

BONDS OF DISCORD: ALTERNATIVE EPISCOPAL OVERSIGHT EXAMINED IN THE LIGHT OF THE NONJURRING CONSECRATIONS

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1. INTRODUCTION

In this paper I offer some warnings regarding the scheme for alternative episcopal oversight now embodied in the Act of Synod passed by the House of Bishops and published as Appendix B to *Ordination of Women to the Priesthood: Pastoral Arrangements*. These arrangements provide sacramental care as well as oversight for opponents of the ordination of women to the priesthood. Furthermore, the scheme is intended to serve two purposes: first, to safeguard the position of bishops and other clergy opposed to women's ordination; secondly, to ensure a continuity of such bishops and clergy. That the scheme is flawed becomes apparent when one examines it in the light of an arrangement devised at the end of the 17th century. The arrangement had been intended to secure the episcopal oversight of the body, both clerical and lay, which separated itself from the Church of England in 1690-91.² The separation stemmed from its members feeling themselves unable to take the oaths of allegiance to William and Mary; hence the term 'Nonjurors'.

At some points the parallel between the Nonjuring movement and the modern scheme of alternative episcopal oversight is inexact. Nonetheless at others it is so close that the study by Anglicans of the Nonjuring consecrations, both the events that led to them and their results, will enable certain dangers to be avoided and the participants to see what the future may hold.

2. THE EVENTS LEADING TO THE SEPARATIONS

My cautionary tale begins on 10 June 1688³ for, as every history student knows, William of Orange had then two preoccupations: the first involved the loss of the right of succession to the throne of his wife, James II's eldest daughter, the Princess Mary; the second concerned the security of the Protestant succession.⁴ These preoccupations led him to tell Charles, 2nd Viscount Mordaunt, that, were he to be invited to rescue the English nation and religion '... he would then see what might be possible for him to do.'⁵ This assertion was qualified when he told Admiral Edward Russell, afterwards Earl of Orford,

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 2. In this article, the convention of giving a double year-date for days from 1 January to 24 March 1751 has been followed. Until the passing of Lord Chesterfield's Act (24 Geo II c 23) in 1751 the new year was reckoned from 25 March. By that enactment, the year 1752 began on 1 January.
 3. The birthday of James II's son, James Francis Edward. The Princess Mary, who had been born in 1662, was the daughter of James and Anne Hyde (1637-1671); James Francis Edward was the son of James and Mary Beatrice of Modena (1658-1718). James, as Duke of York, had married Anne, the daughter of Edward Hyde, 1st Earl of Clarendon, in 1660 and Mary Beatrice in 1673.
 4. John Miller, *James II: a Study of Kingship* (2nd edn. London, 1989), p.185.
 5. G. Burnet, *A Supplement to the History of My Own Time*, ed. H. C. Foxcroft (Oxford, 1902), pp. 287-288.

‘. . . that he would not meddle in [the] affairs of England unless he should be invited to it by some of the chief men of the nation.’⁶

In due course, seven men including a bishop, Compton, and a former lord treasurer, Danby, met and drafted an invitation, which was despatched on 30 June 1688, to William to invade. He required little encouragement, taking up the offer by landing at Torbay on 5 November 1688. The invasion led to the defeat of James II’s forces and to the Crown being offered jointly to William and the Princess Mary on 13 February 1689. The offer became possible, in the minds of those who made it, after James’s flight to France, which action they construed as an abdication.

3. THE NONJURORS

As I have already indicated, many of the clergy of the Church of England who had taken the oaths of allegiance to James felt themselves bound by those oaths and unable to swear allegiance to William and Mary.⁷

Those who refused the oaths are well-known, and included William Sancroft, Archbishop of Canterbury,⁸ the saintly Thomas Ken, Bishop of Bath and Wells⁹ and Francis Turner, Bishop of Ely.¹⁰

Eight bishops are accounted Nonjurors: six who refused the oaths and were in due course suspended and then deprived; Thomas of Worcester who died before either his suspension or deprivation could be carried into effect, and Lake of Chichester who, having been suspended, died before he could be deprived. In addition (and exactness is difficult) there were between five and six hundred priests, deacons and laymen.¹¹

It is important to note that these men were not eccentrics or nonentities and of them Dr. Paul Monod has written ‘. . . they were . . . perhaps the most erudite collection of clerics ever to grace an English denomination.’¹²

Those bishops and clergy who had refused the oaths were suspended from the performance of their ecclesiastical functions from 1 August 1690 to 1 February 1690/91 by 1 Will & Mary c 8 s 7. The section also enacted that those who had not before 1 February 1690/91 taken the oaths were to be deprived of their benefices.

