

“The Constitution of This Realm”:
Political Decision-Making, Office-holding, and Religious Change in England’s Parishes,
1559-1700

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Abstract

A key concept in the study of seventeenth-century English political thought has been the notion of England's "ancient constitution," an ideology of custom and law articulated by an elite group of legal specialists. This dissertation examines a different constitution, one that governed the everyday operation of seventeenth-century England's most basic political unit: the parish. Whereas most previous studies have treated parish government as part of a larger story of socio-economic polarization, I have investigated the formal institutions and processes through which ratepaying parishioners made decisions and chose the officers responsible for enacting them as a means of elucidating the political ideals that lay behind these actions. In so doing, I have found that several of our assumptions regarding early modern parish governance are in need of modification. Historians' tendency to evaluate early modern parishes as either participatory democracies or as elitist oligarchies, for example, is inadequate, as is the well-worn notion of a trend towards oligarchic forms of parish government around 1600. Instead I find that both majoritarian and oligarchic principles retained their legitimacy and that they frequently worked in tandem, rather than in opposition. Parish offices, meanwhile, rather than being actively pursued by ambitious middling parishioners, were in fact usually considered an honorable burden rather than a prize. This meant that a vengeful Parliament determined to evict dissenters from public office after the Restoration still had to allow them to serve in parochial office in order to ensure that they shared in the drudgery. As dissenting churchwardens mounted legal challenges to episcopal supervision, the bishops' ability to hold parish officers to account was whittled away, marking a significant decline in the power of the English confessional state.

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List of Abbreviations

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| <i>Acts and Ordinances</i> | <i>Acts and Ordinances of the Interregnum, 1642-1660</i> , Firth and Rait, eds. (London, 1911) |
| <i>AHR</i> | <i>American Historical Review</i> |
| <i>Anglican Canons</i> | Gerald Bray, ed., <i>The Anglican Canons, 1529-1947</i> (Woodbridge, 1998) |
| BI | Borthwick Institute, University of York |
| Bod. | Bodleian Library, Oxford |
| <i>CSPD</i> | <i>Calendar of State Papers, Domestic</i> |
| <i>CJ</i> | <i>Journals of the House of Commons</i> |
| <i>Dedham</i> | Patrick Collinson, John Craig, and Brett Usher, eds., <i>Conferences and Combination Lectures in the Elizabethan Church, 1582-1590: Dedham and Bury St. Edmunds</i> (Woodbridge, 2003) |
| <i>EHR</i> | <i>English Historical Review</i> |
| <i>ER</i> | <i>The English Reports</i> , 178 vols. (London, 1900-1932). References are given by volume and page number of the modern series, followed by the traditional form with the abbreviated reporter's name and page number in brackets. |
| Gibson, <i>Codex</i> | Edmund Gibson, <i>Codex Juris Ecclesiastici Anglicani</i> , (London, 1713) |
| <i>Grey's Debates</i> | Anchitell Grey, <i>Debates of the House of Commons, from The Year 1667 to the Year 1694</i> (London, 1763). |
| <i>HMC</i> | Historical Manuscripts Commission |
| HMSO | Her Majesty's Stationary Office |
| <i>HJ</i> | <i>Historical Journal</i> |
| <i>JEH</i> | <i>Journal of Ecclesiastical History</i> |

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| Latimer, <i>Sermons</i> | Hugh Latimer, <i>Sermons of Hugh Latimer, Sometime Bishop of Worcester</i> , George Elwes Corrie, ed., 2 vols., Parker Society Publications 27 and 28 (Cambridge, 1844-45) |
| LMA | London Metropolitan Archives |
| <i>LJ</i> | <i>Journals of the House of Lords</i> |
| <i>ODNB</i> | <i>Oxford Dictionary of National Biography</i> |
| <i>Parl. Hist.</i> | William Cobbett, ed., <i>The Parliamentary History of England</i> (London, 1806-1820) |
| R.O. | Record Office |
| <i>SCJ</i> | <i>Sixteenth Century Journal</i> |
| TNA | The National Archives (UK) |
| <i>VCH</i> | <i>Victoria County History</i> |
| Whitgift, <i>Works</i> | John Whitgift, <i>The Works of John Whitgift</i> , John Ayre, ed., 4 vols. (Cambridge, 1851) |
| Strype, <i>Life of Whitgift</i> | John Strype, <i>The Life and Acts of John Whitgift, D.D.</i> , 4 vols. (Cambridge, 1822) |

Chapter One: Introduction

This dissertation explores early modern English politics by investigating how ordinary English householders conceived of and participated in the formal institutions of politics at the most basic level—that of the parish. While the study of parish politics has mushroomed over the past three decades, we still have an insufficient understanding of how parish government actually worked and therefore an insufficient understanding of the political thought that lay behind the practice. I make the methodological case for the usefulness of studying parish politics as expressed through legally recognized institutions. While much recent scholarly work on political topics has focused on informal “politics out of doors” or the subtle everyday politics of domination and subordination, I show that the operation of formal politics within English parishes sheds light on the fundamental assumptions about power, authority, and participation that provided the intellectual bedrock on which the English state rested. Close study of the operation of these formal institutions at the parochial level, for example, demonstrates that historians’ tendency to evaluate early modern parish government as either broad-based and participatory on the one hand (that is to say, *good*), or as exclusive and elitist on the other (*bad*) is insufficient if we want to understand how the exercise of power in early modern parishes actually happened. Instead, popular and oligarchic principles worked in tandem, providing parishioners with a political vocabulary that could be employed as the situation demanded and each might be embodied within parochial institutions (majoritarian voting or oligarchic select vestries), although neither became the dominant ideology over time.

What is politics?

“History is past politics,” E.A. Freeman told his Oxford audience.¹ But politics can be defined in a variety of ways. When Freeman spoke of politics, he was of course referring to national and international affairs. The great majority of political historians, historians of political thought, and political scientists continue to define politics in this way. Supposedly “dethroned” in the mid-sixties by social scientific approaches, “high” political history came surging back: a survey of the present scholarly landscape—at least as far as early modern England is concerned—shows that its study is flourishing. Not only have the activities of kings and parliaments retained their attraction for historians, but the slow-motion collapse of the Whig and Marxist narratives under the onslaught of revisionism in the 1970s and 1980s made national politics one of the most exciting fields of study. The steady production of books about high politics in recent years by some of English history’s most respected scholars indicates an interest that shows no sign of slackening.² However, increased academic interest in the lives of ordinary people inspired by the new social history also resulted in a plethora of studies investigating “popular politics.”³ Such studies sought to investigate how non-aristocratic and non-gentry Englishmen and women engaged in “politics out of doors” and perhaps even created a “public sphere” over a century before that identified by Jürgen Habermas.⁴

¹ E.A. Freeman, *The Methods of Historical Study* (London, 1886), 148.

² For “dethronement,” see Keith Thomas, “The Tools and the Job,” *Times Literary Supplement*, 1 April 1966. For a few recent examples of scholarly work on national politics and institutions, see John Guy, *Queen of Scots: The True Life of Mary Stuart* (Boston and New York, 2004); Mark Kishlansky, “Charles I: A Case of Mistaken Identity,” *Past and Present* 189 (November 2005): 41-80; Tim Harris, *Restoration: Charles II and his Kingdoms* (London, 2006), and *Revolution: The Great Crisis of the British Monarchy, 1685-1720* (London, 2007); and Steven Pincus, *1688: The First Modern Revolution* (New Haven, 2009).

³ For the “intellectual baggage” of this term, see Harris, “The Problem of ‘Popular Political Culture’ in Seventeenth-Century London,” *History of European Ideas* 10, 1 (1989): 43-58.

⁴ For a couple of salient examples, see David Underdown, *Revel, Riot, and Rebellion: Popular Politics and Culture in England, 1603-1660* (Oxford, 1985); and Tim Harris, *London Crowds in the Reign of Charles II*

Some of these studies defined political involvement quite broadly, including everything from participation in demonstrations or riots, to signing petitions, to less obvious forms of political action like singing songs, and writing—or even just reading—libels or poetry about political topics. Ethan Shagan, in his book about popular politics during the English Reformation, took this trend even further, defining popular politics as simply “the presence of ordinary, non-elite subjects as the audience for or interlocutors with a political action.” This included not only popular responses to religious change (because such responses usually attempted to sway public opinion or effect government policy), but also attempts by central authorities to impose religious change (since such attempts were nearly always accompanied by propaganda campaigns seeking to win their acceptance by the population). This allowed Shagan to conclude that “the Reformation was necessarily based, like all aspects of Tudor government, on the collaboration with the governed.”⁵

The common thread connecting these various scholarly approaches is that they all define “political” (usually implicitly) as having to do with matters directly affecting or at least having implications for the nation as a whole—foreign policy, parliamentary taxation, the structure and theology of the national church, or issues surrounding dynastic succession. However, another set of scholars and theorists from a variety of disciplines

(Cambridge, 1987). More recently, see Ethan Shagan, *Popular Politics and the English Reformation* (Cambridge, 2003); and, for a much more pessimistic take on the ability of the common people to affect national policy in the early modern period, Andy Wood, *The 1549 Rebellions and the Making of Early Modern England* (Cambridge, 2007). For the “public sphere,” see, of course, Jürgen Habermas, *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*, trans. by Thomas Burger (Cambridge, Mass., 1991). For good introductions to the work of English historians attempting to pinpoint the development of such a public sphere in the early modern period, see Peter Lake and Steve Pincus, eds., *The Politics of the Public Sphere in Early Modern England* (Manchester, 2008), and Phil Withington, “Public Discourse, Corporate Citizenship, and State Formation in Early Modern England,” *AHR* 112, 4 (October 2007): 1016-1038.

⁵ Shagan, *Popular Politics and the English Reformation*, 19, 20, 307.

have adopted a definition of politics so broad as to cover almost any field of human activity. The political scientist Adrian Leftwich defines politics as “*all* the activities of conflict (peaceful or not), negotiation and co-operation over the use and distribution of resources, wherever they may be found, within or beyond formal institutions, on a global level or within a family, involving two or more people.”⁶ Coming at the question from a different philosophical angle, Joan Scott defined politics as any power relationship in which “different actors and different meanings are contending with one another for control”—a definition built on Michel Foucault’s conception of power as something permeating language and therefore all human relationships.⁷ Scholars studying oppressed or subaltern groups have found this totalistic definition of politics particularly appealing.

James C. Scott explains:

So long as we confine our conception of the political to activity that is openly declared we are driven to conclude that subordinate groups essentially lack political life or that what political life they do have is restricted to those exceptional moments of popular explosion. To do so is to miss the immense political terrain that lies between quiescence and revolt and that, for better or worse, is the political environment of the subject classes.⁸

In other words, the most important expressions of politics are found embedded in everyday life and not public expressions supporting or opposing issues of national significance. This definition of politics has informed several important studies of various aspects of early modern English society—including parish governance, as I will discuss

⁶ Adrian Leftwich, “Thinking Politically: On the Politics of Politics” in Leftwich, ed., *What is Politics? The Activity and its Study* (Cambridge, 2004), 15. Emphasis in original. This definition could even apply to the animal kingdom—as Leftwich notes, citing Frans de Waal’s *Chimpanzee Politics* (London, 1982).

⁷ Joan Scott, *Gender and the Politics of History*, 2nd edition (New York, 1999), 49.

⁸ James C. Scott, *Domination and the Arts of Resistance* (New Haven, 1990), 199. For the differences between Scott’s conception of politics and Foucault’s, see J.C. Scott, 62n. 31.

below.⁹ Highly sensitive to inequalities of power inherent in even the most ordinary human interactions, scholarly works that adopt this definition tend to have a much more dour and pessimistic tone than those that celebrate petitioning and singing bawdy songs as political participation. However, the two approaches are similar in that they tend to be more interested in unofficial political action than in politics as manifested in formal institutions.

English farmers, artisans, and tradesmen, however, understood the difference between political petition or protest and the actual business of governing, just as they understood the difference between governing their communities and their own households. There was a qualitative difference between singing bawdy songs about an unpopular city alderman and determining how to raise enough money to mend the churchyard wall. There was a smaller, but sharper, qualitative difference between a yeoman farmer ordering his servant or his son to remove his hat in his own house and the same yeoman, in his capacity as churchwarden, ordering his social equal to remove his hat in church. This dissertation tackles the question of how ordinary English parishioners participated in governing their communities, and in the kind of politics that stemmed from the business of governing, and in the ideas they held about the formal institutions and practices of governing. It is a dissertation about parish politics with the politics put back in.¹⁰

⁹ For a recent investigation of the “politics of touch,” see Laura Gowing, *Common Bodies: Women, Touch and Power in Seventeenth Century England* (Cambridge, 2003), 52-81; for power relationships encoded in names, nicknames, and social titles, see David Postles, “The Politics of Address in Early-Modern England,” *Historical Sociology* 1/2 (March/June, 2005): 99-121. For a direct engagement with the work of James C. Scott in an early modern English context, see Andy Wood, “Fear, Hatred, and the Hidden Injuries of Class,” *Journal of Social History* 39, 3 (Spring 2006): 803-826.

¹⁰ In this, I am following the lead of other scholars who have called for renewed attention to formal political institutions. “Political culture also illuminates forms of power and their consequences, but cultural historians must overcome their reluctance to integrate parades in the streets with elites’ competition for,

As a result, this dissertation falls in neither of the two categories of political analysis I mentioned above. In the following pages, I largely eschew the affairs of kings, parliaments, bishops, magistrates, and city aldermen (although most of these make an appearance) in favor of a kind of politics in which every ratepaying English householder participated. In this sense, it is similar to the well-established body of scholarship that deals with popular politics or the creation of a public sphere. However, unlike the studies which concern themselves with how ordinary people expressed themselves regarding issues of national political significance, however, it retains the resolutely local focus of the social historians who have investigated the distribution and operation of power within small communities. At the same time, its conception of politics does not center on all-pervasive discourses of power embedded in language or on subtle, everyday resistance to entrenched elites. Nor is it a study of “politics out-of-doors”—petitions, demonstrations, rallies, riots, and the like—which have often been considered synonymous with non-elite politics. Rather, it examines how ordinary English householders governed through legally defined processes and institutions, and in doing so, brings to light the principles and ideals that lay behind their actions.

Historiography

The study of parish politics is a flourishing sub-field in the study of early modern England. It has been nearly twenty-five years since Patrick Collinson’s famous inaugural

and management of, tangible resources. Ronald P. Formisano, “The Concept of Political Culture,” *Journal of Interdisciplinary History* 31, 3 (Winter, 2001): 424-425. Similarly, the political scientist Frank W. Bryan has commented that “political philosophers seem analytically and normatively averse to the joining of participation and decision-making,” preferring to focus on entities like the “public sphere,” or “civil society.” Frank W. Bryan, *Real Democracy: The New England Town Meeting and How it Works* (Chicago, 2004), 140n. 3.

lecture about “social history with the politics put back in” inspired an avalanche of studies that shows no sign of slackening.¹¹ Even in 1989, Collinson was not as much calling for a “new political history” as he was celebrating the fact that such a history was already being written by historians like Natalie Zemon Davis, Emmanuel le Roy Ladurie, and Peter Blickle.¹² Collinson’s insight was to apply the term “political” to the processes such scholars described while at the same time calling for the removal of the boundary between the disciplines of political and social history so as to understand better “how nine thousand parishes composed at a higher level a single political society.”¹³

As an example of how this might be accomplished, Collinson drew his audience’s attention to the as-yet obscure parish of Swallowfield.¹⁴ Here, in 1596, the “chief inhabitants” (as they called themselves) met together and drew up a set of articles detailing how they would deal with unwed mothers, young couples who wished to marry before they had a place to live, immigration into the parish, alehouse regulation and drunkards, church attendance, and interactions with local magistrates. They did all this, they declared “to the end that we may the better and more quietly live together in good love and amity.” Collinson argued that this document demonstrated that Swallowfield had to be understood as a political unit, a little republic, a fact which had profound implications regarding the nature of early modern English political culture.

¹¹ Patrick Collinson, “*De Republica Anglorum*, or History with the Politics Put Back,” in *Elizabethan Essays* (London, 1994), 1-29.

¹² Collinson also noted the work of English medievalists, particularly Susan Reynolds, as well as Diarmaid McCulloch’s monograph on Suffolk and Keith Thomas’s study of the Levellers. Collinson, *Elizabethan Essays*, 11-13.

¹³ Collinson, 27

¹⁴ Collinson had referenced Swallowfield in an earlier article published in 1987 in which he had first argued that Elizabethan England was a “monarchical republic.” See “The Monarchical Republic of Elizabeth I,” reprinted in *Elizabethan Essays*, 31-58.

Given the nature of such sources and the local, almost microhistorical, approach that Collinson was advocating, it was probably inevitable that his challenge would be taken up by scholars trained in the “new social history” which came of age in the 1970s. Keith Wrightson, one of that school’s foremost practitioners, responded to Collinson a few years later in a lecture titled “The Politics of the Parish” delivered at Oxford and published in 1996. Wrightson suggested that “we already have a social history of England ‘with the politics put back in’—if we did but realize it.”¹⁵ If politics were defined as “the manner in which relationships of power and authority, dominance and subordination are established and maintained, refused and modified,” then much of the work done by social historians since the 1970s already had politics as its central theme. Here Wrightson was explicitly following the totalistic definition of politics proposed by Joan Scott and James C. Scott. Elegantly summarizing the work done on the politics of patriarchy, neighborhood, custom, reformation, and state formation, Wrightson argued that their common denominator was “the politics of subordination.” Through this process, individuals who wielded formal authority maintained and expanded their power while the powerless bargained for the most favorable forms of subordination possible and resisted attempts to erode customs and traditions that benefited them.¹⁶

Wrightson’s essay was a powerful reminder not only of the extent to which social historians had already been investigating parish politics, but also of how nuanced much of that scholarship had been. Wrightson was reasonably optimistic about early modern

¹⁵ Keith Wrightson, “The Politics of the Parish in Early Modern England” in Paul Griffiths, Adam Fox, and Steve Hindle, eds., *The Experience of Authority in Early Modern England* (New York, 1996), 10.

¹⁶ Wrightson believed that the “politics of subordination” was frequently accomplished not by brute force, but by the appropriation and re-interpretation of cultural values and identities: the re-definition of charity, the stigmatizing of “vulgar” customs, the self-identification of the “chief inhabitants” arrayed against the “baser”, “poorer”, or “meaner sort.” Wrightson, “The Politics of the Parish,” 34.

women's ability to contest, subvert, or manipulate the "politics of patriarchy," for example, and he disagreed with those historians who believed that popular culture had been extinguished during the seventeenth century, arguing instead that it grew into the defiantly independent plebian culture that E.P. Thompson had identified in the eighteenth.¹⁷ Nevertheless, his summary clearly showed that most of the work done of the politics of the parish conceived of it largely as a struggle between the subordinate and their subordinators, albeit a struggle that could be extremely subtle.

Since the publication of Wrightson's article, the notion of parish politics as a site of conflict has been reinforced by the prolific scholarship of Steve Hindle. Hindle took up Collinson's example of Swallowfield in an article that discussed the case in detail. He argued that the concern of Swallowfield's self-described "chief inhabitants" regarding the in-migration of impoverished people, bastardy, drunkenness, and moral reformation, and their readiness to regulate the behavior of their neighbors, revealed the priorities of a self-conscious "middling sort" that was coming to prominence in England's rural communities during the late sixteenth century.¹⁸ He developed these themes further in the final chapter of his book *The State and Social Change in Early Modern England* which brought together the traditions of political and social history—traditions which had remained largely separate for over a century. Its great contribution was to knit together the social historians' interest in "the history of social relationships and of the culture that

¹⁷ Wrightson, "Politics of the Parish," 34-35. The decline of medieval communalism and the rise of oligarchic and repressive forms of government in their place has been a recurring theme of early modern English—and early modern European—historiography for at least a century. For a meditation on these themes, see Craig Muldrew, "From a 'light cloak' to an 'iron cage': historical changes in the relation between community and individualism," in A. Shepard and P. Withington, eds., *Communities in Early Modern England: Networks, Place, and Rhetoric* (Manchester, 2000), 156-177.

