

George Morley, Dissenters, and Recusants: National and Diocesan Perspectives, 1660–84

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George Morley, bishop of Winchester for over two decades after the Restoration, was not only responsible for implementing religious policies towards dissenters and recusants within his diocese but was also engaged in the formulation of that policy through his role in the House of Lords. That Morley was a major figure in these developments was partly due to his long tenure as bishop of Winchester, 22 years, which was equalled in the seventeenth century only by his successor, Peter Mews;¹ partly also to the size of the diocese which stretched from the Thames to the Isle of Wight (and ultimately the Channel Islands) and covered so large an area of central-southern England. Promotion to the see of Winchester gave him, moreover, an even more prominent voice in the House of Lords and more likely access to the Privy Council than most other bishops.

Religious division was a central issue at this time at both national and diocesan levels. During the preceding period of the Commonwealth and Protectorate, there had been 'a great overturning of everything in England' with an explosion of groups and sects, from Presbyterians, Independents, and Congregationalists to Seekers, Ranters, Quakers, Fifth Monarchy Men, and Anabaptists.² Toleration was a fragile notion and official policy was uniformity, laid down in the Acts of 1549, 1552, and 1559. Expression of religious 'difference' led, inevitably, to rebellions such as the Venner Rising of 1661 and conspiracies such as the Popish Plot of 1678–81.

1 *Fasti Ecclesiae Anglicanae*, edited by J.M. Horn, D.M. Smith *et al.*, 12 vols (London, 1969–) [hereafter *Fasti Ecclesiae Anglicanae*], III, p. 82.

2 W. Haller, *Liberty and Reformation in the Puritan Revolution* (New York, 1955), p. xiv.

How to resolve this issue – by another dose of uniformity, by comprehension, still one Church but achieved by including, through discussion and compromise, some, if not all, of the Protestant religions, or by toleration, allowing the different religions to exist side by side – was the central question facing bishops and politicians of the 1660s and 1670s, Morley no less than anyone else. He may, in his sixty-fifth year by 1662, have been passed his prime but he brought considerable experience in the Church as a canon (Christ Church Oxford), a dean (Christ Church), and as a bishop (Worcester).³ He also had exceptional experience in politics, having served as chaplain in various noble and royal households while in exile and drawn, thus, by Charles and Clarendon into a mission to forge contacts with the Presbyterians in the spring of 1660.⁴

What follows is an attempt to examine Morley's approach to religious divergence, both on the national stage, mainly in the House of Lords, and at the local level in the diocese of Winchester. The article will proceed to compare and contrast Morley's role at the national and diocesan levels before concluding with an overall assessment of his role in the attempts to achieve a broader religious settlement in the reign of Charles II.

I The National Stage

1660

Attempts to resolve the religious divisions generally, and Morley's attempts in particular, must always be seen against ever changing political developments. It is difficult to be certain about Charles and Clarendon, his Chancellor.⁵ Whatever their ultimate intentions, one

3 *Fasti Ecclesiae Anglicanae*, VII, p. 107, VIII, pp. 82, 105.

4 R.S. Bosher, *The Making of the Restoration Settlement 1649–1662* (London, 1951), p. 105; R.A. Beddard, 'A Reward for Services Rendered; Charles II and the Restoration Bishops of Worcester 1660–1663', *Midland History* 29 (2004), 64; John Spurr, 'George Morley' in H.C.G. Matthew, B. Harrison et al (eds), *Oxford Dictionary of National Biography*, (Oxford, 2004–), XXXIX, pp. 216–20, <http://www.oxforddnb.com/view/article/19285>.

5 See, for 'multi-shadings' of motives, e.g. G.R. Abernathy, 'Clarendon and the Declaration of Indulgence', *Journal of Ecclesiastical History* [hereafter JEH], 11 (1960), 55–73; R.A. Beddard, 'Restoration Church' in J.R. Jones (ed.), *Restored Monarchy 1660–1688* (London, 1979), pp. 159–60; Bosher, *Restoration Settlement*, pp. 105–106, 149, 265, 280–81; William Cobbett et al., *Parliamentary History of England*, 36 vols (London, 1806–20), IV, col. 517–26; I.M. Green, *Re-establishment of the Church of England 1660–1663* (Oxford, 1978), chapter 10; R. Hutton, *The*

thing is certain: the Presbyterians were the dominant group in 1659–60 and, whether sincerely or not, they had to move with caution in the early days and the two Declarations of 1660, Breda just before, and Worcester House immediately after, the Restoration appear to reflect this. The Declaration of Breda proposed ‘a liberty to tender consciences’; the Worcester House Declaration raised the possibility of bishops advised by presbyters and promised reform of the prayer book.⁶

More important for this article, was Morley’s approach. He was probably a Calvinist by inclination. Calvinism was the prevailing view when he was at university, for his earlier degrees, at least.⁷ He was said to have been a ‘Calvinist’ at heart by near-contemporaries, Anthony Wood and Gilbert Burnet and, if so, sympathy at least over predestination, may well explain his central efforts at rapprochement with the more moderate Protestants at this time.⁸

Morley was a leading figure at the conference which followed the Worcester House Declaration and which was held in the same place (one of Clarendon’s homes) in October 1660. Among contemporaneous accounts, Burnet’s yields little substantial information. Richard Baxter, a participant and leader of the Presbyterian group, thought Morley a ‘moderate’ before the conference but, as debate turned into conflict, the two soon clashed over prelacy – bishops with or without presbyters – and ordination – whether to accept Presbyterian orders or not. Clarendon considered both sides at this stage ‘well content’ and Morley may have taken a similarly optimistic view if he thought,

Restoration: A Political and Religious History of England and Wales, 1658–1667 (Oxford, 1985), p. 179; P. Seaward, *Cavalier Parliament and Reconstruction of the Old Regime 1661–1667* (Cambridge, 1985), pp. 26–34, 175, 179, 183; N. Sykes, *From Sheldon to Secker: Aspects of English Church History, 1660–1768* (Cambridge, 1959), pp. 3, 75.

- 6 Breda, July 1660 and Worcester House, September 1660: *English Historical Documents, 1660–1714*, edited by A. Browning (London, 1953) [hereafter *English Historical Documents*] pp. 57, 365.
- 7 M.H. Curtis, *Oxford and Cambridge in Transition 1558–1642* (Oxford, 1959), pp. 191–266; S.L. Greenslade, ‘Faculty of Theology’ and N. Tyacke, ‘Religious Controversy’ in T.H. Aston et al., *The History of the University of Oxford*, 8 vols (Oxford, 1984–), III, pp. 330–333, IV pp. 585, 591, 600, 606, 612, 618; N. Tyacke, *Anti-Calvinists: the Rise of English Arminianism c. 1590–1640* (Oxford, 1987), pp. 29, 49, 58, 61, 81.
- 8 Anthony Wood, *Athenae Oxonienses. An Exact History of all the Writers and Bishops who have had their Education in the most Antient and Famous University of Oxford, from the fifteenth year of King Henry the Seventh, A.D. 1500, to the Author’s death in November 1695*, 2 vols (London, 1721), II, col. 768; Burnet’s *History of my Own Time. Part 1: The Reign of Charles the Second*, edited by O. Airy, 2 vols (Oxford, 1897–1900), I, p. 314.

as Lister claims, without evidence, that ordination was the only issue separating the two camps.⁹ Whatever the truth of this account, there was no settlement and the conference was inconclusive.

