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# The Anglican Parish Vestry in Colonial Virginia

By WILLIAM H. SEILER

IN 1677 WHEN BISHOP HENRY COMPTON'S INTEREST IN THE Church of England in the Plantations led him to criticize the methods of church organization in those remote places, he made the accusation that vestries in Virginia were the sole managers of church affairs and had arbitrary power over the ministers.<sup>1</sup> Pressures of geographical separation, local environment, and the lack of careful guidance from England led to separate characteristics in the Virginia Anglican Church during the colonial period. Rigid compliance with organizational forms was impossible, and colonial adaptations resulted. This fact was strongly accented by the growth and influence of the parish vestry of the Virginia Established Church during this period.

Origins of the vestry system in Virginia can be found as early as 1610-1611 in the "Lawes Divine, Morall and Martiall, &c." proclaimed by Sir Thomas Dale. By this decree "foure of the most religious and better disposed" men were to be selected by each minister "to informe of the abuses and neglects of the people in their duties, and service to God, as also to the due reparation, and keeping of the Church handsome, and fitted with all reverent Observances thereunto belonging."<sup>2</sup> While these appointees more nearly resembled the English parish churchwardens than the formal organization of the English vestry, the arrangement nevertheless represents an adoption of the English parochial laity's participation in local ecclesiastical government.

<sup>1</sup> *Virginia Magazine of History and Biography* (Richmond, 1893- ), I (1893-1894), 50 ff.

<sup>2</sup> [W. Strachey] (comp.), *Lawes Divine, Morall and Martiall*, in Peter Force (comp.), *Tracts and Other Papers Relating Principally to the Origin, Settlement, and Progress of the Colonies in North America* (4 vols., Washington, 1836-1846), III, no. 2, p. 11.

According to the statutes of 1632, churchwardens were to be chosen yearly at Easter, but no identification of the electors was made. At this time, at least one of the churchwardens of each parish was ordered to accompany the minister to an annual meeting in Jamestown at the mid-summer session of the quarterly court. There the reports of tax levies, collections and disbursements, the register of christenings, burials, and marriages, and presentments of offenders against the moral law were submitted.<sup>3</sup> This legislation, which in its entirety marked the colonial attempt to formulate a workable code in the absence of English governmental or ecclesiastical interest, included directions for a committee in each parish to undertake the responsibility for construction and repair of church buildings. Composed of the commissioners (later justices of the peace), minister, churchwardens, "and chiefe of the parish," such a lay board was obviously a transitional step to the formal recognition of the parish vestry.<sup>4</sup>

Evidence of this transitional development, and the first use of the term vestry in an extant official record, can be found in the minutes of the Accomack county court, September 14, 1635,<sup>5</sup> when the justices ordered the erection of a parsonage. Referring to this project, the court discussed the vestry's undertaking of it, and its right to do so, which had previously been upheld by the General Court. The Accomack county court, upon the basis of this decision, and determining that "there have heretofore been no formal vestry nor vestrymen," appointed eleven men to serve in that capacity. The issue seems to have been the legality of a body already in existence, a legality now certified by the appointments of the county court. This would suggest the existence of an act

<sup>3</sup> William Waller Hening (ed.), *The Statutes at Large; Being a Collection of All the Laws of Virginia* [1619-1792] (13 vols., Richmond, 1809-1823), I, 155-56. The earliest extant court record in Virginia refers to churchwardens. At a court held at Accomack Plantation, January 7, 1633, the order was given to the churchwardens for "power to distrayne upon goods and Chattells of . . . inhabitantes" not contributing corn and tobacco to the minister. Susie M. Ames (ed.), *County Court Records of Accomack-Northampton, Virginia, 1632-1640* (Washington, 1954), 1.

<sup>4</sup> Hening, *Statutes*, I, 185. The "chiefe of the parish" may have been the commander (two years later the county lieutenant), or this reference may have been to the chief laymen of the parish. George MacLaren Brydon, *Virginia's Mother Church* (2 vols., Richmond, 1947-1952), I, 433, holds to the latter view. By an act of 1640, probably re-enactment of a lost act of 1634, churchwardens were to make their presentments to the monthly courts. *Ibid.*, I, 436; Hening, *Statutes*, I, 227.

<sup>5</sup> Ames, *County Court Records of Accomack-Northampton, Virginia*, 39.

of the Assembly, now disappeared, authorizing such a body,<sup>6</sup> or the necessary and thoroughly understandable adaptation of the English vestry system to the colonial scene prior to legislative enactment.

The first official act of the Assembly in available records which directed a vestry to be established in each parish was in 1636.<sup>7</sup> A similar act may have been passed at the time the counties were organized in the colony in 1634.

In the general revision of the laws in March 1643 the church legislation was considerably more detailed than at any previous time. The growing body of customs that had emerged in the colony was now translated into a code of laws for the province.<sup>8</sup> The enactments concerning the vestry appear to be substantially those of 1636<sup>9</sup> and show the concern of the burgesses for local organization of the church. By this legislation of 1643, "the most sufficient and selected men," the minister, and two or more churchwardens were to comprise the parish vestry. This group was responsible for tax levies and assessments and for church repair, and the churchwardens were responsible for presentments at a yearly meeting of the county court

of such misdemeanors as to their knowledge have been committed the year before . . . namely, swearing, prophaning God's name, and his holy Sabbath, abusing his holy word and commandments, contemning his holy sacraments or anything belonging to his service or worship.

. . . [and of] any person or persons of what degree or condition soever shall abuse themselves with the high & foule offences of adultery, whoredome or fornication or with the loathesome sinne of drunkenness in the abuse of God's creatures.<sup>10</sup>

The vestry had been established as a group of laymen selected to administer the parish affairs, but there was no designation of their numbers beyond "the most sufficient" men, no basis given

<sup>6</sup> Brydon, *Virginia's Mother Church*, I, 93; Philip A. Bruce, *Institutional History of Virginia in the Seventeenth Century* (2 vols., New York, 1910), I, 65.

<sup>7</sup> The reference to this act of 1636 was made in an act of 1642. *Virginia Magazine of History and Biography*, I, 50 ff. Both of these acts were unknown to Hening at the time of his compilation of the Virginia colonial statutes.

<sup>8</sup> Hening, *Statutes*, I, 239-82, *passim*; also cf. Brydon, *Virginia's Mother Church*, I, 440-45.

<sup>9</sup> The wording of the acts of 1643 and the few extant for 1642 that were copied from 1636 would almost preclude denial of this.

<sup>10</sup> Hening, *Statutes*, I, 240-41.

for their selection, and no statement of the duration of their terms. It was apparent that the Virginia vestries, even at this early date, were resembling the more limited, selective close vestries of English background, rather than the open vestries which comprised the whole body of parishioners.<sup>11</sup> There was no formal indication as yet, however, that the vestrymen should select their own replacements in membership—a correlative requirement with limitation of numbers in the English close vestry. On the contrary, two years later, in the session of 1645, the Assembly passed an act that allowed “the major part of the parishioners . . . to make choice of such men as by pluralities of voices shall be fitt.”<sup>12</sup> This meant that the freemen of the parish could vote for the vestrymen, following the suffrage requirements for the burgesses.<sup>13</sup>

During this period of the Commonwealth and Protectorate the burgesses were the controlling authority in ecclesiastical affairs as well as in political affairs. They delegated control to the parishes, grounding the church even more firmly on a local basis.<sup>14</sup>

In 1661 the Assembly directed that the number of vestrymen should not exceed twelve.<sup>15</sup> Revision of the laws of the colony in 1662 included the specific designation of twelve men for the vestry of each parish. With the minister, they were to choose two of their number to serve as churchwardens for one year. It was also provided that “in case of the death of any vestry man, or his departure out of the parish, . . . the said minister and

<sup>11</sup> A discussion of this subject of open and close, or select, vestries may be found in practically all studies of English local government. A particularly good and complete discussion is in Sidney and Beatrice Webb, *English Local Government from the Revolution to the Municipal Corporations Act: The Parish and the County* (London, 1906), 91 ff., *passim*, 173-276.

<sup>12</sup> Hening, *Statutes*, I, 290-91.

<sup>13</sup> Charles M. Andrews, *The Colonial Period of American History* (4 vols., New Haven, 1934-1938), I, 184. Indentured servants were disfranchised by statute in 1655. Hening, *Statutes*, I, 412. In 1670 the voting privilege was removed from all freemen and was granted to only those men who could qualify under newly imposed landholding restrictions. *Ibid.*, II, 280. The wording of the act showed that it “was expressly designed to bring the law of the colony into accord with the law of England.” Andrews, *Colonial Period*, I, 185; also cf. Elmer I. Miller, *The Legislature of the Province of Virginia, Its Internal Development* (New York, 1907), 61.