¹⁸ Steve Hindle, "Hierarchy and Community in the Elizabethan Parish: The Swallowfield Articles of 1596," *HJ* 42, 3 (1999): 831-851.

informs them”¹⁹ with an innovative account of the growth of the English state. Ordinary people’s resort to the formal institutions of law helped expand the state’s power and legitimacy: “[t]he state was a reservoir of authority on which the populace might draw in pursuit of their own interests.”²⁰ These themes also informed his chapter about parish governance, which extended the points he had made earlier about Swallowfield. The self-described “chief inhabitants” of parishes across the realm “became incorporated into the state and internalized its values.”²¹ State formation and class formation went hand in hand.

Intra-parochial politics was only one facet of Hindle’s book, the crucial point of which was how the early modern state’s authority was negotiated and shaped by middling people who made use of it, rather than having been imposed from above. Nevertheless, Hindle’s discussion of parish governance is the most recent, comprehensive, and influential account of the topic and so it deserves full exploration.²² The political culture of the “parish state,” Hindle argued, was embodied in the institution of the vestry, the committee of parishioners that governed all local affairs. The transfer of authority to this body from the manorial court was therefore a crucial development. While the same type of men sat in the vestry as had sat on the jury of the manorial court, the source and therefore the meaning of the vestrymen’s authority was different. Most English historians had argued that the importance of the parish as an instrument of local government vastly increased due to the series of acts known collectively as the Poor Laws, passed by Parliament between 1597 and 1601. Hindle disputed a few aspects of

¹⁹ Wrightson, “Politics of the Parish,” 11.

²⁰ Hindle, *The State and Social Change in Early Modern England, 1550-1640* (Basingstoke, 2002), 16.

²¹ Hindle, *State and Social Change*, 23.

²² Hindle, *State and Social Change*, 204-230.

this historical orthodoxy—manorial institutions remained strong in many places, and the implementation of the Poor Laws at the parish level was in some places not achieved until as late as the 1690s—but accepted its essentials. Hindle believed that while the manorial jurors had been self-reliant peasants whose standing derived from the estimation of their fellows, the men who sat on the parish vestry commanded respect “precisely because they wielded authority on behalf of external powers over whom they had little influence.”²³ Prosperous parishioners had always played a significant, even dominant, role in parochial decision-making, but this was something new. The increase in parishes’ statutory responsibilities mandated by Elizabethan parliaments transformed the parish, turning it and the men who ran it “to an unprecedented extent a local expression of state power.”²⁴ Parish government in the seventeenth-century was not a continuation of the self-governing medieval communities described by Susan Reynolds and Peter Blickle and referenced by Collinson; it was their endpoint.²⁵

Hindle argued that the willingness of the “chief inhabitants” to ally themselves with an increasingly intrusive national state stemmed from their increasing desire to separate themselves from the disorderly poor, a fact which essentially defined parochial political culture. “Exclusions were therefore constitutive of the political culture of the middling sort, and nowhere were they more significant than in the governance of the parish.”²⁶ Parish government in the late sixteenth and seventeenth centuries was

²³ Hindle, *State and Social Change*, 207-209.

²⁴ Hindle, *State and Social Change*, 215-216.

²⁵ Beat Kūmin, a student of Blickle’s, had also argued that the late sixteenth-century parish saw a marked decline in its autonomy. Kūmin, *The Shaping of a Community: The Rise and Reformation of the English Parish, c.1400-1560* (Aldershot, 1996), 201-255.

²⁶ Hindle, *State and Social Change*, 203. This point had also been made by Wrightson, who, citing Swallowfield and Braintree, noted that “[p]articipatory initiatives [provided by the Reformation and the increase of governance] could involve exclusions.” Wrightson, “Politics of the Parish”, 28. Hindle, on the other hand, argued that exclusion was part and parcel of parish government by the seventeenth century.

accordingly distinguished by a “tendency towards oligarchy” and the “contradiction of participation.”²⁷ The rise of select vestries—standing committees of one or two dozen parishioners who sat for life and replenished their numbers by co-option—symbolized the parish elite’s new mentality.²⁸ While the frequency and geographical distribution of this particular style of parish government was difficult to determine, Hindle concluded that it made little practical difference. Whether a parish was governed by a select vestry or not, “active participation in their [that is, the vestries’] business was relatively circumscribed.”²⁹

Hindle effectively annihilated the already-weakening notion that English governance was the preserve of the gentry, and he produced a mountain of evidence for the participation of the middling sort in the formal institutions of the state, including their participation in parish government. This led to a somewhat surprising shift in tone in his conclusion: after forcefully and convincingly arguing that thousands of “relatively humble people”³⁰ participated in the early modern English state, he then characterized these individuals as an unaccountable cabal of self-described “chief inhabitants” intent on concentrating all the powers inherent in parish government in their hands. This finding

Hindle, however, also noted that the gentry and the parish elite were not necessarily allies in this process. The poor often complained to the J.P.s that they were being unfairly treated, which gave magistrates the opportunity to call churchwardens and overseers on the carpet, thus showing them who was boss and reinforcing their role as stern but beneficent patriarchal figures. Hindle, “The Growth of Social Stability in Restoration England,” *The European Legacy* 5, 4 (2000): 568-569.

²⁷ Hindle, *State and Social Change*, 214, 215.

²⁸ Kümin also believed that the appearance of select vestries marked a crucial change in parochial political culture. See Kümin, *Shaping*, 250-251. This idea has also gained a place in textbooks like John Spurr’s *The Post-Reformation: 1603-1714* (Harlow, Essex, 2006), 261.

²⁹ Hindle, *State and Social Change*, 214.

³⁰ Hindle, *State and Social Change*, 1.

was, of course, entirely in keeping with the work of previous social historians, Wrightson and Levine's study of Terling being only the most obvious antecedent.³¹

Mark Goldie, one of the few historians of political thought to take an interest in politics below the national level, offered a different, slightly more optimistic approach. His essay, "The Unacknowledged Republic," consciously echoed Collinson's "monarchical republic" and, like Collinson, Goldie was interested in uncovering the participatory and republican aspects of early modern English political culture. In particular, he argued that historians had not given the experience of local officeholding the attention it deserved. "Early modern people," he wrote, "participated in the political process not only by occasionally choosing who would represent them, but by actually governing....By virtue of that, their agency was not only "out of doors" in the informal spaces of streets, taverns, and coffee-houses, but was also formal and institutional."³² As an example, Goldie noted that if each parish had one constable, two churchwardens, and two overseers of the poor, then 50,000 men held office every year—one-twentieth of the population of the realm in 1700. This background of obligatory officeholding in

³¹ Wrightson and Levine, *Poverty and Piety in an English Village: Terling, 1525-1700*, 2nd edition (Oxford, 1995). Twenty years earlier Wrightson had remarked that "a critical point had been reached when the yeoman of the parish were prepared to give consistent and voluntary support to the enforcement of the law, even though that support might extend no further than the selection for prosecution of those offenders who seemed to threaten their own position as masters, employers, ratepayers and pillars of the church." Wrightson, "Two Concepts of Order: Justices, Constables and Jurymen in Seventeenth-Century England," in John Brewer and John Styles, eds., *An Ungovernable People* (New Brunswick, 1980), 44. See also Peter Clark and Paul Slack, eds., *Crisis and Order in English Towns* (London, 1972), 21-23; Wrightson, *English Society* (New Brunswick, 1982), 180-182, 223-228; Anthony Fletcher and John Stevenson, eds., *Order and Disorder in Early Modern England* (Cambridge, 1985), 3-15; Fletcher, *Reform in the Provinces: The Government of Stuart England* (New Haven, 1986), 63-64; P. Clark, "The Ramoth-Gilead of the Good: Urban Challenge and Political Radicalism at Gloucester, 1540-1640," in Jonathan Barry, ed., *The Tudor and Stuart Town: A Reader in Urban History, 1530-1688* (London, 1990), 254-255.

³² Mark Goldie, "The Unacknowledged Republic: Officeholding in Early Modern England," in Harris, ed., *The Politics of the Excluded* (New York and Basingstoke, 2001), 158-159. Goldie's generally optimistic tone was similar to that found in Cynthia Herrup's work on the enforcement of criminal law, which, as she showed, depended on the active participation of thousands of constables and jurors, the vast majority of whom were yeomen and husbandmen. Cynthia Herrup, *The Common Peace: Participation and the Criminal Law in Seventeenth-Century England* (Cambridge, 1987).

parishes, counties, and corporate towns even enabled Englishmen to conceive of the national government in republican, non-monarchical terms in times of actual or anticipated emergency, in utopian prescriptive literature, and in abstract political thought. Goldie speculated elsewhere that “Locke’s vision of English local administration mirrors the extensive practice of neighborhood self-government. . . . In the interstices of the monarchical polity, a plurality of small-scale quasi-republican ‘commonwealths’ flourished.”³³

Setting aside for a moment the question of totalistic versus institutionally-bounded definitions of politics, it is worth observing here that, there seem to be two distinct historiographical strains regarding the nature of early modern English parish government. Hindle, and Wrightson before him, are the latest in a long-standing historical and literary tradition that reaches back to late Georgian satire and social

³³ Goldie, ed., *Locke: Political Essays* (Cambridge, 1997), xxv. It is worth pointing out that the whole notion of a “monarchical republic” has been attacked by the intellectual historian Conal Condren who sees it as a confusion between “constitutional preference and organizational necessity” and argues that “to treat the absence of bureaucracy as a sign of republicanism is to deprive the concept of most of its meaning.” Conal Condren, *Argument and Authority in Early Modern England: The Presupposition of Oaths and Offices* (Cambridge, 2006), 50, 60. While he would seem to agree with Goldie that “office-holding was the regime,” (62) Condren argues that the early modern conception of office was much broader than the narrow, Weberian definition employed by modern scholars (particularly by M.J. Braddick, of whom more below) and that it is a mistake to think of seventeenth-century office in institutional terms. Nearly everyone in the seventeenth century, from midwives to monarchs, thought of themselves as an officer: “an official perspective on the world was pervasive.” (20) People related to one another in their capacities as officers in this sense, and what historians have mistakenly defined as debates about political principles are better understood as casuistic attempts to resolve conflicting claims and privileges of office. Condren’s argument, therefore, runs counter to the scholarly work mentioned above that emphasizes “popular politics” taking place outside of formally-recognized institutions—to Condren, all politics is formal (since it consists of debates about office) while being simultaneously non-institutional (since people in the seventeenth century did not see the “office” of a magistrate, of a son, or of a servant as being fundamentally different). Condren’s real agenda, however, is to redefine the high political debates of the period in terms of his extremely broad definition of office and, in spite of his many criticisms of Braddick, he spends remarkably little time discussing the kinds of legally recognized office so important to Braddick’s thesis. While his warning about equating non-bureaucratic government with republicanism is a useful corrective to the idea of a “monarchical republic,” I find that Condren’s attempt to erase the boundary between “office” as a rhetorical trope and “office” as a legally defined set of duties and responsibilities is not useful for a study of political office at the parish level. Seventeenth-century parishioners, as I will discuss in Chapters Four and Five, had finely calibrated notions regarding who did and who did not hold legal authority at a given time or in a given situation, however much they also respected informal kinds of authority.

critique, which caustically rendered a world of grasping yeomen aping the manners of the gentry while officious overseers lorded it over miserable laborers.³⁴ Goldie, meanwhile (and perhaps Collinson as well), are more in the tradition of the nineteenth-century scholar and activist Joshua Toulmin Smith—a link Goldie explicitly made in the laudatory, even exhortatory, conclusion to his essay. Toulmin Smith, a fierce opponent of the centralizing political trends of his day and a passionate advocate of local government, had unwisely argued that the parish vestry was the descendant of the Saxon folkmote, a position that was later mocked by the equally agenda-driven but far more rigorous scholar-reformers Sidney and Beatrice Webb.³⁵ Nevertheless, Smith’s vision of the parish, or at least of local office-holding, as the taproot of English democracy has endured. It seems to have retained particular appeal outside the academy. In 1937, in an address titled “The Foundations of Democracy,” Britain’s most widely-read popular historian contrasted the success of democracy in Britain with its lamentable failures on the Continent (particularly in “red Spain”), and located the explanation in England’s tradition of decentralized administration:

The dog’s work of government was carried out in the village itself.
Those who did that work were drawn from the general body of the people.
Every householder had to serve his year as an administrator of the nation’s

³⁴ For example, see John Clare, “The Parish,” in Eric Robinson and David Powell, eds., *The Early Poems of John Clare*, vol. 2 (Oxford, 1989), 697-778. Hindle borrows the term “parish state” from Clare. For another fine example of this type of satire, see the character of Farmer Gammon in the John O’Keefe play *Wild Oats, or The Strolling Gentlemen* (London, 1791).

³⁵ Joshua Toulmin Smith, *The Parish* (London, 1857); Sydney and Beatrice Webb, *English Local Government. Volume 1: The Parish and the County* (London, 1906), 6n., 37n. The Webbs’ picture is of parochial political culture is fairly nuanced. They are dismissive of the average rural vestry, which they term “the parish oligarchy,” but they have equally harsh words for the “turbulent open vestries” of many urban parishes and their largely unaccountable parish officers. They are, however, admiring of the better-managed open vestries and—best of all—the “extra-legal democracy” that emerged in the eighteenth century in a few happy parishes. Yet in ascribing their genesis to “an energetic and enlightened knot of parishioners” they seem to approve of such a group having a disproportionately large role. Webbs, 104. In all cases, their concern is for efficiency, rationality, and transparency rather than for the preservation of ancient liberties.

business....For a year the mantle of authority rested on his humble and unlettered shoulders. As much as the King on his gilded throne, he became an essential part of the national machinery....At the end of a year, he went back to the general body of the village community with what he had learned. He transmitted it to his children.

All this has a tremendous bearing on our ability to make our present system work. We are able to do so because, in this country, we have got centuries of practice behind us. Every one of us who has English blood can be certain, whatever his social rank or birth, of having in his ancestry many humble progenitors who probably could neither read nor write but who served their year as parish constable or some other village officer, and learned thereby the hard lessons of self-government.³⁶

These two strains of the historiography of the parish—the social historians’ attention to economic inequity and political disenfranchisement and the rosier view of the parish as a “quasi-republican commonwealth”—may be said to have achieved a degree of synthesis. Goldie frankly accepted that his “officeholding republic” was characterized by oligarchy and social exclusion—indeed, his essay complemented, rather than contradicted, Hindle’s discussion of the “political culture of the middling sort” which appeared in the same volume.³⁷ While Goldie was ultimately interested in the implications of widespread officeholding for English political thought, Hindle’s focus lay in describing how those deemed unfit to serve were kept out of power. It would appear, however, that the latter topic remains the more compelling to historians. A recent collection of essays inspired by Collinson’s “monarchical republic” is almost entirely focused on high politics and political thought, the republicanism of parish government presumably having been reduced to a simple matter of the strong dominating the weak.

³⁶ Arthur Bryant, *Humanity in Politics* (London, 1937), 88, 93. His words were quoted in W. Tate’s *Parish Chest* (1954), an indispensable guide for parish research, found in every county record office, and still widely considered the last word on the local history circuit. For similar sentiments, see G.M. Trevelyan, *English Social History* (London, 1986), 182. Such expressions are also common in non-academic local histories. For one example, see Charles Pendrill, *Old Parish Life* (London, 1937), vii. “Here surely was the school in which democracy received its education....”

³⁷ Hindle, “The Political Culture of the Middling Sort,” in Harris, *Politics of the Excluded*, 125-152. This essay was largely a re-working of the themes discussed in Chapter 8 of *The State and Social Change*.

Collinson himself, in the final essay, nods to Hindle's conclusions, noting that "Swallowfield was a little Venice."³⁸

Collinson was no doubt referring to the fact that early modern republics rested on equally powerful ideals of equality and exclusiveness. Yet the comparison with Venice is a particularly apt one. Studies of the Venetian republic long have been divided between those that celebrated it as the cradle of republican liberty and those that portrayed it as a rigidly hierarchical, secretive, and repressive regime dominated by a hereditary patrician caste. In recent years, however, a more skeptical reading of Venetian political literature, combined with scholarly work on Venice's actual institutional practices, factional infighting among the patriciate, and the fluidity of the city's social hierarchy, has led historians to discard both these models in favor of a more subtle understanding of the nature of Venetian politics and political culture.³⁹

Similar insights and a possible way forward for the study of the political culture of the English parish can be found in the introductory essay to *Negotiating Power*, by Michael Braddick and John Walter. These two lauded social historians' undermining of the binary opposition of elite versus popular (usually equated with gentle versus non-gentle status) in favor of a recognition of the several subtly overlapping hierarchies that made up early modern English society, of which status (itself a contested category), class (equally contested), gender, and age were only the most obvious. This realization, in Braddick and Walter's analysis, went hand-in-hand with an increased appreciation of how "the relatively weak could claim agency through the manipulation of texts,

³⁸ Collinson, "Afterword" in John McDiarmid, ed., *The Monarchical Republic of Early Modern England: Essays in Response to Patrick Collinson* (Burlington, 2007), 247.

³⁹ John Martin and Dennis Romano, "Reconsidering Venice," in Martin and Romano, eds., *Venice Reconsidered: The History and Civilization of an Italian City-State, 1297-1797* (Baltimore, 2000), 1-27.

languages, and performances which were intended to explain, justify, and the power of their superiors”—an insight which returned, once again, to the writings of James C.

Scott.⁴⁰

Braddick and Walters wrote:

The chapters in this volume explore the diverse relationships of domination and subordination...by discarding that limited definition of the political which privileges formal political processes and the institutions of the state; by re-thinking the political in terms of the wider processes by which power is grounded, exercised, and contested; by acknowledging the multiple sources of power and social structuring by emphasizing the problematic nature of the relationship...between the claim to power and the exercise of authority; by abandoning the impoverishing conceptualization of the negotiation of power solely in terms of resistance; and finally, by emphasizing how ‘weapons of the weak,’ imaginatively conceived to include also manipulations of text, image, words, and gestures, allowed subordinate groups to exercise agency in negotiating the terms of their subordination.⁴¹

There is much to praise here, and yet two objections need to be raised. First, while the binary opposition between elite and popular has been discarded, Braddick and Walter have immediately replaced it with another binary opposition between the dominant, who are usually conceived as controlling the formal sources of power in a given situation, and the subordinate, who participate in creative, informal ways (perhaps

⁴⁰ Michael J. Braddick and John Walter, “Grids of Power: Order, Hierarchy, and Subordination in Early Modern Society” in Braddick and Walter, eds., *Negotiating Power in Early Modern Society* (Cambridge, 2001), 1-5. Braddick and Walter felt, however, that Scott had not paid adequate attention to elites’ need to justify their privileged position to society in general, which subordinate groups could then use to their own advantage: “The legitimation of power, the creation of a public transcript, both empowers and constrains.” They also felt that Scott’s exclusive focus on the relationship between power and economic inequality was insufficient when his work was applied to the “multivalent” hierarchies found in the early modern world. Braddick and Walter, 10-11.

⁴¹ Braddick and Walter, 16-17.

in the policing of their communities' moral standards⁴²) while cunningly negotiating the terms of their subordination through skillful use of the governing classes' own rhetoric of legitimation. In spite of the talk of "multivalent hierarchies" and despite their desire "to move understanding of the social relationships of power beyond the binary opposition of elite and popular," Braddick and Walter's approach, when applied to parish politics, essentially retains that dichotomy in miniature. The closed door behind which Hindle's vestrymen met in secret marked the division between those who were integrated into the early modern English state, and those who were excluded—a division that corresponds perfectly to the dominant/subordinate model derived from Scott.⁴³

My second objection follows from the first. By accepting the notion that parish politics was fundamentally about competition between dominant and subordinate socio-economic groups (inadequate though they recognize that notion to be), Braddick and Walter's approach tends to neglect formal political processes and institutions on the assumption that their sole function was to maintain the position of the parochial elite. Non-elite political participation within the parish—the mocking libel, the cringing

⁴² See the essays by Martin Ingram (on sexual abuse), Laura Gowing (regarding how married women policed the behavior of unmarried women), and Faramerz Dabhoiwala (on the regulation of prostitution), all in *Negotiating Power*.