1661–67

Doomed though Worcester House turned out to be, it was probably 'the most effective attempt at comprehension between the Restoration (1660) and the Revolution (1689)'.¹⁰ Religion continued to dominate the agenda but the mood – certainly of Parliament and of the bishops – had changed since the early days of the Restoration from caution, compromise, and accommodation to royalism, Anglicanism, and suppression of difference. MPs and bishops may have been more confident; more likely they were more fearful. The Venner Rising in January 1661 (Fifth Monarchy Men) had revived memories of the plethora of sects with the accompanying horrors of fanaticism and rebellion so security and repression were now uppermost in the minds of MPs and bishops. Consistent themes in Parliament for the next eighteen years were law and order; a religious settlement with full episcopacy, surplice, prayer book; and suppression of the sects with their dangerous religious and social views.

Charles II, however, was apparently determined on a settlement rather than suppression and in March 1661, he set up a conference of bishops and Presbyterians – 12 a side – to review the Book of Common Prayer at the Savoy (Gilbert Sheldon, Bishop of London and convenor of the conference, was, at the time, Master of the Savoy Hospital).¹¹ At the same time there was a general election (April/May), Parliament met and, with it, the concomitant Convocation. There were also regular meetings of the Privy Council. This meant there were four – overlapping – institutional bodies for a time in 1661 (Savoy, Parliament, Convocation, and the Privy Council); thereafter, Parliament and Convocation, together with meetings of the Privy Council throughout; and Morley was potentially in all four.

9 Burnet's *History*, I, p. 315; Richard Baxter, *Reliquiae Baxterianae*, edited by M. Sylvester et al. (London, 1696), part 2, p. 218; *The Life of Edward Earl of Clarendon... in which is included a Continuation of his History of the Grand Rebellion*, (Oxford, 1827), 3 vols [hereafter *Life of Clarendon*], I, p. 481; T.H. Lister, *Life and Administration of Edward First Earl of Clarendon*, (London, 1837), 3 vols, II, p. 50.

10 R. Thomas, 'Comprehension and Indulgence' in G.F. Nuttall and O. Chadwick (eds), *From Uniformity to Unity 1662–1962* (London, 1962), p. 193.

11 *Fasti Ecclesiae Anglicanae*, I, p. 3; Spurr, 'George Morley'.

The outcome, in view of the prevailing mood, could only be repression. Savoy disbanded in deadlock in July 1661; Convocation produced a new Prayer Book in the autumn of 1661; Parliament, which had begun work with repressive legislation – the so called Clarendon Code – passed an Act of Uniformity by the summer of 1662, with the approval of the Privy Council, to make compulsory the use of the new Book of Common Prayer by the clergy in all churches.¹²

Not only was this outcome a disappointment to this day for Church unity; there is no surviving detailed report of speakers and speeches so it is a disappointment also for discovering the contribution of Morley to the discussions held and the decisions made at this time. For Savoy, Baxter's is, again, the fullest account.¹³ The bishops and the Presbyterians clashed over the nature of man's sinfulness and over a liturgy as against *ex tempore* prayer, according to Baxter. He portrays the bishops as 'deaf' to his arguments and blames them as a whole for their haughtiness and individuals – Sheldon and Frewen for their absence, Cosin for 'so little logic', Sanderson for his 'peevishness'; but he vents his full frustration on Morley, complaining of his interruptions and 'vehemency'.¹⁴

Baxter, even so, supplies no detail of the speeches at Savoy and records of proceedings in Convocation, the House of Lords, and the Privy Council are 'bald'. Morley would, most likely, have lent his weight to the conservatives in both assemblies – he was present for 27 of the 31 days the Bill of Uniformity spent in the Lords – but E.C. Ratcliffe prefers other 'suspects' such as Wren, Cosin, and Sanderson.¹⁵ The Privy Council appears to have endorsed their deliberations in a single session. Morley was not a member of this body at that time, though he did attend with four other bishops, in an 'exceptional' capacity, on this one occasion.¹⁶ The new prayer book was then annexed to the Act of Uniformity.

12 *Life of Clarendon*, II, p. 118; 14 CII c.4; The National Archives [hereafter TNA], PC2/55 Privy Council Register, pp. 549, 552, 554.

13 See, for accounts of Savoy, Baxter, *Reliquiae*, part 2, p. 303; *Burnet's History*, I, p. 318; British Library, London [hereafter BL], Add. MS 28053, f.1. The best modern accounts are Boshier, *Restoration Settlement*, Chapter V; E.C. Ratcliffe, 'The Savoy Conference' in Nuttall and Chadwick (eds), *From Uniformity to Unity*, pp. 92–139.

14 Baxter, *Reliquiae*, part 2, pp. 334, 335, 337, 339, 347, 363. See also Ratcliffe, 'Savoy Conference', p. 127; *Burnet's History*, I, p. 320.

15 *Journal of the House of Lords*, 39 vols (London, 1767–1830), XI, pp. 351–477; Ratcliffe, 'Savoy Conference', pp. 131–34.

16 TNA, PC2/55 Privy Council Register, p. 554; see also Ratcliffe, 'Savoy Conference', p. 139.

The new Book of Common Prayer (1662) itself contained only minor changes to the Elizabethan book and made few concessions to the Presbyterians, still less to the other sects. It retained all the things the latter opposed – the sign of the cross in baptism, the ring in marriage, and the surplice. It also included, most interestingly, the famous black rubric which strongly implied the bread and wine as symbols only and which should have pleased both Baxter and Morley. Morley, ever a Calvinist sympathiser, may have been the mover and shaker behind its retention in the prayer book in Convocation, the House of Lords, and the Privy Council but there is no surviving evidence for this claim.¹⁷

The drive for uniformity continued with the rest of the so-called Clarendon Code, including the Five Mile Act of 1665.¹⁸ Morley was certainly involved in the passage of the bill through the Lords in October 1665, present at all its stages, and even serving on the committee.¹⁹ Among the eight or nine speakers in one of the few debates on record, Lord Wharton spoke against it and Gilbert Sheldon (by then archbishop of Canterbury) and George Morley (by then bishop of Winchester) for it.²⁰ Morley spoke at length (Wharton was a close second) and with passion – ‘There are no Persons dangerous if these persons are not dangerous’ – and his speech was enlivened with details of the unruly behaviour of the Quakers in his diocese and reminders of the 1640s (‘murderers’ of the king and expulsion of the bishops from Parliament). The speech reached climax with the resounding assertion that ‘If there bee noe Lawes there can bee noe Society’. Morley appears, thus, at this stage, to have thrown his shoulder behind the wheel of repression either because he recognised the reality – royalist/Anglican dominance, and plots and rumours of plots – or because, by this time, this was his true and natural inclination.

