy and the majority of the Manx congregations; by the eighteenth century they were not the occasion for ribaldry. The Manx church in setting out the order of the service for penitents and censuring those who regarded the occasion with irreverence, supported the ideals of repentance and reconciliation that the censure was designed to affect (as opposed to the elements of public humiliation).

It is unclear whether penances were censured for all the acts of fornication or adultery that were brought before the English ecclesiastical courts but it was certainly regarded as the “classic” censure for this type of offence.<sup>191</sup> In the Isle of Man its usage was widespread and only a very isolated number of sexual cases did not receive a number

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<sup>189</sup> MNHL Lezayre Presentments 1763, documents dated 1<sup>st</sup> September 1763, deposition of church wardens and James Wilks, 16<sup>th</sup> October 1763

<sup>190</sup> MNHL Michael Presentments 1737, 1762

<sup>191</sup> Snape, *Whalley*, p.124

of penances (together with other censures) in the seventeenth and eighteenth centuries.

It is important to clarify the extent to which penances were undertaken by Manx offenders in the eighteenth century for even works published in the eighteenth century do little to illustrate the correct picture. George Waldron who was resident on the island in the 1730s published a description of the situation in 1744. In his work he not only describes the clergy as “holding a kind of tyrannical jurisdiction over the Manks people,” but also the sexual immorality prevalent in Manx society, noting how “little the methods taken by this court to prevent fornication have succeeded.”<sup>192</sup> Research undertaken for this thesis allows comparison between the comments of Waldron, in which he refers to “the great number of offenders which are every Sunday doing penance,” to the actual incidences in the Manx church court records, thereby determining the validity of his allegations.<sup>193</sup>

By examining the visitation records a comparison of the figures for sexual offences can be obtained. (Tables Ai-v). The year with the largest number of sexual offences presented in the 1730s (a decade with which Waldron would have been familiar) was 1731 with a total of 80 individuals presented. (Table Aiii) Of these individuals 56 were censured for fornication (three penances apiece), 8 for adultery (seven penances), 14 for relapses into fornication (penances until truly penitent), 1 for rape (transferred to the secular courts) and 1 for buggery (transferred to the secular court, acquitted and then brought back to the ecclesiastical court for the issuance of one penance for attempted buggery). These amount to over 225 separate penances excluding the 14 individuals who were censured to fulfill penances until truly penitent. Given the 52 weeks in the year and the 17 parishes of the island, there were therefore 884 occasions on which a penance could be fulfilled for a sexual offence and only 225 specific penances censured. Even given that an individual guilty of a relapse might be fulfilling a penance in up to fourteen parishes for part of the year they could only have been accompanied by another penitent for a sexual offence a quarter of the time. The statement by Waldron, often taken to be accurate, as to the

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<sup>192</sup> G. Waldron, ‘A History and Description of the Isle of Man’ (1731) in *Manx Society vol XI* (Isle of Man 1865) p. 31

<sup>193</sup> Waldron, ‘Isle of Man’. p. 41

“great number” fulfilling penances for sexual offences “every Sunday” in the Isle of Man is therefore exaggerated and largely inaccurate and does not accurately represent the actual situation. It would be true to say instead that the majority of Sunday services in most churches were not accompanied by large numbers of penitents for sexual offences in the 1730s. Some parishes would have had a single hardened individual fulfilling a penance, sometimes accompanied by another censured for a single offence, but in many parishes a penance for a sexual offence was an isolated occurrence. The parish of Jurby had only 15 individuals censured to fulfill penances for sexual offences throughout the 1730s, receiving a maximum of three penances each, the likelihood of a penitent for fornication being present at a service in this parish was therefore only 8.6%. How much opinions in England regarding the Isle of Man’s church court system were or have been influenced by the writings of Waldron, rather than by the actual situation, are difficult to evaluate but Waldron was writing at a time when the English government was experiencing significant problems with the running trade out of the Isle of Man and no doubt attempts to make the Isle of Man appear immoral, and significantly less developed and cultured than Britain, would have increased the pressure on the Duke of Athol to sell his rights in the island. It is unfortunate that Waldron’s work was neither refuted at the time nor evaluated in later years.

With regard to the fulfillment of the penance it is unclear however how closely the situation regarding penances in England mirrored the Manx examples. Albers notes that the functions of the penance declined as the clergy in the eighteenth century became increasingly disinclined to allow the humiliation of penitents.<sup>194</sup> References to the last penance undertaken in Poulton as “a spectacle of mirth to an unfeeling crowd” and the poem of Thomas Boyes written in 1810 and quoted by Rev Usher, referring to “flouts and jeers,” initially support this view.<sup>195</sup> However the view that the English church courts were primarily designed to support the “peace of God” and were aiming for reconciliation and repentance with God and the community, as well as instilling harmony, give a different picture.<sup>196</sup> The latter view would suggest that the humiliation of offenders was not an aim or indeed universal achievement of the

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<sup>194</sup> Albers, *Seeds*, p.276

<sup>195</sup> William Thornber, ‘An Historical and Descriptive account of Blackpool and its neighbourhood’ (1837) quoted in Albers, *Seeds*, pp.229-230, Usher, *White Sheet Confessions*, p.13

<sup>196</sup> Jacob, ‘In Love and Charity’ pp.209-210

English church courts in the eighteenth century. Evidence of the prosecution of individuals in the Isle of Man who did not observe the penances of others with the correct attitude, would further support this view even though such cases are elusive in the records. It is possible that these cases only appear in the Manx records due to the increased volume of business transacted by the Manx church courts over their English counterparts, and that such cases would always have been very rare. Nevertheless their existence in the Isle of Man confirms that by the eighteenth century, in the Isle of Man at least, penances were regarded as serious matters by the congregations that witnessed them and irreverence for the act of penance or humiliation of the offenders was not permitted.

Apart from penances, the church courts in both England and the Isle of Man also ordered the admonition of offenders, which was undertaken by a member of the clergy. An admonition was less severe than a penance although details as to the actual processes used are illusive in the records. Admonition as a censure was rare in the Isle of Man before the eighteenth century and was used for less serious offences that did not merit penances. In the 1730s it was chiefly used to censure some cases of Sunday working, cohabiting, non-attendance, minor cases of cursing, for the parents of children who were found to be playing games on the Sabbath and for those who held unlicensed schools. It continued to be issued in the 1760s and towards the close of the eighteenth century it became increasingly employed. Figures for the number of admonitions censured by the Manx church courts during the eighteenth century indicate a gradual increase in its use not only in incidences but also as a proportion of the total offences. In the 1730s admonitions were ordered in 105 out of the 2162 cases censured (4.8%), this increased to 141 admonitions in the 1760s out of 1661 cases (8.5%) and 210 admonitions in the 1790s out of a caseload of 1975 (10.6%). The increase in incidences of admonitions however was not the result of a specific change in the censures issued for certain offences. There had always been a slight variation in the types of censure given for cases such as Sunday working and some of the lesser verbal offences. Censures might range from a promise of reformation, through admonition to the more severe punishment of a penance and possible committal until bonds were supplied that the offender would re-offend. The increase in the use of admonition in the eighteenth century results from a shift in the modal point for these types of censure as the century progressed. Nevertheless for the Isle of

Man even in the 1790s some individuals still received a censure comparable to that used sixty years earlier. Eighteen individuals from one parish were censured to be admonished in 1792 for cursing and swearing; this corresponds with the censures that some of them would have received for a similar offence in previous decades.<sup>197</sup> Similarly, censures for some cases of Sunday working were just as likely to receive a censure for admonition in 1792 as they were in 1731.<sup>198</sup>

By the close of the eighteenth century there was also a change in the type of admonition ordered. Although in 1790 private admonition was ordered in several cases of drunkenness, this punishment was only increased to public admonition for relapses into drunkenness.<sup>199</sup> Indeed during the 1790s the Manx church increasingly specified private admonitions. The lack of specification in the records for previous decades hinders effective evaluation of the censure over time. However it is clear that at the close of the eighteenth century the Manx church was concerned with some aspects of public punishment of offenders and thought that private admonitions were more suitable for minor offences. The public admonition of John Boddagh for a relapse into drunkenness was a more severe reprimand than mere private admonition.<sup>200</sup> Admonition was never a severe punishment, especially for those offenders who were to receive a private (rather than a public) admonition, the courts' motive usually being to show individuals the error of their ways or to prevent future, more serious, breaches of the ecclesiastical laws.

As previously noted the English church courts censured penances in the market place during the seventeenth century at the same time as their Manx counterparts issued punishments of periods in the stocks. However these periods in the stocks were more akin to physical punishments and were issued for serious ecclesiastical offences in the mid-seventeenth century although they had largely been abandoned by the eighteenth. The most prevalent physical punishment, to sit in the stocks for an hour at market time, was censured in the Isle of Man in the seventeenth century. This censure was issued on 23 occasions in the years examined and was either employed by the church

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<sup>197</sup> MNHL Malew Presentments 1792

<sup>198</sup> MMHL Santan Presentments 1731, Malew Presentments 1792

<sup>199</sup> MNHL German Presentments 1790, 1791

<sup>200</sup> MNHL German Presentments 1791

when the offender had no means with which to pay any fine, or when it was felt that an example should be made of the offenders.<sup>201</sup>

The most prolific use of the stocks occurred in 1668 when the censure was increased to periods of up to three hours in a number of cases for both men and women.<sup>202</sup>

There is a clear implication in these punishments that the offenders were to be publicly shamed. The increase in these cases in 1668 occurs shortly before the church started to impose censures of incarceration and follows a letter to the clergy from Bishop Barrow in 1667. In this letter Bishop Barrow noted that “it is high time to use our utmost indeavours to put a stop to these overflowings of ungodliness least a generall corruption of manners over spread this people & bring downe Gods judgments upon us to destroy us & our nation.”<sup>203</sup> The increase in these physical censures indicates a response to Bishop Barrow’s concerns. In this respect it is important to remember that Bishop Barrow had also been Governor of the island since 1664. That he held the positions of both Bishop and Governor from 1664-8 no doubt enhanced his influence and supported any imposition of ecclesiastical discipline.

Whilst periods in the stocks were a severe punishment they were not issued with any regularity, only accounting for 23 censures out of the 704 offences noted (3.27%) in the years examined in the period up to 1679. There was no doubt a very strong desire on the part of the church to ensure that the offender was duly humiliated in these censures, but they were usually issued for relapses into fornication, adultery or, in one case for deliberately flouting Sabbath observance. That this punishment survived in the Isle of Man into the late seventeenth century, indicates the continued employment by the Manx church courts of punishments in a secular environment after equivalent punishments had been abandoned by some English Ecclesiastical courts. The frequency of marketplace penances in Colchester suggests that in some dioceses their abandonment had commenced almost a century earlier; however penances in the market were still employed in isolated cases elsewhere in England at the close of the

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<sup>201</sup> MNHL Lezayre Presentments 30 May 1659, Margrett Mayone, Braddan Presentments June 1659 Kathren Gelling Andreas Presentments 1659 (John Ellison, John Curlett), Lezayre Presentments 1659 (Kathrin Cosher)

<sup>202</sup> MNHL Presentments file document October 16 1668 concerning Annie Kelly, Capt. Patrick Christian and William Christian of Jurby and Jony Teare of Andreas

<sup>203</sup> MNHL Presentments file letter dated 21 Sept 1667

seventeenth century.<sup>204</sup> The geographical proximity of the Isle of Man to the other incidences of marketplace penances in the late seventeenth century suggests not only that the Manx were not unique in continuing to use secular censures for ecclesiastical offences at this time, but also that they were influenced by the ecclesiastical practices of neighbouring dioceses. Nevertheless the Manx practice of confinement of the individual in the stocks implies a more severe punishment than the mere humiliation entailed in an English penance in the marketplace, where there were not physical restrictions on the individual.

During the earlier years examined in this thesis the use of physical punishments by the Manx ecclesiastical courts was not confined to periods in the stocks. Other, more severe, physical punishments were issued in very isolated cases or for specific offences. In the mid seventeenth century Kathrin Cottier (alias Kneale) was issued with the severe censure of a 12d fine, to sit in the stocks in Ramsey for one hour, to acknowledge her fault and to have “five lashes whippinge,” for uttering a serious curse upon John Casement.<sup>205</sup> The use of corporal punishment in this case was not however under the complete control of the church for it took place during the commonwealth period when the control of the ecclesiastical courts was under the ultimate jurisdiction of the governor of the Isle of Man, acting on the behest of the Lord of Mann, Thomas Fairfax. The differences between the ecclesiastical and secular jurisdictions became less distinct in this period as fines (discussed later) became a primary censure for moral offences until the restoration.

There were also two other physical punishments which are cited in the Manx Spiritual Laws, and which, in either their practice or application, appear unique to the island. Their existence indicates that, in some respects, the Manx ecclesiastical laws evolved in isolation from their English counterparts. In the Spiritual Laws, transcribed in 1703, there is the inclusion of a punishment that was to be censured for “com’on Whores”. The punishment for this offence was for the woman to “be drawn aft’r a Boat in ye sea during ye Ordinaries appointm’t,” “common Whoremast’rs” being also fined.<sup>206</sup> This punishment for common whores, regularly referenced in secondary

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<sup>204</sup> Postles, *Penances*, p. 459, Snape, *Whalley*, p.125

<sup>205</sup> MNHL Lezayre Presentments 1659

<sup>206</sup> Walker, *Abstract*,

works on the Manx church courts, was similar to incidences of carting in English regions in the earlier centuries.<sup>207</sup> However incidences of this punishment being censured in the Isle of Man were extremely isolated and are not indicative of the general practice of the Manx church courts, which by the eighteenth century viewed penances as an act invoking humility rather than humiliation. In the years examined, the punishment of being dragged after a boat was only censured on two occasions, the most notorious of which occurred in the 1730s.

Rebecca Hodgin was first presented before the ecclesiastical courts for fornication in 1730 when she was noted as being a “vile prostitute.”<sup>208</sup> She was again presented for fornication in 1732 and for a relapse into fornication in 1734.<sup>209</sup> At this time she appears to have been unwilling to accept the authority of the church and would not filiate (declare under oath the identity of the father) her child. She was therefore censured to be dragged after a boat in Castletown harbour. However a closer examination of the records confirms that this censure was suspended upon appeal in 1736.

The aforementioned censure, usually reserved for common whores, was also issued thirty years earlier to Jane Kissage for perjury concerning a supposed act of fornication.<sup>210</sup> She had alleged that she was pregnant and her mother had “buried a block under pretence that it was a child.” However the ecclesiastical courts ruled that she had not been pregnant and that both she and her mother had made false allegations. Jane was censured to be dragged after a boat in “Ramsey burn at full sea” for one hour and her mother, who had consorted with her, was ordered to stand in penitential manner and watch her punishment. (The qualification in the documents that the punishment was to take place at full sea was necessary, as the Sulby River that flows through Ramsey holds insufficient water for a boat at low tide.)

The censure of being dragged after a boat for extreme cases of sexual misconduct is similar to medieval cases of ‘carting’ in England, incidences of which survived in

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<sup>207</sup> Snape, *Whalley*, p.97, Usher, *White Sheet Confessions*, p.24-5

<sup>208</sup> MNHL Malew Presentments 1730

<sup>209</sup> MNHL Malew Presentments 1732, 1734

<sup>210</sup> MNHL Lezayre Presentments (undated bound with other parishes that are dated 1704 and succeeding Bride 1704)

cities such as London and Norwich into the beginning of the seventeenth century.<sup>211</sup> The continuance of such a punishment in the Isle of Man over one century later implies not only that the Manx church was issuing punishments that were formerly used by the secular authorities in England but also that in the early eighteenth century there was a considerable delay between changes in the use of certain punishments in England to corresponding changes in the Isle of Man. There is no doubt that by issuing these severe punishments the Manx church was endeavouring not only to humiliate the offending women in the eyes of the community but also to provide an effective deterrent against similar offences being committed in the future. However the motives of the Manx ecclesiastical courts in issuing these isolated but severe physical punishments is, more importantly, an indication of the might of the courts in this diocese. Even if the censures were later excused the willingness and legal ability to issue the censure at the outset suggests that the Manx church (at the beginning of the eighteenth century) was, in this respect at least, much more powerful than its English counterpart and was therefore in a position to exert a far greater influence upon behaviour than its English counterparts.

Apart from the aforementioned cases of whipping and towing behind a boat the continuance of physical punishments towards the end of the seventeenth century in the Manx church courts is also found in the censure for some offences of slander, most particularly for those offenders who called a man a 'dog' or a woman a 'bitch.' In these cases the offender was to "wear the Bridle at ye Market Cross or shall make 7 Sundays Pennance in Severall parish churches."<sup>212</sup> The scold's bridle, although not unique to the Isle of Man, was used in England for women with an evil uncontrollable tongue, but in the Manx courts it was only censured for this specific type of slander. The special treatment accorded to 'dog' referenced slanders in the Manx church courts appears not to have been widely practised in other areas, there being no mention of such cases in the examination of the cases in York.<sup>213</sup> The use of the bridle in the Isle of Man was confined to 'dog' references and it was not used for references to whores or cuckolds.

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<sup>211</sup> M. Ingram, 'Reformation of Manners in Early Modern England' in *the Experience of Authority in Early Modern England*, P Griffiths, A Fox & S. Hindle eds (London 1996) p.67

<sup>212</sup> Walker, *Abstract*

<sup>213</sup> Sharpe, *Defamation*,

The censure of a bridle was issued to eight individuals in the years examined, (five men and three women). The last recorded case in the years examined occurred when Patrick Kneene was censured to fulfill either seven penances or to wear the bridle for calling Robert Coleice a son of a bitch.<sup>214</sup> In the censures that were issued for this offence the documents are unclear as to whether the bridle was generally used or whether the majority of offenders fulfilled seven penances, certainly the lack of a bridle was confirmed in one parish in 1667.<sup>215</sup> The severity of this censure of the bridle is supported by comparisons of other offences, such as adultery, that also received a censure of seven penances at this time. It is significant that the slander of calling a man a 'dog' or a woman a 'bitch' was therefore deemed more serious by the seventeenth century Manx church than the majority of fornication cases. Whilst this in part might be due to perceptions of status in the community and any loss of face that slander might involve, it is possible that the 'dog' referenced slanders were treated much more severely than any allegations of other sexual misconduct (apart from incest) because the slander had connotations of bestiality or sexual deviancy.

It is evident that the Manx church courts, in the late seventeenth century were employing a wider variety of physical punishments, especially those undertaken in a secular environment, than those imposed by their English counterparts. However these physical punishments increasingly fell into disuse in the Isle of Man in the eighteenth century. In the years examined the last case of being dragged after a boat was cited (although not carried out) in 1734, the last whipping was in 1659, the last use of the stocks was in 1704 and the bridle was not advocated after 1701. Whilst these four types of physical punishment are important in not only indicating the possible severity of the punishments that the Manx church courts were willing to sanction as well as illustrating the strength and viability of the Manx church courts, there were other constraints that the church was able to impose in the secular environment.

Although also rare these cases again illustrate the diversity of the options available to the Manx church courts when faced with a particular problem, and the flexibility of the system that allowed them to issue censures that were tailored to suit the situation.

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<sup>214</sup> MNHL Braddan Presentments 1701

<sup>215</sup> MNHL Lezayre Presentments 26 October 1667

Women, who were cited as co-respondents in incidences of adultery, although often only guilty of fornication (as they were not married), were usually ordered not to associate with the guilty man in future. In the majority of cases this qualification did not result in any additional cases being brought before the church courts; however a few women persisted in cohabiting with a married man. In such cases the aggrieved wife was able to ask the church courts to remove the offending woman from the parish, and the man was ordered to return to his wife. In the 1660s this demand was employed to its utmost, when Jane Moore was successful in petitioning the vicars general concerning her husband (John) cohabiting with an unnamed whore. As reconciliation between the husband and wife proved very difficult with the other unnamed woman in the vicinity she was initially to be banished from the island unless she remained out of the sheading, however the court eventually decided that her banishment was to take immediate effect and surety for the care of the children was given by John Moore's relatives.<sup>216</sup> Jony Ffreer from the parish of Jurby was also expelled from the sheading (containing the parishes of Jurby, Ballaugh and Michael) after she persisted in associating with John Christian as she was causing "seperacon betwixt man and wife."<sup>217</sup> Similarly in 1762 Bakee Corlett was able to ask for the assistance of the church authorities in ensuring that her husband was not able to associate with Celia Clinton. Celia who had previously been presented for fornication with the adulterous Ewan Corlett had not moved away from the parish of Lezayre. The Sumner confirmed that Celia had refused to move away from the parish and as she was either unable or unwilling to provide bonds confirming that she would no longer associate with Ewan she was committed into the Bishop's prison (St German's) where she remained for a considerable time.<sup>218</sup> The ability of the Manx church to enforce the removal of certain individuals for spiritual offences illustrates again its strength and level of authority over the population.

Whilst English and Manx church court systems were both able to excommunicate offenders and issue the censure of penances and some minor physical constraints in the secular environment, they were also both able to issue fines. Fines could be classified into two categories; those that were commutations from more serious

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<sup>216</sup> MNHL Petition of Jane Moore 1668,

<sup>217</sup> MNHL Ballaugh Presentments 169

<sup>218</sup> MNHL LC 1761,3, 1762,1,2

censures such as penances and those issued for very minor offences that did not warrant the fulfillment of a penance. Commutations for serious offences were of course overly weighted towards the individual's ability to pay. In this respect they were not universally tolerated and were more readily available in the period before the late seventeenth century. Evidence from Lancashire in the late sixteenth century suggests that the majority of penances were commuted at this time, a view supported by some evidence from the London consistory court in the early sixteenth century, that suggests only 40% of penances were performed and that the remainder were commuted.<sup>219</sup> Certainly the commutation of penances in England took place, in some instances the funds being levied for specific expensive items for the church consequently the fines levied in such cases could be substantial.<sup>220</sup> Indeed commutations appear, even for some cases of fornication, to have been a fairly regular occurrence in some dioceses, records of commutations for fornication in the early eighteenth century in Hexham of £8 are recorded.<sup>221</sup>

Commutations in the Isle of Man were rare in the years researched (apart from the commonwealth period when fines were issued as a matter of course) and were not found in the eighteenth century. Incidences appear in the records in 1651, 1668, 1696 and 1699 and were usually for relatively small sums of money, that of John Callow for his offence of fornication in 1696 being for 3s, however William Christian's commutation for relapses into fornication was greater, amounting to 14s (the funds being applied to the repair of a bridge in Peel).<sup>222</sup> In other cases, fines are recorded as due, however they were in effect bonds rather than fines (only falling due upon a future repeat of the initial transgression) these bonds were generally larger than initial fines in similar cases amounting to several pounds.<sup>223</sup> As a general rule bonds were required for all cases of fornication or adultery in the eighteenth century and were set at £3. Additionally in the Manx records the commutation of penances into physical labour for the good of the parish was also employed in isolated incidences in the mid

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<sup>219</sup> C. Haigh, 'Reformation and resistance in Tudor Lancashire' (Cambridge 1975) pp.229-33 and R. Wunderli, 'London Church courts on the eve of the reformation' (Mass 1981) p.52 both quoted in D. Postles, 'The penance and the Market place: a reformation dialogue with the Medieval church (c1250-c1600)' *Journal of Ecclesiastical History* 54 no 3 (July 2003) p.465

<sup>220</sup> Houlbrook, *Church Courts and People*, p.154, Hair, *Bawdy Court*, p.20

<sup>221</sup> Smith, 'Hexham' p. 23

<sup>222</sup> MNHL EW 13, 2 post 18, (10<sup>th</sup> March 1651), Maughald Presentments 1696, Lezayre Presentments 1699, Jurby Presentments 1668

<sup>223</sup> MNHL Jurby Presentments 1668, (Capt Patrick Christian)

seventeenth century. This generally took the form of repairing the road or a certain bridge.<sup>224</sup>

The problems with the employment of commutations as outlined by Smith was that in times of decreasing presentations the requirement to maintain levels of income led to the use of commutation monies to finance the prosecution of obstinate offenders, with prosecutions being driven for financial gain for the church. A factor which resulted in the true objective of presenting offenders – reformation and reconciliation – being too easily forgotten.<sup>225</sup> In this respect the Manx church and the other dioceses in England that did not generally permit commutation would have managed more easily to maintain the important elements of penitence in the censures employed by the ecclesiastical courts.

Additionally in England and the Isle of Man fines were issued either to cover the court's costs in a particular case or for minor offences. In either case therefore the amounts levied were small, although the perceived severity of the fine would be influenced by the wealth of the offender. Both the English and Manx church courts levied small fines to cover their costs, especially in cases of penances, for such matters usually required a certificate to be returned stating that the penance had been completed to the satisfaction of the church.<sup>226</sup> However the inability of the very poor to pay the fees relevant to their penances was considered a mitigating circumstance and it was usual, upon appeal by the clergy, for the fees in such cases to be excused.<sup>227</sup>

In the Isle of Man fines were levied for minor offences and most particularly for problems arising when the court was sitting. Fines were therefore issued not only for not attending court when required, but also for “bad behaviour in Court” (6s8d), “talking bawdy in Court” (13s) or for bringing a case for cursing without any justification.<sup>228</sup> Any non-appearance at court could result in the absentee being issued with a minor fine. These fines were generally in the region of 2s6d and appear

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<sup>224</sup> MNHL Rushen Presentments 1650, Patrick Presentments 1678

<sup>225</sup> Smith, ‘Hexham’, p. 27

<sup>226</sup> Albers, *Seeds*, p.218

<sup>227</sup> Albers, *Seeds*, pp.234-5

<sup>228</sup> MNHL Lonan Presentments 1762, (John Qualye Jr) Braddan Presentments 1764 (Wm Creer), Douglas Presentments 1763 (acquittal of Barbara Kermod)

to be more prevalent in the records at the close of the eighteenth century than in the other periods examined.<sup>229</sup> However during earlier years fines were also issued for some offences of not repairing church property, cursing, swearing, drunkenness or Sunday working.<sup>230</sup> Apart from the commonwealth period the issuance of fines was comparatively rare in the Manx church courts accounting for the censure in less than 150 (under 2%) of the cases brought.

Any analysis of the position of fines in the Manx ecclesiastical courts cannot be concluded without an examination of the position in 1659. 1659 is the only year during the Commonwealth period in the Isle of Man for which any significant number of 'presentment' documents survive. Although business of the visitation courts was brought before the governor of the island during this period the types of cases presented, and indeed the volume of business transacted, mirror what would be expected in the ecclesiastical courts on the island at this time. These courts were in effect merely transferred to the jurisdiction of the secular authorities. Falling under the secular authorities the punishments issued by the court conformed to the norm for offences such as assault and 'bloodwipes' for which the general punishment was issued in the form of a fine.<sup>231</sup> Whilst for serious offences in 1659 the acknowledgement of an offence was to be undertaken in the parish church, or alternatively the offender was ordered to sit in the stocks for a set period, in the majority of cases the offender was ordered to pay a fine.<sup>232</sup> The level of the fine was set according to not only the severity of the offence but also the ability of the offender to pay the fine; it having previously been found that the level of fine set had been outside the financial capability of many of those presented and had required re-evaluation.<sup>233</sup>

As Table B indicates, in 1659 of the people presented for sexual offences, 20 individuals (44%) were given small fines of 12d or less and only 12 individuals (27%)

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<sup>229</sup> MNHL Douglas Presentments 1769, Lonan Presentments 1790, Marown Presentments 1790,

<sup>230</sup> MNHL Braddan Presentments 1667, Douglas Presentments 1736, German Presentments 1765, Maughald Presentments 1732, Braddan Presentments 1734,

<sup>231</sup> J.R. Dickinson, 'Criminal Violence and Judicial Punishment in the Isle of Man 1580-1700,' *Proceedings of the Isle of Man Natural History and Antiquarian Society*, Vol XI no. 1 (Isle of Man 2000) p.138.

<sup>232</sup> MNHL Braddan Presentments 1659

<sup>233</sup> MNHL LS 1658,(RB445, 62)

were fined over 3s. For the wealthy individual however the fine could be considerable; Ewan Curphy Jr and Patrick Kneal were both censured for fornication were ordered to pay fines of 20s and 50s respectively.<sup>234</sup> Interestingly the widespread adoption of a monetary system of censure in the commonwealth period – especially given its weighting towards the level of fine according to the wealth of the offender - appears to have been a practical response to the problem of spiritual offences. However the records are not extant enough to gauge incidences of relapses, or alternatively whether the lack of the penitential act and required humility in the censures at that time led to greater incidences of future offences in the community. The issuing authorities did not endeavour to impoverish any offender, inability to pay through poverty was apparently excused. The disbursements for the parish of Patrick in 1658 show that a fine of 1s was not collected from an un-named woman who was unable to pay, and the sum was deleted from the records.<sup>235</sup> If inability to pay was acknowledged at the outset then a physical punishment in the form of time in the stocks could be censured, however it appears that for the period the majority of the fines were collected, although the incentive to flee the island when faced with a significant fine was great.<sup>236</sup> The funds collected were disbursed among the needy in the particular parish in which they were levied even though the amounts concerned were not large. In England also fines levied for ecclesiastical offences were used to alleviate poverty and from the mid sixteenth century fines for absence from church were supposed to be used for the poor.<sup>237</sup> However the absence of enforceable church attendance from the mid seventeenth century in England would have restricted this source of income.

The use of fines in 1659 seems to have been a purely secular answer to an ecclesiastical problem; however it served to assist the maintenance of moral discipline over the Manx people during the period. Fines were issued as a matter of course but the more serious offenders were also still required to acknowledge their offences in the parish church. Although the system was abandoned upon the restoration of the Lord of Mann, the continuity that it provided no doubt assisted the church officials to some extent in presenting offenders in the ensuing decade. Bishop Barrow noted the

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<sup>234</sup> MNHL Bride Presentments 1659, Lonan Presentments 1659

<sup>235</sup> MNHL Patrick Presentments 1659

<sup>236</sup> MNHL Braddan Presentments 1659, Patrick Presentments 1659, Lonan Presentments 1659

<sup>237</sup> Houlbrook, *Church courts*, p.154

problems with moral offences in 1667 but it is probable that the policies of the Governors of the island under Thomas Fairfax, in continuing to prosecute moral offences, were partially responsible for the strength of the system of ecclesiastical courts in the island in the ensuing centuries.

Nevertheless, if fines were employed as the only means of censure in certain cases there were several drawbacks to their efficacy. Not only did they remove any aspect of outward recognizance in the offender for his sins thereby making the punishment of offenders less visible to the remainder of the community, they were also more suited to the wealthier members of society. Only when the fines levied were directly responsive to each individual's condition – such as occurred in the Isle of Man in 1659 when officials were required to note the occupation and wealth of each individual presented – were they an adequate system of censure. In large, rapidly expanding parishes (especially as found in some areas of England) or situations where the offender was not widely known in the community, this system would have become difficult to manage, open to abuse, and less reconcilable with the doctrines of the church.

It appears that the Anglican Church in England was severely restricted by the lack of any available censure (apart from that of excommunication) that could be issued for those who refused to perform penances. Therefore those who refused to recognize the authority of the church and accordingly refused to perform their penances were further cast out of the sphere of the church by being excommunicated.<sup>238</sup> As mentioned earlier this in turn would eventually have led to an increasing number of people who were not members of the Anglican Communion. As will be seen this was not the case in the Manx Church Courts. Whilst punishments such as excommunication and penance, together with the less employed physical censures such as the bridle were important to the Manx church there was a significant censure that the Manx church was able to issue in many of the years examined which sets it apart from comparable courts in England. As Albers notes, the English “Church... had no right to extort a fine or imprison the guilty” and behind this simple difference

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<sup>238</sup> Albers, *Seeds*, p.218

lies much of the strength of the Manx church court system.<sup>239</sup> The ability to incarcerate individuals is a very important distinction between the system of Church courts in England and those of the Isle of Man and it could be argued that it was a prime contributor towards the strength of the Manx system.

Under the cathedral of St German's on St. Patrick's Isle, off the coast of Peel, is a crypt that was used as an ecclesiastical prison. The availability of this prison enabled the vicars general, under the guidance of the Bishop, to censure individuals to periods of incarceration. Although the earliest notation of the existence of a Bishop's prison dates from an Ecclesiastical statute in 1577, the first records of a period of incarceration, issued in the years examined for this thesis, were in 1667.<sup>240</sup> At that time Ewan Kissag was committed to prison for living with Jayne Sayle "as man and wife".<sup>241</sup> In the following court he was again presented for having "diverse bastards" with Jane Sayle and his committal was again noted.<sup>242</sup> Similarly Peter Comish was to be committed into St. German's until he supplied bonds to fulfill his penance as he had already refused to comply.<sup>243</sup> The following year John Cubon and Ann Corrin were censured to be committed into St German's prison for their offence of fornication and to remain there until they supplied bonds that they would "satisfy the law," as were Jane Moore and her husband, whilst a similar period of imprisonment was imposed upon Ann Billings for an offence of incest.<sup>244</sup> However imprisonment in the bishop's prison was still not uniformly censured for offences of fornication in the late 1660s instead it was reserved for serious cases or contumacy and offences of adultery were only issued with the censure of seven penances at this time.<sup>245</sup> In this respect the ecclesiastical prison in the Isle of Man functioned upon similar lines to the use of 'de excommunicato capiendo' in the English system that was reserved for contumacy. However in the Isle of Man the employment of periods of incarceration

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<sup>239</sup> Albers, *Seeds* p.220

<sup>240</sup> Bray, *Convocation*, p. 71

<sup>241</sup> MNHL Lezayre Presentments October 26 1667

<sup>242</sup> MNHL Lezayre Presentments January 27 1667/8

<sup>243</sup> MNHL Arbory Presentments 1667

<sup>244</sup> MNHL Rushen Presentments July 4 1668, Presentments file 1668, petition of Jane Moore als Brew. Jane Moore asked for either the whore to be ordered to leave the island or she be allowed to divorce her husband. The vicars general would not permit a divorce as she had cohabited with her husband after the adultery had occurred. However they did specify that Jane should be allowed back into the marital home and the 'whore' should leave the island. Capt. Moore and William Moore had agreed to look after the 'whore's' children, Presentments file 1668 document February 20 1668.

<sup>245</sup> MNHL Lezayre Presentments October 26 1667 Will Maclaycaran

remained under the control of the church and there was no requirement to apply to the secular courts in order to carry out the censure. This is an important distinction between the Manx and the English systems for it allowed for the easier adoption of incarceration by the church authorities. In contrast, the system in England involved such lengthy delays that it effectively prohibited the use of periods of incarceration. Evidence from the parish of Whalley indicates that writs of 'de excommunicato capiendo' were not noted in the records after 1698 and this policy seems to have been all but abandoned in the seventeenth century.<sup>246</sup> It is also important to note that the requirement to use a secular court to impose a period of incarceration in England left the church liable to anti ecclesiastical opinions in the imposition of punishments. The passage of universal pardons from ecclesiastical censure by secular authorities already suggested that the two systems were not always singing from the same hymn sheet. The rarity of periods of incarceration being imposed for any continued contumacy in England suggests that although in theory the punishment was still on the statute books in the late seventeenth century it was not a viable proposition for the English church. This situation did not exist in the Isle of Man where the use of periods of incarceration as a form of ecclesiastical censure became more widespread in the eighteenth century.

In the Isle of Man by the beginning of the eighteenth century fixed periods of incarceration in the Bishop's prison were adopted for cases of fornication or adultery whilst incarceration until bonds were supplied as to future good behaviour was censured for some other minor offences when the church feared that the offender might relapse. The maximum fixed period of incarceration found in the records examined, which was issued at the outset of a censure, was one month.<sup>247</sup> This was issued to some offenders who were guilty of either relapses into fornication or adultery in the years surrounding the close of the seventeenth century. It is important to note that this severe censure was not issued at the specific instruction of a Bishop as its chief incidence was in 1697 when there was no incumbent. It appears that lengthy periods of incarceration were introduced by the Manx clergy without any specific higher ecclesiastical authority, suggesting that the clergy, who would have

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<sup>246</sup> Snape, *Whalley*, p.124

<sup>247</sup> MNHL Rushen Presentments 1697 (2 cases), Maughald Presentments 1697, Arbory Presentments 1702

been responsive to the demands of their parishioners, thought that rigorous censures were needed in order to curb significant lapses in behaviour. The willingness of the Manx clergy to regulate their people, without specific authority from a bishop suggests that the Manx people in general were willing for this regulation to take place and that by the end of the seventeenth century regulation of morals was an accepted aspect of Manx society and that it was not imposed from an externally influenced authority. Indeed the adoption of these fixed periods of incarceration for offences such as fornication marks a distinct divergence from the English system where such a policy was never adopted.

Whilst censures of incarceration were generally short there were also incidences of lengthy periods; especially in cases where release was dependent upon supplying either bonds or a promise of future good behaviour. Ann Billings had spent a quarter of a year in St. German's before she could procure bonds in 1668.<sup>248</sup> Nearly a century later such an eventuality also befell Celia Clinton who was censured for her offence of fornication with the adulterous Ewan Corlet.<sup>249</sup> Celia refused to stay away from Ewan, and Bakee Corlet (Ewan's wife), requested the help of the church in ensuring that Celia left the parish.<sup>250</sup> It appears that Celia again refused and was therefore to stay in St. German's until she supplied bonds to leave the parish.<sup>251</sup> She was unable or unwilling to supply these bonds of £3. It is probable that the majority of individuals who could have promised the bonds on her behalf knew that she would continue to associate with Ewan and therefore did not assist her knowing that the bonds would be forfeit if she re-offended. Celia petitioned the church stating that "she and her infant are now in a most dismal manner imprisoned" and were in the "most starving conditions that may be thought of."<sup>252</sup> As the court requested sight of the earlier certificates of 10<sup>th</sup> June 1762 and 22<sup>nd</sup> June 1761 it can be presumed that she had been in St. German's for a considerable period.

A similar problem occurred in the case of John Quine of Kirk Michael who upon the request of Robert Stephen, made in February 1758, had spent nearly three years in St.

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<sup>248</sup> MNHL Presentments file 1668, Ann Billings

<sup>249</sup> MNHL Lezayre Presentments 1761

<sup>250</sup> MNHL LC 1761, 3

<sup>251</sup> MNHL LC1762, 1

<sup>252</sup> MNHL LC 1762, 1 petition declined November 1762

German's prison for his lack of maintenance payment of 40s for his illegitimate child with Robert Stephen's now wife Mary Calcot.<sup>253</sup> For the preservation of his life the church released John from prison with the proviso that if Rob[er]t wished to keep him incarcerated he, Robert, must contribute 2d per day towards his support. Any period of three years in St. German's appears unimaginable if the conditions were as dire as current investigations would suggest, however it is possible that the period of incarceration allowed a degree of freedom, either in moving about St. Patrick's Isle or in leaving it altogether. (It was not until the mid eighteenth century that the causeway linking St Patrick's Isle to Peel was constructed.) A comparison of the state of health of Ann Billings in the seventeenth century after three months imprisonment with that of John Quine after three years implies that conditions in the bishop's prison had improved. It is probable that if conditions were really dire that the church would have been unable to justify to itself, let alone its parishioners, the use of such a method of censure, and information supplied to the church courts would have declined accordingly.

It is clear from the records that those censured to the normal period of seven days incarceration (fornication cases) were allowed a degree of freedom as to when they fulfilled their censure. Thomas Kermod, the sumner of the parish of Maughald, who escorted offenders to Peel, noted that he took Cath[erine] Corkill to St. German's for her "past crimes" about Easter time in 1762.<sup>254</sup> Cath Corkill had originally been censured for fornication late in 1761 and therefore several months had passed between her period of incarceration being set by the courts and the fulfillment of the punishment.<sup>255</sup> During that time she had not been presented for failing to fulfill her censure, it can therefore be assumed that speedy fulfillment was not necessary, at least during the winter months. In fact, given that the church courts traveled in circuit and undertook their business in a period of about two weeks, three times a year, then immediate fulfillment of any censures would mean that the prison would have been overflowing for a short space of time.

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<sup>253</sup> MNHL LC 1761,1, document 27 January 1761

<sup>254</sup> MNHL Document post Maughald Presentments 1762, August 1762, concerning alledged second illegitimate child of Cath Corlett

<sup>255</sup> MNHL Maughald Presentments 1761

Refusal to attend the prison, once censured, could involve the church officials in requesting the assistance of a soldier to escort the offender to St. German's.<sup>256</sup> Such requests were not numerous, and of the cases that grant permission to apply to the Governor for a soldier it is clear that the soldier was not used in all cases. The Manx ecclesiastical courts seem in the majority of cases to have achieved the co-operation of the offenders without recourse to the secular authorities for the use of a soldier. The attendance of the majority of offenders censured to incarceration, without much objection, implies that they were willing to accept the authority of the church. Incarceration for one or two weeks would have been tolerable if it was undertaken in the warmer months and this is no doubt why the imprisonment of offenders was broadly accepted by the population. However the proximity and 'interaction' of those incarcerated was a problem as it became necessary in some cases of fornication in the 1760s to note in the records that the any man and woman censured together for fornication were not to fulfill their censures at the same time.<sup>257</sup>

The ideals of the Manx ecclesiastical courts in introducing periods of incarceration are linked to the ideas of the penitentiary that was later to be adopted in England for secular offences and the aims were similar for they wished to instill in the offender a sense of penitence and "correction of the mind."<sup>258</sup> Nonetheless the use of Houses of Correction in England, which in some cases were for similar problems to those censured by the ecclesiastical courts in the Isle of Man, were in many other respects different. Periods of imprisonment in St German's were for fixed short periods, whereas a sentence for bastardy in an secular English House of Correction or Bridewell could involve the offender in a stay of one or two years.<sup>259</sup> There were also differences in the method of imprisonment used in the new penitentiaries to the ecclesiastical prison in the Isle of Man. Whilst the penitence of the offender was the motive behind both instances the means of achievement were significantly different. The aim of the English penitentiary, whilst employed for serious crimes, was to bring about penitence by the use of solitary confinement as well as industry, an aspiration outlined in the Penitentiary Act of 1779.<sup>260</sup> On the other hand the methods used in

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<sup>256</sup> MNHL Braddan Presentment, case of Richard Goodman 13<sup>th</sup> Feb 1734

<sup>257</sup> MNHL Bride Presentments 1760 Bakee Goldsmith and Thomas Christian,

<sup>258</sup> Henry Fielding quoted in Ignatieff, *Just Measure* p.46

<sup>259</sup> Howard, *The State of the Prisons* p.69

<sup>260</sup> Ignatieff, *Just Measure*, p.47

the Isle of Man to gain the penitence of offenders brought before the ecclesiastical courts were less severe than might be expected from an initial investigation. It appears that the imposition of a period of imprisonment was designed to act as a deterrent rather than a means to gaining a promise of reformation. It was the fulfillment of penances in the parish church, or penances in various churches in the island in more serious cases, that was the means by which the Manx church endeavoured to gain penitence from the sinner.<sup>261</sup> The censure for offences such as fornication in the Isle of Man in the eighteenth century always combined a period of incarceration with penances and the supply of bonds as to future good behaviour.

Whilst a fixed number of three penances and period of seven days incarceration would be censured for first offences of fornication, later in the eighteenth century the Manx church adopted a different approach regarding relapses. As some offenders, after completing their censures, continued to re-offend, the church in the 1760s found it necessary to impose an unlimited number of penances until the vicar, wardens and other worthy members of the parish deemed that the individual was truly penitent. Of course if the offender was truly penitent then the number of penances might be small, but it nevertheless aimed at ensuring that all who were received back into the church had reformed. Cath[erine] Corkill, presented for a relapse into fornication, was ordered to stand at the church door in penitential habit every morning and evening service until the minister and wardens deemed her penitent.<sup>262</sup> Their certificate dated a year after the initial presentation affirms that they believed that by then she had achieved penitence. These censures of penances until truly penitent were also given to men who relapsed into either adultery or fornication in this period.<sup>263</sup>

If a comparison could be made of the numbers incarcerated it is probable that usage of the Bishop's prison in the Isle of Man, as an alternative to a Bridewell or House of Correction, was far greater than for similar jurisdictions in England. During the 1730s over 400 individuals were censured to a period in the Bishop's prison for sexual offences, this number rising to over 500 for the 1760s and nearly 700 for the 1790s. However the short period of detention for the majority of Manx offenders is

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<sup>261</sup> MNHL Ballaugh Presentments 1762, Lezayre Presentments 1766, Onchan Presentments 1730

<sup>262</sup> MNHL Malew Presentments 1760 and attached document dated 15<sup>th</sup> March 1761

<sup>263</sup> MNHL Onchan presentments 1760 Rob[er]t Cesar,

different from the figures as to length of sentence found by John Howard.<sup>264</sup> In the Isle of Man in 1762, 31 individuals were certainly censured to fixed terms of imprisonment in St. German's for sexual offences (other cases brought in that year either being transferred to a higher court, deferred until a later sitting, or awaiting the offenders return to the island) whereas in a further 28 non-sexual cases in that year the offender might have also spent time imprisoned. Censures issued in these other cases could be either to promise reformation or be committed, to be committed until bonds were supplied, or to be committed if there was any failure to comply with the orders of the church. This type of censure was given in cases where the churchwardens had failed to supply accounts for the assessments levied. Thus in any number of these additional 28 cases in 1762 the offenders might have spent a period in St. German's. These figures indicate that in many years there would have been a small but steady number of individuals who spent time incarcerated upon St. Patrick's Isle upon the instructions of the Manx church.