⁴³ To Braddick and Walter's credit, they frankly recognized the problem, stating that "the binary model of elite/poor seems inadequate as a way of framing power relationships at the level of local society." Braddick and Walter, 16-17. However, their reversion to a model that assumed conflict along socio-economic lines seems to confirm Christopher Marsh's remark that "[t]here may also be some friction between Scott's fundamentally dichotomous and combative terminology (particularly 'weapons of the weak') and the emphasis placed by historians on the fine gradations and complex structure of early modern hierarchy. Within any such system, a high proportion of status tension is likely to occur between near equals, and yet the analytical language of warfare, struggle, and domination often seems to imply something rather close to class-based hostility. 'Negotiation' is presented as a concept more valuable than 'resistance,' and yet 'resistance' has an intriguing habit of creeping back into the analysis." Christopher Marsh, "Order and Place in England, 1580-1640: The View from the Pew," *JBS* 44 (January 2005): 6-7.

petition, the strategically-placed pile of excrement, and other creative manipulations of the “public transcript”—are deemed the more interesting and worthy of study.⁴⁴

But—as with the revisionist work on Venice alluded to above—a greater understanding of formal political process at the parish level will help us understand how decisions were made and policies enacted by those who governed the parish. It also helps us understand that parish politics was not simply a matter of local elites acting in concert to maintain their status—political power in the parish was often fragmented and a considerable part of the business of governing was managing conflict between wealthier parishioners. Smaller ratepayers, we find, had agency not only “out-of-doors” but through legal institutions as well: their greater numbers sometimes gave them clout in parish assemblies.⁴⁵ It also reveals how the burdens of office often outweighed the benefits, and how parishioners’ need to spread that burden could lead them to draw men into parish government rather than exclude them.

Methodology: Beyond the Poor Laws

One would expect that a dissertation about the ideas underlying parish government would rely primarily on parish records—churchwardens’ accounts, vestry minutes, and the like—in which the actual business of such government is recorded. This

⁴⁴ That this latter kind of participation is deemed the more interesting of the two is perhaps demonstrated by the fact that Braddick, who once studied quintessentially high political subjects as parliamentary taxation, has recently edited a special issue of *Past and Present* on the politics of gesture. Braddick, ed., “The Politics of Gesture: Historical Perspectives,” *Past and Present* 203, 4 (2009).

⁴⁵ A fact recognized by E.P. Thompson over thirty years ago, although he was speaking of tenants and foresters acting as litigants rather than as office-holders or participants in parish meetings. It bears pointing out that Thompson anticipated many of Braddick and Walter’s points regarding the ability of the dispossessed to defend themselves by recourse to their superiors’ rhetoric. See Thompson, *Whigs and Hunters: The Origin of the Black Act* (London, 1975), 258-269. For that matter, his essay “The Crime of Anonymity,” which appeared the year before Scott’s book on Malaysian peasants, anticipated many of Scott’s points as well. See Thompson, “The Crime of Anonymity,” in Douglas Hay, Peter Linebaugh, John G. Rule, E.P. Thompson, and Cal Winslow, eds., *Albion’s Fatal Tree: Crime and Society in Eighteenth-Century England* (New York, 1975), 255-308.

had been my original intention. However, it rapidly became apparent that such sources, while undoubtedly useful, are in most cases quite laconic as to how parish decisions regarding fund-raising and expenditure were reached and only rarely record any disagreement or conflict that might shed light on the process through which decisions were made. This led me to rely more heavily on depositions housed in the archives of ecclesiastical courts and the courts of Exchequer and Chancery. Since these occasionally include accounts from both the complainant and defendant's perspective, it is sometimes possible to ascertain not only what the conventions governing parish politics were, but also what arguments early modern people expected to have traction when defending or attacking the manner in which decisions were made in particular instances.

This dissertation makes little use of sources relating to the provision of poor relief, a fact that requires explanation. Since the Webbs' monumental survey of English local government, the Elizabethan Poor Laws have been the starting point for the study of parish politics. Yet an investigation of parish government that relies mainly on the records generated by the Poor Laws neglects a great deal. Historians' near-exclusive use of the Poor Laws as a lens through which to study parish government has also contributed to a narrative of seventeenth-century parish that sees it as transforming from spiritual community to "civil parish," an organizational convenience devoid of any spiritual function, the primary responsibility of which was to manage the problem of poverty.⁴⁶

⁴⁶ This notion has a long pedigree. The Webbs' massive work on local government took the Elizabethan poor laws as its starting point; the implication being that poor relief was the parish's defining function. For the boldest expression of this view, see Christopher Hill, *Society and Puritanism in Pre-Revolutionary England*, 3rd edition (London, 1969), 407-428. More recently, Kūmin states that by the end of the sixteenth century "[c]hurchwardens were increasingly occupied with secular duties" and were therefore not likely to play a leadership role in the parish's spiritual affairs. Kūmin, *Shaping*, 249-250. Hindle explicitly refers to "the creation of the civil parish under the terms of the Elizabethan Poor Laws of 1598 and 1601," noting that Tudor legislation, particularly the poor laws, transformed the parish "from a religious body with some secular functions into an organ of the secular government with some religious responsibilities." Hindle,

Dealing with poverty—determining who was eligible for relief, raising and distributing money in order to succor their needs, and monitoring poor parishioners’ behavior—was clearly one of the parish’s primary responsibilities. But as important as these tasks were, they are only part of the story. Records of their performance can demonstrate what early modern parishioners thought about *some* of the key issues of parish politics: the redistribution of resources, an indigent widow’s claim to customary charity, or whether or not a man or woman had a right to be considered a member of the community. But focusing on the issue of poverty only tells us about one major horizontal division within parish society—that between the indigent and everyone else—while telling us little or nothing about what ideals, besides the need to control the poor, drove parish politics. Parish ratepayers elected and supervised officers (who supervised them in return), debated issues, managed conflicts, arrived at decisions. Whether the issue was a new bell for the church or a new rate for the poor, the *process* by which the decision was made was the same—and deserving of study in its own right. The political thought expressed in such actions were part of England’s constitution, in the sense that they helped constitute the legal and intellectual framework within which these farmers, artisans, and tradesmen governed England’s 9,000 or so parishes.

This dissertation casts the net broadly, both geographically and chronologically.

A study of parish politics focused on a single parish would invite questions as to whether

State and Social Change, 29, 215. The idea is also inherent in Braddick’s work on state formation, in which the successful “patriarchal state,” concerned with the enforcement of social policy, is contrasted with the failure of the “confessional state.” Braddick, *State Formation in Early Modern England* (Cambridge, 2001), 101-175, 287-336. The secularization of the parish has become a piece of historiographical orthodoxy to be used by those who study later eras: “By the start of our period the parish vestry had *long since* evolved into a unit of secular administration distinct from the cure of souls.” Rosemary Sweet, *The English Town, 1680-1840* (Harlow, Essex, 1999), 30 (emphasis mine). That this view retains such respectability among social historians who study local communities even while religion has again become central to discussions of high politics and culture is an unexamined contradiction in the current historiography.

my conclusions could be usefully applied anyplace else. To stop in 1640 or to start in 1660—popular beginning and ending points in English historiography—would beg the question as to how the mid-century upheaval of civil war and revolution affected the exercise and distribution of power at the most elemental level of English society. To investigate the principles that made up the foundation of English political life in the early modern era, it is necessary to take the long view in order to appreciate the broader patterns that might not be visible through a narrower frame of reference.

Given that on the whole this dissertation finds more continuity than change in the political ideas operative in parochial politics over the period surveyed, it might be objected that this approach leads inevitably to the depiction of a *histoire immobile*—that I have taken such a broad view that all the nuances of time and place have been obscured. Less charitably, it could also be argued that such a broad study has allowed me to pick examples selectively from hither and thither in order to support my thesis. These are valid concerns; however, a narrower frame of reference—a single county, say, or a survey of parish government in early Stuart instead of early modern England—would leave me no less exposed to the same criticisms. It is just as easy to cherry-pick evidence from 200 parishes as it is from 9,000. On the other hand, it is surely significant that English parishioners across the realm and across the century used similar types of arguments when justifying or deploring decisions made by parish assemblies, appealed to roughly the same standards when evaluating the process by which the decisions were reached, and chose parish officers in more or less the same fashion. That these practices survived the chaos of civil war, the fifteen-year hiatus of the ecclesiastical courts, and attempts by the revolutionary parliamentary regime to rearrange the traditional

distribution of power within the parish is a testament to their importance for our understanding how power operated practically at the most basic level of English political life.

Overview

When I began this project, I intended to examine parish politics by investigating churchwardens (the most important of parish officers) rather in the same manner as Joan Kent had done for constables.⁴⁷ Since churchwardens' responsibilities extended into both the secular and spiritual realms, I felt that such a study would expand on Kent's insights by examining how the experience of local officeholding intersected with the great religious controversies of the age. When I began reading through church court depositions, however, it rapidly became apparent that this approach was inadequate. Not only was it clear that the churchwardens could not and did not act as governors in their own right, but my approach also failed to take into account the fact that many, if not most, of the most significant decisions were made, not by the churchwardens, but by what was often obliquely referred to as "the parish." But what did this mean, practically speaking? To whom exactly did churchwardens answer? Who was "the parish"?

Chapter Two therefore begins with an attempt to answer these questions, taking on the issue of participation in parish government. Historians have long been aware that, once a year, a certain number of parishioners approved the accounts of the outgoing churchwardens and elected new officers for the year following. Slightly less well-known is the fact that parishioners often met together for other reasons, usually to levy a land tax (variously known as a "rate," "ley," or "lewan") on themselves in order to raise funds

⁴⁷ Joan Kent, *The English Village Constable, 1580-1642* (Oxford, 1986).

needed for a particular project. There has been a powerful tendency (as noted above) to portray the seventeenth century as a time in which participation in such meetings became more and more circumscribed. I find, on the contrary, that the principle that all ratepaying householders had a role in the governance of their communities was as strong in 1700 as it was in 1600—and could be successfully appealed to against the power of selfish oligarchies. But although parish assemblies were in many ways democratic (in the narrow sense that decisions were made by an assembly of inhabitants who met the minimum requirements for membership), they also contained strong oligarchic characteristics. Decisions made by the assembly could be defended in court with reference to a majority vote, but arguing that the decision had been approved by the “most substantial inhabitants” was also effective. Just as importantly, the householders’ assembly could be a forum for managing conflict between powerful parishioners who at times competed with each other by mobilizing householders to vote one way or another. The prevailing narrative of decline from a participatory to an oligarchic system has blinded us to one of the crucial elements of early modern local politics—the fragmented nature of political authority within the parish and how wealthier parishioners could use the ethic of popular participation to enhance their own influence vis-à-vis their neighbors.

Chapter Three will pay special attention to the question of select vestries—discrete groups of parishioners empowered to make the decisions on behalf of the rest, as opposed to a diffuse assembly. These bodies, more than any other feature of parish government, have become the symbol of the seventeenth century parish’s purported tendency towards oligarchy. However, authority of such institutions did not go unchallenged, nor was the scope of their powers always agreed upon even in cases when

their essential legitimacy was accepted. In fact, far from being a simple power grab by an increasingly confident local elite, contests over select vestries could pit the most powerful men in the parish against each other as they debated one of the fundamental political questions of the early modern era—the theoretical virtues of accountable versus unconstrained power. Ultimately, a sober examination of select vestries helps reinforce the conclusion that the principle that all ratepaying householders had the right to participate in the management of the parish remained powerful, however much it may have decayed in particular locations. But such an examination also reinforces the point about how oligarchic and popular ideals relied on each other: when under attack, select vestries claimed they governed only by the will of the parishioners, while those seeking to unseat them repeatedly stressed their own innate worthiness and fitness to rule.

If the theme of Chapters Two and Three is the interplay between elitist and majoritarian ideals in parish politics, in Chapters Four and Five I return to the question with which I began my research—the nature of authority and officeholding. Parish officers were responsible to parish assemblies, but their importance cannot be discounted. Chapter Four accordingly narrows the focus to the office of the churchwarden, the parishes' most prestigious and powerful office. Churchwardens had wide-ranging responsibilities that touched nearly every aspect of parish life. Originally responsible for the upkeep of the parish church and the accouterments necessary for the divine service, they were also responsible to the local bishop for the supervision of their fellow parishioners' morals, manners, and religious conformity. Over the sixteenth century, they had acquired an increasing number of secular duties as well. Most obviously, they had a large measure of responsibility for caring for the parish poor, a role that was

formalized and strengthened by the Elizabethan Poor Laws. With significant responsibilities in both spiritual and secular arenas, the two parishioners elected to fill this office were, for a year, the most important men in the parish. It has been generally agreed that this powerful office was monopolized by the “chief inhabitants,” however, there is compelling evidence that humble—even extremely humble—churchwardens were by no means uncommon. Nor were such men necessarily the mere tools of their social betters: churchwardens, while accountable to the parish as a whole through the institution of the parish assembly, could also exercise a wide degree of discretionary power.

Most of the interest generated by the office has been due to the fact that many scholars used it as a lens with which to investigate middling identity, an approach which obscures how contemporaries viewed the office. Additionally, some scholars have suggested various ways of conceptualizing the office itself, the foremost among these being the sociological concept of “social role.” I demonstrate, however, that it is more helpful to examine the churchwarden’s office as a legal role. Churchwardens had legally defined responsibilities, but they answered to multiple masters, each of whom had different expectations. Chapter Five takes a closer look at this issue by investigating both how churchwardens interacted with external authorities, and the complex relationship between the churchwardens and the parish as whole by discussing the various methods different parishes devised to choose officers, a process which highlights the competing interests within the parish that existed independently of socio-economic fissures. Such interests could divide the minister from his flock—while canon law urged that the parishioners and the incumbent should choose churchwardens jointly, some parishes

formalized the process by having the minister choose one and the parishioners elect the other. Many parishes chose their churchwardens on the basis of neighborhood or other sub-parochial district, indicating these communities had a corporate identity whose welfare they expected “their” warden to protect. Particularly significant is the widespread practice of choosing churchwardens (and other officers) by rotation. While Goldie has described this as expression of the republican ideals embedded in English society,⁴⁸ it also speaks to an equally important practical issue: the fact that while the office was considered an honor, it was also a draining, time-consuming responsibility, not to mention one that put a man in the role of tax-gatherer, killjoy, and—in the eyes of some—general busybody. Being churchwarden was something to be avoided as much as it was an honor. Understanding this important fact goes a long way towards modifying our perception of parish government as an unaccountable oligarchy. In fact, the oligarchic impulse, fueled by the need to have decisions made and monies spent by the respectable and responsible, was counterbalanced by the need to share the burden and, if necessary, spread the blame.

Chapter Five also engages the crucial question of religion. The churchwarden, in spite of his numerous secular duties, was primarily a moral guardian, “a door-keeper in the house of God.”⁴⁹ The parish was, after all, a creation of the church, instituted for the cure of souls, and defined and administered by canon law.⁵⁰ Yet if the churchwardens

⁴⁸ Goldie, “Unacknowledged Republic,” 166-167. Goldie incorrectly says that constables and churchwardens were usually not chosen by rota.

⁴⁹ George Herbert, *A Priest to the Temple* in F.E. Hutchinson, ed., *The Works of George Herbert* (Oxford, 1945), 270.

⁵⁰ It is hardly any surprise that some of the best examinations of parochial government have been written by historians of religion—starting, of course, with Collinson himself. Eamon Duffy’s evocative history of Morebath contains one of the most comprehensive discussions of sixteenth-century parish government currently in print, while Peter Lake’s intricately detailed account of the London parish of St. Katherine Creechurch showed that a struggle between opponents and supporters of the parish incumbent, the sharp-

were supposed to be the minister's partners in the Lord's work, they were sometimes less than willing, and clergymen's complaints about timid or lackadaisical churchwardens abounded. Other churchwardens might be too zealous for their minister's liking or might weigh the minister himself in the balance and find him wanting: "A covetous, contentious, and ignorant person" was one blunt assessment forwarded to the local bishop. "[T]hose that have any knowledge of God sitting under such a minister cannot expect to be bettered, or those that are ignorant to be informed by him."⁵¹ It is easy to see why, in some parishes, ministers strove so jealously to maintain a measure of control over the election of churchwardens, making the parish an arena for another crucial early modern question: the proper relationship between lay and ecclesiastical authority. We can see how people thought about that relationship in their conflicts over whom they felt churchwardens were responsible to—the bishop, the pastor, or the parish.

Chapter Six expands the discussion of religion by examining the impact of Reformed ideas on parish government. In spite of tentative moves to the contrary, the English Reformation left the medieval structure of parish government essentially intact. The situation was unacceptable to those who wished to see it reorganized along more literally Scriptural lines and by the 1570s this discontent had developed into a revolutionary demand for a new form of parish government that would have taken the

tongued Stephen Denison, was also tangled up in a convoluted debate about the authority and legal footing of the parish's select vestry. However, these studies have not substantially affected the version of parochial political culture provided by the social historians which contains in it a strong theme of secularization. The evidence Eamon Duffy finds for decreasing religious enthusiasm in Morebath at the end of the sixteenth century, coinciding with a drop in the number of parishioners willing to serve as churchwarden, makes his account dovetail rather well with the prevailing narrative of ever-narrowing participation. Lake's nuanced account of the fortunes of St. Katherine Creechurch's select vestry, meanwhile, lies buried in a work primarily known for bringing to light the byzantine intellectual world of London Puritanism. Eamon Duffy, *Voices of Morebath: Reformation and Rebellion in an English Village* (New Haven, 2001), Chapter 2; Peter Lake, *The Boxmaker's Revenge: 'Orthodoxy,' 'Heterodoxy,' and the Politics of the Parish in Early Stuart London* (Stanford, 2001), 315-335.

⁵¹ Somerset R.O., DD/MI/5.

responsibility for spiritual discipline out of the hands of the churchwardens and placed it in the hands of lay elders who, while they resembled churchwardens superficially, wielded far greater disciplinary powers. Separatists like Robert Browne and Francis Johnson went so far as to lump churchwardens together with ecclesiastical courts and bishops—popish accretions that had to be stripped away in order to return the church to its primitive purity. Henry Burton dramatically declared that “the bringing in of churchwardens and other lay officers into the church, all subject to the prelates’ jurisdiction, and made their sworn vassals, was the very up-setting of the Antichristian throne in the temple of God.”⁵² But when churchwardens attracted ire of this sort, it was because of their accountability to bishops, rather than innate hostility to the office itself. Some who, like Burton, demanded further reformation in the church felt that churchwardens’ role could be expanded into that of quasi-ministerial lay elders in imitation of the Reformed churches in Scotland or on the Continent. While discussions of the early Stuart church have primarily revolved around either rarified intellectual debates regarding Arminian and (especially) Puritan thought, or the popular response to the Laudian efforts to remold the English church, this theoretical and practical conflict over the locus of spiritual power, a crisis of authority present in every parish, remains largely unstudied. The military triumph of Parliament in 1648, therefore, ought to have resulted in fundamental changes in the constitution of every English parish, with lay elders officially assuming a position at least equal to that of the minister. Outside of London and a few other scattered locations, this did not happen. Chapter Six concludes with an examination of Parliament’s failed experiment with the classis system and

⁵² Henry Burton, *Christ on His Throne, or Christ’s Church-Government Briefly Laid Down* (London, 1640), 66.

suggests that traditional parish government, which persisted in the great majority of England's parishes, survived in part because English parishioners were reluctant to designate a small group of their fellows as lay elders, endowed with quasi-ministerial authority.