Although two bills for comprehension and one for toleration appeared in the Commons in 1668–69, repression continued with the passage of the Second Conventicle Act in 1670.²¹ The role of Morley

17 Ratcliffe, ‘Savoy Conference’, p. 139. I have found no evidence for this claim in e.g. TNA, PC2/55, pp. 552, 554, 634; White Kennet, *Register and Chronicle Ecclesiastical and Civil* (London, 1728), p. 585.

18 17 CII c.2; 16 CII c.4.

19 *Journal of the House of Lords*, XI, pp. 694–701.

20 Bodleian Library, Oxford [hereafter Bodleian], Carte 80, ff. 757–59. See Caroline Robbins, ‘The Oxford Session of the Long Parliament of Charles II 9th to 31st October 1665’, *Bulletin of the Institute of Historical Research* 21 (1946–48), 214–24.

21 Bodleian, B. 14. 15. Linc, pp. 4, 5, 8, 9, 11; BL, Add. MS 19526; *Diary of Samuel Pepys*, edited by R. Latham and W. Matthews, 11 vols (London, 1983) [hereafter *Pepys, Diary*], IX, p. 51. There is much contemporaneous confusion about the terms

in these manoeuvres is the question. Archbishop Sheldon, Morley's colleague and ally, was actively organising his fellow bishops to attend Convocation and Parliament in 1667–69.²² For which bills and for what vote neither his correspondence nor surviving parliamentary proceedings reveals. Numbers of bishops present during the passage of the Conventicle Bill through the Lords in March and April 1670 averaged 15 a day and Morley was there for all 18 days; this suggesting that Sheldon's urgings had some effect as their average attendance for the Five Mile Bill in 1665 had been only 10 or 11 a day.²³ There are, frustratingly, no records of actual debates but most likely he and Morley were against comprehension and toleration and for the new conventicle bill.

II Morley in his Diocese

1660s

CLERGY

The Act of Uniformity was the cornerstone of the Clarendon Code of the 1660s and clearly signalled, for a time, at least, the direction of official religious policy. The newly revised Book of Common Prayer annexed to the act, made few concessions to the disparate religious groups, or even the Presbyterians, and the act itself required all incumbents to undergo episcopal ordination and to take oaths giving 'assent and consent' to the new prayer book and renouncing the covenant and arms against the king.

On assuming control of the diocese in May 1662, Morley's first task was the enforcement of the oaths on all parish clergy. He seems to have thought the problem slight, the likely numbers of refusers – 12 by his estimation – small, and to have offered to discuss matters with potential opponents 'publicly and privately'.²⁴ If so, he was to be disabused and examination of Edmund Calamy's *Account*, refined by Matthews, together with a surviving visitation book, suggest at least

'comprehension' and 'toleration': e.g. Pepys, *Diary*, IX, pp. 31, 51; Bodleian, B. 14. 15. Linc, p. 4; 22 CII c.1.

22 Bodleian, Addit. MS c.308, ff. 98v, 101; BL, Harleian MS 7377, ff. 6, 6v. N.B. Many of the references on this subject are wrong in W.G. Simon, *Restoration Episcopate* (New York, 1965), p. 73. He also attempts, pp. 69–70, 'sessional averages' of bishops' parliamentary attendance but how trustworthy remains the question.

23 *Journal of the House of Lords*, XI, pp. 694–701 (Five Mile Bill), XII, pp. 305–51 (Conventicle Bill).

24 Bodleian, Clarendon 73, f. 217; 77, f. 307.

54 incumbents balked at subscription and resigned their livings; there were still over 40 vacancies in 1663–64, far higher than in earlier or later years.²⁵

The episode shows Morley, initially, as a conciliator, if we trust the documents, but somewhat ignorant of the mood of his clergy and, when it came to the point and whatever his Calvinist sympathies, a faithful executioner of the government policy.²⁶ The scale of known expulsions – 54 out of some 390 incumbents – was a significant disruption but not disastrous and, though a little above the national average (ten per cent), was apparently quite moderate compared with percentages of 20 in Leicestershire and 33 in London.²⁷

The effect on clerical relations is difficult to gauge for want of evidence but it was hardly an auspicious start. All the new men were, of course, subscribers to the prayer book, its doctrine and liturgy, and, to judge from the absence of prosecutions of clergy in the church courts, presumably a loyal body of men; but how sincerely or enthusiastically must be left to speculation. There were also thereafter in the diocese residual groups of Protestant dissenting ministers outside the church but, as with their conformist counterparts, there is no evidence of prosecutions in the 1660s. Discussion of this – whether it implies a merciful Morley or other factors – will be left to a later stage in this article.

LAITY

It also fell to Morley to enforce conformity on the laity. An examination of surviving presentments (charges of wrong doing made by churchwardens for the next visitation and ultimately for determination by the church court) indicates something of these concerns, though it should be remembered that these were only allegations, not specific charges, still less convictions. Whereas the presentments list about 60

25 *Calamy Revised: Being a Revision of Edmund Calamy's 'Account' of the Ministers and Others Ejected and Silenced, 1660–2*, edited by A.G. Matthews (Oxford, 1934) [hereafter *Calamy Revised*]; Hampshire Record Office [hereafter HRO], Visitation Book 1663, B1/35; London Metropolitan Archives [hereafter LMA], DW/VB 1 (1662, 1664); D.L. Wykes, 'Early Religious Dissent in Surrey', *Southern History* 33 (2011), 54–77, gives, for Surrey Archdeaconry, a somewhat higher figure (40 expulsions of ministers) than mine (23), a discrepancy in part because he includes diocesan 'peculiars' and mainly because he combines expulsions of 1660–61 with those of 1662.

26 Wood, *Athenae Oxoniensis*, II, col. 768.

27 Hutton, *Restoration*, p. 175; J.H. Pruett, *Parish Clergy under the Later Stuarts: the Leicestershire Experience* (Urbana, Ill. 1978), p. 13.

recusants within the archdeaconsy of Winchester in 1618, there was an explosion of charges in the Restoration and the presentments of 1664 run to over 1000 'Recusants', 'Sectaries', Quakers, and Anabaptists (Table 1). In most cases, the numbers represent a single charge made against a person although occasionally an individual faced two or three allegations. Furthermore, there was no definition of precisely what was meant by each of these terms, although 'recusant' was usually prefaced by 'papist'.

Most of these cases, astonishingly, do not seem to have reached court in 1664. From Droxford deanery, for example, only a quarter of dissenter/recusant presentments were listed for prosecution in the consistory court in Michaelmas term 1664; from Alresford and Southampton a little over eight and five per cent respectively. In fact, while there is some overlap, presentments and court prosecutions bear little relation to each other in names or numbers. One sectary was charged in the episcopal consistory court which sat in the cathedral to deal with cases within the archdeaconsy of Winchester in 1663–64 – the first surviving book after the Restoration – and he was found guilty, together with one recusant and two Quakers. There were even fewer prosecutions in 1664–65, none in 1665–66.

The numbers of prosecutions in the consistory courts for Winchester and Surrey (Table 2) across the four terms of the legal year relate definitely to individuals – one charge per person – as none was charged with more than one offence. The cases also reveal similar problems regarding the definition of an individual's religious beliefs. The use of 'conformitate' in the court books presumably referred to a failure to conform but whether this related to Catholics, Protestants, or both is unclear. The enigmatic term 'hat' was probably used to designate Quakers.