How severe individuals considered the deprivations of St. German's prison to be is unclear. Waldron, whose accounts were often subjective, described the Bishop's prison as a place where it was "morally impossible for the strongest constitution to sustain the damps and noisomness of the cavern even for a few hours", and that therefore the soldiers in the garrison allowed the prisoners to spend their time in the castle.<sup>265</sup> Wherever on St Patrick's Isle the prisoners were confined the case of Thomas Kelly Jr. highlights that there might be some ambiguity as to how the prison was viewed by the population.<sup>266</sup> In 1733 Thomas was censured, alongside several others for selling brandy to visiting ships on the Sabbath. His censure was to be committed into St. German's prison until he provided bonds of £3 not to re-offend, he was also to undertake one penance and to pay a fine of 2s6d. His petition notes that he had undergone his period of confinement, and wished to be excused from his penance and fine as he was truly sorry. The church granted his request upon the condition that he acknowledged his fault in the presence of the congregation. His willingness to be incarcerated but not to undergo a penance would be puzzling if the conditions in St. German's were as severe as Waldron suggests. His petition

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<sup>264</sup> Howard, *Prisons*, p.69

<sup>265</sup> Waldron, 'Isle of Man', pp.19-20

<sup>266</sup> MNHL Douglas Presentments 1733

specifically notes that he had undergone his imprisonment and there is no indication that he had merely supplied to the bonds to the controller of the garrison on St. Patrick's Isle and returned home immediately. It is possible that opinions as to the prison being totally uninhabitable were unduly influenced by specific groups and present day conceptions of living standards, and do not reflect the poor state of the living conditions of the majority of the Manx population in the eighteenth century (the living conditions in the Bishop's prison might not have been significantly worse than those experienced by the population every day of their lives).

Use of the Manx ecclesiastical prison first appears in the extant documents for the episcopacy of Bishop Barrow, who was also governor of the island between 1664-8. This combination of the roles of the Governor and Bishop in Isaac Barrow no doubt aided the imposition of ecclesiastical discipline at this time for the Governor was the representative of the Lord of Mann who was in turn the head of the secular courts on the island. The hand of Bishop Barrow in enforcing ecclesiastical discipline was however not only supported by the combination of his position as Governor and Bishop but also in a Statute passed by James Stanley in 1636. At that time the secular courts had become burdened with a surfeit of "unnecessary appeals from the Ecclesiastical Courts." In response to which the Lord of Mann passed legislation prohibiting appeals from the "Ecclesiastical courts to the Lieutenant or the Captain or his Deputie or to the Judges or 24 Keys or any of them" for any matter concerning the governance of the church – such as "Excommunication, Suspensions, Incest, Adultery, Fornication, Profanation of the Sabbath, Cursing.....".<sup>267</sup> It appears that thereafter appeals were only to be made to the Lord of Mann or his appointee - the Governor. If any claimant wished to protest about the ecclesiastical laws there would have been no ability to appeal to another court without leaving the island, and of course approval to leave the island also had to be sought from the Governor. The combination of the roles of Bishop and governor under Isaac Barrow was an important influence upon the strength of the Manx church court system of censure. The disagreements in the early years of the eighteenth century between Governor Horne and Bishop Wilson, which for a time threatened the authority of the Manx Church, suggest that the Manx church would have been unable to introduce the use of

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<sup>267</sup> J. Keble, *The Life of the Right Reverend Father in god, Thomas Wilson, DD Lord Bishop of Sodor and Man*, (Oxford 1863) pp.139-140

a prison, were it not already in existence, for ecclesiastical offences in the eighteenth century.<sup>268</sup>

In conclusion the appointment of Bishop Barrow as Governor and Head of the Manx church no doubt strengthened the authority of the church in imposing moral regulation and supplied a viable stepping stone from which to confront the demands that would be placed upon spiritual regulation of manners during the latter seventeenth and eighteenth centuries. Additionally, the variety in severity of the censures available to the Manx church gave them a far more effective means of regulating behaviour than was found in the English church courts. The censures issued could be easily tailored to fit the severity of the offence and the threat of imprisonment was a viable alternative to penances or excommunication. The consistency with which censures were imposed was also important in enforcing the concept of a deterrent. Indeed it was perceived in the eighteenth century that one of the chief drawbacks of the secular courts in England was the availability of pardons and thus the inefficacy of punishments to fulfill this criterion.<sup>269</sup> As only two Vicars General were appointed in the Isle of Man at any given time and their positions were usually held until their death they were able to issue uniform sentences throughout the island. Whilst the severity of censures varied over time in the seventeenth century, the record keeping in the eighteenth century was able to ensure not only efficient cross-referencing of cases but also consistency of censures. At this time the censures for sexual offences were so consistent that any offender who was found to have committed fornication could not doubt that he or she would be imprisoned for a period of seven days, ordered to fulfill three penances and provide bonds of £3 not to re-offend. Those guilty of adultery would undergo fourteen days incarceration, seven penances and again bonds of £3. This consistency assisted the church in imposing discipline and regulating behaviour, for only in extremely rare cases was an individual able to gain any diminution in the censure for these offences. The steady flow of such cases through the church courts and the fulfillment of penances in front of the congregation would have made the entire population understand that such a censure would be issued for a sexual offence. The ecclesiastical court was therefore able to issue censures that acted as an effective deterrent, a very dissimilar situation to the

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<sup>268</sup> Gelling, *History*, pp. 6-10

<sup>269</sup> Fielding, *Robbers*, p.166

secular courts in England that Fielding noted were no longer providing such a service. For as Fielding noted, a deterrent would only be effective if it was always carried out.<sup>270</sup> The excusal of offenders, just as in the mass pardons from the English ecclesiastical courts, only served to dilute the efficacy of the available deterrents.

The prosecution of unacceptable behaviour through the church courts is not unique to the Isle of Man, however its continuance into the late eighteenth century, to the extent that is evident from the extant records, sets the Isle of Man apart from England. The Manx church was still regulating the behaviour of the people at the close of the eighteenth century when this control was no longer practised to the same extent in other jurisdictions.<sup>271</sup> As Table C indicates the Manx church courts still dealt with a considerable volume of business at the close of the eighteenth century and maintained a remarkable influence over the lives of the people. The continuation of ecclesiastical discipline in the Isle of Man was due to a combination of circumstances and methods, however the continuity of the system and the censures issued by the Manx church certainly contributed to the strength of the system of ecclesiastical discipline on the island.

As previously noted the seventeenth century in England involved a period of upheaval for the established church. Church courts in England were suspended for the duration of the commonwealth period and therefore did not function between 1646 and 1660. This led to some types of offence being transferred to the secular domain and a lapse in regulation for other offences. Attempts to re-impose ecclesiastical discipline in 1660 were therefore problematical. Not only had there been a lack of regulation of some types of ecclesiastical offence during the interregnum, but in some cases those who were appointed to regulate the English church courts upon the restoration were not familiar with the administration and functioning of the courts - in only nine of the twenty-six dioceses of England had the previous Bishop survived the Interregnum.<sup>272</sup> Whilst the church courts that dealt with the proving of wills were the first to be re-established, other aspects of the church courts took a greater time in which to be re-vitalised.

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<sup>270</sup> *ibid*

<sup>271</sup> Albers, *Seeds*, p.276

<sup>272</sup> Green, *Church of England*, pp. 123, 117

In the Isle of Man however the situation was different; there was no appointed bishop during the Interregnum, but this had been the position since 1633 and it was not until 1651 that the Isle of Man was transferred into the control of the Parliamentary forces. The records for the period also indicate the continuance of the church courts during the 1650s. Not only are there extant documents regarding the sittings of these courts in 1659 (although they were supervised by the governor rather than the bishop) but in the early years of the Parliamentary rule some records survive that indicate the church courts were also functioning in 1652.<sup>273</sup> The Manx church not only maintained its clergy throughout the period, but was also able to continue its exercise of moral regulation as well as the administration of wills.<sup>274</sup>

It is possible that Bishop Barrow and the Manx church's introduction of severe censures in the late 1660s for offences such as relapses into fornication, might have initially met with a degree of displeasure, however by the close of the seventeenth century the majority of censures were less severe than they had been thirty years earlier. Even when the Bishop's prison was introduced and there was the greatest incidences of individuals being censured to time in the stocks, there must have been some agreement, even if tacit, between the people and the church as to the imposition of censures and the classification of offences, as the information which was compiled into the presentments was still supplied to the church officials by parishioners.

The use of an ecclesiastical prison, which sets the Isle of Man apart from other dioceses, would have been more easily founded in a jurisdiction, such as the Isle of Man, where the secular and ecclesiastical governance was combined for a short time and the appointment of Bishop Barrow as governor of the island is significant. This aided the imposition of strict ecclesiastical censures, and helped the church exert its authority as a regulator of morals. Once the population had become familiar with strict ecclesiastical discipline then the status quo would have been easier to maintain. By the 1730s there would have been few alive who could remember a time when there was no ecclesiastical prison and the consistency in censures for the serious

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<sup>273</sup> MNHL EW 1651, f 32 + 2, April 3 1652, concerning slander of Kath Quackin,

<sup>274</sup> For the comparable problems in England with wills Green, *Church of England*, pp. 132-3

ecclesiastical offences during the preceding thirty years would have facilitated their acceptance by the population.

A comparison between the censures employed and available to the English church with those of the Manx church therefore highlights significant advantages in the Manx situation. The English church was restricted by the lack of variety in the censures available. By the eighteenth century these had been reduced to excommunication (possibly reinforced in isolated cases with secular imprisonment for contumacy), public penances (which were sometimes undertaken in the marketplace), private penances and admonition by the clergy. Conversely, the Manx church was able to impose more varied punishments, in varying degrees of severity that could be tailored to fit the offence more effectively. As the ultimate punishment there was still the censure of excommunication, however the Manx church was also able to order imprisonment in the ecclesiastical prison for a limited period for certain offences, imprisonment for an unlimited time until bonds as to future good behaviour were supplied, for the early eighteenth century dragging after a boat for serious sexual offences (it appears that although this was a notorious censure that it was carried out only very infrequently and sometimes excused upon appeal), sitting in the stocks at market time for fixed periods (used in the seventeenth century) lashings of the whip (again used in the mid seventeenth century), wearing a scold's bridle for a limited time for certain verbal offences, penances that were to be fulfilled at the church door for every service whilst the congregations were entering and leaving, penances at different churches in the island, penances inside the church, admonition by the vicar, acknowledgement of an offence in time of divine service, compulsory visits to the vicar to receive instruction on proper behaviour, reconciliation between individuals during the service and occasional fines.

This arsenal of censures employed by the Manx church was therefore considerably heightened over its equivalent in England and it is the variety in the censures available to the Manx church that facilitated and was influential in the continuing prosecution of ecclesiastical offences throughout the eighteenth century. The Manx church did not have to resort to excommunication for serious transgressions (thereby further casting out individuals from the influence of the church) instead it was able to issue other censures that were deemed more suitable to the offence and which in turn

would seem more acceptable to the congregations that supplied the information as to the offences committed. The combination of the variety of censures available to the Manx church, the continuation of moral regulation during the commonwealth period, the comparatively small size of the diocese and the parishes, both by population and acreage and isolated other occurrences such as the office of Governor being held by Bishop Barrow in 1668, together with the frequency of visitation courts and the roles of churchwarden and chapter quest in all parishes served to strengthen the position of the ecclesiastical authorities in maintaining the moral regulation of the Manx population. However none of these criteria would have been effective without the willingness of the parishioners to supply information to the courts a factor that doubtless aided the continuation of the Manx church's regulation of morals throughout the eighteenth century. How these factors combined can be assessed in an examination of the prosecution of offences.

#### **4. Sexual offences**

In order to effectively examine the viability and functioning of the Manx church courts in the seventeenth and eighteenth centuries it is essential to compare the volume and types of business transacted at these courts with comparative records for English Dioceses. Although, as previously noted, there were considerable differences between the types of censure available to the Manx Ecclesiastical authorities and those employed by their counterparts in England, this information alone does not provide the complete picture of the functions of the ecclesiastical courts. It is important to evaluate whether censures were applied with regularity, whether these censures were accepted by the community and whether the 'visitation' courts in the Isle of Man were in a stronger position than their English equivalents in the eighteenth century. The differences between the types of offence and volume of business brought before and censured by the church courts over time in the Isle of Man and England would therefore help to ascertain whether the Manx courts did manage to maintain moral regulation of the population longer than comparative dioceses in England and if so give possible reasons for this situation.

As research into equivalent records in England has not been extensive to date, for the purposes of this chapter the research by Jan Albers into the diocesan courts of the Bishopric of Chester has again been taken as the main comparison for the Manx courts.<sup>275</sup> In both dioceses the church court records provide invaluable information as to the moral regulation of the population as they contain details of cases of sexual misconduct, (fornication, adultery, ante-nuptial fornication and incest) verbal offences (slander, cursing, swearing and charming) offences regarding Sabbath observation (non attendance at church, Sunday working, irreverence in church, Sabbath drinking and dancing) and other offences ranging from disrepair of church furniture or churchyard, non payment of assessments and problems with irresolute clergy. Not only do the majority of presentations serve to illustrate the behaviour of a large (often illiterate) section of the community that left little other evidence as to their beliefs and behaviour but they also indicate the concerns of the church and also of the population regarding the moral conduct of their neighbours. Much of the research undertaken for

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<sup>275</sup> Albers, *Seeds*

this thesis illustrates the actual functioning of the Manx ecclesiastical regulation of morals, it is important to realise that previous writings on this subject have often undertaken a piecemeal evaluation of the sources, dipping into particular notorious cases and overlooking the vast majority of run of the mill offences that were dealt with regularly by the ecclesiastical authorities.<sup>276</sup> Importantly, even works published in the eighteenth and nineteenth centuries do not adequately give the full picture of Manx behaviour; in sympathetic writings there was often an inability to gain much information as to the practices of the population.<sup>277</sup> In contrast, in some English writings of the period the economic considerations surrounding Revestment made reports so subjective that their evaluations of the Manx people, noted as being guilty of “England’s ruin,” backward and lacking adequate laws, together with other information supplied, need to be viewed with some scepticism.<sup>278</sup>

It is logical to accept that the church’s moral regulation of the population was not static during the period under review. In the seventeenth century the comparative geographical isolation of the Isle of Man together with the language barrier, restricted the Manx people’s interaction with other cultures.<sup>279</sup> However the expansion of the ‘running trade’ during the eighteenth century clearly brought about increased external contact and this may have impacted upon the moral behaviour of the population, either by influencing its practices or in affecting the actions taken by the Manx church to continue to exercise some form of control over the morals of the population. The moral regulation of the population by the Manx church certainly experienced a significant amount of external influence during the late seventeenth and eighteenth centuries – how it responded to these influences and how the situation at the close of the eighteenth century had changed from that in the middle of the seventeenth is an important factor in assessing not only the efficacy of the ecclesiastical authorities in regulating the behaviour of the population but also in evaluating whether the church courts at this time were far stronger in the Isle of Man than in comparative dioceses in England.

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<sup>276</sup> Usher, *White sheet confessions*, Gelling, *History*,

<sup>277</sup> A.W. Moore, *The Folklore of the Isle of Man*, (1891 republished Felinfach 1994), p.11

<sup>278</sup> J. Baldwin, *British Liberty in Chains and England’s ruin on the Anvil of the Isle of Man* (London 1755) Eighteenth century collections online, C. Searle, *A Short View of the Present state of the Isle of Man*, (London 1767) Eighteenth Century Collections online, pp.3-6

<sup>279</sup> J.R.Dickinson, *The Lordship of Man Under the Stanleys, Government and Economy in the Isle of Man, 1580-1704*, (Preston 1997), p.247

Before examining the caseload of the church courts in their entirety over the period examined it is necessary to evaluate the changes in the reported incidences of certain types of ecclesiastical offence between 1640 and 1799. In all cases it is merely the number of reported cases that are being evaluated - as will become apparent, reported incidences could vary considerably from actual numbers of cases. However, as we will find, it is probable that at certain times and for certain offences, only a few incidences managed to escape presentation.

As the 'visitation' courts were frequently referenced as the 'bawdy' court it is logical to start an examination of their volume of business with the prosecution of sexual offences. Sexual offences were viewed as some of the more serious transgressions presented to the ecclesiastical courts and were never absent from the records in the years examined. As will be seen they were also liable to less fluctuation over time than other types of case, indicating that not only did they involve a high report to incidence ratio – reflecting the actual practices of the population - but that the church had a limited role in curbing this type of behaviour in the population. It becomes apparent that the church was never able achieve total compliance with its ideals of sexual morality.

The most serious sexual offences, such as rape and buggery were transferred to the secular courts, the church courts being left with censuring acts of adultery, fornication, incest (which in the records examined involved sexual relations between parties that were not entitled to marry, such as a woman and her brother-in-law, rather than blood relatives) and ante-nuptial fornication, (evidenced by a child being born too soon after the marriage). Although cases of rape and buggery were transferred to the secular courts, information concerning the circumstances of the events that preceded the allegations were often included in the church court records, for only upon the allegation being proven in the Manx ecclesiastical court was it transferred. Even so such allegations were extremely rare. There was only one allegation of buggery (bestiality with a mare) in the years examined which, at first sight, seems to have been adequately proven with witnesses at a special sitting of the church courts, however upon transferral to the secular authorities the case was acquitted, ruled as

merely “attempted buggery” and returned to the church courts for censure.<sup>280</sup> In the Isle of Man, akin to rape, it was considered a capital offence; as there was no benefit of clergy in Manx law, if found guilty then execution would result. The possibility that the courts were reluctant to bring a guilty verdict knowing the punishment that would ensue must not be discounted. The rarity of this case in the Manx records supports the evidence from England where such cases were also practically unknown.<sup>281</sup>

Manx tradition suggests that in rape cases that were brought before the secular courts if a guilty verdict was reached the woman was consulted and given three options; a rope to hang the man, a sword to kill him or a ring to wed him, however evidence of this custom being practised is elusive in the records. Nevertheless rape cases that commenced their journey in the ecclesiastical courts often involved lengthy depositions and it is difficult to quantify the strain placed upon the women or girls who sought to bring such cases. However in a small community the plaintiffs and defendants in the cases were frequently known to those involved in making the judgements and it is probable that personal knowledge of those concerned would assist in the verdict. Cases such as that of Mitchell Kneen, for raping a girl who was under 14, were transferred to the secular courts, whilst Adam Cain, for his second offence of attempted rape was fortunate to receive only two penances and remain within the remit of the ecclesiastical authorities.<sup>282</sup> However it becomes apparent from the records that any allegation of rape might be difficult to prove. Mary Kewley was presented for adultery alongside John Quine, however upon the matter being transferred to the consistory court the allegation became less clearly defined and an allegation of rape was made.<sup>283</sup> Witnesses confirmed that she had been seen drinking with him in the alehouse and they had left together, John saying that he would walk her home. The allegation of rape was unclear, the chief allegations against her were that she had not immediately reported that the offence had taken place and she had willingly left the alehouse with John Quine. Eventually Mary’s husband was ordered to pay the costs of one of the witnesses involved in the case, which amounted to 1s4d

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<sup>280</sup> MNHL German Presentments 1731, there appear to be no extant records of the secular courts for this case

<sup>281</sup> P. Laslett, *The World We Have Lost*, (London 1971) p.137

<sup>282</sup> MNHL Andreas Presentments 1768, Ballaugh Presentments 1730

<sup>283</sup> MNHL Lonan Presentments 1762, LC 1762, 1

and the allegation of rape was rejected. Rape or attempted rape cases only amounted to a handful of cases in the 7,688 cases brought in the years examined. The severity of the punishment and the grey areas surrounding some cases would have made many cases difficult to prove, only in such clearly cut cases such as that of Mitchell Kneen was the verdict easy to reach.

The sexual cases that the ecclesiastical courts were at liberty to censure were those of adultery, fornication, ante-nuptial fornication, incest, criminal conversation and cohabiting. Incest cases were also rare in the records. In the majority of these cases the parties involved were linked by marriage, for example a woman and her brother-in-law, and it appears that there was often an ignorance of the law in some of the cases especially regarding whether the parties were at liberty to marry if the individual that provided the link between the couple had died.<sup>284</sup> Presentations for incest were rare in the Manx records but a small number are found in the period examined. Comparison with the diocese of the North West of England is again difficult as the published works seldom differentiate between the different serious sexual offences although they clearly provided a small volume of the business transacted as noted by the citation of incest cases in the parish of Whalley in 1693 and Ecclestone in 1722.<sup>285</sup>

In the Manx courts incest cases accounted for the presentation of twelve individuals in the years examined between 1640 and 1799, with notation of the punishment involved in another case in the late 1660s appearing in the records of 1668. Although the initial presentation for this case is not in the extant ecclesiastical records it is clear that Mollineux Moore was presented alongside Ann Billings for incest before June 1668, (she having been the sister of his dead wife) as the details of the fulfilment of the many penances required and the poor health of Ann are contained in the presentments files.<sup>286</sup> Thereafter cases of incest are only evident in the 1730s and 1760s.<sup>287</sup> In the case of John Kinley and Joney Shimin again the incest had only occurred after the death of John's wife (Joney's sister), however the parties were still not allowed to

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<sup>284</sup> MNHL Presentments file 1668, Ann Billings

<sup>285</sup> Snape, *Whalley*, p. 125, Albers, *Seeds*, pp. 269-273

<sup>286</sup> MNHL Presentment files 1668

<sup>287</sup> MNHL Malew Presentments 1735,6 and 1739, Andreas Presentments 1737, Patrick Presentments 1736, Lonan Presentments 1761

legally marry. The couple were clearly attached to each other as they travelled to Ireland and went through a marriage ceremony in Dublin, however they were presented for incest upon their return to the island in 1739 and the marriage was not recognised.<sup>288</sup>

There appears to have been a slight difference in the treatment of incest and adultery cases between the Manx church and the Diocese of Chester. Albers notes that for many adultery and incest cases the deanery courts transferred the business to the chancellor's courts in Chester and Richmond.<sup>289</sup> A comparative action does not seem to have been taken by the Manx church where censure for these offences was still distributed by the vicars general, only cases of relapse in the offence were transferred to the consistory court. Comparison of the censures advocated for cases of incest in the seventeenth century in the Isle of Man and English dioceses is not easy. The only case referenced in the Manx records examined for this period, occurring in the 1660s, however evidence suggests that penances in the many churches of the island and also one hour in the stocks in a particular market, was censured for the offence at this time.<sup>290</sup> For a comparable case in the parish of Whalley in Lancashire at the close of the seventeenth century the woman involved was to similarly to stand at the market cross for one hour, in what appears to have been penitential habit, as well as undertaking penances in the parish church.<sup>291</sup> Importantly in this case, in a censure issued by the consistory court, she appears to have been given a more severe censure than her co-offender (her husband's son). The equal censures issued to the Manx people censured for incest indicate an equal distribution of guilt for these offences, although the possible age difference of the offenders in the Whalley case might explain the severity of the censure issued to the woman involved. Nevertheless the censures issued for incest in the Isle of Man and Lancashire in the seventeenth century were, as in several other types of case, more severe than their eighteenth century counterparts.

The Lancashire case of incest – between a woman and her late husband's nephew (Elizabeth Huxley and Thomas Orme) described at length in Alber's research in many

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<sup>288</sup> MNHL Malew Presentments 1735,6, and 1739

<sup>289</sup> Albers, *Seeds*, p. 247

<sup>290</sup> MNHL Presentments file, depositions February 18<sup>th</sup> and 20<sup>th</sup> 1668/9

<sup>291</sup> Snape, *Whalley*, p. 125

respects also mirrors the Manx case involving Joney Shimin and John Kinley.<sup>292</sup> In both cases the respective spouse of one of the parties had died and attempts were made to marry outside the parish, and therefore in an area where the history of the couple was not known, however only the Manx couple succeeded in completing the marriage service, even though the marriage was not recognised by the Manx church. The penalties for incest also varied between the two jurisdictions, Elizabeth and Thomas in Lancashire received penances on successive Sundays for their offence whereas Joney and John were censured to fourteen days imprisonment apiece, several penances and fines were also considered. Upon a relapse in the offence when they had married in Dublin they were to be committed until they provided bonds not to associate except in church or market and were to fulfil penances, which in John's case were to be undertaken in all the Southside churches on the island (churches in the parishes of Lonan, Onchan, Braddan, Santan, Marown, Malew, Arbory and Rushen). The prohibition of the couple meeting, except in church or market was also censured upon a relapse in the aforementioned case of Elizabeth and Thomas from the Diocese of Chester.<sup>293</sup> The similarities in some aspects of the censures given for incest in Lancashire to those in the Manx courts confirms the link between the Manx ecclesiastical courts and its English counterparts, it is only the ability of the court to issue an additional censure of a period of incarceration that indicates the strength of the Manx church and its greater imposition of moral discipline upon the congregation.

The number of cases of incest in the Isle of Man as a proportion of the total sexual cases brought before the courts is similar, although incidences are slightly reduced, to figures for the Diocese of Worcester in the early seventeenth century. For the period 1615 – 1629 twenty-eight cases of incest were brought for this diocese in comparison to “hundreds” involving other sexual offences.<sup>294</sup> These figures compare to twelve cases of incest in the Manx courts for the years examined out of a total 2,346 cases of sexual misconduct. The figures of incest cases involving actual marriage are also comparable and indicate similar trends, although incidences in Worcester were again higher than their Manx counterparts. In the Diocese of Worcester incest involving marriage accounted for four of the twenty-eight cases, whereas in the Isle of Man only

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<sup>292</sup> Albers, *Seeds*, p. 269-272

<sup>293</sup> Albers, *Seeds*, p.271

<sup>294</sup> Outhwaite, *Rise and Fall*, p.59

one case involved actual marriage. In the Diocese of Sodor and Man the size of the area and its relatively small population meant that the possibility of being discovered trying to marry illegally was greater than in a more disparate community, furthermore the difficulties in travelling to another region to marry further hindered the process for the Manx couples, not only through obtaining passage across the Irish Sea but also in the requirement in the seventeenth century for permission from the Lord of Mann or the captain of the parish to leave the island.

It therefore appears, given the paucity of information concerning incidences of incest, as opposed to other serious sexual offences in English dioceses, that the number of these offences presented to the courts was not significantly different in the Isle of Man to some other English jurisdictions. Incest, a serious sexual offence, was unlikely to be overlooked in either area and it is probable that actual incidences in the population closely mirror the number of cases presented. The inclusion of a period of incarceration in the censure issued for this offence in the Isle of Man in the eighteenth century indicates more the general strength of the Manx church courts rather than, as will be seen, their different treatment of this sexual offence in isolation.

In contrast figures for the offence of adultery are far more obvious in the ecclesiastical records of the dioceses studied for England and the Isle of Man than cases involving incest. However clarity is required in the definition of 'adultery.' As noted by Outhwaite the term appears to have been used in the fifteenth century for a sexual misconduct where one or more of the parties was married, leading to its appearance as the most common sexual offence for London in the late fifteenth century.<sup>295</sup> However later the term adultery was merely used for those individuals who were married. Therefore in the Isle of Man cases involving only one married individual resulted in one presentation for adultery and one for fornication.<sup>296</sup> As the evidence for any act of sexual misconduct was often the pregnancy of the woman concerned, adultery committed by women was always less obvious than that committed by men. A man's adultery with an unmarried woman often only came to light when she filiated the child upon her presentation for fornication, whereupon he

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<sup>295</sup> Wunderli, 'London Church Courts', quoted in Outhwaite, *Rise and Fall*, p. 60

<sup>296</sup> MNHL Andreas Presentments 1760, Mary Corlet, John Joughin

would be presented for adultery.<sup>297</sup> Only in rare cases were the man and woman involved in a case that cites adultery both already married.<sup>298</sup> Indeed of the Manx individuals who were presented for adultery over two thirds were men (99 out of 144). More significant indeed is the ratio of men to women in cases of relapse into adultery where of the 6 individuals cited 5 were men. It is possible that much of the increase in male over female adultery might be explained by difficulties in gaining supporting evidence of adultery in women. In the days before any DNA testing and in which it is probable that the majority of the population would have possessed similar physical and facial characteristics (as there was not a significant influx of non-Manx individuals into the population base) any child might be presumed to have been fathered by the woman's husband without significant evidence to the contrary. Only in cases where the adultery was obvious or husband had been absent was the parentage of the child disputed by the church courts.<sup>299</sup> Interestingly in one particular case, which was later excused, Thomas Crow was presented for adultery as he had been absent in Douglas for a significant period in order to find a cure for the "French Disease." There is the presumption in this case that his wife had not been infected, or was known not to be adulterous and that therefore that he had been guilty of committing an offence.

Presentation for adultery in the church courts was never a short course towards divorce. As noted by Outhwaite, divorce cases in the church courts were "never very common" and became increasingly rare towards the seventeenth century.<sup>300</sup> Although divorce cases in England were increasingly transferred to the London Consistory Court for the eighteenth century even these cases only amounted to on average ten per year. Certainly in the Manx church courts presentations for adultery were usually made as "common fame" and there is no indication that the adulterer could remain absent from the marital home without incurring further presentations for not co-habiting. Presentations for adultery were made by the church officials with a view to upholding the state of marriage and supporting the aggrieved spouse as well as being part and parcel of some offences of fornication. In the years for which the records of the Manx consistory court have also been examined no applications for divorce were

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<sup>297</sup> MNHL Patrick Presentments 1730 Cath Cottier and following courts, John Cowin

<sup>298</sup> MNHL Malew Presentments 1730 Elinor Slater, Richard Harrison

<sup>299</sup> MNHL Patrick Presentments 1790, Jane Wotton, LC 1737, Jane Moore

<sup>300</sup> Outhwaite, *Rise and Fall*, p. 54-55

heard by the church courts. In the Isle of Man in the eighteenth century adultery presentations were not the first stepping stone to an application for a divorce, instead they were a subdivision of the sexual offences, and were viewed as more serious than allegations of fornication. Adultery was prosecuted by the church courts in order to support marriage and not only to enforce the promises made but also to ensure harmony in the community. Even when an individual was censured for adultery there was never any possibility of the marriage being disregarded. Once censure had been completed the offender was to return to the marital home and further contact with their co-offender was prohibited. In cases when the adulterous man had difficulty in staying away from the woman concerned, the aggrieved wife was able to enlist the help of the ecclesiastical authorities and in some cases the offending woman was ordered to leave the parish.<sup>301</sup>

The correlation between incidences of fornication and those of adultery shows some similarity in the areas examined for part of the period. Although classification is sometimes difficult as the secondary works for some dioceses do not separately classify the offence of adultery to that of fornication.<sup>302</sup> Figures do exist however for some areas; for the parish of Whalley in Lancashire, in the eighteenth century the ratio of adultery cases as a proportion of the total cases of sexual misconduct declined over the period. In the Lancashire parish there were twelve cases of adultery out of a total 159 sexual cases for the period 1712-20 (7.5%) and for the following decades examined by Snape adultery cases never again reached double figures, accounting for at most 4 cases out of 108 in 1761-70 (3.7%) and only 2 out of 285 sexual cases in 1741-50 (0.7%).<sup>303</sup> It becomes apparent that for the Parish of Whalley at least adultery cases ceased to be presented as a separate offence as regularly towards the end of the eighteenth century as had occurred earlier. Declining presentations for adultery could result from several factors; the possibility that in times of economic expansion the burden on the parish of illegitimate children was less onerous, that it became easier to disguise incidences of adultery from the ecclesiastical authorities or that adultery figures were increasingly absorbed into the overall figures for fornication.

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<sup>301</sup> MNHL LC 1762, 1 Margaret Lace against Catherine Kneale and Bakee Corlet against Celia Clinton

<sup>302</sup> Kinnear, 'Carlisle' p. 196

<sup>303</sup> Snape, *Whalley*, p.115

Figures for the South Lancashire also indicate a decline in adultery cases as a proportion of the total sexual cases in the eighteenth century although in this area there was a revival in the presentation of this offence in the 1740s alongside other sexual offences. In South Lancashire in the 1710s 74 cases of adultery or incest were brought out of 793 sexual cases (9.3%), which increased numerically although not as a proportion of the whole, to 123 cases out of 2842 (4.3%) in the 1740s before declining dramatically to 34 out of 1824 (1.8%) in the 1770s.<sup>304</sup> It is clear that the presentations for the offence of adultery significantly declined during the eighteenth century in the North West albeit that there was a resurgence in the prosecution of the offence mid century. It is possible that part of the decline in cases notified in the visitation records resulted from a change in the court that dealt with this type of case. Albers notes that many cases of adultery and incest were transferred to the chancellor's courts in Chester and Richmond.<sup>305</sup> However it is clear that even in decades in Lancashire where the number of adultery presentations did rise they failed to keep pace with the increasing population or even the number of presented fornication cases. Given that the number of fornication cases rose in South Lancashire in the 1740s then it is possible that the classification of adultery cases had indistinct definitions in the eighteenth century and that some cases of adultery were increasingly classified as fornication, or that the concerns of the church courts with sexual misconduct were primarily designed to present fornication and some cases involving adultery slipped through the net. The latter scenario would support the view that there was an economic motive behind many presentations for sexual misconduct. Any case of adultery that involved either a woman who was already married or a couple who were both married would not result in an illegitimate child being placed upon the parish and only cases involving married men would be likely to add to the economic burden on the parish rate. However this is perhaps an oversimplification of the causes behind the disproportionate decline in adultery cases. Nevertheless it is clear that the number of presented cases of adultery in South Lancashire in the 1770s was less than half the equivalent presentations sixty years earlier. The coincidence of these figures at a time of rapid population expansion

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<sup>304</sup> Albers, *Seeds*, p. 225

<sup>305</sup> Albers, *Seeds*, p. 247

indicates that an increasing number of adultery cases must have ceased to be notified to the church courts.

Figures for the number of adultery cases in the Isle of Man initially indicate the same overall trend to the figures for the Diocese of Chester for the early eighteenth century. (Table D) Indeed the proportion of adultery cases in relation to sexual offences for the years at the beginning of the eighteenth century in the Isle of Man (1695-1704) and Lancashire (1710s) is remarkably similar (9.4% compared to 9.3%). The similarity between the percentages of sexual cases that were classified as adultery in the early eighteenth century suggests that figures for those presented at that time are close to the possible totals that might be presented for this offence. Later figures support this view. In the Isle of Man in the 1730s if the seventeen acquitted cases of adultery are deducted from the total then adultery cases again counted for 10.5% of the total sexual cases.<sup>306</sup> Individuals presented for adultery, except in cases where the woman involved was not married and had filiated her child upon a married man, were generally the result of a suspicion of sexual misconduct, for example when a couple were seen disappearing behind a hedge together in suspicious circumstances.<sup>307</sup> In these cases it was possible for the accused to 'purge' or clear themselves by swearing an oath that nothing untoward had occurred, whereupon the case was dismissed. Interestingly the availability of "compurgation" had been in decline in England in the early seventeenth century and was abolished there upon the Restoration, however it was still accepted in the Manx ecclesiastical courts well into the eighteenth century.<sup>308</sup> This does not suggest that the Manx courts were merely lagging behind their English neighbours, but instead that greater emphasis was placed on the efficacy of an oath, that swearing an oath before God and the congregation was a solemn act that was unlikely to result in perjury.

The similarity between the figures for the early eighteenth century, especially when supported by the figures from South Lancashire, would suggest that they indicate the actual practices of the population that were liable to detection at any given time.

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<sup>306</sup> MNHL Maughald Presentments 1733, Malew Presentments 1733

<sup>307</sup> MNHL Rushen Presentments 1737, (Kath Bridson, John Creer)

<sup>308</sup> J.R. Dickinson and J.A. Sharpe, 'Public Punishment and the Manx Ecclesiastical Courts during the Seventeenth and Eighteenth Centuries' in *Penal Practice and Culture 1500-1900, Punishing the English*, S. Devereux & P. Griffiths eds, (Basinstoke 2004) p. 149.

Given the difficulties with proving any allegation of adultery that did not involve an unmarried woman or the adulterous individual permanently leaving their own home, prosecutions would always be significantly less than actual incidences in the population. In the years examined for the seventeenth century only two Manx women were accused of adultery in comparison to 11 men. This disparity in the figures continues into the eighteenth century; in the years examined between 1695 and 1799 43 Manx women were presented for adultery compared to 88 men. Given the relative lack of presentation of women for some minor offences such as church attendance or swearing (discussed later) it could be argued that women were less likely to commit offences than their male counterparts, however the proof of sexual transgression was often reliant upon the pregnancy of the woman and it would have required firm evidence from a witness to the adultery before it was accepted by the court. Under these circumstances, and especially when the oath of the accused was to the contrary it was difficult for the court to decide as to whether there was any justification in the allegation.<sup>309</sup>

Allegations that involved finding a man and woman in bed together, with no resulting pregnancy, were censured in the Isle of Man as “criminal conversation” and usually involved a punishment of 3 penances, although a few individuals received more severe censures.<sup>310</sup> The majority of accusations of criminal conversation were however cleared, the unavailability of sleeping accommodation and heating in Manx houses in the eighteenth century did not automatically mean that individuals who shared the same bed were involved in sexual activity and the possibility that nothing untoward had occurred had to be considered. However in one isolated case, after lengthy depositions from witnesses, two men and a widow were found guilty of criminal conversation, having been found in bed together and they were required to provide bonds to the court that they would each fulfil three penances for their offence.<sup>311</sup> The perceived variation in the severity of sexual offences was confirmed by the different censures distributed by the Manx church courts in adultery cases to those for fornication. This placed an onus upon the church officials to correctly report

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<sup>309</sup> MNHL Arbory Presentments 1736, Rushen Presentments 1737 (Kath Bridson, John Creer)

<sup>310</sup> MNHL Marown Presentments 1734, (Ann Kewley Thos Kelly)

<sup>311</sup> MNHL Malew Presentments 1734, (Thos Looney, John Quirk and Ellin Gell)

any offences suspected, and may have accounted for some of the increased and subsequently cleared adultery offences in the 1730s.

Whilst adultery presentations as a proportion of sexual offences in the Isle of Man (as earlier noted) increased or at least remained constant into the 1730s, cases only rose numerically in Lancashire. The Manx figures for the 1730s suggest that there was a significant effort to present this type of offence at this time, which resulted in an increased proportion of the prosecutions being cleared. Importantly the ratio of men to women presented for the offence over the decades examined in the eighteenth century shows a remarkable consistency for three of the four decades examined. For the period 1695-1704 in the Isle of Man men provided 63% of the individuals presented for adultery, this figure was 62% for the 1730s, rising to 76% in the 1760s before reverting to 65% in the 1790s. These figures compare with an increased ratio of men presented during the seventeenth century, in which only two of the eleven individuals presented for adultery were women.

The censures for adultery in the Manx courts were severe. Whilst in the seventeenth century these censures involved seven penances and sometimes time in the stocks these censures increased for isolated cases at the turn of the century to one month's imprisonment, before declining to a standard fourteen days in prison, seven penances and the submission of bonds of £3 which were increased to £10 for a few cases at the close of the eighteenth century.<sup>312</sup> These censures were certainly more severe than their English counterparts, where the prospect of imprisonment was unknown, however the figures for the early eighteenth century in South Lancashire suggest that the number of adultery cases seen by the church courts in the two areas is so similar in proportion to other sexual cases as to suggest that they closely mirror the actual incidences of the offence in the population. Further the increased censures for adultery in the Isle of Man do not appear to have acted as a deterrent to the persistent trickle of cases through the church courts. At nearly 10% of the sexual transgressions presented, adultery cases are a significant proportion, however the church courts in both areas seem to have had little success in reducing the number of these offences altogether. Increased numbers of adultery cases in the Isle of Man in the 1730s only

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<sup>312</sup> MNHL Michael Presentments 1667, Andreas Presentments 1668, Arbory Presentments 1702, German Presentments 1793, Douglas Presentments 1796

resulted in more cases being cleared as the alleged offenders purged themselves and the proportion of adultery cases in the Isle of Man remained generally higher than levels in Lancashire. It is probable that the number of adultery offences in any population was fairly constant and that it was the church's willingness or ability to prosecute these cases that declined in the increasingly urban areas of South Lancashire. In the Isle of Man where the population remained comparatively more stable the church maintained its regulation of this offence for longer. The ability and enthusiasm of the church officials to continue to present cases of adultery in the Isle of Man throughout the eighteenth century is shown in continued presentation of the offence throughout the island's parishes. The nineteen cases of adultery presented in the period 1695-1704 were spread through eleven parishes, both rural and urban. The same can be said for the twenty presentations for the offence in the 1790s, where again there were eleven parishes who notified the offence, these still included the towns of Douglas and Peel. Although it is probable that an increasing number of adultery cases slipped through the net towards the close of the eighteenth century, given that the island's population had nearly doubled in the century, it is clear that the Manx church courts were still receiving information upon and prosecuting these cases more enthusiastically and effectively than in the Diocese of Chester. Their continued occurrence in the church court records reflects a consensus between the church and the population as to the need to censure this type of behaviour, for the church was still able to collect information concerning these offences from the remainder of the population.

Fornication cases were always the most numerous of the sexual offences presented in either English or the Manx ecclesiastical courts, indeed by the later eighteenth century in Southern Lancashire their incidence far outweighed all other types of case as well as presentations for all the other sexual offences combined, comprising 1786 out of a total caseload of 1911 cases from 1770-79.<sup>313</sup> However this extremely high preponderance of fornication cases was not found over all the period examined nor throughout other areas in earlier periods. Marchant had found that in the early seventeenth century immorality cases, that were not exclusively offences of

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<sup>313</sup> Albers, *Seeds*, p. 225

fornication, only accounted for 16 or 18 % of the total cases in some deaneries.<sup>314</sup> Figures for presentations for fornication in South Lancashire show a marked increase in the number of cases between 1710-19 and 1740-9 (when the caseload increased from 544 to 1859).<sup>315</sup> Albers suggests that this increase was partially caused by the enthusiasm of Low Church groups and Bishop Peploe, to censure vice, together with the increased provision of local chapels and transportation which assisted the functioning of the church courts.<sup>316</sup>

This increase appears to have reached other areas outside Lancashire as figures for the Diocese of Carlisle also show an increase in presented cases of fornication during the mid eighteenth century, especially in the 1730s.<sup>317</sup> In common with the Diocese of Chester examined by Albers this appears to have been a time of renewed enthusiasm and utilisation of the church courts, at least in the North West of England, to prosecute sexual immorality. It is possible that in the case of Carlisle this increase in the number of offences notified to the ecclesiastical courts resulted from a doubling (from the usual thirty parishes to sixty) of the number of parishes that submitted 'visitation' returns, but the completion of returns again indicates renewed enthusiasm for the church courts.<sup>318</sup> The 1730s records indicate that for the Diocese of Carlisle, with a population of upwards of 40,000, there were 903 individuals presented for fornication.<sup>319</sup> These figures compare with 1859 cases of fornication in the Southern Lancashire deanery courts for 1740-9, which were overseeing a rapidly expanding population, (Liverpool's population alone being 5,000 in 1700, Prestwich and Oldham 6,603 in 1714 whereas Manchester held 8,000 inhabitants in 1717).<sup>320</sup> The population of South Lancashire in the 1740s would have been considerably higher than merely the total of these individual towns, however the large population does not detract from the continuation of the prosecution of fornication cases in the area up until at least the 1750s.

