

# Toleration and Pastoral Ministry: some long-term effects of James II's religious policy

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Any student of the history of the Church of England in the years following the Revolution of 1688 knows how formative a period it was. These years saw both the growth of the High Church as a distinct ecclesiastical party, and the development of rules of public controversy between High and Low Church—even between occasional conformists and rigid separatists in the Free Churches which were to last, by and large, for the next two hundred years. The student will know the course of the great Convocation Controversy: how demands for synodical action came to a head with the publication in 1697 of the famous *Letter to a Convocation Man*; how the Lower House of Convocation, led by Francis Atterbury, attempted to wrest control of the church away from the bulk of the bishops with their Whiggish and latitudinarian sympathies.

The controversies of this period absorbed the acutest and best-educated minds among the clergy, but no publication matched the influence of the *Letter to a Convocation Man*. It touched a nerve: it put clearly and cogently the fears, the frustrations, the anxieties and the resentments of a whole generation of parish clergy. What was the root cause of these anxieties and resentments? Several factors contributed to this malaise, but one factor struck at the heart of the professional status of the clergy. A changing pattern in attendance at worship meant more to the parish clergy than anything else. It is the purpose of this article to bring to light this further cause for discontent; a cause arising out of the religious policy of James II and, in particular, his Declaration of Indulgence.

There were a number of causes, great and small, which contributed to the mood of the lower clergy following the Revolution of 1688. First, many of them suffered uneasy consciences. Nurtured in the doctrines of non-resistance, passive obedience and the divine right of kings, most of them had taken the oaths of obedience to William and Mary notwithstanding. Secondly, there was a flood of anticlerical and atheist literature let loose after the expiration of the Licensing Act in 1695. Thirdly, there was the practice of occasional conformity, whereby dissenters received the Holy Communion in their parish churches on

one single occasion in order to qualify for public office under the Test or Corporation Acts. A further source of grievance was the burden of taxation on the clergy. They paid more in land tax than their neighbours of comparable income, and were assessed for poor rate on their tithes.<sup>1</sup> There was, however, this other ground for discontent, by the side of which other causes acquired a more sinister interpretation. Attendance at church worship, and the means of enforcing that attendance, lay at the heart of what the Church of England then understood as an implication of establishment. The pattern both of attendance at worship, and of enforcement of that attendance, changed dramatically after the revolution.

In their writing on episcopacy, the Caroline divines argued that bishops had certain distinguishing marks which made them superior to presbyters. The first mark was their succession from the apostles; the second was their right and power of ordination. But the theologians did not stop there. They went on to explain and defend a third mark of episcopal dignity: namely, the power of jurisdiction over both laity and clergy. No Anglican in the late seventeenth century questioned the right of bishops, in the words of John Cosin, 'to correct, deprive, suspend, excommunicate and stop the mouths of offenders'.<sup>2</sup> The power might be exercised by a bishop in person. Over the centuries it had devolved on many others: archdeacons, commissaries and deans held their courts of correction following annual visitation of their respective jurisdictions. These church courts had their heyday before the Civil War, but they played an important part in the life of the church after the Restoration. What is more significant is that the parish clergy after 1660 still regarded the courts as an essential part of the *pastoral* armoury of the church. Something of the old feudal relationship lingered on. A bishop was father in God to his clergy; they owed him obedience and respect. In return, they looked to him for aid in dealing with their more difficult or recalcitrant parishioners. An incumbent or resident curate could always pass on to the church courts those among his flock who resisted his attempts to reform them, and leave to the court the task of trying to secure that sense of spiritual reality or reformation in manners for which he may have laboured in vain.