Survival of books of episcopal proceedings are much worse for Surrey than for Winchester but a series of reports for Michaelmas term 1664 confirms the rarity of cases of religious dissent. Four were charged as 'sectary – for not coming to church', together with one 'papist', one 'Anabaptist', and one 'Quaker', while another person, charged with

Table 1: Churchwardens' Presentments from the Winchester Archdeaconsy

	Sectary	Quaker	Anabaptist	Recusant	Total
1664	669	37	19	291	1016

Source: HRO, B1/37 (1664).

Table 2: Prosecutions for Religious Deviation in the Consistory Court Archdeaconry of Winchester (Hampshire and Isle of Wight)

	Sectary	Guilt	Quaker/'Hat'	Guilt	Recusant	Guilt	Non-Conformist	Guilt
1663-64	1	1	2	2	1	1	0	0
1664-65	0	0	1	1	0	0	2	0
1665-66	0	0	0	0	0	0	0	0

Sources: HRO, C1/37 (1663-64); C/38/1 (1664-65); C1/39 (1665-66).

Prosecutions for Religious Deviation in the Consistory Court Archdeaconry of Surrey, Michaelmas Term 1664

Sectary	Guilt	Quaker	Guilt	Anabaptist	Guilt	Recusant	Guilt	Non-Conformist	Guilt
4	?	1	?	1	?	1	1	1	?

Source: LMA, DW/VB1, ff.86v, 87r, 102r, 104r, 108v.

'calling the church an idolatrous house' looks to have been verging, at the least, on non-conformity.

There is evidence in the court books of wider disaffection with the Church. Offences including failure to attend church, neglecting to receive communion, irregularities with baptisms, and refusal to pay church rate or tithe can all be construed as indicating such disaffection and may also show more vigorous activity by the court to repress it than might otherwise have been thought. The number of people accused of failing to attend church in 1663-64 was as high as 107 and for failing to receive communion 26 (a few of the latter overlapping with the 107). Thomas Merrey's is a rare case where religious divergence – 'scruple' – was openly acknowledged in August 1664 as the reason for failing to attend church; but it may well have lain at the root of many other

**Table 3: Prosecutions of 'Putative' Dissenters and Recusants
Winchester Archdeaconsy**

	Church Attendance	Guilt	Not Receiving Communion	Guilt	Baptismal Irregularities	Guilt	Withholding Church Rate	Guilt	Withholding Tithes	Guilt
1663-64	107	67	26	18	5	2	1	0	0	0
1664-65	77	45	22	19	3	3	4	0	0	0
1665-66	0	0	0	0	0	0	0	0	0	0

cases.²⁸ In the Surrey counterpart of the Winchester consistory court, meanwhile, a group of 18 people were summoned for failing to attend church on one occasion in 1664 and, together with several other similar cases, the total for this kind of offence in Michaelmas term was 27 but the results of these prosecutions are unknown.²⁹ In all these cases, however, determinants of a more secular kind could just as easily have applied: laziness (over attendance and communion), ignorance (about baptismal regulations), meanness and hardship (over rates and tithes).

A census, produced by Morley and his officials, supplies figures and, in so far as they are to be believed, there were in 1669 7500 'outsiders'.³⁰ The numbers of definite religious cases in court – three in 1664-65, for example – are therefore dwarfed, not only by churchwardens' presentments but also by the total known numbers of recusants and dissenters in the diocese. There was, then, a considerable disparity, again, between Morley's national stance – abandoning rapprochement, enforcing repression – and activity (or lack of it) in his diocese. Possible explanations for this will be considered later in this analysis.

²⁸ HRO, C1/37, 31/8/1664.

²⁹ LMA, DW/VB1, ff.64, 65, 67, 87v, 98, 101, 101v.

³⁰ I have used 'outsider' to mean anyone (accused of) professing a religion other than the Church of England; contemporaneous documents do not provide definitions and it is interesting to note that Morley uses 'dissenter' to cover Catholics as well as Protestants.

III The National Stage

1673–75

Church unity came to the fore – for the last time in Morley's case – in the 1670s. Charles II announced a Declaration of Indulgence in February 1672, suspending enforcement of the penal statutes and allowing freedom of conscience to Protestant dissenters and Catholic recusants alike, together with licensed public worship for the Protestants.³¹ The Declaration destroyed the relative calm of the preceding four years and provoked an outcry when Parliament assembled in February 1673, climaxing in rejection of the Declaration by the Commons and its subsequent retraction by the king.³²

Parliament proceeded to pass the first Test Act, excluding Catholics from public office, and to consider bills to comprehend or to tolerate Protestant dissenters.³³ It is difficult to be certain, amid the swirl and commotion of events and the haphazard survival of documents, but up to five bills,³⁴ possibly three for toleration and, more certainly, two for comprehension, made their appearance between 1673 and 1675.³⁵ Morley was certainly hostile to the first two toleration bills and the first comprehension bill, all of 1673, and may even have been responsible – the view of Richard Baxter – for the death of the comprehension bill.³⁶ He subsequently introduced to the House of Lords in February 1674, however, a bill – 'moved by the Bishop of Winchester' – in which he

31 *English Historical Documents*, p. 387.

32 Cobbett, *Parliamentary History*, IV, col. 517–26, 561.

33 25 CII c.2. These proposals – in 'a Bill for Ease of his majesty's Protestant subjects who are Dissenters' – could have been, as presented by Cobbett and as debated in the chamber, toleration or comprehension – and, together with the Test Bill, were discussed in the House of Commons 2/3 1673 (Cobbett, *Parliamentary History*, IV, col. 535–75; 561–64 respectively).

34 Bodleian, Tanner 43, ff.189, 190, 191–94, Tanner 44, f. 249; Baxter, *Reliquiae*, part 3, pp. 109, 110, 140; *Ninth Report of the Royal Commission on Historical Manuscripts*, (London, 1883–84), pp. 44, 68; Cobbett, *Parliamentary History*, IV, col. 535, 789; *Journal of the House of Lords*, XII, pp. 643–44.

35 Much confusion surrounds the documents: e.g. one toleration bill or two in 1673 as they overlap but have different details (Bodleian, Tanner 43, ff.189, 191–94); ambivalence in bills – whether they are about toleration or comprehension – (Cobbett, *Parliamentary History*, IV, col. 535); dates of bills are imprecise (Tanner 43, ff. 189, 191), missing (Tanner 44, f. 249; Baxter, *Reliquiae*, part 3, p. 140), or wrong (comprehension bill '1672' 'misdated by Sancroft' for '1674' according to John Spurr, 'Church of England: Comprehension and the Toleration Act of 1689', *English Historical Review*, 104 (1989), 936 but possibly an old style '1672' which, if converted to new style, would be '1673' and which could mark the start of the bill?).

36 Bodleian, Tanner 42, f. 7; Baxter, *Reliquiae*, part 3, p. 140.

sought to establish a form of comprehension. Baxter's bill – one of the comprehension bills – with its acceptance of Presbyterian orders for the united ministry and optionality over ceremonies and vestments, had proved too radical for Morley. His bill would have removed the requirement on incumbents to renounce the Solemn League and Covenant of 1643 between Parliament and the Presbyterian Scots which many clergy had signed in the 1640s.³⁷ It would also, more surprisingly, have removed the requirement on incumbents to give 'assent and consent' to the prayer book.