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<sup>314</sup> Marchant, quoted in Albers, *Seeds*, p. 225

<sup>315</sup> Albers, *Seeds*, p.225

<sup>316</sup> Albers, *Seeds*, p.226

<sup>317</sup> Kinnear, 'Carlisle' p. 196

<sup>318</sup> Kinnear, 'Carlisle' p. 195

<sup>319</sup> Kinnear, 'Carlisle' p. 194-196

<sup>320</sup> Albers, *Seeds*, pp. 49, 225

The view that the regulation of sexual morality was a viable aspect of the church courts in the mid eighteenth century is supported by evidence from the parish of Whalley, which saw 206 cases of fornication from 1731-40 and 236 cases from 1741-50.<sup>321</sup> Being part of the Diocese of Chester it would be expected to reflect the trends found in Albers work on the diocese as a whole, but its smaller population (13,141 in 1720 and 33,913 in 1778) facilitates comparison with the Manx court records for the eighteenth century. Evidence from Whalley and the Dioceses of Carlisle and Chester indicates that the ecclesiastical courts in the North West continued to present a significant number of fornication cases in the early to mid-eighteenth century. Previously held perceptions that the prosecution of sexual morality had been effectively abandoned by this time are therefore inaccurate, at least for the North West of England.<sup>322</sup> However whilst initially it appears that fornication cases were increasingly presented in South Lancashire towards the close of the eighteenth century, (as their proportion of the total case load had increased to 96%) numerical analysis proves otherwise, for figures for the actual number of fornication presentments declined from 1859 in the 1740s to 1786 thirty years later.<sup>323</sup> This occurred at the same time as an increase in the population and the figures suggest a decline in presented incidences of fornication in relation to population size. However, figures for the prosecution of sexual offences continued to increase in the courts of North Lancashire right up until the 1770s when 89 sexual offences were presented indicating that it was not a universal decline.<sup>324</sup>

Nevertheless the long term impact of changes in population cannot be overestimated with reference to the functioning of courts, for these courts were reliant upon not only the church's knowledge of its parishioners but also the interest and concern that individual members of the congregation showed for their neighbours business. Once continuity in the community was broken and there were a large number of new faces in the parish, it would not be easy for the church to ascertain if any couple who came to live in the parish were married. It is therefore logical that, in relying upon information supplied by the parishioners, the church courts continued to function more fully in traditional communities. Of course concerns about the perception of a

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<sup>321</sup> Snape, *Whalley*, p.115

<sup>322</sup> Albers, *Seeds*, p. 215

<sup>323</sup> Albers, *Seeds*, p. 225

<sup>324</sup> Albers, *Seeds*, p. 226

significant burden upon the parish rate of the supposed illegitimate children that resulted from acts of fornication would serve to assist the continued presentation of many cases of fornication, but here again the increasing overall prosperity in the North West appears to have restricted the presentation of all cases of fornication as the parish rate became less of a burden. Additionally a changing attitude to the presentation of ante-nuptial fornication and the practise of sexual activity before marriage cannot be discounted as it is probable to assume that changing attitudes to such offences would first occur in the areas of the county that experienced the greatest external influence, leaving the traditional areas hanging on to their familiar practices for longer – a view that is supported by the continued presentation of fornication in North Lancashire. Even so, figures for South Lancashire indicate that fornication cases were still brought to the church’s attention in the late 1770s. 1786 cases were brought between 1770-9, only a slight reduction upon the figures for the 1740s, albeit with a markedly larger population.<sup>325</sup> Even the figures for the parish of Whalley indicate that the business of prosecuting fornication was still considered important towards the close of the eighteenth century, with the notification of 40 cases of fornication in 1776.<sup>326</sup> It is evident that fornication was still considered to be a presentable offence by the parishioners and clergy of the Anglican Church in the North West of England towards the close of the eighteenth century. Numerically, caseloads for the offence had not significantly declined over their previous high levels in the middle of the century and were in the majority of cases not as low as their previous low levels in the years surrounding 1720.<sup>327</sup> However comparison with other dioceses shows that in other areas of England the system was being largely neglected by this time. In the diocese of Exeter there were only 26 cases of bastardy presented in 1759 and by 1792 the only sexual case presented to the church courts was a case of incest.<sup>328</sup>

Given that the church courts in Lancashire were still presenting sexual immorality into the late eighteenth century, does the number of these cases indicate that the churches still held a strong position in the regulation of behaviour? An evaluation of

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<sup>325</sup> Albers, *Seeds* p. 225

<sup>326</sup> Snape, *Whalley*, p. 115

<sup>327</sup> Most particularly as indicated by the figures for Carlisle, in Kinnear ‘Carlisle’ p.196 and Whalley, in Snape, *Whalley* p.115

<sup>328</sup> N. Yates, *Eighteenth Century Britain 1714-1815*, (Harlow 2008), p. 108

the situation can be obtained by viewing the presentations for fornication during the eighteenth century in the Isle of Man.

Table D illustrates the breakdown of the presentations for sexual offences in the Isle of Man between 1640 and 1799. Figures for the years examined in the seventeenth century do not always give an adequate comparison to those from the eighteenth merely because the extant documents for these years do not correspond (apart from perhaps 1659) with the presentation documents that should have been compiled in an ideal world. However an initial overview of the table suggests that presentation rates for fornication were comparable but in general higher in the Isle of Man than in the Diocese of Carlisle. If the years with the fullest 'visitation' returns for Carlisle are compared with those for the Isle of Man, and adjustments are made for the population for the Diocese of Carlisle being nearly thrice that of the Isle of Man in the mid-eighteenth century then there are similarities in the proportionate number of cases of fornication presented to the church courts. In the period 1731-5 Carlisle presented an average of 99 individuals each year for fornication, this number falling to 82 for 1736-40. In comparison the Isle of Man presented 391 individuals for fornication and 67 for adultery between 1730-9 – an average of 39 per year if only the fornication cases are included, rising to 46 per year with the inclusion of adultery. If the totals are adjusted to allow for the larger population of Carlisle then the figures are similar but again show that there were more presentations in the Isle of Man. Carlisle – having a population of 48,501 in 1747 presented 903 individuals for fornication in the 1730s. These figures compare to 391 individuals presented for fornication in the Isle of Man, that had a population of 14,426 in 1726. Additionally evidence from Carlisle suggests that a certain number of cases avoided presentation at the courts. Ann Crosby had been presented for her fourth or fifth bastard yet had only received one previous presentation for fornication.<sup>329</sup> It is possible to suggest that the higher rate of fornication offences in the Manx figures might represent a closer representation of the actual incidences in the community rather than an increased illegitimacy rate in the population.

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<sup>329</sup> Kinnear, 'Carlisle' p. 203

Elsewhere in the North West for the parish of Whalley, that had a similar population to the Isle of Man, (13,141 in 1720), the figures again indicate that the Isle of Man experienced a higher presentation rate. In Whalley 206 individuals were presented for fornication in the 1730s together with two for adultery (compared to 458 for the equivalent period in the Isle of Man). By the 1760s the Whalley figures had fallen to 94 cases of fornication and four of adultery, compared to 538 Manx cases.<sup>330</sup> During this period Whalley had experienced a rapid growth in its population that was to reach nearly 34,000 by 1778.<sup>331</sup> Doubtless this increase in population which was not merely fuelled by inward migration, led to stresses being placed upon the ecclesiastical regulation of sexual behaviour, and the decline in presentations for fornication did not represent the dramatic decline in overall illegitimacy rates that the figures initially suggest. Instead it is probable to suggest that the Isle of Man was presenting more of the individuals who committed sexual offences than some other areas in the North West of England.

To show that the figures for the Isle of Man are a good indicator of the practices of the population a comparison between the number of women presented for fornication, against the overall population, gives an estimation of the number of illegitimate children notified to the church in any given year. (Table E) As figures for the years wherein the survival of the presentation documents is weak have been omitted from the calculations then a reasonable indication of the number of illegitimate children notified to the church courts can be ascertained. Unfortunately comparison with the baptismal registers for the Manx parishes is not effective as the survival of parish registers is patchy and there is evidence of under registration especially in the seventeenth century.<sup>332</sup>

In the seventeenth century figures for 1659 and 1667 show an increased incidence of women presented for fornication over the other years examined whereas figures for 1640, 1678/9 and 1695-1704 suggest that in these years the lower end of the scale of the fornication presentations is found. It is probable that the low figures for women presented for fornication and thence illegitimate children found in these years result

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<sup>330</sup> Snape, *Whalley*, p.115

<sup>331</sup> Snape, *Whalley*, p.10

<sup>332</sup> Dickinson, *Lordship of Mann*, p. 10

from the poor comparative survival of documentation for these years. In contrast the stability in the figures for the eighteenth century indicates that they represent a consistent attitude towards sexual immorality in the community. The prosecution of individuals by the Manx church courts for such indeterminate offences such as harbouring an unmarried mother suggest that the church presented the mothers and fathers of a high proportion of the children born out of wedlock.<sup>333</sup> It is probable that the high figures for certain years in the seventeenth century indicate a concerted effort by the church to present fornication cases at this time. Figures for 1659 reflect the attitudes prevalent in England during the commonwealth when adultery was classified as a capital offence from 1650, and 1667 corresponds with the efforts of Bishop Hildesley to curb his perception of immorality in the Manx population.

Comparative figures for the Diocese of Carlisle, taken from Kinnear suggest that even in the best presented years (1730s) just over one per thousand (0.12%) of the population were comprised of women presented for fornication.<sup>334</sup> These figures correspond to the lowest presentation figures for the Manx years examined (1640, 1678-9 and 1695-1704). The increased prevalence, as a proportion of the overall population, of women presented for fornication in the Isle of Man for the remaining years examined suggests that the Manx church was presenting a greater proportion of actual incidences of fornication in the community than the comparative court in the Diocese of Carlisle. Whilst it could be proposed that the higher figures for presentation of fornication, found in the Isle of Man indicate more sexual immorality, it is far more plausible to accept that, given as will be later examined the higher presentation for other types of offence, these result merely from an increased likelihood of transgressions being presented. That the decline in recorded incidences of fornication in the 1670s corresponds to the introduction of periods of incarceration for the offence must be considered an important factor in the functioning of the Manx ecclesiastical courts, either that incarceration initially resulted in more cases escaping presentation due to animosity towards the censure from the population that provided the information or the probability that fear of incarceration acted as a deterrent to engaging in sexual activity and the figures indicate the responsiveness of the population to certain types of punishment that were available to the Manx church.

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<sup>333</sup> MNHL Douglas Presentments 1762

<sup>334</sup> Kinnear, 'Carlisle,' p.196

Of course whilst the adoption of periods of incarceration appears to have affected the number of fornication offences, there would be a time lag between the introduction of this censure and any fall in the number of cases; even if attitudes had managed to change overnight the act that occasioned the censure was generally not brought to the attention of the church until the woman's pregnancy was manifest and the censure was not performed until after the child was born. It is probable that the lower number of fornication cases recorded in the eighteenth century, over their seventeenth century levels, resulted from, at least in part, the introduction of more severe censures for the offence in the late seventeenth century. In continuation, the stability in the proportion of the women in the population presented for fornication in the eighteenth century suggests that these figures reflect the proportion who were always liable to give birth to illegitimate children, either through false promises on the part of a man that they thought would marry them, or because they did not consider that they should conform to the authority of the church. Overall higher figures for fornication presentations in the Manx courts indicate a greater likelihood of offences being presented rather than different sexual practices in the population.

The Manx church's influence upon sexual immorality in the form of fornication is probably best supported by the figures for bastardy in England towards the end of the eighteenth century and for much of the nineteenth, where a rise in illegitimate births recorded corresponds with the decline in church court activity recorded by those such as Albers and Kinnear.<sup>335</sup> The numbers that the Manx church continued to present for fornication throughout the eighteenth century confirms the consensus between parishioners and clergy as to the need to regulate the sexual behaviour of the population. Figures for the men presented in Manx fornication cases also provide information not only upon the likelihood of men being presented alongside the guilty women, but also upon the events that led up to the presentment, most particularly whether any promise of marriage had been made or whether the offending man was merely itinerant, especially in the eighteenth century when the island was at the height of the running trade. Overall 2,346 individuals were presented to the Manx courts for sexual offences in the years examined of which 1024 were men. There was therefore

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<sup>335</sup> Laslett, *The World*, p.225, Kinnear, 'Carlisle', pp.192-204

not an overwhelming bias against women in the Manx visitation courts for sexual offences. Additionally the relative equality with which the Manx church treated women in the ecclesiastical courts does not mirror the situation in the Diocese of Carlisle, where, although in some years the ratio of men to women presented for fornication nearly reached parity, (1736-40 185 men presented against 224 women) for some years women seemed to have borne a disproportionate share of the burden (1704-8, 65 men against 123 women, 1748-52, 72 men against 175 women).<sup>336</sup> Indeed the unequal burden of the censures for fornication and more specifically the censure of penance was seen to be a prime motive in the abandonment of the English church's censure for the offence towards the close of the eighteenth century.<sup>337</sup>

In the Isle of Man parity was far more readily achieved and it was nearly reached for all the years examined in the seventeenth century. Of the fornication cases noted in 1659 26 men were presented against 27 women whereas eight years later 24 men were presented alongside 25 women. The presentation of so many of the Manx men involved in fornication cases alongside the women who bore the illegitimate children indicates several important factors about Manx society and the regulation of morals. First, that in the seventeenth century the offenders were easily identified and brought to account, secondly that the Manx church was steadfast in perceiving the men involved as equally responsible for their actions, a view that counters the general view in England in the seventeenth century that women were the personification of Eve and therefore the chief guilty party in such matters, and lastly that the remainder of the community were willing to support the church in bringing the information to the courts. If the women involved, when called upon to filiate the child, had not supplied the names of the men involved so readily then the ensuing time lag would have further hindered the presentation of the guilty men.

During the eighteenth century the influx of visitors to the island, resulting from a growth in the running trade, influenced the number of men presented for fornication who were not on the island when called upon to fulfil their penances and period of imprisonment. However despite the citation of fornication cases involving 'strangers,' the interaction between non-Manx men and Manx women was not as far

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<sup>336</sup> Kinnear, 'Carlisle' p. 196

<sup>337</sup> Albers, *Seeds*, p. 229-30, Usher, *White Sheet Confessions*

reaching as might be expected and it is also notable that the two women who are noted in fornication cases as prostitutes, are presented alongside Manx men rather than strangers.<sup>338</sup> Additionally the classification of some women as prostitutes indicates that the remaining women guilty of sexual offences with strangers in the 1730s and even the 1760s were not prostitutes but merely fell victim to social problems that were clearly prevalent in the major ports of the island. This is indicated by cases such as that of Elizabeth Sail, from Ramsey, who was employed as a servant in Douglas and returned home pregnant; the man in this case was noted as being Forbys - a 'stranger' who had left the island never to return.<sup>339</sup> This was the usual situation with non-Manx men cited in fornication cases; the vast majority remained absent, either because they knew that censure awaited them on their return, or alternatively because the nature of their employment meant that the majority did not regularly visit the island. Some had obviously spent a few weeks or days on the island, as the women involved in these cases generally knew their full name and place of origin; liaisons do not appear to have been 'one night stands.'

By the early 1760s the position had not significantly changed even though the running trade had expanded further. Of the 19 non-Manx men noted in fornication cases in the 1760s, the largest representative group were Irish, with 6 men presented. The only other group that accounted for more than one individual were the soldiers, who were garrisoned on the island after Revestment in 1765. The prevalence of soldiers as co-offenders in fornication cases mirrors the situation in Lancashire although the levels reached are not as large in the Isle of Man.<sup>340</sup> Any stranger presented to the Manx church courts had little incentive to complete their censures if they could easily leave. John Robinson who was presented for fornication with Jane Hale in 1762, appeared in May 1762 and acknowledged that he was the father of her child, he had therefore either been living on the island for a considerable time or had made more than one visit, however by November 1762 he had left Manx shores for America.<sup>341</sup> The severe censures for fornication and the availability of transport off the island during the height of the running trade made avoidance of censure easy for those with

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<sup>338</sup> MNHL Malew Presentments 1734, 1735, Rebecca Hodgkin, Santan Presentments 1733 Margery Cain

<sup>339</sup> MNHL Maughald Presentments 1733

<sup>340</sup> Albers, *Seeds*, p. 238

<sup>341</sup> MNHL Douglas Presentments 1761

no particular links to the island, however for the Manxmen involved in cases of fornication ties to the island were stronger and they frequently chose to return. The small size of the Manx diocese meant that the church was able to find the records and recall censures that had been issued several years earlier in another parish and in this respect the parishioners appear to have aided the church in tracking down those guilty of non-performance.

The Manx church also issued censures for the men involved in fornication cases if they were known to have committed the offence even if they had not appeared at court or were not at that time resident upon the island. Whilst only 6 Manxmen were presented for fornication in their absence in the 1730s that number had risen to 35 in the 1760s and still further to 48 by the 1790s. Additionally, although the impact of trade had made travel from the island easier in the years before 1765, this did not mean that upon Revestment there was a curtailment in travel, instead the opposite occurred. Whilst before 1765 Manx men were involved in running goods off the island their maritime skills meant that with the decline in economic activity after 1765 they were forced to seek employment elsewhere. The wars with France at the close of the eighteenth century additionally led Manxmen to enlist in the regiment of Manx Fencibles and these soldiers accounted for one sixth of the absent Manxmen named in fornication cases in the 1790s.

For some years at the close of the eighteenth century there was still a reasonable parity between the number of Manx women and men presented for sexual offences, with there being less than a handful of men who were not presented alongside their co-respondents in 1793, 1794 and 1797. These figures suggest that the presentation of both men and women involved in cases of fornication was still perceived to be important in the Isle of Man at the close of the century long after the disparity between men and women censured had become apparent in other dioceses. Of course, in order to support its moral authority, the church could not allow itself to treat the men and women guilty of any offence differently. Any disinclination to track down and censure the men guilty of fornication would eventually lead to an increasing reluctance upon the part of parishioners to supply information as to offences committed, especially when the 'young girls' involved were to be called upon to perform penances in the face of the congregation. It is interesting to note

that the Kirk sessions in Scotland also achieved a high number of men who were willing to accept their role in the paternity of illegitimate children in contrast to the situation in England.<sup>342</sup>

Whether the lack of men censured for fornication was a symptom of the ineffectiveness of the ecclesiastical discipline in eighteenth century England or whether it was a contributory factor to that eventual decline is difficult to ascertain. It is certain however that once men began to be absent from presentations for fornication in great numbers then the difficulties in gaining information from the general population as to incidences of fornication in the community would become exacerbated as the burden of the offence would be increasingly deemed to be placed disproportionately upon the shoulders of the women concerned. The lack of this disproportionate share of the blame in the Isle of Man concomitantly supported and influenced the continuing strength of the ecclesiastical regulation of sexual morality.

Alongside adultery and fornication the offence of ante-nuptial fornication was also censured by the ecclesiastical courts. Bearing a child too soon after marriage was confirmation of earlier sexual immorality, although to a lesser degree than other offences, as the problem had been rectified by the marriage. Presentations for ante-nuptial fornication were sporadic in the years examined but patterns can be found linking the prevalence of the presentation of the offence in the Isle of Man to dioceses in the North West. In the Isle of Man the offence was not noted in the presentations researched before 1730 or after 1761. Figures for the Diocese of Carlisle, which commence for 1704-8 indicate that ante-nuptial fornication was prosecuted at this time in North West England, a factor that is confirmed by figures for 1710-19 for the South Lancashire Deanery examined by Albers.<sup>343</sup> For these early years in the eighteenth century the ratio between presented incidences of ante-nuptial fornication to fornication are about 1:6 for South Lancashire and 1:20 for Carlisle. Incidences of presented ante-nuptial fornication then increased in both areas to 528 cases in South Lancashire for 1740-9 (a ratio to fornication cases of 1:3.5) and 314 cases for Carlisle from 1731-40 (a ratio of 1:2.9), before declining to only 8 cases in South Lancashire in the 1770s and none in Carlisle in the period 1753-6.

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<sup>342</sup> Yates, *Eighteenth Century Britain*, p. 153

<sup>343</sup> Kinnear, 'Carlisle' p.196, Albers, *Seeds*, p.225

In comparison the figures for the Isle of Man indicate (as shown on Table D) 64 cases in the 1730s and 7 in the 1760s. The ratio of ante-nuptial fornication to fornication cases in the Isle of Man is therefore 1:6 for the 1730s falling to negligible levels for the 1760s, however the figures for the 1730s were significantly less than the levels found in Carlisle and the Diocese of Chester for equivalent periods. However comparison with presentations for ante-nuptial fornication per head of population suggest that for Carlisle during the 1730s there was one offence of ante-nuptial fornication for every 143 individuals, whereas in the Isle of Man there was one offence for every 234 individuals. Ante-nuptial fornication was, it seems, less prevalent in the Isle of Man than elsewhere even at the height of its popularity in the church courts. This suggests a small distinction between attitudes to sexual activity before marriage in the Isle of Man to elsewhere in the North West. Given that in the majority of other Manx offences the incidences of reported offences per head of population was generally higher than elsewhere and that the church under Bishop Wilson was persistent in censuring offences of ante-nuptial fornication in the 1730s, then the reduced reported rate of offences suggests either different behavioural patterns or a lack of supplied information on the part of the parishioners. Unfortunately research, which might affect incidences of ante-nuptial fornication, such as evidence of age at marriage or indeed postponement of marriage is lacking for the Isle of Man. However it is important to note that all cases of ante-nuptial fornication did result in the individuals being married, there was no economic motive behind the presentation of those concerned as there were no resulting illegitimate children that could be placed upon the poor rate in England. As such ante-nuptial fornication was very much an offence that relied upon the views of the clergy and parishioners for its continued presentation.

Even considering the differences between incidences of ante-nuptial fornication in the Isle of Man, Carlisle and the North West, similarities between the prosecution of the offence in the three areas provides an important correlation. It appears that opinions in the Isle of Man closely mirrored those in Carlisle and South Lancashire regarding the need to present this offence, especially as it was for a deed that had chiefly been rectified. Indeed its prosecution could be used to indicate the strength of the church courts and their enthusiasm for prosecuting offences. It is probable that the majority

of the population would not have perceived ante-nuptial fornication as a significant offence that required moral regulation and that it was more a case of the church flexing its muscles and trying to effectively regulate morals to its fullest remit. The prevalence of ante-nuptial fornication presentments in the English visitation courts of the North West occurred before the introduction of the Marriage Act in 1753 and the removal of ambiguity as to the constituents of an Act of Marriage. However it seems unlikely that all the ante-nuptial fornication presentations resulted from irregular marriage ceremonies that were not recognised by the Anglican Church.

In the Isle of Man the abandonment of the presentation of the offence occurred alongside the alteration in the process of presenting fornication offences under Bishop Hildesley, when women were only presented for fornication once the child had been born. The alteration in the church's attitude to presenting fornication cases, not only prevented the possibility, even if remote, of a woman being presented for fornication if she was not pregnant, but also actively encouraged pregnant unmarried women to marry, thereby removing the need for them to either undergo the censure of penances and incarceration for fornication or the reduced censure of admission of the offence for ante-nuptial fornication. The adoption of this practice is noted in the case of Ann Shimmin; at her original presentation for fornication she told the court that she was going to marry and her censure was postponed in anticipation of this event. Her case appears more noticeable in the records as the marriage was still outstanding two years later after the birth of another child.<sup>344</sup>

The changing attitudes to ante-nuptial fornication are reflected in two cases in the Manx records. In 1738 Nicholas and Margaret Quine were presented for ante-nuptial fornication upon their own admission, i.e. it would appear that their offence was not generally known and would have possibly remained uncensored if they had not acknowledged it, they were accordingly censured to undergo one penance in the case of the man and acknowledgement of the offence for the woman.<sup>345</sup> However at the close of the seventeenth century a couple were excused after being presented for fornication as they had since married, furthermore a woman who was presented for

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<sup>344</sup> MNHL Arbory Presentments 1760 Malew Presentments 1762, Ann Shimmin

<sup>345</sup> MNHL Michael Presentments 1738

fornication, having given birth upon her wedding night, was excused in 1762.<sup>346</sup> It appears that in certain years prosecution for ante-nuptial fornication was very much at the discretion of the court, and whilst this offence was pursued under the Bishopric of Thomas Wilson it was not viewed as important in the years before he took office or to be an offence worthy of censure under Bishop Hildesley.

Nevertheless the growth in the number of cases of ante-nuptial fornication occurring at the same time as the increase in these cases in the parishes of the North West is important and shows the interaction between the two jurisdictions. It confirms that ideas as to the prosecution of moral regulation in England were, for some types of case, similar in the Isle of Man to those in England. Any decline in the number of ante-nuptial cases in the North West of England, whilst possibly linked to, but not wholly reliant upon, the introduction of the Marriage Act in 1753 would not have directly influenced the situation in the Isle of Man as the Marriage Act was not applicable to the Isle of Man, (although a similar Act of Tynwald was passed in 1757 which enforced the adoption of banns or licence.)<sup>347</sup> It is probable that the lack of ante-nuptial cases in the latter half of the eighteenth century resulted merely from changing attitudes to marriage and fornication together with the perception of an increasing caseload for the ecclesiastical courts, a situation which would always lead to lesser offences being gradually disregarded.

Ante-nuptial cases declined in the North West of England during the latter half of the eighteenth century; there were none for the Diocese of Carlisle between 1753-6 and only 8 in South Lancashire between 1770-9.<sup>348</sup> This aspect was found in other areas of England, for example the town of Nottingham had no presentations for ante-nuptial fornication after 1765.<sup>349</sup> It appears that prosecution of the offence of ante-nuptial fornication was effectively abandoned by the church during the latter half of the eighteenth century. Interestingly, comparison of evidence from the church court records for dioceses in the North West of England to that from the Isle of Man suggests that Manx attitudes were in the vanguard of the abandonment of the offence, having no cases recorded in the years examined after 1761. This is important in

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<sup>346</sup> MNHL Bride Presentments undated but probably 1697, Malew Presentments 1762

<sup>347</sup> Gelling, *History* p. 32

<sup>348</sup> Kinnear, 'Carlisle' p. 196, Albers, *Seeds*, p. 225

<sup>349</sup> Outhwaite, *Rise and Fall*, p. 84

identifying the reasons behind the continued use of the ecclesiastical courts in the Isle of Man towards the close of the eighteenth century. It is apparent that not all types of case that were formerly presented to the church courts in England continued in the Isle of Man after the abandonment of presentations for the offence elsewhere. Instead, as evidence regarding the presentation of the offence of ante-nuptial fornication suggests, for some types of case the offence was disregarded in the Isle of Man before its demise in all areas of the North West.

Most probably the abandonment of prosecutions for the offence resulted from the perception that such cases were dealing with a problem that had since been corrected. In this respect the decline in the number of cases reflects the church's response to the influential opinions of the population and clergy. A comparison of the continued prosecution of other offences supports the view that the Manx ecclesiastical authorities had not reacted out of weakness. Of course the English legislation passed in 1787 which prohibited the prosecution for fornication of individuals who had since married would have effectively put an end to all presentations for ante-nuptial fornication in England but it appears that consensus regarding the abandonment of the offence had already been obtained before the act was passed.<sup>350</sup>

Any link between ante-nuptial fornication and irregular marriage ceremonies was not found in the Isle of Man because ceremonies were not permitted in any other place of worship. The lack of religious toleration in the island not only meant that there were no churches or chapels apart from those linked to the Anglican faith but also that even in the 1760s Catholics were required to be married in the Anglican faith and were liable to presentation for co-habitation or fornication if they had failed to execute a marriage recognised by the Manx church.<sup>351</sup>

Cohabiting, nowadays often a precursor to marriage, was not closely linked to presentations for ante-nuptial fornication in the seventeenth or early eighteenth centuries. As seen in Table D these cases continued to the end of the eighteenth century, however the censures that the church issued for the offence were limited,

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<sup>350</sup> Outhwaite, *Rise and Fall*, p. 84

<sup>351</sup> MNHL Douglas Presentments 1764, Mr and Mrs O'Dowd, Rushen Presentments 1790, Frank Parker Isable Christian

usually amounting to a reprimand or committal until bonds were provided not to continue cohabiting. In some cases a reminder that the couple should marry seems to have been all that was required to ensure that the marriage took place at the earliest opportunity.<sup>352</sup>

Cases of clandestine marriages, which also became more prevalent in the Diocese of Carlisle at the same time as the increase in ante-nuptial presentations, were never prevalent in the Isle of Man.<sup>353</sup> There were a few isolated cases involving the censure of a vicar for conducting a marriage of minors without the consent of the families involved, but these were so rare as not to occur in the years examined for this thesis.<sup>354</sup> The absence of significant problems with clandestine marriages in the Isle of Man is probably a result of the small size of many communities and the diocese in particular, especially in the first half of the eighteenth century, when these cases were noted with regularity in English Dioceses of the North West. In small communities the secrecy necessary for such an event would have been hard to obtain. Young persons from wealthy Manx families would not have been numerous and the number of possible clergy who could marry them in a clandestine ceremony was also limited by the small number of parishes. The enforcement of attendance at religious services of the Manx church (discussed later) would also mean that the clergy would have known the parties involved. Any determined couple would necessarily have to resort to a trip away from the island to get married and the resulting marriage would not appear in the Manx records. Indeed the chief concerns with clandestine marriages in England seem to have been from the wealthy families of errant couples and in London, most especially the Fleet Prison where reprehensible clergy were willing to marry parties, one or both of whom may have been under duress.<sup>355</sup> If Manx individuals sought to marry in suspect circumstances, such as in cases of alleged incest or bigamy, then records suggest that they travelled to Ireland. Just as Manx individuals who wished to disregard their spouse went to Ireland to remarry, individuals from England or Ireland often sought to marry in the Manx church. These

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<sup>352</sup> MNHL German Presentments 1763, Wm Colvin, Mary Cannon

<sup>353</sup> Kinnear 'Carlisle', p.196

<sup>354</sup> Gelling, *History*, p. 28

<sup>355</sup> B. Williams, *The Whig Supremacy 1714-1760, Oxford History of England*, (Oxford 1962), p. 136-7

cases only came to light when the forgotten spouse arrived only to find that their husband/wife had remarried.<sup>356</sup>

As can be seen from Tables Ai-v the overall number of sexual offences presented to the Manx ecclesiastical courts fluctuated over time; however for the main offences of fornication and adultery there was a reasonable consistency in prosecutions as a proportion of the population during the years examined. Many of the reduced number of offences presented in the 1760s resulted from the dramatic effects of the Act of Revestment in 1765 and the collapse of the island's economy and infrastructure. The Manx church continued to censure sexual immorality at the close of the eighteenth century, an aspect that can be compared to the Diocese of Chester which was also still dealing with a considerable volume of sexual transgressions in the 1770s.<sup>357</sup> These dioceses act as a counterpoint to the courts in Nottingham, which had only 184 immorality prosecutions between 1760 and 1795, of which only two had been brought post 1774.<sup>358</sup> That the Manx figures for prosecutions of the serious sexual offences do not stand in isolation is important. Clearly enthusiasm for the regulation of sexual morality was not purely a Manx concern, and other dioceses maintained their prosecution of sexual offences well into the latter stages of the eighteenth century. Although the figures for the Isle of Man show an increased presentation of sexual offences over levels found in other dioceses, they still reflect the prevailing attitudes of the period. It is the means used to censure sexual offenders and the capacity of the system to present a greater proportion of probable offenders, which are factors that set the Diocese of Sodor and Man apart from its neighbours. The Manx diocese was also consistent in maintaining equality in its treatment of female offenders, one of the chief causes of concern over the functioning of regulation of sexual morals in other areas.

It is apparent from the number of cases presented and the continuing presentment of most types of sexual offence, that the Manx ecclesiastical courts were still a viable concern, and played an important role in the regulation of sexual morality at the close of the eighteenth century - however this situation was not unique to the Isle of Man.

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<sup>356</sup> MNHL Braddan Presentments 1734, LC 1760, 1, William Shortland

<sup>357</sup> Albers, *Seeds*, p. 222-5

<sup>358</sup> Outhwaite, *Rise and Fall*, p. 84

Whilst the situation in the island was very different indeed from the apparent collapse of presentments to the ecclesiastical courts in areas such as the Diocese of Exeter, at the beginning of the latter half of the eighteenth century other dioceses such as the Diocese of Chester were still censuring a significant volume of sexual offences. These offences accounted for the vast proportion of the presented cases to the visitation courts in the North West of England, varying from 71% of the total in the early eighteenth century to 96% in the 1770s.<sup>359</sup> Similarly the courts for the Diocese of Carlisle show a variation between 51% (1704-8) to 99% (1753-6).<sup>360</sup> The equivalent comparison for the Manx courts shows that sexual offences accounted for a smaller percentage of the total, varying between 17.9% in the period 1695-1704 to 38.3% by the 1790s. This comparison is more marked given that the Manx figures do not include the non payment of church assessments in the category of non-sexual cases, a factor which would have further inflated the proportion of the total presentments that were for non-sexual offences. As previous comments have testified, the different percentages of the total caseload found in the Isle of Man did not result from a lack of presentment of sexual cases. Indeed per head of population the Manx church presented more individuals for sexual misdemeanours than equivalent courts in England; it was the increased presentation of other types of case, which reduced the proportion of the total cases that resulted from sexual offences to a level that was not found in the courts of South Lancashire throughout the entire eighteenth century. Indeed the proportion of the total derived from sexual offences in the Isle of Man corresponds with the figures found by Marchant in the sixteenth and early seventeenth century where the range was between 16 – 57%.<sup>361</sup>

Given that the figures for sexual offences in the Isle of Man do not result from an inability or lack of enthusiasm to present this type of offence then the presentment of a significant volume of non-sexual business indicates a strong and varied system of ecclesiastical discipline. It becomes important to examine the types of non-sexual case that were still transacted in large volume in the Isle of Man, especially during the eighteenth century that had effectively ceased to be presented in comparable dioceses.

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<sup>359</sup> Albers, *Seeds*, p. 225

<sup>360</sup> Kinnear, 'Carlisle' p. 196

<sup>361</sup> Marchant, quoted in Albers, *Seeds*, p. 225

Perhaps it is the pursuance of censure for less serious offences that marks the long term viability of the courts and can be used to gauge whether they were to survive into the nineteenth century or whether their death knell had already been sounded.

## 5. Non-Sexual Offences

Although the church courts were often referred to as the 'Bawdy' courts due to the preponderance of sexual cases, they also censured many other offences that had no sexual basis. These non-sexual cases are important in evaluating and comparing the church court systems in the Isle of Man and the North West of England, for a greater variety and volume of cases would indicate not only a more viable system that had not shrunk to merely the censure of sexual offences but a different attitude to or acceptance of the imposition of the ecclesiastical regulation of morals. As previously noted, these non-sexual offences provided a greater proportion of the total church court business in the Isle of Man than in the comparable South Lancashire part of the Diocese of Chester, however a mere count of the total non-sexual caseload is not sufficient for evaluating the viability of the system. Instead an examination of the types of case presented and changes in the patterns of presentation over time would serve to highlight the differences between the Manx church courts and their neighbours in Lancashire.

In the Diocese of Chester the most common non-sexual offence presented between 1691-1781 was the non-payment of church fees.<sup>362</sup> However unfortunately equivalent records for this type of case have not been collated from the Manx presentments, and an accurate evaluation cannot be obtained.

Thereafter the most prolific non sexual offence presented in South Lancashire was non-attendance at church, which accounted for 10% of the total non-sexual cases.<sup>363</sup> As outlined by Albers, the problems with presenting parishioners for non-attendance were exacerbated by the provisions of the Toleration Act in 1689.<sup>364</sup> Whether the passage of the Act directly contributed to the curtailing of the business of the church courts in the late seventeenth and eighteenth centuries will be examined later, however its possible impact can be envisaged. There was certainly the clear

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<sup>362</sup> Albers, *Seeds*, p.250

<sup>363</sup> Albers, *Seeds*, p.250

<sup>364</sup> Albers, *Seeds*, p.251

possibility that by allowing religious toleration some transgressors of church discipline would henceforth not attend their parish church at all.<sup>365</sup>

Whilst there might be some basis for the comment that after the Toleration Act “prosecutions for nonconformity virtually ceased” this was not so for all dioceses.<sup>366</sup> Albers notes that in South Lancashire there were 128 prosecutions for non-conformist activities between 1691 and 1752.<sup>367</sup> However whilst the Act of Toleration initially appears to excuse attendance at the Anglican church this did not result in the abandonment of any prosecutions for non-attendance in subsequent years. Theoretically attendance was only excused if the individual attended the church of another denomination, however in such cases it would always prove difficult to ascertain whether alternative attendance was fulfilled, especially as alternative churches were found in many parishes; Albers reporting that only 14% of Lancashire parishes were without an alternative to Anglican worship in the eighteenth century.<sup>368</sup> Nevertheless presentations for non-attendance continued in many English dioceses, even if at a very reduced level. Hexham, which saw the “virtual collapse” of presentations for non-attendance during the incumbency of George Ritschel from 1683 to 1717, still presented a small number of cases in the early eighteenth century.<sup>369</sup> However the situation in England impeded the imposition of compulsory attendance upon those who steadfastly wished to remain absent and attempts to present cases of non-attendance seem to have frequently resulted in contempt by those called to court. Albers notes that of the 243 individuals presented for non-attendance in South Lancashire only 13 attended court to answer the charge.<sup>370</sup>

It appears that many areas certainly abandoned effective presentation of non-attendees towards the mid-eighteenth century. The parish of Whalley, with a population comparable to that of the Isle of Man, only presented four individuals for the offence between 1712 and 1770 the non-attendance of these individuals being noted alongside

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<sup>365</sup> T. Isaacs, ‘The Anglican Hierarchy and the Reformation of Manners 1688-1738’ *The Journal of Ecclesiastical History* Vol 33 no.3. (Cambridge 1982), p.395

<sup>366</sup> Outhwaite, *Rise and Fall*, p. 81

<sup>367</sup> Albers, *Seeds*, p.250

<sup>368</sup> Albers, *Seeds*, p.251

<sup>369</sup> Smith, ‘Hexham’, pp. 30-33

<sup>370</sup> Albers, *Seeds*, p.252

other offences.<sup>371</sup> It is probable to surmise that in Whalley at least the offence had become obsolete by the eighteenth century, either because it was unworkable through the acceptance of religious toleration (those who declined to attend could allege attendance elsewhere even if this were not the case) or that the church's authority in this regard had been eroded to the point that it was solely reliant upon the compliance of the willing.

Of course it might be suggested that attendance at other religious houses was widespread in some diocese but it is probable also that the 243 individuals presented for non-attendance in South Lancashire were the tip of the iceberg of the actual number of people who did not attend any religious instruction at all. Returns completed for the diocese suggest that attendance was particularly poor in certain areas. The returns for South Lancashire parishes for 1778 suggest that 23% of parishes noted that many were absent whereas 50% had confirmed that few or none were absent, indeed as noted by Albers the situation was very different in the towns of Liverpool and Manchester where the expanding population made completion of these returns problematic.<sup>372</sup> However comparison with the returns as to the number of communicants at Easter suggests that attendance in many parishes was at an acceptable level for the major feasts of the Christian calendar. Colne in the parish of Whalley saw 300 participants and even the industrial towns of Liverpool and Manchester served 2,000 and 1,100 communicants respectively in 1778.<sup>373</sup> Colne, with a possible population of 9,500 at this time and sporting 2,000 professed Anglican households, was clearly providing communion for a greater proportion of its residents than Liverpool with its far greater population.<sup>374</sup>

However it also becomes clear that there was a considerable difference between the ability to maintain a level of attendance that did not give cause for alarm, together with acceptance of the Anglican faith by receiving communion, and the facility of imposing compulsory attendance at Anglican worship that had been the norm in England in the period before the mid seventeenth century. The figures for the village of Terling indicate the numbers in a small community that could be presented if the

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<sup>371</sup> Snape, *Whalley*, p. 115-7,

<sup>372</sup> Albers, *Seeds*, p.134-7

<sup>373</sup> Albers, *Seeds*, p.145-6

<sup>374</sup> Snape, *Whalley*, pp. 10, 19

church was able and willing to actively present those who did not attend services. Presentations for religious offences (non attendance and failure to take communion) in this small part of Essex amounted to 151 cases in the 70 years between 1570 and 1639.<sup>375</sup> This variation in the numbers presented for non attendance is noted in the decline in such cases in the parish of Dorchester, Oxfordshire, where throughout the early and mid seventeenth century there was a small if regular flow of presentations for recusancy, non-attendance and not receiving communion, albeit that these offences were no longer presented in the period after 1680.<sup>376</sup>

The continued presentation of some individuals for non-attendance in eighteenth century Lancashire suggests that some clergy launched a rearguard action against those who were absent from services, but given that attendance of these individuals at the correction courts was so low it is probable that offenders were not effectively called back into the fold. Although attendance was maintained, particularly in many rural areas, judgements as to overall attendance must be qualified; the Anglican church in England in the eighteenth century was no longer in any position to enforce attendance upon the unwilling who professed to attend elsewhere, and there were certain areas where attendance was very weak indeed. The return for Kirklington in the Diocese of Carlisle confirms for 1725, that “not one in a hundred come to church.”<sup>377</sup> This picture mirrors the situation described by Ralph Josselin in 1665 and 1675 where communicants at Easter were noticeably small.<sup>378</sup> Although communicants at Easter in the towns of Liverpool and Manchester reached into the thousands there were still a large number of individuals who did not attend any Anglican worship at all.

In the Isle of Man, by contrast, there was no acceptance of religious toleration into the eighteenth century and this gives a completely different picture as to presentations for non-attendance during the period examined. Although dissenters were not usually noted as such in any presentation documents there were a few individuals who declined to attend Anglican worship on religious grounds. During the later

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<sup>375</sup> K. Wrightson and D. Levine, *Poverty and Piety in an English Village, Terling 1525-1700*, (Academic Press 1979) p.119

<sup>376</sup> S. Peyton, *The Churchwardens Presentments of the Oxfordshire Peculiars of Dorchester, Thame and Banbury*, (Oxford 1928) pp. 115-129

<sup>377</sup> Kinnear, ‘Carlisle’ p. 195

<sup>378</sup> R. Josselin, *The Diary of Ralph Josselin 1616-1683*, A. Macfarlane Ed., (Oxford 1976) pp. 516,583

seventeenth century, and particularly during the incumbency of Bishop Barrow, Quakers were regularly presented for non-attendance. In common with the English church the Manx ecclesiastical authorities actively prosecuted religious dissenters in the immediate post-restoration period, the chief recipients of these actions being the sect of Quakers.<sup>379</sup> A volume published in London in 1733-8 noted the persecution of Quakers in the Isle of Man in the 1650s, referring to several individuals who were censured for absence from church and holding meetings.<sup>380</sup> Two of their number, Katherine Evans and James Lancaster, (it is notable that these individuals do not have Manx surnames) were noted as banished from the Island. The names of the others, who were censured to fines and imprisonment; William Callow, John Christian and Ewan Kerrush, correspond with individuals who were censured for non-attendance in Maughald in 1659.<sup>381</sup> Quakers are the only dissenters noted in the Manx records; it is probable that other groups of dissenters would also have invoked censure if they declined to conform to the Anglican faith but their absence from the records implies that either they did not make inroads into the island or that they did little to arouse the animosity of the Anglican clergy or parishioners. However, akin to the situation in England Quakers were seen as exceptionally dangerous. Bishop Barrow noted that the Quakers should either “conforme to ye orders of ye church or quit ye Island or be kept in prison yt they many not infect & seduce others.”<sup>382</sup> The extent of the Manx church’s problem is confirmed by the lengthy period over which it actively prosecuted this group. Five years later Richard Coard, (alias ‘Slash’) along with his wife and children were brought into the island by Mr. Pickering and although they had been previously banished they appear to have been enough of a threat for their removal to be specifically requested by Bishop Barrow.<sup>383</sup> The banishment of non-Manx individuals who refused to conform to the Manx church is further illustrated in the removal of Mr. Thwing. Bishop Barrow, in his letter to Captain Aiscough, noted that “by the laws all refusing conformity to the church are to be sent out of the Island”.<sup>384</sup> The willingness of the Manx church, supported by the secular courts, to forcibly remove all “schismatiks” from the island (although the cost appears to have

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<sup>379</sup> Doran, Durstan, *Princes*, p.196

<sup>380</sup> J. Sowle, *An Abstract of the Sufferings of the People call'd Quakers Vol 1* (London 1733) Eighteenth Century Collections Online, pp.124-7

<sup>381</sup> MNHL Maughald Presentments 29<sup>th</sup> May 1659

<sup>382</sup> MNHL EW March 17 1663

<sup>383</sup> MNHL Presentments file documents 25, 28 and 31 March 1668

<sup>384</sup> MNHL Presentments file letter post letter from Barrow to Aiscough 29 June 1668

been born by Lord Derby), shows a determination to maintain the status quo on the island regarding the authority of the existing church.<sup>385</sup> In enforcing banishments the Manx church was aided by the insular status of the diocese together with its separate legislature from that of England, these combined to make the restriction of dissenters easier than in comparable areas of England where the boundaries of the jurisdiction were less defined and transport was easier. Incidences of Quakers being presented in England occur in the records of the Diocese of Chester, but those presented did not attend to answer the charges against them and they do not appear to have been removed from the area.<sup>386</sup> It is probable that the severe treatment meted out to the Quakers on the island in the early stages of the post restoration period would have discouraged other religious groups from making inroads into the island.<sup>387</sup> Nevertheless there are no references in the years examined to the banishment of any Manx people from the island because of their religious views. The apparent different treatment meted out to non-Manx and Manx individuals corresponds with the different treatment that they also received with regard to customs and importation and the treatment of debtors.<sup>388</sup>

A comparison of the treatment of those who flouted the Anglican religion in England and the Isle of Man signifies that the Manx church was more likely to censure those of other faiths who did not comply than its English counterpart. Roman Catholics in the Isle of Man were still presented for marriage by a Catholic Priest in the 1760s, whereas it is noted by Albers that such presentations in Lancashire were dying out by the 1720s.<sup>389</sup> The lighter censure issued by the Lancashire church for this offence (confession and a fine of 1s 6d) also supports the view that the English church was again more tolerant and lenient than its Manx counterpart. The comparable censure in the Isle of Man was the requirement for the legal marriage of the offenders or alternatively repeated presentation for fornication or co-habitation (both of which would involve a period of incarceration) until the offenders complied.