4. THE FIRST CONSECRATIONS¹³

No urgency attached, in the minds of the Nonjuring bishops and clergy, to ensuring the succession amongst them until after the consecrations of the

6. *Ibid.*, p. 289, (square brackets in text).
 7. For the whole episode, see T. Lathbury, *A History of the Nonjurors: Their Lives. Controversies and Writings* (London, 1845); J. H. Overton, *The Nonjurors: Their Lives, Principles and Writings* (London, 1902); H. Broxap, *The Later Non-Jurors* (Cambridge, 1924).
 8. William Sancroft (1617-1693). Master of Emmanuel College, Cambridge, 1662; Dean of York, 1664; Dean of St. Paul’s, 1664; Archbishop of Canterbury, 1678.
 9. Thomas Ken (1637-1710). Fellow of New College, Oxford, 1661-1666; Fellow of Winchester College, 1666; Bishop of Bath and Wells, 1684.
 10. Francis Turner (1638?-1700). Fellow Commoner of St. John’s College, Cambridge, 1664; Master, 1670; Dean of Windsor and Bishop of Rochester, 1683; Bishop of Ely, 1684; implicated in the Preston plot of 1691.
 11. For a list (not exhaustive) of clerical and lay Nonjurors, see Overton, *op. cit.*, pp. 467-496.
 12. P. Monod, *Jacobitism and the English people, 1688-1788* (Cambridge, 1989), p. 138.
 13. This account of the circumstances leading to the new consecrations is based upon George Hickeys’ anonymous introduction to *Records of the New Consecrations* in the library of Sion College. The introduction may most conveniently be consulted in Overton, *op. cit.*, pp. 84-88. Hickeys (1642-1715) had been elected a Fellow of Lincoln College, Oxford, 1664; he became chaplain to the Duke of Lauderdale, 1676; Vicar of All Hallows, Barking, 1680-1686; Dean of Worcester, 1683.

intruders into the sees of the deprived bishops on Whit Sunday, 31 May 1691. After those consecrations, Archbishop Sancroft and his episcopal brethren decided that the Nonjuring succession should be continued.

The problem was not a new one: the Bishop of Ely, in the course of discussion which took place on the question, referred his fellow bishops to some letters in the library of St. John's College, Cambridge. Those letters had been exchanged just before the Restoration between Sir Edward Hyde, later Earl of Clarendon and Lord Chancellor,¹⁴ and Dr Barwick, Dean of St. Paul's. When the letters were written the bishops had been reduced in number to seven and the correspondence dealt with the question of how the episcopal succession could be continued under the Commonwealth.

It appears that difficulties had arisen in consecrating bishops during the Commonwealth because either there was no capitular body to whom the *congés d'élire* could be sent or, where there was a dean and chapter, they could not legally hold chapters out of their respective churches.

A Mr. Br____,¹⁵ a Fellow of St. John's, was asked to send the correspondence to the bishops. He did so, and the solution it offered, namely the consecration of suffragan bishops according to the provisions of the Suffragan Bishops Act (26 Hen 8 c 14), was seized upon as the means whereby the Nonjuring succession could be ensured. It should be added that no consecrations resulted from the Clarendon-Barwick correspondence: the Restoration occurred before the idea could be pursued.

The Act of 1534 requires that, where a diocesan bishop wishes a suffragan to be appointed, the names of two persons shall be presented to the king who should be asked that one of them have conferred upon him '... such title name stile and dignitie of byshope of such of the sees especified [in the Act].'

Upon receiving this information about the Act of 1534, Archbishop Sancroft and the bishops decided to consecrate suffragans in the manner prescribed. The situation was, of course, different from that which had obtained during the Commonwealth: there were capitular bodies in existence yet there was none to whom James II could have directed his *congés*, nor would the chapters have acted upon them had he done so.

