The Worcester House Declaration and the Restoration of the Church of England

Abstract

This article examines the Worcester House Declaration, arguably the most serious attempt at comprehension in the Church of England since the Reformation. It describes the negotiations from the Reliquiae of Richard Baxter and from an hitherto unpublished letter of Bishop Morley which centres on the proposal of conditional ordination, which would have been unacceptable to many Presbyterians. It compares the final Declaration with the original draft, demonstrating how far the king was prepared to go to meet historic Puritan demands and to incorporate the proposals made at the time by such moderate Anglicans as Gauden and Stillingfleet. It details the abortive Puritan attempt to pass the Declaration through the Commons, and assesses its status in the context of the royal prerogative.

'The Restoration should have seen the emergence of a new form of church government', writes Dr. I. M. Green in his study of the re-establishment of the Church of England. The Worcester House Declaration of 25 October 1660 was the nearest approach during the Restoration to 'a new form of church government' and its failure in November to gain a second reading in the Commons was rightly described by R. S. Bosher as 'undoubtedly the crucial moment in the history of the church settlement'. The abortive Declaration left memories and unfulfilled hopes in the minds of non-conformists for the rest of the century. In November 1667 Lord Keeper Bridgeman, attempting to revive negotiations for union between the established church and the Presbyterian leaders, sent for Thomas Manton and

---

1 I must especially thank Professor W.M. Lamont for his unstinting help and encouragement in the preparation of this article. Dr. Mark Goldie, Dr. Paul Seaward and Dr. Alan Ford have most kindly read a draft of the article and made constructive comments: I am very grateful to them. The bulk of the work for the piece was done in Dr. Williams's Library, London: once again I have to express my gratitude to the staff for their unfailing helpfulness. A longer version of this article is lodged at Dr. Williams's Library.


asked to be told what their ‘terms’ might be. Manton, in concert with Richard Baxter, responded verbally under three heads. First, Archbishop James Ussher’s Reduction as the model of primitive episcopacy; second, ‘what would satisfy most if not all and that was His Majesty’s first Declaration in Ecclesiastical Affairs with some little alteration of circumstances to suit it to the present condition’; and third, the withdrawal of the detailed subscriptions required by the Act of Uniformity. Bridgeman seemed to think this would be viable basis for negotiation, but, as so often in these post-Restoration years, nothing came of it. Many years later writing in 1689 under the shadow of death Baxter spoke of the ‘healing, gracious Declaration’ which he ‘thankfully accepted’.4

This article will examine in detail the negotiations for the Declaration and its final terms, something which has not been done before, no doubt because of their abortive nature, but something which provides clues to the king’s policy at the time. It will adduce new evidence—from the Anglican side, hitherto silent—on the content of the negotiations and the issue of Presbyterian orders; it will demonstrate how far the terms offered went to meet traditional Puritan objections; and it will briefly discuss the question of the royal prerogative in ecclesiastical affairs.

The Declaration of Breda was a flimsy foundation on which to rebuild the church which would be re-established with the restoration of the monarchy:

we do declare a liberty to tender consciences and that no man shall be disquieted or called in question for differences of opinion in matters of religion which do not disturb the peace of the Kingdom.

There was therefore all to play for, and it was the incumbent Presbyterian divines of the City who, on his entry to his capital on 29 May 1660, greeted the king on the steps of St. Paul’s. Not that the Presbyterians were any longer operating their full system: the meetings of the Fourth Classis—centred on Cornhill—of the Presbyterian Province of London had petered out in May 1659 and there is no evidence that the Presbyterian system was more lively in other parts of the city. It is not surprising, therefore, that as early as 27 March 1660 that shrewd—even cynical—observer James Sharp had been reporting to his bearleader in Edinburgh, Robert Douglas, ‘I am afraid that something else is likely to take place in the church than rigid presbytery’. By the summer of 1660, when the Presbyterian clergy met at Sion House to debate their strategy and could not decide whether to

petition for the continuation of the Presbyterian establishment, Sharp concluded: ‘from any observation I can make I can make I find the presbyterian cause wholly given up and lost’.5

During the summer of 1660 there were three main strands in the reordering of church affairs. First there was the re-establishment of cathedral chapters and the filling of vacant benefices. Second, in the Commons there was the Bill for Settling Ministers where unexpectedly the Puritan party in the House carried motions for arrangements in disputed benefices which were reasonably favourable to their supporters. This was probably because the ‘young men’ of the Court party, who were the Anglican supporters, had-absent themselves from parliament, either to the court or the country. Thirdly there was the series of meetings and negotiations, initiated by the king and leading up to the Worcester House Declaration of 25 October. These developments are the subject of widely different interpretations. For Bosher, with the exception of the set-back in the Commons, they represent ‘recapture of the establishment’ in a concerted campaign by the ‘Laudians’ which began before the king’s return. The leaders were, in the church, George Morley and in the government, the lord chancellor, Edward Hyde—both Laudians to Bosher. The king was less to the fore. Green is suspicious of the Laudian label (certainly a misnomer for Sheldon and his allies) and in any case regards Morley at this time as a ‘moderate’. For him, the king was the maker of policy, who ‘in the first twelve months after his return to England … did all that he could to bring about a compromise settlement of the church’.6 For Green the ultimate conservatism of the settlement arose, not so much from ‘Laudian’ generalship as from the innate conservatism in the church and in society. The close analysis of the Worcester House Declaration which follows will tend to support Green’s interpretation.

The chronology of the Worcester House negotiations is retailed by Richard Baxter in his Reliquiae. In mid June Baxter, with John Wallis, Manton and William Spurstowe, attended the king and Hyde. Baxter said it would be easy to proceed peaceably if three conditions were met: the basis of agreement should be confined to essentials—or ‘things necessary’—only; ‘the true exercise of Church Discipline against sin’—Baxter’s hallmark—should be practised; and no worthy ministers should be cast out. The king, very friendly, asked for these points to be reduced to written terms. This led to the meeting at Sion College where the City Presbyterian ministers were joined by Puritans of other persuasions and by ministers from outside London. This at once revealed the fatal and lasting flaw in the stance of the nonconformists—their lack of unity. Nevertheless Edmund Calamy and Edward Reynolds took the lead. Baxter had to agree to omit a full exposition


© Institute of Historical Research 1997.
of his own views on church discipline: ‘about discipline we designedly adhered to Bishop Ussher’s model’, to demonstrate that the aim was moderate episcopacy rather than presbytery, something which ‘pleased them [viz. the strict Presbyterians] not at all’. The ‘terms’ were reduced to five main heads: first, a general irenic statement of aims; second, the return of episcopacy, but reformed from its exercise in 1640 (i.e. smaller dioceses with no arbitrary episcopal rule and the clergy taking a greater part in governance); third, these reforms to be brought in as Ussher had recommended by the institution of ‘chorepiscopi’ in associations small enough to make local discipline possible; fourth, the Book of Common Prayer to be revised by a commission of ‘both persuasions indifferently chosen’; fifth, ceremonies (such as rituals which the Puritans found difficult) to be left as things indifferent. Baxter drew up another paper to be presented to the king, but this was rejected by his brethren as adding to Ussher: in fact, he had spelt out the system he wished to see in order to achieve the exercise of parochial discipline and the monthly synods of local associations of parishes. When the main paper was presented to the king on 11 July, with no Episcopalians present, Charles professed himself well pleased and opined that Ussher might not be all they wished but was the best they could hope for. In the event, the Episcopalian reply, when it came, was ‘a Paper of bitter Oppositions’. When he responded in writing Baxter got involved in the sort of detailed legalistic argument to which he was all too prone.7

Nevertheless the next move—on 4 September—was not a reply from the Episcopalians but a draft of a Declaration from the king, which Baxter regarded as a good sign as showing that the king, rather than the Episcopalian party, was holding the initiative in the negotiations. The Declaration started with a preamble citing the ‘over-passionate and turbulent way of Proceeding’ as making the calling of a synod impracticable and forcing the king ‘to give some determination ourself to the Matters in difference’. Hence his initiative in the current Declaration. The actual terms may best be considered when comparing the first version with that of 25 October. It was a start, but the ministers had to tell the lord chancellor that ‘it would not serve to heal our Differences’. They were told to put their objections in writing, and Baxter was deputed to the task. But when Calamy and Reynolds saw his draft ‘they were troubled at the plainness of it’, especially as Baxter had predicted ‘evils’ which would follow if the Church were not further reformed. The persuasive powers of the Puritan earls of Manchester and Anglesey and of Denzil Holles were invoked and Baxter reluctantly gave way, though he could not resist committing his proposals to his Reliquiae. They transcribed Ussher as a model for moderate and primitive episcopacy and objected that ‘in this Your Majesty’s Declaration Parish Discipline is not sufficiently granted us’. Questions of liturgy and ceremonies did not so much concern him, but he was worried that the king had not conceded that any reordination would be