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<sup>385</sup> MNHL Presentments file letter 29 June 1668

<sup>386</sup> Albers, *Seeds*, p.257

<sup>387</sup> for a further illustration of the situation regarding Quakers see C. Carswell, *Man & the Quakers: Quakers in the Isle of Man 1655-1735*, <http://www.isle-of-man.com/manxnotebook/parishes/nc/quakersp.htm> (accessed 28 September 2005)

<sup>388</sup> MNHL Derby Papers, Book of Rates, MD401/1715, Searle, *Isle of Man*, pp. 14-16

<sup>389</sup> MNHL Douglas Presentments 1764 Mr and Mrs Dowd, Albers *Seeds*, p.254

The active persecution of Quakers in the seventeenth century strengthened the Manx church's hand in any future dealing with other religious groups and also indicated to the outside world that the Isle of Man did not welcome those unwilling to conform to the established Manx church. It was not until the advent of Methodism in the 1770s that acceptance of any form of religious non-conformity was noted and even then the response of the Manx church was not initially favourable. Presentations that were made in the late eighteenth century clearly indicate that sections of certain parishes were endeavouring to curb Methodist practices. By 1791 the Methodists had apparently made significant inroads into the island, but some of their habits were still seen as unacceptable to the established church, especially in the emphasis placed upon singing.<sup>390</sup>

The effect that the strict regulation of dissenters and Roman Catholics had upon religion in the Isle of Man is shown in the figures given by Wesley after visiting the Isle of Man in 1777 when he noted the presence of only 6 Roman Catholics.<sup>391</sup> No doubt this figure might under-record the actual numbers but the likelihood of there being few Catholics on the island is supported by the note that their number had only reached 550 by 1826 (the first Roman Catholic chapel being erected in 1814).<sup>392</sup> The figures for the number of Roman Catholics in the Isle of Man were lower than levels in corresponding areas in England. This is illustrated in the comparative figures for two parishes in the diocese of Chester. In the parish of Royton there was one Roman Catholic household compared to 246 Anglicans and in the parish of Melling there were 94 Roman Catholic households out of a total of 360.<sup>393</sup> (These figures compare to Wesley's figure of 6 individuals out of a total island population of nearly 25,000 in 1784). The Roman Catholics in the Isle of Man at the start of the nineteenth century were vastly outnumbered by the other non-conformist groups, which between them boasted 91 chapels on the island by 1862.<sup>394</sup>

In England the Toleration Act of 1689 had significantly curtailed much of the business and thence the authority of the Anglican Church by removing the ability of

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<sup>390</sup> MNHL Maughald Presentments 1791

<sup>391</sup> Wesley quoted in Rosser, referenced in Moore, *History vol 2*, p.680

<sup>392</sup> Moore, *History vol 2*, p.680

<sup>393</sup> Albers, *Seeds*, p.147

<sup>394</sup> *ibid*

the church to effectively prosecute those unwilling to attend services.<sup>395</sup> This in turn had led to a dramatic decline in the number of cases presented to the ecclesiastical courts in some diocese.<sup>396</sup> The effect of permitted toleration upon the business of the church courts in England however contrasted with the situation in the Isle of Man where the Manx church maintained its authority over Sunday attendance at church services, and therefore, indirectly, over the moral behaviour of the population. Presentations for non-attendance were found in all the years examined for the Isle of Man even exceeding presentations for sexual offences in 1695-7 and 1701. (Table Aii) Whilst there was a gradual decline in overall numbers presented for this offence during the eighteenth century, particularly when viewed alongside the increasing population, prosecution was clearly not abandoned by the church. Indeed figures for non-attendance presentations were often deflated by natural disasters rather than by lasting changes in the attitudes and behaviour of the church or congregations. Outbreaks of smallpox that cut swathes through the population at intervals during the eighteenth century led to virtual abandonment of presentations for non attendance for some parishes for several months, directly influencing the overall numbers presented; this reaction was most notable in 1738 where the deaths due to smallpox, cited at the foot of the presentation records, correspond with few presentations of any sort and none for non attendance in the parishes affected; the only presentations for non-attendance during 1738 were 8 cases from the eastern parishes of the island.<sup>397</sup> The lack of presentations for non-attendance in the western parishes that were affected by smallpox was probably due to a relaxation of attendance requirements although it is possible that during an epidemic the population might attend more regularly in an attempt to gain protection from their faith, such as occurred in times of plague.<sup>398</sup> The notation of individuals seeking the assistance of a charmer at this time, as well as ineffective attempts at inoculation, suggest that fear of smallpox would have also led many to seek assistance from the church during an epidemic and that the attendance might have been high. This would be supported by the theory of providence prevalent

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<sup>395</sup> T. Isaacs, *Moral Crime, Moral Reform and the State in Early Eighteenth Century England*, (Unpublished Phd thesis Rochester New York 1979) p. 110

<sup>396</sup> Particularly that of Exeter, from MG, Smith, 'A Study of the Administration of the diocese of Exeter during the Episcopate of Sir Jonathan Trelawny Baronet 13 April 1689-14 June 1707' quoted in Isaacs, *Moral Crime*, p. 110

<sup>397</sup> Presentation records for five adjacent western parishes during one circuit in 1738 record 'omnia bene' at the same time as recording larger than normal numbers of deaths. The disease apparently took several months to impact upon the eastern parishes which record similar circumstances early in 1739

<sup>398</sup> P. Slack, *The Impact of Plague in Tudor and Stuart England*, (London 1985) pp. 286-7

in the seventeenth century and indicated in the letter of Bishop Barrow in 1668 wherein he stressed the need to correct irreligious behaviour in the population in order to prevent bringing down “Gods judgments uppon us to destroy us, & our nation.”<sup>399</sup> This belief in providence was still held in the Isle of Man into the eighteenth century when both Bishop Wilson and Bishop Hildesley stressed the benefits that would ensue from due observance of the Sabbath.<sup>400</sup> In such a climate it is entirely possible that the figures indicating a lack of presentments for non-attendance or any other significant offences suggest due observance of the church’s teachings in an effort to gain divine protection from what was a devastating illness with a particularly high rate of contagion and a significant mortality rate.

Conversely, the practice of avoiding external contact during epidemics must not be totally discounted, even given that it is probable that the majority of the adults had previously been infected and were not likely to become infected by close contact in church, the advent of smallpox in a parish might have resulted in temporary poor levels of attendance.<sup>401</sup> If the latter scenario occurred the absence of presentations for non-attendance and other offences indicates that the church authorities must have consciously declined to present those who did not attend. In such cases incidences of ‘Omina Bene’ on the presentation documents would indicate that the church wardens and chapter quest did not have the facility of collating the relevant information; however there is no notification that vestry meetings were suspended at this time.

Although attendance at services in the parish church was, to all intents and purposes, compulsory in the Isle of Man, in practice, of course, every parishioner did not always attend every service. Although excusal was granted for illness and isolated incidences of absence were probably overlooked, in general most (if not at least someone from every household), were expected to attend services on a weekly basis with further attendances for some saint’s days and the major festivals. The citation of 172 heads of households in one island parish for non-attendance on St Thomas’ day in 1761 (3<sup>rd</sup>

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<sup>399</sup> MNHL presentments file letter 21<sup>st</sup> Sept 1667 For a wider discussion on the theory of Providence see K. Thomas, ‘Providence: the Doctrine and its uses’ in *Seventeenth Century England, A Changing Culture, Modern Studies*, W. Owens ed, (London 1980) pp. 24-42

<sup>400</sup> MNHL German Presentments 1733, Michael Presentments 1763

<sup>401</sup> MNHL Andreas presentments 1738, P. Razzell, *The Conquest of Smallpox*, (Firle 1977) p. 113-5

July) was notable for its extent although no censure was issued.<sup>402</sup> Out of a parish population of just over 1,000 the church must have been virtually empty on that occasion, this presentation is however conspicuous amongst the generality that only include a couple of individuals per parish per circuit.

The requirement for a reasonable degree of attendance varied during the eighteenth century. Many presentations for non-attendance were brought at the beginning of the century for individuals who only attended about half a dozen services a year, whereas in the later decades examined non-attendees were generally only brought before the courts when they had been absent for a year.<sup>403</sup> Personal knowledge of the individual, and reasons given as to lack of attendance were contributory factors in the censure once the individuals had been called before the court. Hugh Colvin, who attempted to excuse his lack of attendance at services on his lack of appropriate clothing, was censured as he had been seen attending the local fairs, however an infirm elderly woman was excused subsequent attendance and the curate was instructed to make personal calls upon her.<sup>404</sup> The presentation records confirm that services were often provided at both morning and evening and whilst attendance at both was never enforced it is clear that some individuals attended two services each Sunday.<sup>405</sup>

The generality of censures issued for non-attendance became less severe as the period progressed. During the commonwealth period the censure of a period in the stocks or a fine of 12d was issued for non-attendance whereas twenty years later censures ranged from a promise of reformation to the requirement to fulfill one penance and supply bonds of 20s to attend in future.<sup>406</sup> The requirement for undergoing penances for not attending church services continued up to the end of the seventeenth century whereupon it ran alongside an alternative of committal in the bishop's prison until payment was made of 6d per Sunday that the offender had been absent.<sup>407</sup> The use of

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<sup>402</sup> MNHL Andreas Presentments 1762 This case is not included in the records as it artificially inflates the extent of non-attendance especially considering that it appears not to have reflected the practices of the parishioners or the courts

<sup>403</sup> MNHL Maughald Presentments 1704, Lonan Presentments 1739

<sup>404</sup> MNHL Marown Presentments 1730, Lonan Presentments 1739

<sup>405</sup> MNHL Lezayre Presentments 1761, John Cry, presented for attending morning and evening services in another parish

<sup>406</sup> MNHL Andreas Presentments 1659, Lonan Presentments 1678, Ma (presumably Malew, Marown or Maughald) Presentments 1679

<sup>407</sup> MNHL Michael Presentments 1697, Arbory Presentments 1695

a penance to censure non-attendance at services was not universally practised in England; penances usually being censured for sexual and other serious offences. The reference by Albers to the sexual symbolism of a white sheet during the fulfillment of a penance implies that penances were only issued for sexual offences in Lancashire during the eighteenth century, the use of the penance for non-attendance in the Isle of Man therefore not only implies a more varied catalogue of offences that received the censure of a penance but also a more severe censure for the offence than was found elsewhere at least at the close of the seventeenth century.<sup>408</sup> By the early eighteenth century Manx individuals censured for non-attendance were usually to be committed until bonds were supplied as to future attendance or alternatively they were instructed to “attend more diligently.”<sup>409</sup> The severity of the censure for non attendance clearly depended upon the circumstances of the offender and their demeanour in court, for in the majority of censures issued for serious offences such as those of a sexual nature there were no variations in the censures issued.

By the mid-eighteenth century, under the governance of Bishop Hildesley, the censures for non-attendance continued in the vein of committal until bonds were supplied as to future attendance, bonds in these cases being set at £3.<sup>410</sup> However by the close of the century the use of the penance had again returned for some offences of non-attendance. Some less serious cases merely resulted in admonition and a repeat presentment if the offender continued to be absent, in other cases individuals were censured to be committed until bonds were supplied confirming that they would undergo a penance.<sup>411</sup>

Whilst the majority of censures for non-attendance were relaxed during the course of the period governed by this thesis, there were still incidences of penances being issued for the offence at the close of the eighteenth century. Indeed for a minority of offenders relapses into non-attendance were continually and severely censured during the eighteenth century - the cases of these individuals being transferred to the bishop's attention regarding possible excommunication.<sup>412</sup> The continued presentation of

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<sup>408</sup> Albers, *Seeds*, p. 219

<sup>409</sup> MNHL Lonan Presentments 1732, Douglas Presentments 1737

<sup>410</sup> MNHL Ramsey Presentments 1765

<sup>411</sup> MNHL Lonan Presentments 1791, Lezayre Presentments 1793

<sup>412</sup> MNHL Braddan Presentments 1735, Michael Presentments 1798

offences of non-attendance at the close of the eighteenth century, albeit with a reduced number of offenders as a proportion of the population, suggests that the Manx church was still active in this regard at the close of the period. However a comparison of the parishes, which continued to bring cases of non-attendance in the 1790s, suggests that the urban areas were no longer bringing these cases with regularity. Indeed for the chapels of Douglas and Ramsey and the town of Castletown contained in the parish of Malew there were no presentations for non-attendance during the 1790s although cases involving sexual misconduct as well as verbal offences were still produced before the court. It is entirely possible that the population increase in Douglas and Castletown (which both doubled between 1757 and 1792) might have hindered the church in maintaining a record of parishioners and whether they attended services. In this respect the pressures faced by the church in the rapidly expanding industrial areas of Lancashire, in maintaining church attendance were reflected to a lesser extent in the situation in the Manx towns where although prosecution for serious offences continued the lesser offence of non-attendance was no longer effectively enforced.

Nevertheless the comparison of the 955 individuals presented for non-attendance in the Isle of Man for the forty-six years examined for this thesis, to the 243 individuals presented in the significantly larger deanery courts of South Lancashire for the ninety years between 1691-1781 suggests in itself that the Manx church endeavoured to maintain an acceptable level of attendance of its congregations, both willing and unwilling.<sup>413</sup> Indeed the inclusion of cases of irreverence in church in the Isle of Man suggests that the church managed to enforce attendance upon many unwilling parties. Much of the ability of the Manx church to present those who did not regularly attend services and to issue censures that were primarily designed to ensure future attendance stemmed from the lack of religious toleration on the island. This situation not only aided the church wardens and chapter quest who were required to present those who did not attend, but also kept the community amalgamative. The church was the one main building in the community where significant numbers could meet together, with enforced attendance it became a focal point of the population and parishioners would attend if not to receive religious instruction then to meet their

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<sup>413</sup> Albers, *Seeds*, p. 250

neighbours and exchange the pleasantries of everyday life in the knowledge that the vast majority would be there. This appears to be one factor that set the Manx church apart from its English neighbour.

The general high level of attendance of the Manx people at services is highlighted in the figures of the communicants in Peel, which reached 800 in 1761 and 1764.<sup>414</sup> Out of a population for the town of 805 souls in 1757, these figures might also include the parishes of Patrick and German, which between them contained a further 1879 individuals.<sup>415</sup> Considering that the town was entirely contained in the parishes of German and Patrick the population figures for the area might involve some duplication of individuals, even so it is clear that at least one third of all the inhabitants of the area received communion at this time, a take up rate which does not include the very young, and therefore unconfirmed, which would be included in the population figures. In comparison with the aforementioned figures for relatively high attendance in Colne, together with those for Liverpool and Manchester which had far greater populations, practising Anglicans were clearly more prevalent in the Isle of Man than in comparable areas of the North West in the mid eighteenth century.

Confirmation that attendance was generally high in the Isle of Man is also supported by notations concerning the cramped seating in many of the island churches. The fullness of the churches in the eighteenth century is indicated by the number of irreverence offences that were a direct result of a lack of sufficient seating. Many Manx churches would indeed have been full to bursting point if all parishioners had attended at the same time, a situation that was also noted in populations covered by some English parishes in the early sixteenth century.<sup>416</sup> The allocation of pews in the parishes shows that many would have been too full for comfort (with as many as ten households to a pew), the parish of Lonan noting that many had to stand in the aisle during services because of insufficient seating; (when the weather was hot; packed in like sardines, fidgeting by individuals led to frayed tempers, fights and arguments).<sup>417</sup>

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<sup>414</sup> MNHL German Parish Register PR12

<sup>415</sup> Moore, *History vol 2*, p.646

<sup>416</sup> Thomas, *Magic*, p.189

<sup>417</sup> MNHL Lezayre Presentments 1799, Andreas Presentments 1679, William Skally, Ballaugh Presentments 1759, Jurby Presentments 1730, Lonan Presentments 1793

Nevertheless by enforcing attendance regulations the Manx church had maintained a high level of attendance, a situation that is further illustrated by problems associated with the attendance of the unwilling. Indeed problems in Manx churches were often caused by youths and apprentices. David Cain was presented for spitting during the service in Jurby and Robert Clague of Braddan was presented for spitting on Kath Curchy's book and hat, (there were perhaps advantages to sitting in the gallery!).<sup>418</sup> Similarly, jostling by youths also occurred; W[illia]m Gawn was presented for pulling the hair of others during a service, W[illia]m Waterson was accused of pricking John Callow with a pin and Henry Kewley Jr "pissed" in the schoolhouse window whilst the other children were learning their psalmody.<sup>419</sup> Apprentices similarly caused problems and two who attended Douglas Chapel in 1761 did not feel that they needed to show deference to those who were receiving a more formal education. Philip Lewn a shoemaker's apprentice, was noted as "rudely & forcibly" pushing the grammar school children out of their seats.<sup>420</sup> Even though he was rebuked, Stephen Pickering, a barber's apprentice, repeated the process the following week. They were both censured for their irreverence, and the court noted that the behaviour of the grammar school boys was "decent regular & orderly" unlike "all rude boys – prentices & others not of the publick school who affect to be above all order & discipline." There was an evident cultural gap between the status and behaviour of the two groups of boys that was recognised and actively supported by the church and there seems also to have been a distrust, whether justifiable or not, felt by the church of certain social groups. There is no doubt that apprentices were noted as causing particular problems, but they would have comprised a large proportion of the urban male youths at this time and the Manx church felt that these individuals were often outside their control. However opinions as to the problems of youth were not confined to the Isle of Man and reflect similar attitudes in England.<sup>421</sup> It is notable that the majority of the problems with youths that the Manx church endeavoured to correct occurred in the eighteenth century when the island was experiencing a greater influence from external sources, and a greater number of temptations, than it had a century earlier.

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<sup>418</sup> MNHL Malew Presentments 1667, Lezayre Presentments 1702, Jurby Presentments 1704, Jurby Presentments 1730, Braddan Presentments 1762, Lezayre Presentments 1799

<sup>419</sup> MNHL Malew Presentments 1735, Lonan Presentments 1730, Michael Presentments 1765

<sup>420</sup> MNHL Douglas Presentments 1761

<sup>421</sup> J. Sharpe, 'Disruption in the Well-Ordered Household' in *Experience of Authority*, p.188-9

In the seventeenth century the Manx clergy also noted problems with the 'qualities' of their parishioners which suggests that whilst there was a cultural divide between the believers and the non-believers there was also a division between the educated and the uneducated that did much to inhibit the teachings of the church. In 1678 Tho[mas] Parr, the vicar of Malew, voiced his concerns; noting that many did not come to evening prayer and were unable to say their catechism, "they that have catechism bookes to answ[er] the minister will not com with their bookes but my selfe propoundinge the question and givinge the answer and very very few doth com to heare or learne."<sup>422</sup> It is likely that many of those who would have attended services would have been unable to read and any catechism book would have been of little benefit, Thomas Parr's main complaint was the lack of enthusiasm and attendance at evening services. He makes no comment as to attendance at morning services, perhaps this was better, as presentations for non-attendance in Malew were not high.

The level of attendance in the Manx churches resulted in extensions to the existing buildings and for new chapels to be erected during the eighteenth century in St. Marks, Ramsey and Douglas (St. George's and St Matthew's) to meet the growing demand. Whilst new church building was never on the scale encountered in areas of Lancashire where 130 new chapels were built between 1689 and 1800, the percentage enlarged or built bears comparison to the figures for the North West where 73% of the Anglican churches were similarly treated.<sup>423</sup> That extensions were on a comparable level to those in the North West again confirms the level of attendance at Anglican services in the Isle of Man. Of course the erection of entirely new chapels and churches could never bear comparison as the population growth in the island was on a far smaller scale than that found in the new industrial towns of England, and there simply wasn't the size of population to warrant many new chapels. The tenfold increase in the population of Manchester during the eighteenth century to 84,000 in 1801 and likewise for Liverpool expanding from 5,000 in 1700 to 77,653 in 1801 warranted extensive church building; the administrative areas that contained these cities accounting for 83 new Anglican churches in the eighteenth century.<sup>424</sup> During the same period the population of the island only doubled, however it is testament to

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<sup>422</sup> MNHL Malew Presentments Nov 6 1678

<sup>423</sup> Albers, *Seeds*, pp. 53-6

<sup>424</sup> Albers, *Seeds*, pp. 49-58

the continued attendance of the Manx that extensions were undertaken in the majority of churches during the eighteenth century. Furthermore there can be no clearer indication of the Manx people's enthusiasm for church attendance than the numerous churches and chapels that existed in the island by the nineteenth century with the acceptance of toleration. For alongside the Anglican parish churches and chapels there were 91 non-conformist chapels in 1862, one Roman Catholic Church and an additional three Roman Catholic chapels.<sup>425</sup> None of these would have been necessary if there had not been a cultural tradition in the Manx people of church attendance and enforcing attendance upon absentees for it was noted in the nineteenth century that those who attended the Methodist chapels in the rural areas of the island usually also attended the sacrament at the Anglican church and it was only in the urban areas post 1836 when the Chapels held services at the same time as their Anglican neighbours that congregations began to choose between the two.<sup>426</sup>

Whilst Manx churches appear not to have been built with specific funds from large non-clerical benefactors (in contrast to Lancashire where 12% were funded by gifts from private individuals), extensions in the Isle of Man were more generally made at the gift of the Bishop or voluntary contribution and there were no churches built or extended upon the gift of a specific secular individual.<sup>427</sup> Nevertheless extensions to the seating areas of churches were often made for specific recipients with status in the community. The erection of a gallery in St. Peter's church Peel in the 1760s was for the benefit of the constable of Peel Castle and the masters and scholars of the town, and was funded by voluntary contribution. In other cases the allocation of new pews was undertaken to provide seating for those who already paid assessments but for whom there was insufficient seating.<sup>428</sup>

There appears to have been no allocation of new pews via a lottery as was sometimes the case in England.<sup>429</sup> Instead the right to purchase a seat was professed to be equal between all those who paid assessments; a document concerning the distribution of seats in Douglas Chapel noted that "each of the inhabitants of said town possess'd of

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<sup>425</sup> Moore, *History vol 2*, pp. 680-1

<sup>426</sup> Moore, *History vol 2*, p. 679

<sup>427</sup> Figures derived from Albers, *Seeds*, p. 56-8, Gelling, *History*, pp.17, 25

<sup>428</sup> MNHL Documents 19<sup>th</sup> October 1763, presentments file 1763, June 10<sup>th</sup> 1759 and 1<sup>st</sup> June 1762, Ballaugh Presentments 1762

<sup>429</sup> Thomas, *Magic*, p 140

never so mean a cottage had a right to purchase a seat therein equal to those that had considerable holdings in said town.”<sup>430</sup> The church obviously endeavoured to treat all individuals equally but an examination of the seating arrangements indicates that the poorer families were often seated near the rear of the church and the wealthy families nearer the altar. (In this respect the seating arrangements and church attendance reinforced the status quo in Manx society.) The comparatively small number of cases that noted disagreements over seating positions in comparison with the numbers that must have attended some services, in often cramped surroundings, would suggest that the vast majority of the Manx were willing to sit in their appointed seat without complaint. Seating position in the church and the support that it suggested for the status of certain members of society seem to have been accepted without apparent objection. Many parishioners never had the means with which to alter the support of status in Manx churches and it would not be until the adoption of Methodism that a more egalitarian system of church worship was found on the island. That only a comparatively small percentage (2.4%) were involved in acts of irreverence (188 out of a total of 7697 offences) during the years examined confirms that the majority of Manx people attended church services without complaint and that they considered it to be an essential part of their lives and confirms that Manx people were in many respects deeply religious and willing to accept ecclesiastical guidance.

One of the main benefits to the Manx Church of enforced attendance was that the church was able to communicate its message to the people with more ease than in England where attendance was less rigidly enforced. The ability of the Manx clergy to reach their audience is recognized in the instructions from the Bishop to his clergy instructing them to preach against specific problems. These sermons or admonitions could be on a variety of subjects, and were often the result of increased incidences of specific offences brought before the ecclesiastical courts. During the incumbency of Bishop Wilson such orders were issued concerning cursing in the population, seeking the assistance of a charmer or engaging in the running trade.<sup>431</sup> The clergy were also instructed to remind their parishioners about specific offences without the requirement for a specific sermon.<sup>432</sup> Church services would also supply the

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<sup>430</sup> MNHL LC 1761, 1

<sup>431</sup> MNHL Arbory Presentments 1738, Andreas Presentments 1738, Maughald Presentments 1738

<sup>432</sup> MNHL Castletown Presentments 1700

parishioners with the date of the next service and whether it would involve Holy Communion; omissions in this regard would lead to presentations for neglect of duty for the church official concerned.<sup>433</sup> As noted by Doran and Durston in the seventeenth century the sermon “offered the only regular instruction available to the large numbers of illiterate English men and women,” the situation in the Isle of Man where attendance was still enforced in the eighteenth century only served to heighten the importance of this weekly occurrence.<sup>434</sup>

In this way the Manx church was able to put forward its viewpoint in the knowledge that the majority of the population would hear. Even if the congregations did not fully heed the instructions of the church or the sermons given, the views of the Anglican church were encountered more in the Isle of Man than in comparable situations in England where attendance at the local church was not enforced. Presentations in the seventeenth century in the Isle of Man for individuals attending services outside their own parish also helped the church in controlling attendance.<sup>435</sup> The Manx church therefore was able to influence the practices of the Manx people by not only imposing censures on those who failed to comply but also by suggesting proper behaviour and manners. That individuals were willing to supply information to the church courts about the lack of attendance of their neighbours implies that many parishioners were willing to accept the authority of the church and its requirement of compulsory attendance at services. Only a few individuals were steadfast in their refusal to attend church, and in these cases, even during the latter years of the eighteenth century the Manx church could be persistent in its presentations. John Cowley was presented for not attending services in Kirk Michael in 1790, he was also presented in 1793, twice in 1794, twice in 1796 and finally in 1798 where his case was transferred to the Bishop’s attention regarding a possible excommunication.<sup>436</sup> During the years when he was presented for failing to attend services he was censured to be admonished on several occasions by the vicar, fined for not attending the church court and committed until he gave in bonds of £3 to attend services however all these censures had little effect on his attendance. The tenacity with which the Manx church pursued his case suggests that the ecclesiastical authorities were unwilling, even at the end of the

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<sup>433</sup> MNHL Bride Presentments 1762, Lezayre Presentments 1765

<sup>434</sup> Doran and Durston, *Princes*, p.187

<sup>435</sup> MNHL Andreas Presentments 1679 (Mr and Mrs Steven Clerk)

<sup>436</sup> MNHL Michael Presentments 1790, 1793, 1794 x 2, 1796 x 2, 1798

eighteenth century, to allow any individual to completely ignore the requirement of church attendance. His case was however an exception and the number of repeated presentations for lack of attendance was small, accounting for only 35 of the total presentations examined. Cowley's continued presentation and the lack of similar cases in the records examined implies that persistent non attendance was rare and that the majority of individuals who were initially presented for non attendance managed to maintain an acceptable level of attendance thereafter.

Whilst some Manx individuals were presented for non-attendance at the same time as being presented for other offences the majority of presentations for sexual, verbal or behavioural offences occurred without mention of a lack of attendance and therefore suggest that attendance at services was high even amongst those who committed other presentable offences. The Manx church by enforcing attendance ensured that the population at large heard its teachings and although the importance of preaching and instruction from the pulpit cannot be precisely evaluated it is clear that it was able to exert a significant impact upon the behaviour of the congregation – a factor that was mirrored in the situation in the seventeenth century for Charles I noted that “the people are governed by the pulpit more than the sword in time of peace.”<sup>437</sup> However this was not to say that from its position of authority the Manx church's teachings were purely designed to maintain and support the status quo, as will be seen later the church was always ready to accept the frailty of its charges and endeavoured to lead individuals in the path of righteousness. Even so it is clear that the Manx church were more able and willing to enforce attendance at services than the church in the dioceses that contained Lancashire. It was therefore able to influence more effectively the manners of the population by such a simple method as ensuring that they were obliged to sit in church whilst the sermon was given.

Before leaving the subject of presentations for non-attendance in the Isle of Man it is valuable to compare the ratio of men to women that were presented for the offence. Figures of 656 men presented against 299 women (Table F) indicate a disproportionate gender ratio for the offence. Viewed on their own these figures would suggest either that women attended more regularly or that a man, as the usual

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<sup>437</sup> quoted in Doran and Durston, *Princes*, p. 187

head of the household, would be more likely to be presented when the entire household was absent, or that women, because of domestic duties, might be excused attendance more regularly than their male counterparts. It is entirely probable that in the eighteenth century women, as is the case in many churches today, attended more regularly than men. Indeed comparison with the figures for other types of offence, discounting sexual offences, which were usually presented upon the pregnancy of a woman, shows that women are underrepresented in all non-sexual offences brought before the ecclesiastical courts.

Linked to cases of non-attendance, presentations relating to Christian groups other than Anglicans (most generally presentations of Roman Catholics) were relatively high in the Diocese of Chester in the early eighteenth century. Comprising 9% of the presentations relating to non-sexual offences and a total of 204 cases between 1691 and 1781 they were a significant representation in the Lancashire caseload.<sup>438</sup> These cases were often brought with the underlying intention of harassing practising Catholics, although as Albers confirms, Lancashire was not typical of the general picture in this regard as its Roman Catholic population was “abnormally large.”<sup>439</sup> Even so Albers suggests that these presentations, which died out in the 1720s, were generally ineffective as those presented did not appear to answer the charges and the Anglican courts in England did not have the power to enforce attendance.

Conversely the number of cases that noted Roman Catholics in the Isle of Man was particularly small. Whilst there were the previously cited cases that suggest the existence of a Catholic priest for conducting marriage services, no prosecutions were made for holding Catholic services or any other links to the Catholic faith in the island in the years examined.<sup>440</sup> It is possible that the small minority of Manx residents who were Catholics eluded presentation if they did not otherwise offend the Anglican faith but there is no indication as to whether these individuals were forced to attend Anglican services or whether they merely had to conform with Anglican rites of passage. The existence of a few Manx Catholics is further confirmed in the declaration of George Savage who renounced the Catholic faith in the presence of the

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<sup>438</sup> Albers, *Seeds*, pp. 250, 253-4

<sup>439</sup> *ibid*

<sup>440</sup> MNHL Douglas Presentments 1764, Mr & Mrs O'Dowd

Bishop in the Chapel at Bishops court in 1764.<sup>441</sup> The Anglican opinions that supported declarations such as that made by Savage are suggested by the document that cites objections to the Roman Catholic faith; that the Pope has no “lawful power” over the British King, or his subjects “to Curse, Condemn or Excommunicate them,” that “Books received for divine Revelation” should not be withheld from the people nor should the cup in the sacrament, that public prayers should not be in a foreign tongue, that prayers should not be offered to departed saints, that images should not be erected in churches for the “people to bow down before” and finally the renunciation of the practice of “burning numbers of pious Christians because they cannot subscribe to the Doctrine of Transubstantiation.”<sup>442</sup> This catalogue of eighteenth century objections to Roman Catholicism clearly sets out the views of the Manx church; with such a litany of objections it is significant that there were not more Catholics who were presented for not directly adhering to the Anglican faith in the island. Of course it is possible that some of those presented in the normal run of cases might have been Catholics and that there were not always required to attend religious services, but it is probable that if absences were not tolerated then any Catholics cited for non attendance would have been noted as such in the original presentation information. Toleration of significant Catholic practices seems unlikely especially given the concerns regarding Jacobites in the island in the first half of the eighteenth century.<sup>443</sup>

Whilst presentations for non attendance were brought throughout the period under review these presentations were not necessarily linked to cases of Sabbath breaking. Although a few cases in the Isle of Man noted being in the alehouse in time of divine service, the majority of Sabbath breaking offences did not run concurrently with a presentation for non attendance. It would therefore appear that playing games on the Sabbath or Sunday working took place after the church service had been completed or indeed before it had started, there is no implication that the individuals were absent from Sunday services. The offence of Sabbath-breaking was an exceptionally broad category that covered a multitude of different offences. These ranged from undertaking gainful employment, to casual labour or engaging in any form of work,

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<sup>441</sup> MNHL Presentments file, 1764

<sup>442</sup> *ibid*

<sup>443</sup> For a further discussion of the links between the Isle of Man and Jacobites see F. Wilkins, *The Isle of Man & the Jacobite Network*, (Wyre 2002)

being it only carrying a small load or riding a horse, to a myriad of pastimes that were deemed unsuitable for a Sunday. Indeed evidence from the presentations suggests that there were no leisure activities that were permitted upon the Sabbath however because the presentation of cases relied so heavily upon the information supplied to the church officials it is probable that only activities that were deemed to be offensive by a large proportion of the population were ever brought to the attention of the church courts. In rural parishes spread over a wide area it was unlikely that the churchwardens and chapter quest would ever have managed to present individuals for Sabbath breaking if they had not received notification from other members of the congregation. Sabbath breaking offences were thus mostly reliant upon a consensus between church and congregation as to correct Sabbath observance.

Figures from the Diocese of Chester show that Sabbath-breaking cases accounted for 8% of the non-sexual cases (182 cases) between 1691 and 1781.<sup>444</sup> Incidences in Lancashire continued to be presented into the 1770s and at first sight these presentations seem to indicate that this offence was particularly well regulated throughout the period especially considering that nearly a third of those presented in Lancashire for Sabbath breaking appeared to answer the charges against them.<sup>445</sup> The offences presented in Lancashire covered a wide range of activities, from the most numerous offence of drinking to cases of cock fighting, playing, gaming and incidences of selling goods on the Sabbath. Indeed incidences of shopkeepers selling goods were particularly noted in Blackburn in 1733, although the offenders had thenceforth promised to “do so no more” at the request of the clergyman.<sup>446</sup> Interestingly the opening of shops on the Sabbath seems to have been very rare on the Isle of Man, whilst the church experienced problems with barbers and others who served the visiting vessels, particularly at the height of the running trade. The only vendors who were presented seem to have been individuals in the isolated rural parishes that did not directly serve the ports or larger population areas or those who attempted to sell goods at sea. It is unlikely, given as we shall see the higher incidences of Sabbath breaking presentations on the island, that cases of opening shops on the Sabbath would have been disregarded. The problems of barbers working

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<sup>444</sup> Albers, *Seeds*, p. 250

<sup>445</sup> Albers, *Seeds*, p. 257

<sup>446</sup> Albers, *Seeds*, p. 256

on the Sabbath highlight the processes adopted by the church in maintaining due Sabbath observance. Following the presentation of two barbers for shaving and dressing wigs on the Sabbath several other individuals were requested to supply bonds not to work on the Sabbath in common with the practise in Blackburn.<sup>447</sup> Any piecemeal presentation of offenders would necessarily have been less effective as individuals might persist in Sabbath breaking until censured and would miss out on trade if others remained unrepresented, indeed this objection was raised in the presentation of workers in a walk (fulling) mill in the seventeenth century. The offenders appeared in court and alledged “yt all walk mills in ye Isle doe ye lik & in case ye rest curcease upon ye Lords day they will cease alsoe otherwise yt they may have ye same liberty others have.”<sup>448</sup> The owners of the walk mill in their response to their presentation raise one of the chief criteria that identifies the strengths or not of any court system; that the court can only effectively regulate behaviour if it is seen to be impartial in its treatment of offences and offenders. Relying so heavily upon the information supplied to it by the ordinary members of the congregation, the ecclesiastical courts had to maintain their co-operation by being just in the distribution of censures. If only a few individuals were censured for offences that were committed by many then the consensus necessary for the functioning of the court would be lost. After a few incidences where information regarding offences was only supplied on a tit for tat basis or where individuals had a particular axe to grind, the courts would cease to be effective as they would be perceived to be in the control of particular interest groups, gaining promises of future adherence from entire groups seems to have been the most effective means of ensuring conformity.

Whilst presentations for Sabbath breaking in the Diocese of Chester were at a level that suggests that the offence was still actively prosecuted (although at a reasonably low level) throughout much of the eighteenth century, this does not appear to have been so for the entire area. The Parish of Whalley presented only 11 cases of Sabbath breaking to the deanery courts in Blackburn between 1712-71.<sup>449</sup> Although higher than presentations for non-attendance, these figures must have considerably under recorded incidences of the offence in the community as the size of the population of

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<sup>447</sup> MNHL German Presentments 1760

<sup>448</sup> MNHL Braddan Presentments 1659

<sup>449</sup> Snape, *Whalley*, p. 115

the Parish of Whalley was similar to that of the Isle of Man in the eighteenth century. As previously noted levels of presentation for sexual offences in this area of Lancashire were, at best, running at half the levels found in the Isle of Man and non attendance presentations were practically negligible. Figures for Sabbath breaking in the Isle of Man dramatically exceed those found in Lancashire and especially in the parish of Whalley. During the forty-six years examined 1,228 individuals were presented for Sabbath breaking in the Isle of Man. These offences ranged from practices linked to gainful employment, such as barbers, engaging in the running trade as well as “booming” or “bumming” (serving vessels engaged in the running trade), aspects of farming and fishing and many leisure activities such as gaming, playing cards, drinking, dancing, swimming, archery, hockey, quoits and general rowdy behaviour on the Sabbath. Indeed the number of Sabbath breaking cases and the descriptions annexed are so extensive as to provide an adequate picture of life on the Sabbath throughout much of the period.

Whilst it could be argued that the increased incidences of Sabbath breaking presentations in the Isle of Man resulted from merely an increased irreverence by the Manx people and a disinclination to observe the Sabbath, this explanation does not take into account the increased incidences in the Manx church courts, over comparative levels recorded in diocese such as Chester, of many other types of offence. The overall higher rate of presentation in the island of Sabbath breaking runs alongside a higher rate of presentation of the majority of other non-sexual cases (apart from the prosecution of Roman Catholics) and seems instead to result from an increased desire to present these cases rather than different patterns of behaviour by the Manx people on the Sabbath.

Furthermore many of the presentations for Sabbath breaking in Lancashire were for undertaking improper activities during time of divine service, Albers notes that this did not automatically infer that the church authorities always disapproved of activities later in the day.<sup>450</sup> In contrast for the Isle of Man the majority of presentations for Sabbath breaking do not specify that the activity took place at service time. Indeed it is clear that some cases, usually involving dancing or carrying goods to the mill or

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<sup>450</sup> Albers, *Seeds*, p.255

from farms, were either late on a Saturday night or on a Sunday afternoon before nightfall.<sup>451</sup> In others the offenders had already attended church services before transgressing, two men from Bride having attended church earlier in the day had proceeded to thatch a cottage in the afternoon.<sup>452</sup> Cases that note Sabbath breaking late on a Saturday night or just prior to sunset on a Sunday were more prevalent in the earlier years examined. It is probable that the policy of maintaining strict Sabbath observance weakened during the period under review but the Manx church was still willing to actively prosecute those whom it perceived as actively opposing its principals. Richard Daly and his thirteen house guests, including Lady Barymore, were presented in 1799 for dancing and playing billiards late on a Saturday night.<sup>453</sup> Although the case was eventually dismissed it is an indication that certain standards were still to be maintained at the close of the eighteenth century and that the church officials were willing to present those whom they believed were breaking the ecclesiastical laws.

The censures issued for Sabbath breaking in the Diocese of Chester reflect the lesser severity of the offence in the English courts by the eighteenth century, for Albers refers to the numbers who, because they were “nominally Anglican” appeared at court when charged with Sabbath breaking and accordingly paid their fines.<sup>454</sup> In the Manx courts however the censures issued were often more severe. Offenders in the mid seventeenth century were either censured to acknowledge their offence or fulfill a penance whereas during the commonwealth period two men who played cards on the Sabbath were to pay a fine of 12d each or sit in the stocks for an hour.<sup>455</sup> Towards the close of the seventeenth century censures for Sunday working had altered slightly, cases such as mowing hay on the Sabbath or undertaking repairs to a mill were censured to a penance apiece whereas for greater offences such as carrying a brewing pan or going to sea a bond of 5s was also levied.<sup>456</sup> By the 1730s some censures had increased to committal until bonds were supplied to reform, or, in the case of those

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<sup>451</sup> MNHL Douglas Presentments 1761, Rushen Presentments 1700, Ballaugh Presentments 1697, Michael Presentments 1703

<sup>452</sup> MNHL Bride Presentments 1730

<sup>453</sup> MNHL Douglas Presentments 1799

<sup>454</sup> Albers, *Seeds*, p. 257

<sup>455</sup> MNHL Maughald Presentments 1641, Maughald Presentments 1640, Andreas Presentments 1659

<sup>456</sup> MNHL Jurby Presentments 1678, Braddan Presentments 1678, Maughald Presentments 1679, Braddan Presentments 1678

serving visiting vessels committal until bonds of £3 were supplied, one penance fulfilled and a further fine of 2s 6d paid.<sup>457</sup> It is possible that these severe censures continued throughout the eighteenth century, being issued for a few cases in the 1760s and 1790s, however it becomes apparent that many more cases of Sunday working were being dismissed or alternatively being issued only with a reprimand as the period progressed.<sup>458</sup> Albeit that there is evidence of a decline in the severity of the censures issued by the Manx church courts, in comparison to those issued in some English dioceses, it is evident that the church in the Isle of Man viewed these offences as more serious than comparable dioceses in England. Of course the variety of censures available in the Isle of Man was greater than in England, it is important that the penitential act of a penance, (which was frequently used in the Manx courts for cases of Sabbath breaking) was seemingly only usually employed in England for sexual offences. In levying fines for Sabbath breaking the English church was ineffective in gaining the contrition and acknowledgment of the sin on the part of the offender and the community that was found in the performance of the penance. The sense of community in the perception of the proper fulfillment of a penance and the confirmation of the offence as a sin was important in maintaining the authority of the church and the cognizance of the community as to the effectiveness of moral regulation.

Although the presentation of Sabbath breaking was primarily designed to enforce Sabbath observance, several cases occur in the records that indicate the use of a prosecution under the offence to bring minor cases that would otherwise be brought as an instance case in the secular courts. There were certainly costs involved in bringing a prosecution in the Isle of Man under secular law whereas if the information supplied led to an office case in the ecclesiastical courts then, although there would be no financial compensation or claim on the transgressor, an apology or penance in the face of the congregation would at least have indirectly recognized the aggrieved party's situation.<sup>459</sup> Cases such as that of Thomas Kinley and William Mylrea, who one Sunday pulled down the ropes that held a poor widow's roof together and were

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<sup>457</sup> MNHL Douglas Presentments 1733, 1737

<sup>458</sup> MNHL Braddan Presentments 1763, Maughald Presentments 1790, German Presentments 1761

<sup>459</sup> Further discussion concerning the fees for Manx secular courts in the seventeenth century can be found in J.R. Dickinson, 'Criminal Violence and Judicial Punishment in the Isle of man 1580-1700' *Proceedings of the Isle of Man Natural History and Antiquarian Society, Vol XII*, (Isle of Man 2000) p. 130

censured to ask forgiveness and supply bonds not to re-offend, show the use of Sabbath breaking as an alternative to a costly case under secular law.<sup>460</sup> The status of the aforementioned widow, and therefore the probability that bringing a case under secular law would have been too costly for her to consider is confirmed in her inability to pay her church assessment (an assessment that was eventually paid by the Vicar).<sup>461</sup> Although such cases were isolated, their existence in the Manx records confirms that the offence of Sabbath breaking was still widely prosecuted in the island throughout the eighteenth century; it is unlikely that such a case would have been considered in other dioceses where the total Sabbath breaking cases were so few.