<sup>14</sup> Hening, *Statutes*, I, 433 (March 1658): “*Bee it enacted by this present Grand Assembly concerning Church government as followeth: that all matters concerning the vestrey, their agreements with their ministers, touching the churchwardens, the poore and other things concerninge the parishes or parishioners respectively be referred to their own ordering and disposinge from time to time as they shall think fitt.*”

<sup>15</sup> *Ibid.*, II, 25.

vestry make choice of another to supply his roome.”<sup>16</sup> For the remainder of the colonial period this principle of co-optation by the members was the general rule.

The Assembly, in granting the right of perpetuity, saw in the continuation of membership in the vestries a possibility for permanence in parochial organization that was not otherwise available, and the corporate existence of the vestries, like the county courts, was confirmed.<sup>17</sup> These decisions of the Assembly were linked to the scarcity of ministers in the colony—a contemporary reported ten<sup>18</sup>—and the prospect that this condition would continue; the formation of new counties and parishes; the lack of an ecclesiastical hierarchy; and the return of Governor Berkeley and his Cavalier associates to power. Self-perpetuation of vestrymen was a part of the larger emerging pattern of control by affluent Tidewater planters who were rising to prominence in the closing years of the seventeenth century and were to become dominant in the following decades. It would be inaccurate to say that this was a prearranged part of a planned development. It was, rather, a current solution to the problem of how to sustain parochial organization at a time when the threat of disruption was immediate to one segment of the church-state government. This co-optation principle of the vestries, adopted at this time, was a distinct contribution to colonial self-government, restrictive as it may appear to later views.

These “Twelve Bishops,” as Governor Alexander Spotswood later referred to the vestrymen of St. Anne’s parish, by intellect, wealth, and social position occupied a status in the parish not dissimilar to that occupied by the professional man in the early twentieth-century rural community. A consultation of the lists of

<sup>16</sup> *Ibid.*, II, 44-45. Unlike common English practice, the Virginians did not make any allowance for the minister to choose one churchwarden and the vestry the other. The vestry chose both. There was no designation of a senior and junior warden, but one of the two in practice often held over for the following year. Often, one or both of the churchwardens served for several years, although they were elected annually. “In 1663, John Stockly, a patentee of several thousand acres, declared that the vestry of Hungars and Naswaddox parish was an illegal vestry, for it had not been chosen by the consent of the parish.” Susie M. Ames, *Studies of the Virginia Eastern Shore in the Seventeenth Century* (Richmond, 1940), 214.

<sup>17</sup> Hening, *Statutes*, III, 296; H. R. McIlwaine (ed.), *Executive Journals of the Council of Colonial Virginia* (5 vols., Richmond, 1925-1930), II, 98.

<sup>18</sup> R[oger] G[reen], *Virginia’s Cure . . .* (London, 1662), printed in Force, *Tracts*, III, no. 15, p. 2.

vestrymen's names compiled by Bishop William Meade in the course of his peregrinations or the names of those listed in the surviving vestry books more than emphasizes that the important persons of the colony often were vestrymen. They were burgesses<sup>19</sup> and county justices.<sup>20</sup> In ten of the thirteen Tidewater counties established between 1701 and 1776, parish organization preceded the counties. When political and judicial organization of these new areas was initiated, vestrymen who had had experience in local church government were prominently known to the electors, were leading figures in the parish, now a county, and if they were interested in local secular office as well as being lay members of the local ecclesiastical government, their performances were known, their reputations established.

Many of these vestrymen served a long time. In the vestry book of Kingston parish, Gloucester County, as an example, the names of Dudley, Armistead, Cary, Hayes, Tabb, Gwynn, Billops (Billups), and Throckmorton appear regularly.<sup>21</sup> George Dudley, later captain, served thirty-four years (1721-1754, 1757-1758). John Hayes served at least eighteen years (1740-1758), and Captain Thomas Hayes at least twenty-nine years (1740-1769). Charles Debnam (Debnom, Debrum) was a vestryman from 1740 until his death in 1760. Hugh Gwynn and Gwynn Reade served

<sup>19</sup> For example, Bishop William Meade reported that in the Virginia convention of 1776 there were "not three persons" who were not also vestrymen in their parishes. William Meade, *Old Churches, Ministers, and Families of Virginia* (2 vols., Philadelphia, 1857), I, 153.

<sup>20</sup> A comparison of the names of vestrymen given in the various vestry books with the justices of county courts in the court records attests to this fact. For example, justices of the Prince William county court in July 1752 who were also vestrymen of Dettingen parish were Robert Wickliffe, Anthony Seale, Richard Blackburn, Benjamin Grayson, Bertrand Ewell, and Henry Peyton. Prince William County Minute Book, 1752-1753, pp. 25, 28, 46; Vestry Book, Dettingen Parish, Prince William County, 1745-1802 (MSS., photostat, Virginia State Library, Richmond), 35. Colonel Thomas Harrison, also a county justice in 1752, was listed as a vestryman of Dettingen parish both before and after that date. The only other justice listed in 1752 was Richard Kenner, who was probably a resident of Hamilton parish; also cf. Princess Anne County Orders, no. 3, 1717-1728, p. 323; and Vestry Book, Lynnhaven Parish, Princess Anne County, 1728-1892 (MSS., photostat, Virginia State Library), 11-12, where complete duplication of vestrymen and county justices in 1728 may be found; another duplication of vestrymen and county justices, with one exception, in 1721, in Middlesex County Orders, 1721-1726, pp. 1, 6, 7, 10; and C. G. Chamberlayne (ed.), *The Vestry Book of Christ Church Parish, Middlesex County, Virginia, 1663-1767* (Richmond, 1927), 177.

<sup>21</sup> C. G. Chamberlayne (ed.), *The Vestry Book of Kingston Parish, Mathews County, Virginia (until May 1, 1791, Gloucester County), 1679-1796* (Richmond, 1929), *passim*; Meade, *Old Churches . . . of Virginia*, I, 326.



twenty-one and seven years respectively. The Armisteads were represented by Colonel Henry Armistead, William, John, William of Hesse, Captain Francis, and George. Captain Thomas Smith regularly attended from 1760 through the last entry in the vestry book in 1796, a period of thirty-six years; Thomas, Jr., served at least thirteen years, and was a vestryman in 1796 when the record closed. This was characteristic of the personnel and their length of service in the Tidewater vestries, and of the interrelationships of families of influence who dominated their membership.

The principle of twelve vestrymen for each parish was not always rigidly adhered to, and frequently more than two churchwardens were selected. Christ Church parish, Middlesex County, had six churchwardens and eighteen vestrymen in 1663. In 1683 and again in 1721 the question was raised whether there should be two or three churchwardens. The decisions were for three. The number varied between two and three until 1728, when two became the appointed number.<sup>22</sup> Wicomico parish, Northumberland, reported as many as fifteen vestrymen present at one time in 1719.<sup>23</sup> The increased number of vestrymen serving in some parishes during the latter part of the seventeenth and the early part of the eighteenth centuries was the result of consolidating old and forming new ones. Newport parish, Isle of Wight, reported thirteen vestrymen present in 1734 and seventeen in 1735.<sup>24</sup> This occurred in the reorganization of Isle of Wight County parishes, and the Assembly ordered incumbents to serve until the number fell below twelve, at which time the members were to choose the replacement.<sup>25</sup> This situation also prevailed in Southwark parish after the division of parishes in Surry County in 1738.<sup>26</sup> After 1744, with only one exception, Hening's *Statutes* show that the Assembly followed the policy of ordering new elections after the dissolution of vestries when consolidating and creating parishes.<sup>27</sup>

<sup>22</sup> *Vestry Book, Christ Church Parish, Middlesex, passim.*

<sup>23</sup> Vestry Book, Wicomico Parish, Northumberland County, Virginia, 1703-1795 (MSS., photostat, Virginia State Library), 16.

<sup>24</sup> Vestry Book, Newport Parish, Isle of Wight County, Virginia, 1724-1772 (MSS., photostat, Virginia State Library), 68, 71.

<sup>25</sup> Hening, *Statutes*, IV, 444.

<sup>26</sup> *Ibid.*, V, 75-76.

<sup>27</sup> *Ibid.*, V, 260, 268, 384; VI, 257; VII, 141, 150, 413-14, 416-17, 421, 429, 614, 618; VIII, 43, 206, 397, 399, 403, 426, 604. The exception was in 1755 when the vestry of Nottoway parish, Amelia County, was continued and St. Patrick's, Prince Edward, was ordered to elect twelve vestrymen. *Ibid.*, VI, 504.