‘subscriptural ordination’—the first time this topic had been mentioned and an indication, evidently, that it had been under discussion.\footnote{Ibid., ii. 259–74.}

Next Reynolds, Calamy and Baxter met Morley, Humphrey Henchman and John Cosin. These were now the two regular teams, though they could be added to on either side. It will be noted that the original nonconformist ministers who met at Sion College had been distilled to what was essentially a group of the Presbyterian City establishment with the addition of Baxter.\footnote{Those who were involved during the Worcester House negotiations were: William Bates, vicar of St. Dunstan-in-the-West; Thomas Manton, rector of St. Paul Covent Garden; William Spurstowe, rector of Hackney (the last two not strictly City parishes); Thomas Jacombe, rector of St. Martin Ludgate; Edmund Calamy, rector of St. Mary Aldermary; Simeon Ashe, rector of St. Augustine Watling Street; Edward Reynolds, vicar of St. Lawrence Jewry. All these had been appointed chaplains to the king, and all except Reynolds were ejected in 1662.}

Hyde was, said Baxter, ‘ungrateful’, and refused to forward their petition or Ussher’s model to the king. Instead once again they were instructed to make written proposals and told to include ‘nothing but what we judged of flat necessity’. They amplified the results of the appointment of suffragans and the importance of the advice of diocesan presbyters in ordination, ecclesiastical censure and ‘all acts of spiritual jurisdiction’. A local synod was to be elected annually and the sacrament of holy communion was to be protected through confirmation and the exclusion of notorious offenders.\footnote{Baxter, Reliquiae, pt. ii, pp. 274–5.}

There followed a meeting on 22 October at Worcester House, the lord chancellor’s home, with the king and various peers (who were on the whole of a Puritan persuasion) together with the episcopal representatives. Lord Chancellor Hyde was to read the draft Declaration and each side was to object if they wished. The king would ‘determine how it should be’. It can hardly be denied that this was a reasonable form of consultation, and in the event it was taken further. The discussion turned on the meaning of the ‘consent’ of the parish priest in the acts of confirmation, ordination and ecclesiastical censure. The king did not favour it because ‘it gave the Ministers a negative Voice’. Baxter responded that without this ‘consent’ the ministers were ‘only Teachers without any Participation, and the ruling of the People whose Rectors they are called’—a typical Baxter emphasis. His arguments were to no avail. On the question of reordination, Peter Gunning, on the episcopal side, said that no one had answered Henry Hammond on the invalidity of Presbyterian orders and Baxter countered that he had.\footnote{Hammond had written several works during the Commonwealth defending episcopacy as the system inaugurated directly by the apostles and—less convincingly—claiming that in the New Testament the word presbuteros was the equivalent of episcopos. He was answered by the London Presbyterian ministers and, for the Independents, by John Owen. Baxter’s contribution to a learned debate was his Five Disputations of Church Government and Worship (1659), emphasizing the crux of the validity of orders and insisting that episcopacy must be exercised in such a way as to make possible parochial discipline (The Works of . . . Henry Hammond, ed. William Fulman (4 vols., 1674), vols. i, ii and iv; J. W. Packer, The Transformation of Anglicanism . . . with special reference to Henry Hammond (Manchester, 1969), ch. v).}

Lastly Hyde produced a petition from the Independents and
Anabaptists. The king said he was considering an addition to the Declaration granting toleration to those who were ‘peaceable’. He asked the opinion of the meeting. ‘But all were silent’—Episcopalians as well as Presbyterians. Clearly they scented a Trojan horse whereby Roman Catholics too would benefit from toleration. Finally it was Baxter who voiced these fears, to which the king replied that there were measures enough against the Roman Catholics. At this point the meeting broke up, the king and Hyde having to leave to attend the confinement of the duchess of York, Hyde’s daughter. The king appointed Morley and Henchman, Reynolds and Calamy to prepare the final wording of the Declaration. If they disagreed the earl of Anglesey and Denzil Holles were to decide. The composition of this working party is significant: on the Episcopalian side Cosin was omitted and on the Presbyterian, Baxter. The moderates remained. Anglesey was reckoned a moderate and Holles a more pronounced Presbyterian. Above all, Hyde was not to be involved.\(^\text{12}\)

As Baxter left this meeting he was ‘dejected’. He recorded for posterity that if anyone were to say that ‘at the Restoration the Presbyterian Cause was pleaded’, they would be wrong: ‘to the best of my knowledge the Presbyterian Cause was never spoken for’, but only moderate or primitive Episcopacy. He, Calamy and Simeon Ashe had all concurred with Reynolds’s contention that ‘no form of Church-Government is determined of in the Word of God, but it is variable as occasion requireth’.

Baxter was, therefore, overjoyed when he read the final draft of the royal Declaration when it appeared in the streets. He wondered how this volte face had occurred but was ‘exceeding glad of it, as perceiving that now the Terms were (though not such as we desired, yet) such as any sober honest Ministers might submit to’. He told Hyde how pleased he was and that if the liturgy were altered as promised and the whole passed into law he would do all he could to gain consent to it. Indeed some days later he recommended the Declaration at a meeting of the London Presbyterians. It was at this stage that offers of bishoprics were made to Baxter and other leading Presbyterians. But with the exception of Reynolds they all held their hand, until the Declaration became law. Calamy’s position was probably typical. According to his grandson he could have had Coventry and Lichfield but ‘he could not be satisfied to conform unless the healing Declaration which the king then published, that was so much applauded, might be allowed to pass into law’. In fact, the Presbyterians were already beginning to question ‘whether it were but a temporary means to draw us on till we came up to all the Diocesans desired’. This raises the probably insoluble question of the good faith of the king and the Episcopalians in the Declaration, which Baxter later came to doubt. Meanwhile he pinned a lot of hope on a speedy move to the promised liturgical discussions, which should put the seal on the terms for comprehension. But it is clear, especially from many unpublished papers in his Treatises,

---

that he could have accepted a bishopric only if the Declaration was implemented, although he gave Hyde a list of alternative names. Without smaller dioceses in which ecclesiastical discipline could be administered at a local level, he believed that episcopacy as it existed in vast dioceses such as Lincoln was *ipso facto* invalid: ‘my judgement was fully resolved against the lawfulness of the old diocesan frame’.

Allowing for the fact that participants in meetings invariably remember their own contributions to the discussions more than those of their colleagues—a human failing from which Baxter was certainly not exempt—his record of the Worcester House negotiations has a lively feeling of reality. His account is borne out by other contemporary witnesses. William Bates adds a footnote to the disputes of 22 October, that over the question of the consent or advice of ministers in episcopal acts Cosin protested, ‘if your Majesty grant this you unbishop your bishops’. Correspondence to Sir Richard Leveson agrees with—and occasionally amplifies—Baxter: the king’s original initiative was on 16 June; it appointed John Gauden—the most moderate of the Anglicans—and Bale as the Episcopalian negotiators; the outlines of the 22 October debate are confirmed together with the unexpected resolution of the problems—‘they are agreed in all matters and very suddenly’. Hyde does not record the course of the negotiations beyond the comment that, while neither side got all they wished, ‘they were both well content with it, or seemed so’.

For the rest he is distinctly dyspeptic on the subject of Worcester House, accusing the Presbyterians of bad faith in the follow-up to the Declaration. But it must be remembered that he was writing from exile and seeking to emphasize his Laudian credentials. Also he may well have been smarting still at his exclusion from the final—and conclusive—meeting.

There is, however, another contemporary witness whose evidence has never been fully assessed. This is a long letter written by George Morley on 23 October and describing in some detail a meeting on the previous day.