This close pastoral alliance between courts and clergy finds clear expression in the second and third rubrics before the Order for the Administration of the Lord's Supper, or Holy Communion, in the *Book of Common Prayer*. Any 'open and notorious evil liver', or any one who has wronged his neighbours, is to be warned by the curate not to receive the sacrament until he has 'openly declared himself to have truly repented...that the Congregation may thereby be satisfied'. Now such an open declaration of penitence was precisely the kind of spiritual censure imposed by the ecclesiastical courts, and which continued to be imposed for certain offences right into the nineteenth

century. Penance was not always performed before the whole congregation. An ecclesiastical judge might order the offender to admit his or her guilt, and ask for forgiveness from the minister and churchwardens alone and in private. Serious offences such as incest, on the other hand, might lead to performance of penance at time of divine service before the congregation of several parishes on successive Sundays.

Those able and willing to pay might offer to commute their penance upon payment of a sum of money 'for pious uses'. Acceptance of commutation was at the discretion of the judge, and there were times when commutation was refused and penance insisted on. In the third rubric before the Lord's Supper, it is laid down that if the curate refuses to admit any person to Holy Communion he is obliged to give an account within two weeks to the ordinary (that is, the person exercising ecclesiastical jurisdiction over that parish), 'and the ordinary shall proceed against the offending Person according to the Canon'.<sup>3</sup>

It must not be thought that it was only the incompetent, the lazy or the tyrannical pastor who would invoke this alliance. Any young clergyman of the time who heeded Isaac Walton's advice and bought a copy of George Herbert's *The Country Parson*, would be familiar with the following passage in the chapter dealing with behaviour at public worship:

If there be any of the gentry or nobility of the parish who sometimes make it a piece of state not to come at the beginning of service with their poor neighbours but at mid-prayers, both to their own loss and of theirs also who gaze upon them when they come in, and neglect the present service of God, he (the country parson) by no means suffers it, but after divers admonitions, if they persevere, he causes them to be presented; or, if the poor churchwardens be affrighted with their greatness (notwithstanding his instructions that they ought not to be so, but even to let the world sink so they do their duty), he presents them himself, only protesting to them that not any ill will draws him to it but the debt and obligation of his calling, being to obey God rather than men.<sup>4</sup>

*The Country Parson* was well known after the Restoration. The first editor, Barnabas Olney, held up 'the noble holy Herbert' as an example of what devoted pastoral care should mean to a parish priest. As the above passage shows, this pastoral caring in the last resort should quite properly invoke the alliance with the church courts. A parish clergyman did not stand alone.

That this alliance was a matter of practice as well as of theory can be gleaned from correspondence which survives among the archives of diocesan registries. Two examples from the south-west of England will serve as illustrations. In 1677, John Prince, while vicar of Totnes, presented a certain Francis Whiddon for not coming to church, and in his letter to the registrar expressed the hope that the consistory court at Exeter might be able to reform Whiddon.<sup>5</sup> Robert Forster, vicar of

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Hartland in North Devon, wrote to one of the bishop's officers,

Sir, I hear that one Benedic Carter hath applied to the court for commuting a base child... I hope you will bring him to a true penitent behaviour before you let him out of the Court, which is all I aim at for his soul's good... This parish has become the byword and reproach of the County for fornication and adultery... I should be glad and thankful if a proper strictness shall be used in the courts against these gross impieties: it may be an effectual means to give check to those persons here whom no endeavours of mine will reclaim.<sup>6</sup>

Robert Forster knew enough of human nature not to be overconfident of success. His letter was written in 1719, when parish clergy could still seek the support of the church courts in problems of sexual morality; but for some thirty years before then, there was one area vital to the life of the church in which this old alliance had broken down. In the perennial problem of getting people to worship in church on Sunday, both courts and clergy found themselves hamstrung from 4 April 1687 onwards.