Debates – what was actually said – in Parliament and the Privy Council which would have illuminated much more fully the views of Morley and his fellow bishops are missing from the crucial documents.³⁸ Sheldon certainly resumed marshalling bishops and arranging votes in the Lords just when the Declaration of Indulgence, the Test Bill, and the comprehension and toleration bills were to be considered. His letters of 1672–73 survive, urging attendance by bishops in Convocation and Parliament 'at so criticall a time'.³⁹ Morley, however, never appeared in the Lords in February or March 1673 when the Test and one of the Comprehension bills were progressing through the Lords; Sheldon himself was not always there; 14 bishops – not 21, as claimed by Simon – were present at the second reading of the Test bill – facts which may explain Sheldon's anxiety about attendance but which must, at the same time, cast doubt on the effectiveness of his control and discipline.⁴⁰ One contemporaneous commentator considered the majority of bishops were for enforcement of the penal statutes against 'papists' and (presumably Protestant) 'Phanatics' alike but, if so, they were not very active and, on this showing, at least, Simon may be right to say that many bishops were reluctant to take part in politics.⁴¹

After the failure of Morley's bill – it drifts out of sight – there were yet more contacts in 1674–75 between the two sides. Morley encouraged John Tillotson and Edward Stillingfleet (then dean of Canterbury and

37 A proposal less radical than it looks since the requirement (in the Act of Uniformity) was due for repeal in 1682.

38 Morley was sworn in as a Privy Councillor in July 1675, excluded April 1679, TNA, PC2/64, p. 468, PC2/68, p. 1.

39 BL, Harleian 7377, ff. 39, 39v, 48v, 49v. See also V.D. Sutch, *Gilbert Sheldon: Architect of Anglican Survival 1640–1675* (The Hague, 1973), p. 135.

40 *Journal of the House of Lords*, XII, pp. 553–85 for both bills and for episcopal attendance; Simon claims that 21 bishops attended the Test Bill's second reading and that Morley was a 'principal speaker' but gives no source (Simon, *Restoration Episcopate*, pp. 83, 84).

41 Bodleian, MS 72, f. 253; Simon, *Restoration Episcopate*, p. 75.

prebendary of St Paul's respectively) to hold discussions with Baxter. Baxter had high hopes of Tillotson and Stillingfleet and had written as early as December 1673 that, if discussion could be confined to the Presbyterians and those latter two Anglicans, they would have reached agreement 'in a Week's time'.⁴² By 1674, he was writing that there was 'none so forward' – showing eagerness for comprehension – as Morley and Ward, none more sincere than Tillotson and Stillingfleet.⁴³ More letters from Sheldon to bishops about attendance at Parliament survive for 1675 but their tantalising phrases – for example, 'there is more than ordinary occasion for your Lordships attendance' and 'Religion ... shall have the priority' – do not tell us what the business was or what view Sheldon was taking.⁴⁴ In the end, however, another initiative was to lead nowhere and the whole thing died down after Buckingham's toleration bill – the fifth of this group of bills – had failed by November 1675.

Politics underwent yet more upheaval with the outburst of the Popish Plot and Exclusion in the late 1670s which triggered further attempts to make common cause with the Protestant dissenters against Catholicism.⁴⁵ Morley was, by this time, too old, sick, and blind to take his seat in the Lords⁴⁶ and join the fight.

IV Morley in his Diocese

1670s

Whereas there had been an explosion of charges against dissenters of one kind or another at the Restoration, churchwardens' presentments of 1673 subsided to 380 or so by the early 1670s (Table 4). These again largely relate to single presentments and the terms continue to be undefined apart from prefacing 'recusant' with 'papist'.

There is, still, a disjunction between presentments and court activity (Table 5). No one appears to have been charged with a specific religious offence in the consistory court during 1671–75 and it was not until 1675–76 that two sectaries and one recusant were charged, though guilt – or innocence – was not established. A further four cases between 1674 and 1676 concerned 'conformity', but whether of a

42 *Calendar of the Correspondence of Richard Baxter*, edited by N.H. Keeble and G.F. Nuttall (Oxford, 1991) [hereafter *Correspondence of Baxter*], item 937.

43 Baxter, *Reliquiae*, part 3, p. 156.

44 BL, Harleian 7377, f. 58.

45 See H. Horwitz, 'Protestant Reconciliation in the Exclusion Crisis', *JEH* 15 (1964), 201–17.

46 *Journal of the House of Lords*, XIII, *passim*.

Table 4: Churchwardens' Presentments from the Winchester Archdeaconry

	Sectary	Quaker	Anabaptist	Recusant	Total
1673	50	27	28	277	382

Sources: HRO B1/37 (1664); B1/41 (1673?)

Protestant or a Catholic nature is not made clear; and two of them were found guilty. The session of 1680–81 proves more interesting: numbers charged – 23 – were somewhat higher; seven out of the eight charged over ‘conformity’ were found guilty, including one clergyman in post, Timothy Goodaker, curate of Timsbury; 15 were charged with recusancy, a case which distorts the total numbers as they all came from one household – of Lord and Lady Tichborne – and which dragged on until the guilt of some of them was established finally more than eighteen months later in 1683.

Rejection of the Church of England, Protestant or Catholic, may have lain, as in the 1660s, behind charges of failure to attend church or to receive communion. One was the not so ‘putative’ minister, Samuel Sprint, expelled from South Tidworth in 1662 and arraigned in July 1675 for failing to communicate.⁴⁷ Some, such as Elizabeth Vinyon, who blamed gout for her attendance and communion offences in July 1681, offered ‘secular’ but, no doubt, genuine, excuses.⁴⁸ John Barkham, found guilty of baptism irregularities in March 1675, blamed his wife for a misunderstanding about the need for godparents – more dubious and, shifting blame apart, it may have hidden religious objections to baptism according to Anglican rites.⁴⁹ No one advanced the word ‘scruple’, as Thomas Merrey had openly done in 1664, but it may well have lain at the root of some of these cases.

It is possible to gain some perspective about the numbers of victims in the 1670s. In 1662, 54 clergymen had been ejected from their livings but with Charles II’s ‘amnesty’ of 1672 licences were issued, allowing Protestant dissenting ministers to preach and conduct services, and 48 dissenting ministers are known to have been licensed in the diocese of Winchester. All were ejectees between 1660 and 1662, three fifths of them (29 out of the 48) originally from parishes in the Winchester

47 HRO, C1/44, 8/7/1675.

48 HRO, C1/45, 29/7/1681, ‘ob infirmitatem et incapacitatem...continuo laborentem tam Chicagra (gout) quam podagra (gout!) et aliis infirmitatibus’.