Chapter Seven examines the role of religion in parish politics after the restoration of the Stuart monarchy. The Cavalier Parliament revived the entire episcopal structure of the English church (with the exception of the Court of High Commission) just as it had been before 1640. Studies of the church courts written with an eye to their eventual decline tend to obscure the remarkable success the church courts had in re-establishing their traditional role of adjudicating inter-parochial disputes after an absence of fifteen years. But the widespread presence of dissent presented an intractable problem to the Anglican establishment and its supporters. On the one hand, all Englishmen were required by ecclesiastical law to contribute monetarily to the support of their parish church, regardless of their religious beliefs—an obligation that only the Quakers attempted to contest. The payment of church rates, after all, gave a man permission to attend parish meetings and voice his opinion regarding parish business. This principle was accepted as legitimate by churchmen and church court depositions clearly show that it remained general practice in English parishes. The payment of rates also came with the obligation to serve in parish office—the Test Act of 1672 specifically exempted churchwardens and constables from its provisions—not (obviously) because of any secularizing or pluralistic impulse, but because Parliament did not wish to make dissent more attractive by relieving its adherents of the burdens of local office. Ironically, then, it was their legally-mandated financial obligation to the parish that gave even the most

obdurate dissenters an unassailable foothold within the parish from which they could, if they wished, and if they had sufficient numbers, subvert episcopal authority. In this respect, it was not exclusions that characterized late seventeenth-century parishes—it was a strangely legalistic openness that *required* even a persecuted religious minority to participate in the business of local government. This requirement, we find, led to a fundamental change in the churchwarden’s office and resulted in the sharp decline of the ecclesiastical courts’ ability to hold churchwardens to account in the 1670s and 1680s. The chapter ends by returning to the twin participatory and oligarchic ideals that lay at the heart of early modern government, demonstrating about how the continued invocation of both, and the tension between the two, contributed to one of the many eighteenth-century discourses of political reform.

The title of this dissertation, of course, invokes the notion of England’s “ancient constitution,” an ideology rooted in the common law and articulated by an elite group of common lawyers. But this dissertation explores a second, workaday English constitution, one which regulated how early modern English parishioners arrived at and implemented, contested and justified, collective decisions. As they did so, they grappled with essential political issues—participation, delegation, accountability, the nature, location, and obligations of political and religious authority. Historians have looked for, and found, political thought not just in the writings of an elite group of common lawyers, but in everything from plays, to sermons, to schoolbooks. It is time now to investigate the everyday political actions of parish ratepayers and officeholders: farmers, artisans, and tradesmen. The government rested upon their shoulders.

PART I

PARTICIPATION AND OLIGARCHY

Chapter Two: Participation and Parochial Decision-making

Underlying nearly every scholarly discussion of early modern parish government is the question of participation. What proportion of the inhabitants had a say in the administration of their communities? Who was allowed to voice their opinion regarding the allocation of resources or the auditing of parish accounts? Who was allowed to elect parish officers? Behind these questions of course lurk the broader questions raised in the introduction: Was the early modern parish a repository of republican values, the school of English democracy? Or is it better understood as a site of conflict, the place where the polarization of English society was most sharply felt, where the leading members, as one historian summarizes the argument, were “gradually ceasing to imagine themselves as part of their communities and instead imagined themselves as part of a national ruling class”?¹

To answer these questions, in this chapter I will investigate who was allowed to attend parish meetings, who actually attended, and how decisions were made. I first draw attention to the fact that, thanks to certain historiographical agendas, scholars have tended to take evidence for broad participation in late medieval parishes at face value, while treating similar evidence from the early modern period with great skepticism. This tendency, I argue, has significantly distorted our perception of early modern parish government. Second, I show that the medieval practice of decision-making by an assembly of the parish’s householders survived into the early modern period. As in the Middle Ages, the privileged status of the householder resulted from his (or, in the case of widows, her) obligation to contribute financially to the parish church, a requirement that

¹ Shagan, “The Two Republics: Conflicting Views of Participatory Local Government in Early Tudor England,” in McDiarmid, 36.

was usually equated with landholding. This significantly restricted the number of parishioners allowed to take part, yet it also ensured that participation in parochial decision-making was not limited to freeholders—those who held property by lease also attended parochial assemblies. Third, I re-examine the celebrated Swallowfield articles and find that, rather than providing evidence of an elite united in its desire to restrict their poorer neighbors' access to power, the document is better understood as an attempt by a deeply divided group of parish householders to hammer out a *modus operandi*. Parish elites may have been obsessed with order, as the social historians remind us, but the Swallowfield articles also indicate that factionalism and conflict among the elite were perhaps a greater threat to order than were the unruly poor.

The second half of the chapter elaborates on the practical matters revealed by the Swallowfield articles, investigating how parish government actually worked. Four findings emerge from such an investigation, each of which modifies our current conception of parish government. First, parish meetings, far from being secretive affairs, were “public business” that had to be publically announced beforehand, lest the decisions made therein be rendered legally invalid. Second, many of those eligible frequently *chose* not to attend, a fact that scholars—interpreting absence as exclusion—have generally failed to appreciate. Yet the practical need to have all ratepayers involved in decisions about financial affairs meant that their participation was encouraged rather than discouraged. Third, decisions in these parochial assemblies were often made through majoritarian voting. This finding contradicts the prevailing notion that political decision-making in seventeenth-century England was necessarily a matter of elite-driven consensus, an idea drawn from Mark Kishlanky's analysis of early Stuart parliamentary

elections. Parish government, for reasons which I explain, was a different affair entirely and operated according to different political rules. But the clear evidence of majoritarian voting should not seduce us into thinking that the ratepayers' assembly was a group of autonomous voters impartially weighing the pros and cons of different courses of action. My fourth finding is that an examination of the language parishioners used to defend the decisions made in parish meetings to legal authorities suggests that English parishes nourished a type of politics in which parishioners of higher social status competed with each other by inducing poorer ratepayers to support courses of action they approved of or to oppose those to which they objected. A close investigation of the inner workings of parochial decision-making helps us move beyond the elite versus popular dichotomy that has dominated the study of parish government in early modern England.

Who were "the parishioners"?

Early modern parish records frequently record decisions as having been made by "the parishioners." What did this term mean?

On its surface, the answer seems simple: a parishioner was one who resided within the boundaries of the parish. The parish was a community of souls, organized around a church in which they were baptized and married, where they went every Sunday to hear the Word of God truly preached, where they received communion, and where they at last had the somber words of Cranmer's burial service read over them after death. The ecclesiastical establishment accepted and enforced this definition—the 1559 Book of Common Prayer stated that "every parishioner shall communicate at least three times in

the year... and also to receive the sacraments and other rites in this book appointed.”²

Visitation articles from the Elizabethan and early Stuart periods make it abundantly clear that these instructions applied to all adult residents of the parish.³ The entire logic of the poor laws, furthermore, began with the assumption that simple residence within the parish boundaries was what made a man a parishioner, a member of the community entitled to succor from his fellows.⁴

However, early modern Englishmen drew a sharp distinction between being a member of the parish in a spiritual sense⁵ and being a member of the parish endowed with the right to make decisions affecting the whole community—in other words, with what the modern world calls political rights. This observation immediately calls to mind a historiographical master narrative that inevitably looms over any discussion of post-Reformation parish government, namely, that participation in parish communal life and especially communal decision-making progressively narrowed in the later sixteenth century. Since this idea inevitably affects our perception of seventeenth-century parish government, it seems appropriate to examine it more closely here.

The seventeenth-century English parish has not fared well in comparison to its pre-Reformation predecessor. Revisionist historians of the Reformation—Eamon Duffy above all—have lovingly described the communal life and worship of its members and

² *Book of Common Prayer, 1559*, John Booty, ed. (Charlottesville, 2005), 268. The church canons of 1604 reiterated this injunction. *Anglican Canons*, 291.

³ This evidence is summarized by Judith Maltby in *Prayer Book and People in Elizabethan and Early Stuart England* (Cambridge, 2000), 15n. 53. The Protestant Church of England was particularly unbending regarding the corporate nature of the Lord’s Supper—John Jewell declared that to receive communion privately was to “distain and despise your brethren.” John Jewell, *The Works of John Jewell, Bishop of Salisbury*, John Ayre, ed., vol. 1 (Cambridge, 1845), 24.

⁴ Hindle, *On the Parish: The Micro-Politics of Poor Relief* (Oxford, 2004), 306-310.

⁵ After the promulgation of the Act of Toleration in 1689, of course, it became difficult legally to maintain the equation of spiritual membership in a parish with physical residence—an equation that recusancy and nonconformity had always made problematic.

the degree to which they participated in the management of parish business.⁶ Kümin's 1996 study of the fifteenth-century English parish advanced along an azimuth originally plotted by Peter Blickle, who argued for the existence of a medieval lay communalism that held its own against clerical and aristocratic power.⁷ Many social historians, meanwhile—particularly those following the trail blazed by Keith Wrightson—have focused on the social and cultural polarization characteristic (they argue) of the early modern parish. To these scholars, the late fifteenth-century parish was a community in which inequality was tempered by mutual obligations between socio-economic groups that shared a common culture—a situation that was, if not idyllic, than at least preferable to that which succeeded it.

It is empirically demonstrable from parish accounts that the ban on the veneration of saints and several other Catholic devotional practices reduced women's and younger men's opportunities for participation in parish government. Willingness to hold parish office also appears to have eroded in the second half of Elizabeth's reign.⁸ But it must also be recognized that the historiographical schools mentioned above both have a tendency to give the fifteenth-century parish the benefit of the doubt with regard to political decision-making. The rehabilitation of medieval Catholicism on the one hand and the refutation of an older school of thought that denied the importance of lay communal activity in medieval society on the other, has led historians—while frankly noting the existence of disproportionately powerful groups of parishioners in pre-

⁶ Duffy, *The Stripping of the Altars: Tradition Religion in England, 1400-1580* (New Haven, 1992), 131-154, and *Morebath*, Chapter 2.

⁷ Kümin, *Shaping*, 10-11, 260-263.

⁸ Katherine L. French, *Good Women of the Parish: Gender and Religion After the Black Death* (Philadelphia, 2008), 224; Duffy, *Morebath*, 31, 104-105, 184-185. The latter phenomenon will be discussed more fully in Chapter Five.

Reformation parishes—to emphasize the role of the parishioners in the management of communal affairs, sometimes taking at face value democratic-sounding sentiments which, if they appeared in seventeenth-century sources, might be considered evidence of oligarchic rule disguised by deceitful rhetoric.

A fine example of this tendency can be found in both Kümin and Duffy’s reference to a 1519 suit in the Court of Requests between a London goldsmith and the churchwardens of Tavistock, Devon, which they cite as evidence that that “broad consensus” had to be secured for major projects or purchases undertaken by the parish. But while the case testimony does show that the purchase of a silver cross was endorsed by “the whole parisspens [sic],” it is not at all clear that the “most substantial men” who also appear frequently in the testimony were not the parish’s true decision-makers.⁹ Furthermore, neither Duffy or Kümin would argue that the inclusive-sounding phrase “the whole parisspens” referred to every man, woman, and child living in the parish—both recognize that, in the fifteenth and early sixteenth centuries, it was a well-established principle in that only householders were deemed responsible enough to be

⁹ See Kümin, “Late Medieval Churchwardens’ Accounts and Parish Government: Looking beyond London and Bristol,” *EHR* 119, 480 (February, 2004): 94; Kümin, *Shaping*, 236-237, 241; and Duffy, *Morebath*, 22. Katherine French digs deeper, noting that the case in fact hinged on differing conceptions regarding who ought to be involved in parochial decision-making. She portrays the case partially as a contest between one churchwarden who argued that a decision made by “the most substantial men” was valid, and another who rejected the decision because it had not been made by a larger group of parishioners. Katherine L. French, *The People of the Parish: Community Life in a Late Medieval English Diocese* (Philadelphia, 2001), 74-76. The possibility of a conflict between elitist and participatory conceptions of decision-making authority in an early sixteenth-century parish is intriguing; however, French’s interpretation also begs the question as to how inclusive the term “the parish” actually was. A possible reading of the second churchwarden’s complaint that the decision in question had been made only “by certain persons to the number of six or eight and not by the whole inhabitants and rulers of the parish” might be that the actual point of contention was that only a subset of the “most substantial” parishioners had been consulted. For the text of the case, see I.S. Leadam, ed., *Select Cases in the Court of Requests, A.D. 1497-1569* (London, 1898), 17-29.

entrusted with the authority to make decisions about fund-raising and expenditure.¹⁰ Yet neither argues—as their early modernist colleagues often do¹¹—that the common use of such terms in court testimony and parish memoranda was an attempt by the householding minority to conceal the disproportionate power they wielded.

Ultimately the question as to whether the post-Reformation parish allowed more or less participation by the smaller householders in parochial decision-making than did its pre-Reformation counterpart is a question beyond the scope of this dissertation.¹² What is clear, however, is that it was a well-established medieval principle that householders alone were responsible enough to be trusted with the authority to make decisions that affected the parish community. This authority was closely connected to their financial obligation to the church, an obligation that had been centuries in the making. According

¹⁰ Kümin writes, “[w]hat mattered most in terms of parish government was not age or wealth, but households.” Kümin, *Shaping*, 233. See also Kümin, *Shaping*, 96, and Duffy, *Morebath*, 30. Katherine French seems to take a somewhat different view, stating that “[w]hen it discussing fundraising, we must use the most inclusive meaning of “parish” to include more than the clique of householders influencing the leadership.” French, however, is talking about participation in fundraising projects and events themselves, rather than the decisions about how much money needed to be raised, or whether a particular purchase should be made. K. French, *People of the Parish*, 99. Regarding the term “the parish,” it should also be noted that a 1548 survey of the parishes in the town of Reading made a clear distinction between male householders, who were termed “parishioners”, and the “houseing folk” who included all communicants. Jeanette Martin, “Leadership and Priorities in Reading during the Reformation,” in Patrick Collinson and John Craig, eds., *The Reformation in English Towns, 1500-1640* (New York, 1998), 125.

¹¹ Paul Griffiths, “Secrecy and Authority in Late Sixteenth- and Seventeenth-Century London,” *HJ* 10, 4 (December 1997), 928; Hindle, *The State and Social Change*, 218; H.R. French, *The Middle Sort of People in Provincial England, 1600-1750* (Oxford, 2007), 100-101, 139.

¹² One way to tackle this question would be to start with Katherine French’s observation that “[t]he sociology of fundraising allows us to expand our notion of religious culture. It involved more than belief; it included action and behavior.” K. French, *People of the Parish*, 100. I suspect that the parishioners’ obligation to maintain the body of the parish church was, like tithes, connected to their holding of land within the parish boundaries even in the late Middle Ages, and that this was fact has been obscured by the numerous creative ways by which medieval parishioners met that obligation (church ales and similar entertainments, income from communally-held property, etc.). It is currently unknown whether the gradual replacement of these fundraising methods by the widespread adoption of the church rate changed the patterns of participation in decision-making within English parishes. Kümin has found that that pre-Reformation parishes which relied on rents or charitable bequests for income tended to have more oligarchic decision-making bodies when compared to parishes that relied on church ales or rates—a situation he attributed to the fact that the participation of the general body of householders in fundraising was less necessary in the former. Kümin, *Shaping*, 120. If this is so, then it is theoretically possible that the widespread adoption of rates as the primary means of fundraising may actually have *increased* the number of individuals involved in parochial decision-making.

to canon law, the rector was responsible for the upkeep of the parish church; however, in England (and in many places on the Continent as well) this burden had gradually shifted onto the parishioners, who by the end of the thirteenth century were responsible for maintaining all parts of the building besides the chancel, and usually for providing sacred vessels, vestments, and books as well.¹³ Medieval English parishioners met these obligations in many creative ways. Church ales—emblematic of Merry England—were extremely popular by the late fifteenth century, but a wide variety of other fund-raising methods were also used. Some parishes acquired landed property through purchase or bequest. Some parishes kept livestock or bees, rotating the responsibility for their care among the parishioners. The increasing sophistication of the equity courts during the fifteenth century and the emergence of the legal practice of “enfeoffment to use” allowed churchwardens to defend their claims to communally-held real property, a right denied them in the common law courts. All of these methods could be supplemented when necessary by a locally-assessed tax on land known variously as the church rate, ley, or lewan.¹⁴

Regarding these developments, the great legal historians Frederick Pollack and Frederic Maitland wrote that “money-voting vestries became as indispensable to the rector as money-voting parliaments are to the king.”¹⁵ The work of more recent scholars has generally supported their conclusion that the parishioners’ need to raise and manage money—and presumably their desire to maintain control over it, rather than ceding it all

¹³ Kūmin, *Shaping*, 17-19. Kūmin points out that some London parishes were actually responsible for the maintenance of the entire building.

¹⁴ Duffy, *Morebath*, 27-28; Steven G. Doree, ed., *The Early Churchwardens’ Accounts of Bishops’ Stortford, 1431-1558* (Cambridge, 1994), xii; Kūmin, *Shaping*, 24-26; Ronald Hutton, *The Rise and Fall of Merry England: The Ritual Year in England, 1400-1700* (Oxford, 1996), 11-12, 49-68, 119-120.

¹⁵ Frederic Pollack and Frederic William Maitland, *The History of English Law before the Time of Edward the First*, 2nd ed. (Cambridge, 1899), vol. 1, 613.

to the rector—was primarily responsible for the development of an assembly of householders as a political body.¹⁶ By the end of the fifteenth century, the parish assembly had become “the community’s sovereign institution” for electing and supervising parish officers and levying taxes.¹⁷ The participation of women and even teenagers in these assemblies was a direct result of their actions as fund-managers for particular saints’ guilds or their collective fund-raising activities on the parish’s behalf.¹⁸ But these important cases aside, holding land within the parish was primary determinant of financial obligation.¹⁹ In parishes that raised money from ales rather than rates, the parishioners contributed the money needed for the festivities (brewing ale, preparing food, contracting entertainers) as an obligation attached to the land they held within the parish boundaries.²⁰

The principle that only householders were responsible enough to be entrusted with decision-making authority survived with remarkable consistency through the early modern period. Even thinkers who were conspicuously unconventional in their willingness to ascribe political rights to the lower orders were unanimous on this point. Thomas Cartwright advocated the popular election of ministers, but bristled at the intimation that he wanted “children, boys, and women” to participate: “All men

¹⁶ E. Mason, “The role of the English parishioner, 1100-1500,” *JEH* 27 (1976), 23; Duffy, *Stripping of the Altars*, 133; and especially Kūmin, *Shaping*, 19-22. Kūmin takes pains to distinguish his position from the previous two by stressing that the increased involvement of laymen in parish affairs was not encouraged by church authorities.

¹⁷ Kūmin, *Shaping*, 42-50. See also R.H. Hemholz, *The Canon Law and the Ecclesiastical Jurisdiction from 597 to the 1640s* (Oxford, 2004), 470-471.

¹⁸ Kūmin, *Shaping*, 233, and Kūmin, “Late Medieval Churchwardens’ Accounts and Parish Government,” 89; Duffy, *Morebath*, 30-32; K. French, *The Good Women of the Parish*, 118-156.

¹⁹ Church rates are recorded as being levied on land as early as 1287, when the Synod of Exeter declared that parishioners should pay “secundum portionem terrae, quam possident in eadem parochia.” Quoted in Kūmin, *Shaping*, 19.

²⁰ For evidence that a parishioner’s contribution to the preparation of the annual church ale was based on land, see footnote 37 below. For the classic expression of the older view that the switch from ales to rates signified the degradation of the parish from a spiritual community into a tax-gathering apparatus, see Hill, *Society and Puritanism*, 417-419.

understand that where election is most freest, and most general, yet only they have to do which are the heads of families.”²¹ Fifty years later, the revolutionary *Second Agreement of the People* demanded that the parliamentary franchise be extended to all “natives and denizens of England” but its authors were quick to clarify that they meant only those who paid poor rates, and specifically excluded servants and wage-workers. Limiting the franchise to those wealthy enough to pay poor rates may have been a compromise forced on the Levellers, who had earlier argued that *all* householders, so long as they were not receiving alms, should have the right to vote in parliamentary elections. Even the Levellers, however, agreed that the franchise should not be extended to wage-earners, servants living under their master’s roof, or the recipients of poor relief—a position that their imprisoned leaders reiterated even in their hopelessly idealistic *Third Agreement*.²²

Given the frequency with which political power was likened to the authority of a father (and vice versa) in the early modern period,²³ it might be concluded that householders’ right to make decisions collectively on behalf of the parish was generally perceived as being an aspect of their patriarchal authority. Householders were, as one historian has put it, men “who wore their hats at home”—in other words, they were governors in microcosm, subject to no other man’s authority under their own roof.²⁴ This indeed was Cartwright’s position, but it must be remembered that he was advocating a fundamental change in the structure of parochial government.²⁵ In the system Cartwright was arguing against, most householders were patriarchs (in the sense that they were the

²¹ Quoted by John Whitgift in Whitgift, *Works*, 456.