Monday, 4 April 1687, was the day on which James II issued his Declaration of Indulgence. In order to win support for his policies, especially those towards his co-religionists, James declared that

all and all manner of penal laws in matters ecclesiastical, for not coming to Church or not receiving the Sacrament or for any other nonconformity to the religion established or for or by reason of exercise of religion in any other manner whatsoever, be immediately suspended.<sup>7</sup>

It is usual to regard this declaration in the context of the penal laws and all parliamentary legislation enforcing uniformity. But the king was also head of the Church of England: if he exercised the royal prerogative in suspending a whole section of the law, that included 'the King's Laws Ecclesiastical'. They were just as much a part of the law of the land as was the Clarendon Code. Charles II had also issued a Declaration of Indulgence on 15 March 1672, but that document was in comparison less comprehensive in scope and ambiguous in wording. Charles suspended all manner of penal laws in matters ecclesiastical, but prefaced this order with the statement that it was his 'express resolution, meaning and intention that the Church of England be preserved and established by law'. It was not clear whether Charles's suspension encompassed canons as well as statutes, and the pages of the church court act books reflect this uncertainty. Causes of correction against individuals already begun in the courts when the declaration was published, were held in suspense but not dismissed. As soon as the declaration was withdrawn early in 1673, the individuals concerned were again cited to appear before the courts.<sup>8</sup> James II's declaration, on the other hand, had no such saving clause. His declaration put a stop to any *ex officio* business in the church

courts which concerned attendance at worship.

This declaration was the last in a series of royal enactments whereby James II reversed the policy of the previous six years. An essential part of the Tory reaction, after the Exclusion Bill crisis, was the deliberate prosecution of dissent. By the beginning of 1682, the magistrates began a national campaign of increasing severity which lasted for the rest of the reign of Charles II. The church courts played their own part in their own way, and a steady stream of prosecutions was brought against those presented for not going to church or not receiving the sacrament at Easter.

The unexpected death of Charles II on 6 February 1685 stopped any concerted policy of prosecution in church courts. Ecclesiastics were well aware that the new sovereign was an enthusiastic Roman Catholic convert. Men who believed, and urged others to believe, in passive obedience would naturally be sensitive to the known wishes of a new king. This sensitivity seems in some cases to have preceded actual royal instructions. Orders were issued to church courts on 18 April 1685 not to enforce recusancy laws against those who could produce certificates of loyalty. This was followed by a general pardon on 10 March 1686. Yet the pliant Bishop Trelawny of Bristol claimed to have protected Roman Catholics in Cornwall from the full rigours of the Clarendon Code before Charles II died;<sup>9</sup> and Bishop Lamplugh of Exeter, whom Dr G. V. Bennett reckons among the inner group of bishops who supported Sancroft's Anglican policy,<sup>10</sup> never proceeded against anyone for not attending church in his court of audience after 31 October 1684.<sup>11</sup>

From 1685 onwards, the evidence from the act books of consistory courts is patchy and confusing. It would seem that prosecutions ceased in the consistory court of Worcester after 7 November 1685. On the other hand, the last case in the consistory court of Bristol was on 30 October 1686; in Canterbury it was on 11 February 1687, and in Chichester on 18 March 1687.<sup>12</sup> However, consistory courts are not the best evidence for an assessment of the correction work of the church courts. Chancellors and doctors of law presided over consistory courts, and the bulk of their time was taken up with instance cases and appeals from the lower courts. The overwhelming bulk of correction work was dealt with in the archidiaconal and peculiar courts. If they so desired, the bishops could afford to conciliate the king by not prosecuting in their consistory courts, in the sure knowledge that the work would continue in the lower courts. Most presentments came from the annual visitations of archdeacons, not the triennial visitations of bishops.

When one turns to the records of these lower courts, one has less evidence available than one would wish. Stored haphazardly for centuries in cupboards in solicitors' offices in market towns, the court books of some archdeaconries have not survived at all. For some

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reason, others have lost their act book covering the years from 1685 to 1688. The only hard piece of evidence the present writer has been able to find, to show that the lower courts continued prosecutions after the consistory courts appear to have ceased, comes from the archdeaconry of Cornwall. There the last person to be prosecuted for not coming to church was cited to appear on 18 April 1687, a fortnight *after* the issue of the Declaration of Indulgence.<sup>13</sup> Apparently thirty-nine people were cited for non-attendance at the sitting of the Hereford consistory court for the archdeaconry of Shropshire at Easter 1687.<sup>14</sup>

The routine of the archidiaconal courts was fairly uniform. The archdeacon or his official conducted a visitation just after Easter. Correction courts were held the following autumn to deal with presentments. Correction business tended to be seasonal, so the timing of the Declaration of Indulgence may not be without its significance. Issued on 4 April, it coincided with the annual round of archidiaconal visitations. Easter Day fell on the 27 March in that year.