In 1757 the Assembly re-enacted the statute of 1662 setting the number of vestrymen at twelve.<sup>28</sup> It also settled another problem that had arisen. How many members, it was asked, must be present before their actions were official? The decision was that seven should constitute a quorum and that a majority vote of this number was sufficient for contractual obligations.<sup>29</sup>

A remonstrance preceded any action of the vestry in replacing a member recalcitrant in attendance. As early as 1678 Christ Church parish, Middlesex, had issued a public notice that two hundred pounds of tobacco would be levied as a fine for unexcused absences. Only eight vestrymen had been present. On November 5, at the next meeting, all twelve members were present!<sup>30</sup> In 1721 the Bristol parish vestry, Henrico and Prince George counties, elected a new member to succeed one who had been absent for two years.<sup>31</sup> A careful survey of the vestry books shows that the meetings of the vestries were generally attended by more than seven members everywhere in the Tidewater during the eighteenth century. Exceptions to this were rare. It should be added that meetings attended by the full membership were not usual.

The failure to hold regular elections of vestrymen led to abuses, of course, and in the eighteenth century there were more frequent petitions to the General Assembly requesting dissolution of specific vestries and new elections.<sup>32</sup> In 1748 a specially appointed committee of the Assembly prepared a bill dissolving all of the vestries in the colony and ordering new elections, but it never got

<sup>28</sup> *Ibid.*, VII, 132.

<sup>29</sup> For example, St. Paul's parish, Hanover, in 1773 postponed final action because only five vestrymen were present. Less than a month later seven attended and inspected and approved the proceedings taken earlier. C. G. Chamberlayne (ed.), *The Vestry Book of St. Paul's Parish, Hanover County, Virginia, 1706-1786* (Richmond, 1940), 508, 509; also cf. Vestry Book, Upper Parish, Nansmond County, 1744-1793 (MSS., photostat, Virginia State Library), 15.

<sup>30</sup> *Vestry Book, Christ Church Parish, Middlesex*, October 22, 1678, and November 5, 1678; also cf. C. G. Chamberlayne (ed.), *The Vestry Book and Register of St. Peter's Parish, New Kent and James City Counties, Virginia, 1684-1786* (Richmond, 1937), 13, 16, 19-20.

<sup>31</sup> C. G. Chamberlayne (ed.), *The Vestry Book and Register of Bristol Parish, Virginia, 1720-1789* (Richmond, 1898), 6.

<sup>32</sup> Petitions for dissolution of vestries may be found by consulting the indexes to Hening, *Statutes*, and J. P. Kennedy and H. R. McIlwaine (eds.), *Journals of the House of Burgesses of Virginia [1619-1776]* (13 vols., Richmond, 1905-1915); cf. *Journals of House of Burgesses, 1758-1761*, xviii, for the editor's comments on a large number of petitions for dissolution during that period.

beyond the first reading.<sup>33</sup> In the plea for dissolution of the Truro parish vestry, Fairfax County, in September 1744, in addition to the more valid, and usual, accusation of illegality in the election of vestrymen in newly formed parishes, was the charge that there were members "pretending to act" who were "not able to read or write."<sup>34</sup>

Many times, as in the cases of the Rev. James Sclater in Charles parish, York, during the first decade of the eighteenth century,<sup>35</sup> Lewis Latané in South Farnham parish, Essex, in 1704,<sup>36</sup> and Thomas Warrington in Elizabeth City parish, Elizabeth City, in 1756-1757,<sup>37</sup> disputes between two factions of the vestry led to difficulties for the minister and criticism of the vestries. Arbitrary power by the vestries over the clergy did not go unchecked. Parson Sclater was upheld by the commissary, governor, and council in the dispute referred to, and he continued to serve his parish for many years.<sup>38</sup>

The most celebrated case of a minister caught between the cross fire of opposing vestry factions was that of the Rev. William Kay in Lunenburg parish, Richmond. Finally, the group opposing him, led by the wealthy and domineering Landon Carter, succeeded in barring Kay from one of his parish churches, denying him his glebe, and withholding his salary.<sup>39</sup> The minister had

<sup>33</sup> *Journals of House of Burgesses, 1742-1749*, p. 334.

<sup>34</sup> Hening, *Statutes*, V, 274-75; *Journals of House of Burgesses, 1742-1749*, pp. 133, 136, 139, 148. The Rev. Charles Green later noted in the vestry book of Truro parish: "One of the causes assigned for the dissolution of the Vestry was that several of them were illiterate, namely Edward Emms, who was re-elected." Philip Slaughter, *History of Truro Parish in Virginia*, ed. by E. L. Goodwin (Philadelphia, 1908), 21-22. The Rev. John Camm made this charge of illiteracy of vestry personnel in 1752. William S. Perry (ed.), *Historical Collections Relating to the American Colonial Church* (3 vols., Hartford, 1870-1873), I, 388.

<sup>35</sup> G. M. Brydon, "Parson Sclater and His Vestry," in *Virginia Magazine of History and Biography*, LIII (October 1945), 288-301; Landon C. Bell, *Charles Parish, York County, Virginia, History and Registers* (Richmond, 1932), 8-26.

<sup>36</sup> Lucy T. Latané, *Parson Latané, 1672-1732* (Charlottesville, 1936), *passim*.

<sup>37</sup> Meade, *Old Churches . . . of Virginia*, I, 232.

<sup>38</sup> W. P. Palmer and others (eds.), *Calendar of Virginia State Papers and Other Manuscripts* (11 vols., Richmond, 1875-1893), I, 133; *Executive Journals of the Council*, III, 229; Bell, *Charles Parish*, 17-19; Brydon, "Parson Sclater," 300-301.

<sup>39</sup> On the Kay case, see Perry, *Historical Collections*, I, 386-92, 395, 398-99, 401, 403-404, 406, 409, 410, 422, 445; H. L. Osgood, *The American Colonies in the Eighteenth Century* (4 vols., New York, 1924), III, 475-76. Kay's letter to the Bishop of London, June 14, 1752, in which he states his own experiences, makes very interesting reading, and if only partially true would still evoke a most sympathetic response from most readers, while more callous persons may find some of the incidents amusing. Perry, *Historical Collections*, I, 389-93.

criticized in a sermon those who had a superabundance of pride, a reproof that Landon Carter took as a direct insult. Kay replied that he was glad "he applied it, for it was against everyone that was proud." After he was denied, Kay sued for his glebe and salary on the basis that year-to-year tenure was as binding as if he had been inducted. The General Court upheld the minister, and the appeal was taken to England. There the Bishop of London took an active part in the case, and Kay was again victorious, the court of appeals in 1752 allowing him the highest sum ever granted by that body to one who had been trespassed against. Kay's victory was accepted as a vindication of the right of the clergy to "all pecuniary advantages possessed by one who had been inducted."<sup>40</sup>

Discord over the building of churches sometimes led to friction between two groups of the vestry,<sup>41</sup> or reflections of colonial factions were mirrored in the local parish arguments. In 1769 the vestry of Overwharton parish, Stafford, was dissolved because no levies had been made for two years, the creditors remained unpaid, and "there are such divisions among the vestry of the parish . . . that the affairs of the said parish have for some time been neglected and mismanaged."<sup>42</sup>

Another allegation leveled against the vestries was that "the twelve old men" should be replaced because of their infirmities.<sup>43</sup> The vestrymen of Newport parish in 1745 even submitted this reason themselves in a request for dissolution.<sup>44</sup>

In 1752 the Frederick parish vestry was dissolved by the Assembly when it upheld the complaint of the petitioners that the vestry had assessed and levied 1,570 pounds of tobacco under the pretense of building and furnishing churches and then had "misapplied or converted same to their own use," refusing to render an account.<sup>45</sup>

<sup>40</sup> Bruce, *Institutional History of Virginia in the Seventeenth Century*, I, 142; Meade, *Old Churches . . . of Virginia*, I, 368; cf. *Calendar of Virginia State Papers*, I, 49, for dispute in 1695 in which vestries claimed only inducted ministers had the rights to the glebe, that vestries retained the land in common for the parish with resumption at any time allowable.

<sup>41</sup> *Executive Journals of the Council*, IV, 402, 407, 411-12, 440.

<sup>42</sup> Hening, *Statutes*, VIII, 432-33.

<sup>43</sup> *Ibid.*, VI, 518-19 (Upper parish, Nansemond County, in 1755); VII, 153-54.

<sup>44</sup> *Ibid.*, V, 381.

<sup>45</sup> *Ibid.*, VI, 258-60. In Suffolk parish in 1759 the vestry was dissolved because the petition that was upheld claimed "several unwarrantable practices in the misapplication of diverse charitable donations given for the poor." *Ibid.*, VII, 303-305.