Apart from problems relating to alehouses selling liquor on the Sabbath in the 1730s, persistent Sabbath breaking on the part of certain individuals was not noted in the Manx records. Whilst cases of relapses into sexual offences, swearing, cursing and non-attendance were noted, recorded cases of presentations for relapses into Sabbath breaking were extremely rare, suggesting that the majority of Sabbath breaking offences were not indicative of the general pattern of behaviour of the individuals concerned.<sup>462</sup> Still, accounting for 43 presentations in 1790 for activities such as going to sea, working on the beach, carrying timber from a wreck, firing a gun, fighting and playing, Sabbath breaking in the Isle of Man remained a presentable offence that the Manx congregations and church still deemed it worthy to present throughout the period under review; regulation of Sabbath behaviour was still undertaken in 1799, albeit at levels slightly reduced from those in earlier years.<sup>463</sup>

The other offences that provided a significant volume of business for the church courts and which illustrate the ethics and ideals of the ecclesiastical authorities in the seventeenth and eighteenth centuries were the verbal offences that ranged from cases of slander to incidences of cursing and swearing. Swearing, accounting for only 1% (24 cases) of the non-sexual cases in the Diocese of Chester between 1691-1781 and blasphemy (8 cases), were not widely prosecuted in some English church courts in the

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<sup>460</sup> MNHL Lonan Presentments 1764

<sup>461</sup> MNHL Lonan Presentments 1762

<sup>462</sup> MNHL Marown Presentments 1731 and 1733

<sup>463</sup> MNHL Patrick Presentments 1790, Santan Presentments 1790, Malew Presentments 1790, German Presentments 1790, Bride Presentments 1790, Onchan Presentments 1790, Maughald Presentments 1790

eighteenth century.<sup>464</sup> The decline in incidences of swearing and blasphemy in the Lancashire church courts was no doubt influenced by the increasing use of secular courts for this purpose from the later seventeenth century onwards. Parliament having passed legislation that permitted the concurrent prosecution in secular courts of many hitherto exclusively ecclesiastical offences (provided that any offence was not to be prosecuted twice) indirectly influenced the number of these cases that were brought in the church courts.<sup>465</sup> Of course the church courts were still entitled to continue to prosecute cases, indeed for cases such as drunkenness it was expressly noted that “ecclesiastical jurisdiction shall not thereby be abridg’d or restrained.”<sup>466</sup> Nevertheless it transpired that the secular courts were increasingly used for the prosecution of some verbal offences in the beginning of the eighteenth century. Research into the parish of Whalley confirms this point. Prosecutions for swearing were recorded in the secular courts for the region whereas during the years examined by Snape there were no comparative prosecutions for verbal offences in the church courts.<sup>467</sup> The disparity in the cases presented to the two jurisdictions was further heightened in 1746 when statute dictated that all prosecutions for such offences in the secular courts were to be brought within eight days of the alleged offence and refusal to pay the resultant fine incurred a short period of incarceration in a House of Correction; a process the speed of which further enhanced the position of the secular court over its ecclesiastical neighbour that was only able to issue penances, fines or excommunication after a possibly lengthy process.<sup>468</sup> The erosion in the use of the English ecclesiastical courts to censure cases of swearing in the eighteenth century was however a gradual process. Albers records the last case in Southern Lancashire being in 1771, well after the 1746 Act that strengthened the secular courts’ role and it is clear that a small number of cases were still brought to some English ecclesiastical courts long after similar cases were mainly prosecuted by their secular counterparts.<sup>469</sup>

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<sup>464</sup> Albers, *Seeds*, p. 250

<sup>465</sup> Outhwaite, *Rise and Fall*, pp. 106-7

<sup>466</sup> J. Disney, *An Essay upon the Execution of the Laws against Immorality and Prophaneness* (1708) quoted in Outhwaite, *Rise and Fall*, p. 107

<sup>467</sup> Snape, *Whalley*, p. 101

<sup>468</sup> Snape, *Whalley*, p. 102

<sup>469</sup> Albers, *Seeds*, p. 250

In the Isle of Man definitions of cursing and swearing are fluid. The offence of swearing was, in certain cases, interchangeable with presentations for cursing. Whilst some offences of cursing involved the ritual invocation of damnation, most particularly in those that involved the words “skeeb loam” referring to the besom of destruction (see later) the majority were akin to swearing as we would recognize today. Offences of swearing or cursing in the Manx records for the earlier years examined frequently contained reference to the words spoken and there was indeed a remarkable similarity in many of the words used. In one parish, out of a total of eleven offences at one sitting of the court, three individuals were presented for cursing or swearing, for utterances such as “yt ye Divell might take her soule our of her body”, “that divell might go with her children & she the mother that bare them”, and that “the curse of god might come upon ym.”<sup>470</sup> Indeed in the seventeenth century the majority of incidences of swearing or cursing involved wishing ill upon another in terms that would often not be regarded as severe enough to warrant attention today. Wishing an “ill marriage” was just as likely to invoke the censure of a penance as wishing that another’s “eyes might be out of her head.”<sup>471</sup> The importance placed upon censuring these offences in the seventeenth century confirms not only the strength of the Manx church courts at that time in that they were able to glean information and censure offences but also the acceptance of their role in regulating this form of behaviour. In England much of this moral high ground was lost to societies for the reformation of manners. These societies attempted, after the break in ecclesiastical discipline during the Commonwealth period, and the perception by some in the church that the decline in ecclesiastical discipline had become “endemic,” to impose secular moral regulation and which led to the passing of Statutes under William and Mary concerning swearing and blasphemy.<sup>472</sup>

During the eighteenth century the majority of Manx verbal offences that were presented to the church courts were less specific as to the words spoken, however the majority were still invoking damnation, often in the form “God Damn ort” (God damn

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<sup>470</sup> MNHL Rushen Presentments 1667

<sup>471</sup> MNHL Onchan Presentments 1667, Rushen Presentments 1667

<sup>472</sup> Isaacs, ‘Anglican Hierarchy & the Reformation of Manners’, p. 398

on you).<sup>473</sup> Swearing in the young resulted in the presentation of the parents of the children concerned who were required to promise the reformation of their offspring or alternatively were admonished themselves.<sup>474</sup> Additionally during this period there were frequent incidences of large numbers in any given parish who were presented at the same time for offences of cursing or swearing.<sup>475</sup> It is probable that upon these occasions the offences became particularly noticeable and gave cause for concern. For the comparatively small parish of Arbory, that saw twelve individuals presented at one sitting of the court in 1737 and six cases at another the following year, the vicar was instructed to preach upon four successive Sundays concerning the sinfulness of swearing and cursing.<sup>476</sup> Here again the effectiveness of enforced attendance in the Isle of Man would prove beneficial to the church in supporting the enforcement of moral regulation and its message as to the correct manners of the population.

The other significant representation in the verbal offences presented to the Manx church courts was for the offence of cursing. For some cases the cursing was not a synonym for swearing but instead referred to a ritual curse of unclear origin. These curses appear initially to have a pagan origin in the manner in which they were to be delivered and the words that were spoken. There is in the Manx church records an illustration of the delivery of a ritual curse, in the case of Jony Teare, who was censured for cursing Tho[ma]s Clarke (a churchwarden); it was noted that she was “upon her knees with her carchife of her head in her hands.”<sup>477</sup> Kneeling was also mentioned in some cases of charming and it is probable the practice was adopted for cursing also. The links between kneeling in church and kneeling to deliver a curse however indicate an indistinct boundary between Christian and non-Christian practices and the merging of two very different ideologies.

The most distinctive curse that was censured in the church courts was of that invoking skeeb loym or skeab loam – a bare besom. This first appears in the years examined in the case of Roger (surname unknown) who was presented for cursing John Crobin in

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<sup>473</sup> MNHL Arbory Presentments 1730, Douglas Presentments 1763

<sup>474</sup> MNHL Malew Presentments 1761

<sup>475</sup> MNHL Douglas Presentments 1736, Malew Presentments 1761, Rushen Presentments 1790 and presentments for an unnamed parish in 1791

<sup>476</sup> MNHL Arbory Presentments 1737, 1738

<sup>477</sup> MNHL Malew Presentments 1667

1659.<sup>478</sup> Whilst the besom or witch's broom was clearly of pagan significance, (although notations of witches flying on broomsticks were rare in European witch trials) it is unclear whether the curse itself originates from pagan or Christian roots.<sup>479</sup> The curse of a skeab loam was intended to bring ruin upon the household of the recipient, for the broom was to sweep through the house and bring destruction. There is a similar curse noted in Isaiah 14:23 when Babylon was to be swept with the broom of destruction, however in the biblical reference there is no description of a "bare" besom nor is there any reference to the hearth or fireside. In this respect it is difficult to confirm whether the Manx curse of skeab loam was a biblical curse that was elaborated upon by the Manx or whether it is from an earlier pagan tradition. In either event the curse was deemed to be particularly serious and indeed it is still regarded with apprehension by some Manx people in the twenty-first century.

In the years examined there were no further references to ritual cursing until the case of Ann Clark in 1679.<sup>480</sup> Ann was censured to 3 days 'in ecclesia' for her saying to her own sister "skeab loam as follwm faais" (a bare besom and leave desolation). Why the references to skeab loam are so illusive in the mid-seventeenth century records is unclear, as a pattern becomes clearer by the eighteenth. It is probable that the church during the early eighteenth century, under Bishop Wilson, in common with its attitude to charming, actively pursued these cases and caused an increase in the number of cases brought in the early eighteenth century.

The explanation that references to skeab loam might be a relatively new practice at the close of the seventeenth century is unlikely. If it was due to an external influence, perhaps as a result of increasing trade, then it is likely that the words uttered would have been in English or Irish and would reflect English or Irish custom, for in the numerous cases of 'God damn', that became ever more prolific during the period, the verbal practices of the population clearly changed to adopt the English language. This rule cannot be applied to the curse of skeab loam. The church records can be relied upon to adequately describe the verbal practices of cursing, for in the majority of cases of skeab loam only Manx words are used in the records and the curse appears

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<sup>478</sup> MNHL Rushen Presentments May 1659

<sup>479</sup> Thomas, *Magic*, p529

<sup>480</sup> MNHL Arbory Presentments August 24<sup>th</sup> 1679

to be based on an earlier tradition in which the Manx language was dominant. Whilst the church courts might translate Manx into English for the records the converse is unlikely to have been employed as the remainder of the documents were always in English with a smattering of Latin. It is probable that if 'skeab loam' was a ritual curse then the words needed to be uttered verbatim. Cases of charms in England, which were uttered for benefit rather than to incur disaster, were also to be repeated in a set text to ensure efficacy.<sup>481</sup> It is also true that if the reference to skeab loam originated from the bible then it clearly predates the published translation of the bible into Manx and implies a detailed knowledge by a significant proportion of the population.

The distribution of cases in the island that note 'skeab loam' provides an insight into the areas in which ancient cultural practices might survive for longer. Presentations that mention skeab loam in the decade commencing 1695 occur only in rural parishes, half are for the parish of Arbory the remaining incidences occurring in Marown, Jurby and German.<sup>482</sup> The absence of presentations in the urban areas, however small, indicates that such practices were either ignored or alternatively not practised in the areas that received the greatest external influence. The concept that belief in witchcraft and similar practices survived in urban areas of England in the seventeenth century might however suggest that the culture of the towns was not that different from the surrounding countryside, and that it was merely the reporting of incidences that resulted in fewer urban cases.<sup>483</sup> Nevertheless the isolation of some Manx rural communities would have aided the maintenance of any practice based on superstition as they received fewer external influences than other areas. This would have been especially so as the period progressed and the Manx urban areas received an even greater external influence with the increase in the running trade.

Influences upon the survival of belief in witchcraft or other pagan traditions show a correlation between the Isle of Man and England where the decline in witchcraft and beliefs involving superstition during the seventeenth century were due to changes in the fabric of society many of which occurred as a result of the improved

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<sup>481</sup> Moore, *Folklore*, pp.96-99

<sup>482</sup> MNHL Arbory Presentments 1695, 1696, 1702, Marown Presentments 1700, Jurby Presentments 1696, German/Patrick Presentments 1702

<sup>483</sup> J.A. Sharpe, *Witchcraft in Early Modern England*, (Harlow 2001) p.36

communication of ideas.<sup>484</sup> The interaction in the Isle of Man between Manx and non-Manx people and the improving literacy of the Manx in some areas might also have led to some cultural practices being abandoned or being driven into secrecy. In all but one of the cases that mention skeab loam in the decade commencing 1695 the curser was a woman, and in the case of Jane Cubon there is the cited reference to the destruction of a house as she cursed skeab loam on the fireside of John Cubon.<sup>485</sup> In 1700 Ann Gelling was censured for uttering a curse on the owner of a dog that had bitten her goose saying “That a bare besom might swept ye harf or fireside of him that owned the dog.”<sup>486</sup> It was unfortunate in Ann’s case that the dog was owned by the vicar, and her censure was more severe than normal as she had also called the vicar’s wife a whore.

During the 1730s incidences in the Manx records of cursing by referring to the bare besom indicate a change in the pattern of behaviour not only in distribution of cases in the island but also in the characteristics of those who were censured and the proposed effect of the curse. Of the eight cases brought in the 1730s half of the offenders were from the parish of Lonan, two were from its neighbouring parish of Onchan and the others from the parishes of German or Patrick on the western side of the Island.<sup>487</sup> The distribution of incidences of this form of cursing in this decade had contracted into two areas that were predominantly rural. The absence in the Manx records of counter curses or references noting a charmer’s assistance in removing a curse suggest that these actions were either secretive or that the help of the church was usually sought to counter the curse and gain restitution. The survival of practices of charming to the end of the nineteenth century, together with a still existent knowledge of skeab loam in the present day suggests that it would be unlikely that curses would have been disregarded by the Manx population in the early eighteenth century. The lack of curses in the mid eighteenth century that mentioned skeab loam appear to have been primarily driven by a change in practice of those who cursed rather than any disbelief in the curse’s efficacy. This is supported by an examination of the curses cited in the records of the 1730s.

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<sup>484</sup> see Thomas, *Magic*, pp.767-800 for a comprehensive discussion of the factors

<sup>485</sup> MNHL Arbory Presentments 1695

<sup>486</sup> MNHL Marown Presentments 1700

<sup>487</sup> MNHL Lonan Presentments 1731, 1732, 1733 Onchan Presentments 1734, 1739, German Presentments 1735, Patrick Presentments 1735

As previously noted, although Lonan and Onchan were comparatively near Douglas they were still essentially rural in the early eighteenth century and they would have received less external influences than some other parishes and accordingly they appear to have held onto older traditional beliefs and practices longer. (This does not however explain the lack of skeab loam cursing in other rural parishes - some of which were considerably more remote - or the inclusion of cursing in the parishes of Patrick and German, which include the town of Peel.) The decline in numbers and distribution of cases citing 'skeab loam' therefore seems to indicate a change in the practice of the population, not in actual belief in any form of pagan culture, merely in the practice of uttering malevolent curses. Additionally the survival of ritual curses in rural eastern areas of the island, longer than in other areas, is supported by a note upon the presentation documents in 1732 as to other older cultural traditions.<sup>488</sup> The involvement of many young people in the parish of Lonan with another ancient practice that involved spending a day at the top of Snaefell in midsummer was noted and condemned by the church. This practice, unreported in any of the other parishes of the island, was not successfully eradicated by the church until much later; AW Moore writing in 1891 noted that the practice was "quite common 70 years ago, and is not quite extinct yet."<sup>489</sup> There is the suggestion in the church court records that the practice involved some ancient fertility rite, as their time atop Snaefell was spent "very rudely & indecently" but the exact details are unclear and the churchwardens were unable to find out the names of any who participated in the practice.<sup>490</sup> This reticence on the part of the parishioners to supply information as to the activities on the mountain not only indicates the acceptance of the practice by a large part of the population, but also confirms the importance of the consensus between church and people in bringing any successful presentation before the church courts. In this case the Manx church under Bishop Wilson endeavoured unsuccessfully to curb an older cultural tradition.

It is clear that those who cursed and the manner of cursing had altered significantly by the 1730s. Of those who committed the offence (by referring to skeab loam) in the

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<sup>488</sup> MNHL Lonan Presentments 1732

<sup>489</sup> Moore, *Folklore*, p.121

<sup>490</sup> MNHL Lonan Presentments October 1732

1730s, half were men, whereas only one man had been noted for skeab loam cursing in the earlier decade examined. The identities of those who received a curse of skeab loam also indicate a shift in the meaning and reduction in the perceived severity of the curse. William Callow was presented for wishing skeab loam on some horses (unlikely recipients of a properly referenced curse invoking a bare besom) whereas John Sayle Jr was presented for cursing a little girl in the same manner.<sup>491</sup> The cursing by these two men implies that they were using a set form of words as a general method of invoking damnation rather than a specific citation of a ritual curse that was designed to have a literal effect. Conversely of the four women who were presented for cursing skeab loam during the 1730s three are noted as cursing skeab loam upon specific individuals. It thus appears that Manx women who cursed skeab loam in the 1730s were still using an older cultural tradition, whereas the men, although using identical language, were uttering the curse on the spur of the moment and without premeditation.

The lack of pagan references in curses recorded in the Manx church court presentments towards the end of the eighteenth century illustrates the changing habits of the population, whether through adoption of English customs or the confinement of pagan practices to areas away from the gaze of the church officials and those who might supply information. The disappearance of skeab loam cursing from the records by the close of the eighteenth century indicates a change in practices of the population rather than a disinclination to prosecute the offence on the part of the Manx church, for it was never dismissed as insignificant in the records examined. However the prevalence of references to God Damn, still accounting for several cases annually in the 1790s, shows that this curse was still used at the end of the eighteenth century and was still seen as effective and worthy to bring to the attention of the church.

Ritual cursing, in forms akin to those found in the Isle of Man, is not noted in the comparable research for the Diocese of Chester. Whilst swearing accounted for 24 presentments in the South Lancashire Deanery courts researched by Albers, and blasphemy an additional 8 offences, there was no specific reference to cursing.<sup>492</sup> It can therefore be supposed that if any ritual curses were noted by the churchwardens,

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<sup>491</sup> MNHL Lonan Presentments 1733

<sup>492</sup> Albers, *Seeds*, p.250

they were not worthy of note. In comparison, for the significantly smaller population of the Isle of Man there were 14 curses noting skeab loam in the years examined, reflecting a different attitude on the part of the church and population as to the need to regulate this type of behaviour.

As can be seen from Tables Ai – v presentations for cursing or swearing continued throughout the eighteenth century. Indeed reflected as a proportion of the total numbers of cases they increased gradually over the years examined, reaching nearly 25% of the total presentations in the 1790s. They only decline in quantitatively for the decades examined in the 1760s, which saw a dramatic decline in all types of business in the immediacy of the Act of Revestment in 1765. Although the censures issued for the offence decreased in severity over the period examined, (those in the latter eighteenth century being increasingly likely to receive an admonition or to be dismissed rather than requiring the fulfillment of a penance) the importance placed upon presenting the offence throughout the period reviewed confirms that it was perceived to be a major cause for concern for the church authorities and laity alike. Research into the Manx secular courts for the eighteenth century is not yet available by which to evaluate whether they were also used to prosecute but it is unlikely they were employed in this regard given the preponderance of cases in the ecclesiastical courts. That the Manx church courts were used for these cases into the 1790s confirms again the strength of the ecclesiastical courts and that they were recognised as an effective means of controlling verbal behaviour in the community.

In accordance with the situation regarding swearing and cursing, defamation cases similarly saw a decline in the English ecclesiastical courts from the late seventeenth century onwards. Albers' research indicates that such cases had fallen to negligible numbers by the eighteenth century, accounting for less than 1% of the total non-sexual cases and occurring only sporadically in the general run of business.<sup>493</sup> This view is supported by research into the Diocesan Courts at York in the late seventeenth century. These courts, although they saw increasing volumes of defamation business up until the 1720s, thereafter declined concomitantly with the general run of business

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<sup>493</sup> Albers, *Seeds*, pp. 250, 265

in the York church courts.<sup>494</sup> In London the decline was more dramatic, and perhaps reflects the situation in Lancashire, figures indicating a “sharp collapse in the mid-eighteenth century” with only a couple of defamation prosecutions per 100,000 people by the close of the century.<sup>495</sup> However it is also suggested that defamation cases heard by the church did not cease altogether, with three thousand cases heard in the English consistory courts between 1815 and 1855.<sup>496</sup> The absence of notation of significant numbers of such cases in the Diocese of Chester deanery courts suggests that they were instigated only in the consistory courts and no longer entailed a preliminary hearing in a lower court.

In the Isle of Man, there was similarly a decline in defamation cases in the presentation records between levels in the late seventeenth century to those in the eighteenth. Cases of slander brought before the Manx church courts, including those with dog references, amounted to seven cases in 1640, rising to 13 in 1659 and further to 24 cases in 1667, thereafter the numbers fluctuated between 5 cases in 1678, to 14 in 1668 and 11 in 1679. However the decline in cases only occurred in earnest in the eighteenth century with, despite increasing survival of presentation documents, an increase in the population and improved recording of offences, there being less than 10 cases in all but three of the years examined.<sup>497</sup> In the majority of cases of slander that were presented in the eighteenth century penances were rare in the years examined post 1704, and it was often noted instead that the parties were either reconciled or that the alleged slander had been dismissed as frivolous even though the words used could be as strong as “strumpet” or “whore.”<sup>498</sup> This decline in Manx cases was however significantly less marked than that found in the records for South Lancashire. Indeed in the Isle of Man the decline in defamation cases appears to have been partly induced by the changing attitude of the clergy to hearing allegations of the offence. Of course the Church’s role in hearing cases of defamation was, as well as protecting the rights of the individual, one of supporting ‘reconciliation’ and defusing

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<sup>494</sup> J.A. Sharpe, ‘Defamation and Sexual Slander in Early Modern England: The Church Courts at York’, *Borthwick Papers No. 58*, p. 9

<sup>495</sup> R Shoemaker, ‘The Decline of Public Insult in London 1660-1800’, *Past and Present No 169* (Oxford Nov 2000) p. 100

<sup>496</sup> B. Till, ‘The Church Courts 1660-1720: the Revival of Procedure’ *Borthwick Papers*, 109, (York 2006), p. 12

<sup>497</sup> 1702, 1734 and 1736

<sup>498</sup> MNHL Lonan Presentments 1732, Braddan Presentments 1763

tension between members of the community.<sup>499</sup> It appears that the Manx church lost its enthusiasm with censoring allegations of slander in the eighteenth century and cases were increasingly dismissed by the lower church court. By the dismissal of so many of the slander cases in the 1760s (all eight of the slander cases brought in 1764 were dismissed) the church appears to have made a concerted effort to reduce the number of cases instigated. The dismissal of these cases succeeded the diminution of censures for slander offences in the 1730s: when cases that had formerly resulted in the offender wearing the bridle were merely to receive an apology and noted reconciliation.<sup>500</sup>

The reason for the decline in the slander cases in the Isle of Man differs from the causes in some areas of England. Cases in London were seen to decline because the perceived injury suffered as a result of the slander reduced, either because the slander was not uttered in public, or there was less damage to an individual's reputation.<sup>501</sup> The situation found in London is not mirrored in the Manx cases, where there was no facility to present evidence as to the damage incurred, or whether the slander was uttered in the hearing of others; details were merely supplied as to whether the words were uttered.<sup>502</sup> In the Manx cases there is the implication that the utterance of the words caused the offence and there was no qualification of the severity of the offence according to an evaluation of the distress caused. In this respect, Manx slander cases were closely linked to cursing and swearing offences, where it was the act that was censured not the effect upon the remainder of the community.

Cases of defamation however did not cease altogether in the Manx presentation records, still accounting for 31 cases in the 1790s. Although this decade saw the majority of censures 'crossed' in the records (suggesting that the case was dismissed or resolved either by the admission of the offence by the offender or by the fulfillment of the required censure), isolated cases were still issued with censures of a penance or admonition.<sup>503</sup> The continued use of the Manx visitation courts as a first step in the prosecution of actions for slander was clearly different to the situation in South

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<sup>499</sup> Jacob, 'Love and Charity', p. 208-9

<sup>500</sup> MNHL Lonan Presentments 1732, the church warden was called a "son of a bitch"

<sup>501</sup> Shoemaker, *Public Insult* pp. 108, 113

<sup>502</sup> MNHL Andreas Presentments 1738

<sup>503</sup> MNHL Andreas Presentments 1791, Lezayre Presentments 1791

Lancashire. This again illustrates the strength of the Manx church courts and their continued use by the population; they were in the 1790s still perceived as a viable course of action for those wishing to clear their name of any slanderous allegation. However the importance of the role of the church in the decline in the number of Manx slander cases shows its ability to influence behaviour by promoting reconciliation and rejecting obvious 'tit for tat' actions, and that its position as regulator of morals also entailed the duties of ensuring reconciliation.

Another aspect of the moral regulation of the population was found in the presentation of incidental aspects of Non-Christian practices. These were more generally found in the Isle of Man in reference to 'charming' as well as very isolated incidences of alleged witchcraft. Whilst allegations of witchcraft were the most serious (and if proven were transferred to the secular courts for further examination and sentencing), there were also cases that cited charming which were also of pagan origin and reflect the distinct identity of the Manx people. Of course allegations of witchcraft were always more prevalent than cases where witchcraft was adequately proven and the censures issued by the Manx church reflect this difference. Cases wherein the church believed that witchcraft had been practised were transferred to the secular courts for trial but such transferrals were indeed rare. In 1658 Jane Cesar was brought before the Governor, James Chaloner, upon a charge of witchcraft founded on an allegation that she had acquired the parings from the hooves of a horse that her husband had recently sold.<sup>504</sup> However the case was dismissed, and the three women who had supplied the information to the court were censured for slander. It is unlikely that even if Jane had been found guilty that she would have been executed. Such an extreme punishment, although widely believed to be universally applied, was, as noted by Sir Robert Filmer not usually issued by assize judges unless the witchcraft had resulted in death as "ordinarily they condooemne none for witches, unless they be charged with the murdering of some person."<sup>505</sup> The same practice is likely to be true of the Isle of Man, where the lack of a capital punishment for adultery at this time, indicates the reluctance of the Manx courts to pass a death sentence.

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<sup>504</sup> MNHL LS 1658, (RB445, 22)

<sup>505</sup> quoted in Sharpe, *Witchcraft*, p.41

Jane's acquittal corresponds with the re-evaluated figures for witch trials in the assizes for the Home Circuit in England for the late sixteenth, seventeenth and early eighteenth centuries in which less than a quarter of those accused were issued with a capital sentence, the figures for the county of Sussex showing an even greater survival rate with only one execution for 36 indictments.<sup>506</sup> It becomes clear that the treatment of cases involving witchcraft the Isle of Man corresponded with England in the late seventeenth and eighteenth centuries but it is difficult to evaluate whether the absence of capital censures for witchcraft in the mid to late seventeenth century indicates truly Manx opinions or those of the Governor or the Lord of Mann both of whom would have been commensurate with the situation in England.

Whilst the lack of a significant number of cases that referred to any allegation of witchcraft suggest that the Manx people did not in general believe in bringing such cases to court by the end of the seventeenth century, the range of the alleged offences in the cases that did reach the courts suggest that there was an undercurrent of non-Christian beliefs that was particularly varied. Apart from the previously noted case relating to the parings of hooves, there were also references to turning a sieve, magical powers that were contained in the capuchine of a dead child and the ability of an old woman to transform into a hare. In 1640 Bessie Joughen was presented for slandering Christ[ian] Karran by saying that she came in the night in the likeness of a hare to "throatle" her.<sup>507</sup> A similar ability was also alleged in the case of Elinor Quirk from Pulrose.<sup>508</sup> Although Elinor owned a cow and was evidently wealthy enough to employ a manservant, the depositions confirm that others in the community believed she possessed a variety of powers; that items borrowed from her resulted in the borrower's milk going sour, that she milked her cow from the left side and that a hare had been seen coming from her cow house shortly after she had entered, thereby implying that she had transformed. Her case highlights some Manx cultural beliefs that were not prolific in English witchcraft cases wherein the ability of a witch to transform into an animal was rare.<sup>509</sup> This transformation therefore reflects significant differences with the belief system in England. In both the Manx cases the witch is alleged to have transformed into a hare, whereas the animals that were

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<sup>506</sup> Sharpe, *Witchcraft*, pp.25-6

<sup>507</sup> MNHL Bride Presentments 1640

<sup>508</sup> MNHL LC 1699

<sup>509</sup> Thomas, *Magic* p.529

mentioned in English witch trials were generally those of a witch's familiar such as toads and cats.<sup>510</sup> The different transformation characteristics of the Manx witch to her (or his) English counterpart suggests that the belief system in the Isle of Man, that survived up until the end of the seventeenth century, had developed in isolation and was not overly influenced by external cultures. However with such a small population there was the likelihood that any belief might have originated with one particular incident and thereafter, by word of mouth, had become generally accepted. Accusations that contain the reference to a witch transforming into a hare do not appear in the years researched for the eighteenth century suggesting that some Manx beliefs were beginning to be abandoned at the end of the seventeenth century.

Nevertheless the church records indicate that other pagan beliefs survived well into the eighteenth century. Turning a sieve, a practice also found in England, was believed to be a way of discovering hidden truths and balancing shears on top of a sieve and noting the direction in which they turned was a recognised way of revealing a hitherto unknown guilty party.<sup>511</sup> Jane Kelly was accused of this offence in 1734, and alongside her husband was censured to supply bonds as to future good behaviour, to undergo penances in several churches and to be excluded from church until she promised reformation.<sup>512</sup> That this practice was undertaken in Braddan, on the outskirts of Douglas, suggests that even in one of the more urban areas of the island these beliefs were still prevalent in the early eighteenth century. However as turning a sieve was recognised in other cultures it is possible that this tradition was imported and that its appearance on the outskirts of Douglas resulted from external influences. Thirty years later witchcraft or superstitious behaviour was again noted when extensive depositions were taken by the church regarding the capuchine of Ann Garret.<sup>513</sup> Ann was a child and it was alleged that William Goldsmith had found her cap in the fields and that he had kept it in the belief that it possessed magical powers. The origins of this belief are unclear but it was clearly a serious matter in the eighteenth century. Towards the close of the eighteenth century cases such as these are no longer found in the church court records and the only references to witchcraft or malevolent acts occur in the carrying of amulets, such as a cross, made of "round"

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<sup>510</sup> Thomas, *Magic* pp.617,664

<sup>511</sup> Thomas *Magic*, pp.253-4, Sharpe, *Witchcraft* p.56

<sup>512</sup> MNHL Braddan Presentments 1734

<sup>513</sup> MNHL LC 1761

(rowan) tree, to ward off evil spirits.<sup>514</sup> It appears that many non-Christian beliefs held by some of the Manx community had declined towards the end of the eighteenth century or had been driven into secrecy although as these cases had never been numerous, identifying trends or a commencement of their decline is problematic.

Akin to other types of slander, slanders alleging witchcraft declined in the Manx records during the period investigated in this thesis. That slandered individuals sought the protection of the church from others in their community shows not only the loss of face and fear that an allegation of witchcraft could incur but also that the individuals concerned saw applications to the church courts as a remedy against any possible aggravation from the community and a means of counteracting allegations.<sup>515</sup> During the seventeenth century incidences of slander alleging witchcraft could be legally brought before both secular and church courts in England and were found in the records of the ecclesiastical courts at York, even though as in the Isle of Man such slanders were rare.<sup>516</sup> In the two sample years (1590 and 1690) the Diocese of York recorded 199 cases of slander but a slander allegation of witchcraft was only levelled twice (1590), albeit that an offence for the slander of witchcraft was heard at York in 1684.<sup>517</sup> That the only allegations of anything remotely similar to witchcraft in the records examined by Albers concerned fortune telling is notable and highlights further differences between the church courts in Lancashire and the Isle of Man, for here again the Manx church courts dealt with a greater spectrum of business than some of their English counterparts. Offences of slander alleging witchcraft, brought before the Manx church courts declined also between the mid-seventeenth century and the close of the eighteenth; whilst there were two certain and one possible references to witchcraft in cases of slander in 1667 there were only 4 cases between 1695-1704, one case in 1734 and one in 1769, thereafter there were no slanders regarding witchcraft in the years examined.<sup>518</sup> All Manx slanders alleging actual witchcraft were levelled at women, only a few cases mention men and in these cases they were

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<sup>514</sup> MNHL Michael 1794, John Corjeag

<sup>515</sup> Sharpe, *Witchcraft*, p. 45

<sup>516</sup> Sharpe, 'Defamation', pp.10-14

<sup>517</sup> Sharpe, 'Defamation', p.13

<sup>518</sup> MNHL Malew Presentments, Rushen Presentments 1667, Lezayre Presentments 1734, Patrick Presentments 1769, (Thomas Cowley)

alleged to either be the offspring of witches or their visitors.<sup>519</sup> Apart from the case of Kathrin Kewne who said to her husband “I would not hould my peace for any son of a witch or the grandchild of a witch,” there is little indication in the records as to whether there was ever any justification for the accusation.<sup>520</sup> In Kathrin’s case the church records affirm that in 1666 her mother-in-law had been brought before the church courts on suspicion of witchcraft. At that time the jury authorised to look into the matter had noted that “we have not had any proffe that she is positively a witch therefore wee doe cleere her and say that shee is not guiltie of being questioned for her life but (not withstanding) the proofes already taken by us.”<sup>521</sup> Although Elizabeth Kewne died before the case came to court her innocence was affirmed and the penalty against revival of the aspersion of witchcraft was to be committal in St German’s prison together with bonds of £3, a censure that was to lead to the case in 1679. By imposing this severe censure for the revival of these slanders the church endeavoured to curb any further allegations. It is interesting to note that in cases without any firm evidence as to witchcraft, that an oath as to their innocence, sworn by the accused, was accepted by the church court as sufficient proof.<sup>522</sup>

The number of slanders involving witchcraft in the Isle of Man appears to be significantly higher per head than for the dioceses of York and Chester. As previously noted the Isle of Man had an increased level of presentation for most types of offence over other jurisdictions in England and therefore the increase in these cases of slander could be partly attributed to the willingness to bring this type of prosecution. Nevertheless the incidences of witchcraft slander offences indicate an undercurrent of persistent pagan or non-Christian practices by at least a part of the population. The eventual decline in the incidences of slander relating to witchcraft, both in England and the Isle of Man, reflects not only a general decline in slander cases but also a decline in the belief in the importance of witchcraft. The repeal of the Witchcraft Act in England in 1736, (although the motives behind this repeal are varied and complex) no doubt reflects the decreased importance of the offence in the

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<sup>519</sup> MNHL Malew Presentments 1700, Arbory Presentments 1679, Malew 1667, Rushen Presentments 1703

<sup>520</sup> MNHL Arbory Presentments 31<sup>st</sup> October 1679

<sup>521</sup> MNHL copied document dated October 25<sup>th</sup> 1666, in Arbory Presentments 1679

<sup>522</sup> MNHL Michael Presentments 1730, Bakee Kaighin

eyes of Parliament.<sup>523</sup> However there was a time lag between the abandonment of the offence in England and the demise of related offences brought before the church courts in the Isle of Man. The aforementioned Manx case of turning a sieve occurred only two years before the Witchcraft Act in England and the case surrounding the capuchine of Anne Garrett was nearly thirty years later. The pursuance of these offences by the Manx church courts implies that there was still a considerable belief prevalent in the Manx population as to the abilities of witches and their magical powers long after relevant prosecutions had been dropped by the judiciary in England. Comparison with the situation in the South Lancashire indicates that such cases had effectively been abandoned in this region by the eighteenth century.<sup>524</sup> Whilst the declines in cases of witchcraft and those of related slander show that such beliefs were less prevalent at the close of the eighteenth century than they had been 150 years earlier the survival into the nineteenth century of belief related to charming suggests that the Manx people still believed in magical powers.

The practice of charming, whilst having links to witchcraft was never perceived to warrant transfer to the secular courts. Charming, in its Manx context, was linked to special powers passed down in certain families.<sup>525</sup> These charmers (referred to as cunning men or women in English records) were consulted by others who desired their assistance in warding off evil or in supplying remedies to ailments. Charmers were seen in some cases to be acting in direct conflict with the regulations of the church. Although many cases of charming were dismissed by the church, it appears that they confirm an underlying belief held by the population in magical powers and curses. Dan Cowle, who picked up a handful of earth, thereby ensuring the recovery of his bull that had just fallen to the ground, was censured not for the action itself but for the implication in his actions that the vicar of the parish had been the cause of the animal's illness by refusing to give his blessing.<sup>526</sup> Indeed many cases of charming or witchcraft refer to the health of valuable livestock as in the case of Thos Mylvorrey, who was presented for burning a horned beast on the highroad in order to

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<sup>523</sup> for a fuller discussion on these motives see I. Bostridge, *Witchcraft and its Transformations c1650-1750* (Oxford 1997) pp.180-202

<sup>524</sup> Albers, *Seeds*, p.267

<sup>525</sup> Moore *Folklore*, p.79

<sup>526</sup> MNHL Ballaugh Presentments 1733

improve the fortunes of his cattle.<sup>527</sup> Although the case was not pursued by the church as the complainant, John Quirk, did not appear to support the allegation, this practise evidently continued into the nineteenth century.<sup>528</sup> For these practices to survive in numbers into the nineteenth century, even being reported in a Manx newspaper account in 1853, suggests that they might have been widely used in earlier years and their lack of notation in the church records under-records actual incidences.<sup>529</sup>

In the Isle of Man the offence of charming, or seeking the assistance of a charmer, was found in the eighteenth century although reported incidences were few. In the years examined the greatest incidence of cases appears in the 1730s, but even in this decade the number of cases presented is small enough to be inflated by a couple of practitioners. As in cases in England, charming was mainly practised by men and was seen to act as a counterbalance to witchcraft.<sup>530</sup> In the Isle of Man a practising charmer is noted in several cases brought in 1703. In the rural parish of Bride two men were presented for making charms and two more were presented for consulting a charmer.<sup>531</sup> The purpose of the charms obtained is not noted in the documents and the four men were each censured to fulfil one penance and promise reformation sub pena 10s. The identical censures issued to the men, whether they charmed or merely sought assistance indicates that the church did not view charms in the same light as it did allegations of witchcraft. If charming was viewed as a malevolent practice then practitioners would have received more severe censures than those who asked for assistance, instead the identical censures for practitioners and patients mirrors the situation in cases of Sunday drinking where the alehouse keeper received the same censure as the drinkers.

Charming was presented before the Manx church courts in the 1730s when the charmer John Tear was cited in the case of Tho[ma]s Quay and James Garret who had both on separate occasions visited him to ask if their sick wives would recover.<sup>532</sup>

The distance of the charmer from the parish of Onchan suggests that his powers were

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<sup>527</sup> MNHL German Presentments 1766

<sup>528</sup> Moore, *Folklore*, pp.92-3

<sup>529</sup> *ibid*

<sup>530</sup> Sharpe, *Witchcraft*, pp.56-7

<sup>531</sup> MNHL Bride Presentments 1703, Simon Caulsheen, Thomas Moore, Will Cowle, William Christian

<sup>532</sup> MNHL Onchan Presentments 1732

known throughout the island and there were only a few Manx charmers at any given time. The distance between the parishes of Onchan and Andreas might not have been unduly prohibitive, because the speed of recovery of the sick person was believed to start from the time the charmer was told of the ailment.<sup>533</sup> It is notable that the church did not actively prosecute the charmer even though this would appear to have been the most effective course of action. The disinclination on the part of the Manx church to prosecute the charmer suggests that it felt that it was on insecure ground in bringing such a case, either because active censure of a popular charmer might cause outrage or alternatively give credence to the professed magical powers. The belief in the magical powers held by charmers persisted and the Teare family were still well known as charmers at the close of the nineteenth century, when a daughter of Teare of Ballawhane (in the north of Andreas parish) was still regularly asked by fishermen to charm their nets to bring them luck when fishing.<sup>534</sup>

The existence of charmers was also noted during the smallpox outbreak of 1738. This outbreak caused a considerable numbers of deaths in the western parishes of the island. Any outbreak of disease, in which the parishioners saw their families, especially their children, threatened, was seen as reason enough to consult with a charmer. The church noticed the problem, but of course had little alternative with which to counteract it. Nevertheless the vicars general felt it necessary to instruct the churchwardens to present individuals who sought the help of the man from Andreas. The name of the charmer is obliterated from the presentation document; however it is probable that it was that of John Tear[e] who was noted as living in Andreas five years earlier. The unnamed charmer was admonished and instructed to “forbear those practices for the future.”<sup>535</sup> This was a remarkably lenient censure and equivalent to those issued for non-attendance at church or Sabbath breaking, and more lenient than censures issued for a similar offence thirty years earlier. Given Bishop Wilson’s vociferous condemnation of charming, a more severe censure would have been expected, especially as the parishioners concerned were reminded that in seeking the help of a charmer they might fall into the “sin of Ahaziah who in his sickness sent

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<sup>533</sup> Moore, *Folklore*, p 79

<sup>534</sup> *ibid*

<sup>535</sup> MNHL Andreas Presentments October 26<sup>th</sup> 1738

to require of Boalzebub the God of Ekron” 2 Kings 1 Chap V2 & 3”.<sup>536</sup> The biblical support for the edicts of the Manx church not only justifies the presentment but also shows that the church believed that charmers were in direct contravention of Christian teaching. Bishop Wilson further enforced this message three years later when he instructed the clergy to speak against charming “to terrify those that practice it, and to confirm people’s faith in God” further remarking that people used “foolish and wicked charms and arts, either to injure their neighbour in his goods, or to transfer them to themselves.”<sup>537</sup> There are however no presentations for this sort of charming in the Manx church records. Despite Bishop Wilson’s words, the Manx church’s role in acting against charming was in some respects half-hearted. Whilst his words indicate that the church viewed charming practices seriously, the lack of severe censure for charmers, or those who sought their help, tells a different story and reflects the reluctance of the people to supply information concerning those from whom they sought assistance.

The absence of presentations for charming in the 1760s shows a relaxation in the church’s attitude to the problem. It is unlikely that the practices of the population had significantly altered during the intervening years, especially given that practice still survived at the close of the nineteenth century. Instead it seems that the church had either decided, under the guidance of Bishop Hildesley, that charming was not an offence that warranted censure, or that it failed to collect sufficient information from the parishioners causing the number of cases to decline. By the close of the eighteenth century this aspect had essentially disappeared from the church records, as there was only an isolated example in 1794. Clearly charming survived into the nineteenth century in certain areas, when as AW Moore noted “there are, however, remote parts of the Island, away from the towns and main highways..... where the “charmer” has a larger practice than the ordinary medical practitioner.”<sup>538</sup> Whilst some magical practices were censured by the church, other superstitions practised by the Manx population often only come to light in isolated references such as the practice of hanging a “Tarrey” or good luck charm outside the door.<sup>539</sup> The survival of some of these traditions at the close of the nineteenth century suggests that beliefs

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<sup>536</sup> *ibid*

<sup>537</sup> Moore, *Folklore*, pp.83-4

<sup>538</sup> MNHL Michael presentments 1794, Moore, *Folklore*, pii

<sup>539</sup> MNHL LC 1738, verdict given 7<sup>th</sup> November 1738

in charming ran deep in the Manx community and that reticence on the part of the parishioners and the church officials to present cases provides an adequate explanation as to their lack of appearance in the church court records. This view is supported by the unwillingness of those who believed in charming to talk about such matters at the close of the nineteenth century, especially to “the stranger or to the educated Manxman, especially if a clergyman.”<sup>540</sup>

The continued belief of certainly a part of the Manx community in charming corresponds with the situation in the parish of Whalley where although there were no prosecutions for witchcraft after 1689 evidence suggests that belief in the concept of witchcraft and its practitioners existed into the eighteenth and was still evident to a certain extent in the early twentieth century.<sup>541</sup> Of course the parish in question had been the centre of widespread accusations of witchcraft in the early to mid seventeenth century in Pendle, and this might have resulted in a heightened acceptance of the existence of sorcery in later years, nevertheless the lack of actual prosecutions for the offence of charming, when there was certainly an underlying belief in its efficacy mirrors the situation in the Isle of Man. This indicates not only the similarity of the two areas in that they, to a certain extent, maintained some pagan beliefs whilst readily accepting Christian teaching, but also that there must have been many incidences of non-Christian practices that were not brought to the attention of the church authorities or that alternatively were not deemed worthy of prosecution.

The reluctance on the part of the population to presenting charming in the Isle of Man in the eighteenth century corresponds to the similar situation in Lancashire some years earlier. In the records for the deanery courts of South Lancashire which referred to over 2,300 presentments during the period 1691-1781 there was only one presentment that referred to any form of charming.<sup>542</sup> The fifteen charming cases in the Isle of Man constitute a similar negligible proportion of the total cases (7,691) however the information they supply as to the practices of the population is more valuable than the singular incidence in South Lancashire. Keith Thomas' discussion of the links between religion and magic, especially in the post reformation years,

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<sup>540</sup> *ibid*

<sup>541</sup> Snape, *Whalley*, pp. 66-8

<sup>542</sup> Albers, *Seeds*, pp.250, 267

clearly indicates that the two practices were not separate in England at this time and that there was acceptance of some aspects of each ideology by the population.<sup>543</sup> This supports the view that in the Isle of Man there would similarly be an intertwining of the two principles without significant conflict in the majority of situations. The supposition is evident in the Manx cases that in the vast majority there was no malevolence on the part of the charmer and as such the cases are comparable to the situation in sixteenth century England where practices involving charming and magic designed to ward off evil and witchcraft were found.<sup>544</sup> Here again it is important to note that trends found in the Isle of Man in the eighteenth century were experienced over a century earlier in England. This aspect of the Manx church court records that implies a time lag of life on the island behind events in neighbouring jurisdictions, is important in evaluating the strength of the Manx church courts.