When the Act of Toleration was passed by the Convention Parliament on 24 May 1689, while men still hoped for a more important Act of Comprehension to follow it, the ecclesiastical laws touching the discipline of the laity already stood suspended. In giving protection to dissenters who practised their religion, the Act innovated nothing. Parliament was only giving statutory sanction to an existing state of affairs. Constitutionally, however, James II's free use of the prerogative came to be looked on as an embarrassing interlude. The suspending power was abolished outright, but its legality had always been doubtful. The dispensing power was condemned, 'as it hath been used and exercised of late'. But public opinion did not view the Act of Toleration in this way. The Act was interpreted in the light of 1687, not 1684: that is to say in the light of the two previous years, when all laws for not coming to church were suspended.

If indulgence and toleration had given people freedom to worship God in their own way, they gave them also an opportunity to escape from almost all religious obligations. One archdeacon put the point forcibly in a private letter in 1692. Humphrey Prideaux, archdeacon of Suffolk, wrote to a friend:

As to the Toleration Act unless there be some regulation made in it, in a short time it will turn half the nation into downright atheism. I do not find it in my archdeaconry (and I believe it is the same in other places) that conventicles have gained at all thereby, but rather that they have lost. But the mischief is, a liberty being now granted, more lay hold upon it to separate from all manner of worship to perfect irreligion than go to them; and although the Act allows no such liberty the people will understand it so, and say what the judges can at their assizes, or the Justices of the Peace at their sessions or we at our visitations, no churchwarden or constable will present any for not going to church, though they go nowhere else but to the ale house, for this liberty they will have: and

some have made the mob nowadays too much our masters to be controlled.<sup>15</sup>

Prideaux saw clearly, as did many of his contemporaries, that it was not the Act of Toleration itself, but the popular interpretation put upon the Act, which made it justify non-churchgoing. Active government interference since 1685 helped to create a situation in which this laxer popular interpretation seemed to be the natural one. The churchwardens of Ditton declared in their presentment to the archdeacon of Surrey on 9 October 1690:

As to the inhabitants not coming duely to church according to the late statutes, We do not present any, Liberty of Conscience being allowed by supreme Authority.<sup>16</sup>

The Rector of Filleigh in North Devon wrote in 1694: 'The Court is desired to take notice that the Churchwarden has nothing to present, seeing the Toleration is on foot.'<sup>17</sup> It was this religious indifference, based on pleas for an unlimited toleration 'even against the sense of the whole legislature', that the *Letter to a Convocation Man* concluded was justification enough for a sitting convocation.

It would seem that the officers of the church courts acquiesced in this popular interpretation. Even when the parishes were willing to present, they do not appear to have received any encouragement to do so. On the same day that Archdeacon Sawyer received the Ditton presentment, the churchwardens of Long Ditton said they knew of some who absented themselves from church but they have presented no one 'unless we shall receive further orders to do it'.<sup>18</sup> John Culme, the vicar of Knowstone in Devon, wrote to the registrar of the bishop's court to say that his churchwarden ought to have presented several for absenting themselves from church, 'not out of any principles of a different persuasion from the Church of England (they neither going to Church or Conventicle) but spending the Lord's Day very loosely'.<sup>19</sup> Culme offered to send a list of names so a process could be issued against them, but nothing was done; and probably nothing was done about the Surrey parish either. The writer has examined the act books or papers of the archdeaconries of Barnstaple, Berkshire, Buckinghamshire, Cornwall, East Riding, Exeter and York, and the records of the peculiar jurisdictions of the dean and chapter of Exeter and the archdeacon of Richmond. In all courts it is rare to find persons cited for non-attendance at church after 1689. This is in stark contrast to the years before 1687, when there were many such prosecutions. Nor should it be thought that those prosecuted before 1687 followed a different form of worship. Any parishioner neglecting his religious duties, whatever his doctrinal opinions, was liable to be presented. This much is clear from the excuses sometimes entered against the names in the court act book: comments such as 'at sea', 'does not reside con-