The process which led to the consecration of the suffragans was inaugurated by a letter from Henry, 2nd Earl of Clarendon to Lord Melfort, the King's secretary at the Stuart court at Saint-Germain. Lord Melfort's reply was encouraging and so a second letter was despatched.

For some time no answer was received. However, at last a letter arrived from Lord Melfort signifying, as Dr Hickee, by then deprived of the deanery of Worcester, tells us '... his *majestie's* great desire to have the new consecrations finished, and requiring them in order thereunto, to send some person over, with whom his majesty might confer about this matter, and to send a list of the deprived clergy by him.'¹⁶

14. See n. 2 above.

15. Hickee, *op.cit.*, p.1, 'Mr. Br____' probably denotes Thomas Browne (1654-1741), Fellow of St. John's College, Cambridge, 1678-1708. Overton, *op. cit.*, p.85n. identifies the Fellow of St. John's Hilkiah Bedford (1663-1724). He may have been misled by an error in transcription for he has 'Mr. B____' for 'Mr Br____' *ibid.*, p.85.

16. Hickee, *op. cit.*, p.1.

Thus it was that Dr Hickea found himself, on 19 May 1693, travelling to France, carrying with him a list of prospective bishops. He journeyed by way of Holland, and reached Saint-Germain after many difficulties six weeks later. Arriving late at night, he met King James who put off the discussion of the consecrations until the following day.

At that meeting the reason for the delay in replying to the bishops' second letter was explained: before he could give his assent to the consecrations the king felt himself obliged to consult both the Archbishop of Paris, Francois de Champvallon, and the Bishop of Meaux, J.-B. Bossuet.¹⁷ They in turn consulted the Pope, Innocent XII. When Hickea arrived, the Archbishop of Paris and the Bishop of Meaux had already signified their consents and the Pope did so before he left Saint-Germain for England at the end of July 1693.

Hickea carried with him back to England the king's *congés d'élire* nominating as bishops himself and one Thomas Wagstaffe.¹⁸

Hickea reached Harwich on 29 January 1693/94. From there he travelled to London and on 24 February, the Feast of St. Matthias, he and Thomas Wagstaffe were consecrated as bishops of Thetford and Ipswich respectively, that is as suffragans of Norwich.

The consecrations were performed according to the rites of the Church of England by Lloyd of Norwich, Turner of Ely and White of Peterborough. The place of consecration was Bishop White's lodging at the house in Middlesex of William Gifford, the Nonjuring Rector of Great Bradley.

While these were not the only consecrations to be performed amongst the Nonjurors they were the only ones to be carried out pursuant to the Suffragan Bishops Act 1534. All other consecrations, for example those of Archibald Campbell in August 1711 and of Jeremy Collier,¹⁹ Samuel Hawes and Nathaniel Spinckes in May 1713 created bishops at large. That term conjures up visions of the notorious *episcopi vagantes*. However the status of Campbell, Collier and Spinckes should not be impugned on that account, for the bishop at large was recognised by Richard Hooker,²⁰ who wrote '... bishops being principal pastors, are either at large or with restraint: at large when the subject of their regiment is indefinite, and not tied to any certain place. . .'.²¹ In speaking of the apostles he says 'Bishops therefore they were at large.'²²

5. THE LATER CONSECRATIONS

James II died on 6 September 1701 and was succeeded in the Stuart line by his son, the thirteen-year-old James Francis Edward, whom Louis XIV had promised to recognise as James III.²³