49 HRO, C1/44, 26/3/1675.

Table 5: Prosecutions for Religious Deviation in the Consistory Court: Archdeaconry of Winchester (Hampshire and Isle of Wight)

	Sectary	Guilt	Quaker /'Hat'	Guilt	Recusant	Guilt	Non-Conformist	Guilt
1671-72	0	0	0	0	0	0	0	0
1672-73	0	0	0	0	0	0	0	0
1673-74	0	0	0	0	0	0	0	0
1674-75	0	0	0	0	0	0	2	0
1675-76	2	0	0	0	1	0	2	2
1680-81	0	0	0	0	15	0	8	7

Sources: HRO, C1/43 (1671-72); C1/44 (1673-76); C1/45 (1680-81).

Table 6: Prosecutions of 'Putative' Dissenters and Recusants: Winchester Archdeaconry*

	Church Attendance	Guilt	Not Receiving Communion	Guilt	Baptismal Irregularities	Guilt	Withholding ChurchRate	Guilt	Withholding Tithes	Guilt
1671-72	7	6	1	1	0	0	1	1	0	0
1672-73	0	0	0	0	0	0	0	0	0	0
1673-74	10	9	10	9	0	0	2	1	0	0
1674-75	7	5	5	4	2	2	0	0	0	0
1675-76	1	0	6	6	0	0	1	0	1	0
1680-81	22	5	22	3	0	0	0	0	0	0

* There are some significant discrepancies in this table between people and charges: in particular, 1673-74 22 charges, 12 people; 1674-75 14 charges, 10 people; 1680-81 44 charges, 22 people.

diocese.⁵⁰ Samuel Sprint was the sole dissenting expelled minister brought before the court in the 1670s.

⁵⁰ *Original Records of Early Non-Conformity under Persecution and Indulgence*, edited by G. Lyon Turner, 3 vols (London, 1911-14), III, pp. 627-1018.

Table 7: Proportions of Religious Groups in the Diocese of Winchester 1676

'Inhabitants' i.e. adults	150937
'Conformists' i.e. Church England	142065
'Dissenters' i.e. Catholic and Protestant	8872
'Popish Recusants' i.e. Catholics	968
'Separatists' i.e. Protestants	7904

Sources: LPL, MS 639, f.270r; BL, Egerton MS 3329, f.121r.

Overall numbers, whether facing a direct or the more 'putative' charge or presentment, can also be put into perspective, this time by the Compton Census of 1676, behind which was Sheldon and to which Morley contributed. Adults outside the Church numbered around 9000, of whom just under one thousand were Catholic recusants, and just under 8000 were Protestant dissenters.⁵¹ Numbers of five (1675–76), or even 23 (1680–81) prosecutions form minute proportions of the 9000 and become infinitesimal if Morley underestimated the figures, deliberately or otherwise, and the total numbers of dissenters were higher. Anne Whiteman calculates the adult population of Hampshire and Surrey (the diocese of Winchester) to have been about 150,000, of Hampshire alone (the archdeaconry of Winchester) 68,000 and, on this basis, prosecutions shrink nearly to vanishing point.⁵²

V The Diocesan Stage: The Interplay of National and Diocesan Developments

Recording prosecutions is relatively easy, explaining the numbers and interpreting Morley's policies rather more difficult. Their minuteness may be explained by exploring the links between Morley's national and diocesan activities but it should be said at once that there is very little hard evidence, speculation is necessary, and several other factors which have little to do with this interplay may also explain the small numbers of prosecutions.

The 'specimen' years of court prosecutions – 1663–66, 1671–76, and 1680–81 – were chosen to try to establish links between national and

51 Ibid., I, pp.136–47 (1669); Lambeth Palace Library, MS 639, f. 270; BL, Egerton MS, 3329, f. 121 (both for 1676).

52 A. Whiteman, *The Compton Census of 1676: A Critical Edition* (Oxford, 1986), pp. xcvi, 72–74, 96.

diocesan activity. The huge lists of presentments and the higher numbers (than in other sample years) of 'religious' prosecutions in 1663–65, if both 'specific' and 'putative' cases are added together, may reflect Morley's hardening attitude to Quakers and 'murderers'. There are staggering disjunctions, nonetheless, between this hostility to dissent, whether Morley's in the Lords or churchwardens' in the diocese, and the minute numbers of specific prosecutions in the consistory court. Did Morley generate synthetic rage at Westminster while really sympathising with the dissenters? Alternatively, did Morley the peacemaker intervene, as with his treatment of unhappy incumbents in 1662, to minimise trouble within his own diocese when he saw the scale of the problem? Or were 'local' factors, such as transfers to archdeacons' and magistrates' courts or the declining powers of the consistory court decisive?

The early 1670s was the time of the Charles's Declaration of Indulgence and Morley's Comprehension Bill and the subsequent contacts of Anglicans and Presbyterians. There were no prosecutions either of specific sects or of the more 'putative' kind at all in the years 1672–73 and 1673–74, and only two specific and 14 'putative' prosecutions in the year 1674–75. The penal statutes against recusants and dissenters lay in abeyance during the year 1672–73, ruling out all prosecutions at that time; and Morley's attempts to establish a form of comprehension in 1674–75, whatever their limitations and whatever their sincerity, presumably rendered prosecutions in his diocese too glaring an inconsistency.

The minute numbers of prosecutions continued into 1676 and the time of the Compton Census. Bishops like Sheldon and Morley entertained suspicions that the king aimed, by the subterfuge of 'indulging' all 'outsiders', to secure freedom for Catholics on the grounds – or excuse – that this would prevent rebellion. The bishops appear to have set out to deal with the matter as 'even-handedly' as the king's Indulgence, though in the opposite direction, by suppressing all dissidence, and to show that, because of small numbers, there was no risk of rebellion. Their prime target was Catholicism but their overtures, through Tillotson and Stillingfleet to Baxter and the Presbyterians, had failed by 1676 and, if preventing Catholicism meant suppressing Protestant dissenters as well, they appeared ready to do so. Archbishop Sheldon's letter in January 1676 with instructions about the census to the bishops of the southern province is, according to Anne Whiteman, 'remarkably straightforward'.⁵³ Another surviving

53 BL, Harleian MS 7377, f. 61; Whiteman, *Compton Census*, p.xxviii.

version has additional paragraphs, however, and, concluding 'the just numbers of dissenters being known ... their suppression will be a work very practical', suggests the aim was suppression.⁵⁴ Sheldon's letter with parallel instructions for the northern province, concluding 'if your Grace ... shall returne any reasonable account ... I shall improve it to the best advantage I can', appears to take a step towards manipulation of the figures, though Anne Whiteman insists again on an innocent interpretation.⁵⁵ While a letter from Morley in June 1676, to Lord Treasurer Danby, clearly refers to Charles II's reluctance to suppress 'Conventicles' and proceeds to 'hope the King...' will note the smaller numbers of dissenters and see 'there is neither danger in attempting nor ... difficulty in effecting this great work' (protecting the integrity of the Church of England).⁵⁶ Anne Whiteman pins the policy (suppression of 'dissenters', Catholic and Protestant) and the strategy (minimising their numbers to show there was no risk of rebellion) on Danby rather than on the bishops.⁵⁷ By 1676, however, Morley's attempts to come to terms with the dissenters had failed and a 'straightforward' reading of surviving episcopal correspondence would strongly imply episcopal collusion with Danby against outsiders (Catholic and Protestant). Both policy and strategy were therefore probably as much Sheldon's and Morley's as Danby's and there is likely to have been bias towards minimising the figures to encourage suppression. The low level of prosecutions in the consistory court – for example, five specific, nine putative – in 1675–76 would be of a piece with all this.