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stantly anywhere', 'valde' (i.e., sick), 'amazeman' (i.e., mad). The excuse of one couple from an Oxford parish in 1671 that they cannot get to church 'by reason that they have of their family diverse small children who must have their help and attendance' will be an excuse that has a familiar ring about it to any parish priest today.<sup>20</sup>

It would be an overstatement to say that this aspect of church authority was destroyed overnight. In the peculiar of Berton, a man and his wife and son were presented for not coming to church in 1691, and excommunicated two years later.<sup>21</sup> Two men were prosecuted in the consistory court of the archdeacon of Richmond in 1697 and 1699 respectively.<sup>22</sup> The threat of prosecution seems to have had an effect on backsliders in the archdeaconry of Bedford in 1706,<sup>23</sup> and it improved attendance at Hexham in 1715.<sup>24</sup> Nevertheless, prosecution was no longer a regular feature in the courts, and it disappeared altogether in some during the eighteenth century. In Exeter, prosecutions for non-attendance appear in the act book of the court of audience only after a primary visitation, and even then the offenders were usually dismissed on the grounds that they were too poor.<sup>25</sup> It would seem that confining prosecutions to primary visitations only became the practice in the diocese of Durham too.<sup>26</sup> The virtual disappearance of this kind of correction work was accompanied by the disappearance of prosecutions for not bringing children to baptism or for not sending children to be catechized.

The effect on church attendance obviously would have varied according to local circumstances. A resident squire who was also a keen churchman, would have influenced the behaviour of his tenants and dependents. But William Sampson, rector of Clayworth, Nottinghamshire, noted in his records a steady decline in Easter communicants from around 200 in 1686 to 126 by 1701, the last year of his records. At Bucknell in Oxfordshire the number of communicants dropped from 55 in 1699 to 32 by 1709. George Ritschel, commissary for the archbishop of York's peculiar jurisdiction of Hexhamshire, reckoned that by 1712 the number in that part of Northumberland had dropped so severely that any attempt to enforce attendance would only 'thin our congregations, and not augment the number of Communicants'.<sup>27</sup>

This neglect of public worship was what really upset the lower clergy in the years following 1689 and led to a mood of bitterness and frustration, a mood which must have been all the harder to bear because they had no way of drawing attention to the neglect at a national level. The burden was heaviest probably on the curates and resident incumbents of the country parishes. Those who served in London or the bigger towns could easily be cushioned against a full awareness of what was happening. As one pamphleteer observed in 1694 of the situation in London, 'the churches will not hold a tenth part [of the city's population] and therefore a small proportion of the people will make a great show in our churches'.<sup>28</sup> The country parson



who, then as today, must meet with his pastoral failures every time he walks down the village street, would be very conscious that his authority in the eyes of his parishioners had suffered a serious decline. Preachers in the fashionable London churches did not feel the same frustration, yet it was in such city parishes that some of the ablest and most articulate clergy were to be found. Such renowned preachers as Tillotson, Tenison and White Kennett knew that the intellectual climate was changing; that recourse to the church courts was no substitute for a clear appeal to the mind and heart. They were rewarded for their efforts with large and attentive congregations and the respect of educated men. Their humbler country brethren were not so fortunate. It was even more unfortunate that William and Mary appointed members of this London group of clergy to the episcopal bench. Death and the deprivation of non-juring bishops created eight vacancies within the first two years of their reign. The London clergy were Tillotson, who was made archbishop of Canterbury; Moore, who became bishop of Norwich; Fowler, who went to Gloucester; Kidder to Wells, Grove to Chichester, and Cumberland to Peterborough.

Something of this bitterness comes across in a parody of the Creed which that eccentric curate of Quatford, John Higgis, copied into his diary in June 1722 and which needs to be quoted in full.