The essentially important place occupied by the parish vestries was not greatly impaired by the activities of some of their number. The practical application of local church government was carried out by these representatives of the laity, far removed from control of their parishioners as they were in many cases. Certainly, however, during the latter part of the colonial period the Assembly was very responsive to petitions by inhabitants requesting redress of their grievances.

One of the most salient and momentous statements in the legislation of 1643 was the permission granted to the vestries "to elect and make choyce of their ministers," who would be presented by them to the governor for induction.<sup>46</sup> In 1662 this was re-enacted.<sup>47</sup> The question of where this power resided after the dissolution of the Virginia Company in 1624, when it was claimed by the governor and the council, was, by these measures, delegated by the Assembly to the parish vestries, and never was relinquished by them.<sup>48</sup>

Before 1680 the vestries, faced with an uncertainty of supply of ministers, without previous knowledge of the candidates, and remembering the days after the dissolution of the Company when some clergymen came who "could babble in a Pulpit" and "roare in a Tavern," adopted the technique of engaging ministers upon a year-to-year basis. In England the right to nominate a clergyman for a parish belonged to the owner of the advowson, and in Virginia, by the legislation of 1643 and 1662, the parish vestries, as representatives of the laity, were granted this right. In England the bishop then confirmed the selection by inducting the rector. In the colony, induction was administered by the governor. If no nomination was made in six months, the bishop had the power to collate a minister to the parish, induct him, and assure permanent tenure except for proved charges of moral laxity or dereliction of duty. These charges must be proved in an ecclesiastical court. Without a bishop or ecclesiastical court in the colony, the governor and council sat in the latter capacity for proceedings against a minister accused of opprobrious conduct and had the power to remove him permanently and revoke his salary.<sup>49</sup> If the

<sup>46</sup> *Ibid.*, I, 241-42.

<sup>47</sup> *Ibid.*, II, 46.

<sup>48</sup> G. M. Brydon, "Origins of the Rights of the Laity in the American Episcopal Church," in *Historical Magazine of the Protestant Episcopal Church* (Garrison, N.Y., 1932- ), XI (September 1942), 332-38.

<sup>49</sup> Hening, *Statutes*, I, 242.

rector, who was inducted, opposed the charges, there was a definite prospect that a long and tedious process for removal would result. Later, when the question of final judicial authority in ecclesiastical affairs was a matter of dispute, the difficulties were even more complex. For most of the period before 1680, however, the scarcity of ministers in the colony deferred the problems of induction and collation. After a parson arrived in the colony and offered his certificate of ordination to the governor,<sup>50</sup> that official usually sent a letter of recommendation with the clergyman to a vacant parish in the colony, where he was received on an annual basis.

The supply of ministers from England began to increase by 1680, and Bishop Compton's interest in the colony was marked by his appointment of James Blair as commissary in 1689. After a slight increase in salary for the clergy had been won in 1696, Blair turned his attention to the lack of induction of ministers. In his memorial against Sir Edmund Andros, Blair said that this was "one of the greatest discouragements the ministers labour under in Virginia," and added that they "are to their several vestries in the nature of hired servants." He went on to say that if the governor wanted to redress this grievance, he could do so, "being invested by the King with the ordinarie's power of Inducting, whereby he can either oblige the vestries to present, or if they fail can present and Induct *Jure Devoluto*."<sup>51</sup>

In 1699 Blair presented a survey of grievances of the clergy. In discussing the questions of presentation and induction he recommended that the vestries be given eighteen months to obtain a minister, a year's trial period of him, and then if no presentation was made, the commissary (or Bishop of London) should be allowed one year to act. After this time had elapsed, the governor could proceed.<sup>52</sup> This would indicate that the commissary was

<sup>50</sup> From 1662 to 1688 the certificate was required from any bishop in England; after 1688 from the Bishop of London. *Ibid.*, II, 46; *Executive Journals of the Council*, I, 515.

<sup>51</sup> Perry, *Historical Collections*, I, 15, 47; Henry Hartwell, James Blair, and Edward Chilton, *The Present State of Virginia and the College*, ed. by Hunter D. Farish (Williamsburg, 1940), 67; anon., *An Essay Upon the Government of the English Plantations on the Continent of America*, ed. by Louis B. Wright (San Marino, Calif., 1945), 22. In his contribution to *The Present State of Virginia*, 66, the commissary used the following words: "a contrary Custom of making annual Agreements with the Ministers, which they call by a name coarse enough, viz. Hiring of the Ministers."

<sup>52</sup> James Blair, "A Proposition . . .," September 6, 1699, in S.P.G. Papers (Colonial Williamsburg, Va.).

aware of the colonial situation and knew that in the last analysis the vestries would be strenuously opposed to any action by outside forces after such a limited period as six months. Nevertheless, Blair urged the induction of ministers and berated Andros because he had not exercised his power of collation.

The commissary, needing an agent to press his demands for induction, next seized upon Governor Francis Nicholson, who succeeded Andros, and requested him to exercise his power of collation to vacant parishes. Nicholson did not want to antagonize the vestries any more than he had already done in the case of Bruton parish, and as none of his predecessors had attempted such an action, he refused to support Blair. He did agree to forward the entire question of presentment, collation, and induction to the king's attorney-general in England for an opinion.<sup>53</sup>

This brought the formal, and rather well-known, reply of Sir Edward Northey, dated July 29, 1703. In this opinion, the vestry's right to present a minister for induction was upheld under the statutes passed by the Virginia Assembly. The laws of the colony were silent on the question of what resulted if the vestry did not present its minister; therefore, the laws of England were in effect. Thus, if the minister was not presented within six months, the governor, as ordinary, "shall and may collate a Clerk to such Church by lapse, and his collatee shall hold the Ch[urc]h for his life."<sup>54</sup>

Governor Nicholson referred this opinion to the council, March 3, 1704, and it immediately evaded the issue by directing that it be sent to the vestries for their comments.<sup>55</sup> The replies of forty-

<sup>53</sup> Nicholson's friend, the Rev. Solomon Whately, had been temporarily retained in Bruton parish. One of the vestrymen had approached the Rev. Isaac Grace, newly arrived in the colony, who was receptive to a bid from the parish, but said that the governor refused to allow him to accept one. The governor was irked because the vestry did not present Whately for induction. It influenced his sending to England for Sir Edward Northey's opinion. Cf. Meade, *Old Churches . . . of Virginia*, I, 149-50. In Bruton parish in 1695 the Rev. Samuel Eburne resigned because the vestry refused to induct him. He had previously served one year, 1688-1689, and then had been elected for seven. Lord Effingham had urged his induction at the close of this period, but the vestry declined. Upon his resignation, the vestry adopted resolutions commending Eburne, and said that "by reason of his growing years he had chosen to go into a warmer climate." That this is unlikely is shown by the fact that he went to New England as an S. P. G. missionary. Edward Lewis Goodwin, *The Colonial Church in Virginia* (Milwaukee, 1927), 267; Meade, *Old Churches . . . of Virginia*, I, 148.

<sup>54</sup> Perry, *Historical Collections*, I, 127-28; R. T. Barton (ed.), *Virginia Colonial Decisions* (2 vols., Boston, 1909), II, B2-B3.

<sup>55</sup> *Executive Journals of the Council*, II, 353.



six parishes were received.<sup>56</sup> Only two parishes reported ministers already inducted, and four complied by presenting their incumbents to the governor for induction.<sup>57</sup> The great majority of vestries made it quite clear that they would brook no interference from the governor. Six vestries<sup>58</sup> pertinently remarked that it was a matter for the General Assembly to handle and not the attorney-general in England; others pointed out that Sir Edward knew the English situation but that he was not acquainted with colonial problems. Nineteen of the parishes reported that they were well satisfied with their ministers but that they would not offer them for induction.<sup>59</sup> The Henrico parish vestry made a lengthy reply, including the remark that Jacob Ware "has been in our parish severall years without Induction and hath been so well satisfied with us, and we with him that he is as certain of his continuance here during his life as if he were Inducted." To this the minister appended, "as to the paragraph relating to myself, I am well Satisfied." The vestry went on to say that an inducted minister was free to leave, but the parish could not get him out "unless he be guilty of sum notorious crime." Then came the *coup de grace*:

. . . wee have by experience found by Mr. James Blair, who upon his promise to continue with us during his life was Inducted into our Parish, and had Twenty thousand pounds of Tobacco per annum, and lived with us some years without any difference between him and

<sup>56</sup> Public Record Office (London), Colonial Office Papers, 5, Vol. 1314, Pt. 2, p. 63. Extracts from these replies concerning the Northey opinion have been published in an appendix to Brydon, *Virginia's Mother Church*, I, 517-32, where it is stated that forty-seven parishes reported. North Farnham reported twice.