²² Ian Gentile, “The Agreements of the People, 1647-1649,” in Michael Mendle, ed., *The Putney Debates of 1647: The Army, the Levellers, and the English State* (Cambridge, 2001), 152-153, 160-161, 170.

²³ For a review of this scholarship, see Anthony Fletcher, *Gender, Sex, and Subordination in England, 1500-1800* (London and New Haven, 1995), 204-205.

²⁴ David Wootton, “Leveller Democracy and the Puritan Revolution,” in J.H. Burns, ed., *The Cambridge History of Political Thought, 1450-1700* (Cambridge, 1994), 432.

²⁵ As will be further discussed in Chapter Six.

heads of households), but their collective power—as far as parish government was concerned—was not patriarchal.²⁶ A householder's right to participate in parish decision-making stemmed less from innate authority stemming from his role as a ruler of women, children, and servants than from ability to contribute financially to the support of the parish.

This equation between holding property within the parish boundaries and participation in parochial decision-making was encapsulated in a 1589 court case, recorded in the reports of Sir Edward Coke and subsequently referenced by nearly every seventeenth-century handbook for magistrates and parish officers. This case determined that the simple holding of land within a parish, by whatever form of tenure, resulted in a financial obligation to that parish, which in turn endowed one with a legally-recognized right to participate in parochial assemblies. This was probably already established principle in the church courts, but this case ensured that secular magistrates also recognized the right of landholding parishioners—including tenants who held their lands by lease—to participate in parish government.

The facts of the case were mundane: a Sussex gentleman named William Jeffrey, a resident of Chiddingly, refused to pay the rate levied on him by the parishioners of nearby Hailsham for the one hundred and thirty acres he held within that parish. The churchwardens of Hailsham sued him in the bishop's court and won. Not to be outdone, Jeffrey counter-sued the churchwardens of Hailsham in Common Pleas and in Queen's Bench. Both courts declared against Jeffrey, ruling that his use of the lands in Hailsham

²⁶ Which is not to say that power was not considered to be an intrinsically male attribute. Having women in parish offices such as churchwarden, which enabled them potentially to direct disciplinary power against men, was especially problematic. It is no surprise that the proportion of women churchwardens (never large) declined in the later sixteenth century, just as the ecclesiastical hierarchy began to place greater emphasis on churchwardens' disciplinary role.

made him a parishioner. There was a practical side to this decision. It was common for a man to live in one parish and occupy ground in another, and if a man who lived in parish *A* were not required to contribute to the support of the church of parish *B* even though he held land within its boundaries, there would hardly have been a parish in England that would not have been adversely affected. One justice wrote that “churches in these days would come to ruin” and he was probably right. But the justices did not reduce the question of parochial membership to a simple question of who held the title to the land. The justices also resolved that, if Jeffrey had rented out his land in Hailsham, rather than holding it directly, the tenant, not Jeffrey, would have incurred the financial obligation towards the parish because it would have been the tenant, and not Jeffrey, who would have benefited from the existence of the church of Hailsham. Most relevant for the history of parish government, it was also noted—almost in passing—that since Jeffrey was considered a parishioner regardless of his place of residence, “he may come, if he will, to the assemblies of the parishioners of Hailsham when they meet together.”²⁷

This decision was not a common law innovation. Not only had Jeffrey been previously defeated in the bishop’s court, but Coke also reports that the chief justice, Sir Christopher Wray, recommended that, since church repairs fell under the ecclesiastical court’s jurisdiction, they should consult specialists in ecclesiastical law. This was done, and the justices were told that Jeffrey was undoubtedly considered a parishioner of Hailsham, obligated to pay whatever rates the churchwardens together with the majority of the parishioners chose to levy.²⁸ The uncertainty evinced by the justices of Queen’s Bench stemmed only from the question—apparently unresolved in the common law

²⁷ 77 *ER* 153-157[5 Co. 64b-68a].

²⁸ 77 *ER* 153-157[5 Co. 64b-68a].

courts—as to whether a man could be a parishioner in, and therefore financially obligated towards, more than one parish. Judging from the opinion the royal justices received from the civilians, the answer to this question appears to have been well established in the ecclesiastical courts, which had been dealing with questions of parochial membership, tithes, and financial obligations towards the parish church for centuries.²⁹

Jeffrey's Case neatly summarizes three crucial points. The first (and most germane to Jeffrey's complaint) was that a man could have financial obligations towards more than one parish. The second point was that mere use (“manurance”) of land made one a full-fledged parishioner obliged to support the community materially. (That the justices took this for granted is an indicator that the connection between landholding and financial obligation was already well-established.) This meant not only that one could be a parishioner of several different parishes simultaneously, but also that the type of legal tenure was irrelevant in determining financial obligation and therefore political belonging—a point that was clearly articulated in the justices' decision. The third and, for the purposes of this chapter, most important principle, was that this financial obligation gave the occupier of the land the legal right to attend parish assemblies—in other words, the right to participate in parish government.

With regard to the first point, a nearly identical case from 1600, marked, Coke says, by “many arguments and great deliberation,” leaves the impression that it was still uncertain, at least as far as the royal courts were concerned, as to whether a man could be

²⁹ *English Reports* is a problematic source, but there is supporting circumstantial evidence that the civilians' opinion reflected standard practice in the ecclesiastical courts. A 1656 legal handbook records a “consultation among the doctors of the civil law to the number of fifteen assembled at Doctor's Commons” which repeats this ruling in every detail. It is tempting to assume that the consultation to which the author refers was a copy of the original civilian opinion forwarded to the justices of King's Bench in 1589. Thomas Forester, *The Layman's Lawyer* (London, 1656), 297.

considered a parishioner of two parishes simultaneously simply because he held ground in both. The chief justice—now Sir John Popham—was prepared to rule on the behalf of the out-dweller until being informed of the precedent set by *Jeffrey's Case*.³⁰ The theory was essentially no different from that which governed praedial tithes (that is, tithes derived from grain, produce, timber, and other fruits of the earth), for which there was ample medieval precedent.³¹ However, there was an inherent contradiction between the principle that a man could belong only to one parish (where he was required by statute to attend divine service), and the principle that a man could be financially obligated to (and therefore considered a spiritual and political member of) multiple parishes. Not surprisingly, one analysis of Essex church court records from the late sixteenth-century states that “out-dwellers” like Jeffrey, who carped at having to pay rates in two parishes, were a constant headache for churchwardens.³²

Turning to the second point—that landholding conferred political membership regardless of the type of tenure—it cannot be doubted that the status of freeholder was regarded as superior to that of a copyholder or leaseholder.³³ Not surprisingly, there is scattered evidence suggesting that in some parishes freeholders alone were obligated to support the parish financially and (to anticipate the third point codified by *Jeffrey's Case*)

³⁰ 77 ER 157[5 Co. 68a]; 78 ER 898[Cro. Eliz. 659].

³¹ R. H. Helmholz, *The Canon Law and Ecclesiastical Jurisdiction from 597 to the 1640s* (Oxford, 2004), 437.

³² F.E. Emmison, *Elizabethan Life: Morals and the Church Courts* (Colchester, 1973), 277.

³³ Wrightson, *English Society*, 14; H.R. French, *The Middle Sort of People in Provincial England, 1600-1750* (Oxford, 2007), 104-105. But see also Derek Hirst who, while noting that while contemporaries sometimes equated the term with yeoman status, shows that by the seventeenth century a man whose livelihood came solely from a 40s freehold (the minimum requirement to vote in a parliamentary election) would have been humble indeed. Derek Hirst, *The Representative of the People? Voters and Voting in England Under the Early Stuarts* (Cambridge, 1975), 29-34. Wrightson also notes that social status depended less on the form of tenure than on the amount of land a man held (*English Society*, 39), but no historian to my knowledge has analyzed the connection between landholding and participation in parochial decision-making.

that freeholders alone accordingly participated in parochial decision-making.³⁴ But such arrangements were the exception rather than the rule. The principle of equal taxation on land, regardless of the legal means by which it was held, appears to have been widespread in Elizabeth's reign.³⁵ This is demonstrable from testimony recorded in the ecclesiastical courts. When, in the last decade of the sixteenth century, the parishioners of Congresbury, Somerset, decided to begin raising money by means of a parish rate, they agreed that the financial obligation would fall on "every owner, tenant, occupier, and possessor of ground, of what kind soever they be, within the parish of Congresbury and titheable places thereof."³⁶ When parish of Maperton held its annual church ale, all persons "having and holding any grounds" within the parish were required to contribute the "wheat, malt, and other divers necessities." When the parishioners abandoned their ale, apparently reacting to the first of a series of orders from the Somerset JPs, they

³⁴ Around the year 1630, the royal justices threw out a rate levied by churchwardens of East Greenwich because, their opponents argued, they had failed to consult the *freeholders* of the parish (rather than the parishioners generally). 124 *ER* 343[Hetley 61]. Occasional references to similar arrangements appear in church court records: in the early eighteenth century, a Somerset man claimed "that he pays nothing to the repair of the parish church, having no estate in that parish but what he rents"—implying that those who did pay church rates were not renters but freeholders. Somerset R.O., D/D/Cd 113, f. 52v.

³⁵ Although this period was also characterized by uncertainty about whether land should be the sole basis for parochial taxation. In West Hanningfield, Essex, 1596, the parishioners pled that the steeple was not repaired "for that the parishioners cannot agree whether it is to be repaired by every man's devotion, by every man's ability, or by every man's land." Emmison, *Elizabethan Life*, 277. Whether parochial taxation should be based on land or ability was a re-occurring question. In Lindfield, Sussex, in the early seventeenth century, it appears to have been accepted that taxation by ability was sufficient when small amounts of money were needed, but major expenses required a parish rate levied on land. This is confusing—one would expect that taxation by ability would bring in a greater amount, since it ought to include both real and moveable property. Prideaux, writing at the dawn of the eighteenth century, provides a possible clue to the mystery when he states that a man might be rated either for his "stock" or for his lands but not for both, and notes that "the general usage is now to make a rate to the value of the lands." It seems likely, therefore, that when the parishioners of Lindfield levied a rate according to "ability," it was levied solely on moveable property or "stock." West Sussex R.O., Ep V/5/1, f. 65v.; Humphrey Prideaux, *Directions to Churchwardens for the Faithful Discharge of Their Office*, 3rd edition (London, 1713), 51. The householders of Bridgewater, Somerset levied church rates solely on land, but assessed the poor rate according to goods. Somerset R.O., D/D/Cd 113, f. 52v.

³⁶ Somerset R.O., D/D/Cd 18, f. 190.

instituted a parish-wide rate on the same principle.³⁷ The Elizabethan poor laws retained the principle that the type of tenure by which land was held was irrelevant for the purposes of taxation.³⁸ A 1599 memorandum from two Worcestershire JPs to the parish officers of Salwarpe regarding the recent legislation told the officers to “make a taxation and assessment of all persons there inhabiting (being persons of hability) and of every other person having or occupying lands within your said parish, according to their lands within the same,” without any differentiation regarding types of tenure.³⁹

Attempts by some parishioners to make such distinctions were generally overruled. When, in 1625, the parishioners of Lindfield, Sussex met together in order to raise money for the repair of their church, Thomas Pullings tried to argue that, because he held his land by copy, he ought to be exempt from paying. He was overruled by the assembly, which proceeded to impose a rate of sixpence per pound of annual income. When the case went to the consistory court, Pulling’s opponents testified that “all the lands within the parish of Lindfield except the glebe land were taxed” and that it was paid by “all parishioners and occupiers of lands.” The impropiator of the tithes testified that, besides the glebe, he held no lands within the parish “but what he farmeth of other men, for which he is taxed and willingly payeth.” The court must have listened

³⁷ Somerset R.O., D/D/Cd 32 (Brice et Clothier c. Andrews), 1602. For the Somerset JPs’ campaign against church ales, see Hutton, *Merry England*, 139. When John Andrews refused to pay his rates a few years after this new arrangement was made, the argument the churchwardens levied against him was that his father and grandfather had faithfully contributed to the annual church ale every year—not out of communal solidarity, but because they had occupied the same eighty acres of ground within the parish boundaries for which Andrews was being rated. One parishioner, testifying on the churchwardens’ behalf, recalled how the parish officers used to “go about to such parishioners and possessors of ground, and collect and gather of them, or most of them, malt and wheat and of some other necessaries, and spent the same at their said church ales.” In other words, the church ale had been paid for by what was essentially a tax on all the lands within the parish, albeit one paid in malt and wheat rather than in cash.

³⁸ The statute ordered that poor rates be levied as necessary on “every inhabitant, parson, vicar, and other, and of every occupier of lands, houses, tithes impropriate, propriations of tithes, coal-mines, or saleable underwoods in the said parish.” 43 Eliz. 1, c. 3.

³⁹ Worcester R.O., 850 (Salwarpe) BA 1054, parcel 1, A.120.

sympathetically to these arguments—it is evident from the depositions of Pulling’s allies that he abandoned his initial line of attack and instead claimed merely that his rates were unfairly high.⁴⁰ Indeed, handbooks for clergymen, magistrates, and parish officers all stated that rates were to be paid by “the parishioners” without any distinction between freeholders and leaseholders.⁴¹

Justices and lawyers frankly recognized that laying financial obligations on freeholders and leaseholders equally could result in injustices. Sir Robert Heath, chief justice of Common Pleas, trying to resolve a heated dispute in his home parish back in Sussex, recommended that landlords be rated at fourpence an acre, and their renters at threepence.⁴² Godolphin, citing a ruling in King’s Bench, allowed that for fairness’s sake it might be possible for a parish to divide the rate payable on the land between a “poor

⁴⁰ West Sussex R.O., Ep V/5/1, fos. 51v., 52, 65, 59-60v. For William Newton as impropiator of the tithes, see T. Herbert Noyes, “Some Notices on the Family of Newton,” *Sussex Archaeological Collections*, 9 (London, 1857): 339. For other evidence of parish rates being levied on land regardless of the type of tenure, see B.I., CP.H.1719, packet 1, in which it is recorded that the York parish of Holy Trinity Micklegate appointed a committee of six parishioners to rate every person “having or occupying any house, tithe land, or grounds” within the parish boundaries, without any mention of the type of tenure by which the property was held. The ecclesiastical court records from Somerset contain many similar examples: In Bradford, 1635, rates were paid by all those “holding, occupying, possessing, or enjoying any ground of what nature or kind soever.” Somerset R.O., DD/SF(4035), f. 3. Men from Portbury testified in 1637 that their rates were paid by “owners and renters.” D/D/Cd 131 (Spoore c. churchwardens). In the same year, the parishioners of Chewton Mendip rated “ancient enclosed ground” at a higher rate than “field ground,” but the type of tenure by which it was held seems to have been irrelevant: “[T]he rates and taxes collected...for the church, poor, tithing rates, and other public business...hath been from owners, holders, or occupiers of grounds within the said parish.” D/D/Cd 131 (Hopkins c. churchwardens). In the 1680s, “one shilling and eight pence was placed upon one William Mandrall who holds part of Mr Hodges’s estate by lease” while “...Thomas Smith has at that time some part of Mr Hodges’s estate in Littleton leased to him, for which he was rated.” D/D/Cd 97, fos. 125v., 126, 126v. In 1704, a man identified as a “*medicinae professor*” testified that he had paid church and poor rates “since he came to have a lease in the town of Bridgewater.” D/D/Cd 108, fo. 290v. A man from Burrington, described as having no estate in the parish “but that which he rents” was sued in the ecclesiastical courts for refusing to pay his church rate in the same year. D/D/Cd 108, fos. 147-159v., 162-162v.

⁴¹ George Dalton, *The Countrey Justice* (London, 1618), 110. See also William Watson, *Clergy-Man’s Law* (London, 1701), 302; Prideaux, 45; Gibson, *Codex*, 220. These writers cite cases from *English Reports* largely because there were practically no published precedents from the ecclesiastical courts. However, all were men with extensive experience in the ecclesiastical courts and if the procedure there was different—and nothing in the deposition books indicates that it was—they almost certainly would have mentioned it.

⁴² Forster, 299.

husbandman” and his landlord.⁴³ This brings us to the third point elucidated by *Jeffrey’s Case*: since tenants were financially obligated to the parish church, they maintained their right to participate in the parish assembly. Simply holding land within the boundaries of a parish, be it through freehold, copyhold, or leasehold, gave one the right to attend parish assemblies and to participate in decision-making. This assembly was the most enduring and characteristic institution of parish government. It was a well-established principle in sixteenth- and seventeenth-century ecclesiastical and secular courts that decisions made without the consent of the majority of the ratepaying householders were invalid.⁴⁴

The connection between financial obligation and political decision-making, however, should alert us to an important point: all householders had a financial obligation towards the parish, but not all of them were always in a position to meet it. Whether they could or not was the essential qualification for being allowed a say in how the parish’s money was to be spent.⁴⁵ As indicated by the Levellers’ position at Putney, being a householder did not necessarily imply even relative wealth. In 1625, a parishioner of

⁴³ John Godolphin, *Repertorium Canonicum* (London, 1678), 154.

⁴⁴ For simplicity’s sake, I have used the term “ratepayer” to refer to those parishioners who were obligated to contribute financially to maintain their church and towards the relief of the parish poor, recognizing that parishes raised money through other means as well.

⁴⁵ While noting the importance of householders in late medieval parish government, Kūmin never investigates whether *all* householders participated in decision-making only those wealthy enough to contribute financially—another instance of scholars’ tendency to take medieval evidence of broad participation at face value. While it might be argued that the restriction of participation to contributing parishioners was an early modern development (a subject worthy of further investigation), I believe that, since the householders’ assembly’s primary purpose was to manage the parish’s finances, it is reasonable to assume that active participation in decision-making was the prerogative of those who were able to contribute financially even in the late fourteenth and fifteenth centuries. I find it highly unlikely that wealthier medieval householders considered it desirable to have objects of charity helping manage commonly-held funds towards which they had not contributed. For one piece of evidence pointing to the existence of destitute householders in late medieval parishes, see the will of Roger Elmesley (1434), in which he instructs his executors to sell his best gown and hood “for the love of God, and give it to the poor householders in coals.” F.J. Furnivall, ed., *The Fifty Earliest English Wills in the Court of Probate*, London (London, 1882), 101.

Keynsham, Somerset, explained that out of one hundred and twenty households “he is persuaded in his conscience that there are not much more than four and twenty sufficient men who are well able to pay their rates....the greater part of the rest being poor men, and rated at very small rates or at none at all.”⁴⁶

As might be expected, the proportion of householders who were capable of paying rates varied a great deal over time and place. In a sample of twelve parishes in northern Norfolk, an average of 38.3% of adults contributed to the poor rate, a figure which conceals a wide range of variation.⁴⁷ A similar percentage of householders (fifteen out of thirty-nine, or 38%) in Halford, Warwickshire, paid rates. The proportion in Ilmington, another Warwickshire parish, was slightly smaller, at 31%. In Cawston, Norfolk, and Aldenham, Hertfordshire, the proportion of rateable householders was rather higher, at 57% and 45% respectively.⁴⁸ Other studies of the late sixteenth and early seventeenth century have found slightly higher percentages of ratepaying householders, ranging from between 60% and 80%.⁴⁹ Paul Slack assesses that by 1700 between one-third and two-thirds of the total number of householders in a given parish paid rates.⁵⁰

There are three basic reasons for this variation. First, the social distribution of wealth within parish communities itself could vary enormously, meaning that some parishes simply had a higher proportion of indigent householders than others. Second, different parishes devised different ways of calculating the rates, some collecting a

⁴⁶ Three householders were actually receiving poor relief. Somerset R.O., D/D/Cd 59, 3rd quire, Section E. (Llewellen et Leamon c. Lacie).