---


15 National Library of Scotland, Wodrow MS. Folio XXXII, no. 9. I have to thank the late Dr. Ian Rae of the National Library of Scotland who originally located the letter for me, and Mr. I.C. Cunningham, Keeper of Manuscripts, for his guidance as to its provenance. I owe this reference to Dr. Anne Whiteman who knew the letter, I think, only from the abbreviated reference to it in T.H. Lister, *Life and Administration of Edward, 1st Earl of Clarendon* (3 vols., 1837–8). It is not altogether clear who was the recipient of the letter. A note in a near-contemporary hand gives it as Sir John Lauther or Louther. Bosher, p. 191 says this is ‘the Presbyterian John Lauder’, but gives no reason for the ascription, which seems an improbable one. The most likely candidate seems to be Sir John Lowther, the founder of the great Westmorland dynasty of Lowther Castle. He had received a baronetcy in 1640, and was a ‘cautious’ supporter of the king in the Civil War, though he took the Covenant when the parliamentary forces approached his lands—a fact which gives credibility to the view that
Throughout it he is concerned to emphasize the moderation shown by the episcopal party which, he hoped, would ‘give abundant satisfaction to the honest and peaceably-minded men of both parties, and make them cease to be parties any longer, but unanimously to join against the common enemy the Papists’. He starts by recounting those who attended the meeting. The Episcopalians were led by Accepted Frewen of York and numbered ten, but only Cosin, Morley, Henchman and Peter Gunning spoke. There were seven Presbyterians, ‘but of these none spoke neither, but Mr. Reynolds, Mr. Calamy, Mr. Baxter and Mr. Ash [sic], and of these the first and last very little, the two others much, and much more than there was cause for’. This bears the stamp of authenticity!

Morley then goes on to describe the debate in terms very similar to Baxter. Where there are minor differences between Morley’s account and the final Declaration (e.g. on the number of presbyters ‘assisting’ in diocesan administration) this can be put down to the fact that on 23 October the final text had not yet been arrived at. ‘There remained one thing, and but one, which we are not as yet agreed on, namely whether such as are ordained by presbyters only should be instituted by the bishops’. Here the bishops stuck: they could not have the sacraments administered by those ‘who they believed to be no priests’. To which Hyde, the lawyer, added (though it must have been away from the meeting) that if there was doubt about the legality of their orders, they could have no right to their tithes . . . I proposed that I have often told you of (viz) an hypothetical or conditional ordination by a bishop which implies not a nullity but only an uncertainty, together with an illegality of their former pretended ordination.

Such an ordination ‘may do them good, but it can do them no hurt, and therefore I hope they will be persuaded to yield to it’. This was clearly still the unfinished business to which he and the others appointed by the king were to address themselves so that the Declaration could be ‘printed and published before Sunday’. In the event they were unsuccessful.

In Baxter’s account of the negotiations there are two references to the question of ordination or reordination. In the period after the king’s first draft, Baxter had expressed his concern that the king had not discounted any question of ‘reordination’; and in the course of the 22 October meeting he recorded that: ‘a great many words there were about prelacy and re-ordination’. Even granted that he may very well have seen Morley’s ‘hypothetical or conditional ordination’ as in fact reordination, Baxter fails to record the terms of the debate in a way which matches its importance. This must be because he discounted it. In fact, throughout his life Baxter,
though himself episcopally ordained at least as a deacon, held to the validity of Presbyterian orders, which he said the ‘old episcopal divines’ accepted whereas the ‘new prelatical divines’ unchurched non-episcopal churches and insisted on reordination. He defended the ordinations of the Interregnum when episcopal ordination was not available. For him ordination was connected with parochial episcope and therefore could be Presbyterian. A valid ordination could never be repeated and if it were ‘it’s certain that they take the first ordination as null’.

Consistently, therefore, until his dying day Baxter rejected any idea of further ordination which might cast doubts on the validity—or seem to involve repudiation of—existing Presbyterian ordination. In the tentative negotiations and discussions on comprehension in which he was involved in 1668, 1673, 1675 and 1680 he placed this issue each time at the head of the agenda. The most promising meetings were those with Bishop John Wilkins of Chester at which he proposed the Worcester House Declaration as the basis for agreement; but ‘the hardest knot that we found before us was somewhat proposed like a reordination’. The furthest that Baxter would go was some form of words such as ‘take thou (legal) authority’.

The idea of conditional ordination was not new, individual foreign presbyters having been conditionally ordained before the Civil War. It was, however, in practice if not in principle, one thing to apply the formula of conditional ordination to well-disposed foreign individuals who were seeking an English living, and quite another to extend the arrangement to a cohort of English ministers of a Puritan outlook who wished to retain the livings in which they were ensconced, and who might reasonably consider that a conditional ordination would cast doubt over the validity and efficacy of their previous ministry. This is what makes it hardly surprising that Morley and his episcopal colleague could not persuade their two Presbyterian opposite numbers in the short time between 22 October and the final publication of the declaration. In time, some Presbyterians would consider conditional ordination a possibility. One such was John Humfrey, ordained by a classis in 1649, who received episcopal ordination in 1661. Though he repented of this in 1662 he had meanwhile written a defence of his action in The Question of Re-ordination. He distinguished between ordination which is the setting apart of the minister by God for his holy office and ‘what is requisite to the making him received a Minister among men and giving him authority . . . to execute that office in the church or place where he shall be

---

18 N. Sykes, Old Priest and New Presbyter (Cambridge, 1956), pp. 89–93. The two bishops in question were what Baxter would have called ‘old episcopal divines’, i.e. pre-Laudian.
called’. It was that authority which he believed his episcopal ordination gave him: ‘in short there is my Ministry and the use of my Ministry in the English Church’.19 This distinction was perhaps the precursor of the formula which developed in the negotiations for comprehension in 1668: ‘take thou legal authority . . .’.20

Another contributor to the contemporary debate on reordination was the fiery Presbyterian Zachary Crofton in his *A Serious Review of Presbyters’ Re-ordination by Bishops*. He was writing against the view, said to be taken by bishops, that their ordination of those in Presbyterian orders was ‘accumulative’. It is difficult to see where this notion (if indeed it existed) came from. It was not advanced by John Gauden, who was virtually the spokesman for the peace-making Anglican position, nor by Francis Fullwood, Edward Stillingfleet or Herbert Thorndike, who made other moderate contributions to the debate in 1660. It may be a reflection of the distinction made by some Caroline divines, notably Lancelot Andrewes and John Bramhall, between the essential being and the fulness of the Church: for instance Bramhall, quoting Andrewes with approval, distinguishes between

the true nature and essence of a church, which we do readily grant [those without episcopal orders] and the integrity or perfection of a Church, which we cannot grant them without swerving from the judgement of the Catholic Church.

By analogy with this distinction it might be possible to argue that Presbyterian ordination gave the essence which could be ‘accumulated’ to perfection by Anglican addition. Crofton would have none of it. Accumulation would deny the previous validity of a full ministry for the Word, sacraments and discipline. Second ordinations have always been condemned and in any case a bishop ordained only as exercising the ministry of a presbyter; there is no difference of degree. It cannot be a question of the legal authority to exercise the office because that is granted by license. Any idea of reordination runs contrary to the ‘late gracious Declaration’.21 In view of all this it is hardly possible to dissent from Dr. Anne Whiteman’s judgement that reordination was ‘the most difficult and most personal question of the time’.22

19 John Humfrey, *The Question of Re-ordination . . . published for the sake of the many concerned and perplexed about it at this season . . .* (1661), pp. 18–20. An immediate anonymous reply, over the initials ‘R.A.’, came in 1661: *A Letter to a Friend, tending to prove (1) that valid ordination ought not to be repeated (2) that Ordination by presbyters is valid*. Humfrey’s recantation in 1662 was entitled *A Second Discourse about Re-ordination*.


22 A. Whiteman, ‘The Church of England restored’, in *From Uniformity*, p. 72. Not all the Presbyterian leaders would need reordination in any form. Calamy and Ashe were both episcopally
Despite Morley’s efforts, therefore, the package proposed for comprehension on 25 October 1660 was only half a solution. Without Presbyterian agreement to conditional ordination which the leaders could recommend to their colleagues, the proposals were, if not ‘no bread’, certainly ‘half loaf’. It was for that reason that the Presbyterians, in formally and enthusiastically thanking the king for his ‘gracious’ Declaration, at the same time begged him not to insist on reordination. Probably it was this ambiguity in the situation which led them to doubt the good faith of the king and the episcopal party. But if they were inclined to be sanguine they could hope that if, as Baxter wrote to Hyde, the Declaration could ‘pass into an Act’, and so be accepted by moderates, the question of reordination might be dropped. Conversely cynics—or realists—among the Episcopalians must have recognized that without an agreement on reordination the idea of comprehension was heading for the rocks. Bosher cites the Episcopalians as being delighted with the arrangements: they felt that they had stolen the Presbyterians’ thunder by ‘taking away all ground of faction’ from them and even the moderates Gauden and Henchman felt that the proposals represented a ‘temporary condescension’.23 Clearly there is room for differing interpretations here, but the ‘temporary condescension’ could have been a reference to the need to complete the process of comprehension by the promised review of the Book of Common Prayer especially as the Declaration made certain allowances to the Puritans until the Prayer Book negotiations were completed.