<sup>57</sup> Already inducted were the Rev. Charles Anderson in Westover parish and the Rev. Bartholomew Yates in Christ Church parish, Middlesex. Presented for induction were the following ministers: Daniel Taylor in Blissland parish, New Kent; Edward Portlock in Stratton Major parish, King and Queen; Emanuel Jones in Petsworth parish, Gloucester; and Peter Kippax in North Farnham parish, Richmond. Kippax was presented for induction after the vestry had previously announced that it would not induct him.

<sup>58</sup> Christ Church, Lancaster; St. Mary's White Chapel, Lancaster; St. Paul's, Stafford; Cople, Westmoreland; Wicomico, Northumberland; and one that was unidentified (Bruton?).

<sup>59</sup> For example, Bristol parish, Henrico and Prince George counties, "humbly certifies that this parish is not Void but supply'd by the aforesaid Minister upon Annal agreement now and for many years past. It is therefore by this Vestry agreed and most humbly desired the sd Mr. Robertson shall remain and continue their Minister as formerly without Induction." The Rev. George Robertson served Bristol parish from 1693 to 1735, after which he became minister of Dale parish, Chesterfield County, at the division of Bristol parish.



the Vestry; Yet (as wee humbly conceive) in hopes of more profit he left us destitute of a Minister without giving us timely notice that wee might take care to provide further for the Parish in that case: We must confess that her Majestys Attorney Generall opinion is according to the law and practice of England, but . . . our case in Virginia is quite different.<sup>60</sup>

After the overwhelming number of negative replies were received, Nicholson tabled the entire proposition. Blair, perhaps after a rereading of the Henrico vestry's remarks, also gave up his attempts for induction of the clergy through the governor's intervention in parochial affairs.

Later, in 1718, Governor Spotswood, designing to increase the crown's prerogative in the colony, interpreted his instructions to mean that the governor had the right to select ministers for parishes "as often as any of them shall happen to be void."<sup>61</sup> He considered it his right to collate at any time that a parish did not have an inducted rector. This time Commissary Blair gave his support to the vestries in their opposition to the governor. Among the causes for Spotswood's dismissal in 1722, the ecclesiastical disputes over parish territorial organization and collation of ministers were important items in the total list of objections to his administration.<sup>62</sup>

The governor's claim to collation and induction as constituent parts of the crown's prerogative in the colony did not disappear with Spotswood's removal, although it was never returned to the political arena with such furor. The vestries continued with few exceptions to employ their ministers upon an annual basis, recording in the vestry books upon the initial acceptance such notices as "appointed for twelve months on tryall."<sup>63</sup> During the generally amicable relations enjoyed under Governor Sir William Gooch's administration, this procedure was continued.<sup>64</sup> When Robert Dinwiddie came to the governor's chair in 1751, he was alarmed at "the exorbitant Power of Vestries," but he decided there was

<sup>60</sup> The Henrico parish vestry's reply may be found in Brydon, *Virginia's Mother Church*, I, 520-22, except the Rev. Mr. Ware's statement, which may be found in C.O. 5, Vol. 1314, Pt. 2, p. 63.

<sup>61</sup> *Virginia Magazine of History and Biography*, XX (1912), 343.

<sup>62</sup> Brydon, *Virginia's Mother Church*, I, 344-53, 359.

<sup>63</sup> Landon C. Bell, *Cumberland Parish, Lunenburg County, Virginia, 1746-1816, Vestry Book 1746-1816* (Richmond, 1930), 358, 361.

<sup>64</sup> P. S. Flippin, "William Gooch: Successful Royal Governor," in *William and Mary Quarterly* (Williamsburg, 1892- ), 2d Ser., VI (January 1926), 21.

nothing he could do about it.<sup>65</sup> In August 1755 he wrote to the Bishop of London:

The Law investing the Power in Vestries to supply the Vacancies in the Church, was passed by my Predecessor, and the People here are so fond of Power, it will be impossible to alter that Law, without a Royal Mandate: It gives me Concern that the Prerogative of the Crown, and Your Lordships Jurisdiction, should be so much invaded; but as that Act of Assembly has His Majesty's Sanction and Assent, it cannot be altered here, though immediately contrary to my Instructions.<sup>66</sup>

The role of the vestries in opposing crown prerogative upon the issue of presentation of their ministers was finally resolved in the contest over the American episcopate in the years immediately preceding the Revolution. A successful campaign to establish the episcopate would have meant an interruption of a continuous colonial development of parochial autonomy in Virginia, especially through active intervention by a bishop in the appointment and tenure of ministers.<sup>67</sup> This failing, the entire colonial period saw the tenacious control by the vestries of the employment of their ministers.

The vestries vigorously developed, defended, and enforced their significant role in the Virginia conflicts over self-dependence. A great measure of the importance of the vestries can be traced to the many duties which they performed on a strictly local level within the parishes they represented. In addition to the duty of employing the minister, the Assembly granted the vestry the right to tax for all church-state purposes within the territorial limits of the parish. This levy, like the county and other public levies, took the form of a poll tax which was divided equitably among the taxpayers upon the basis of tithables.<sup>68</sup> The vestry usually met some-

<sup>65</sup> Thomas Dawson to the Bishop of London, July 28, 1754, *ibid.*, 2d Ser., XX (1940), 528.

<sup>66</sup> Dinwiddie to Bishop of London, August 11, 1755, in R. A. Brock (ed.), *The Official Records of Robert Dinwiddie* (2 vols., Richmond, 1883-1884), II, 162; *William and Mary Quarterly*, 2d Ser., XX (1940), 533; Perry, *Historical Collections*, I, 393-402.

<sup>67</sup> Cf. A. L. Cross, *The Anglican Episcopate and the American Colonies* (New York, 1902), 195-240.

<sup>68</sup> Tithables in 1629 were defined as "all those that worke in the ground of what qualitie or condition soever." Hening, *Statutes*, I, 144. In 1649 all male servants of any age were included as tithables, except those under sixteen years of age who were native born. *Ibid.*, I, 255. In 1661, because disputes had arisen, tithable persons were defined as all male persons and all Negroes, male and female

time between October and December, "when the Tobacco is ready," to compute the debts of the parish, determine the total amount needed to defray the expenses, the amount per tithable, and provide for the collection of the tobacco.<sup>69</sup> Dissenters were subject to parish taxation upon themselves and the tithables in their employ, as were the members of the Established Church.<sup>70</sup>

An analysis of parish tax levies furnishes information on the meaning of a tax-supported state church to the inhabitants. Using three representative levies in the vestry book of St. Paul's parish, Hanover County, the following data suggest an answer to the question, "Where did the 'money' go?" In 1715 there were 729 tithables who contributed to the total levy of 23,692½ pounds of tobacco at 32½ pounds per tithable.

#### *Levy of 1715*

To the minister, the Rev. Thomas Sharp .....	16,000
To the clerk of the vestry, who was also a reader .....	1,500
To two sextons .....	910
For wine for the communion service .....	60
For what later became secular affairs exclusively, mainly the caring for the poor .....	1,227½
To churchwardens past and present for unsettled accounts and for miscellaneous duties .....	3,995

In 1731 there were 1,185 tithables who contributed to the total levy of 37,920 pounds of tobacco at 32 pounds per tithable.

#### *Levy of 1731*

To the minister, the Rev. Zachariah Brook .....	17,280
Ditto, for cask .....	491
To the clerk and reader, plus cask .....	1,560
To the sextons, wages and extra work .....	1,300

imported, all Indian servants sixteen years of age or older, and freemen sixteen years or older. *Ibid.*, II, 84. In 1680 a redefinition made Negroes tithable when twelve years of age and servants at fourteen. *Ibid.*, II, 480. In 1705 the definition was substantially set for the remainder of the colonial period: all male persons sixteen or above, all Negro, mulatto, Indian women, sixteen or above, "not being free," except that in all cases the county courts or vestries could exempt for reasons of charity. *Ibid.*, III, 258-59. In 1723 all free Negroes, mulattoes, or Indians above sixteen were to be tithables. *Ibid.*, IV, 133.

<sup>69</sup> Hartwell, Blair, and Chilton, *The Present State of Virginia*, 54. In 1748 the Assembly ordered the laying of the parish levy by October 15. Henning, *Statutes*, IV, 205. This was not observed very carefully, and in 1765 the Assembly ordered all levies to be determined before April 10 annually. *Ibid.*, VIII, 103.

<sup>70</sup> Henning, *Statutes*, VI, 88; IX, 134.