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17. Jacques-Benigne Bossuet (1627-1704). Disciple of St. Vincent de Paul; apologist; panegyrist at the court of Louis XIV; Bishop of Meaux.
 18. Thomas Wagstaffe (1645-1712). New Hall, Oxford, 1660; chaplain of Sir Richard Temple, 1669; Prebendary and Chancellor of Lichfield, 1684.
 19. Jeremy Collier (1650-1726). Caius College, Cambridge, 1669; chaplain to the Dowager Countess of Dorset, 1677; Rector of Ampton, 1679; Lecturer at Gray's Inn, 1685; author of *A Short View of the Immorality and Profaneness of the English Stage* (1698).
 20. Richard Hooker (1554?-1600). Fellow of Corpus Christi College, Oxford, 1577-1584; Rector of Drayton Beauchamp, 1584; Master of the Temple, 1584/85; Rector of Boscombe, 1591; of Bishopbourne, 1595.
 21. Hooker, *Of the Laws of Ecclesiastical Polity*, Bk. VII. Ch. ii. 3. Hooker's authorship of Book VII, which was not published until 1662, is disputed. For a discussion, in which the genuineness of Book VII is upheld, see R. A. Houk's introduction to his edition of Book VIII entitled *Hooker's Ecclesiastical Polity: Book VIII* (New York, 1931).
 22. *Ibid.*, op. cit., Bk. VII. Ch. iv. 1.
 23. James Fitzjames, 1st Duke of Berwick, *Memoires du Marechal de Berwick, écrits par lui meme* (Paris, 1778), vol. 1, note 4, pp. 478-479.

James III took a less prominent role than that of his father in the consecration of Nonjuring bishops. Any role he assumed was in pursuance of a suggestion made by Dr. Richard Rawlinson,²⁴ better known as an antiquary and topographer than as a Nonjuring bishop, that there should be a renewal of the royal consent.

This suggestion was made in 1737 after the consecration of Timothy Mawman on 17 July in that year.²⁵ The consecration of Mawman had been intended finally to heal the rift which had arisen in the Nonjuring communion over the usages. The usages were fourfold:- prayers for the dead, the *epiklesis* or prayer for the descent of the Holy Spirit on the consecrated elements, and the offertory prayer whereby the elements were offered to the Father as symbols of His Son's Body and Blood.²⁶

One group of Nonjurors said that the usages were essential, the other that they were not, and there followed a long and unedifying dispute that lasted from 1717 until 1737 and both usagers and non-usagers, apart from exchanging bitter words, consecrated bishops so as to continue their own lines.

There were irregularities. For example, in 1733 Roger Laurence was consecrated *solus*²⁷ by the usager Archibald Campbell, who had himself been regularly consecrated at Dundee in 1711. Laurence then, and on the same occasion, joined with Campbell in consecrating Thomas Deacon. Those consecrations started an irregular line of which the last bishop was Charles Booth.²⁸

Furthermore, John Blackburne, a non-usage bishop who disagreed with the union proposals and had set up a separate communion, threatened in 1735 in a fit of episcopal pique to consecrate as bishop John Creyk, chaplain to Heneage Finch, Earl of Winchelsea. The threat was never executed.²⁹

But to return to James III and the renewal of the royal consent. Negotiations were set in hand, Thomas Carte the historian being used as the intermediary between the Nonjuring body and Thomas Wagstaffe, son of the Wagstaffe who in 1693/94 had been consecrated as Bishop of Ipswich.³⁰ Wagstaffe was chaplain to the Anglican members of James III's court and, as a consequence, had the ear of the king himself.

The king's consent was signified in a letter dated 23 July 1742 from Wagstaffe to Robert Gordon (or Gordoun), the last bishop of the regular line. This consent was couched in rather curious language, referring to the king as the landlord, the bishops as trustees and the consecrations as the granting of new leases:

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24. Richard Rawlinson (1690-1755). St. John's College, Oxford, 1707/08; Fellow of the Royal Society, 1714; D.C.L., 1719; Fellow of the Society of Antiquaries, 1727; consecrated as a Nonjuring bishop, 1728; founded by a deed annexed to his will the chair of Anglo-Saxon in the University of Oxford.
25. T. Wagstaffe the younger to T. Brett, 2 October 1737 Bodl. Brett MSS., vol. XI, f.81. See also R. Rawlinson to T. Brett, 31 December 1737, *ibid.*, f.115.
26. For an authoritative account of the usages controversy, see Broxap, *op. cit.*, ch. III.
27. Consecrations carried out by a single consecrator are uncanonical: see John Godolphin *Reperitorium Canonicum: or an Abridgment of the Ecclesiastical Laws of this Realm* (3rd edn., London, 1687), p. 26. However, Samuel Horsley (1733-1806), Bishop successively of St. David's, Rochester and St. Asaph, is said to have pronounced William Cartwright (1730-1799), a Nonjuring bishop consecrated by Kenrick Price alone in 1791, as much a bishop as himself (Overton, *op. cit.*, p. 369).
28. For Booth see below.
29. Broxap, *op. cit.*, pp. 205-206. Cf. T. B. Howell (ed.), *A Complete Collection of State Trials* (London, 1816), vol. XVIII, col. 390: 'The speeches of the rebels [i.e. of Thomas Syddall and Thomas Theodorus Deacon from the scaffold after the '45 were suspected to be wrote by Mr Creake [i.e. Creyk], a nonjuring clergyman; (some said one of their bishops) . . . Thomas Theodorus Deacon was one of three sons of Thomas Deacon, Bishop of the Orthodox British Church in Manchester (see below).
30. Rawlinson to Brett, 27 March 1742. Bodl. Brett MSS., vol. XII, f.201a.