⁴⁷ 12.9% of adults in Snoring Magna paid rates, compared to 60% in the parish of Morston. Hindle, *On the Parish*, 286.

⁴⁸ Hindle, *On the Parish*, 286, 376.

⁴⁹ Paul A. Fideler, *Social Welfare in Pre-Industrial England* (London, 2003), 113.

⁵⁰ Paul Slack, *Poverty and Policy in Tudor and Stuart England* (New York, 1988), 34.

certain amount per acre of land while others taxed the land's yearly value.⁵¹ Third, the amount at which the land was rated also varied considerably from parish to parish: the householders of Radway, Warwickshire, for example, taxed themselves at the rate of 1*s.* 8*d.* per yardland, while those of Priors Hardwick, only ten miles away, required 5*s.* 6*d.* per yardland.⁵² Obviously, higher rates would probably have reduced the number of householders who were able pay, thus limiting their role in parish government. In some cases, it has been suggested, a narrower tax base may have been the result of a deliberate decision to restrict participation.⁵³

Such figures seem to reinforce the prevailing notion, already discussed above, that the participatory parish died under the double assault of the Reformation and the

⁵¹ The Somerset parish of Bradford in the 1630s provides a good example of the former: church court testimony describes how parishioners levied a rate of one half-penny per acre “whether meadow, pasture, or arable.” Somerset, R.O., DD/SF (4035), f. 3. The parishes of Congressbury (in the 1590s), Maperton (in 1602), Kewstoke and Portbury (in the 1630s) and Wroughton (in the 1680s) also levied rates on land without any apparent allowance for its quality or the nature of its use. See Somerset R.O., DD/Cd 18, f. 190; DD/Cd 32 (Brice et Clothier c. Matthews); DD/Cd 131 (Goodridge and Stock c. Howse); DD/Cd 131 (Spore c. churchwardens); DD/Cd 101, f. 44v. The parish of Keynsham in the 1620s, on the other hand, rated its parishioners by the value of their land: the twelve men selected for the task, as one of them later explained, “examine what ground every man holdeth that year...and of what yearly value, and then make the rate accordingly.” Similarly, in the 1630s the parishioners of Chewton Mendip rated “ancient enclosed ground” at a higher rate than “field ground” while, in the late seventeenth century, the householders of Norwood Park (part of the parish of St. Johns, Gloucestershire) rated “dry ground” at a higher rate than low-lying ground prone to flooding. Somerset R.O., D/D/Cd 59, 3rd quire, Section E. (Llewellyn et Leamon c. Lacie); D/D/Cd 131 (Hopkins c. churchwardens); D/D/Cd 114, f. 48. Warwickshire parishes seem to have had equally various means of calculating rates—see Hindle, *On the Parish*, 285.

⁵² Hindle, *On the Parish*, 285.

⁵³ Jan Pitman has suggested as much, based on his investigation of the records of seven parishes in early seventeenth-century Norfolk. As in Warwickshire, even parishes quite close together had divergent ideas concerning who was or was not required to contribute financially. While some parishes rated a comparatively small number of parishioners, usually yeomen and the larger husbandmen, other parishes cast the net wider, including poorer husbandmen and even laborers on their rating lists. “In each parish, the structure of the poor rate was heavily influenced by pre-existing ideas about who was expected to contribute.” (37) The pattern of office-holding in each parish mirrored these ideas. In some parishes, the yeomanry monopolized parish office in order to control expenditure in years of economic crisis, but served less often as times got better. Jan Pitman, “Tradition and Exclusion: Parochial Officeholding in Early Modern England, A Case Study from North Norfolk, 1580-1640,” *Rural History* 15, 1 (2004): 27-45. Similarly, a certain level of wealth was a *sine qua non* for political participation in London parishes in the late sixteenth and early seventeenth centuries. The lower threshold for political participation was generally an annual rent payment of between £5 and £10, varying from parish to parish. Some parishes formalized this barrier by instituting select vestries, as will be discussed in the next chapter. Paul Kissack, “The London Parish Vestry, c. 1560-1640,” University of Cambridge M. Phil. thesis (1998), 20-22. I am grateful to Steve Hindle for providing me with a copy of this unfortunately unpublished work.

economic crisis of the late sixteenth century; the succeeding decades being typified by a previously unknown “tendency towards oligarchy.”⁵⁴ However, we must keep in mind that we still have very little in the way of equivalent figures for the late Middle Ages that allow any kind of systematic comparison with the early modern period.⁵⁵ More significantly, whatever the raw numbers tell us about the number of householders involved in parochial decision-making, we must consider whether or not the ideals of oligarchy and exclusion constituted the legal and intellectual framework within which parish government took place.⁵⁶ Historians’ search for evidence of tightening oligarchies during the early modern period has had a distorting effect on our understanding of the nature of parochial decision-making. Nowhere is this more evident than in the scholarly discussion of the “Swallowfield articles,” which have gained notoriety as evidence of the increasingly elitist forms of parish government presumed to have been characteristic of the years around 1600. An alternative interpretation, however, is that the articles (which provide scant evidence of any desire to expel anyone previously involved in communal decision-making) demonstrate the extent to which the business of parish government consisted of managing divisions among the parish elite.

⁵⁴ Kūmin, *Shaping*, 252-255; Hindle, *State and Social Change*, 210-211; Spurr, *The Post-Reformation*, 261.

⁵⁵ Duffy’s work on Morebath does indicate a high level of participation from parishioners of all walks of life, but a couple of facts must be remembered before we use this Devon community as a stand-in for late medieval England as a whole. First, Morebath was a tiny parish of roughly one hundred and fifty *people* (not households), which would have inevitably necessitated a higher degree of participation in parish government than a larger rural parish, let alone an urban parish in Bristol or London. The second is that in Duffy’s account the participation of marginal groups that like women or younger, unmarried men seems generally restricted to the performance of certain discrete tasks rather than in consultations regarding matters that affected the whole community.

⁵⁶ “Exclusions were therefore *constitutive* of the political culture of the middling sort, and nowhere were they more significant than in the governance of the parish.” Hindle, *State and Social Change*, 203. Emphasis mine.

Swallowfield revisited

The late-Elizabethan “Swallowfield articles”—a set of rules drawn up by the self-described “chief inhabitants” in order to better govern their tiny Wiltshire community—have not only played a central part in the genesis of the “new social history” (as discussed in the introduction), but have also been taken as evidence that political power in the early modern parish was becoming concentrated in fewer and fewer hands.⁵⁷ This assertion is in need of re-examination. The following section suggests first that the articles cannot be taken as proof that the number of parishioners able to participate in parish government decreased markedly in the late sixteenth century and, second, that historians have paid insufficient attention to one of the articles’ main purposes—managing conflicts within the community’s elite.

The authors of the twenty-six articles were concerned—along with many other things—about bastardy, drunkenness, and the need for moral reformation. Three of the articles are concerned with avoiding the financial burdens to the parish resulting from illegitimate births or pauper marriages. In a fourth article, the authors promise not to take in poor inmates whom the parish might have to support. There are also two articles intended to discourage drunkenness and Sabbath-breaking respectively, as well as a haughty mention of poor members of the community who “malapertly compare

⁵⁷ Hindle, “Hierarchy and Community,” 835-851. Hindle’s work on Swallowfield forms the interpretive core both for his subsequent essay “The Political Culture of the Middling Sort,” (found in Harris, ed., *The Politics of the Excluded*) and for the chapter on parish governance in his highly influential book *The State and Social Change*. Hindle and Kumin together have more recently emphasized Swallowfield’s importance as a prime example of the shift away from more open forms of parish government during the early modern period: “[I]nformal oligarchies were not unknown in late medieval communities but the development of select vestries consolidated social and political power in the hands of the chief inhabitants. The most celebrated example is that of the ‘company’ of Swallowfield (Wiltshire)...As elsewhere, the emergence of the select vestry was designed to confine the prerogatives of decision-making and resource-allocation to the better sort of parishioners...” Hindle and Kumin, “The Spatial Dynamics of Parish Politics: Topographies of Tension in English Communities, c. 1350-1640,” in Kumin, ed., *Political Space in Pre-Industrial Europe* (Farnham, 2009), 166.

themselves to their betters and set them at naught.”⁵⁸ But however much these concerns indicate the existence of a self-conscious parish elite, the articles are not definitive proof of narrowing participation in parish government across the board. The fact that they are unsigned, for one thing, makes it impossible to know just how exclusive this group of “chief inhabitants” actually was. The contention that the articles were intended to create a rural equivalent of the oligarchic “select vestries” found in London (institutions that formally restricted political participation to a small subset of the parishioners) is therefore based on rather slender evidence. Hindle writes:

[T]he chronology of the company’s formation sits nicely with the emergence of a particular form of parish assembly, the select or ‘close’ vestry, which was licensed with increasing frequency by bishop’s faculty at the turn of the seventeenth century. While the articles make no reference either to the membership of the company, or to the mechanics of appointment, their insistence on secrecy (no. 26) is entirely characteristic of the select vestry.⁵⁹

It is of course true that select vestries began to appear in London parishes at roughly the same time, a phenomenon that will be discussed in Chapter Three. For now, however, it is sufficient to note that these institutions most likely resulted from the unique circumstances found in London’s poorer parishes, which saw a massive rise in the number of paupers and of inhabitants who, though poor, were not so poor that they could not contribute to the financial support of the parish—the legally accepted baseline for political participation. The articles’ concern regarding pauper marriage and a potential influx of poor migrants indeed show that the chief inhabitants of rural Swallowfield shared some concerns with the crowded suburban parishes of the metropolis. What

⁵⁸ For the full text of the Swallowfield articles, see Hindle, “Hierarchy and Community,” 848-851.

⁵⁹ Hindle, “Hierarchy and Community,” 838.

defined a select vestry, however, was not an unpleasant attitude towards the poor, but the deliberate exclusion a majority of the parishioners who met the traditional requirements for participation in parish government. The Swallowfield articles, as elitist as they may sometimes sound, contain no sign of this.

Moving on to Hindle's point about the chief inhabitants' desire for secrecy, it must be admitted that the select vestrymen of London similarly attempted to keep the specifics of their deliberations from the rest of the parish.⁶⁰ Once again, however, this desire is not in itself evidence that the number of parishioners allowed to participate in the deliberations actually decreased. Instead, it appears to have stemmed from a fear that the principal inhabitants of the parish might use information gained at their meetings to harm their fellows' reputation in the wider forum of the community—the provision requiring that the chief inhabitants' internal discussions be kept secret is immediately followed by a clause stating that none of the company should use any information gained in their meetings to harm the reputation of any of the others or of the group.⁶¹ This makes the article seem less like an attempt by authorities to keep *hoi polloi* in ignorance and more like an effort to decrease friction among the chief inhabitants themselves. This impression is heightened when this article is read alongside several other articles in the document, particularly the first seven. These also deal with the conduct of the company's meetings and are full of injunctions like “none shall interrupt another,” “no man may scorn another's speech,” “none of us shall distain one another nor seek to hinder one

⁶⁰ Griffiths, “Secrecy and Authority,” 925-951.

⁶¹ The article reads: “Moreover, it is agreed by us all, and every of us for himself doth promise to each other and to the whole company that whatsoever shall by any of us [be] done or said in our meetings to the effect of the former articles mentioned shall be kept secret, and not to be revealed further than our own company; and that that none of use shall use any communication or means concerning our meetings or any thing therein done or said which may tend to or procure the discredit of our meetings and good intent, or of any of our company.” Hindle, “Hierarchy and Community,” 851.

another,” and—most relevantly—“everyone doth promise...that they will not fall out with another, nor offer to go to law with another, before the whole company, or the most part thereof for that cause be made privy to these griefs, that by them all strifes may be mended before malice take root.”⁶² Later articles enjoined those serving as parish officers to inform the group before they brought offenses to the attention of outside authorities, so that they could try to solve the problem themselves “that we may live in lawful manner together without any discord or disliking of one another.”⁶³ The ratepayers felt it necessary to promise each other “that the officers will not disliked of for the doing of their office.”⁶⁴ It would seem that the “chief inhabitants” feared divisions among themselves as least as much as they did the poor.⁶⁵

One of the crucial questions surrounding the Swallowfield articles, of course, is how narrow an elite its authors were. As was already noted, the articles are not signed, but they do provide a clue. The ninth article states that “every man” must pay his rates when required, and the twenty-first article specifies that “every man shall be forbidden to keep inmates” and threatens that no relief will be extended to the “householder” who does so.⁶⁶ The phrase “every man,” then, in the chief inhabitants’ usage, refers to Swallowfield’s ratepaying householders, rather than to every male resident.

Significantly, when the phrase “every man” or “no man” appears elsewhere in the

⁶² Hindle, “Hierarchy and Community,” 848-849.

⁶³ Hindle, “Hierarchy and Community,” 850.

⁶⁴ Hindle, “Hierarchy and Community,” 850.

⁶⁵ Hindle notes that the first seven articles imply that Swallowfield had been “the scene of extraordinary social conflict...both *within the parish elite* and between the principle inhabitants and the general population at large.” (Emphasis mine.) He notes also that Swallowfield’s most conspicuous episode of internal conflict in the early seventeenth century was a pew dispute between two resident gentlemen, which resulted in brawls in church and duels on the village common. Hindle, “Hierarchy and Community,” 840. 844-845. Yet it is the conflicts between the principal inhabitants and the rest of the community that have received the bulk of the subsequent scholarly attention and which have become part of a grand narrative of historical change.

⁶⁶ Hindle, “Hierarchy and Community,” 849, 850.

articles, it clearly refers to the men involved in the government of the community. This is evident in the very first article, which begins “It is first agreed, that every man shall be heard at our meeting quietly one after another.”⁶⁷ It is reasonable to conclude, therefore, that the chief inhabitants who composed the Swallowfield articles were not a wealthy clique wresting power from a more broadly-based assembly but were simply the ratepaying householders of the community.

In brief, the Swallowfield articles cannot be taken as evidence that the householder’s assembly ceased to exist as a political institution during the early modern period. They are, however, a useful indicator of early modern assumptions about participation in parish government. First, as was just discussed, the articles take it for granted that all ratepaying householders had the right to attend parish meetings. Second, the articles also give us a rare glimpse into the procedure of these meetings. Every participant had the right to speak but there was a clear hierarchy among them, the articles stating that “every man will speak as he is first in account, and so in order.”⁶⁸ But when decisions were made, we can see the principle of equality between householders reasserting itself—unanimity was preferred but if this could not be achieved “the most in number” carried the day. All those present were to submit to the decision “that no man in our meeting shall think himself wisest or greatest.”⁶⁹ Finally, as was also discussed above, the Swallowfield articles indicate that managing divisions between the ratepaying

⁶⁷ Hindle, “Hierarchy and Community,” 848. See also the second article (“no man shall scorn another’s speech”), the third article (“every man shall submit himself to the censure of the whole company...so that no man *in our meeting* shall think himself wisest and greatest”), the sixth article (“that no man shall do anything one against another by word nor deed upon affection, or malice, *in our meeting*”), and the seventeenth article (“if any man remember an article or matter whereby the tithings aforesaid may be benefited...that shall be by the whole company or the most part of them set into this book”). Emphasis mine.

⁶⁸ Hindle, “Hierarchy and Community,” 848.

⁶⁹ Hindle, “Hierarchy and Community,” 849.

householders was one of the fundamental purposes of parish government, at least as important as dealing with problems associated with poverty. These three aspects of parish government—the levels of participation, the methods and mechanics of decision-making, and the significance of divisions among the elite—will be discussed in greater detail in the following sections of this chapter.

Participation in Principle

A close reading of Coke's report on Jeffrey's case and of the Swallowfield articles reveals that both of these late sixteenth-century documents take it for granted that ratepaying householders had a right to attend their meetings and participate in discussions and decisions regarding parish business. There is considerable additional evidence from across the seventeenth century that ecclesiastical officials and secular magistrates agreed that parochial assemblies should be open to all ratepayers. Select vestries—parochial governing bodies which institutionalized the ideal of oligarchy and which have dominated scholarly discussions of late sixteenth- and early seventeenth-century parish government—were anomalies.⁷⁰ In the majority of English parishes, the assembly of ratepayers continued to be of primary importance. Even in London, where select vestries were common, their establishment required official permission. When a subset of the parishioners of St. Mary Abchurch declared in 1631 that they had the exclusive right to audit accounts and elect parish officers, the bishop's chancellor quashed their claim stating that it was "more agreeable to the canons of the Church of England for every

⁷⁰ As will be discussed in the next chapter.

parishioner, being rated to the relief of the poor of the same parish, to have his voice” in parish business.⁷¹

Meetings of ratepayers were public events, held in the communal space of the church and not in “private houses.” The public nature of the meeting was illustrated in the public announcement that preceded it, without which the meeting was illegitimate. Wary of having decisions about taxation and expenditure voided by court officials, parishioners sometimes had such announcements recorded directly in the parish book. The parish clerk of St. Michael’s Bedwardine, located near the cathedral city of Worcester, recorded that the accounts for 1601 were “publicly and distinctly read over, perused, considered of diligently...after public notice given in the church the Sunday before, according to the ancient custom.”⁷² Courtroom testimony provides more ample proof that the time and place of parish meetings were supposed to be publicized in advance to allow maximum participation. The churchwardens of Hailsham, defending themselves against Jeffrey’s countersuits, noted that the rate had been agreed to at a meeting previously announced both in church and at the public market.⁷³ A Worcestershire man, defending a disputed church rate levied in 1593, testified that it had been properly agreed upon by the attendees of a parish meeting, “the rest of the parish warned to be there.”⁷⁴ The churchwardens from one Somerset parish testified that they

⁷¹ LMA, DL/C/343, f. 106. The chancellor was Dr. Arthur Duck, shortly to become one of the most vilified men in England for his enthusiastic Laudianism.

⁷² John Amphlett, ed., *The Churchwardens’ Accounts of St. Michael’s in Bedwardine, Worcester* (Oxford, 1896), 151. Entries from 1642, 1644, and 1645 record that the accounts were read aloud “after public warning given in the church according to the usual manner.” Worcester R.O., B 850 (Worcester St. Andrews) BA 2335/16b(v).

⁷³ 77 ER 154[5 Co. 65b].

⁷⁴ Worcester R.O., 794.052 BA 2102/4, f. 324v.

had announced the upcoming meeting “publicly and in an audible voice” after Sunday morning service.⁷⁵

Secular magistrates and ecclesiastical officials often invalidated decisions made at meetings which had not been properly announced on the grounds that all ratepayers had not had a chance to attend. Lawyers trained in canon law were exquisitely sensitive to how testimony had to be phrased in order to make it most effective, and so these repeated insistences that the meeting was publically announced should in part be taken as an attempt to check a necessary legal block.⁷⁶ But these statements should not be dismissed as mere boilerplate—churchwardens who tried to collect money from their fellow parishioners without first gaining their assent might meet with a blunt refusal or an expensive lawsuit. Indeed, one of the most common protests registered against church rates by irate parishioners in the ecclesiastical courts was that they had not been properly notified of the meeting at which the rates had been levied.⁷⁷

Those who wanted the parish to make a purchase, levy a rate, or enact a policy that they thought would not meet with their fellow householders’ approval sometimes resorted to subterfuge and chicanery. In 1626 the parishioners of Studley complained to the Warwickshire JPs that some of their number, together with the constables and churchwardens, had been meeting to draw up rating lists “in private houses...of which private meetings a great part of the parishioners were ignorant.” This was in violation of

⁷⁵ Somerset R.O., D/D/Cd 131, (Goodridge et Stock c. Howse, 1638). For a few other examples, see TNA, E 135/4/39, fos. 5, 9 (parish meetings “published unto the neighbors”); West Sussex R.O., Ep V/5/1, fos. 51, 52v., 53v. (the churchwardens “give public notice in the church” about the meeting); Somerset R.O., DD/SF (4035), fos. 3v., 13 (the churchwardens “publicly in the parish church made the parishioners present acquainted with the rate”).