Payments for church land and allotment for purchase	
of a glebe for the minister .....	5,600
Collection and other charges .....	5,864
For what later became secular affairs exclusively, mainly	
the caring for the poor, widows, etc. ....	3,200
To churchwardens' accounts, past and present .....	2,319
Unclassified	
Received .....	298
Overplus .....	319

In 1756 there were 2,115 tithables who contributed to the total levy of 67,680 pounds of tobacco at 32 pounds per tithable.

#### *Levy of 1756*

To the minister, the Rev. Patrick Henry, plus cask	
and shrinkage .....	17,280
To the clerks, plus casks .....	2,560
To the sextons .....	1,200
For the support of the poor, later a secular duty exclusively .....	13,160
To clerk, Hanover County, for copying list of tithables .....	79
To clerk of vestry for processioning orders .....	500
For collection .....	4,061
To collectors for money debts (£180 2s. 3½ <i>d.</i> ) .....	28,240
This cash account may be summarized as follows:	
For the poor .....	£126 18s. 9½ <i>d.</i>
To the pastor, or for church	
ornaments, or glebe repairs .....	£53 3s. 6 <i>d.</i>

These statistics do not remain merely numbers if the following pertinent facts are kept in mind. St. Paul's parish was in Hanover County, one possessing large numbers of dissenters after the middle of the eighteenth century. It was Patrick Henry's home county. It was in Hanover County courthouse that the decision was returned in the case of the "Parson's Cause." The parish levies show the large proportion of the tobacco income in taxes that went for the minister's salary and for church affairs. In the levy of 1756, for example, out of 38,840 pounds, 21,040 were directly appropriated for the payment of the ministers, clerks, readers, and sextons—church officials or employees. The collection fee of 4,061 pounds would have been measurably reduced if the above amount had been deducted. This ratio was also the rule in the other levies. The dissenters could point with some justification to the fact that they were contributing a very large sum to an

ecclesiastical establishment which they professed offered them nothing.

Another factor which becomes clear in a comparison of these representative levies is that there was an ever-increasing charge for the parish insolvents. The increasing number of total tithables offset a fairly stable total levy. The major point was that in the depression years preceding the Revolution—when Two-Penny acts were introduced to remedy the situation, when a debtor status was growing to alarming proportions within the colony—the dissenters and advocates of low taxation emphasized the amount that could be saved by eliminating the assessments for support of the state church in the presence of a continually increasing levy necessary for the support of the poor.

The collection of the parish levy was originally assigned as one of the duties of the churchwardens, who were sometimes assisted by two officers, known, after the English custom, as sidesmen.<sup>71</sup> It has been said that the general practice after the middle of the seventeenth century was to transfer collection of the parish levy to the sheriff, who could combine it with his legally assigned collections of the quitrents and county and other public levies.<sup>72</sup> A consultation of the many vestry books shows that there was no uniformity about this practice, and exceptions to the generalization should be carefully noted. Often, if the vestryman who was elected a churchwarden was also the sheriff, the parish levy was turned over to him for collection, but in the following year when the churchwarden was not the sheriff, a separate collection was made. In 1708 in Petsworth parish the minister was the collector of the parish levy in one of the precincts.<sup>73</sup> At other times there were applicants for the collection.<sup>74</sup> Truro parish, in 1769, held that "it is improper for any member of the Vestry to be Collector of the Parish Levy . . . it having been heretofore customary that the Church Wardens should have a preference of the Collection to any other person."<sup>75</sup> At the close of the colonial period

<sup>71</sup> *Ibid.*, I, 155, 160, 180, 240, 241.

<sup>72</sup> P. S. Flippin, *The Royal Government in Virginia, 1624-1775* (New York, 1919), 312-17; Bruce, *Institutional History of Virginia*, I, 92.

<sup>73</sup> C. G. Chamberlayne (ed.), *The Vestry Book of Petsworth Parish, Gloucester County, Virginia, 1677-1793* (Richmond, 1933), 95.

<sup>74</sup> Vestry Book, Truro Parish, December 1, 1769, in Slaughter, *History of Truro Parish*, 77; Vestry Book, St. Mark's Parish, Culpeper County, 1730-1753 (MSS., photostat, Virginia State Library), October 14, 1740.

<sup>75</sup> Slaughter, *Truro Parish*, 77-78.

the collection of the levy was offered to the lowest bidder in at least one parish.<sup>76</sup> It was not unknown for the clerk of the vestry to be appointed one of the collectors.<sup>77</sup>

The allotment for collecting the levy was a substantial amount in comparison with the payments authorized for parochial expenses. By the act of 1696 the fee was set at 5 per cent of the levy, was increased to 10 per cent in 1727, with an additional amount allowable if remoteness made it more difficult to get the tobacco to the landing for shipment, and in 1748 was stabilized at 6 per cent for the remainder of the colonial period.<sup>78</sup> Before 1748 there was a wide range of percentage payments regardless of the law,<sup>79</sup> although after that year all seem to have conformed to the 6 per cent figure. Public notice of the levy was made in each church by the minister, and the collectors had to give bond to the clerk of the vestry for the amount of the levy to be collected.<sup>80</sup>

The laying of the parish levy was an annual task of the vestry. Special levies were occasionally made if demanded, as by the division of a parish. The assessments brought the vestries into association with the parishioners in the vital way that taxation has always affected the taxpayer and the governmental unit levying it. At times, petitions to the Assembly asking the dissolution of vestries included objections to increased tax rates for the building of churches and chapels. The salary of the minister was the largest single continuing item in the parish budget, with large expenditures periodically for the church buildings and glebe.

Church edifices, chapels of ease, glebe lands and buildings, and interior "ornaments" for the church were all provided by the vestries as a part of their duties pertaining to the management of church property. The building and repair of churches and chapels were major tasks confronting vestries. In the largest total levy

<sup>76</sup> *Vestry Book, St. Paul's Parish, Hanover*, 527.

<sup>77</sup> *Vestry Book, Truro Parish*, February 2, 1734, in Slaughter, *Truro Parish*; C. G. Chamberlayne (ed.), *The Vestry Book of Stratton Major Parish, King and Queen County, Virginia, 1729-1783* (Richmond, 1931), 195.

<sup>78</sup> Hening, *Statutes*, III, 152; IV, 205; VI, 89.

<sup>79</sup> The wide range of payments is shown by the following representative allotments for collection (from the vestry books, *passim*):

Stratton Major parish: 1732 ff., 4%; 1743-Revolution, 6%.

Wicomico parish: 1705-1706 to 1714, 10%; 1714-1717, less than 10%; 1718-1731, at least 10%; 1732-1735, 4%; 1739 ff., 6%.

St. Peter's parish: 1685 ff., 5%; 1728-1731, 10%; 1732-1736, 4%; 1737 ff., 6%.

St. Paul's parish, Hanover: 1706-1730, 4%; 1731-1735, 4%; 1736 ff., 6%.

<sup>80</sup> Hening, *Statutes*, IV, 205; VI, 88-89.

noted, Albemarle parish in 1773 assessed 112,000 pounds of tobacco, the major share of which was for repairs on one church and the building of a new one.<sup>81</sup> In addition to church buildings, vestry rooms or vestry houses were often constructed. These were for the use of the vestrymen in holding their meetings and for the storing of church supplies, with many of them removed at least a mile or two from the parish church.<sup>82</sup>

Sextons were employed in each of the parishes to take care of the church buildings, the churchyard, the vestry houses, and the delivering of the church "ornaments" for the services. In England the selection of the sexton was by the vestry, churchwardens, or incumbent, depending upon local usage.<sup>83</sup> In colonial Virginia, almost without exception, the vestry or churchwardens were responsible for the appointment, and frequently they employed sextons who otherwise might have been charity cases. In several parishes the widow of the sexton was continued as "sextonness," the sum paid for her duties augmented by another grant "for her relief."<sup>84</sup> In some parishes the duties of clerk of the vestry and sexton were combined.<sup>85</sup>

It was the responsibility of the vestry to supply the Holy Bible, two large Prayer Books, vessels used in the celebration of the communion, a "Carpet" (heavy cloth for the communion table), the communion linen, the surplice for the minister, a pulpit cloth, and the font. The vestry usually delegated one of its number to

<sup>81</sup> Vestry Book, Albemarle Parish, Surry and Sussex Counties, 1742-1787 (MSS., photostat, Virginia State Library), 278.