. . . as to the affair of the leases, [James III] upon examining his papers, . . . found [nothing] . . . of what was enquired after, which made it probable that nothing was put in writing on such matter, and that for this and other reasons he thought it proper . . . instead of a formal writing, to desire me by *word of mouth* to inform them of what he had then said to me, and that he shall approve of their granting new leases hereafter to persons qualified for that favour, as they shall think requisite; but that he was of opinion that they should, on all accounts, do this sparingly, and not grant new leases without proper motives for so doing.³¹

It should be noted that the authority conferred by Wagstaffe's letter was never exercised, for Robert Gordon, the 'lessee' on whose behalf James III's consent was purportedly obtained, had been consecrated on 11 June 1741.³²

6. THE NONJURORS AT WORSHIP: THE FAITHFUL REMNANT

The worshipping life of Nonjurors in London was at its most active in the early years of the eighteenth century. While it is difficult to give any credence to Bishop Nicolson's assertion that there were fifty Nonjuring churches in London in 1716³³ (unless he was including private houses where Nonjuring services were conducted) the existence of at least twelve such places of worship at around that date is well-documented.³⁴

Included in the number are Scroop's Court, afterwards Union Court, where Dr. Hickes officiated, an 'upper room' in Broad Street where Jeremy Collier ministered and Richard Rawlinson's oratory in Gray's Inn. A chapel in Goodman's Fields, Whitechapel seems to have been of some size since it was capable of accommodating two hundred and fifty worshippers.³⁵

Liable to invasion by the civil authority and infiltration by the mob, Nonjuring worship in the capital was not always peaceful. Government raids on meetings in London in the years 1691-1692 revealed forty people assembled in a house in Holborn and an unspecified number attending a conventicle in St. James's.³⁶ The attentions of the mob were no less disruptive. For example, Thomas Wagstaffe the younger wrote on 20 October 1716 to Thomas Brett telling him of disorder at a service conducted in Scroop's Court by Henry Gandy. During the prayer for the Royal Family members of the mob 'noised out "King George and the Royal Issue etc."'³⁷

A fascinating picture of Nonjuring life in London at the beginning of George III's reign, and of its decline, is provided by the record which Robert Forbes, Bishop of Ross and Caithness, kept in his journal of a visit he and his wife made to the city in September and October 1764. Bishop Forbes writes as follows of going to Bishop Gordon's chapel (probably situated in or about Theobald's Road) on Sunday, 30 September, 1764:

31. T. Wagstaffe the younger to R. Gordon, 23 July 1742. Bodl. Brett MSS., vol. XII, f. 237.

32. Gordon's deed of consecration is reproduced in Broxap, *The Later Non-Jurors* between pp. 224 and 225. It should be noted that Gordon was consecrated on 11 June 1741 and not 11 July as stated *ibid.*, p. 351 (in Appendix IV, *A Complete Register of Non-Juror Consecrations*).

33. William Nicolson, Bishop of Carlisle, to William Wake, Archbishop of Canterbury, 20 September 1716 in Henry Ellis, *Original Letters Illustrative of English History* 1st Series (London, 1825), vol. III, p. 370.

34. See J. Yeowell, 'Oratories of the Nonjurors', in *Notes and Queries*, 1st Series, vol. II, No. 52, (26 October 1850), pp. 354-355.