⁷⁶ Precedent books—collections of formulae used in litigation—are full of stock phrases to be used in particular sorts of cases: “If a man is called a cuckold, put these words into the articles. ...Make certain that the scribe writes down that a witness swore an oath touching the Scriptures, for otherwise the statement of the witnesses will not be valid.” Quoted in Helmholz, *Canon Law and the Ecclesiastical Jurisdiction*, 291.

⁷⁷ Helmholz, *Canon Law and the Ecclesiastical Jurisdiction*, 472.

parish custom, which was to announce such meetings in the parish church “to all the parishioners there, that they should meet at a day appointed and publicly notified unto them.” Certain members of the Somerset parish of Hinton St. George—possibly as part of a lengthy and convoluted dispute with their rector, an enthusiastic and abrasive supporter of Archbishop Laud—seem to have resorted to similar techniques in the 1630s. Both these attempts to tax parishioners without first gaining their consent ended in failure. The Warwickshire justices ruled that “the public notice of time and place is the most fair and equal course of proceedings,” noting also that this was also required by the poor law statutes. They ordered that the private meetings should cease, and that parish rates should be agreed upon in public meetings in the future.⁷⁸ The parishioners of Hinton St. George, in an apparent attempt to bury the hatchet, agreed that henceforth there would be a meeting of the parishioners every month “for ordering and setting right of parish business” and “that there should be no public rate made for any parish business, without first giving thereof to the parish in the church upon the Sunday, that who will may be present at it.”⁷⁹ By the mid-seventeenth century it was a commonplace of legal handbooks, ecclesiastical and secular, that parish meetings had to be publicly announced, and Gibson’s early eighteenth-century compendium of canon law affirmed the principle.⁸⁰ While the right to participate in decision-making was restricted to ratepayers, both ecclesiastical and secular law emphasized the right of all ratepayers to participate.

⁷⁸ S.C. Ratcliff and H.C. Johnson, eds., *Warwick County Records Volume 1: Quarter Sessions Order Book, Easter 1625 to Trinity, 1637* (Warwick, 1935), 38-39.

⁷⁹ Somerset R.O., D/P/hin.g/4/1/1, f. 26; for the dispute between the rector and the parish, see D/D/Cd 72, (Gove *c.* Addams, 1637).

⁸⁰ Dalton, *Country Justice*, 110-111; George Meriton, *A Guide for Constables, Church-Wardens, Overseers of the Poor... &c.*, 5th edition (London, 1677), 146; Robert Gardiner, *The Compleat Constable* (London, 1692), 117; “P.B.,” *A Help for Magistrates* (London, 1700), 160; Watson, 302; Prideaux, 33; Gibson, *Codex*, 220. Hardly surprisingly, accusations by parishioners that churchwardens had failed to notify them properly regarding public meetings about rates continue to appear. Some argued that the

Participation in Practice

Public notification of parish meetings reinforced the principle that all ratepayers were allowed to attend. But did they really? Or did the hierarchical and deferential impulses so prominent in early modern society restrict participation in parochial decision-making to the parish gentry and the wealthier yeomen and husbandmen? There is certainly evidence that suggests parish assemblies were attended mainly by the elite. A Somerset vicar recalled that the 1636 annual audit of the churchwardens' accounts had been attended by "most of the substantial parishioners...not any of any value being absent."⁸¹ Official expectation was that parochial decisions would be made by the responsible members of the community—in 1585, the presiding official of the archdeacon's court told the churchwardens of Walden "to make a cessment and cess the parishioners, calling to them the officers and chief commonalty of the same town to assist them."⁸² Chief Justice Heath's intervention in the dispute of his home parish "that there may be a charitable respect for the poorer sort of farmers in making the valuation of their lands" implies both that the wealthier tended to dominate the proceedings of parish assemblies.⁸³ Such sentiments are sometimes reflected in parish records. Between twenty and thirty of Terling's one hundred or so householders tended to loom large in the

churchwardens were required to notify the parishioners house by house. This was, in fact, the practice in some urban parishes. A 1571 set of ordinances drawn up by the householders of St. Margaret Lothbury required the churchwardens to advertize parish meetings by going door to door. Over a century later, according to testimony recorded in 1710, the parish clerk of the well-heeled London parish of St. Bartholomew by the Royal Exchange was distributing printed handbills to all householders informing them of upcoming parish meetings. The tolling of the church bells announced that the meeting was about to start. Edwin Freshfield, ed., *The Vestry Minutes of St. Margaret Lothbury in the City of London, 1571-1677* (London, 1887), 1; TNA, DEL 1/336, fos. 110, 124v. However, a ruling in Common Pleas stated that "a general public summons at the church is sufficient." 86 *ER* 853[1 Mod. Rep. 236].

⁸¹ Somerset R.O., D/D/Cd 131 (Goodridge et Stock c. Howse et al.)

⁸² Emmison, *Elizabethan Life*, 276.

⁸³ Forester, 299.

community's affairs in any given five-year period.⁸⁴ H.R. French's examination of the signatures recorded in ten sets of meeting minutes kept by late seventeenth- and eighteenth-century ratepayers in Essex, Suffolk, and Dorset found that the meetings were dominated by roughly one-third of the total number of participants, who attended them more frequently and over longer periods than the rest. Not surprisingly, these "assiduous attendees" tended to be wealthier than the rest of the householders in their communities.⁸⁵

Yet there is also anecdotal evidence that ratepayers from a broad social spectrum could and did participate in churchwardens' elections and annual audits. In 1626, for example, the parishioners of Holy Trinity Micklegate, York chose a bricklayer to be one of the six rate-assessors—a man who, judging from his testimony, was intimately familiar with parish business.⁸⁶ When one Somerset parish met together in 1631, the gathering included an esquire, a member of the parish gentry, a yeoman, a husbandman, and a carpenter.⁸⁷ Similar evidence survives from the late seventeenth century. In the 1680s, an illiterate spinner named James Carter regularly attended the parish assemblies in High Littleton, a circumstance nobody appeared to find unusual. In one Welsh parish in 1695 Morgan Rhys was elected—against his will—by fifteen freeholders, forty-six tenant-landholders, and thirty-nine cottagers.⁸⁸ In the town of Bridgewater at the dawn of the

⁸⁴ Terling consisted of seventy households in 1524 and one hundred and twenty-two households in 1671. Wrightson and Levine, 45, 106.

⁸⁵ H.R. French, *Middle Sort of People*, 122-123.

⁸⁶ B.I., CP.H.1719, packet 1.

⁸⁷ Strangely, David Underdown includes this example in a discussion about the ostensible narrowing of participation in communal decision-making processes in the early seventeenth century. "It was the consolidation of the yeoman oligarchies that decisively changed the realities of village life." Underdown, 26-27.

⁸⁸ W.T. Morgan, "Disputes before the consistory courts of St. Davids concerning elections of churchwardens," *Publications of the Historical Society of the Church in Wales* 3 (Cardiff, 1953): 92.

eighteenth century, a sieve-maker, a tanner, and serge-maker appeared regularly at parish meetings.⁸⁹

More importantly, low levels of participation should not be equated with *de facto* disenfranchisement. Parishioners who generally stayed away from ratepayers' meetings—and are therefore invisible in the records—might suddenly show up when the community faced unusual circumstances or was considering novel courses of action. When, in 1583, the parishioners of Lindfield, in western Sussex, decided, apparently for the first time, to raise money for repairing the church by means of a tax or “land scott,” the decision was affirmed by an unusual thirty-two signatures in the parish book.⁹⁰ In the London parish of St. Margaret Lothbury, only about twenty of the parish's eighty-five householders typically attended, but when a child died of plague in 1625 and a parish meeting was held to decide what action to take, the clerk noted that “at this vestry there were more present than the vestry house would hold.”⁹¹

Furthermore, scattered but compelling evidence indicates that whenever an assembly of parishioners was called together there were plenty of men who, in spite of having all attributes of a substantial householder, chose not to come. John Wallis was a prosperous man, a man who was able to set up his two sons as husbandmen, and who paid over five shillings towards the repair of his parish church in 1598. But he had no role in levying the rate—he was not aware that he owed anything until one of the

⁸⁹ Somerset R.O., D/D/Cd 108, fos. 282, 286, 288v.

⁹⁰ West Sussex R.O., Par 416/9/1, f. 6. The parish of Lindfield, according to the 1662 Hearth Tax records, consisted of about seventy households with another forty or so in the hamlets at Walstead and Scaynes Hill. (I am grateful to Richard Bryant of the Lindfield History Group for providing me with these figures.) If we assume for the sake of argument that the population in 1583 was the same as it was in 1662 (and it was almost certainly lower), an attendance of thirty-two householders at the 1583 meeting would indicate a participation rate of 29% of householding members.

⁹¹ Freshfield, ed., *St. Margaret Lothbury*, 58.

churchwardens came to his house to collect the money.⁹² Thomas Wade was a yeoman farmer who could confidently say that he was “acquainted with the public business of the parish church and parish of Portsbury.” Nevertheless, in 1634 when the parishioners decided to break with tradition and levy a church rate in order to meet their expenses—a controversial decision, as it turned out—Wade was not in attendance.⁹³ Joseph Purnell, a self-described “holder of means,” had served three times as parish constable, once as constable for the whole hundred, and several times as overseer of the poor. Yet he was not present at the meeting in 1636 where the householders decided to levy the rate that caused so much trouble.⁹⁴ When unusual expenditures were proposed in St. Margaret Lothbury those present typically deferred the decision, ordering the parish churchwardens to talk to the rest of the householders “to understand their minds.”⁹⁵ The yeoman Robert Langford and the husbandman John Harris were both absent from a parish meeting of their Somerset parish in 1681, even though they both had every right to attend and had heard the churchwardens announce when and where it was to be held. The lay rector also chose not to attend. The nonattendance of such a prominent member of the community caused some consternation among the parishioners who were present and they sent several messengers to his house urging him “to come see himself rated.” He stubbornly refused, and his father instead proposed to the assembly what he felt was a fair sum.⁹⁶

Politically enfranchised householders failing to attend parish meetings was, in fact, a common occurrence—depositions often describe parishioners meeting together “as

⁹² Somerset R.O., D/D/Cd 32 (Vowles et Dissell c. Wallis).

⁹³ Somerset R.O., D/D/Cd 131 (Churchwardens c. Robert Spooore).

⁹⁴ Somerset R.O., D/D/Cd 131 (John Hopkins c. churchwardens).

⁹⁵ Freshfield, ed., *St. Margaret Lothbury*, xx, 21.

⁹⁶ Somerset R.O., D/D/ Cd 97, fos. 125-125v., 128v., 130. Unlike these local worthies, James Carter, the illiterate spinner mentioned above, *did* attend. He later remarked that that “there was but few of the parish that did meet” (f. 132).

many as pleased,” “as many as are minded,” or of decisions being made by “as many as do meet.”⁹⁷ The regular recourse to the law by ratepayers who claimed that they had not been properly informed of the meeting is in itself evidence that their absence was nothing unusual. Legal authorities, in fact, frequently found it necessary to reaffirm the principle that decisions made by an assembly of householders, properly publicized beforehand, were made by “the parish” no matter how many were actually present.⁹⁸ But a poorly-attended meeting or the absence of one or more prominent parishioners raised the specter of future confrontations. Collective decision-making helped spread the responsibility for hard decisions—it was only after the churchwardens of St. Margaret Lothbury reported that the rest of the householders were “most unwilling” to supplement their rector’s income (as he demanded) that the minority who regularly attended parish meetings felt confident enough to refuse his request.⁹⁹ Parishioners who were not present at meetings might refuse to pay their rates, objecting either to the amounts they were required to pay assessed or to the project they were being told to pay for—hence the repeated insistence that the meetings had been properly announced. One parishioner noted that “all other of the parishioners might have been there if it has pleased them.”¹⁰⁰ Another was even blunter: “When notice was given in the parish church, it was the parishioners’ faults if they did not come to see themselves justly rated, but all those who were present at the making of the rate consented.”¹⁰¹ In neither case do the parishioners appear to have been

⁹⁷ Somerset R.O., DD/SF(4035), f. 12v; D/D/Cd 108, fos. 282-282v., 286-286v.; Somerset R.O., D/D/Cd 111, f. 74.

⁹⁸ Helmholz, *Canon Law and the Ecclesiastical Jurisdiction*, 472; 89 *ER* 845[2 Show. 141] and 145 *ER* 266[Lane 21]. The same principle held true in the church courts: Prideaux remarks that ecclesiastical law assumed that those who voluntarily absented themselves from the parish meetings trusted those present to make sound decisions. Prideaux, 46-47.

⁹⁹ Freshfield, ed., *St. Margaret Lothbury*, 21.

¹⁰⁰ Worcester R.O., 794.052 BA 2102/4, f. 324v.

¹⁰¹ Somerset R.O., D/D/Cd 101, f. 36v.

deliberately excluded—indeed, the clear implication is that the greater the level of participation, the less likely future conflicts became.

In most parishes, therefore, it was a rule of thumb that the more ratepayers in attendance, the more likely the assembly's decisions were to be followed.¹⁰² Sometimes, in an attempt to keep a decision from being made, a group of parishioners might even refuse to attend a parish meeting *en masse*, as apparently happened in the Somerset parish of Wrington in the mid-1680s. Traditionally, the churchwardens of Wrington had levied a yearly rate on the householders according to the amounts written on sheet of parchment that had been kept in the parish book for nearly a hundred years. In 1683, the churchwardens proposed some adjustments to the church rate but, as a witness later recalled, “many who were present would not consent thereto, insomuch that the debate began to increase and they who were present to be in a heat.” The question was deferred and the meeting adjourned. Not long afterwards, the churchwardens announced a second meeting to discuss the question further, but nobody came “and nothing was then done.” The frustrated churchwardens called a third meeting, this time managing to corral together the rector (a staunch supporter of the new rate), two like-minded yeoman farmers, and, to record their decision, the parish schoolmaster. (Not being a householder, the schoolmaster was not formally allowed to participate.) When they presented their *fait accompli* to the parishioners after church the following Sunday, some, seeing that their rates had not risen as much as they had feared, agreed to sign it. Others, however, “went away refusing,” only later to receive a summons to the ecclesiastical court.¹⁰³ Boycotting

¹⁰² This rule did not apply in crowded urban parishes where the presence of too many ratepayers at parish meetings could lead to turmoil and paralysis—and the possibility of a majority of small ratepayers banding together to defy a numerically inferior set of wealthier parishioners.

¹⁰³ Somerset R.O., D/D/Cd 101, fos. 33-38v., 43-47.

the parish assembly seems to have been a bad move in this particular case, but elsewhere parishioners were more successful. When the bishop's court in Restoration London appointed a commission to levy a tax directly on the recalcitrant householders of Whitechapel who refused to meet and tax themselves, a prohibition from King's Bench quashed the decision.¹⁰⁴

But such occasions were exceptional. On the whole, as the above evidence demonstrates, law, custom, and practicality all encouraged, rather than discouraged, the participation of ratepaying householders in parochial decision-making. Low levels of attendance at parish meetings, then, should not be interpreted as evidence that previously enfranchised ratepayers were somehow being excluded from the business of parish government. Rather, they suggest simply that self-government is tedious, time-consuming, and unpleasant business, often avoided. With this in mind, the assemblies of early modern parishioners begin to look less like the secretive meetings of a charmed circle and more like poorly-attended town meetings in today's New England¹⁰⁵ or (to look backwards instead of forwards) of the citizens of ancient Athens being reluctantly herded up to the Pnyx to participate in the *ekklesia*.¹⁰⁶

¹⁰⁴ The justices, however, did support the parish churchwardens' right to levy rates without the parishioners' consent if they refused to meet together, because it was the churchwardens bore the punishment if their church went unrepaired. 86 *ER* 853[1 Mod. Rep. 236]; Gibson, *Codex*, 220. Interestingly, when a similar situation arose in the Essex town of Braintree in 1837 the royal courts ruled the opposite way. The ensuing legal battle dragged on for almost twenty years and ended up in the House of Lords, which ruled on the side of the parishioners. This was the beginning of the end of compulsory church rates in Great Britain. Edwin Cannan, *The History of Local Rates in England*, 2nd edition (Westminster, 1912), 108.

¹⁰⁵ A recent survey of 1,435 Vermont town hall meetings between 1970 and 1998, found that, on average, only 20.5% of eligible voters attended. Bryan, 57.

¹⁰⁶ Aristophanes, *The Acharnians*, lines 17-22.

The “major part”? Decision-making within the parish meeting

Of course, meetings might be attended by a broad segment of parish society and still be dominated by a narrow elite. It might therefore be suggested that the repeated emphasis on unanimity and harmony that appear in the minutes of parish meetings are a reflection of a decision-making process in which the few led and the many were expected to follow. Such a conclusion would parallel Mark Kishlansky’s seminal work on the nature of political choice in early modern England which argues that, prior to the civil wars, decision by consensus was the goal, and that decisions reached by simple majority were deemed messy and adversarial, and therefore to be avoided if at all possible.¹⁰⁷

But the dynamics of parliamentary elections are a poor indication of the values that governed political decision-making in everyday life for several reasons. First and most importantly, parliamentary elections prior to 1640 happened only occasionally—Queen Elizabeth called only ten parliaments in her forty-five year reign—while rate-paying householders met together to discuss parish business at least once a year, and usually much more often than that. Secondly, participation in parliamentary elections was restricted to those who held freehold land valued at 40 shillings a year.¹⁰⁸ Derek Hirst has shown that, thanks to the massive inflation of the late sixteenth-century, this provision was not as restrictive as once was thought, and estimates the parliamentary electorate at one-third of English adult males.¹⁰⁹ But even this surprisingly large figure is dwarfed by the number of English householders—freeholders, copyholders, and

¹⁰⁷ Kishlansky, *Parliamentary Selection: Social and Political Choice in Early Modern England* (Cambridge, 1986), 25, 48, and *passim*.

¹⁰⁸ This applies to *county* elections of course—in the boroughs, MPs were selected by the city governments and urban officials.

¹⁰⁹ Hirst, 157

leaseholders alike—who paid church rates and therefore were allowed to participate in periodic parish assemblies.

Parliamentary elections are inadequate for evaluating quotidian political life for reasons of quality as well as quantity. As Kishlansky shows, parliamentary elections prior to the civil wars were contests for honor and prestige between the most powerful men in the county. Aristocratic (or at least gentlemanly) honor was best affirmed by the electorate's unanimous acclamation. Elections for parish officers—to take the parish equivalent as an example—were generally not a competition for status. While some parishioners eagerly sought after the office of churchwarden (to take the parish's most prestigious office as an example) others tried equally hard to avoid it.¹¹⁰ In any case, the office had to be filled anew every year. Finally, one of Kishlansky's primary assertions is that an early seventeenth-century parliamentary election was a public recognition of an individual's honor rather than a contest over particular issues. Parish meetings, in contrast, were called to discuss immediate, practical concerns, generally involving money. While the status and ego of certain parishioners undoubtedly came into play (particularly if they were supporting one course of action or another) the purpose of the assembly was not simply to affirm their greatness but to make a decision. While there were undoubtedly parishes so completely dominated by an aristocratic or gentlemanly landlord to have made opposition to a scheme favored by him all but impossible, decisions were many times reached by a majority vote.