Another significant group of offences over which the Manx church exerted influence through the church courts were those related to the sale and consumption of alcohol. Certainly the expansion in the running trade during the first half of the eighteenth century affected the behaviour of the Manx people. Most obviously the import and re-export of liquor appears to have had a direct bearing upon incidences of drunkenness and Sunday drinking that were brought before the courts. However alcohol had been a consistent part of Manx life for many years before the growth in the running trade. In the seventeenth century ale production on the Island was usually undertaken in the domestic environment using communal items, as indicated by the Manx saying, "To go about like a brewing pan" and involved presentations before the church courts.<sup>545</sup> Indeed Bishop Barrow, upon taking up his position in the island, felt it necessary to campaign for an increase in the stipend for the clergy noting that many of their number were forced to supplement their income by providing ale houses.<sup>546</sup>

The view that the number of alehouses was often excessive is supported by the plea by the House of Keys to the Governor of the Island in 1690 to limit the number of alehouses, because the production of ale and beer not only used up valuable grain

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<sup>543</sup> Thomas, *Magic*, pp.310-332

<sup>544</sup> Thomas, *Magic*, pp.219-200, 315-6

<sup>545</sup> Moore, *FolkLore* p. 191, MNHL Malew, Santan Presentment May 1659, Ann Quaille, Maughald Presentments 1679, Donaghee Corkill

<sup>546</sup> Moore, *History vol 1*, pp. 404, 464

supplies but also led to “excessive drunkenness.”<sup>547</sup> Even at this early stage, although voiced by secular authorities rather than the church, there is evidence of the problems that could be associated with the availability of alcohol and its influence upon behaviour, as well as a willingness to curb, what was perceived to be unacceptable behaviour. The concerns of the House of Keys over the number of alehouses were again highlighted in 1714, and the number of alehouse licences was set at 200 in 1734 increasing to 300 in 1740.<sup>548</sup> The large number of alehouses in the Isle of Man corresponds with the situation in England where the alehouse had been a characteristic of everyday life for several centuries.<sup>549</sup>

In the majority of cases the endeavours of the Church in presenting individuals for Sabbath drinking illustrate several factors, not only incidences of the offences in the population and the availability of alcohol but also the concern with which this was viewed by part of the population; such concerns in the Isle of Man being akin to those of Henry Fielding in England.<sup>550</sup> The efforts of the Manx church to control drunkenness are comparable to those in seventeenth century England in both the secular and earlier in the ecclesiastical fields, where in the eighteenth century common drunkards were bound over to keep the peace.<sup>551</sup> It is evident that the concerns of the Manx church were not unlike those of their English counterparts but, as will be seen by the later comparison with the situation in South Lancashire, the continuation of this ecclesiastical commitment to controlling drunkenness was found in the Isle of Man when it had ceased to be adequately employed elsewhere.

The increase in the running trade in liquor had a twofold effect on whether the Manx people consumed large quantities of alcohol, for the increased trade not only meant that the wages of many individuals living in the ports improved providing increased purchasing power, but at the same time there was an increased availability of liquor as large cargoes were imported and broken down into smaller units for running illegally into England, Scotland, Wales and Ireland. Presented offences linked to the

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<sup>547</sup> MNHL LS quoted in Moore, *History vol 1*, p. 405

<sup>548</sup> *ibid*

<sup>549</sup> Sharpe, *Early Modern England*, pp. 291-2

<sup>550</sup> Fielding, *Robbers*, p.85-92

<sup>551</sup> Ingram, ‘Reformation of Manners in Early Modern England’ in *Experience of Authority in Early Modern England*, (London 1996) pp.76,80, S. Hindle, ‘The Keeping of the Public Peace’ in *Experience of Authority*, p. 219

consumption of alcohol that were brought before the church courts resulted from general or habitual drunkenness (which did not always take place on a holy day), drinking and selling alcohol on the Sabbath, and many other incidences of swearing, verbal abuse or fighting wherein the offender was noted as drunk.

Table G illustrates that by the 1730s the number of drink related cases is more noticeable and cases of Sunday drinking have given way to the more serious offence of drunkenness. It is also clear that in the 1730s cases of disorderly alehouses begin to appear in the records. The problems caused by these alehouses had led to a note in the presentments of Marown in 1731 that “the ale house is more frequented than the church on Sundays in the afternoon.”<sup>552</sup> The problems with disorderly alehouses concords with the concerns of the House of Keys as to the numbers of alehouses, as well as suggesting that the increase in the availability of alcohol had, in some respects, brought the Isle of Man into line with England where it has been similarly noted that the congregation that attended church in the morning would adjourn to the alehouse for the afternoon.<sup>553</sup> The difference between the Manx situation and attitudes in England was that in the Isle of Man the toleration or even acceptance of Sunday drinking was not a ‘fait accompli’ and the Manx church had greater resources at their disposal in order to prohibit Sunday drinking than were available or employed by their English counterparts. There were no cases cited in the Manx records of churchwardens knowingly failing to present large numbers for Sunday drinking such as occurred in a Lancashire parish in 1749.<sup>554</sup>

It is probable that part of the lack of comparative cases in English dioceses results from the earlier acceptance of religious toleration. It follows that some of those who chose not to attend church services could resort to the alehouse on the Sabbath and without specific searches of the public drinking houses their habits went unnoticed even considering that Statutes against such offences were passed in the time of William and Mary.<sup>555</sup> Additionally the inclusion of Sabbath profanation into the secular domain would have impacted on the ability of the English Ecclesiastical authorities to effectively prosecute such cases even though offences concerning

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<sup>552</sup> MNHL Marown Presentments 1731

<sup>553</sup> Sharpe, *Early Modern England* p. 292

<sup>554</sup> Albers, *Seeds*, p.263

<sup>555</sup> Isaacs, *Anglican Hierarchy*, p. 403

Sunday drinking continued to be presented in the deanery of South Lancashire during the eighteenth century.<sup>556</sup>

The Manx church's censures for Sunday drinking indicate the perceived severity of the problem. Penances were issued for Sunday drinking offences at the start of the eighteenth century and were still used in the 1760s with, in one particular case, a fine being issued together with committal until bonds of £3 were paid.<sup>557</sup> This was far more severe than the simple levying of fines for these offences in South Lancashire.<sup>558</sup> It was not until the close of the eighteenth century that the Manx censures for Sunday drinking were relaxed and reduced to admonition and a promise of reformation. The reduction in these censures corresponds to an apparent abandonment of prosecution of the offence in South Lancashire in the 1770s.<sup>559</sup> There is no doubt that the continued presentation of offences of Sunday drinking in the island in the 1790s indicates the continuing consensus between the church and the majority of the population as to the need to regulate this type of behaviour.

The records of incidences of alcohol related problems illustrate the effect upon the Manx population of the increase in the running trade in the early eighteenth century and the commencement of the division of the island into two communities, for the increase in the number of drunkenness cases in the mid 1730s was mainly confined to the environs of Douglas and Peel. The situation of these cases in the ports implies that they were indeed influenced by the running trade; Douglas had a convenient natural harbour on the eastern side of the island and Peel, on the western coast, could be used when contrary winds prohibited the use of the eastern port or when the running trade was directed towards Ireland and Scotland.

In this decade incidences of increased drunkenness include not only individuals but also large groups and show that the church perceived an increase in cases of drunkenness on the island, a situation that was reflected in similar concerns expressed

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<sup>556</sup> Albers, *Seeds*, p. 255

<sup>557</sup> MNHL Michael Presentments 1760

<sup>558</sup> Albers, *Seeds*, pp. 256-7

<sup>559</sup> Albers, *Seeds*, p. 250

in England in the eighteenth century.<sup>560</sup> Contained in the figures for drunkenness are cases in which the individual's alcoholism was recognised by the Manx clergy; Edward Curphey of Douglas (presented for cursing, swearing and drunkenness), feeling remorseful, petitioned the vicars general as to his poor state of health, his sorrow at drinking "too freely" as well as his general drunkenness.<sup>561</sup> Cases such as this indicate that the Manx church and those who supplied information, saw drunkenness as a social issue that had repercussions far beyond the mere abandonment of Sabbath observance on the part of the offender. The Manx church in presenting and censuring such offences was regulating social behaviour in an area that was apparently less readily undertaken in England. But the advantages of this ecclesiastical regulation were clear, not only were offenders made sensible of their offence without the need for criminal cases but their cases were held under the guidance of an authority that was always willing to accept the frailty of humanity and spend time advising and teaching offenders as to the error of their ways. There were also other benefits to the church in actively presenting individuals for drunkenness for, as noted above, the church was involved in administering charity to the poor and might be required to contribute to the upkeep of those affected directly or indirectly by alcoholism. Attached to the petition of Edward Curphey is a remark from the vicar general that the petition was entirely the work of Edward Curphey, that he had been given counselling and guidance by the church, and further recommending his suspension of censure, noting "what a pitty! That intemperance sh[oul]d have so m[u]ch obscured the Christian in the Man."<sup>562</sup>

The prevalence of drunkenness in the Isle of Man during the eighteenth century is also suggested in the presentation of some church officials for drunkenness. Daniel Nelson, the curate of Bride who had previously been presented for unruly behaviour and drunkenness, was suspended for a triennium for resorting to ale houses more than "honest necessities" warranted, for "tipling & drinking[....]and in many other respects showing an ill example in the Parish."<sup>563</sup> However he was unable to alter his behaviour and after being reinstated he was again presented for a catalogue of

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<sup>560</sup> W.J. Ashworth, *Customs and Excise, Trade Production and Consumption England 1640-1845* (Oxford 2003) p.264

<sup>561</sup> MNHL Douglas Presentments 1761

<sup>562</sup> MNHL Petition dated January 10<sup>th</sup> 1762 post Douglas Presentments 1761

<sup>563</sup> MNHL LC 1762 (2<sup>nd</sup> volume), November 19<sup>th</sup> 1762, Presentments 25<sup>th</sup> November 1762

ecclesiastical offences; for neglecting his duty to provide church services, cursing the parish clerk, the bishop and the court, calling the wife of the parish clerk a strumpet and for his “habitual drunkenness and frequenting of Publick houses & in a ludicrous manner making his will in publick houses & at other time revoking it.”<sup>564</sup> Similarly the vicar of Lonan, John Gell, was also suspended in 1797 for his “irregularities of life” wherein it transpired that one of his problems was a disagreement with the schoolmaster Thomas Quark caused partly by John Gell’s “intemperance & insobriety ..frequenting publick houses oftener than necessary.”<sup>565</sup> John Gell had, it was deposed, often been “somewhat concerned in liquor” and had been seen, too incapacitated to walk, and supported by his wife and servant.<sup>566</sup> In addition he was noted as being sometimes so drunk coming home from Douglas that he could no longer walk and falling down on the highway.<sup>567</sup> Other church appointees, schoolmasters, were likewise a cause for concern if they drank excessively. William Teare, the schoolmaster at Peel, was suspended from his position for six months for his “tipling & drunkenness.”<sup>568</sup>

If incidences of drunkenness in the clergy were as frequent as these cases suppose then one can only imagine how much drunkenness could be found elsewhere in the community; the similarities with the situation in large towns and cities in England as depicted in Hogarth’s etchings are evident. In this respect the Isle of Man contrasts with the Bishopric of Chester where presented incidences of drunkenness on the part of church officials were much rarer. In the records examined by Albers for a much larger clerical population, there was only one case of alcoholism noted in the clergy and one case of sexual immorality, both of which are pale in comparison with the Manx cases.<sup>569</sup> Whilst the number of clerical offences of drunkenness in the Isle of Man does not automatically suggest that the Manx clergy were more prone to drunkenness than their Lancashire counterparts it is possible that the often ready supply of alcohol in the Isle of Man occasioned more drunken clergy than would have otherwise been the case. The levels recorded for the Isle of Man not only indicate the church’s attitude to drunkenness in the eighteenth century, but also that of sections of

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<sup>564</sup> MNHL Bride Presentments February 1764

<sup>565</sup> MNHL LC 1797 documents attached to case 21<sup>st</sup> March 1797

<sup>566</sup> MNHL LC 1797 deposition Thos Quine , deposition John Cowley

<sup>567</sup> MNHL LC 1797 presentation from Church wardens March 8<sup>th</sup> 1797

<sup>568</sup> MNHL LC 1762 (2<sup>nd</sup> volume) document apparently dated 1740

<sup>569</sup> Albers, *Seeds*, p.264

society and show an increasing conflict between some aspects of the running trade and the call for temperance.

The link between the running trade and drunkenness is supported by incidences of the offence in the 1760s when there were only five cases of drunkenness between 1766 and 1769, whereas incidences had been reported in nine parishes in the period between 1760-1765.

Furthermore the pattern of these incidences of drunkenness supports the link with the flow of liquor through the Manx ports. Of the 59 individuals presented for drunkenness between 1760 and 1765, 3 were from Braddan, 27 from Douglas, 8 from German and 7 from Ramsey. The lack of any presentations for drunkenness for the parishes of Douglas and Ramsey for the remaining years of the decade after 1766 indicates that the Act of Revestment and the prohibition in the trade in low duty liquor altered the drinking practices of the Manx population that were proving so much of a concern to the Manx church. The island's ports, rather than rural areas, would have felt the greatest impact of the decline in the running trade after 1765, where activities were now liable to be seen by customs officials. This view that drunkenness in urban areas was primarily due to the running trade is supported by the continuance of a few isolated cases in the rural areas throughout the 1760s. The rural parishes of Ballaugh, Maughald and Michael continued to present cases of drunkenness in the years 1766-9, but incidences were confined to individuals rather than groups, a situation akin to that of rural areas throughout many of the succeeding years, these cases reflecting problems with isolated individuals rather than a general pattern of drunkenness by a section of the population.

Finally the Manx church records confirm the decline in liquor consumption post 1765 not only in the decreased incidences of drunkenness but also in the funeral expenses appended to the wills overseen by the ecclesiastical courts. In the years preceding Revestment the consumption of liquor and brandy at a wake was often considerable. In one particular case nearly all the estate was spent on the funeral: Margaret Calvin, als Sandford died in October 1761 and the balance of her estate before the deduction

of funeral expenses was 15s 4d, nevertheless her executors did their best to spend all her remaining assets on the funeral and wake.<sup>570</sup> The largest expense at the funeral was the 7s that was spent on 3 gallons of brandy (cost at 2s 4d per gallon).<sup>571</sup> Expenses such as this on liquor for a funeral were not uncommon with sums such as 18s for “wine, rum and brandy” and 6s 8d for ale being likewise spent at the funeral of James Watt.<sup>572</sup> Whilst drinking at funerals was common, only excessive consumption of liquor leading to drunkenness or drunkenness before the ceremony was presented as an offence, however the cheapness of brandy and other imported alcohol facilitated excessive consumption.<sup>573</sup> After the Act of Revestment the sums spent on liquor at funerals did not significantly decline, however the price of alcohol had increased so that there was in effect a reduction in the quantities consumed. Prior to Revestment brandy was sold at 2s 4d per gallon but by 1766 the price had risen to 4s and had risen still further by 1767 when a quart of brandy cost 1s2d (4s 8d per gallon).<sup>574</sup> Without any increase in wages (wages declined for many post 1765), the ability to purchase excessive quantities of alcohol reduced and the church court records indicate that this led to a fall in incidences of drunkenness. It appears that the volume of the running trade, which it has been suggested was costing the British government about £200,000 per annum by the late 1750s in lost revenue, was not only giving the Manx people an expanding economy but created significant problems with drunkenness in the population (especially in the urban areas).<sup>575</sup>

In comparison the figures for the diocese of Chester (examined by Albers), which did not experience the same influences as the Isle of Man, were very different.<sup>576</sup> The part of the Chester Diocese examined by Albers was not only four times larger than the Isle of Man but also included the towns of Liverpool and Manchester.<sup>577</sup> There was therefore a significantly greater population in the subdivisions of the Chester diocese than in the Isle of Man, for Liverpool’s population alone had risen to 30,000

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<sup>570</sup> MNHL EW GL 713, October 1761

<sup>571</sup> This cost corresponds with the note that brandy was sold on the island for 2-3s per gallon, M. Postlethwayt, *Britain’s Commercial Interest Explained & Improved Vol 1*, (1757 reprinted New York 1968), p 403

<sup>572</sup> MNHL EW GL 713 June 8<sup>th</sup> 1762

<sup>573</sup> MNHL Bradan Presentments 1734, Onchan Presentments 1734, Braddan Presentments 1762

<sup>574</sup> MNHL EW GL 714, Thomas Christian (Lonan) 12<sup>th</sup> November 1766, EW GL 715, Thomas & Isable Kennaugh March 21<sup>st</sup> 1767

<sup>575</sup> Postlethwayt, *Britains Commercial Interest*, p.403

<sup>576</sup> Albers, *Seeds*, p.250

<sup>577</sup> Albers, *Seeds*, p 33

by 1750.<sup>578</sup> During the whole of the period between 1691 and 1781 there were only 34 presentations for drunkenness (not including Sunday drinking) or tippling houses in Southern Lancashire, a figure that comprised 1% of the total presentations for non-sexual offences during that period, these figures compare to 207 such cases in the forty years calibrated for the Isle of Man.<sup>579</sup> Furthermore presentations in North Lancashire (the area north of the Ribble overseen by the Archbishopric of York) for alcohol related offences were either negligible or non-existent.<sup>580</sup> Considering that the Isle of Man was more similar to the archdeaconry of North Lancashire, in its large rural population and absence of industries that were found in South Lancashire, it would be expected that it would mirror the situation in the North Lancashire area. However this was not the case, incidences of presented drink related offences in the Isle of Man reached to over 10% of the total cases in four of the years examined and only fell to the levels found in South Lancashire in six (three of these years being in the immediate post Revestment period). The figures for drinking offences in the Isle of Man, especially when considered as a proportion of the population, are much greater than those found in the Diocese of Chester. It is probable that the Manx figures more accurately reflect the behaviour of the population as the majority of ecclesiastical offences were more widely prosecuted in the Isle of Man than in the Diocese of Chester and indicate that the smaller figures for Chester diocese could be partly due to under-recording of offences. However this appears not to be the complete picture and the Manx figures suggest that drink related offences were subject to dramatic fluctuations that did not occur in other areas.

Whilst the number of Manx drinking offences declined dramatically in 1766, by the close of the eighteenth century levels were already beginning to rise again. At this time the pattern of presented incidences of drunkenness differed from the situation in the 1760s. In the 1790s presentations for drunkenness occurred in different areas of the island that had not previously experienced large numbers of these cases. In this decade presentations were centred on the parishes in the west of the island, most particularly those of Patrick and German, containing the town of Peel. These two parishes account for 37 incidences of drunkenness in the 1790s, whereas there was

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<sup>578</sup> Mathias, *First Industrial Nation*, p. 85

<sup>579</sup> Albers, *Seeds*, p 250

<sup>580</sup> Albers *Seeds*, p 226

only one case noted in the records for Ramsey and two for Douglas.<sup>581</sup> Clearly there was a problem with the excessive consumption of alcohol in Peel at the close of the eighteenth century that was not seen in other parishes or rural areas. Whilst it is possible that the increase in alcohol related cases in the 1790s confirms that smuggling was again being carried on through the Isle of Man (by now it was also contravening Manx Law) through the western ports, it is perhaps more indicative of the population being economically more viable than in the immediate post Revestment years. Indeed, presentations for excessive consumption of alcohol in the Isle of Man appear to correlate to the comparative wealth of the population as well as the running of liquor through the Manx ports.

At the close of the eighteenth century the patterns in the rural parishes had essentially remained unchanged over their position in the earlier period. Even at the close of the 1790s drunkenness remained an urban problem although the shift of this problem westwards towards the town of Peel had become evident. Numerically cases of drunkenness were nearly as high in the 1790s as they had been at the height of the running trade, however by this time the population of the island had increased from a level of 19,144 in 1757 to 27,913 in 1792 and the presented incidences of drunkenness per capita had declined.<sup>582</sup> In the 1790s the increase in cases of drunkenness appear to be influenced by the advent of the mining industry and its associated wages, as is noted when the superintendent of the lead mine in Patrick presented one of his workforce to the church courts for drunkenness.<sup>583</sup> It becomes clear that the division of the island into rural and urban areas that conform to different patterns of behaviour was becoming evident for drink related offences in the late eighteenth century.

As well as presentations for drunkenness, the church was also in a position to censure those who sold liquor on the Sabbath or who supervised "disorderly houses". As can be seen from Table G the majority of these presentations occur alongside incidences of drunkenness. These disorderly alehouses indicate, more clearly than incidences of

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<sup>581</sup> It should be noted that there are two extant presentation documents for an unspecified parish that include details of drunkenness, alongside other offences, for 1791 and 1796 but these cannot be allocated to a particular area with certainty; it is possible that they account for a large urban parish, such as Douglas

<sup>582</sup> Moore, *History vol 2*, p. 646

<sup>583</sup> MNHL German Presentments 1790

drunkenness, the economic situation of the clientele and general trends in the population at large. More individuals might attend a disorderly alehouse than were actually presented for drunkenness, and alehouse keepers were usually the only individuals presented for some large gatherings. Disorderly alehouses resulted from periods of comparative economic affluence when their customers had money to spend, a theory supported by the cases presented to the Manx church courts; the years that note rowdy alehouses correspond with the years preceding Revestment and the 1790s.

The distribution of presentations of disorderly alehouses in the island again indicates that this was mainly an urban problem. Whilst there were 11 cases of disorderly alehouses in the rural parish of Marown in the 1730s many presentations were for the town of Douglas. Between 1760-5 there were 10 cases for a disorderly alehouse in Douglas and a further 3 for 1766 whereas the towns of Peel, Castletown and Ramsey are not similarly represented having only 3 cases between them for the same period. The urban disorderly alehouses are linked to the cases of drunkenness whereas in rural areas there is no evident correlation and there were apparent differences in the behaviour of the urban and rural populations of the island. The accumulation of the majority of the drink related offences in the urban areas for the years preceding Revestment is further confirmed in the occurrence presentation of 63% of the drink related offences in these areas when they only accounted for only 45% of the population.<sup>584</sup> It is however difficult to compare incidences of drunkenness in the rural areas of the Isle of Man with their counterparts in North Lancashire as the number of non-sexual offences presented in the latter areas were so few, a factor that would suggest that any non-sexual offence, whether related to alcohol or not, was less likely to be presented in this diocese than in the Isle of Man.

The increased incidence of alcohol problems in the urban areas of the Isle of Man corresponds with the idea of a “fragmented” urban society that as well as seeing increasing incidences of illegitimacy saw rising levels of alcoholism.<sup>585</sup> However it is apparent that mere increase in population in the move to the urban environment does

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<sup>584</sup> Population figures taken for 1757, Moore *History* vol 2, p.646

<sup>585</sup> Jacob, *Lay People and Religion*, and L. Stone, *Family Sex and Marriage*, both quoted in Snape, *Whalley*, p. 118

not automatically imply increased incidences of drunkenness. For the parish of Whalley, that experienced much of its increase in population through improving birth rates rather than inward migration, did not see the significant increases in presented illegitimacy that were to be expected with the changing moral environment envisaged in towns.<sup>586</sup>

The correlation between the fluctuations in the running trade and reported incidences of drunkenness in the Manx community supports the view that the running trade out of the Isle of Man in the eighteenth century directly caused many of the presentations for drunkenness that appear in the Manx records. In the case of offences resulting from alcohol it was not merely the increased efficacy and strength of the Manx church courts that is reflected in the presentation figures. Instead they seem to result from the problems that were associated with the tremendous volume of liquor that was every day passing through the Manx ports. It is to the credit of the Manx church that they continually endeavoured to keep a lid on a pot of drunkenness and alcohol abuse that was (at least in the early 1760s) in danger of overflowing.

Before leaving the evaluation of types of offence brought before the church courts it is necessary to note the number of presentments that concerned disrepair and damage to church property, whether it was the churchyard fence, the churchyard itself or the fabric of the church and its interior. In Southern Lancashire these aspects were most significantly noted in the absence of necessary items in the church and accounted for 3% of the total non-sexual presentments (74 cases) between 1691-1781.<sup>587</sup> Albers notes the absence of books of homilies, terriers and cloths for the communion table as the most numerous of these deficiencies.<sup>588</sup> It is an important distinction between the records of the church courts in Lancashire to those in the Isle of Man, that disrepair of the churchyard and church environs (which were often numerous in the Manx records), are not worthy of specific mention for the Diocese of Chester. Whilst reference to the absence of church books was found in the Manx records particularly in the 1730s and in the parish of Lezayre where the service was abandoned due to the “scandalously torn, defective and out of repair” bible and book of Common Prayer”;

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<sup>586</sup> Snape, *Whalley*, p.119

<sup>587</sup> Albers, *Seeds*, p. 250

<sup>588</sup> Albers, *Seeds*, pp. 261-2

it appears that in many cases economic considerations were behind many of these presentments and as the economy of the island blossomed in the pre-Revestment years the number of disrepair cases declined.<sup>589</sup> Indeed the clear link between the economy and the lack of church literature is aptly illustrated in the case of the schoolmaster of Santan (John Stoale) who was accused of embezzlement in 1738 for selling parts of the church bible for his own ends.<sup>590</sup> The lack of note of disrepair of the church and its fabric in the Lancashire records examined by Albers is supported by the records for the parish of Whalley where there was “no hint of neglect in this respect in contemporary churchwardens’ presentments.”<sup>591</sup> The same cannot be said of the Manx records.

For the years examined there were 223 cases that noted the disrepair of the church fabric or that of the churchyard. The 1730s containing 116 cases, with only four years in the decade failing to reach double figures for this misdemeanour. Indeed disrepair was noted for all the years examined apart from 1767, 1795, 1796 and 1798. No doubt the requirement of the owners of the Manx intacks to maintain their section of the churchyard fence or hedge, added to the likelihood of disrepair presentations being heard, however, it seems unlikely that given the preponderance of disrepair cases in the Isle of Man that there would have been none worthy of note in Lancashire if the same criteria had been adopted. It seems probable that the churchyard fence, one of the chief contributors to the Manx disrepair cases, was maintained by the church rate in the Diocese of Chester, thereby distributing the burden of the maintenance more widely as well as removing specific sections from the responsibility of particular farms. The same was also true of the pews in the Manx churches, which were also to be maintained by the individuals to whom they were allocated. Here again the poverty of the Manx was evident in the years before the rapid expansion of the running trade and after its demise. The extent of the problems in some of the island’s parishes is highlighted by the Archdeacon’s report concerning his examination of Trinity Church Lezayre in 1730. He noted

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<sup>589</sup> MNHL Santan Presentments 1732, Arbory Presentments 1734, Braddan Presentments 1738, 1739, Maughald Presentments 1736, 1737, Bride Presentments 1763, LC 14<sup>th</sup> July 1761

<sup>590</sup> MNHL Santan Presentments 1738

<sup>591</sup> Snape, *Whalley*, p. 34

“The church yard fence for ye most part of it level with ye Ground & no Gate or Gates at ye Entrance into ye Yard. The Common Prayer Book has several Leaves loose, & in on[e] part a little torn. The Book of Homilies rent in Pieces in sev’l Places & defective. The Floor of ye Reading Desk wants mending. No Church Chest to put ye Vestments Communion Flaggon & Chalice in. The Windows in very bad order, two of t[h]em almost quite out. The Roof of ye Church unrenderd or unplasterd & sev’l slates ript of by ye Storm. The Floor of ye West end of ye Church full of Holes & unflagg’d as also ye Isle. Several of ye Seats out of order. No Plate nor Dish for ye Communion Bread.”<sup>592</sup>

The state of disrepair of Lezayre church was the most severe of the Manx churches but it gives an insight into the problems faced by the Manx church in the period before the increased wealth in the eighteenth century began to filter down through society.

In overview, the number and types of offences presented to the Manx church courts suggest many differences between the situation in the Isle of Man to that found by Albers in the neighbouring Diocese of Chester. Whilst, as noted earlier, presentations for sexual offences in the Isle of Man in the eighteenth century in some cases ran at nearly comparable levels to those found in the Diocese of Carlisle, comparison with figures from the parish of Whalley (which contained a comparable population to that of the Isle of Man) and which were contained in Albers’ figures for South Lancashire, suggest that the Isle of Man was presenting far more individuals for sexual offences than areas in the North West of England. However with reference to the non-sexual offences, the differences between the Isle of Man and South Lancashire become even more pronounced. With the exception of the prosecution of Roman Catholics all the non-sexual offences presented in Lancashire were presented more widely in the Isle of Man. Ranging from a catalogue of alcohol offences, non-attendance, through isolated incidences of pagan ritual and many offences of a verbal nature, they reflect the scope of the church courts that could be achieved in a society in which the church was able to exert its authority with the compliance of the population. This authority is supported by the statistics for during the four decades examined for the Isle of Man

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<sup>592</sup> MNHL Presentments file Michelmas 1730

between 1695-1799, 4,823 non-sexual offences were brought before the Manx church courts in comparison with 2,336 cases brought in South Lancashire for the 90 years evaluated by Albers between 1691-1781.<sup>593</sup> Considering the markedly greater population of South Lancashire over that of the Isle of Man there was clearly a significant difference in practice between the church courts in the two dioceses. The Manx church was apparently more willing and able to censure a greater volume and variety of non-sexual offences than the South Lancashire part of the Diocese of Chester. This suggests that whilst the church courts in South Lancashire were still functioning in the eighteenth century they had in many respects failed to present the majority of 'offences' that were being perpetrated. Furthermore the attendance of many at non-Anglican places of worship had increasingly led to regulation of the willing. The decline in appearances as a percentage of presentments during the eighteenth century noted by Snape (of the 4 individuals presented in 1776 none appeared to answer the charge) supports the view that the church courts were gradually losing their authority to force compliance upon the unwilling.<sup>594</sup>

In contrast the church in the Isle of Man was still presenting significant numbers of offenders in the 1790s for such a broad range of offences that it is clear that the Manx courts were still widely used at that time and they exerted a significant influence in the moral regulation of the population. It is evident that the variety of censures available in the Isle of Man would have initially supported the work of the church courts, as censures could be tailored to suit the severity of the offence and the church was not forced to choose merely between excommunication and penances. After the system became established in the late seventeenth century it was easier to maintain than in other dioceses that did not have the same variety of censures or consistency during the upheavals of the mid seventeenth century. Furthermore the Manx church courts were assisted in their maintenance of moral regulation by the steadfastness and enthusiasm of Bishops Wilson and Hildesley, who were both great advocates for the Manx people and their system of ecclesiastical regulation. Nevertheless it is probable that it was not merely the size of the diocese, the variety of censures, the absence of non-conformity and the characters of two Bishops that led to the continued efficacy of the Manx church courts throughout the late seventeenth and eighteenth centuries.

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<sup>593</sup> Albers, *Seeds*, p.251

<sup>594</sup> Snape, *Whalley*, p. 124

There were many other factors that were also influential in supporting the Manx ecclesiastical courts and which combined to provide a situation in which moral regulation of both sexual and non-sexual offences was actively enforced by the church with the support of the people.

## **6. Aspects of the Church Courts in Manx Society**

It is clear from previous chapters that the Manx church courts were in general far busier than their counterparts in the North West of England. Although there were comparable incidences of presentation of sexual offences between the two areas during some of the years examined for non-sexual offences there was a marked disparity between the quantity of cases presented in the two areas. Part of this disparity could be explained by the aforementioned operational and functional differences between the church courts in the two areas, but it is necessary to examine the type of society, and the strains it experienced, that the church courts sought to regulate, both in Lancashire and the Isle of Man, to evaluate whether this had any bearing upon the efficacy and viability of the church courts.

The Manx church court records, in the information that was frequently attached to presentations, provide a significant quantity of information concerning the fundamental functioning of society which serves to further illuminate the type of society that occurred in and supported a strict system of ecclesiastical censure for behavioural offences. As previously noted the Manx records contain a significantly greater number of presentations for non-sexual offences over the South Lancashire deanery courts examined by Albers. The volume of information available for the Isle of Man provides a twofold advantage to the historian, not only by illustrating the depth of influence of the Manx church in this era but also, in the specifics of the information contained in these presentations, in supplying an insight into the employment and social activities of the Manx people during the period examined.

Upon first examination of the Manx records it becomes apparent that agriculture was of prime significance in the lives of the Manx people in the mid-seventeenth century. The absence of accessible or even substantial natural resources on the island (of even such basics as woodland) meant that land use was primarily for agriculture, which in turn was influenced by the seasons and the ravages of the Manx weather. There is no doubt that the poverty of the inhabitants was marked at this time. James Chaloner (Governor of the island for Thomas Fairfax), noted in 1659 that the poverty of the Isle of Man was its best protection, a position supported by Denton twenty years later,

who also remarked upon the poverty of the inhabitants, although he also cited that there was no door to door begging.<sup>595</sup> William Sacheverell, Governor of the island from 1693-5, similarly noted the comparative poverty of the island, remarking however that this poverty was manifest more in the lack of any truly rich persons, there being a lack of any that are “miserably Poor” as there were “fewer beggars in proportion than in any nation.”<sup>596</sup> Some of this comparative poor state of the Manx population was due not only to the harshness of the climate but also to the system of land tenure and the duties payable by farmers to the Lord of Mann and the Church by way of tithes.<sup>597</sup>

The acceptance or not by any population of the payment of church tithes can, of course, be evaluated to ascertain whether the church was seen to be a just guiding light or alternatively a body that imposed unduly harsh penalties upon its charges. It is probable that the true picture is probably always somewhere in-between. Certainly in the seventeenth century much of the animosity felt by Manx farmers was directed towards the Lord of Mann and it appears that the majority of church tithes were paid without too much complaint. However precise details are vague as, for the purpose of this thesis, offences for non-payment of tithes were not originally calibrated. By the eighteenth century these cases were more generally noted under the offence of non-payment of church assessments. The number of such cases was variable with only a handful of particular cases that suggest a parish-wide objection to a certain levy, as in the case of the fishermen of Michael who took their objection to the Archbishop of York in 1767.<sup>598</sup> The absence of significant objections in the church records suggest that tacit acceptance of tithes was the norm, a factor that may have been facilitated by the setting of the level of tithes which protected the small farmer.<sup>599</sup>

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<sup>595</sup> J. Chaloner, ‘A Short Treatise of the Isle of Man digested into six chapters’, in *Manx Society Vol X* (1864) p.57, T. Denton, ‘Description of the Isle of Man and its Customs’, 1681, in *Yn Lioar Manninagh or Isle of Man Natural History and Antiquarian Society Vol 111* (1895-6) p.437

<sup>596</sup> W. Sacheverell ‘An Account of the Isle of Man’ 1702 in *Manx Society Vol 1* (1859), p. 7.

<sup>597</sup> For an extensive evaluation of the problems with Land Tenure see Moore, *History Vol. 2*. pp. 877-881

<sup>598</sup> Gelling, *History*, p.33

<sup>599</sup> A full account of the tithes is set out in MNHL MMMs9A, W.S. Walker, *Abstract of the Spiritual Laws of the Isle of Man 1703*, eg. The standard tithe for sheep was set at one lamb in eight, but only one lamb for any amount of lambs less than thirteen. Additionally if the tithe was only one or two lambs then the husbandman was permitted to keep the best lambs for himself. Further if the farmer only bred one or two lambs then the tithe was ½ d per lamb, which significantly undervalued the price of a lamb – sheep at market costing 3s at this time.

In England in the early seventeenth century some tithes had been commuted to fixed monetary payments (resulting in a diminution in the value of the tithes collected as inflation rose) whilst others had been transferred to lay rectors.<sup>600</sup> However this situation did not occur in the Isle of Man in the seventeenth century. Albeit that there was one recorded incidence of tithe corn and hay in the parish of Ballaugh being collected by the waterbaliff (a secular official) instead of the parson.<sup>601</sup> However it is possible that payments to the Lord of Man were also made in kind at this time and that there was an error in the identification of the payment. Indeed the noted lack of sufficient coinage in the island up to the close of the seventeenth century indicates the probable use of payments in kind throughout many preceding years.<sup>602</sup> Even into the mid-eighteenth century, when a few island parishes were starting to partially collect assessments in cash, others were still accepting payments in kind. Robt Lewn of Ballacreech in Onchan confirmed that he normally paid half of his tithe in goods and half in money.<sup>603</sup> Similarly tithes of eggs were still being collected in 1760 alongside monetary payments for the more perishable items such as fish.<sup>604</sup>

Animosity towards tithe payments would no doubt influence the parishioners' acceptance of the role of the church in other aspects of their lives. If tithes were seen to be too harsh and were questioned by the community then it is probable that questions might also be raised about moral regulation by the church. That there were never any island wide objections to the tithes during the period governed by this thesis confirm the congregations' general acceptance of at least this aspect of control over their daily lives. One need only to look at the civil unrest that was occasioned by the attempt by Bishop George Murray to impose a tithe upon potatoes in the nineteenth century to acknowledge that continual tacit acceptance of the regulations of the Manx church was not guaranteed.<sup>605</sup> That the majority of the Manx congregations paid their assessments and tithes without too much objection confirms that they saw the church as fulfilling a necessary role in their lives and that they considered that the level of tithes was not unduly burdensome. Indeed the church, being frequently concerned with the poverty of the parishioners and needing to care

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<sup>600</sup> Coward, *Stuart Age*, p. 111

<sup>601</sup> MNHL Ballaugh Presentments 1668

<sup>602</sup> Dickinson, *The Lordship of Man*, p. 160

<sup>603</sup> MNHL LC 1737

<sup>604</sup> MNHL German Presentments 1761, LC 1762

<sup>605</sup> F. Cowin, *Douglas, Isle of Man, A History & Celebration* (Salisbury 2004), p. 41

for the weaker members of society, either as distributors of sums bequeathed to the poor or as being in charge of distributing relief, was cognisant of the problems that might occur in imposing an overly harsh tithe or assessment. Additionally it might be argued that the church was more likely to consider individual cases of hardship with a benevolent eye, an aspect that is confirmed in the payment by the Vicar of Lonan of the assessment of a poor widow and further is supported by historians as to the general acceptance of the level of tithes in some English parishes.<sup>606</sup> Indeed it has been argued that the transfer of ecclesiastical tithing rights to lay individuals in England resulted in a system in which commercial lessees “would let no circumstance of hardship or misfortune stand between them and their full legal due.”<sup>607</sup>

The system of pursuing unpaid tithes in the Isle of Man supports the view that these dues remained within the remit of the ecclesiastical authorities. Whilst in the parish of Whalley large unpaid tithes were either sued in the spiritual or lay courts incurring either an extra payment of double the original value, or three times the value sought respectively, smaller amounts that remained unpaid were, after the passage of the 1696 Act for the More easie Recoverie of Small Tythes and the Quaker Affirmation Act of the same year, rapidly dealt with by local magistrates.<sup>608</sup> All such disputes would no doubt have had a negative effect upon the accord between the church and the remainder of the community. That the ecclesiastical authorities in the Isle of Man were only faced with minor opposition that sporadically involved tithe disputes was in part due also to their method of collecting these errant payments. The tithe dispute between Paul Crebbin (Vicar of Santan) and Bridson was heard in the Consistory Court and after lengthy depositions resulted in the demand that the errant tithes remained due and that they were to be paid forthwith or the offender was to be committed until payment was made.<sup>609</sup> The majority of Manx tithing matters were transferred from the Visitation Courts to the Consistory Court and remained within the remit of the ecclesiastical authorities, of course this meant that the church might always have a vested interest in any dispute, but it also restricted the censures that could be imposed, the most general being a warning that any tithe remaining unpaid

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<sup>606</sup> MNHL Lonan presentments 1762, Peyton, *The Churchwardens' Presentments*, p. Liii,

<sup>607</sup> G. Best, *Temporal Pillars: Queen Anne's Bounty, the Ecclesiastical Commissioners, and the Church of England*, (Cambridge 1964) quoted in Snape, *Whalley*, p. 104

<sup>608</sup> Snape, *Whalley*, pp. 105-9

<sup>609</sup> MNHL LC 1762, 3

would result in the committal of the offender. There appears to have been no increase in the amount due when payments were withheld.

Whilst the Manx church courts, in common with their English counterparts, were in charge of collecting tithes, their influence upon the rural community was far more widespread than in comparative dioceses. For in the presentation of cases of Sabbath breaking there was a broad spectrum of activities that were presented, ranging from obvious offences of physical labour such as ploughing, harvesting and tending peas and (later in the eighteenth century) potatoes, as well as sheep shearing, herding livestock, milling, threshing and taking grain to the mill. However acts of necessity such as recapturing errant livestock, tending dairy cows and protecting corn or ling stacks from sudden downpours were generally excused.<sup>610</sup>

The inclusion of presentations for these agricultural activities supports the idea that the diocese was very much a rural community in the seventeenth century that was dominated by small farms. Incidences that note the Sunday working of employees or wage labourers on farms were few and far between. In cases of an employee working on the Sabbath then the employer was either presented alongside, or instead of the employee but such cases are rare in the records.<sup>611</sup> In cases where the employee had been farming on the Sabbath without permission then the innocence of the employer was noted.<sup>612</sup> The numbers involved in Sabbath breaking in the mid to late seventeenth century, (for which specific evidence as to the offence exists), show that the vast majority who were involved in agriculture, (taken to be growing crops, animal husbandry and milling), were working for themselves. Only four employers are noted out of a total of seventy-one individuals presented for agricultural activities on the Sabbath, the lack of notation of employers confirms that the majority were small farmers or husbandmen who were working their own piece of land.<sup>613</sup>

Akin to agricultural activities there were a number of presentations relating to fishing that were censured during the seventeenth century, most particularly for going to sea on the Sabbath, a period that generally included more than just the daylight hours on a

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<sup>610</sup> MNHL Arbory Presentments 1667, Malew Presentments 1667

<sup>611</sup> MNHL Malew Presentments 1667

<sup>612</sup> MNHL Malew Presentments 1667

<sup>613</sup> MNHL Malew Presentments 1667 Arbory Presentments 1667, Lonan Presentments 1678

Sunday. In 1610 Statutory Law directed that fishing was prohibited from Saturday morning until Sunday night, a period that was extended by Bishop Levintz in 1690 to include the time up until Monday morning, although it is possible that with the extension at the end of the period the rules regarding Saturday were relaxed to allow fishing until midnight upon a Saturday.<sup>614</sup> Never as numerous as agricultural offences these fishing activities indicate nevertheless the occupations of the Manx during the seventeenth century and that their livelihoods were often influenced by factors such as the vagaries of the weather and the availability of shoals of herring and mackerel over which they had no control.