35. See Overton, *The Nonjurors*, p. 283.

36. Narcissus Luttrell, *A Brief Historical Relation of State Affairs from September 1678 to April 1714* (Oxford, 1857), vol. II, pp. 386-387, 438.

37. Bodl. Brett MSS., vol. II, f. 305.

along with her to Prayers; and sorry was I to see the suffering, nonjurant clergy so poorly attended in England; only about 30 or 40 in Bishop Gordoun's chapel.³⁸

Thirty to forty may seem a respectable number of worshippers but it must be remembered that Bishop Gordon's congregation was in 1764 co-terminous with Nonjurors of the regular line in London.

Bishop Gordon died in 1779 and before his death he commended his congregation to the care of the Scottish bishops. From 1784 it was ministered to by a Nonjuring clergyman from Newcastle, John Mansfield, who had worked in that city until 1784. His move to London meant the virtual extinction of the Newcastle congregation although Nonjuring principles appear to have survived in the city albeit in vestigial form.³⁹ Nothing is heard of Mansfield after 1789⁴⁰ and that date must mark the demise of the Nonjuring community of the regular line in London. The majority of Nonjuring oratories were in London. There were however some in the provinces. There was some provision for Nonjuring worship in Oxford . . . at Mr Sheldon's chamber at Xt Church, who finds all the necessaries for it. . .⁴¹ in Bristol where a Mr Bisse officiated,⁴² in Newcastle as we have seen, and in Cambridge.⁴³

It should be added that while many Nonjurors worshipped in Nonjuring oratories not all did so, preferring to attend their parish churches. Among these are to be numbered Robert Frampton, Bishop of Gloucester,⁴⁴ William Law⁴⁵ and Thomas Baker.⁴⁶ Nonjurors in Manchester who wished to attend the worship of the established church were especially well-catered for because the Collegiate Church, now the cathedral, was a notable Jacobite and Nonjuring centre whose chaplains and Fellows greeted Charles Edward Stuart enthusiastically in 1745.⁴⁷

Manchester was the centre for the Orthodox British Church over which Thomas Deacon presided. As we have seen, Deacon was consecrated as bishop by the usagers Archibald Campbell and Roger Laurence in 1733. He combined his episcopal functions with the practice of physic and hence came to be called *Doctor Deacon*.

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38. J. B. Craven, ed., *Life of Bishop Forbes in Journals of the Right Rev. Robert Forbes, M.A.*, (London, Edinburgh and Kirkwall, 1886), p. 32.
 39. J. Brand, *The History and Antiquities of the Town and County of the Town of Newcastle upon Tyne* (London, 1789), vol. 1, pp. 235-236n.
 40. See Richard Sharp, '100 Years of a Lost Cause: Nonjuring Principles in Newcastle from the Revolution to the Death of Prince Charles Edward Stuart', *Archaeologia Aeliana*, 5th Series, 8 (1980), p. 52.
 41. Entry in Thomas Hearne's diary for 16 September 1705 in C. E. Doble, ed., *Remarks and Collections of Thomas Hearne* (Oxford, 1885), vol. 1, p. 44.
 42. J. Doran, *London in the Jacobite Times* (London, 1877), vol. 1, p.319.
 43. Entry in Thomas Hearne's diary for 27 July 1730 in H.E. Salter, ed., *Remarks and Collections of Thomas Hearne* (Oxford, 1915), vol. X, p.314.; Overton. *The Nonjurors*, pp. 289-290.
 44. T. Simpson Evans, ed., *The Life of Robert Frampton, Bishop of Gloucester* (London, 1876), p. 203.
 45. J. H. Overton, *William Law, Nonjuror and Mystic: a Sketch of his Life, Character, and Opinions* (London, 1881), p. 225. William Law (1686-1761). Fellow of Emmanuel College, Cambridge, 1711; ejected as a Nonjuror, 1717; tutor in the family of Edward Gibbon; retired to King's Cliffe, Northamptonshire, 1740; author of *A Serious Call to a Devout and Holy Life* (1718).
 46. See note 38.
 47. Beatrice Scott, 'The Informations Laid Against Certain Townsmen of Manchester in 1746', *Transactions of the Lancashire and Cheshire Antiquarian Society*, 42 (1925), pp. 27-39; Richard Parkinson, *The Private Journal and Literary Remains of John Byrom*, Chetham Society, (Manchester, 1857), vol. II, part II, pp. 393-394.