<sup>82</sup> Meade, *Old Churches . . . of Virginia*, I, 48; for descriptions of vestry houses, cf. Vestry Book, Truro Parish, February 19, 1750, February 23, 1767, and Slaughter, *Truro Parish*, 27; Vestry Book, Shelburne Parish, Loudoun County, 1771-1805 (MSS., photostat, Virginia State Library), November 30, 1772; C. G. Chamberlayne (ed.), *Vestry Book, Blissland Parish, New Kent and James City* (Richmond, 1935), October 8, 1750; Vestry Book, Wicomico Parish, Northumberland, October 24, 1744, and November 18, 1772 (in the latter entry the conversion of the new part of the old church was ordered for this purpose); *Vestry Book, Kingston Parish, Gloucester*, November 5, 1759, and November 29, 1760; Vestry Book, St. Mark's Parish, Culpeper, October 9, 1733; *Vestry Book, St. Paul's Parish, Hanover*, May 19, 1747, and October 22, 1772.

<sup>83</sup> Webb and Webb, *English Local Government . . . The Parish and the County*, 33.

<sup>84</sup> *Vestry Book, St. Peter's Parish, New Kent and James City*, 306, 310, 314, 316; *Vestry Book, St. Paul's Parish, Hanover*, 98 ff., 112 ff., 161, 336, 365, 369, 372, 395; *Vestry Book, Kingston Parish, Gloucester*, 20-23.

<sup>85</sup> R. A. Brock (ed.), *The Vestry Book of Henrico Parish, Henrico County, Virginia, 1730-1773* (Richmond, 1874), *passim*; *Vestry Book, St. Peter's Parish, New Kent and James City*, 31 ff.



purchase the articles needed, although they were occasionally donated, and in two known cases the governor gave these items to each of the parishes in the colony.<sup>86</sup>

As managers of church property, it was the vestry's important duty to purchase land for a glebe for the minister, furnish a glebe house, outbuildings, and provide livestock. This perquisite was allowed in addition to the minister's salary. In the extensive instructions issued by the Virginia Company to Governor Sir George Yeardley in 1618, the specification was for one hundred acres of glebe land,<sup>87</sup> and by the statutes of 1727 and 1748 an increase to two hundred acres was authorized, although a lesser amount was approved if an agreement was reached between the vestry and the minister.<sup>88</sup> The vestry books record payments in lieu of a glebe and many show the sincerity of the vestries in obtaining land if none was provided. In parishes where there was a parsimonious attitude no glebe was furnished, leading to strong protests by the clergy, and the result that these were the longest vacant of ministers. The minister was responsible for keeping the buildings in good repair and was liable for damages if he did not, while anything considered natural deterioration was chargeable to the parish.<sup>89</sup> In 1764 Norfolk, one of the few cities to assume any importance in colonial Virginia, made an innovation in the matter of glebes when the Assembly approved its purchase and improvement of lots in town instead of farm land.<sup>90</sup> The issue of whether any but an inducted clergyman had the right to the glebe was settled in favor of the minister on an annual basis in the case involving the Rev. William Kay in 1752.<sup>91</sup>

In addition to the duties of employing ministers, laying parish taxes, and managing church property, there was a vestry responsibility that brought an association of the churchwardens with the colonial social mores. This was the obligation of presentments to

<sup>86</sup> Brydon, *Virginia's Mother Church*, I, 383-85, 517-32, *passim*; *Vestry Book, Petsworth Parish, Gloucester*, in 1684.

<sup>87</sup> Susan M. Kingsbury (ed.), *The Records of the Virginia Company of London* (4 vols., Washington, 1906-1935), III, 102.

<sup>88</sup> Hening, *Statutes*, IV, 206-207, 440; VI, 89-90.

<sup>89</sup> *Ibid.*, IV, 89-90.

<sup>90</sup> *Ibid.*, VIII, 14-16.

<sup>91</sup> Bruce, *Institutional History of Virginia*, I, 142; Meade, *Old Churches . . . of Virginia*, I, 368; cf. *Calendar of Virginia State Papers*, I, 49, for dispute in 1695 in which vestries claimed only inducted ministers had the rights to the glebes, that vestries retained the land in common for the parishes with resumption allowable at any time.

the county courts for offenses against the moral law. From the earliest days of the colony's history the churchwardens had this duty.<sup>92</sup> The most frequently cited indictments were for drunkenness, bastardy, adultery and fornication, profanity, slander, and absences from church services. In the latter part of the eighteenth century the grand juries were probably more active than the churchwardens in presentments for violations, according to the county court records, but throughout the colonial era it was a fundamental assignment of the laymen representatives of the Established Church.

Bastardy was one of the most frequent charges for moral iniquity, an increased number of cases occurring after the importation of indentured servant women. When the father's identity remained unknown, or in some cases when it was known, the support of the bastard fell upon the parish, and this led to a petition to the Assembly from Gloucester County in 1696 requesting removal of this drain upon the taxpayers. The burgesses declined to act, holding that sufficient laws prevailed for adequate prosecution of offenders and support of illegitimate children.<sup>93</sup> In 1748 the burgesses passed a resolution affirming Stafford County's plea that persons purchasing white women servants should provide for the illegitimate children of these servants "without burthening the several Parishes with that Charge."<sup>94</sup> Any bastard not provided for was bound out as quickly as possible by the churchwardens.

The commandment in the Decalogue pertaining to adultery was rigidly upheld in the early years of the colony, but presentments for this offense were not as numerous in the eighteenth century. Similarly, indictments for fornication were less numerous in the latter century. Those guilty of slander received penalties similar to those for the other offenses: ducking, flogging, fines, and public repentance. Absence from church services was sufficient cause for presentment to the county court, but the rigid enforcement of the early years slackened after the Act of Toleration (1689) was accepted in Virginia.

Charity to the poor was a parochial problem, and vestries had

<sup>92</sup> Force, *Tracts*, III, no. 2, p. 11; Hening, *Statutes*, I, 155-56, 227. These presentations to secular rather than ecclesiastical courts, as in England, were another example of the separate organization developed in Virginia.

<sup>93</sup> *Journals of the House of Burgesses, 1695-1702*, p. 64.

<sup>94</sup> *Ibid.*, 1742-1749, p. 265.

to handle the cases. The parish levies included allotments for the poor, and, as population increased, there was a corresponding advance in the numbers receiving relief. The fines for offenses against the moral law were used by the parishes in support of their poor, but the demands were so great that these did little in affecting the total cost. A combination of circumstances resulting in poverty, the most notable being widowhood, often led to the same persons' receiving the gratuity of the parish for many years. Barrels of corn and supplies of wheat, pork, and salt were allotted to the poor, along with other sundries, including bedding, shoes, clothing, and even livestock. Some women in the parish often took care of several charity cases and received the allotments due each of them for their subsistence.

In 1727 and again in 1748 the Assembly passed an act which gave the county courts and churchwardens the power to remove children from poor parents "to prevent the evil consequences attending the neglect or inability of poor people to bring up their children in an honest and orderly course of life." The decision as to the competence of the parents was left to the justices, and if the parents were judged incapable, the churchwardens were ordered to bind children as apprentices.<sup>95</sup>

A notable development in the handling of parochial poor relief by the vestries occurred in 1755, or possibly a few years earlier. Certainly in 1755 a statute of the Assembly stated: "Whereas the number of poor people hath of late years much increased throughout this colony . . . for the prevention of great mischiefs arising from such numbers of unemployed poor" all parish vestries were allowed (not ordered) to build, purchase, or rent one or more houses and land, the latter not to exceed one hundred acres, to serve as workhouses for the poor. Two or more parishes were permitted to join in establishing such farms. If any person refused to comply when assigned to one of them, it was within the option of the vestry to withhold allotments. These poor sent to the workhouses were required to wear an identifying shoulder patch "with the name of the parish to which he or she belongs, cut either in blue, red, or green cloth." The penalty for not wearing this badge

<sup>95</sup> Hening, *Statutes*, IV, 212-13; VI, 32; Vestry Book, Christ Church Parish, Lancaster County, 1739-1783 (MSS., photostat, Virginia State Library), November 20, 1752; Vestry Book, Blissland Parish, New Kent and James City, 16; Essex County Orders, 1754-1783, p. 167.

was denial of all further relief until compliance, or five lashes for each offense.<sup>96</sup> It is difficult to assess the effectiveness of the workhouses or this stigma, but it is clear that the parish vestries earnestly put this program into operation.<sup>97</sup>

Several vestries took the initiative in requesting other parishes to join in founding a common workhouse for the poor.<sup>98</sup> The combined attempt of St. Paul's and St. Martin's in Hanover County was finally abandoned, and St. Paul's founded a separate farm.<sup>99</sup> In Upper parish, Nansemond County, a workhouse had been established by special permission of the Assembly in 1752, and in 1755 the churchwardens were ordered to see if Suffolk parish would join in supporting it.<sup>100</sup> With the disestablishment of the church, the care of the poor was turned over to secularly delegated overseers of the poor.<sup>101</sup>

As in the case of children of pauper parents, orphans thrown upon the charity of the parish were bound out as apprentices until their majority. This was done by the churchwardens on a directive of the county court.<sup>102</sup> The blind, the insane, the infirm, and

<sup>96</sup> Hening, *Statutes*, VI, 475-78; H. R. McIlwaine (ed.), *Legislative Journals of the Council of Colonial Virginia* (3 vols., Richmond, 1918-1919), III, 1140, 1141. There is a possibility that legislation was passed authorizing workhouses for the poor before 1755, perhaps in 1749. *Journals of the House of Burgesses, 1742-1749*, pp. 330, 374, 376, 400. The texts of acts passed in that year are not included in Hening, *Statutes*. In 1752 Upper parish, Nansemond County, was allowed to sell some land bequeathed to the parish for glebes, the money to be used for new glebe land and partly for "erecting a house for the reception of the poor of the parish." Hening, *Statutes*, VI, 268. This house was constructed and the parish poor ordered to it in 1754. Vestry Book, Upper Parish, Nansemond, October 14, 1752, March 25, November 14, 1754; Hening, *Statutes*, VI, 519.