The inclusion of so many agricultural and fishing based activities in the number of Sabbath breaking offences in the seventeenth century confirms that the Isle of Man can be accurately regarded as a rural community in the years preceding the eighteenth century and the expansion of the running trade. Whilst it could be suggested that offences that took place in the towns might have avoided presentation the small size of the towns would tend to counteract this argument, for it was not until the eighteenth century that the population of the towns started to reach the level found in the neighbouring rural communities.<sup>615</sup>

Did the type of community influence the ability of the Manx church to impose, and the people to accept moral regulation? To answer this question it is necessary to further evaluate the type of community that was found in the Isle of Man in the seventeenth century. There is evidence from the church records supporting the views of the governors of the island suggesting that many of these agricultural workers in the seventeenth century were living at subsistence level. Those whose livelihood was very near a level of absolute poverty would always be more likely to risk undertaking work on the Sabbath if necessity required, even if it would incur a censure from the church. This factor is confirmed in incidences of agricultural activities being undertaken well out of their normal season. Although ploughing was usually undertaken in the spring, incidences sometimes occurred much later in the year. In 1679 Rob[er]t Cesar was presented for ploughing on St Mathias' day, (14<sup>th</sup> May) while a churchwarden was also presented (although excused as it was an act of

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<sup>614</sup> Moore, *Folklore*, p. 178

<sup>615</sup> See population figures in Moore, *History vol 2*, p. 646

necessity) for the same offence on that day twenty years later.<sup>616</sup> Mid-May is late for ploughing even taking into consideration that the crop might have been barley, (wheat was generally sown in winter, oats between the first of March and the middle of April and only barley was sown up until the middle of May).<sup>617</sup> The problems Bishop Hildesley experienced with farmers ploughing on Ash Wednesday (1763), against the edicts of the church, also implies that ploughing in the eighteenth century was frequently undertaken early in the year and well before Easter (Ash Wednesday in 1763 was 16<sup>th</sup> February).<sup>618</sup> The subsistence nature of much of Manx farming in the seventeenth century is further confirmed in the practice of removing fences from the land for the duration of the winter months. This practice was still continued in some parishes into the eighteenth century and the reconstruction of these fences on Lady Day is confirmed by the presentation of an individual for hedging for his master on Lady Day in 1696 in time of divine service.<sup>619</sup> The lack of fences in the winter months also points towards the protection of the poorer farmer with limited resources, as fences would only benefit the larger landholder who could gain a livelihood from his own land without recourse to other acreages. In cases where fences were removed for the winter, farmers lanketed their livestock, especially cattle, with straw ropes between their feet to prevent their straying too far.<sup>620</sup>

The motive of the Manx church in ensuring correct Sabbath observance is set out in a note in 1733 concerning the practice of ploughing on the Sabbath when the parishioners are reminded of the “blessing to be expected” from observing holy days, a message that was reinforced by Bishop Hildesley thirty years later.<sup>621</sup> The concept that material benefits would follow from a proper Christian observance of religious festivals would have assisted the church in regulating Sabbath behaviour, especially in the rural communities, for worries as to whether any harvest would be successful would have been uppermost in the minds of the community throughout much of the year. In the early 1760s the failed harvests and hardships of the 1730s were still

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<sup>616</sup> MNHL Presentments unspecified parish 1679 Parish noted as ‘Ma.’ and therefore is for Malew, Marown or Maughald , Onchan Presentments 1699

<sup>617</sup> B. Quayle and T. Quayle, *General View of Agriculture in the Isle of Man 1794 and 1812* (reprinted Manx Heritage Foundation undated post 1992) pp. 32-4

<sup>618</sup> MNHL Michael Presentments 1763, Patrick Presentments 1763

<sup>619</sup> Dickinson, *Lordship of Man*, p.108, MNHL Michael Presentments 1696

<sup>620</sup> C. Page, ‘Manx Farming’ in P. Davey and D. Finlayson eds, *Mannin Revisited* (Edinburgh 2002) p.121

<sup>621</sup> MNHL German Presentments 1733, Michael Presentments 1763, Patrick Presentments 1763

within living memory, further deterring many from offending once they had been reminded of their duties to God.

In this respect it is clear that the religious concept of providence was still playing a major role in the acceptance of church discipline by the Manx people in the mid eighteenth century.<sup>622</sup> It follows that the church's instruction to the congregations to duly observe Ash Wednesday should not be taken as an example of the exertion of an unnecessary influence over the lives of the people, instead providing an example of the church's belief in the ultimate sanction of divine providence. Such beliefs were still held by the English church in the eighteenth century but were less severe than their seventeenth century counterparts.<sup>623</sup> The imposition of Sabbath observance for Ash Wednesday, although a minor matter in the church court records, is however a crucial indicator of some of the thought processes behind the imposition of ecclesiastical discipline and its acceptance by the Manx population. Contrastingly the church was much less vociferous when it came to regulating harvest, either because those who supplied information to the courts were harvesting themselves and little information could be gleaned, or alternatively that the church recognised that harvesting could not be postponed with the same ease as ploughing and it was therefore treated in a like manner to acts of necessity. Any suggestion of providence behind the basis for moral regulation would have been more acceptable in an agricultural community that was overly influenced by the vagaries of the weather, rather than in an industrial/trading urban environment that received influence from individuals, other nations and manmade events. If it could be suggested that a rural community, being reliant upon events that were very much outside the control of the congregations, were more likely to accept moral regulation by the church, upon the basis that the concept of providence was an acceptable pattern of belief, then it is possible that the classification of a community as rural would partly influence the efficacy of the church courts.

Patterns of presentation in the Manx courts indicate the changing influence of the rural economy upon the lives of the community during the period examined. This is

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<sup>622</sup> K. Thomas, 'Providence: the Doctrine and its uses' in *Seventeenth century England, A Changing Culture, Modern Studies*, W. Owens ed, (London 1980) pp. 26-7

<sup>623</sup> Thomas, 'Providence', p.28-9

particularly so in relation to presentations relating to sheep husbandry. Whilst incidences that record working with sheep were always few, there were nevertheless a small number of cases noted in the seventeenth century.<sup>624</sup> By the eighteenth century however the number of these cases had declined and many years contain no reference to such activities. The lack of such presentations imply a movement away from shepherding or alternatively that these activities ceased to be presented before the courts. Of the five presentations for working with sheep in the 1760s, three of the men presented were either buying and selling sheep or dealing in meat on the Sabbath.<sup>625</sup> (The occurrence of the latter offence in 1765 is indicative of the economic hardship occasioned by the Revestment of the Isle of Man in that year which would have forced many to undertake activities that they would not previously have considered appropriate). Whilst the lack of presentations for Sabbath breaking offences relating to the care of sheep in the last decade of the eighteenth century might be due to a lack of enthusiasm in the church courts to pursue some offences; they also support the observations of B. Quayle in 1794, that whilst the upland areas (primarily out of sight to those who would bring presentments to the church courts) were still used as sheep pasture at the close of the eighteenth century by this time there were less sheep in other areas of the Island. This decline had taken place over the preceding twenty years as more pasture was enclosed and used for crops leading to a decrease by one third in the number of sheep reared.<sup>626</sup> The movement away from sheep rearing by smallholders, towards the keeping of sheep on the upland areas, is indicative of a movement away from subsistence farming towards a type of farming according to the specific suitability of the land towards crops or livestock with farming for profit being one objective.

An examination of the figures for all types of agricultural production in the Isle of Man from the incidences referred to in the church court records indicates a move away from agricultural production, especially in the latter years of the eighteenth century. Certainty as to whether there was a predominantly rural economy at the close of the period under review is difficult to confirm from the church court records whereas there are clear indicators that this had been the case in the seventeenth

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<sup>624</sup> MNHL Onchan Presentments 1668, Arbory Presentments 1667, 1679

<sup>625</sup> MNHL Michael Presentments 1765

<sup>626</sup> Quayle, *Agriculture* p. 27

century. Whilst the occupations of those presented before the church courts were never supplied with regularity, for 1659 there are indications as to the occupations of those presented in the statements of the financial abilities of those presented. In the occupations noted in the records for 1659 there were 2 church officials, 9 servants, 1 labourer, 1 miller, 3 owners of walk mills (for fulling cloth) and 2 farmers. There were therefore 6 individuals who were directly or indirectly engaged in agriculture or its related products and none that were supported by any other form or industry, trade or production. Given, of course, that some trades or occupations might be more liable to commit offences than others, the figures for 1659 still tend to indicate the predominance of agriculture in the Isle of Man in the mid seventeenth century.

As can be seen from Tables Ai-v the figures for Sabbath breaking were liable to fluctuations however an indication of the rural nature of the Manx in the seventeenth century can be seen from Table Ai. 1667 not only contained a significant number of Sabbath breaking presentations but also 34 that referred specifically to agriculture. That the Sabbath breaking offences reached similar numbers in three years in the 1730s without ever presenting more than 9 individuals in any given year for farming implies that either the rural population were no longer likely to profane the Sabbath or that the employment of the population was moving away from its former agricultural base. Figures for farming on the Sabbath remain at a low level up until near the end of the eighteenth century but the gradual decline cannot merely be taken to represent abandonment of agriculture. Running alongside the decline in the reliance upon agriculture, the advent and strength of Methodism in the rural communities of the island, wherein many parishes contain a Methodist chapel alongside the parish church, indicates that in such communities there would have been little time or inclination for farming on the Sabbath as attendance at both religious houses was undertaken by many. However it is clear that incidences of farming on the Sabbath fell during the period examined and indicate a move away from subsistence farming towards the development of an economy based on units designed for production and onward sale.

Women were also less involved in actual agricultural production in the Sabbath breaking presentations at the close of the eighteenth century than had been the case one hundred years earlier. Of the 58 individuals presented for agricultural activity on

the Sabbath in the years examined post 1730 there were only 5 women, in comparison with 7 out of 34 individuals presented in 1667. These figures correspond with the situation in England where the role of women in agriculture was always more limited than in comparable areas in Europe, Africa and Asia.<sup>627</sup> Whilst the change in the proportion of Manx women engaged in agricultural work on the Sabbath is not dramatic there was clearly a gradual move away from women undertaking agricultural work again indicating a move away from a smallholding or crofting community in which women would have been more involved in extensive agricultural work. The widowed Mrs Gell presented in 1763 for ploughing on Ash Wednesday was very much the exception rather than the rule when it came to female presentations for strenuous agricultural labour, her participation in extremely strenuous physical activity was probably a result of her lack of a husband to undertake the work.<sup>628</sup>

Any identification of the island as a rural community also allows a more accurate comparison with parts of the geographical area examined by Albers. The main agricultural areas of Lancashire examined by Albers were in the western region around Lancaster, and in the north for parts of the Lake District.<sup>629</sup> These areas, where “traditional social patterns were very much intact,” were confirmed as having a higher number of communicants as a proportion of the population than corresponding areas with an industrial base.<sup>630</sup> This would support the theory that in such communities the congregations would be more willing to accept ecclesiastical guidance and indeed regulation than in comparable areas where the proportion of active practising Anglicans was much smaller. The cohesion required in small communities, with little population mobility either inward or outward would support ecclesiastical regulation once established, just as they would support any form of conservative structure that assisted in their daily lives. Additionally the knowledge of one’s neighbour that was required in order to employ the church courts to their fullest effect would be found best in areas with little population mobility. Such acceptance of ecclesiastical regulation of course depended not only upon the existence of these small communities, but also in the viability and perceived benefits of living in a society that was regulated in such a manner. However numbers of communicants in

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<sup>627</sup> P. Mathias, *The First Industrial Nation*, (London 1983) p.180

<sup>628</sup> MNHL Patrick Presentments 1763

<sup>629</sup> Albers, *Seeds*, p. 150

<sup>630</sup> Albers, *Seeds*, p. 151

rural parishes in Lancashire does not necessarily correspond with incidences of presentations and moral regulation by the church courts. Indeed for the northern part of Lancashire (north of the Ribble), for the selected years examined by Albers, the numbers presented for non-sexual offences in the eighteenth century (10 individuals in 1750) were negligible in comparison with the Isle of Man.<sup>631</sup> This would indicate that it was not merely the classification of a society as rural, whether living by subsistence farming or not, that would have a significant bearing upon the church's imposition of moral regulation. Whilst regulation was found in these rural areas of Lancashire the volume of business transacted in front of the church courts indicates that there was a considerable difference between the scale of moral regulation between rural areas in Lancashire and the Isle of Man.

Likewise the area of the parish of Whalley that bears closest resemblance to the Manx rural communities, in that it comprised "cottagers and smallholders" was the Forest of Bowland, part of the Chapelry of Clitheroe, which, saw levels of communicants as a proportion of Anglican households standing at less than 1 in four.<sup>632</sup> Clearly classification of any society as rural, even given that rural societies might be more cohesive, a factor that can be linked to the numbers of communicants in the parish, does not provide an accurate evaluation as to whether moral regulation by the church would be found in the community.

At this point it is important to qualify the restrictions upon movement to which the Manx people were subjected throughout much of the period examined by this thesis. Yarding of servants was practised in the Isle of Man up until 1777 whereas during the seventeenth century all those leaving the Isle of Man were required to obtain the permission of not only the Captain of the Parish but also the parish priest and the jury of servants.<sup>633</sup> These restrictions on movement of Manx workers confirm not only the deficiencies in supply of labour in the economy in the late seventeenth and eighteenth centuries but also illustrates that the Manx people experienced constraints upon many aspects of their lives. Such a regulated society would doubtless be more

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<sup>631</sup> Albers, *Seeds*, p. 226

<sup>632</sup> Snaper, *Whalley*, pp. 6-7, 19

<sup>633</sup> Moore, *History Vol 2*, p.550, MNHL LC, 1703 inter 6-7(2), quoted in Dickinson, *Thesis* p.167

conducive to regulation by the church as the people were not used to the comparative freedoms found in some other societies.

The church court records suggest that the Isle of Man became less reliant upon agriculture as the eighteenth century progressed and it becomes apparent that the growth of the running trade was the prime cause behind the change to different patterns of employment for the Manx people. This growth in a trade, that was primarily based upon importing goods, chiefly from continental Europe, for onward export and sale to customers in England, Scotland and, to a lesser extent, Ireland, was to have a dramatic effect upon the fortunes of the island; both in the growth in the economy of the island when the trade was at its height, and in the devastation that was left when the trade was effectively halted with the sale of some of the rights of the Duke of Athol to the British Crown in the Act of Revestment in 1765. During the course of the eighteenth century many Manx communities were placed under comparable strains to those experienced in the rapidly expanding industrial towns of Lancashire during the same period. The response of the ecclesiastical authorities to the problems experienced in maintaining moral regulation, as a result of the increase in the wealth, size and mobility of the population and the influx of non-Manx individuals, provides a valuable comparison with the situation in the industrial towns of Lancashire examined by Albers.

Before examining the effect of the running trade upon the moral regulation of the people by the church in the Isle of Man it is necessary to ascertain, as a comparison, the economic position of the island in the mid seventeenth century. As previously noted published accounts of the Isle of Man in the seventeenth century indicate the extreme poverty of the inhabitants; a situation that is supported in the incidental evidence supplied in the Manx church court records. Although the Manx people themselves might not have been very cognisant of their poverty (such matters often not being evident to those experiencing them if the general level of poverty was so uniform), it seems to have been noticeable to those who visited the island.<sup>634</sup> The overall lack of wealth in the island's population at the close of the seventeenth

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<sup>634</sup> P. Mathias, *The Transformation of England, Essays in the Economic and Social History of England in the Eighteenth Century*, (London 1979) pp. 131-2, Chaloner, *Short Treatise* p.57, Moore, *History Vol 1*, p. 407

century is supported by the Act of Tynwald in 1706 that noted the “poverty and mean circumstances of the people”.<sup>635</sup> In this case the poverty of even the richer members of the population was seen to be too great to withstand an additional levy of £160 to cover the expenses incurred in the Act of Settlement of 1706, and recovery of this payment was deferred until November 1709. The lack of ability to raise a levy totalling £160 from a population of over 10,000 individuals is a clear indication as to the general poverty of the island as a whole at this time. The ecclesiastical court records for the commonwealth period, owing to a different method for the censure of offenders for that time, also provide valuable information as to the economic status of offenders and therefore indirectly for the island as a whole.

During the commonwealth period the Manx church courts were under the control of the Governor and the system was based upon the payment of fines for behavioural offences. Whilst in some cases in 1659 the offenders were ordered to acknowledge their offence and to undergo “service to the lord,” the main form of censure at this time was the issuance of a fine that was to be paid and then applied for the benefit of the needy of the parish (much as occurred in earlier commutations). The records that survive of these fines, and isolated evidence as to their distribution amongst the poor provide valuable information as to the economic state of the population, for they show not only the ability to pay a fine but also for several parishes the onward distribution of funds into the community.

In the early years following the introduction of the system of fines there had often been administrative difficulties when the offenders were unable to pay the fine issued. This had involved the courts in additional work when non-payments had been returned for re-evaluation and re-setting at an appropriate level.<sup>636</sup> Of course the efficacy of the deterrent of a fine would be lost if its level was set so high as to make its payment impossible and in the early years of the new system this often occurred; there was obviously a widespread over-estimation by the courts of the fines that many offenders could afford. Regulations were therefore passed instructing the officials who collected information concerning offences to also note the wealth of individuals

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<sup>635</sup> Gill, *Statutes* p181

<sup>636</sup> MNHL LS 1658 (RB445, 62)

so that an appropriate level of fine might be issued at the outset.<sup>637</sup> In the Church Court Presentments for 1659 information is therefore given in several documents as to the social situation of offenders. This information is a valuable resource from which to gauge the economic state of the population. Given that it might be possible that only the poor would be presented for ecclesiastical offences, either because they were more liable to commit offences or because they were more likely to suffer persecution from the remainder of the community, the figures should be treated with some caution. However the inclusion of some wealthy offenders (manifest in the high level of the fines levied in isolated cases) indicates that all sections of society were represented in the offences brought before the courts. An estimation of the economic status of the Manx population can therefore be hazarded from the fines issued by the Courts in 1659.

In 1659 the level of fine payable was influenced not only by the ability of the perpetrator to pay, but also, to a lesser degree, by the severity of the offence. Accordingly, serious offences such as those of a sexual nature were generally issued with comparatively higher fines than minor offences such as Sabbath breaking and non-attendance at church, although larger fines might still be issued for these offences if the offenders were wealthy or particularly recalcitrant.<sup>638</sup> Offences of a sexual nature were also more likely to be committed by the members of society who were, economically, the most able to pay a fine, as they would generally exclude three groups that were more likely to experience poverty: any who were too young to be employed or to have significant possessions (too young to be sexually active), the majority of adults who were married and supporting children (of the sexual offences presented in 1659 there were 52 people presented for fornication and only 2 for adultery), and the old, whose age and frailty might be not only a cause of their poverty but also a contributory factor towards their initially being presented for offences such as non attendance. In basing calculations on the fines issued for sexual offences, those who suffered economic hardship and were forced to postpone marriage as a result are also included. In one case although marriage appears not to have been postponed, the cohabitation of husband and wife was apparently delayed due to economic motives. Donald Teare, presented for fornication, was noted as

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<sup>637</sup> *ibid*

<sup>638</sup> MNHL Maughald Presentments 29<sup>th</sup> May 1659, Jurby Presentments May 23<sup>rd</sup> 1659

being “married to a young girle who doe not as yett live together neither hath he any goods of his owne or receiveth a peny of his portion.”<sup>639</sup> Calculations based on the fines issued for sexual offences necessarily put the economic situation of the Manx people in the best possible light, as it excluded those who were very young or old - the most likely paupers.

In the sexual offences noted in 1659 there are various descriptions that note the wealth of the offender; some were described as “mene of lit[t]le ability” and were given fines of 12d, or noted as “a poore farmer,” others were obviously much poorer being confirmed as “poore” or a pauper, some were classified as a “meane laybor be[in]g of ym smale ability” and given a fine of 2s6d, whilst the wealthier could be noted as the eldest son of “an abell farmer” and ordered to pay a fine of 10s.<sup>640</sup> Considering these comments an indication of the economic status of those presented can be ascertained. There is little doubt that all those who received fines of 12d or less (some were even noted as being too poor to pay any fine) were categorised by the officials in 1659 as being generally poor.<sup>641</sup> Indeed there could be evidence to suggest that the level defining poverty should be set much higher as there were isolated incidences of offenders being asked to pay significant fines, as in the case of Ewan Curphy Junior who was to pay a fine of 20s for fornication, or Patrick Kneal who was given a fine of 50s.<sup>642</sup> Of the people presented for sexual offences in the Isle of Man in 1659, 44% were given small fines of 12d or less and only 27% were for amounts over 3s. (Table B). This gives a clear indication of the general poverty of the economically most productive Manx at that time, for the church would have wanted to issue fines that were sufficiently high in order to provide an effective deterrent. That such a low level of fines was issued in so many cases confirms the endemic poverty of the Manx people in the mid seventeenth century.

Comparisons between the fines levied on women and men for these sexual offences also indicate the poverty of women. At a time when women were considered, in England to be personifications of Eve and therefore the primary cause behind many

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<sup>639</sup> MNHL Jurby presentments May 23<sup>rd</sup> 1659

<sup>640</sup> MNHL Braddan Presentments 1<sup>st</sup> June 1659, Andreas Presentments 1659, Bride Presentments 1659, German Presentments 2<sup>nd</sup> November 1659

<sup>641</sup> MNHL Margrett Mayone, Lezayre Presentments 30<sup>th</sup> May 1659, Katheren Gelling, Braddan Presentments 1<sup>st</sup> June 1659

<sup>642</sup> MNHL Bride Presentments 1659, Lonan Presentments 1659

sexual offences it could be expected that Manx women might receive larger fines than their male counterparts. However as previously examined this was not the case, as women were treated on an equal footing with men in the Isle of Man.<sup>643</sup> When a comparison is made between the level of fines issued for Manx women and that of men in 1659 there is a marked reduction in the level of fines issued to women. The predominance of fines of 1s or less for women indicates that the majority of women were very poor and had little means with which to pay fines. Whilst the mode point for women's fines for sexual offences falls at 12d, the equivalent for men is not reached until the issuance of a fine for 5s. Only one woman was issued with a fine greater than 3s; being given a fine of 5s for a relapse into fornication.<sup>644</sup> Indeed even a fine of 12d was out of reach for some women. Katheren Gelling was found guilty of many offences that indicate a disregard for the authority of the church; most notably failing to accept a reconciliation with another unnamed individual, not receiving the sacrament for three years and impoverishing herself and her children, it was noted that she could not pay her former fine nor any other that could be issued and she was censured to sit in the stocks for one hour "to bring forth Christian conformity & charity".<sup>645</sup> Margrett Mayone a blind beggar was also too poor to pay a fine and was censured to sit in the stocks in Ramsey for one hour for her offence of fornication.<sup>646</sup> It is certain that if these women had been able to pay a fine then this would have been censured for Will[iam] Corkill, also noted as poor, who was given the choice of either sitting in the stocks in Ramsey or paying a fine of 12d, for his repeated absence from church and he chose the latter.<sup>647</sup> The extreme poverty indicated by being so poor that one could not raise any form of fine is only found in cases involving women. The implication in the case of the unnamed woman from Patrick who was unable to pay any part of her fine of 1s in 1658 and was excused, is that the church, (or those effectively regulating the church in 1659) was unwilling to pursue individuals for fines if they were too poor to pay.<sup>648</sup> There is no evidence that the church was willing or indeed likely to endlessly pursue a penniless parishioner for their fine if they showed some other form of contrition. This scenario bears relation

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<sup>643</sup> In censures issued by the church courts in later years the penances and imprisonment required were always identical for men and women for the same offence

<sup>644</sup> MNHL Malew Presentments May 1659 (Joney Saile)

<sup>645</sup> MNHL Braddan Presentments 1<sup>st</sup> June 1659

<sup>646</sup> MNHL Lezayre Presentments 30<sup>th</sup> May 1659

<sup>647</sup> MNHL Lezayre Presentments 30<sup>th</sup> May 1659

<sup>648</sup> MNHL Patrick Presentments November 2<sup>nd</sup> 1659

to the collection of tithes in England wherein the church was noted as being more likely to compromise on the collection of payments in cases of hardship than comparable lay collectors.<sup>649</sup> Whilst fines issued in 1659 were to act as a deterrent it would never be in the church's interest to impoverish people further than their circumstances would permit and therefore the option of physical punishments was utilised in cases of extreme paupers.

The level of Manx poverty found if all types of offence are evaluated, according to the fines levied in 1659, is striking. Indeed of the 73 individuals that were issued a fine in 1659, 42 (57%) were given fines of 12d or less. This indicates, (whilst bearing in mind that some offences were less severely punished as they were of a minor nature), that across the spectrum of the population the majority were unable to pay a fine greater than 1s. A few were able to pay a large fine but only 6 people were issued with a fine greater than 5s. That 57% of those issued with fines in 1659 were too poor to pay a fine of over 12d reflects a greater poverty amongst the Manx population than was found in similar circumstances in England where one third were noted as being too poor to pay a hearth tax.<sup>650</sup> However the claim of Gregory King in 1688 that over one half of the English population spent more than they earned is not dissimilar to an initial view of the Manx situation.<sup>651</sup> It was the generality of the Manx poverty that made the situation worse in the Isle of Man. For whilst it appears that the number of paupers as a percentage of the population was on a par with the situation in England, the number of wealthy individuals, as noted by Sacherverell and the inability of Tynwald to levy an additional charge in 1706 upon the inhabitants confirms that there were comparatively few wealthy individuals upon the island. The lack of wealth in the upper reaches of Manx society would have suppressed even further the poverty of the majority. There were accordingly less funds available for benevolent distribution in the Isle of Man than there would have been in comparative societies that included a greater number of wealthy individuals, although this wealth of individuals was never a *guarantee of their benevolence to the poor*. Additionally whilst it is apparent that the majority of the population experienced *similar* circumstances and deprivations at that time, in such a situation there would have been

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<sup>649</sup> Snape, *Whalley*, p.104

<sup>650</sup> Hill, *Century of Revolution*, p.177

<sup>651</sup> Coward, *Stuart Age*, p.494

a greater sense of community than would have occurred in areas with widely divergent distributions of wealth.

In 1659 once the fines had been collected the funds were distributed amongst the needy in the relevant parish. These disbursements to the poor, for which records survive for 1658/9, are also indicative of the economic state of the population. Although the information as to the recipients of the poor money raised is only supplied for three of the seventeen Manx parishes it indicates the severity of the problem with regard to the required relief, for the number of recipients was sometimes larger than could be adequately paid. For the parish of Patrick the commutation monies collected had amounted to 3s6d, (one shilling being unpaid as the woman involved was unable to raise the fine) and were distributed to four individuals.<sup>652</sup> In Lonan the fines levied for 1658 had amounted to 26s, however the chief offender, W[illia]m Corras, who was censured to pay 20s for his offence of adultery had absconded to Ireland and therefore the sum collected was only 6s.<sup>653</sup> This similarly paltry sum was distributed amongst 12 parishioners, in amounts varying between 1s and 4d. The poverty of women and the handicapped is indicated by the names of the recipients and further validates the importance of the lesser fines issued to women in the censures for 1659. Seven of these twelve recipients were women, although only one is described as being a widow, and two of the recipients of the larger sums are noted as being blind. That the sums granted in Lonan can hardly have been sufficient to alleviate any suffering is supported by the levels of distributions in the parish of German where the commutation money reached 54s and amounts were distributed of between 8s and 2s apiece to 15 recipients.<sup>654</sup> This would indicate that the amounts that would have been sufficient to alleviate the poverty of any individual would need to be significant, and far higher than the level that could have been always supported by the fines levied. The sums distributed in German were at least six times higher than the distributions in Lonan, and it would appear that the distributions in the latter parish would have provided minimal benefit. That the church in German had not seen fit to distribute small amounts to many, but instead had given worthwhile sums to a few supports comments concerning the lack of many

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<sup>652</sup> MNHL Patrick Presentments November 2<sup>nd</sup> 1659

<sup>653</sup> MNHL Lonan Presentments 1659

<sup>654</sup> MNHL German Presentments 2<sup>nd</sup> November 1659

extreme paupers. Correspondingly the low levels of distribution in Lonan indicate a lack of funds rather than the lack of needy recipients.

The distributions to the poor of these fines in the late commonwealth period marks a different approach to provision for the Manx poor as well as the regulation of manners in the 1650s. They correspond to improvements in the conditions of the poor in England and the improved administration of the poor rate in areas controlled by Parliamentary forces in preceding years.<sup>655</sup> The policy of the church courts in the Isle of Man in the commonwealth period *might have resulted* from the direct control of the island passing to Thomas Fairfax and his resident governor in 1651, nevertheless the effect of these distributions to the poor upon the levels of Manx poverty must have been negligible. Whilst levels of relief in England later in the century were noted as being small and “rarely more than a few shillings a week” they far surpass the levels distributed in the Isle of Man.<sup>656</sup> Nevertheless the distribution to the poor of funds levied from fines for ecclesiastical offences would serve to enhance in the eyes of the people the benefits of the ecclesiastical regulation of morals at the most basic level. Whilst it would be unlikely to influence the number of cases presented to the courts (parishioners would be unlikely to supply information concerning offences merely to invoke the payment of a fine for onward distribution) it would, however, serve to show a benefit to the imposition of moral discipline in the eyes of the community. It was not a case of the church issuing fines that were eventually merely to fall into its own coffers, (a situation which might well have hampered the willingness of the congregation to supply information concerning offences) instead the funds collected were distributed to the needy in the parish. The church was thereby able to continue its regulation of morals at the same time as enhancing its reputation as a beneficial and caring authority.

The poverty of the Manx community is further supported in the ecclesiastical records by evidence of bequests given to the poor of the parish by wealthy individuals. Whilst these bequests were usually given through the church there were often difficulties in obtaining the funds from the executors in cases that were brought before the church courts. The earliest noted problem in this regard concerns the estate of

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<sup>655</sup> Hill, *Century of Revolution*, pp. 20-21, 131

<sup>656</sup> J. A. Sharpe, *Early Modern England A Social History 1550-1760*, (London 1997) p.223

John Christian, vicar of Andreas, who left 20s to the poor, and yet the money had not been paid over to the church by 1699.<sup>657</sup> Similar problems are noted with the wills of Isabel Quay from Santan, the father of Robert Lewn of Onchan, and many others.<sup>658</sup> In some cases the funds bequeathed to the poor were as small as 10s and in others there was a truly significant sum, such as the £150 left to the poor of Castletown by Mrs. Watkins in 1761.<sup>659</sup> The steady flow of bequests to the poor (there being generally one case per year in the later church records regarding non-payment of these funds), would indicate that the provision for the poor might not be as weak as initial figures could suggest. The church, in its position as the authority behind the granting of probate, would have full knowledge of its entitlements and the censures for not bringing in a speedy or correct inventory of the deceased's goods were severe.

The poor would also have benefited from the system of executing wills as the majority were executed when the grantor was close to death; the willingness of such individuals to appear magnanimous at their life's end would have influenced their distribution of bequests. It was also the practice that "all sick persons" should "make their will before they receive communion," a factor that ensured as many people as possible executed wills.<sup>660</sup> Any individual executing a will several years before death would not have felt the same desire to make his last wishes benevolent in the eyes of God as one who was already mindful of his end. That many bequests were given in the light of impending death is confirmed by the words such as "he committed his soul to god & body to Christian burial," which were commonplace in wills and testaments.<sup>661</sup>

Additionally the nature of trade in the Isle of Man in the mid seventeenth century was not conducive to the support of the poor. Figures for England in the period before 1660 suggest that the majority of the monies given to charity in that period were given by merchants and tradesmen, amounting to over 70% of the sums given voluntarily and showing the importance of this social group to alms giving.<sup>662</sup> Whilst it has been

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<sup>657</sup> MNHL Andreas Presentments 1699

<sup>658</sup> MNHL Santan Presentments 1730, Onchan Presentments 1734

<sup>659</sup> MNHL Michael Presentments 1762, Thomas Cannel, Malew Presentments 1764, Archdiaconal Wills 1761

<sup>660</sup> MNHL Derby Papers MD 401/1715/21

<sup>661</sup> MNHL EW GL714, John Kneal of Andreas 20<sup>th</sup> May 1766

<sup>662</sup> Coward, *Stuart Age*, pp.65-66

argued that the importance of voluntary alms has been inflated at the expense of official charity, voluntary contributions would have been of significant importance in an area such as the Isle of Man that did not have official poor relief. In the mid seventeenth century the volume of trade was still small and it could be supposed that any increase in gifts to charity, from merchants and others who later profited from the increase in trade, would only occur some years after the commencement of the expansion of the economy in the eighteenth century. Many distributions to the poor might occur only upon the merchant's death and therefore some considerable time after any increase in the profitability of the economy of a given area. It would therefore not be until the decades towards the middle of the eighteenth century that any increase in the wealth of individual merchants would be manifest in increased bequests to the poor.

The situation in the early eighteenth century was not dissimilar to conditions in the seventeenth. The clergy saw the poverty of the Manx population first hand and were resolved to improve matters as best they could. Indeed before the increase in trade in the eighteenth century the clergy often dipped into their own pockets to support the needy. It had been "propos'd and cheerfully comply'd" at a regular meeting of the Bishop and Clergy in 1700 that they should, at their monthly meetings, voluntarily give such sums as they could afford for the alleviation of certain distress, bearing in mind that "no great matters can be expected considering the poverty of the place and circumstances of the clergy."<sup>663</sup> These funds, voluntarily given by the clergy (and often supplemented by the Bishop as well as the Earl of Derby), were to be applied to several causes – as varied as supporting poor diligent schoolmasters, relieving distress of strangers and supporting the poor who had been subject to sudden visitation or loss. However the grants given to the needy from these donations were in the majority of cases insufficient to provide support for any length of time.

The absence of a compulsory poor rate in the Isle of Man is not however unique. In a few areas of England in the late seventeenth century and Wales in the late eighteenth century there was also no compulsory poor rate levied.<sup>664</sup> That these areas, like the Isle of Man, functioned without a compulsory poor rate is evidence that there were

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<sup>663</sup> MNHL Presentments 1700

<sup>664</sup> P. Slack, *The English Poor Law 1531-1798*, (Basingstoke 1990) p.18

different methods of approaching the problem of support for the poor. That the Manx clergy, supported by the Lord of Mann, were willing to reach into their own pockets was an important factor in instilling in the general population the concept of benevolence together with a recognisance of the responsibilities of comparative wealth. This idea, of social responsibility, although not unique to the Isle of Man, could be linked to the enthusiasm with which the Manx people accepted the regulation of their behaviour. The church was influential in advocating a voluntary collective responsibility in caring for the poor just as there was a voluntary collective responsibility in ensuring that the behaviour of individuals in the community conformed to certain criteria. However into the eighteenth century the impact of the Act of Revestment was to have a dramatic effect upon the economy of the island, the support for the poor that was required and the availability of funds to alleviate distress. An impact that would reflect upon the church's relationship with the population, not only as distributor of relief but also in its capacity for regulating morals.

The Manx church court records not only illustrate the problems associated with the growth of the running trade but also clearly show the disastrous economic effect of the Act of Revestment upon the lives of the Manx people especially in the years immediately following 1765. When the island was Revested in the British Crown by the Duke of Atholl there were incidences of civil unrest and the panic and grievances that were occasioned by Revestment were shown in an isolated incidence in the church court records when one individual was presented for hiding casks of liquor in the body/gallery of the church – an attempt to hide goods that had overnight become classified as contraband.<sup>665</sup>

During his incumbency Bishop Wilson had frequently condemned the running trade and was accused by individuals such as George Moore of “busying himself too much in these matters” and “actively working for the Duke of Athol's disposal of his Lordship of Man.”<sup>666</sup> However Bishop Hildesley was less inclined to condemn the running trade and upon Revestment the Manx church was vociferous in its support for the Manx people. The Reverend James Wilks, who accompanied two members of the

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<sup>665</sup> MNHL Michael Presentments 1765

<sup>666</sup> D. Craine, *Mannan's Isle*, (Isle of Man 1955) p. 177

*House of Keys to the British Parliament* to protest at the hardships caused by Revestment noted that there had been riots in Ramsey “by upwards of 60 people” with another in Peel.<sup>667</sup> During his visit he wrote to Bishop Hildesley, noting in response to questioning as to the state of the Manx people and whether they were not “well pleased with their change,” that he replied indicating “their deplorable conditions, partly thro a bad crop last season & mostly thro their want of employ; that several hundred families had been supported by their business as mechanicks but now from the total loss of Trade they had nothing to do & consequently no money to purchase provisions for the necessary support of life.”<sup>668</sup> Wilks’ views are supported by the absence of those such as coopers (a vast quantity of barrels was required for moving quantities of liquor into smaller containers for onward distribution), from the church court records after 1765. Additionally the curtailment of any form of export, whether illicit or not, from the Isle of Man in the immediacy after Revestment had meant that there was significant distress that was illustrated in the church records.

The decline in trade after July 1765 not only increased the numbers who required relief but also affected the ability of the church to supply any relief. The church records note that the estate of William Murray was to provide an annuity for the poor of the parish of Douglas and the lack of payment of this sum in the years after Revestment was brought before the church courts. William Murray’s daughter, Charlotte Tear, was presented for non-payment, however she presented in her defence accounts that showed a dramatic decline in the rents payable for properties on her late father’s estate.<sup>669</sup> In 1757 the annual rent for Wm Murray’s tuck mill and land called “great hill” amounted to £75, his dwelling and land supplied £50 rent and other properties added a further £53 12s to the estate’s annual income. By 1768 the tuck mill and associated grounds had been subdivided but their share of the rental income was now £62 11s 9½d, Wm Murrey’s old dwelling was bringing in rental of £15, and whilst one other dwelling was bringing in £7 the remaining properties were vacant. The rental income had fallen from £103 12s to £84 11s 9 ½d, a drop of nearly 20%.<sup>670</sup> Further evidence of the decline in general wealth of the population is found in the church court records that note the grants to the poor and the list of benefactions for

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<sup>667</sup> MNHL J. Wilks, *Stevenson Papers 1766*, MD436/3/48

<sup>668</sup> MNHL Wilks, *Stevenson* MD436/3/48

<sup>669</sup> MNHL Douglas Presentments 1769,

<sup>670</sup> MNHL Documents 16<sup>th</sup> Nov 1769 post Douglas Presentments 1769, matter settled in 1770

the parish of Marown. Surviving in the form of a list on the interior north wall of St. *Runius old church* (fig 4.) its earliest noted benefaction was a gift of £1 to the poor in 1735 by Margaret Cubbon. Thereafter there were *grants in 1744, 1745 (2), 1752, 1753, 1754 (2), 1755, 1759, 1761* and three in 1764 but succeeding Revestment there were no further gifts to the poor until 1789. The increase in gifts in the years when the running trade was at its height and the dramatic halt to these gifts upon Revestment, clearly indicates the decline in the Manx economy to the extent that it was unable to provide adequate support for those in need.

The decline in the number of actual cases brought in the immediacy after Revestment (Table C) cannot be solely linked to any decline in the population brought about by the emigration of individuals involved in the running trade. Instead the decline in cases appears to have been spread throughout the island and is similar to other incidences of reductions in the number of cases brought before the church courts that were linked to natural catastrophes such as outbreaks of smallpox (1738, 1764) that regularly ravaged the island community. The decline in the number of cases brought was most marked in the urban areas but the rural areas also felt the effects of the aftermath of Revestment more than would be originally thought. Douglas that had brought 159 presentations in the period 1760-1765 only managed 39 cases for 1766-9, whereas German, containing the majority of the town of Peel, brought 109 presentations in the period 1760-5 and only 35 for the remaining four years of the decade. Even rural parishes such as Andreas noted a sharp decline bringing 89 cases 1760-5 and 42 for the remainder of the decade. The signs from the church records from such varied sources as the notes of bequests to the poor, the presentations for Sabbath breaking and notes as to the occupations of offenders in other cases, are that there was an island wide collapse in the economy in the aftermath of Revestment and that this led to a depression in confidence and a decline in the business of the church courts. Although the collapse in the island's economy was felt by both the rural and urban areas, just as the urban areas had received the greatest influence from the running trade they were to feel the decline more acutely. It was to be several years before the Manx system of church discipline, a defining part of Manx culture, was to regain its efficiency. That it did re-emerge is testament to its role in the community. For the population to continue to present information concerning offences, and for these offences to be censured, confirms that the moral regulation of the community by

## LEGACIES BEQUEATHED TO THE POOR OF KIRK-MAROWN.

No.	Name	£	s	d	Year	Beneficiary	£	s	d
1735	MARGARET CUBBON	1	0	0	1819	M <sup>rs</sup> ANN BRIDSON Annually	1	0	0
1744	CATHARINE KILLEY	1	0	0		To six of the poorest widows			
1745	CATHARINE CHRISTIAN	5	0	0		INTEREST OF ARREARS	5	17	2
**	ROBERT GREER	0	10	0	1835	THOMAS KELLY	5	5	0
1752	REV. THOS. CHRISTIAN	17	0	0	1837	EDWARD MOORE	10	15	0
1753	JOHN KEWLEY	1	0	0	1841	ROBERT FELL	20	0	0
1754	WILLIAM COTTIER	0	10	0	1842	M <sup>rs</sup> CLUCAS	5	0	0
**	ISABEL CLUCAS	1	0	0	1852	M <sup>rs</sup> FELL	1	0	0
1755	BISHOP WILSON	2	10	0	1855	M <sup>rs</sup> KEWLEY	5	0	0
1759	M. KEWLEY	5	0	0	**	CAPT. HAYE	10	0	0
1761	JANE KELLY	20	0	0	1855	M <sup>rs</sup> KAYE	5	0	0
1764	M <sup>rs</sup> KEWLEY	1	0	0	1856	M <sup>rs</sup> TAUBMAN	10	0	0
**	JOHN CUBBON	5	0	0	1858	MISS HAYE	10	0	0
**	JOHN COWIN	0	10	0	MAY 12	JOHN FIRTH ESQ			
1780	JOHN KEWLEY	20	0	0	1861	DONATION	12	0	0
	Marks or British	£	79	0					
		67	4	5	1860	ROBERT KELLY	5	0	0
1805	PATRICK CLAGUE	8	8	6	1872	MARY CRETNEY	5	0	0
**	THOMAS CAIN	5	0	0	1891	M <sup>rs</sup> HERLOFSON	20	0	0
1808	MARGARET CLUCAS	7	0	0	1910	SARAH BURROWS	5	0	0
1817	REV. J. BRIDSON	5	0	0	1917	MISS CLUCAS	100	0	0

Fig. 4. List of Bequests from the interior of St. Runius, Marown

the church was seen to be worthwhile and viable. It would have been easy for the system to be abandoned with the restrictions upon business that were occasioned by Revestment, however the number of cases presented by 1769 was increasing towards pre-Revestment levels.

The church's role as distributor of relief shows an improvement in the situation by the close of the eighteenth century. At this time some parishes such as Santan and Malew held grants for the poor of £15 and £20 respectively, whilst Bride, having no paupers, was using a grant of £20 in support of wages for the poorer parishioners.<sup>671</sup> Some rural parishes fared even better; the small parish of Jurby had only a one-legged pauper in 1797 and the parish of Arbory had a poor fund that amounted to £300 at that time.<sup>672</sup> These figures suggest that there was sufficient provision for paupers in the rural areas of the island by the close of the eighteenth century, however the provisions for the urban poor were much smaller. The parish of German (including the town of Peel) had only poor donations amounting to £10 per annum and there are no notes as to the size of the poor fund in Douglas or Ramsey. The smaller size of the funds available for the relief of the poor in German over the level found in rural areas confirm that the problem with paupers was centred in the urban areas. It is likely, seeing the provision of funds for schools and the poor in bequests, that the funds bequeathed to the poor in towns had already been distributed due to increased demand in these areas. By the early nineteenth century the problems in Douglas warranted extra provisions for the destitute and whilst this venture failed in 1820 a permanent House of Industry was provided some years later.<sup>673</sup> Problems with relief for the poor in urban areas were not, of course, unique to the Isle of Man, in the Lancashire parish of Whalley during the eighteenth century, charitable donations in the form of assets were increasingly deployed to support poor relief, most particularly in the building of workhouses with donated funds that would henceforth not be available in the form of *payments to the poor*, a factor that served to cause some antagonism between the church and the poor in the local community.<sup>674</sup>

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<sup>671</sup> J. Feltham, *A Tour Through the Island of Mann 1797 and 1798* (Bath 1798) pp.172,259,261

<sup>672</sup> Feltham, *Tour* p.183

<sup>673</sup> Moore, *History Vol 2*, p. 556

<sup>674</sup> Snape, *Whalley*, pp. 80-1, 95

However the Manx church was not restricted to its role as benefactor and distributor of relief in tackling poverty and caring for the poor. In the mid-eighteenth century the Manx church enforced upon relatives of the afflicted an obligation to maintain the elderly, infirm and children, an obligation that would in part have decreased the burden upon the remainder of the community of provision for the poor. Such regulations confirm the social responsibility of the individual; the maintenance and clothing of illegitimate children was enforced upon their natural fathers and maintenance of the elderly was enforced on their nearest relatives.<sup>675</sup> In cases where the father of an illegitimate child was absent from the island then his nearest relative could also be asked to contribute to the child's welfare.<sup>676</sup> These payments and obligations that were enforced by the church helped to alleviate any burden on payments in support of the poor by shifting the responsibility for the care of the infirm and weak to the next of kin if they were able to pay, with the proviso that the poverty of the payee would eventually result in excusal from such payments.<sup>677</sup> However the enforcement of a duty of care upon relatives of the weak and infirm would have removed some paupers from the list of those needing relief and thereby ensuring that the meagre funds available for distribution were given to those for whom there was no other relief available.

Whilst care for the poor was not unique to the Isle of Man the willingness of the church to assist in alleviating poverty and its enforced provision for the needy by their relatives, was to become part of the system in which the role of the ecclesiastical authorities was very pro-active. The authority of the Manx church in this regard seems to have been accepted by the majority of individuals without complaint as cases noting that fathers of illegitimate children refused to pay maintenance were rare. The reasons behind the Manx people's acceptance of ecclesiastical regulation are varied but a primary consideration must have been, not that the church was so severe that its actions were never questioned, but that the benefits to some individuals and the community as a whole from its regulations were widely recognised. The *imposition of moral regulation by the church served to protect the weak and infirm members of society by enforcing their care, if it was feasible, upon their near*

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<sup>675</sup> MNHL See various cases in L C 1760-62, L C 1760 May 17<sup>th</sup> 1760 (Christopher Corlet), LC 1762 Petition of Thos Bridson re Isabel Cain als Moore

<sup>676</sup> MNHL LC 1760 case of Isabel Gell July 1760

<sup>677</sup> MNHL LC 1761 John Quine

relatives. In similar vein the enforced cohabitation of the married ensured that all husbands were obliged to support their wives. For individuals supported in this manner by the church there were evident benefits to living in a system with concerted moral regulation from the ecclesiastical authorities.