Nevertheless the ‘half loaf’ of the Declaration itself was a remarkable step towards meeting Puritan objections and aspirations. It is now time to examine it in detail and in particular to compare the first recension of 4 September, in which Hyde undoubtedly had a large hand, with the ministers’ proposals in the course of the negotiations, and with the final declaration of 25 October.24 This will demonstrate how far the king and those he had appointed his advisers had moved, and establish the moderation of their position. The various changes made in the course of re-drafting had led, as is so often the case with such a procedure, to a somewhat muddled and repetitive presentation.

The Declaration started with a preamble saying that the ‘distempers of the time’ had forced the king, after consultation, to take action on his own rather than wait to call a synod, as he had proposed in the Declaration of Breda.

ordained as deacons and priests, as was Reynolds; but that does not mean, of course, that they would not be concerned for their brethren. Most of the leaders in the negotiations had been born in the early 1620s, which means that in the ordinary course of events they would have been approaching ordination at the beginning of the Civil War. Anyone a little younger would have had difficulty in gaining episcopal ordination.


24 Wood, pp. 153–7, has a tabulated comparison of the three versions.

© Institute of Historical Research 1997.
This preamble, stressing the king’s familiarity from his days in Holland with the issues under discussion, is identical in both texts. This was followed by eight paragraphs.

The first declares the king’s purpose as being ‘to promote the Power of Godliness, to encourage the Exercises of Religion’—phrases suggested by the ministers. This was to be achieved by the promotion of good and learned bishops who would be regular preachers in their dioceses.

The earlier text of the second paragraph reads: ‘if any dioceses be thought to be too large . . .’, but the later hardens this to:

Because the Dioceses, especially some of them, are thought to be of too large Extent; We will appoint such a Number of Suffragan Bishops in every [sic] Diocese, as shall be sufficient for the due Performance of their work.

This was the ministers’ drafting. It did not, however, go so far as to create new dioceses as Henry VIII had done, but revived the idea of suffragan bishops which had lapsed since the beginning of the seventeenth century.

The third paragraph, on the ‘Advice and Assistance of the Presbyters’, is fuller and more precise in the final version. Both start: ‘No Bishop shall ordain, or exercise any Part of Jurisdiction which appertains to the Censures of the Church, without the Advice and Assistance of the Presbyters’. But the later version adds to the prohibition of lay chancellors and officials exercising spiritual jurisdiction ‘videlicet, Excommunication, Absolution, or wherein any of the Ministry are concerned, with Reference to their Pastoral Charge’—though the king declared his intention ‘to uphold and maintain the Profession of the Civil Law’, which may not have pleased the Puritans. Another addition was to extend this paragraph to the jurisdiction of archdeacons who were to have the advice and assistance of six presbyters from the archdeaconry, three nominated by the bishop and three elected by the clergy. The ministers had failed in their bid to insert the advice and consent of the presbyters in place of ‘assistance’, but the wording on the ecclesiastical courts actually went further than the ministers had requested.

The next paragraph concerns diocesan administration. Deans and Chapters, carefully chosen, are to assist the bishop in ordination and other acts of jurisdiction (specifically including in the final version the censures of the church) and an ‘equal number’ (final version) of the diocesan clergy chosen by an annual vote (final version) are to add their advice and assistance. The numbers must be equal ‘and not exceed one the other’, but are not fixed at six, as had earlier been discussed. Suffragan bishops must also have the advice and assistance of local clergy elected annually from ‘within his Precincts’. The

The only full text is in Lords Journals, xi. 179–82. English Historical Documents, viii: 1660–1714, ed. A. Browning (1953), pp. 365–70 prints almost the full text but with some omissions. G. Gould, Documents relating to the Settlement of the Church of England by the Act of Uniformity of 1662 (1862) is not to be relied on as Gould omits too many of the ‘small print’ additions at the end of paragraphs which precisely made the points which so gratified the Presbyterians. The September text is in Baxter, Reliquiae, pt. ii, pp. 259–64.

© Institute of Historical Research 1997.
solemnity of ordination is stressed, and whereas the earlier version provided for the advice and assistance of presbyters, the later says that it is ‘performed by the Bishop and his aforesaid Presbytery’—a significant change.

The paragraph on confirmation, instruction, admission to the sacrament and the details of the administration of the local rural deaneries is much longer and more precise in the final version than in the first. In the second, confirmation is not just with the advice of the incumbent but by his information and ‘consent’, as the ministers had asked. They, too, had insisted that the local minister could demand ‘a credible Profession of their Faith’ from those seeking Holy Communion, and be able to keep scandalous offenders from the Lord’s Table ‘until they have openly declared themselves to have truly repented’, provided there is a place for ‘due Appeals to superior Powers’. The final version is also much fuller about rural deans—though they are not to be ‘chorepiscopi’ as Baxter surely, with Ussher, would have wished. With three of four elected ministers they are to meet monthly to receive complaints presented from parishes, to compose differences and to reform by pastoral reproof. And where they cannot achieve this in a ‘pastoral and persuasive Way’ they are to present the case to the bishop, with (if they desire) other ministers of the deanery present. They are also to monitor the catechizing of children in the parishes—another feature important to the Puritans. The remarkable thing about this paragraph on rural deans is that it here makes its first appearance. It was not in the original version, nor was it requested by the ministers in their final written submission. Perhaps they thought it had no hope of getting through because it would not be counted as ‘of flat necessity’. Since the basic ideas come from Ussher it would seem that his Reductio had, after all, been used as a model. Moreover the use of the word ‘precinct’—unusual in an ecclesiastical context—is significant, since Ussher, too, had employed it. This suggests that the Worcester House drafters had a copy of the Reductio before them.

The sixth paragraph says, ‘No Bishop shall exercise any arbitrary Power, or do or impose anything upon the Clergy or the People, but what is according to the known Law of the Land’. Both the draft and the final declaration have the same wording.

The paragraph on Liturgy, noting that ‘all with whom We have conferred do in their Judgements approve a Liturgy, or set Form of Public Worship, to be lawful’, announces a commission of equal numbers of both sides to review the [Book of Common Prayer], and to make such Alterations as shall be thought most necessary; and some additional Forms . . ; and that it be left to the Minister’s Choice, to use one or other at his Discretion.

This offer of alternative liturgies, if it had ever been implemented, would have been a significant contribution to comprehension. The provision of alternative liturgy, with the power of the minister to choose, had been the ministers’ suggestion.

© Institute of Historical Research 1997.
The eighth paragraph, on ceremonies, starts as its premise with a classic
definition of one understanding of the controversy over things indifferent:

it cannot be doubted, but that, as the universal Church cannot introduce One
Ceremony in the Worship of God that is contrary to God’s Word expressed in the
Scripture, so every National Church, with the Approbation and Consent of the
Sovereign Power, may and hath always introduced such particular Ceremonies, as in
that Conjuncture of Time are thought most proper for Edification, . . . though the
necessary Practice thereof cannot be deduced from Scripture; and that which before
was and in itself is indifferent, ceases to be indifferent after it is once established by
Law.26

This appears in the original version and survived into the final Declaration. It
would have been unwelcome to Baxter and the ministers who, in their
original submission, had specifically asked for matters indifferent to be left as
such. (Baxter’s own highly sophisticated teaching on things indifferent was
worked out in the context of his suspension from preaching at Kidderminster
in 1662 by his old adversary Bishop Morley of Worcester. In a ‘scholastic’
analysis he advised when it was legal and when sinful to obey the magistrate’s
decree.27) But the Declaration at once went on to modify this full position:

and therefore Our present Consideration and Work is, to gratify the private
Consciences of those who are grieved with the Use of some Ceremonies, by
indulging to, and dispensing with, their omitting those Ceremonies; not utterly to
abolish any which are established by Law . . . which would be unjust, and of ill
Example . . .

Once again these matters would be referred to a national synod, though no
one was to be denied the sacrament of communion who refused to kneel for
it. Nor should anyone be compelled to use the sign of the cross in baptism.
Moreover, parents who wished to have the sign of the cross at the baptism of
their child but could not obtain it from their local minister could find
another minister who would comply; and vice versa. The same arrangements
could apply to those who objected to the sign of the cross. This would,
indeed, have introduced a wide latitude of practice and encouraged
comprehension.