<sup>97</sup> Vestry Book, Stratton Major Parish, King and Queen, 157, 159, 195; Vestry Book, Blissland Parish, New Kent and James City, 147, 154, 196, 197; Vestry Book, Christ Church Parish, Lancaster, November 22, 1764, November 23, 1767, November 6, 1769, November 19, 1770, and following, *passim*; Vestry Book, Elizabeth River Parish, Norfolk County, 1749-1761 (MSS., photostat, Library of the College of William and Mary), October 20, 1753, December 17, 1756 (the other workhouse had burned down "by accident"); Vestry Book, Wicomico Parish, Northumberland, 80; Vestry Book, Petsworth Parish, Gloucester, 326, 329, 355.

<sup>98</sup> Vestry Book, Dettingen Parish, Prince William, 75; Vestry Book, Upper Parish, Nansemond, August 23, 1755, and following, *passim*; Vestry Book and Register, Bristol Parish, 160, 164, 165-66, 168, 244.

<sup>99</sup> Vestry Book, St. Paul's Parish, Hanover, 435-529, *passim*.

<sup>100</sup> Cf. n. 96; Vestry Book, Upper Parish, Nansemond, August 23, 1755, and following, *passim*; also, Vestry Book and Register, Bristol Parish, 165-66.

<sup>101</sup> Hening, *Statutes*, XII, 29-30.

<sup>102</sup> *William and Mary Quarterly*, 1st Ser., V (1896-1897), 219; for example, Isle of Wight County Records, 1755-1757, pp. 125-26, 131. Good examples of these indenture contracts may be found in Vestry Book, Petsworth Parish, Gloucester, by consulting the topical index under "Binding Out" and "Indenture."

the sick, without means of support, were cared for by the parish through assessments made by the vestries in their levies. The payment generally made "for keeping a blind man" was eight hundred pounds of tobacco annually.<sup>103</sup> Either an annual retainer was paid to a doctor for his attendance on the "Sick Poor" or individual payment for each case was made.<sup>104</sup> Albemarle parish in 1755 limited the allowance for burial of the poor to twenty-seven shillings.<sup>105</sup>

One of the most important secular duties of the vestries was the supervision of land processioning.<sup>106</sup> In 1662 the Virginia Assembly passed an act which specified that land processioning conducted by the inhabitants should determine the boundaries of land held by each of the property owners within the colony. Once in every four years, on the order of the county courts, the vestries of the several parishes were to divide the parishes into precincts, and the freeholders of adjoining lands were to examine and renew the boundary marks. During the seventeenth century this practice was not widely followed, but after the legislative acts of 1705 and 1710 land processioning became an integral part of the land policy of the colony. The vestry books after 1705 disclose a scrupulous adherence to the legally established procedure. Some reference usually was made to the order of the county court in the minutes of the vestry meeting, more often than not a meeting that dealt exclusively with these affairs. The regular enforcement of land processioning as an accepted routine in the land policy of Virginia in the eighteenth century shows that it was a basic contribution to the determination of the boundaries of private property in the colony. The utilization of the parish vestries for the local administration of this act emphasized in another way their position and influence.

Two additional civil duties may be cited. In the same session of 1662 which initiated land processioning, the county courts were ordered to appoint annually surveyors of highways. Each

<sup>103</sup> For example, *Vestry Book, Henrico Parish, Henrico*, 60; *Vestry Book, Dettingen Parish, Prince William*, 17, 37.

<sup>104</sup> For example, *Vestry Book, Shelburne Parish, Loudoun*, November 16, 1773; *Vestry Book, Dettingen Parish, Prince William*, 108, 113; *Vestry Book, Wicomico Parish, Northumberland*, 11, 15.

<sup>105</sup> *Vestry Book, Albemarle Parish, Surry and Sussex*, November 25, 1755.

<sup>106</sup> For an extended discussion of this subject, William H. Seiler, "Land Processioning in Colonial Virginia," in *William and Mary Quarterly*, 3d Ser., VI (July 1949), 416-36.

parish vestry, upon request of the surveyor, was to furnish sufficient workmen from tithables in the parish to clear the roads and make and repair bridges. This duty of the vestries continued throughout the colonial period.<sup>107</sup> From 1724 to 1730 the vestries were responsible for the appointment of two persons in each precinct to examine the names of those tending tobacco plants and to count the plants. It was an attempt to remedy the frauds resulting from the repeal in 1717 of the tobacco law of 1713. These examiners were to order the destruction of all plants in excess of the number set in the act. Fines were to be levied on vestries that did not comply, but the vestry books show a close attention to this duty. Many of the tobacco examiners were those who served as land processioners.<sup>108</sup>

When the parish extended to territory on both sides of a river and the inhabitants were too few on one side to maintain a chapel of ease, the parish maintained a ferry. The cost was levied in the annual assessments, and the vestry appointed the person in charge.<sup>109</sup> It was a duty of the vestry to seat people in the church, or churches, of the parish, and upon construction of a new church it was a major undertaking to assign pews for the benefit of the parish.<sup>110</sup> In Petsworth and Upper Nansemond parishes details about construction and repair of the church organ and the obtaining of an organist occupied the vestrymen's time at several meetings.<sup>111</sup> The sale of land bequeathed to the parish, or its proper utilization, often put the vestries in the real-estate business, and occasionally money received for the sale of land was "laid out in Young Slaves for the support of the parish."<sup>112</sup>

<sup>107</sup> Hening, *Statutes*, II, 103. Examples concerning assignments by the vestries to work on the highways and bridges may be found in *Vestry Book, St. Paul's Parish, Hanover*, 3, 18, 23, and following, *passim*; *Vestry Book, St. Peter's Parish, New Kent and James City*, 9, 14, 38-39, and following, *passim*.

<sup>108</sup> Hening, *Statutes*, IV, 134, 197, 241; *Virginia Magazine of History and Biography*, XX (1912-1913), 158-78; *Journals of the House of Burgesses, 1712-1726*, xlix; *ibid.*, 1727-1740, xviii, 50. Examples showing compliance of the vestry with the tobacco counting acts may be found in *Vestry Book, St. Paul's Parish, Hanover*, 109-11, 122, 126; *Vestry Book, St. Peter's Parish, New Kent and James City*, 9-11, 15, 25-26, 33-34, 37.

<sup>109</sup> *Vestry Book, St. Peter's Parish, New Kent and James City*, xxi-xxii, 3-33, *passim*, 693, 695; *Vestry Book and Register, Bristol Parish*, 2, 3, 7, and following, *passim*; *Vestry Book, Henrico Parish, Henrico*, 6 ff., *passim*.

<sup>110</sup> For example, "Pews Allotted to Families &c in the New Church Vizt," in *Vestry Book, Stratton Major Parish, King and Queen*, 166-71.

<sup>111</sup> *Vestry Book, Upper Parish, Nansemond*, November 15, 1762, and August 4, 1770; *Vestry Book, Petsworth Parish, Gloucester*, 236-61, *passim*.

<sup>112</sup> *Vestry Book, Lynnhaven Parish, Princess Anne*, 83.

In the colony of Virginia the Church of England was the Established Church. The harsh conditions imposed by a foreign and hostile environment, geographical separation from the country whose dominion was recognized, and the absence of a competent episcopal form of organization led the people of the colony to adapt their own distinctive, local characteristics to the structure of the church in Virginia. The outstanding contribution to the colonial church organization, through the pressures of necessity, was the administrative effectiveness of the Anglican parish system. In the parish the vestry controlled affairs, and in the performance of its many duties it exercised a real and continuing influence.