I believe in John Calvin the Father of our Religion and Disposer of Heaven and Earth and of all Preferments Visible and Invisible. And in Hugh Peters and Daniel Burgess his only sons, who were conceived in fanaticism, born in sedition and Rebellion. Suffered under the Act of Uniformity, were silenced in the World, Dead and Buried. But in the year of Toleration Rose again and Ascended into the Tubs from whence they have preached Sedition and Rebellion and are Coming again to Judge both Church and State, whose Dominion shall have no end.

I believe in the Assemble of Divines, in no Catholic Religion or ceremonies. I acknowledge Benjamin Hoadley and Gilbert Burnet. I look for the Resurrection of a Long Parliament with the Downfall of Monarchy and Episcopacy, A Toleration without end. No Surplice. No Common Prayer. But a Lay Elder and Commonwealth Everlastingly. Amen.<sup>29</sup>

By 1722 this parody, with its reference to puritan preachers long dead, was an echo from the past. Higgis probably heard it at Ludlow when he met with other clergy to attend the primary visitation of Benjamin Hoadley, following his translation from Bangor to Hereford. This preferment caused the smouldering bitterness of the local clergy once more to burst into flame, at least in their conversation with each other.

The parody is entitled *The Whigs Belief or the Fanatics Creed*, and that title in itself helps to explain why the decline in discipline of the laity of the Church of England never received a thorough public airing. It was subsumed under party politics, and was one of the reasons why a

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man became or remained a Tory. The local alliance between squire and parson, forged at the Restoration, remained firm. The clergy had been political commentators and unofficial election agents for so long that, when their bishops failed them, it was natural to look to these local allies for support. Daniel DeFoe pointed out to Robert Harley in 1705 how large a part the inferior clergy played in inflaming the gentry, and drew attention to the contrast between public opinion in Wiltshire, where Burnet was bishop, and the political climate of mid-Devon where the firm rule of the high churchman Trelawny had not upset an amicable *modus vivendi* between church and dissent.<sup>30</sup> There are other reasons for this public reticence. It would have been unwise politically to have played upon episcopal rights of jurisdiction over the laity. The ecclesiastical courts were far from popular, especially among those seeking to evade payment of tithes, dues or church rates. Secondly, the lesson that might be drawn from the treatment meted out to the Episcopal Church in Scotland was not lost on churchmen in England. In that country, episcopacy was legally abolished in 1689. The Presbyterian General Assembly was reintroduced and given the task of methodically depriving the episcopal clergy. Above all, perhaps, there was the fear that a vigorous use of the church courts against those who did not attend church would force them into the arms of the dissenters, not out of conviction but as a cynical expedient to gain the protection of the Act of Toleration. There is some evidence to suggest that parishioners were not above using blackmail of this kind to put pressure on a bishop. The churchwardens of Merthyr chapel in Cornwall used the threat of mass desertion to the Presbyterians in a petition to the bishop of Exeter in 1696. Bishop Trelawny was compelled to accept their candidate to be licensed as curate. In a letter in 1701, the same bishop ordered his deputy-registrar to settle as quickly as possible a dispute over new seating in the church at Pinhoe, near Exeter, because disturbances had already 'frightened several from the church to the conventicle'.<sup>31</sup> William Wake wrote in 1715, 'if any persons be admonished to come to Holy Communion or threatened for that as for any other neglect, they presently cry they will go to the meetings to avoid discipline'.<sup>32</sup> The clergy might put a bold face on it, but inwardly they were unhappy. George Ritschel, already mentioned, succeeded his father as commissary for the archbishop of York in 1683. In the course of a long letter dated 13 April 1711, sent to the archbishop's registrar in York defending himself against the (unfounded) accusation of taking exorbitant fees, Ritschel wrote that

the state of this Jurisdiction at present is not good. It has so declined ever since the Revolution and Indulgence, before which time... offenders were presented appeared at Court submitted and paid their dismission fees, but now they regard us no more than we do the thunder of the Vatican.