Lastly there was the question of the conditions governing ordination and
institution and induction into parishes. The first version dealt only with the
last two and ignored the problem of ordination. Moreover it did so without a
separate paragraph heading, thus seeming to bury the question among
matters of ‘ceremony’. Claiming to be honouring his Breda undertaking,
the king had proposed that, until a synod could determine the matter,

26 Article XXXIV of the 39 Articles gives the ‘official’ position of the Church of England on the
‘Traditions of the Church’.
27 Richard Baxter, An Introductory Letter to the Inhabitants of the Borough and Parish of Kidderminster,
in The Mischief of Self-Ignorance (1662), pp. xxvii ff; idem, The Judgement of Non-Conformists of Things
Indifferent commanded by Authority (written in 1668 but added to The Second Part of the Non-
Conformists’ Plea for Peace (1680)).
institution and induction could be permitted without any subscription beyond the oaths of allegiance and supremacy. The ministers had requested that this concession should be extended to those being ordained, and moreover that the oath of canonical obedience should be specifically dropped. They also asked that the reference to a future synod should be omitted, thus ensuring that the proposed arrangements became permanent. All this was granted in the final Declaration. It would have allowed many episcopally-ordained ministers to retain the parishes they held at the Restoration and eased the way for newly (and now episcopally) ordained ministers. This was a very substantial concession. But it left untouched the problem of the orders of those ordained by presbyters during the Interregnum. In their submission the ministers had bitten the bullet: ‘lastly, that such as have been ordained by Presbyters be not required to renounce their ordination or to be re-ordained, or denied Institution and Induction for want of ordination by Bishops’. We have seen from the evidence of Morley that the bishops met this with the proposal of conditional ordination, which was evidently unacceptable to the ministers. The final Declaration put forward another formula: ‘Lastly that none be judged to forfeit his Presentation or Benefice, or be deprived of it, upon the Statute of the Thirteenth of Queen Elizabeth, Chapter the 12th’ if he assents to the Articles on faith and the doctrine of the sacraments. The Elizabethan Act of 1571, ‘the Subscription (Thirty-Nine Articles) Act’, was intended to authorize the continuance in orders and benefice of those who had not been ordained under the provisions in the reign of Edward VI, that is those who had received Roman Catholic ordination under Henry VIII or Mary. They were to be allowed to continue in office provided they subscribed to those of the thirty-nine Articles which concerned faith and the sacraments. If they failed to subscribe they were to be deprived. In effect, therefore, the validity of Roman Catholic orders was accepted. Whether the Act was extended to cover non-episcopal orders conferred abroad in the time of Mary is a moot point.28

It is not easy to interpret the meaning or intention of the clause in question. Perhaps its very ambiguity was one of the reasons which made the Presbyterians suspicious of the good faith of the Declaration. Given a favourable interpretation (as implied by the limitation of subscription to those Articles which concerned faith and the sacraments) it might have been implemented in the nonconformists’ favour—and indeed the currently-in-force Act for Settling Ministers (passed in the summer by the Convention Parliament) had not insisted on episcopal ordination for incumbents. But like the rest of the Declaration it was never put to the test. In any case the ministers themselves clearly did not believe that it met their requirements—or they would not immediately have petitioned the king (while expressing their gratitude for the declaration in general) against reordination.


© Institute of Historical Research 1997.
The Declaration ended with a call to unity and the forsaking of 'obscure notions of Faith and Fantasy' which were hindering the cause of Protestantism at home and abroad.

It cannot be denied that this was a remarkably irenic ecumenical document in which, during the course of the negotiations, as we have seen, a great deal of ground had been given to the ministers' position. How much they had achieved will be shown if the proposals of the Declaration are compared with Puritan objections and aspirations since the time of Elizabeth, and with former moves to accommodate their position. In doing so it must always be remembered that the appellations 'Puritan' and 'Presbyterian' were never coincidental. There were always more Puritans than there were full Presbyterians and, while a Presbyterian would be a Puritan and subscribe to the regular features of the Puritan platform, especially on matters ceremonial and liturgical, there were many Puritans who hesitated to embrace the full programme of Presbyterianism as it had been introduced into Elizabethan England by Thomas Cartwright and Walter Travers, both graduates of Geneva. Moreover Puritan policies and practices could change according to (often local) circumstances. For instance, Dr. Martin Ingram has shown that, besides attacking the church courts and being disciplined by them, some Puritans in the reign of James I used them to enforce their strict moral codes. (On the other hand, the most successful Puritan parish priest of all turned Dorchester into an 'English Geneva' with the help of the civic authorities.)

Clearly the full Presbyterian programme, with the abolition of episcopacy, could not be reconciled with the restoration of an episcopal Anglican church, and that is presumably why Baxter and his colleagues were at pains to emphasize that in the Worcester House negotiations their platform had not been a Presbyterian one, but a policy to restore 'primitive episcopacy'. Granted that, the Declaration went a remarkably long way to meet historic Puritan objections.

At the end of the fifteen-eighties, the firmer leadership of Archbishops John Whitgift and Richard Bancroft, supported to the full by the queen, had marked the end of the Presbyterian attempt to capture the establishment. With the accession of James I, however, the Puritans remustered their forces to the tune of a putative 1,000 signatures to the Millenary Petition which in turn led to the Hampton Court conference of January 1604. Though there are conflicting contemporary accounts of the conference it is possible to summarize the main issues. The Puritan agenda covered such issues as...
learned ministry, a revised Bible, doctrinal and liturgical changes and the inevitable matters of ceremony. More specifically, they wanted a new catechism and proposed local ministerial examination of confirmands, asserting that dioceses were too large for the bishop to be able to oversee that work, whereupon ‘the King’s Majesty here affirmed that he smelt whereunto that trucked, to make every one in his own cure to be Bishop, which he liked not of, but said he would have the pastors in every place to catechise them’. Most daringly of all, John Rainolds, the Puritan leader, raised the fundamental question of the exercise of discipline in the church: in the absence of legislation this could be dealt with ‘if the pastors of churches were divided into classes or capitula by the several deaneries, and therein to assemble themselves every fortnight or iii [sic] to hear and censure the offences committed within their circuit’. This would in turn lead to higher synods—for several deaneries, for the diocese, for the province and for the nation. This was too much for the king. ‘Utterly distrusting it’, he said it would introduce ‘Scottish Presbytery . . . . I am in England, I will have bishops’.31 On the other hand, he was more sympathetic to practical proposals for the reform of the church courts in response to Puritan criticisms. The High Commission should deal only with weighty matters and should include civilian lawyers; lay chancellors should not discipline ministers and bishops ‘only shall have to do with the censure of excommunication, being assisted with the deans and gravest preachers’. Chancellors’ courts should be ‘mere civil in matters of instance’ (e.g. tithe cases) and excommunication should not be used as part of the administrative machinery of the courts.

These and other proposals to improve the courts would have been substantial reforms, and they were duly echoed in some of the Worcester House proposals. But the king did not follow them up (except where some were incorporated into the Canons of 1603/4) and time was to show that they were only pious hopes: the courts continued in the ways which so disgusted the Puritans. Lastly and more positively, at Hampton Court Rainolds raised an old question and asked that the clergy should be able to hold meetings in rural deaneries every three weeks for prophesying. This was aimed to revive the Puritan ‘church within a church’, support for which by Archbishop Edmund Grindal had led to his suspension by Elizabeth in 1577. James was no more friendly to the idea than his royal predecessor and cousin, fearing that it would lead to ‘every Tom, Will and Dick at their pleasure’ censuring him. Nevertheless, as Professor Patrick Collinson has shown, the practice of prophesying—or exercises—did establish itself fairly widely in James’s

church, even in some places with episcopal support. In the context of the Worcester House Declaration the significant point is the Puritan emphasis on the rural deanery as an important and viable unit of local church administration, which was granted in the paragraph which would have set up monthly meetings in rural deaneries.

The next major confrontation between Puritan hopes (or demands) and royal supremacy came with the abortive negotiations between Charles I and parliament at Uxbridge and Newport in 1644 and 1648. Already by 1644 the Scots were calling the tunes: the king should take the Solemn League and Covenant and nothing less than the extirpation of episcopacy would satisfy them—the full Presbyterian programme in the Scottish version. This the king could not swallow. But he did offer concessions on episcopal administration and smaller dioceses:

the bishop shall exercise no act of jurisdiction or ordination without the consent and counsel of the presbyters, who shall be chosen by the clergy of each diocese out of the learnedest and gravest ministers of the diocese.