1680–81, at the height of the Popish Plot and Exclusion, saw Protestant bills in the third and fourth Parliaments of the reign and there was a noticeable rise in prosecutions of Catholics – 15 – that year in the consistory court, together with nine others charged with (non?)conformity and 44 with the more putative offences to do with church attendance and communion. Even these figures are minute in comparison with 'popish', 'dissenter', or total population numbers. It looks as if enforcement of the Clarendon Code and the fight against Catholics continued. Morley was, by this time, old, ill, and largely

54 Bodleian, Tanner 282, f. 66v.

55 BL, Harleian MS 7737, f. 62; Whiteman, *Compton Census*, p. xxix.

56 BL, Egerton MS 3329, f. 119; *Eleventh Report of the Royal Commission on Historical Manuscripts* (London, 1888), part VII, p. 14.

57 Whiteman, *Compton Census*, p. xxiv. Thomas takes a contrary view of Sheldon, admittedly in 1669, that Sheldon conducted the census of that year to impress on Parliament, by exhibiting a large numbers of dissenters, the need for another Conventicle Act (Thomas, 'Comprehension and Indulgence', p. 216).

out of the fight though decrepitude did not apparently prevent an attempt, the year before his death, to regulate the French Church at Wandsworth.⁵⁸

The stress so far in this investigation has been on the impact of national politics on diocesan activity. The impact of the diocese on Morley's national activity is just as likely. The small numbers of prosecutions may have encouraged him to think there were only a few really 'hard', irreconcilable, cases, but whether that took him nationally in the direction of the conciliation of 1674–75 or the resistance and suppression of the 1660s, the later 1670s, and the early 1680s is, for want of evidence, too difficult to say.

A quite different consideration is the extent of Morley's oversight of the diocese and, more particularly, the consistory court. Morley's supervision was good – far better than his predecessors, even Lancelot Andrewes, concerning involvement in visitations, for example – but he appears never to have sat in *ex officio* cases between 1663 and 1684, like Seth Ward of Exeter and Salisbury but unlike William Peirs of Wells in the 1630s and Edward Stillingfleet of Worcester in the 1690s. He relied instead on his official principals, first Mondeford Bramston, then Charles Morley, the latter a kinsman of doubtful quality, and they both usually delegated to deputies. How much direction Morley gave them and how much latitude he allowed must be left to speculation.⁵⁹

Another explanation may lie in the existence of 'alternative' procedures. There was always the possibility of 'counselling' or mediation by the parish priest which has left no archival trace. In addition to the episcopal court, the two archdeacons, of Surrey and Winchester, each had a court. Their records are missing, again precluding analysis, but they could well have dealt with a proportion of dissenter prosecutions. The secular courts – magistrates, assizes, and quarter sessions – also administered justice in these areas. Church attendance could fall under the penal statutes, for example, the Clarendon Code of the 1660s, enforceable by the secular courts, or under canon law, especially

58 R. Gwynn, 'Strains of Worship: the Huguenots and Non-Conformity' in D.J.B. Trim (ed.), *The Huguenots: History and Memory in Transnational Context* (Leiden, 2011), p. 139.

59 A. Thomson, 'Restorer or Reformer: George Morley's Spiritual Jurisdiction over the Diocese of Winchester 1662–1684', *Southern History* 34 (2012), 85–91; A. Whiteman, 'Episcopate of Seth Ward Bishop of Exeter 1660–1667 and Salisbury 1667–1689', unpublished D.Phil. thesis, University of Oxford (1951), pp. 170, 179; Somerset Heritage and Library Services, D/D/ca/315, ff. 104, 154; Worcester Record Office, 807.093 2724 ii.

the code of 1604. Results from Andrew Coleby's study of the secular courts of Hampshire look, at first glance, very much like those from the consistory court: 20 Quakers here, 5 non-conformist ministers there, though 376, mainly Protestant dissenters, at assizes in 1684.⁶⁰ Many actions in the secular courts, including arrests, indictments, and presentments, fell short of conviction, moreover, while activity was overall 'spasmodic' between 1660 and 1689 – something which Morley himself on at least one occasion commented upon.⁶¹ Coleby's study is, on the other hand, also hampered by missing records: his figures apply, in the main, to individual boroughs and are seldom 'county-wide' (the Winchester consistory court covered the whole of Hampshire), thus probably reflecting only fractions of secular prosecutions. Parallel archidiaconal and secular courts could well explain much lower numbers in the Winchester and Surrey episcopal consistory courts, if more comprehensive information about their operations had survived. The episcopal authorities may have referred cases to these other courts but there is no (surviving) evidence for this and it is difficult to see why episcopal officials, hardly overwhelmed by co-operative offenders coming to court and anxious to pay fees, would have been willing to do so.

Dysfunctionality of the consistory court is a much more profound reason for its failure to pursue dissenters and recusants. The most striking feature about the proceedings of the court in the Winchester diocese is its ineffectiveness. The court sat, somewhat erratically, through the law terms in the cathedral and surviving books show long lists of accused people and give an impression of action and control. It is clear, however, from an examination of surviving books that many were summoned but few appeared; and the operation of the court was marked by massive absence, cases adjourned, and sessions deferred to later dates. To take Trinity term 1674: there were three sessions, long lists of causes and people, but no attendance and therefore no progress.⁶² Morley was engaged, at that time (1674–75), in conciliatory activity towards Protestant dissenters, in the wake of the Declaration of Indulgence, and this may explain missing action by the court; but surely not ten years earlier. Hundreds of people were summoned to the three plenary sessions in Michaelmas term 1665, when Morley was in full tilt against dissenters and recusants in the House of Lords, but

60 A. Coleby, *Central Government and the Localities: Hampshire 1649–1689* (Cambridge, 1987), especially pp. 4–5, 134, 136, 137, 138, 201.

61 Bodleian, Tanner 42, f. 7.

62 HRO, C1/44: 18/6/1674; 2/7/1674; 16/7/1674.

no accused arrived.⁶³ There was nothing new about absence: analysis of the court book of 1623, for example, shows that two thirds of the summoned failed to arrive.⁶⁴ Attendance problems only grew worse and the court seems to have been in terminal decay, at least with its *ex officio* business, in the Restoration, summoning suspects but unable to enforce attendance or make any progress with prosecutions.⁶⁵ The chamber must in fact have resembled an empty vessel most of the time with a few officers – the judge (usually a deputy of the ‘real’ official), a notary public (scribe), and an apparitor (messenger) – on ‘the bridge’ but a vessel otherwise without ‘passengers’.

The practical importance of this – apart from exposing lack of episcopal control – is procedural: that the clerks did not record actual charges unless the accused appeared in court so there could have been many more prosecutions concerning religion – court action much more vigorous and numbers much higher – than the books show. This is sometimes counter-balanced, however, by many people who faced more than one charge, ‘double-charging’. Most strikingly, in 1680–81, the 22 people accused of attendance offences were the same people accused of communion neglect which reduces the total numbers of people involved by half.