For a man who had asserted the discipline of the Church of England so vigorously that twelve years earlier some of his Hexham neighbours had laid before Archbishop Sharp the hysterical accusation that Ritschel was trying to restore the Court of High Commission single-handed, this was a remarkable admission indeed!<sup>33</sup>

If the frustrations and fears concerning discipline over the laity could not be aired publicly, then it is understandable why many felt hope renewed in the call for a sitting convocation. The history of that renewal of a sitting convocation, and its subsequent return to its slumbers, is outside the scope of this article. This period has had a lasting influence on the Church of England. Three areas in particular call for special notice. First, it helps to account for that deep-seated suspicion felt by the lower clergy towards their bishops, an attitude which has begun to change only recently but which certain legal proceedings tend to revive. It helps, too, to understand why a national church has found it so difficult to change the habits of those who claim membership but who seldom, if ever, worship. It used to be thought that non-churchgoing was a product of the industrial revolution. Many have accepted E. R. Wickham's judgement that 'From the eighteenth century, and progressively through the nineteenth, since the emergence of the industrial town, the working classes... have been outside the churches'.<sup>34</sup> W. R. Ward has argued that the real tragedy for the Church of England in the early nineteenth century was not inadequate resources in the face of rapid industrialization, but the alienation of the agricultural labourers. This alienation was brought about by the pattern of enclosures in the Midlands and eastern counties, where tithes was commuted for land and where, as magistrates, the new squarsons were seen to be responsible for the harsh implementation of the Speenhamland scheme. Discontent during the agricultural recession, following the end of the Napoleonic wars, tended to focus on the payment of tithes, with the result that by the eighteen-fifties a whole generation of farmers and labourers had turned against the church.<sup>35</sup> No doubt there is a measure of truth in these explanations, but the problem of non-attendance at church was of even earlier origin. Perhaps some of those who migrated to the new towns already had a family tradition of non-churchgoing. Perhaps for those who turned against the church in the nineteenth century because the church seemed to be intent on pauperizing them, the refusal to worship was not uncongenial because it was already practised.

As soon as it became obvious that the clergy could no longer get the backing of the church courts in requiring attendance at worship, it became increasingly difficult to insist on discipline in other areas. The undermining of the pastoral alliance between parish clergy and the church courts encouraged breakdown in that division of pastoral responsibility without which the English parochial system makes no sense. To place one clergyman on his own in a clearly defined territorial

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district was a reasonable strategy so long as both the priest and his parishioners received a constant reminder, through the activities of the church courts, that they were part of a greater church. The reminder was irksome for some, but strengthening for others because it reinforced teaching and practice. The church courts could remind the laity that pastoral work was a joint enterprise: their responsibility as well as that of their parish priest. There is no greater contrast than that between the rubric concerning bringing children to catechism in the 1662 *Book of Common Prayer*, and the rubric standing before the Order of Confirmation in the proposed prayer book of 1928. In 1662 the responsibility for bringing children to catechism is laid on the shoulders of parents, and the employers of servants or apprentices. Gibson, in his *Codex*, notes that godparents are to be *directed* to bring their godchild to confirmation.<sup>36</sup> In 1928 the responsibility for seeking out those not confirmed is laid on the parish priest. Now, obviously, a number of other factors operated between 1685 and 1928, not least being the statutory abolition of the jurisdiction of the church courts over many cases concerning the laity in the course of the nineteenth century. It is significant, nonetheless, that after 1687 the virtual disappearance of prosecutions for not coming to church was accompanied by the disappearance of prosecutions for not bringing children to baptism and for not sending children to be catechized. Not the least important effect of these formative years is the light they threw on the pastoral strain and stress which to the present day has accompanied all the efforts of the Church of England to minister to the spiritual needs of the whole nation through the parish structure.