When it came to Newport in 1648 the king was in a much weaker position—a captive on the Isle of Wight. The two sides never really came to grips. Playing for time, the king again offered ‘the counsel and assistance of presbyters’ to bishops in ordination and jurisdiction. Bishop Brian Duppa, writing to Gilbert Sheldon from Newport, said that the king would not give up ‘the office and order of Bishop in the Church, which yet he is content should be reduced to its primitive simplicity’.

Uxbridge and Newport were dead letters at the time, but as the Restoration approached the hope of reviving them rose in Presbyterian breasts. In 1659 and 1660 their proposals were reprinted in pamphlet form and the Presbyterians thought of the Newport terms as their natural negotiating position. In June 1659 they were reported by John Mordaunt, Hyde’s most active correspondent in England, as intending to issue a manifesto insisting on the terms of the Newport treaty as the basis for restoration. They put the same proposition to the king when General Monck acceded to power, though Hyde told them he would not accept them. When Baxter came to London on 16 April 1660 he found the Presbyterians voting ‘for agreement the King’s concession in the Isle of Wight’. In the event no proposals were put to the king before the Declaration of Breda, though Matthew Hale hoped for a committee of parliament to look into the Newport model. In fact the king’s position had probably not changed from what it had been when he last entered the country in 1649 when he

---

32 Barlow, pp. 81, 36, 89ff; P. Collinson, ‘Lectures by Combination’, ante, xlviii (1975), 182–213.
let it be known he would move towards the Presbyterians if they would assist his father but that he ‘won’t touch Carisbrooke if they think he will, because it was under duress and enforced by the Army not Parliament’. Nevertheless it must have been the Newport offer of co-operation between the bishop and his diocesan presbyters which the Presbyterian negotiators had in mind when they argued so forcibly for the advice, assistance and consent of the ministers in various acts of diocesan sacraments and administration. And in view of the history of the treaty just recounted it is the more remarkable that in the final Declaration their arguments had carried the day.

With the introduction of presbyteral participation in diocesan administration went the other reform of smaller dioceses themselves which had been in the original Uxbridge proposals. Here the Presbyterians were less successful. They did not achieve smaller territorial dioceses but, drawing on the empowering legislation of Henry VIII, they did achieve the restitution of suffragan bishops, which would have been particularly significant if the ‘precincts’ mentioned in passing with reference to their sacramental and other duties (paragraph IV) became a reality. The suffragans would then, presumably, have had local jurisdiction.

The locus classicus of a model for combining episcopal government with a form of local ecclesiastical administration was James Ussher’s *The Reduction of Episcopacy into the Form of Synodical Government received in the Ancient Church...* of 1641. In his edition of 1656 Nicholas Bernard, Ussher’s former chaplain, reiterated its relevance to more recent times: ‘many prudent persons’ want the work published ‘as a seasonable preparation to some moderation in the midst of those extremes which this age abounds with’. He stressed the need for unity ‘for the recovery of which it were to be wished that such as do consent in substantials for matter of doctrine, would consider of some conjunction in point of discipline’. Here was a proposal which would commend itself to moderate Presbyterians who might consider the possibility of embracing episcopacy. *The Reduction* was further reprinted in 1659 and 1660. Ussher starts by aligning himself with the view of discipline which insists in the Ordinal that every minister is called to ‘administer the doctrine and sacraments and the discipline of Christ’. He then discusses the Christian ministry in the early church, stressing the ‘presidential’ character of the early bishop, ‘who was the chief President... the rest of the dispensers of the word and sacraments joined in the common Government of the church’. This model had become ‘in our Church... disused’, but ‘how easily this ancient form of government by the united suffrages of the clergy might be revived again’... and with how little alteration ‘the synodical conversation of the

---


© Institute of Historical Research 1997.
pastors of every parish might be accorded with the Presidency of the Bishops of each diocese'.

Ussher then sets out how this could be achieved. In every parish the Rector and church-wardens and sidesmen should meet weekly to take notice of those living scandalously. Recalcitrant parishioners should be presented to the next monthly synod and meanwhile be debarred from the Lord's Table. In the second place, the Henrician suffragan bishops should be 'conformed' to rural deans and become *chorepiscopi*. Their monthly synod could excommunicate incorrigible offenders and also oversee the ministers' 'doctrine and conversation', with the possibility of an appeal to the diocesan synod, the third level of government. This would meet annually, for 'matters of greater moment', and would be composed of the bishop, his suffragans and pastors, some elected from the deanery, 'with whose consent, or a majority of them, all things might be concluded by the Bishop'. Every third year, a provincial synod would be held, for appeals from inferior bodies and matters of national importance.

It was no wonder that Baxter welcomed these proposals. He described what was evidently a series of meetings he had with Ussher, 'when fell out all the acquaintance I had with him', and at which he put to Ussher 'the motions of concord'. He also claimed that at the same time he was meeting Henry Hammond and achieving agreement with him on the local government of the church. This was not so surprising as it may seem. Though Hammond had been a doughty exponent of episcopacy during the Commonwealth, his first book on the subject had been *Power of the Keyes, or, of Binding and Loosing*. It had advocated 'a moderate Episcopacy, with a standing assistant Presbytery' and had pleaded that 'it (the power of the keys) be restored to its full vigour in the church again'. It was 'the almost only piece of reformation which this Church of England, as it . . . stands established by law, may justifiably be thought to stand in need of'. The correspondence with Hammond survives in Baxter's *Treatises*. Baxter started from his usual premise that 'we don't believe that diocesan bishops could exercise Christ's Discipline in some many hundred parishes'. Hammond responded that there was a danger in a 'multiplicity of bishops' but 'if Presidents don't get vested with episcopal power but are more like archdeacons or rural deans, their working with synods may be good'. Baxter's position was that

the multiplicity of bishops is in our account the making Discipline become possible . . . And though our judgement be that every parish that is great should have a bishop and presbytery yet we yield to you for concord and peace.

This seems to show that he would have been willing to accept the Worcester House proposal of regular local synods for discipline and other matters, presided over by the rural dean. Be that as it may, Baxter never tired of recording, in his writings throughout the rest of his life his agreement with

---

36 Ussher, pp. 4–7.
37 Ibid., pp. 7–12.

© Institute of Historical Research 1997.
Ussher, reached ‘in twenty minutes’. His own transcription of the Reductio has optimistic marginal comments: ‘how the Church might be synodically governed, Archbishops and Bishops being still retained’; ‘the Parochial Government answerable to the Church Session in Scotland’. Evidently the same view was taken by his more truly Presbyterian Worcester House colleagues who, as has been seen, forbade him to add his own glosses and thus stray away from the more acceptable proposals of the archbishop of Armagh.38

Meanwhile earlier, following the breakdown of any sort of ecclesiastical order in the early sixteen-fifties Baxter had produced his own model for local and ecumenical church government. This was the system of ‘associations’, which tapped a tide of disillusion. As Baxter put it: ‘a great desire of concord began to possess all good people in the land and our breaches seemed ready to heal’. The first achievement was his own Worcestershire association, based on Kidderminster, which embraced seventy-two ministers, including Episcopalian and one Baptist, ‘who in order to further reformation and exercise of Christ’s Discipline have all agreed . . .’. The fundamental emphasis on discipline is typical. Also a Baxter hallmark was the fact that this was an association of ministers: ruling elders were not envisaged in line with Baxter’s basic belief that the pastor was the ‘ruler’ in the local church. The association could be joined by any ministers who accepted it.39

It is no exaggeration to say that for the years leading up to the end of the decade the associations were Baxter’s chief preoccupation. By 1659 he claimed there were associations in nine counties and he was also corresponding with ministers in Dublin. In the same year, John Gauden wrote The Tears, Sighs, Complaints and Prayers of the Church of England: it is a painfully long plea for the re-establishment of episcopacy, defending and advocating that form of church government from every point of view, but claiming that the episcopal party aims at no more than ‘paternal Presidency’. This much protesting suggests that Gauden still felt it necessary in 1659 to press for the restoration of episcopacy. Associations were powerful enough at the time for Gauden to take them into account. They were ‘incomplete’ but commendable in drawing men together in ‘fraternal society’. Nevertheless they were really ‘figleaves’ compared to the ‘goodly garment’ of episcopacy. He recognized the sincerity and ‘potency’ of some of his dissenting brethren in setting up the associations and so the more regretted having to take a stand against them.40