Dr Deacon ministered to a small congregation either in his house in Fennel Street or in a building nearby.⁴⁸ It seems unlikely that the number of those attending his meetings ever exceeded a few score.⁴⁹ Deacon's congregation probably increased for a time after the '45, the executions which followed the rising having the effect of making him and the Nonjuring and Jacobite principles which he represented more popular. A pamphlet attributed to Thomas Perceval of Royton Hall says of the size of his auditory: 'His own congregation were about 20 before the late hurry and now perhaps not above 60 that publicly attend him.'⁵⁰

Despite the relatively small number which Dr Deacon's Orthodox British Church attracted during its prelate's lifetime, it was to exhibit a surprising vitality: Charles Booth, a watchmaker by trade and the Church's last surviving bishop, was ministering to the remnant of its members at his house in Long Millgate, Manchester as late as 1804. The fact that he appears in Manchester trade directories at least until 1819⁵¹ probably makes untrue Macaulay's assertion that he emigrated to Ireland in 1805.⁵²

8. THE DEMISE OF THE NONJURORS

The death on 30 January 1788 of Charles Edward Stuart, elder son of James III and the last serious Stuart contender for the throne, spelt the end of the Nonjurors hopes.⁵³ Indeed, the end of those hopes was forcibly underlined by the Scottish Church, always an inspiration to the English Nonjurors, declaring its allegiance to the House of Hanover at a synod held at Aberdeen on 24 August, 1788. The declaration was followed by its acknowledging George III and Queen Charlotte in its liturgy from May 1789.

However, for those able to read the signs, the fortunes of the Nonjurors had been on the wane for some time. The return of the Church of England in 1710 of the Shottesbrooke laymen who included in their number that truly good man, Robert Nelson,⁵⁴ was the first sign of decline. The decision to comply preceded the death of Thomas Ken, the last survivor of the deprived bishops, on 19 March 1710/11. Some time before his death, Ken had told Nelson that he no longer insisted upon his episcopal claim in such a way as to justify the continuing of the separation. This reply persuaded Nelson and those who thought like him to make their submission to the Church of England.⁵⁵

The Shottesbrooke laymen's reconciliation to the main body of the Church of England was followed in 1715 by the death of the man who had come to be known amongst his followers as 'the good Father Hickes'. There is a possibility that had Dr Hickes not died at that time his communion would never

48. The latter is the more likely: see James Ray, *A Compleat History of the Rebellion, from its First Rise in 1745, to its Total Suppression in the Glorious Battle of Culloden, in April 1746* (Manchester, [1747], pp. 207-208).

49. Henry Broxap, *A Biography of Thomas Deacon, the Manchester Non-Juror* (Manchester, 1911) p. 99.

50. Quoted *ibid.*, p. 100.

51. See the collection of Manchester trade directories, 1804-1819, in the possession of the Institute of Historical Research, University of London.

52. Lord Macaulay, *The History of England from the Accession of James the Second*, ed. C. H. Firth (London, 1914), vol. IV, p. 2010.

53. Benedict XIV's creating Henry Benedict, James III's younger son, (1725-1807), a cardinal on 3 July 1747 effectively disqualified him as a claimant to the throne.

54. Robert Nelson (1656-1715), author of *A Companion for the Festivals and Fasts of the Church of England*. First published in 1704, it had by 1826 gone through thirty-six editions.

55. For this episode in the history of the Nonjuring movement see Lathbury, *op.cit.*, ch. VI (especially pp. 203-210).

have become riven by the controversy over the usages. Hickeys, although himself a usager, had the ability which Jeremy Collier, his successor in the primacy lacked, to hold the body together.

The role of the controversy, with its fissiparous wrangling over what were essentially *adiaphora*, or 'things indifferent', in contributing to the death of the movement should not be underestimated.