Whilst the Manx population experienced a general level of poverty in the late seventeenth century, the very circumstances that occasioned its isolation (weather, the sea and different trade regulation) were to become the means by which it achieved a better economic situation for its people at the beginning of the eighteenth century, a factor that was to pose significant problems for the Manx church's attempts to regulate the moral behaviour of the population. As will be later examined this *situation bore resemblance* to the rapid growth of the textile industry in Lancashire in the corresponding period. The events *surrounding the expansion of the running trade* were eventually to be seen as a significant threat to the Revenue of the British Crown. The enthusiasm with which part of the Manx population embraced, what was euphemistically termed "the maritime trade," was influenced by the comparative and far reaching poverty throughout the preceding decades. The incentive to try a new venture, as in the adoption of the running trade, in order to alleviate poverty was to be mirrored over one hundred years later in the emigrations to America, the tourist industry and more recently in the expansion of the finance sector.

Whilst the increase in the running trade and the burgeoning economy of the island directly influenced incidences of some offences, as in the cases of drunkenness, there were many other aspects of the moral regulation of the population that experienced increasing pressure from the expansion of trade. During the first half of the eighteenth century not only was there an increasing number of visiting mariners that visited the island's ports but also an increasing number of individuals, most particularly from England and Scotland, came to live on the island, each having experience of living in an area where the regulation of morals was more relaxed than was the case on the island. The Manx church encountered difficulties with some of these new residents as evidenced by the prosecution of Richard Goodman for endeavouring to destroy a part of the marriage register for Braddan that showed his

marriage.<sup>678</sup> However, in general, the Manx people do not appear to have been immediately swamped by the ‘comeovers’ to the extent that might have occurred. Whilst the church records noted that visiting merchants and sailors were presented for fornication and adultery and show that the population of the ports, particularly Douglas, were familiar (in some cases too much so) with those involved in trade, the number of non-Manx individuals (as evidenced by surname) cited in cases of fornication or adultery was not as large as initial preconceptions would suggest. In the records examined the earliest incidence of a stranger (or as they were later termed ‘transmarines’) occurred in 1702 when the offender was an unnamed Scottish man.<sup>679</sup>

By the 1730s strangers to the island accounted for 9 individuals mentioned in fornication cases. Whilst one of these cases might note the presence of a non-British surname the majority of the non-Manx men that were cited were apparently from the British Isles.<sup>680</sup> In the 1760s 19 non-Manx men were cited in cases of fornication, the largest representative group of which were the soldiers garrisoned upon the island in the post-Revestment years. Whilst the number of non-Manx individuals mentioned in fornication cases might appear great it is small in comparison with the number of Manx men who moved away from the island. Absent Manxmen accounted for 6 individuals presented for fornication in the 1730s, rising to 35 in the 1760s and further to 48 by the 1790s. The impetus to leave the island increased with Revestment due to the absence of employment on the island and the demand for the maritime skills of the Manx led them elsewhere. Moreover the wars with France at the close of the eighteenth century led large numbers to enlist in the Manx regiment, comprising one sixth of the absent Manxmen cited for fornication in the 1790s.

The cross referencing of presentments in the Manx records, by the mid-eighteenth century and the evidence of printed summonses, indicates that even with an increasing population, if there was a consensus as to the need for moral regulation by the church then it is probable that moral regulation would have continued at a reasonably high level. Indeed even without guidance, (Bishops Richmond and Mason towards the close of the eighteenth century were particularly weak), the Manx church

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<sup>678</sup> MNHL Douglas Presentments 1734

<sup>679</sup> MNHL Rushen Presentments 1702, Ann Kneall

<sup>680</sup> MNHL Douglas Presentments 1733 (Dan Geon)

continued to present significant numbers for moral offences in the 1790s, although it appears that in some respects the writing was already on the wall. For as Snape argues in the case of the parish of Whalley the decline that occurred in ecclesiastical courts in Lancashire was not so much due to “demographic dislocation as to the long-term failure of a popular moral consensus[....] A failure that was largely a product of changing economic circumstances and moral expectations.”<sup>681</sup>

It is clear that the Manx church endeavoured to continue to present individuals for a variety of offences throughout the period under review. No doubt the increasing mobility and expansion of the Manx population placed a burden upon the functioning of the church courts. Individuals who committed offences were often difficult to trace if they decided to leave the area however increasing cross referencing during the eighteenth century allowed some offenders to be traced. Cath Creer who was presented for bearing an illegitimate child was presented in Braddan although it was noted that she was from the parish of Santan but was living in Douglas (her co-respondent was to be censured in the neighbouring parish of Marown).<sup>682</sup> Similarly in the 1790s the church was still managing to trace individuals, Isabel Fayle was presented in Douglas in 1791, it being noted that she had been presented two years earlier in Malew.<sup>683</sup> Nevertheless the size of the population seems to be correlated to prosecution of some minor offences. Whilst serious offences, such as those of a sexual nature continued to be prosecuted at a consistent level throughout the eighteenth century an examination of the types of case that were brought in the urban areas that saw the greatest rise in population show a decline in the presentation of some minor cases.

Non attendance cases particularly reflect this point. Douglas presented 10 cases of non-attendance in the 1730s, 8 in the 1760s and none in the 1790s, during which time its population rose from 810 in (1726) to 1,814 (1757) and 3,625 (1792).<sup>684</sup> Similarly the neighbouring parish of Braddan, which covered some of the fringes of the town saw 53 cases in the 1730s, 10 in the 1760s and 4 in the 1790s at the same time as

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<sup>681</sup> Snape, *Whalley*, p. 131

<sup>682</sup> MNHL Braddan Presentments 1769

<sup>683</sup> MNHL Douglas Presentments 1791

<sup>684</sup> There is a possibility that the presentments for an unnamed parish in 1791 and 1796 might account for 6 cases in this decade

experiencing a doubling in its population. In contrast the large rural parish of Lezayre (which had a population of 1,309 in 1726) saw 12 presentments in the 1730s, 27 in the 1760s and 66 for the last decade of the century. The population of Lezayre, however had not experienced the same growth as that felt by Douglas and Braddan, only rising to 1,721 by 1792. Clearly some island parishes were able and willing to present an increased proportion of their residents for non-attendance, when other areas were reflecting a dramatic decline in the presentation of this type of case. Of course it might be argued that the figures for Lezayre are not truly representative comprising nearly one third of the total presentations for this offence in the 1790s (however they also indicate that there was not an island wide decline in cases of a minor nature being brought before the courts). The increased incidences of serious offences in the urban areas of the island attests to the continued use of the church courts throughout the eighteenth century it is merely the decline in minor cases that indicates the pressures faced by the ecclesiastical system towards the close of the eighteenth century.

The decline in minor cases in some areas of the island in the 1790s reflects, although to a much reduced extent, the situation in Whalley, where cases of a non-sexual nature declined dramatically post 1750.<sup>685</sup> However it is clear that in the Isle of Man a rapidly expanding and increasingly mobile population, whilst possibly affecting the incidences of some minor cases being brought before the courts, was not to have an immediate significant impact upon the church courts as a whole. Any disinclination to present cases of non-attendance or other types of minor offence would only have a gradual effect upon the overall level of cases. If cases of non-attendance were overlooked or neglected then it is probable that a section of the community would gradually cease to attend services, would not receive instruction by the church and would gradually fall outside the ecclesiastical remit. Once there were a reasonable number of individuals who continued in this state, then it is probable that their numbers would be swelled by others who, whilst they did not commit serious ecclesiastical offences, were nevertheless outside the control of the Manx church. This would lead eventually to a decline in influence of the church over many aspects of society that it had formerly rigidly regulated. It would be only after a significant

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<sup>685</sup> Snape, *Whalley*, p. 115

period that incidences of serious ecclesiastical offences saw any decline in presentations, however the commencement of the abandonment of enforced ecclesiastical moral regulation would occur in the decline in presentations for minor offences, heralding an unwillingness to present miscreants before the church courts. Any unwillingness to present minor offences would undermine the church's authority *in imposing moral regulation*. *The church* would continue to impose moral regulation if the congregation was willing but by increasingly abandoning *the presentation of* minor offences the effect upon the attitudes of a society, that was no longer forced to attend weekly services and instruction from the pulpit, would eventually lead to an unwillingness to prosecute offences that had previously been regarded as serious.

The continuation of the church courts in the Isle of Man in the late seventeenth and eighteenth centuries is reflected and supported by the information that their records yield as to the society and culture of the people during the period. In the seventeenth century the agricultural nature of the community and the small size of parishes, in which knowledge of one's neighbour was easy, supports the view that the imposition of moral regulation in such a community would be easier to 'police' than in larger urban units with a demography that was rapidly changing or in a continual state of flux. Additionally the island's isolation and poverty, manifest in the church records in a community in which there were not wide divergences in wealth, together with the role of the church as benefactor as well as regulator, had combined to give a society in which moral regulation by the church was actively supported and enforced by the population not least because it appeared to give benefits to the weaker members of society that might otherwise be unprotected. This situation continued for such a lengthy period, commencing in earnest with Bishop Barrow and continuing especially under Bishops Wilson and Hildesley, that it became part of the accepted functioning of society – by the early to mid eighteenth century there would have been no Manx individuals alive who could remember a time when the strict regulation of morals had not been enforced by the church. There were indeed undoubted benefits to many who lived under the system and, provided the population were willing to comply with the regulation of their manners, it fashioned an ordered and well regulated society. It was not until excessive quantities of liquor started to pass through Manx ports before the Act of Revestment, that the church experienced significant and lasting problems with the imposition of moral regulation. But even here there seems to have been a

consensus between the church, secular authorities and a significant part of the population for a need to counteract the problems associated with drunkenness. The resurgence of the Manx church courts in the late 1760s and their widespread use in the 1790s, indicates combined tacit acceptance of the church's role regarding the regulation of morals in the island throughout much of the eighteenth century.

## 7. Conclusion

It is evident from a detailed examination of the presentments to the Manx church courts that the ecclesiastical authorities in the Isle of Man continued to regulate the morals of the population throughout the period under review. Whilst the number of presentments brought in any given year at the close of the eighteenth century shows a decline in real terms over figures earlier in the century, in that the offences presented had not kept pace with the rise in population, nonetheless it can be argued that the Manx church still maintained its authority over the population. Indeed figures for the Isle of Man confirm that the Manx church was willing and able to exert this authority to a far greater extent than comparable authorities in the North West of England, where recent research has described the church courts to have been “booming” in the eighteenth century.<sup>686</sup> However a description of a ‘booming’ church court system in Lancashire in the eighteenth century does need to be clarified, for it does not hold true for the entire century or indeed the whole county, for Snape refers to the ecclesiastical courts in the parish of Whalley as “a complex picture of gradual long-term decline.”<sup>687</sup>

The picture in the Isle of Man was very different, for whilst a small decline in presented cases as a proportion of the population was evident during the later eighteenth century the simple variety in the types of cases presented and their spread throughout the island confirms that *the Manx church courts* were indeed a very viable concern throughout the late seventeenth and the eighteenth centuries. *The information presented in this thesis supports the view that the Isle of Man was in sharp contrast to the situation in other dioceses in the North West of England. Although these areas in some cases saw a reasonably persistent level of cases throughout much of the eighteenth century, only declining in earnest in the 1770s, the levels of presentment per head of population and the variety of cases that the church was consistently able and willing to present, never consistently maintained Manx levels. Although presentations for sexual offences in the Diocese of Carlisle, per head of population, were high in the 1730s and corresponded with presentations in Sodor and Man for several years, (being indeed increased upon Manx levels for cases of*

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<sup>686</sup> Albers, *Seeds*, p. 216

<sup>687</sup> Snape, *Whalley*, p. 151

anti-nuptial fornication) the position was not maintained throughout the century.<sup>688</sup> Indeed sexual offences in dioceses of the North West always accounted for a far greater percentage of total presentments than was the case in the Isle of Man.<sup>689</sup> The increased percentage of sexual offences out of the total caseload in the dioceses of the North West, in comparison to the Isle of Man, was chiefly influenced by the number of presentments brought in the Manx courts for non-sexual misdemeanours, such as non-attendance, Sunday working, verbal offences and other behavioural matters that together accounted for the majority of Manx cases in any given year. The inclusion in the Manx records of so many non-sexual cases supports the view that the church courts in the Isle of Man were not only more active across the spectrum of presentable offences but were also a more wide-ranging and viable moral authority. It is evident that this authority was able and willing to censure a far greater range of offences, than adjacent ecclesiastical authorities at that time that had increasingly found themselves dealing with only cases of sexual misconduct. Indeed non-sexual cases only accounted for 9.2% of the total presentments evaluated by Snape for the Parish of Whalley between 1712-1776.<sup>690</sup> Similarly Albers noted that whilst non-sexual cases accounted for 29% of the total presentments in South Lancashire between 1710-9 this level was not maintained and had fallen to 4% by the 1770s.<sup>691</sup> Corresponding figures for the Isle of Man, which do not include the non-sexual offence of non payment of assessments, show that whilst in the seventeenth century non-sexual cases accounted for 74% of the total, they still accounted for 61% of the caseload in the 1790s. This indicates not only a significant difference between the situation in the Isle of Man to that in other dioceses of the North West of England in the eighteenth century, but also the number of cases that might be brought by the ecclesiastical authorities given favourable conditions.

This thesis proposes that the Manx church was able to exercise far greater authority than its neighbouring counterparts due to a combination of factors. Crucial amongst these was the support it received from the population who supplied information to the church officials concerning the offences committed. This information formed the backbone of the presentments: without the agreement of the congregations and the

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<sup>688</sup> Kinnear, 'Carlisle', p. 196

<sup>689</sup> Kinnear, 'Carlisle' p. 196, Albers, *Seeds*, p. 225

<sup>690</sup> Snape, *Whalley*, p. 114-5

<sup>691</sup> Albers, *Seeds*, p. 225

enthusiasm to supply this information many offences would never have come to the notice of the church. In order for the Manx church to collect the volume of information on so many cases, and bring forth presentations, the agreement of the population, even if tacit, was essential. It is probable that this agreement resulted from several factors that combined to give the Isle of Man an effective and widely employed ecclesiastical system of moral regulation during the late seventeenth and eighteenth centuries.

Chronologically the first factor to influence the church's moral regulation of the population, and its divergence from the situation in England, occurred during the Commonwealth period. At a time when church courts were effectively abandoned in England, they remained relatively unchanged in the Isle of Man albeit under the control of the governor appointed by Thomas Fairfax, and employing a different system of censure when fines were issued in the majority of cases. It is important to note at this point that the governing body attempted to set these fines at an acceptable level according to the wealth of the offender. This flexible approach maintained the co-operation of the parishioners who would have been less likely to supply *information concerning misdemeanours* if the censures were seen to be unduly harsh. Thus the continuity experienced by the *church courts in the Isle of Man* during the Interregnum assisted the church in maintaining discipline during the later years of the seventeenth century. This was in direct contrast to the problems experienced in England where the revival of ecclesiastical courts upon the Restoration often proved difficult. The importance of continuity was thus influential in a system that relied upon the support of the community.

Upon the Restoration, Bishop Barrow was appointed as head of the Manx church (1663-1671) as well as Governor of the island (1664-1668). These appointments, combining the secular and ecclesiastical authorities, assisted the Bishop in correcting what he perceived to be the problems with the moral behaviour of the Manx people. At a time when the ultimate appeal against the edicts of the church lay at the feet of the governor, it would have proved difficult for any individual who wished to object to the imposition of ecclesiastical censure for moral offences. At this time, not only were the censures for offences increased, but also the Bishop's prison was introduced. The use of a prison marks one of the chief differences from the system of

ecclesiastical censure seen in England, where the courts were weakened by the lack of an alternative to excommunication for any who refused to fulfil penances.<sup>692</sup> It is clear that use of incarceration by the Manx church courts was influential in supporting the continued imposition of the church's regulation of moral offences. Not only did the prison provide a visible deterrent in order to dissuade individuals from considering breaking the moral code advocated by the church, but it also provided a halfway house between the severe censure of excommunication and penances. It is important in any system of regulation that a variety of punishments or censures are available to the governing body. The lack of variety of censures or alternatives in England served to undermine the imposition of discipline, as those who committed offences that were deemed to be worthy of more serious censures than penances could only effectively be excommunicated, an action which only served to cast them further from the influence of the church. The use of the Bishop's prison in the Isle of Man was therefore important in giving the church an effective deterrent as well as a *censure that was variable*, for the periods of incarceration imposed could be tailored to suit the severity of the offence. *Imprisonment was certainly more severe than penances but less onerous than total excommunication.* In imposing periods of imprisonment the church was also able to seek the assistance of a soldier in conveying the offender to St. Patrick's Isle, a factor that further supported the church's hand in imposing moral regulation.

During the eighteenth century, Bishops Wilson and Hildesley further served to strengthen the church courts. Bishop Wilson is noted as being one of the chief supporters of the moral regulation by the church courts and his lengthy incumbency (from 1698-1755), again provided continuity. Despite well publicised disputes with two of the island's governors, he appears to have been able to continue to maintain moral regulation.<sup>693</sup> No doubt the continuity of the church court system in which there had been a virtually unbroken sequence from the mid seventeenth century meant that there would have been no Manx people alive after the commencement of the eighteenth century who had not continually lived under the system of the ecclesiastical regulation of morals. Whilst there were a considerable number of transmarines, especially during the years of the running trade, these do not appear to

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<sup>692</sup> Albers, *Seeds*, p. 218

<sup>693</sup> Gelling, *History*, pp.8-12

have overly influenced the work of the church courts. Indeed the absence of non-Manx cited in the church courts implies that there was not excessive interaction between the two groups. Nevertheless the quantity of liquor that was passing through the Manx ports placed a burden upon the system of discipline imposed by the church not least in censuring cases of drunkenness. Cases of drunkenness in the Manx church courts, which accounted for over 4% of the total caseload, far exceed comparable cases in Lancashire which only reached 1% of the total.<sup>694</sup> Furthermore cases of drunkenness of the clergy imply that there was a clear problem in the Isle of Man that cannot be merely explained by the increased likelihood of presentation of the non-sexual offences in the island over comparative dioceses in the North West. The Isle of Man was clearly not isolated in the eighteenth century and the running trade, that brought benefits to the community in the increased wealth of the island, also placed a considerable burden upon the functioning of the church courts, especially in the ports.

However throughout the period under review *the imposition of moral regulation* was assisted by the small size and defined boundaries of the Diocese of Sodor and Man. As was noted in dioceses in the North West, a small population base in which everyone was known to everyone else, assisted the system that relied upon information being supplied by others in the community. This was seen in North Lancashire where presentation of sexual offences continued into the late eighteenth century when other areas in the south saw a decline in cases as the towns rapidly expanded and some social cohesion was lost.<sup>695</sup> The idea that a small, rural, tightly knit society, without wide divergences in wealth would be able and willing to maintain regulation longer than larger urban areas is supported by the evidence from the Isle of Man, which experienced urban problems although on a smaller and lesser scale. For at the close the eighteenth century the lesser cases presented to the Manx church courts saw a decline in urban areas such as Douglas (although serious sexual cases continued to be presented) although many rural parishes continued to bring such presentments. It was always probable that the number of lesser cases presented would decline earlier than more serious offences in areas that were experiencing

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<sup>694</sup> Albers, *Seeds*, p. 250

<sup>695</sup> Albers, *Seeds*, p. 228

difficulty in collecting information upon offences, as church officials were increasingly forced to concentrate all their efforts on the more serious offences.

Another factor that served to increase the strength of the Manx church courts over their English counterparts was the enforced attendance at the Anglican place of worship and the lack of religious toleration in the Isle of Man throughout the majority of the period. It was not until the latter years of the eighteenth century that the Methodists started to have a presence upon the island and apart from a handful of Roman Catholics the only other Christian group to have had followers on the island were the Quakers. Ruthlessly prosecuted during the post restoration period (when non-Manx Quakers were often removed from the island) the sect appears to have been the only non-conformist group to have gained a small foothold on the island. The Manx church - by not permitting religious toleration and by imposing the requirement for all individuals to attend their local church - was able to ensure that even the unwilling were required to hear the sermon on a regular basis and participate in the acknowledgment of offences by those censured to penances. That the service *containing an act of penance* was notable for including the whole congregation in recognising the sin of the offender and hoping for *contrition thereafter sets the island* apart from other jurisdictions where the humiliation of the penitent was perceived to be one of the chief reasons why the church courts ultimately failed to maintain their moral regulation of the population.<sup>696</sup>

The Manx church courts were also assisted in their imposition of moral regulation by their position in the fabric of society. Any authority that was seen to provide tangible benefits to the population would be more readily accepted as regulators. The lack of a compulsory poor law in the island, in contrast to parts of England, meant that the church was the chief distributor of alms, most particularly in the form of bequests but also in times of need by reaching into their own pockets. This would have increased the status of the church as not only a moral authority but also a worthy benefactor. Additionally in the mid-eighteenth century its authority extended to the enforcement of maintenance payments on the fathers of illegitimate children, an aspect which would have further supported its role as not only a moral authority but also one that

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<sup>696</sup> Usher, *White Sheet Confessions*, p.20-8, Albers, *Seeds*, p.276

could provide benefits for those who supported its principles. It is also possible that the church's fairness in dealing with offenders would have further heightened their influence. Not only were the censures issued practically identical for each given offence (especially in the eighteenth century), but in sexual cases the number of men presented compares favourably with the number of women. For the majority of the period there were never the disproportionate figures, such as occurred in Carlisle in some years where men accounted for less than a third of the individuals presented for sexual offences in the 1750s, figures that suggest that unmarried mothers in the North West frequently bore the brunt of the censures for fornication.<sup>697</sup> That so many men were presented for sexual offences in the Isle of Man again suggests that the church was supported in its imposition of moral discipline, by the population who willingly supplied the required information.

Overall this research confirms that the Manx church continued to regulate the morals of the population through the church courts throughout the late seventeenth and eighteenth centuries and that its position at the close of the eighteenth century was markedly different from that of the other main diocese in the North West (Chester). That it was able to carry on this role was due to a variety of factors that were not found in the neighbouring dioceses. Certainly the consistency of the church courts throughout the period, which meant that there were no Manx individuals alive in the *early eighteenth century that had not lived* all their lives under the system of ecclesiastical regulation of morals, played a significant part in *enhancing the authority* of the Manx church, as did the characters of the renowned Bishops Barrow, Wilson and Hildesley. Additionally, the use of a wide range of censures for offences, particularly the Bishop's Prison (an aspect that was not found in English dioceses), was important in meeting the needs of the church court system that was so heavily reliant upon the consensus in the community concerning the need to impose acceptable censures. Doubtless the small and well defined nature of the Diocese of Sodor and Man assisted regulation by providing a tight knit community, for the nature of the communities, that did not have wide divergences in wealth and which were founded on cohesion were seen elsewhere to be supportive of the church court

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<sup>697</sup> Kinnear, 'Carlisle' p.196

system.<sup>698</sup> Finally the Manx church court system was supported by the continued enforcement of church attendance that meant that even the unwilling heard some Christian teaching, contrary to the position in England, causing a society that accepted church discipline more readily than in other areas. The variety and volume of non-sexual offences that were brought to the Manx church courts attest not only to their being well used throughout the period but contrast with the decline in corresponding presentations in the North West. The Manx church courts by their continued presentation of sexual and non-sexual offences up until the close of the eighteenth century confirm that they were true survivors at the end of the period under review - they had not seen their business constricted to merely 'bawdy' offences. Whilst the Manx courts had continued to present a comparative volume of sexual offences they maintained the variety of presentations that indicate that they were a viable and well used means of moral regulation. It becomes clear that there were obvious benefits to living under such a system and these benefits would have been noted by the Manx people that experienced them every day of their lives. The Manx church was ultimately a benign authority that was willing to censure offences (a few quite severely) but which was also always ready to accept the frailty of its charges. It advocated reconciliation and if promises as to future good behaviour were sincere then transgressors were accepted back into the fold. In return the population were in the most part willing to conform to the edicts of the church and supplied it with information as to the offences of their neighbours so that moral regulation could be maintained and a harmonious society provided.

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<sup>698</sup> Outhwaite, *Rise and Fall*, p. 95

# Table A i

Year	Total Number Presented excluding non-payment assessments	Sexual Offences	Cursing & Swearing	Sunday Working	Non Attendance At Church	Others
1640	96	19	3	17	17	40
1659	136	54	2	12	28	40
1667	193	50	18	71	4	50
1668	83	17	6	27	14	19
1678	106	23	7	39	11	26
1679	96	19	13	16	18	30
Total	710	182	49	182	92	205
		25.63%	6.90%	25.63%	12.96%	28.87%

**Table A ii**

<b>Year</b>	<b>Total Number of People Presented excluding non payment assessments</b>	<b>Sexual Offences</b>	<b>Cursing &amp; Swearing</b>	<b>Sunday Working</b>	<b>Non Attendance At Church</b>	<b>Others</b>
1695	113	25	12	17	27	32
1696	137	15	13	10	49	50
1697	141	13	14	47	36	31
1698	16	6	0	0	4	6
1699	95	25	8	15	25	22
1700	92	16	9	36	12	19
1701	140	29	11	23	34	43
1702	187	38	24	47	28	50
1703	71	11	5	14	20	21
1704	197	35	20	21	24	97
Total	1189	213	116	230	259	371
		17.91%	9.76%	19.34%	21.78%	31.20%

**Table A iii**

<b>Year</b>	<b>Total Number of People Presented excluding non payment assessment</b>	<b>Sexual Offences</b>	<b>Cursing &amp; Swearing</b>	<b>Sunday Working</b>	<b>Non Attendance At Church</b>	<b>Others</b>
1730	194	54	25	24	22	69
1731	275	99	19	67	29	61
1732	223	56	21	47	33	66
1733	217	56	36	29	17	79
1734	292	73	31	75	38	75
1735	238	65	20	72	24	57
1736	224	58	27	33	21	85
1737	204	76	21	33	35	39
1738	138	40	12	18	8	60
1739	157	32	38	14	25	48
Total	2162	609	250	412	252	639
		28.17%	11.56%	19.06%	11.66%	35.80%

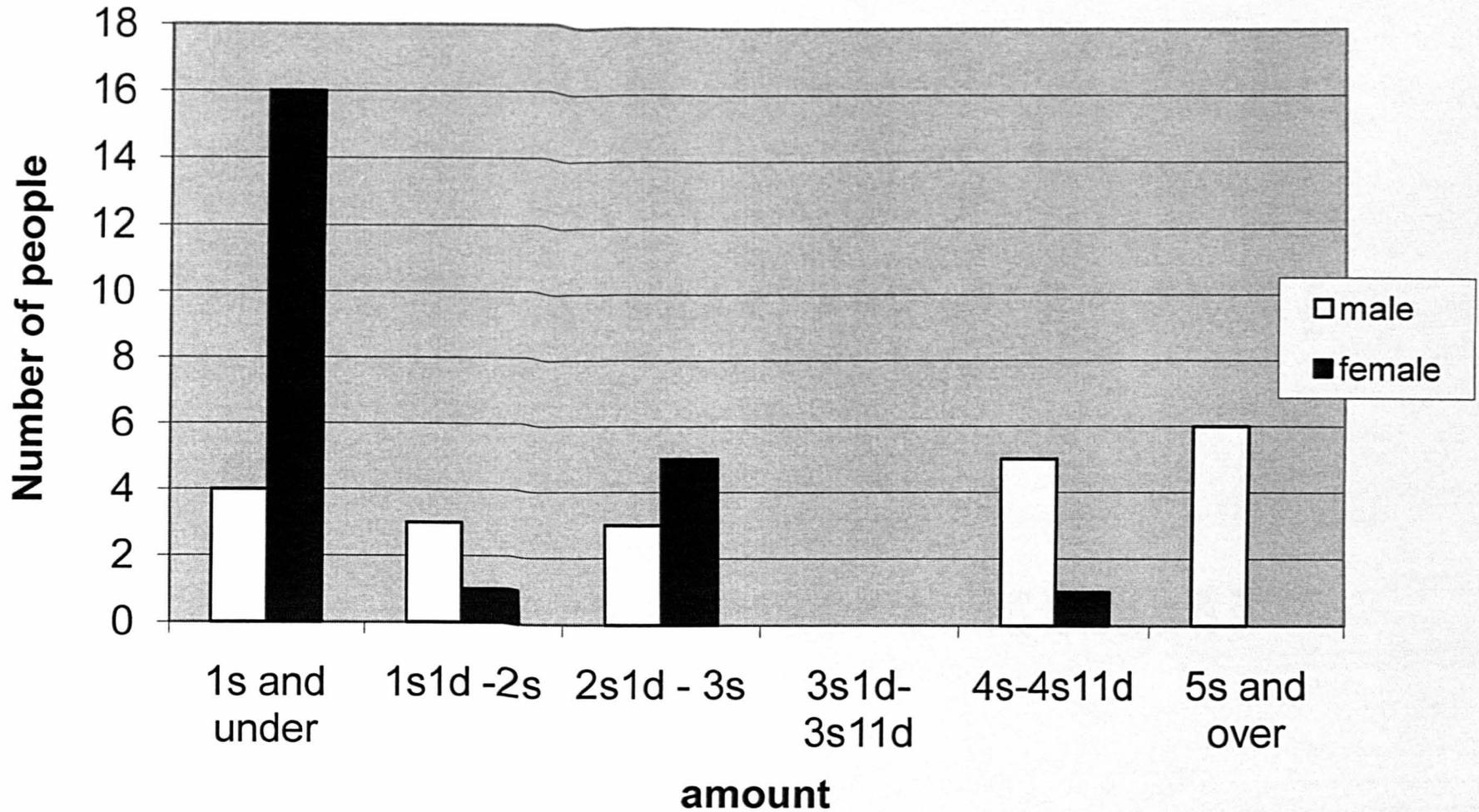
**Table A iv**

<b>Year</b>	<b>Total Number of People Presented excluding non payment assessment</b>	<b>Sexual Offences</b>	<b>Cursing &amp; Swearing</b>	<b>Sunday Working</b>	<b>Non Attendance At Church</b>	<b>Others</b>
1760	192	82	17	41	9	43
1761	257	78	46	46	42	45
1762	265	61	46	29	16	113
1763	185	54	30	48	10	43
1764	146	45	16	31	9	45
1765	179	47	18	7	32	79
1766	116	50	10	13	9	34
1767	91	59	7	2	11	12
1768	96	40	4	6	7	39
1769	134	70	5	8	4	51
Total	1661	586	199	231	149	496
		35.28%	11.98%	13.91%	8.97%	32.81%

**Table A v**

<b>Year</b>	<b>Total Number Presented excluding non payment assessment</b>	<b>Sexual Offences</b>	<b>Cursing &amp; Swearing</b>	<b>Sunday Working</b>	<b>Non Attendance At Church</b>	<b>Others</b>
1790	272	87	43	43	35	64
1791	255	60	97	33	19	46
1792	194	79	44	12	33	26
1793	166	76	30	5	15	40
1794	193	68	60	6	33	26
1795	124	76	22	6	8	12
1796	154	65	43	12	11	23
1797	191	98	29	10	9	45
1798	227	52	81	22	19	53
1799	199	95	27	24	21	32
<b>Total</b>	<b>1975</b>	<b>756</b>	<b>476</b>	<b>173</b>	<b>203</b>	<b>367</b>
		<b>38.28%</b>	<b>24.10%</b>	<b>8.76%</b>	<b>10.28%</b>	<b>18.58%</b>

**Table B - Level of Fines for Sexual offences 1659**



**Table C**

<b>Year</b>	<b>Total Offences excluding non- payment assessments</b>	<b>Year</b>	<b>Total Offences excluding non- payment assessments</b>
<b>1640</b>	<b>96</b>		
<b>1659</b>	<b>136</b>		
<b>1667</b>	<b>193</b>		
<b>1668</b>	<b>83</b>		
<b>1678</b>	<b>106</b>		
<b>1679</b>	<b>96</b>		
<b>1695</b>	<b>113</b>	<b>1760</b>	<b>192</b>
<b>1696</b>	<b>137</b>	<b>1761</b>	<b>257</b>
<b>1697</b>	<b>141</b>	<b>1762</b>	<b>265</b>
<b>1698</b>	<b>16</b>	<b>1763</b>	<b>185</b>
<b>1699</b>	<b>95</b>	<b>1764</b>	<b>146</b>
<b>1700</b>	<b>92</b>	<b>1765</b>	<b>179</b>
<b>1701</b>	<b>140</b>	<b>1766</b>	<b>116</b>
<b>1702</b>	<b>187</b>	<b>1767</b>	<b>91</b>
<b>1703</b>	<b>71</b>	<b>1768</b>	<b>96</b>
<b>1704</b>	<b>197</b>	<b>1769</b>	<b>134</b>
<b>1730</b>	<b>194</b>	<b>1790</b>	<b>272</b>
<b>1731</b>	<b>275</b>	<b>1791</b>	<b>255</b>
<b>1732</b>	<b>223</b>	<b>1792</b>	<b>194</b>
<b>1733</b>	<b>217</b>	<b>1793</b>	<b>166</b>
<b>1734</b>	<b>292</b>	<b>1794</b>	<b>193</b>
<b>1735</b>	<b>238</b>	<b>1795</b>	<b>124</b>
<b>1736</b>	<b>224</b>	<b>1796</b>	<b>154</b>
<b>1737</b>	<b>204</b>	<b>1797</b>	<b>191</b>
<b>1738</b>	<b>138</b>	<b>1798</b>	<b>227</b>
<b>1739</b>	<b>157</b>	<b>1799</b>	<b>199</b>

## Table D

### Sexual Cases Presented to the Manx Chuch Courts

Year	Fornication	Adultery	Anti-Nuptial Fornication	Cohabitation Criminal Conversation	Incest	Total Sexual Cases
1640	19	0	0	0	0	19
1659	52	2	0	0	0	54
1667-8	60	7	0	0	0	67
1678-9	39	3	0	0	0	42
1695-1704	183	19	0	11	0	213
1730-9	391	67	64	77	10	609
1760-9	513	25	7	39	2	586
1790-9	687	20	0	49	0	756

**Table E**  
**Women involved in sexual cases**

<b>Years</b>	<b>Total No. of Women in Sexual Cases ( a )</b>	<b>No. of Years for which figures used ( b )</b>	<b>Average per year</b>	<b>Total Population ( c )</b>	<b>Women in Sexual Cases as % of Population</b>
1640	12	1	12	10,464	0.11%
1659	28	1	28	10,464	0.26%
1667	25	1	25	10,464	0.24%
1678-1679	22	2	11	10,464	0.11%
1695-1704	57	4	14.25	12,000	0.12%
1730-1739	246	10	24.6	14,436	0.17%
1760-1769	310	10	31	19,144	0.16%
1790-1799	435	10	43.5	27,918	0.16%

(a) Not including criminal conversation and anti-nuptial fornication

(b) Years where document survival is poor have been omitted, especially 1695-1704

(c) 17th century estimated from Dickinson, 1695-1704 broad estimate, 18th century from Moore

**Table F**  
**Presentations according to Gender**

<b>Offences in 17th and 18th centuries</b>	<b>Male</b>	<b>Female</b>
Cursing & Swearing	842	248
Drink Offences	288	42
Sexual offences	1024	1322
Non Attendance	656	299
Sunday Working	1106	122

**Table G**  
**Cases relating to liquor**

<b>Year</b>	<b>Total number of cases excluding nonpayment of assessments</b>	<b>Cases of drunkenness</b>	<b>Cases of disorderly houses</b>	<b>Cases of Sunday drinking</b>	<b>Total drink related cases</b>	<b>% of total</b>
1695	113					
1696	137					
1697	141					
1698	16					
1699	95					
1700	92					
1701	140	1		18	19	13.57%
1702	187			8	8	4.28%
1703	71	2			2	2.82%
1704	197	11		1	12	6.09%
1730	194	4		6	10	5.15%
1731	275		4	6	10	3.64%
1732	223	11	1		12	5.38%
1733	217	2	5		7	3.23%
1734	292	13	1		14	4.79%
1735	238	4	2	5	11	4.62%
1736	224	4		8	12	5.36%
1737	204	4			4	1.96%
1738	138	4			4	2.90%
1739	157	2			2	1.27%
1760	192	4	1	3	8	4.17%
1761	257	6	1		7	2.72%
1762	265	25	6		31	11.70%
1763	185	8	3		11	5.95%
1764	146	2			2	1.37%
1765	179	11	2	3	16	8.94%
1766	116	4	3		7	6.03%
1767	91					0.00%
1768	96		1		1	1.04%
1769	134	1			1	0.75%
1790	272	8			8	2.94%
1791	255	29		3	32	12.55%
1792	194	7		1	8	4.12%
1793	166	2			2	1.20%
1794	193	5			5	2.59%
1795	124	1	1		2	1.61%
1796	154	8	1	2	11	7.14%
1797	191	4	4	4	12	6.28%
1798	227	14	4	6	24	10.57%
1799	199	6	2	2	10	5.03%

## Appendix A

Form of receiving penitents proposed by Bishop Wilson at a convocation in 1706, from J. Keble, *The Life of the Right Reverend Father in God Thomas Wilson, D.D.* (2 vols Oxford, 1863) and quoted in G. Bray, *Records of Convocation I: Sodor and Man 1229-1877 Volume 1*, Woodbridge 2006

*"After morning prayers, the person who is censured to penance, standing in the accustomed place and habit, the minister shall exhort him as follows:*

**Brother, the church being a society of persons professing to live in the fear of God, and expecting the judgements of God to fall upon them if his laws are broken without calling the offenders to account; it is reasonable that every member of his society who has been guilty of any scandalous offence should either openly confess his sins and promise reformation for the time to come; or else be cut off from the body of Christ, which is the church.**

**Now, to awaken you to a true sense of your condition, I will set before you the Word of God, that you may certainly know what will be the end of a wicked life, and that knowing the terror of the Lord, you may speedily turn unto him and make your peace.**

**Hear then what the apostle St Paul saith of great offenders: 'Be not deceived; neither fornicators, nor adulterers, nor effeminate, nor thieves, nor covetous, nor drunkards, nor revilers, nor extortioners, shall inherit the kingdom of God.' Hear also what the same apostle says: 'Now the works of the flesh are these, adultery, fornication, uncleanness, lasciviousness, witchcraft, hatred, variance, emulations, wrath, strife, seditions, heresies, envying, murders, drunkenness, revellings and such like; of the which I tell you before, as I have told you in time past, that they which do such things shall not inherit the kingdom of God.' 'It is a fearful thing to fall into the hands of the living God, who can destroy both body and soul in hell; where the worm dieth not and the fire is not quenched.'**

**These being the very words of God, you will do well to consider into what a condition you have brought yourself. And indeed the only comfort you have is this, that you are yet alive, and that the day of grace and repentance is yet afforded you. Which that you may make use of, I must also let you know what God has declared concerning such as repent and turn unto God, and bring forth fruits meet for repentance.**

**'To the Lord our God belong mercies and forgivenesses, though we have rebelled against him.' 'If we confess our sins, God is faithful and just to forgive us our sins.' And our blessed Saviour, to show us what great compassion God has for him that has gone astray and returns to his duty, he represents him as a man who having found his lost sheep takes it upon his shoulders, rejoicing. And in another parable, to make us understand the love of God for penitent sinners, he shows us how we may hope to be received, even as a compassionate father received his prodigal son, when once he became humble and sensible of his faults; he embraced him, he clothed him, he rejoiced with his whole family. And such joy is there amongst the angels of God when a sinner repenteth.**

Such great encouragement you have to return to God. But then you must do it sincerely; you must not only appear outwardly a penitent, but with a true penitent heart come before God and his church. Which if you do, you will not look upon this as a punishment inflicted upon you by the church, but as wholesome medicine administered for the good of your precious soul. Without which you might have gone on adding sin to sin, until there had been no more space for repentance.

You will suffer yourself to be admonished; acknowledge your offence and give glory to God, in owing his power to punish you in the next life, though you should escape in this. You will testify to others that it is indeed an evil thing and bitter to forsake the Lord. And owning this so publicly, you will be ashamed to return to your sins you have repented of. Then we shall all pray to God that he would for Christ's sake accept of your repentance, that he would enable you to live for the time to come in obedience to the laws of Jesus Christ, that your soul may be saved at the day of judgment.

These are the wholesome ends the church proposes in her censures; following herein the apostle's directions: 'in meekness instructing those that oppose themselves, that they may recover themselves out of the snare of the devil, who are taken captive by him at his will.'

Therefore, dear brother, consider that you are in the presence of God, the searcher of hearts. You may indeed deceive this congregation with a feigned repentance, but you cannot deceive him that made you; who, if you dissemble in this matter, will shut you out of heaven, though you continue a visible member of his church here.

But that we may take all due caution, I must in the name of this congregation ask you these questions:

Are you from the heart sorry for the sin you have committed? *I am.*

Will you be more careful for the time to come, and by God's help avoid all temptations to it? *I will.*

Will you constantly pray to God to assist you to do so? *I will.*

Do you desire the forgiveness of all good Christians whom you may have offended? *I do.*

And do you desire that others, seeing your sorrow, may beware of falling into any grievous sin? *I do desire it.*

Will you take patiently the admonition of such as after a Christian manner shall advise you, if they shall see you forget yourself, and the promises you have now made? *I will.*

*Then shall the minister say:* May the gracious God give you repentance to life eternal; receive you into his favour; continue you a true member of the church of Christ; and bring you unto his everlasting kingdom, through the same Jesus Christ our Lord. Amen.

*After which he shall speak to the congregation as follows:*

Seeing now, dearly beloved brethren, that this person is moved by the good Spirit of God to confess his sins and to be afflicted for them, let us, that we may mourn with him as becomes good Christians, consider that we are all subject to sin and to death eternal, that there is nothing so vile and wicked which we should not run into, did not the grace of God prevent us, that therefore we have nothing to value ourselves for above others, but what the good Spirit of God has given us. 'Let him then' as the apostle

advises, 'that thinketh he standeth, take heed lest he fall.' Let us ever remember the words of Christ: 'Watch and pray, that ye enter not into temptation' because our adversary the devil, as a roaring lion, walketh continually about, seeking whom he may devour. Let us learn never to be ashamed to acknowledge our sins, but let us confess and forsake them, that we may find mercy. For it is far better to suffer shame here than the wrath of God hereafter. In a word, let us all with penitent hearts call our sins to remembrance and judge ourselves, though we are not censured by the church. Let us confess our sins unto God, who is most willing to pardon us if we turn unto him with all our hearts, steadfastly purposing to lead a new life. Which God grant we may all do, for Jesus Christ his sake. Amen

*Then shall be said distinctly the fifty-first psalm, together with the prayers appointed (in the communion office) for Ash Wednesday.*

Alternative form of prayer for penitents, who are undergoing penances for the more serious offences and who were not yet to be received into the peace of the church.

Let the penitent be made sensible of the crimes for which he is censured, exhorted to humble himself before God and the church, and especially to manifest the sincerity of his sorrow by bringing forth fruits meet for repentance. After which, all kneeling shall devoutly pray as followeth:

#### *The prayer*

O God the fountain of mercy, who didst send thy Son into the world to call sinners to repentance, and who hast assured us that there is joy in heaven over one sinner that repenteth, look down with an eye of pity upon thy servant who has gone astray from thy commandments. Give him a clear sight of his sin and a deep sense of thy wrath against impenitent sinners, that seeing his danger, he may be patiently submit to godly discipline and to all the difficulties of true repentance. And grant, O God, that he may not deceive himself by a counterfeit repentance, but that this public confession may produce a real change of heart and amendment of life, that he may utterly renounce and forsake all evil ways, break off all evil habits, and being ever mindful of his infirmities, he may be more careful of himself, and more earnest for grace for the time to come; working out his salvation with fear and trembling, that the church on earth and the angels in heaven may rejoice in his conversion.

Bless, O Lord, the discipline of this church, and make it effectual for the conviction of wicked men and gainsayers. Vouchsafe unto all penitents a true sense of their crimes, true repentance for them, and thy gracious pardon. Be merciful unto us all, and keep it ever in the hearts of thy servants that it is an evil thing and bitter to forsake the Lord. Keep us from presumptuous sins; in all temptation succour us, that no wickedness may get the dominion over us; but that continuing in the peace and unity of the church unto our lives' end, we may be made partakers of everlasting happiness with thy saints in heaven, through Jesus Christ our Lord and Saviour. Amen

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