© Institute of Historical Research 1997.
Gauden was another divine who revered Ussher: ‘never will England be well at its ease until it follows Ussher as its guide’. It is not unreasonable to cite Gauden in this survey of the precursors of the Worcester House Declaration. Although at the Restoration he became the chief mouthpiece of the moderate Anglicans, writing on most of the controversial issues of the time, he was not always a convinced Anglican. Spurr describes him as ‘the most articulate representative of the clergy who were working towards reconciliation’. Throughout the Interregnum he had retained his living at Bocking in Essex, describing himself as a ‘minister of the gospel’ there. Lamont sees him in the early sixteen-forties as in favour of reform but frightened of too speedy reforming zeal. As early as 1653 he was looking forward to the restoration of the ‘ancient government’ of the church while at the same time believing that this could be achieved without sacrificing the proper administration of discipline. By the eve of the Restoration he had come to believe that ‘the little finger of rigid Presbytery hath been heavier than the loins of moderate episcopacy’. But he continued to advocate a moderate programme. Even in his most passionate plea for episcopacy it was to be a moderate regime ‘modelled’ by smaller dioceses in which the clergy might choose ‘a few prime men’ to be ‘chief counsellors and assistants with the bishop’. At an episcopal vacancy the clergy might elect three or four or more prime men of whom electors would choose one to recommend to the king. This radical and unprecedented proposal came in 1659. In a sermon to the Commons in April 1660 Gauden stated, ‘I confess that I own and ever shall do Primitive Episcopacy with Presbytery’. He was still calling for the maintenance of discipline: ‘we need church government among bishops, presbyters and people as may carry on the Discipline of the Church for ordination and censure’. This could best be achieved by the restoration of bishops designed to bring episcopacy to such a paternal temperament with Presbytery that the whole clergy of a diocese and the concerns of religion might not be exposed to one man’s sole jurisdiction without such joint counsel, consent and assistance of ministers.

In 1661, by now a bishop, he returned to the theme of bishops ‘assisted by such sober presbyters’ as were appointed for ordinations or in the exercise of censures and jurisdiction—the Worcester House programme. Indeed, his writings at that time seem to presume that Worcester House was being implemented. It seems that in his own diocese to some extent it was. But after two years at Exeter, Gauden was translated to Worcester in 1662, only to die in the same year.

Two more Anglicans who proffered peaceable proposals to the Puritans at the Worcester House Declaration, 1660

the Restoration were Edward Stillingfleet and Herbert Thorndike. Stillingfleet’s lengthy *Irenicum* was in the main a treatise on the Christian ministry, arriving at the extremely moderate conclusion that ‘the Church did not look upon itself as bound by a divine law to observe any one model of government’. Episcopacy was judged the most ‘suitable or convenient’ model, but ‘not by any pretence of divine right’. It is not surprising that from such a temperate platform Stillingfleet was able to propose real reforms in practice:

the restoring of the presbyteries of the several churches, with whose counsel and advice all things were done in the primitive church; the contracting of dioceses into such a compass as may be fitted for the personal inspection of the bishop and his senate.

He further advocated the placing of a bishop ‘in all great towns of resort and especially in country towns’.

Thorndike wrote at less length but to no less purpose. His position on episcopacy was firmer—‘the universal law of the church’—and Presbyterian ordinations were ‘nullities in themselves'; but something could be done to meet Puritan objections. The ‘head town in every county’ could be a see and so ‘more correspondent to the primitive form'; when such a town did not have a cathedral ‘it would be easy to erect presbyteries, that is a college of presbyters’ working to and with the bishop, and all ordinations and acts of jurisdiction could ‘pass both the presbyters and the Bishop’. Thorndike ended with a plea for the restoration of ‘penance’ (i.e. auricular confession) linked to the power of excommunication: ‘the Church of England is not the Church of England but in name, till the power of excommunication be restored to it’.

This survey has shown that to Puritan aspirations and objections over the past century were added moderate Anglican proposals at the time of the Restoration—and to what a great extent both were incorporated into the Worcester House Declaration. At the Sion College meeting at which Baxter commended the Declaration to his brethren there were some dissenting voices among the stricter sort of Presbyterians who would have no truck with episcopacy. But many joined in the address of thanks to the king, though adding the request ‘that reordination and the surplice in colleges may not be imposed’.

At that time parliament was in recess, but when the house of commons reconvened on 6 November the Puritans moved at once, not only to repeat their thanks to the king for the Declaration, but to take the—from their point of view—logical next step to prepare a Bill ‘for the making the same effectual’. Dissentients to this move pointed to the king’s reference in the

---

43 Herbert Thorndike, *The Due Way of Composing Differences on Foot, preserving the Church* (1660), pp. 42, 49f, 52, 66.
44 Bosher, pp. 189f.
Declaration to a forthcoming synod. But after a confused debate, Prynne's motion for a committee to bring in a Bill was passed and a committee of eleven appointed. It was some time before the Bill appeared and Thomas Gower believed that the 'old Presbyterians' were delaying settling the king's revenue demands to prolong the life of the Convention Parliament after the king had declared his intention of dissolving it. In the end, the first reading of the Bill came on 28 November, the day after the revenue question had been settled. Gower reported that the debate induced 'the greatest dispute of any yet, and with much vehemency . . . The Presbytery strove as for life'. On the other side the 'young men' had evidently been alerted and were present in force, so that the eventual vote of 340 was one of the largest of the session—an indication of the importance of the issue to the contestants. Those who wished to keep the enactment of the Declaration at bay drew mainly on the argument that the king was about to call a new parliament which would carry with it the synod he had spoken of. Against these somewhat specious objections the Puritans argued the constitutional case that 'it would not stand with the honour of parliament to lay [the Declaration] aside'. On their side of the House it was felt that 'without a Bill the Declaration would be insignificant'. Against the Bill, Sir Clement Throckmorton declared that the Declaration gave 'too great a toleration' and made the bishops 'no more than ''vox et praeterea nihil'' '. But to that a Puritan replied that 'the king had taken much time and deliberation to consider it well, before he published his Declaration'—and in any case the bishops had helped to 'frame it'. The Anglicans were on firmer ground when they objected, as did Sir John Masham, that it was a matter of 'an excellent Declaration, metamorphosed into a very ugly Bill'. Or, as Mr. Thurland put it, 'it was very disputable whether such an excellent Declaration would make an excellent law'. This could hardly be denied: the Declaration was not drafted as legislation; it was more a statement of intent. Before it could be made 'effectual' it would require a great deal of redrafting. At all events the intervention of the two men most close to the Court must have proved conclusive if there were any waverers. William Morrice was a Secretary of State and the king's regular liaison with the Commons, while Sir Heneage Finch was a law officer of the Crown. Both spoke against the Bill.\(^45\) In the letter of 29 November already referred to Gower continued: 'the Presbytery strove as for life, and which you will wonder at, some of the old Commonwealth Party [i.e. the Independents] joined with the Cavaliers'. Maybe they were among the waverers—a shift of fourteen votes would have done it. If they voted against the king they might lose his support for toleration, against which in any case it was Baxter who had spoken at Worcester House. And if the Declaration had been enacted they were in danger of finding themselves more out on a limb against a larger established church. In any case this was what Baxter believed when the

\(^{45}\) Commons Journals, viii. 176; Cobbett's Parliamentary History of England (36 vols., 1806–20), iv, cols. 141f; Hist. MSS. Comm., 5th Rept., p. 196 (Sutherland MSS.); Cobbett, iv, cols. 151–5; Bosher, pp. 196 ff.
debate between comprehension and indulgence briefly resurfaced in the summer of 1663, and other observers between 1660 and 1688 were of the same opinion: ‘they thought that when the most considerable of the ministry were embodied with the conformists, their own exclusion and suppression would be unavoidable’. Nowadays this would be described as tactical voting.46

Many years later, preaching Baxter’s funeral sermon, William Bates recounted that the Bill had been opposed in the Commons by one of the Secretaries of State, ‘which was a sufficient indication of the king’s averseness to it’.47 This ‘averseness’ does not necessarily mean that Charles II was against the programme of the Declaration per se. It may rather have been that he was angered at the way the Presbyterians had handled the issue, seeing it as a matter, not for parliament but for convocation (or for king in convocation) when convocation could become a reality. Or the king may have felt that it could be dealt with by his royal prerogative alone and that the Declaration would be a way of asserting the prerogative in church affairs at the beginning of his reign—in which case the Puritan was right who said in the debate that ‘it would not stand with the honour of Parliament to put [the Declaration] aside’. But if the king had meant to enact Worcester House by the ‘mere motion’ of his prerogative it is surprising that it was not drafted in more readily enforceable terms. Perhaps he meant this to be achieved at the ‘synod’ mentioned, which could have been a more comprehensive body than the convocation which shortly ensued with the Cavalier Parliament.