Little has been said about ‘class’ so far in this analysis of prosecutions for religious divergence. There is, again, very little information, for which the clerks, with their terse notes, may be to blame but, nonetheless, in an age of deference, a surprising omission and it is more likely that the people summoned had no class or, at least, none in the eyes of the court, worth recording. Members of the gentry or peerage make rare appearances for religious offences before the courts. Three of the gentry and their wives were summoned to Winchester in the spring of 1664; the Tichbornes are the only members of the peerage found in any samples.⁶⁶ Their case, involving apparently the whole household, may be indicative of contemporary attitudes to class or rank. The case, begun in July 1681, dragged on through the court

63 HRO, C1/39: 5/10/1665 (156 people summoned); 26/10/1665 (146); 20/12/1665 (105).

64 HRO, C1/35.

65 For reasons for decline see e.g. A. Thomson, ‘The Diocese of Winchester Before and After the English Civil Wars: A Study of the Character and Performance of its Clergy’, unpublished PhD thesis, University of London (2004), pp. 290–92; A. Thomson, ‘Church Discipline: the Operation of the Winchester consistory Court in the Seventeenth Century’, *History* 91 (2006), 358–59.

66 Three ‘gents’ and their wives were summoned for religious offences 27/2/1664, 10/3/1664, 13/5/1664 (HRO, C1/37).

with 'nice' distinctions all the way for twenty months and involved the lord and lady and some or all (varying in numbers from session to session) of their household. Three were excommunicated at one point but Lord and Lady Tichborne were spared. Next Lady Tichborne was excommunicated. The case against Lord Tichborne was adjourned and adjourned until at last in March 1683 he suffered forfeiture of his £10 surety and was excommunicated.⁶⁷

The treatment of the Tichbornes may reflect, whether cravenly or sensibly, a reluctance to challenge or upset the powerful. Morley may, in his diocese, have sought to extend mercy towards Protestant dissenters, at least, while pursuing a national policy of conciliation in the mid-1670s; otherwise, before and after, in the 1660s and 1680s, the bulk of business probably went to the secular courts and he seems to have been defeated by his own moribund ecclesiastical legal machinery.

VI Conclusion

It remains to assess Morley's attitude or position towards settlement of religious divisions in light of parliamentary and diocesan activity. His commitment to the Church of England – its canons and articles – is not in doubt and fears of schism were a recurrent theme.⁶⁸ Norman Sykes and John Spurr, trusting more to non-conformists such as Baxter and Morrice, see him as unbending in his commitment to uniformity; and duplicitous in his dealings with Protestant dissenters.⁶⁹ Boshier, on the other hand, records Baxter's 'biased conjectures'.⁷⁰ Both Baxter and Morrice had been expelled from livings in the early 1660s, Baxter at the hands of Morley, then bishop of Worcester, and he had subsequently suffered imprisonment for conducting a conventicle. Baxter had a long memory as well, still griping and grouching, in his correspondence, about events of 18 and 20 years before. All this, moreover, in spite of the

67 HRO, C1/45, 29/7/1681–9/3/1683.

68 Bodleian, Tanner 42, f. 7, Carte MS 80, ff. 758–59; Baxter, *Reliquiae*, part 3, p. 128.

69 Baxter dwells on Morley's 'snares' and 'vehemence'. Baxter, *Reliquiae*, part 2, pp. 337, 343, 363, part 3, p. 101, 109, 140; *The Entering Book of Roger Morrice, 1677–1691*, edited by Mark Goldie et al., 7 vols (Woodbridge, 2007), IV, Q176, p. 134; Sykes, *Sheldon to Secker*, p. 79; Spurr, 'Church of England', 936; Spurr 'George Morley'.

70 Boshier, *Restoration Settlement*, p. 227.

initial generosity shown to him by the crown, appointing him a royal chaplain and offering him a bishopric, in 1660.⁷¹

It must be said, in Morley's favour, first, that evidence of his thinking, still more of his motives, is sparse: usually letters in odd years which reveal nothing of his views before or after. He was operating, moreover, against a background of upheaval: fifteen years in exile; decades of revolts and conspiracies; a king with an ambivalent attitude to the national Church; and opposing religious convictions which were sharp and deep.⁷² His personal dread of upheaval was strong, as shown by his speech on the Five Mile Bill. He was by the 1660s a staunch Anglican of the surplice and the prayer book. He was against toleration and would therefore have sought suppression of extremes, Catholic or Protestant; but he may still have had, in light of his youthful Calvinist inclinations, some sympathy for the plight of the more moderate Protestant dissenters, if not for Catholic recusants. He once wrote 'I am no more a Presbyterian than I am a Popish B(isho)p, tho' I have been said to be both the one and the other and indeed as much one as the other'.⁷³

He may therefore have sought rapprochement with the Protestant dissenters in the early 1660s and mid 1670s – his version of comprehension. It is true he uttered apparently damning comments about comprehension more than once. He wrote to Sheldon in April 1673 of his strong opposition to 'that which they call a Comprehension'; in another to the earl of Anglesey in July 1672 that the solution was 'not a comprehension'. The first letter does not rule out all – just some – schemes for comprehension, however, while the second proceeds to mention the possibility of 'a Coalition or Incorporation' of the Presbyterians.⁷⁴ His was evidently a comprehension with severe limits; no surrender on ceremonies or episcopal ordination but a willingness, as shown in his bill, to consider relaxation of earlier requirements and even of 'assent and consent' to the Book of Common Prayer. This can, of course, be seen as a trap or 'snare', as Baxter certainly did more than once, but it may have been the best offer Morley wished to make, or could make, amidst so many contending parties and in such diverse circumstances. There does not seem, moreover, to have been much

71 *Calamy Revised*; Baxter, *Reliquiae*, part 2, pp. 229, 281, 298, 375, part 3, p. 49; *Correspondence of Baxter*, item 687, 1034, 1093.

72 Spurr, 'George Morley'; Pepys, *Diary*, III, p. 165, IX, p. 96; R. Beddard, 'Restoration Church', especially p. 171.

73 Bodleian, Tanner 43, f. 33.

74 Bodleian, Tanner 42, f. 7, MS 96, ff. 446v–47v.

persecution of dissenters in his own diocesan courts. If not a Croft, still less a Tillotson or a Stillingfleet, he may not have been a Sheldon or a Wren either; and if Morley failed, so did all the others.⁷⁵

75 For Croft, see Bodleian, Tanner 42, f. 7; for Stillingfleet and Tillotson, see Baxter, *Reliquiae*, part 3, p. 156, *Correspondence of Baxter*, items 803, 937, 968; Sykes, *Sheldon to Secker*, p. 80. For Sheldon see Bodleian, MS 80, ff. 757–59v; BL, Add. MS 7377, f. 55v; Robbins, 'Oxford Session', p. 221, Beddard, 'Restoration Church', pp. 170–71. For Wren, see e.g. Boshier, *Restoration Settlement*, pp. 155, 244–45; Ratcliffe, 'Savoy Conference', p. 130; Nicholas W.S. Cranfield, 'Wren, Matthew (1585–1667)', Matthew and Harrison (eds), *Oxford Dictionary of National Biography*, <http://www.oxforddnb.com/view/article/30021>.