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## NOTES

- 1 G. V. Bennett, *The Tory Crisis in Church and State 1688–1730* (OUP, Oxford 1975), p.16. Also George Hooper, *The Parson's Case Under the Present Land Tax* (London 1689).
- 2 P. E. Moore and F. L. Cross, *Anglicanism* (SPCK, London 1957), pp.356–65.
- 3 i.e., canon 109 of 1604.
- 4 George Herbert, *A Priest to the Temple or the Country Parson*, reprinted in Thomas Wood, *Five Pastorals* (London 1961), p.102.
- 5 Devon Record Office (DRO), Catalogue of the Display for Devon Festival 1958.
- 6 H. Reynolds, *Short History of the Ancient Diocese of Exeter* (Exeter 1895), p.337.
- 7 A. Browning, *English Historical Documents 1660–1714* (London 1953), p.396.
- 8 Bodleian Library (BL) MS., Oxford Archid. Papers, C. 21 Liber Actorum, *ex officio* 1673–4; Borthwick Institute (BI), ERV/CoC Correction Citations Bundle 1671–2, 1673, pp.99, 103, 152.
- 9 *State Papers Domestic*, Jan. 1686–May 1687, p.186.
- 10 G. V. Bennett, 'The Seven Bishops: A Reconsideration', *Studies in Church History*, 15, 1978, p.271.
- 11 DRO Consistory Court, Act Book 757.
- 12 Bristol Archives Office, Cause Book 1683–8; G. V. Bennett, *ibid.*, p.279, n.40.

- 13 Cornwall Record Office, Archid. Act Book, *ex officio* 1684–9.
- 14 I am greatly indebted to Dr W. M. Marshall for this information. At this period, the episcopal and archidiaconal courts of Hereford were merged.
- 15 E. M. Thompson, 'The Letters of Humphrey Prideaux to John Ellis', *Camden Society*, 2nd Series, 15, 1876, p.154.
- 16 London County Council Archives Office (LCC) AB1–3, Churchwardens' Presentments, 1664–1927.
- 17 H. Reynolds, *ibid.*, p.355.
- 18 LCC, *ibid.*
- 19 DRO Consistory Court, Bundle 173, Culme to Cooke, 19, December 1689.
- 20 BL MS., Oxf. Dioc. Papers, C. 11, fol. 107. One of the conclusions drawn from the Ecclesiastical Census 1676 was 'A considerable part of dissenters are not of any sect whatsoever', A. Browning, *ibid.*, p.416.
- 21 BL MS., Archid. Papers Bucks, C. 304, fol. 206.
- 22 Leeds City Library Archives, RD/C/15, RD/AC/1/2, no. 7.
- 23 N. Sykes, *William Wake* (CUP, Cambridge 1957), I, p.199.
- 24 BI, HEX. 2, Ritschel to Jubb, 31 March 1715.
- 25 DRO Consistory Court, Act Book 753.
- 26 Durham University Library, Episcopal Visitations, 1722, comperta for Easington Deanery.
- 27 H. Gill and E. L. Guilford, *The Rector's Book, Clayworth, Notts* (London 1910); BL MS., Top. Oxon., e. 11; BI, HEX. 2, Ritschel to Jubb, 25 February 1712.
- 28 'Querela Temporum: or The Danger of the Church of England', *Somers Collection* (1813), 9, p.520.
- 29 BL MS., Eng. misc., e. 344, fol. 24. The entry appears between 12–15 June 1722. Bishop Hoadley held his primary visitation at Ludlow on 19 June.
- 30 HMC, *Portland MSS*, IV, pp.213–14.
- 31 DRO Principle Registry, Bundle 16, no. 19; Cooke Correspondence, n.d.
- 32 N. Sykes, *ibid.*, I, pp.199–200.
- 33 Alan B. Hinds, *History of Northumberland* (Newcastle upon Tyne 1896), III, p.170.
- 34 E. R. Wickham, *Church and People in an Industrial City* (London 1957), p.215.
- 35 W. R. Ward, 'The Tithe Question in England in the Early Nineteenth Century', *Journal of Ecclesiastical History*, 16, 1965, pp.67–81.
- 36 E. Gibson, *Codex Juris Ecclesiastici Anglicani* (2nd edn., 1761), p.376.