The influences to which I have referred meant that, while there were some notable exceptions, no more than a handful of Nonjurors survived at the accession of George III. Thus, Charles Booth's ministering to a Deaconite Non-juring congregation as late as 1804 is to be regarded as little more than an anachronistic survival. Even they realised their cause was lost for they had by then it seems abandoned their allegiance to the Stuarts.⁵⁶

9. THE OLD AND THE NEW SEPARATIONS

It may be argued that the differences between the scheme for alternative episcopal oversight approved by the General Synod of the Church of England and the Nonjurors' ensuring their survival by the consecration of their own bishops are so different that the modern Anglican has nothing to learn from the Nonjurors. For example, it will be said that while alternative episcopal oversight has been devised by those within the Church of England as a means of preventing schism, the Nonjurors regarded themselves as *the* Church of England, having separated themselves from a body which had broken faith with its principles and especially in the matter of the oaths.⁵⁷

That argument does not however do justice to the true position within a Church of England where episcopal jurisdiction has become divided, with separate oversight for those who object to the ordination of women and those who do not. Those who dissent are formally inside the church but in reality outside it since they differ the main body on two fundamental matters of church order: first, whether women can have conferred upon them the order of priesthood and, secondly, if they can be ordained, whether a local church can confer such orders on women in the absence of the approval of the universal church.

This means, I fear, that the fate of those who oppose women's ordination may be read in the history of the Nonjurors who suffered, as I have shown, fragmentation and marginalisation.

Alternative episcopal oversight is likely to fragment the body which accommodates it: one can see *ecclesiolae in ecclesia* being created by an arrangement whereby bishops opposed to the ordination of women oversee those similarly opposed on a diocesan, regional and provincial basis.⁵⁸ This may follow because the overseeing bishops will create successions of bishops and clergy who

56. Monod, *op. cit.*, 142.

57. George Hickeys was scathing about those who adhered to the established church. Thus he said of the clergy and laity who continued as members of that body:
... They can perform no valid Acts of Priesthood; their very Prayers are Sin; their Sacraments are no Sacraments; their Absolutions are null and of no force; God ratifies nothing in Heaven, which they do in his Name upon Earth; they, and all that adhere to them, are out of the Church ... (George Hickeys, *The Constitution of the Catholic Church, and the Nature and Consequences of Schism* ([n.p.], 1716), pp. 32-33).

58. See sections 4, 5 and 6 of the Act of Synod. For the problems both of definition and jurisdiction likely to be created by Provincial Episcopal Visitors (PEV) see Michael Smith's letter to the editor entitled 'Canonical Confusion' in (1994) 3 *Ecc LJ* pp. 263-264.

are opposed to the ordination of women to the priesthood and effectively out of communion with those in favour of such ordinations. Only the most sanguine can be certain that the two groups will not degenerate into mutually-anathematising sects engaged in controversies as bitter as any that characterised the disputes over the usages.

And what of the situation when the number of bishops and priests opposed to the ordination of women becomes seriously reduced by death or decisions to conform to the main body of those not opposed? One can only speculate upon the shifts to which the remnant of those laity continuing to oppose the ordination of women to the priesthood in ten to twenty years time will be put to secure to themselves valid sacraments.

The defects of the scheme become most apparent when one considers those congregations which have entirely dissociated themselves from the scheme and thereby from the Church of England itself. Such dissociation has usually involved their removing themselves from the building owned by the established church into other accommodation and aligning themselves with some so-called continuing church which considers itself to be the Church of England.⁵⁹

The difficulties in which such congregations will find themselves when their priests die, retire or move on, will be especially acute. These are people for whom alternative episcopal oversight will be insufficiently comprehensive. Their fate will doubtless be similar to that of those Nonjuring congregations, who by the latter half of the eighteenth century, had dwindled almost to nothing and frequently worshipped in drawing rooms.

10. CONCLUSION

While the scheme for alternative episcopal oversight has been devised to prevent schism in the Church of England, it may prove to be the means of introducing it: any church which attempts to maintain its unity by guaranteeing separate oversight and sacraments to a minority opposed to a measure approved by the majority has taken schism into its system. This is a prospect which 'the good Father Hickeys' would not have contemplated with equanimity.

59. See the News in Brief report in *The Times*, 14 May 1994, that St. Ninian's, Whitby, Yorkshire had joined the Anglican Catholic Church in Britain.

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