The issue of the royal prerogative in ecclesiastical affairs is central to the discussion of the status of the Worcester House Declaration. Unfortunately it is a question which has remained unresolved. During the century between the accession of Elizabeth and the Restoration of the Stuart monarchy the bodies which enacted doctrinal Articles, Prayer Book amendments, regulation of the church courts and rules on clerical subscription seem to have been chosen almost arbitrarily, according presumably to the political circumstances of the time—parliament, convocation, royal proclamation and letters patent.48 The clearest statement of the royal prerogative was appended by Charles I to the canons of 1640 which were drafted by convocation—improperly, as the Short Parliament had been dissolved: ‘we do not only by our prerogative royal and supreme authority in causes ecclesiastical ratify them by letters patent, ‘but do likewise propound, publish and straightly enjoin . . . the same to be diligently observed’. But this unequivocal statement was never put to the test. Events overtook the canons. They had proposed sensible reforms in the church courts, but they ran into opposition over the

47 Bates, p. 816.

© Institute of Historical Research 1997.
use of the *et cetera* oath and they were abandoned. It is not impossible that the king may have seen this latest statement of the royal prerogative in ecclesiastical affairs as the way of proceeding towards the implementation of the Worcester House Declaration. If so, the Puritans’ resort to their old ally the house of commons put paid to that.

It is not surprising that the participants in the Worcester House discussions were not agreed as to the status of the Declaration. Hyde would probably have preferred to proceed via parliament, but in view of his position over the granting of indulgence after the Act of Uniformity it can be taken that he believed in the king’s powers of dispensation. Sheldon and Morley hoped that the Declaration would not go to parliament. Baxter seems to have been ambivalent about the status: ‘are you sure that the king may not lawfully endeavour any reformation. Or was his Declaration about Ecclesiastical Affairs a sin?’ Other Puritan writers at the time recognized the crux of the legality of the 1603/4 Canons (which had not been passed by parliament) arguing that parliament was the proper forum for ecclesiastical legislation. For instance, in 1660 Cornelius Burgess produced *Reasons Showing the Necessity of Reformation*. This was one of the most far-reaching and trenchant reviews of the situation in the pre-Civil War Church of England, pleading that the opportunity of the Restoration be taken for reform and rationalization. Burgess was not a Presbyterian and would settle for ‘primitive episcopacy’, but with smaller dioceses and a reformed doctrine and liturgy. He disliked the traditional administration of discipline and objected to the courts’ continuing to operate the pre-Reformation system: the English courts should enforce English canons. But the 1603/4 Canons were defective both as to content and as to form, never having been passed by parliament. To this Stillingfleet replied that the lawyers had always accepted the canons as valid. In the Commons debate on 25 February 1662 on the king’s proposed Declaration of Indulgence after the passing of the Bill of Uniformity one speaker attacked both the Declaration of Breda and Worcester House because they dispensed with statute law: ‘there were laws of uniformity then in being, which could not be dispensed with, but by act of parliament’. On the other hand, there exists in seventeenth-century manuscript a draft of the speech which the king might have made at the reopening of parliament on 18 February 1663—a speech in the event much modified: the king knows what power his royal predecessors have exercised in all ages by virtue of their supreme authority in ecclesiastical affairs, and His Majesty by their example emitted the worcester house declaration, 1660


50 Baxter, *Treatises*, (D.W.L., MS. 61), vol. xviii, inserted after missing fo. 51v (Brit. Libr., Egerton MS. 2570, photostat in D.W.L.); Cornelius Burgess and others, *Reasons Shewing the Necessity of Reformation of the Public Doctrine, Worship, Rites and Ceremonies, Church Government and Discipline. . . .* (1660), p. 62; Edward Stillingfleet, *Reasons showing that there is no need of such a Reformation of the Public Doctrine of the Church of England as is pretended* (1660); see also John Pearson, *No Necessity of Reformation . . .* (1660) and the reply by William Hamilton, *Some Necessity of Reformation* (1660); C.J., vii. 441f; Cobbett, iv, cols. 260–3.

© Institute of Historical Research 1997.
his Declaration of 25th October 1660, which as he was then advised, he might do notwithstanding the laws the laws for uniformity then in being.⁵¹

On this equivocal note the discussion of the status of the Declaration must end.

Charles continued to invoke his royal prerogative on behalf of Dissenters immediately before and after the Act of Uniformity. It seems that the Declaration of Breda weighed with him: `we remember well the very words . . . from Breda'. But now the agenda had changed: no longer general comprehension but dispensation for particular `peaceable' Dissenters, something which would have introduced schism into the church and was therefore anathematized by many Anglicans, as Sheldon on one occasion, alone in the breach, pointed out: `the suspension of the law, at this conjuncture, would not only render Parliament cheap, but in truth let in a visible confusion upon Church and State'.⁵²

The king’s final throw on behalf of the nonconformists at the Restoration was a bizarre one. Citing again the royal prerogative, he introduced into the house of lords `an Act concerning His Majesty’s power in ecclesiastical affairs'. Peaceable nonconformists were to be dispensed from the rigours of the Act of Uniformity (probably by letters patent) by an Act of Parliament. The bill met with opposition in the Commons who then proceeded to the beginnings of the Clarendon Code. In fact it seems that dispensation for individual cases, even from statute law, was within the royal prerogative. In the case of Thomas v. Sorrell in 1674, ‘the era’s best reported single suit’, Judge Vaughan, followed by the lord chief justice, Matthew Hale, found that, while the king could not dispense a whole class of people from a law (which would amount to suspending it), he could issue particular and limited dispensations from the penalty of the law. This would have covered the king’s category of picked ‘peaceable’ nonconformists but emphatically could not be applied to the general suspension of the Declaration of Indulgence.⁵³

The king’s efforts on behalf of nonconformists had come to an end. The Act of Uniformity, followed by the so-called Clarendon Code, enforced conformity to the restored but not reformed Church of England and penalized many of those who could not conform. An estimated 936 clergy were ejected in 1662 from their livings, many of them among the most

---


⁵² English Historical Documents, pp. 372f; Mercurius Publicus (1662), no. 35, p. 579. The Sheldon incident in the privy council is a complicated one but the reconstruction in Bosher, pp. 260 ff seems convincing. For the antipathy to schism see Spurr, ‘Anglican apologetic’, pp. 109 ff.

⁵³ L.J., xi. 482, 484, 486. On the course of the discussions, and particularly Clarendon’s part in them, see Green, pp. 221 ff. Cromartie, pp. 126–30.

© Institute of Historical Research 1997.
learned and diligent in the land. It is not possible to say how many of these would have conformed if the Worcester House proposals had been implemented. Some would have balked at reordination if that nettle had not been grasped. Others would have found the rejection of the Covenant a sticking point if that had been required. The issue of the Covenant had been to the fore in 1660, John Gauden and Zachary Crofton having each written two books on the subject round the title *St. Peter's Bonds*. Gauden had advanced the somewhat spurious argument that the Covenant had been a response to the Laudian abuse of episcopacy; once primitive episcopacy was restored it became otiose. Crofton would have none of it and ended briefly in the Tower: ‘I had rather die a covenant-keeper than live a covenant-breaker’. Nonetheless the Worcester House Declaration would have seen a healing of divisions. Now it was just a memory, though, as we have seen, a lively one for many people until the Glorious Revolution:

the story of those troubled thirty years may be said to begin and end with Worcester House . . . At the Restoration it marked the high water-mark of mutual concessions. At the Revolution the last Bill for comprehension ever to come before parliament would look back nostalgically to Worcester House as the one real hope of union between Churchmen and Dissenters.

In fact, that Bill had been stillborn, to be replaced by toleration. The Worcester House Declaration was—and remains—the highwater-mark of plans for comprehension for the Church of England between the Reformation and the present day. The ‘turbulence of the times’, coupled with the entail of distrust from the Civil War and the Interregnum and the conservative reaction to the old ways, had ensured that a quick fix for comprehension could not be achieved.

London

Barry Till

55 Thomas, in *From Uniformity*, pp. 192f.