Seventeenth-century court records frequently make reference to decisions approved of “by the parishioners or the major part thereof.” Some historians have noted

¹¹⁰ The attractiveness of the churchwardenship—or the lack thereof—will be further addressed in Chapter Five.

the oligarchic tendency inherent in phrase “major part.”¹¹¹ “Major,” after all, could be taken as an indication of quality, rather than mere quantity. Such an interpretation leads inevitably to a picture of parochial decision-making that is far less participatory than the one that has been outlined in this chapter thus far—a parish assembly (if one is admitted to exist at all) dominated by the self-styled “better sort.” This interpretation gains credibility when we take into account the Roman law concept of the “greater and wiser part” (*maior et sanior pars*), a subset of a group authorized to make decisions on behalf of the whole. As the phrase implied, this group might actually be a numerical minority that derived its authority from its greater moral worthiness.¹¹²

Records of decisions made by the “*maior et sanior pars*” do occasionally appear in church court documents,¹¹³ and it is tempting to infer from this that the more common references to “chief inhabitants” and “the major part” of parishioners imply that ecclesiastical court officials—heirs to the Roman law tradition—were conditioned to think of political authority as belonging to a select few. But early modern Englishmen appreciated the difference inherent in defining the “major part” by quality on the one hand, and by quantity on the other. The will of Thomas Lane, a Londoner who lived in the 1590s, sums up the contradiction:

...I have seen in the vestries holden in the church of Saint Mildred in the Poultry every one of the parish, be he never so base or quarrelling a man, being by some termed the major part, hath had equal voice and hearing and born like sway as the chiefest man of the parish, and some time overtaunted the chiefest man of the parish, although such

¹¹¹ “The phrase ‘the advice and consent of the major part of the inhabitants’ was frequently used, ‘major’ meaning the weightier part and not the majority.” Goldie, “Unacknowledged Republic,” 174.

¹¹² Jeannine Quillet, “Community, Counsel, and Representation,” in J.H. Burns, ed., *The Cambridge History of Medieval Political Thought* (Cambridge, 1997), 556-558.

¹¹³ Helmholz, *Canon Law and the Ecclesiastical Jurisdiction*, 471.

chief man hath been a very quiet man and of that accompt
that he hath fined for the sherifaltie of London....¹¹⁴

Lane obviously felt that a pack of base and quarreling men were undeserving of the appellation “major part,” just as he felt that their collective opinion was worth less than that of the parish’s “chiefest man.” Yet it is equally obvious that a simple majority of the parishioners assembled together was able to carry the day regardless. Archbishop Whitgift recognized as much when he quoted Beza to refute Cartwright: “The greater part doth oftentimes prevail against the better.”¹¹⁵

Majorities—numerical majorities—mattered in parochial politics. There is overwhelming documentary evidence that the men who participated in parish government accepted the concept of decision-making by a majority vote as normal. The Swallowfield articles stated “that that every man shall submit himself to the censure of the whole company, or to the most in number.”¹¹⁶ In the late sixteenth century, the churchwardens of St. Margaret’s Lothbury were elected by “the erecting of most hands.”¹¹⁷ In fact, if numerical majorities could always be trumped by wealth or by an indefinable sense of

¹¹⁴ Quoted by Ian W. Archer, *In Pursuit of Stability: Social Relations in Elizabethan London* (Cambridge, 1991), 71.

¹¹⁵ Whitgift, *Works*, vol. 1, 458.

¹¹⁶ Hindle, “Hierarchy and Community,” 849.

¹¹⁷ Freshfield, ed., *St Margaret Lothbury*, 102-105. Examples of decision-making by majority vote are not limited to a particular type of community or a particular moment in early modern English history. The 1620 constitution of Godalming stated that the town warden was to be chosen “by the greatest number of the said Assistants and such as have borne offices” and that the sitting warden would have a “double voice” in the election of his successor. These instructions only make sense if the decision was made by a majority vote. In a 1636 parish meeting in Kewstoke, Somerset, two wealthy yeoman farmers announced that they disapproved of the proposal to levy a rate of 4d. per acre in order to pay for a new church bell. No one else objected, however, and the rate was accordingly levied. (This exchange was recalled by an illiterate husbandman who was also present at the meeting.) Such arrangements persisted into the eighteenth century. In 1710, a member of the London parish of St. Bartholomew’s by the Royal Exchange “demanded a division” when the parish was electing churchwardens, without any indication that such a request was unusual. In Huntspill, Somerset, 1716, when one householder refused to approve of a new church rate, the parish assembly levied it anyway, “he being but one person.” See Ralph Nevill, “The Corporation of Godalming,” *Surrey Archaeological Collections* 19 (1906): 130; Somerset R.O., D/D/Cd 131 (Goodridge et Stock c. Howse et al.); TNA, DEL 1/336, f. 23; Somerset R.O., D/D/Cd 113, f. 87v.

worth or merit, then the petitions from the “ancient and better sort” to establish select vestries in London parishes become incomprehensible. Why else would they complain “that for many years there hath been much disorder...in taxing men indifferently by the consent of the inferior sort of people”?¹¹⁸ Or that “though the general admittance of all sorts of parishioners...there falleth out great disquietness” partly because of men “evil disposed,” but also because of “the inferior and meanest sort of the parishioners and inhabitants of that parish, *being greater in number*, and therefore more ready to cross the good proceedings for the benefit of the Church and parish than able to further by counsel”?¹¹⁹

It is suggested, therefore, that when the phrase “major part” appears in churchwardens’ accounts and vestry minutes, it should be assumed that it refers to (or at least was meant to imply) a simple numerical majority. This appears to have been the more common usage in the early modern period. A resident of one Somerset parish, declared that few householders in his parish paid church rates “the greater part being poor men.”¹²⁰ When William Weld, the puritan preacher of Terling ejected from his living by Archbishop Laud, reached Massachusetts, he sent an enthusiastic letter back to his flock in Essex, proclaiming, again in reference to Beza, that “here the greater part are the better part.”¹²¹ More prosaically, Godolphin, discussing the law of tithes, wrote that “if woodlands be mix’t with woods partly tithable, partly not tithable; it hath been held, that if the major part be not tithable, it shall privilege the rest; but if the greater part be

¹¹⁸ LMA, DL/C/340 (June, 1612).

¹¹⁹ LPL, FP/Lowth/1, f. 109. Emphasis mine.

¹²⁰ Somerset R.O., D/D/Cd 59, 3rd quire, section E (Llewellen et Leamon c. Lacie, 1625).

¹²¹ Wrightson and Levine, 180.

tithable, then all that is tithable shall pay tithes.”¹²² Here “major” and “greater” simply mean “bigger in number.” And it seems reasonable to conclude that Godolphin meant it in a similar sense when he wrote that, when “the parish” met together and one man dissented from their decision that “the major part will bind the party, albeit he assented to it not.”¹²³

In fact, the phrase “the major part” carried with it the same aura as “a common fame”—another legitimating phrase frequently found in presentments at visitations and quarter sessions and which was also intended to indicate collective opinion. The connection between the two was sometimes made explicit. An 1616 accusation leveled against an embarrassing parish officer declared that “there hath been a common voice and fame within the parish....and it was and is the common opinion of the more part of the inhabitants there that...Roger Ellis, churchwarden, hath divers and sundry times....attempted the chastity of sundry women.”¹²⁴ It was this same sense of a numerical majority that gave the term “major part” its rhetorical caché when used in court testimony.

Describing division

When early modern parishioners justified or defended decisions they made, they did so in language that reflected same the majoritarian ethic implied by phrase “the major part.” Historians of parish government have generally interpreted the use of such

¹²² Godolphin, 459.

¹²³ Godolphin, 148. See also *Clergy-Man’s Law* (1701), 302: “[T]he churchwardens in summoning the parishioners need not do it from House to House, but a general publick summons at the Church is sufficient, and the major part of them that appear upon such summons will bind the whole parish.”

¹²⁴ BI, CP.H.1234.

language by wealthier parishioners as having been intended to mask social inequality.¹²⁵ But by reducing parish politics to socio-economic division, historians have missed the larger story revealed by the manner in which parishioners chose to justify their decisions to legal authorities. Those who supported decisions made in parish meetings lambasted those who refused to abide by them as the recalcitrant few. Those who objected to the decisions made by the parish assembly might claim that a selfish minority, enemies of the church and their creatures and favorites, had managed to hijack the normal processes of parish government. Parishioners sought to associate their own position with the desirable qualities of both prosperity and numerical strength; the religious, conscientious majority, headed—if it could be so argued—by those whose wealth made them natural leaders. Such rhetorical strategies generally did not seek to explain political division in socio-economic terms but instead echoed the political discourse of an age that decried faction and division.¹²⁶

Oblique references to decisions made by “the parish” in church court testimony, far from being evidence of the witnesses’ duplicity, are often followed up either by a more detailed description of who was present and even by a forthrightly elitist statement

¹²⁵ Paul Griffiths has depicted London parish elites as attempting to maintain an almost totalitarian system obsessed with the suppression of information. “Parish, vestry, and city governors selected strategic words to depict their political community and territory. They attempted to disguise inequities by harmonizing disparate parts into a single ‘fellowship,’ ‘fraternity,’ or ‘society.’” Griffiths, “Secrecy and Authority,” 928. Hindle argues that attributing decisions to “the parish” or “the greater part of the parishioners” was “a ploy whereby the decisions of the *parochiani meliores et antquiores* could be made to seem rather more representative and consensual than they actually were.” Hindle, *The State and Social Change*, 218. H.R. French also believes that the use of inclusive terms like “the town”, “the neighbors”, and “the inhabitants” are instances of “euphemism and evasion.” H.R. French, *The Middle Sort of People*, 100-101, 139.

¹²⁶ Although such language might be used to discredit certain witnesses. The vicar of Kewstoke, who denounced a “principle man” of the parish as an enemy of the church, also denigrated a hostile witness as “but a poor man” and said that his testimony was therefore not credible. Somerset R.O., D/D/Cd 131 (Goodridge et Stock c. Howse et al.) For a recent study of how the socio-economic terms used to describe witnesses—and how they described themselves—could effect their credibility, see A. Shephard, “Poverty, Labour and the Language of Social Description in Early Modern England,” *Past and Present* 201, 1 (November 2008): 51-95.

about their general worthiness. In this manner, William Newton, a gentleman involved in the Lindfield case mentioned above, described in general terms the process by which rates were made in his parish. First, the churchwardens gave notice in the church “to the parishioners then present” that they needed money to repair the church and set a time and place for future assembly. On the day appointed, the churchwardens “and others of the parishioners” would meet together and decide what every man ought to pay. But when describing the specific meeting that had decided to levy rate being currently disputed, Newton’s phrasing was slightly different. Instead of blandly saying that the rate was made by the churchwardens and the parishioners, he testified that the meeting had consisted of “the churchwardens and divers others of the chiefest of the parishioners.”¹²⁷ His unabashed use of this phrase is enough to indicate that his previous use of the more inclusive term “others of the parishioners” was not intended to deceive the church officials into thinking that decisions in Lindfield were arrived at in a more consensual and inclusive manner than had actually been the case. Rather, Newton’s shift in tone can most likely be explained by the fact that he was a witness on behalf of the churchwardens themselves who were suing a parishioner who refused to pay the rate.¹²⁸ By highlighting the worthiness of those who made the rate in the first place, he was bolstering its legitimacy in the eyes of the court.

The recorded testimony of an earlier (1593) court case heard in the consistory court of the bishop of Worcester neatly captures the balance between the consensual and hierarchical impulses that were operative when justifying a decision. The churchwardens

¹²⁷ West Sussex R.O., Ep V/5/1, fos. 51-51v.

¹²⁸ Judging from the testimony of the witnesses who testified on his behalf, the recalcitrant parishioner’s defense was to argue that the land he held within the parish was not worth as much as the churchwardens claimed. West Sussex R.O., Ep V/5/1, fos. 59-62.

of the parish had sued Margery Mallard, a wealthy widow, for her refusal to pay the rate that had been agreed upon in a parish meeting. The witnesses deposed on the churchwardens' behalf couched their testimony in similar terms. One witness stated that the rate had been made "by consent of the churchwardens and certain of the best of the parish." A second witness said that the rate had been levied "by most of the best of the parish consents," while a third stated merely that it had been agreed to "by divers of the parishioners." All three, however, took care to note that "all other of the parishioners might have been there if it had pleased them."¹²⁹

A similar case from the Somerset parish of Congresbury recorded the following year provides another revealing look at how parishioners sought to justify their actions both to judicial authorities and to their fellows. One of the witnesses testifying on behalf of the churchwardens was a yeoman farmer named Thomas Keane. Keane deposed that the parish's first church rate had been agreed to at a meeting held in about 1590, a meeting that had been attended by "the greater part of the parishioners of Congresbury." The legality of the rate thus established, Keane hammered his point home by stating that he had been personally present at the meeting "together with John Irish, John Watte, William Bentley, Richard Addams, Thomas Cox, Edmund Jones, Robert Weedes, Thomas Taylor, and divers and sundry others of the wealthier and more substantial men of the parishioners....And he further sayeth that all or the most part of the parish of Congresbury aforesaid have given their consent thereunto."¹³⁰

This litany of names—likely a roster of the Congresbury social elite—was probably intended to demonstrate to the ecclesiastical official hearing the case that by

¹²⁹ Worcester R.O., 794.052 BA 2102/4, fos. 324-324v.

¹³⁰ Somerset R.O., D/D/Cd 18, f. 190.

upholding the rate he would be siding with the responsible and trustworthy element of the parish as embodied in its wealthiest members. Nevertheless, Keane also clearly felt that his testimony would be stronger if he included the fact that “all or the most part” of the parishioners had consented to the decision made in the parish meeting. He took this majoritarian argument a step further in his testimony by describing a second meeting at which the rate was confirmed by “well near forty others of the better sort of the parishioners.”¹³¹ While Keane was careful to note that were of the “better sort,” it is apparent that the sheer weight of their numbers was also important in conferring legitimacy on a parochial decision.

Indeed the use of the term “substantial” was sometimes a purely rhetorical strategy. Witnesses testifying on behalf of the churchwardens in a 1635 case, again involving a man who refused to pay the amount for which he was levied, deposed that church rates were made by “the churchwardens and some of the substantial parishioners”¹³² A copy of a rate made a similar meeting survives from the year 1632, recording both the amount each parishioner was required to pay (at the rate of a halfpenny per acre) and the signatures of those who attended. An analysis of this document is instructive: the twelve men who attended the meeting included most, although not all, of the men who were rated the highest amounts. Also present at the meeting, however, were three men who paid 10*d.* or less to the parish.¹³³ But in other

¹³¹ Somerset R.O., D/D/Cd 18, f. 190. As an aside, this count, if accurate, this meant that approximately one-third of the parish householders was present to confirm the rate. Based on evidence from a 1567 manorial survey and from a parliamentary survey dating from the late 1640s, it appears that Congresbury consisted of about one hundred and twenty households. I am grateful to Gill Bedingfield, of the Congresbury History Group, for allowing me to read his unpublished paper on this topic.

¹³² Somerset R.O., DD/SF (4035), fos. 1v., 4, 12v. The phrase “*some* of the substantial parishioners” is interesting. They could not say that the rate was made “by the substantial parishioners” because the man who refused to pay, Philip Atherington, was one of the wealthiest men in the parish.

¹³³ Somerset R.O., DD/SF (4035), “Copy, Church Rate, 1632.”

circumstances, a majoritarian argument might be more useful. When a group of parishioners cited their own rector, who also happened to be the archdeacon of Essex, for his failure to pay a rate, they said simply that it had been levied “by the whole body of the parish.” Any mention of particular parishioners’ social eminence, of course, would have only have highlighted the rector’s own eminent position.¹³⁴

The rhetorical aspect of terms like “the whole parish” or “the better sort” is made clearer when juxtaposed with the terms parishioners used to refer to their opponents. The churchwardens of St. Andrews Hertford argued that they “together with the better part of the inhabitants of the parish” had the right to levy taxes on every householder in the parish but that the defendant “and other of his favorites (out of their slowness to pay any thing at all towards the repair of the church) murmured at or about the time of their tax making,” and ultimately refused to pay.¹³⁵ In Kewstoke, Somerset, the vicar and the parishioners who liked the newly recast bells—along with the bellfounder, who wanted to be paid—pleaded that the project had been agreed to by “the major part of the substantial inhabitants,” by “divers...of the substantial inhabitants”, or by “the churchwardens and the parishioners.” They also claimed that there had been “full discourse of the business and everyone present...were willing and consented.” The vicar, meanwhile, described the ringleader of those who refused to pay as an “enemy to the church of Kewstoke” who had “so overpowered the parishioners that but few things, though never so necessary, have been done in and about the church...except he, as a principal man, hath been willing

¹³⁴ Emmison, *Elizabethan Life*, 277.

¹³⁵ TNA, E 135/4/39, fos. 4-5v. (1613)

thereunto and yielded his consent.”¹³⁶ In the same way, a petitioner in 1660 attributed an unjust rate made ten years earlier to “the churchwardens and some *few* other inhabitants,” adding for good measure that these few were “in great favor and countenance with the usurpers of the ecclesiastical jurisdiction.”¹³⁷ In the 1683 case from Wrington mentioned above, one witness described those who signed the rate as “many of the most sufficient and best affected to the Church,” while those who refused to sign were “swayed by interest.” The parish rector, meanwhile, argued that most of the parishioners would have signed the rate “were they not influenced by some persons who care not whether the church stand or fall.”¹³⁸ The evidence is anecdotal but suggestive: in each case the speakers attempt to depict their own position as the one held (or which under normal circumstances would be held) by a majority of the parishioners while portraying the opposition as a selfish few. The fact that this selfish few has the majority on its side must be explained away by using pejorative terms that imply that the natural parochial consensus has been perverted.

Such statements obviously cannot be taken as entirely accurate descriptions of how these particular decisions were made, but they may suggest something about the nature of political decision-making in early modern parishes more generally. As I discussed in the introduction, scholarly discussions of early modern parish politics can generally be divided into two camps: those that celebrate its participatory aspects and those that emphasize disparities in wealth and power and which see parish government as dominated by the community’s “chief inhabitants.” Recognition of the existence of

¹³⁶ It bears mentioning that of all the witnesses in the case, only the vicar makes this accusation. It is equally likely that the other parishioners were more than happy to follow the man’s lead if it meant *not* paying for expensive renovations. Somerset R.O., D/D/Cd 131 (Goodridge et Stock c. Howse et al.).

¹³⁷ Somerset R.O., DD/JL(66a) c/1117. Emphasis mine.

¹³⁸ Somerset R.O., D/D/Cd 101, fos. 37v., 34.

majoritarian decision-making in early modern parishes would at first glance appear to support the former of these two notions. But we should not be seduced into thinking that parish government was a matter of autonomous ratepaying “citizens” meeting together to weigh make decisions based purely on the pros and cons—material considerations must have always played a major role. At times the smaller ratepayers may have acted in concert, taking advantage of their greater numbers to protect their interests—as we shall see, London parishioners’ requests to episcopal authorities asking to be allowed to establish select vestries raised the specter of such collective action. But poorer parishioners may also have supported the courses of action proposed by the richer in the hope of reciprocal favors granted later. Smaller ratepayers might also be connected to the wealthier by bonds of tenancy, blood, neighborhood, profession, and confession and it is reasonable to hypothesize that vocal support in the public forum of a parish meeting may have been one of the obligations owed by a tenant to a resident landlord, or by a poorer parishioner to a richer neighbor, creditor, or relation.¹³⁹ Whitgift appears to have recognized the role that such ties played in parochial decision-making when he predicted that the popular election of ministers would be a disaster thanks to “the partial affection of the people for their kinfolks, friends, landlords.”¹⁴⁰ Phrases like the ones quoted in the previous paragraph also suggest a kind of politics in which leading parishioners competed

¹³⁹ For the classic discussion of paternalism and deference in local early modern English communities, see Wrightson, *English Society*, 57-61.

¹⁴⁰ Whitgift, *Works*, vol. 1, 372-373. Decades later, the nonconformist minister Richard Steele wrote that a good husbandman should keep a “just fear and respect for his landlord” while at the same time warning against “slavish fear”: “[i]n all worldly matters no man more respectful to his superiors than the husbandman...but now his temptation lies in this, that when his landlord, or other great men, about him do discountenance the practice of piety, and that holy strictness, which is undoubtedly the will of God and necessary for salvation; he is apt either to take down his colors, and either to waste his oil, or hide his lamp, lest he should bring anger or trouble against himself.” Richard Steele, *The Husbandman’s Calling* (London, 1668), 104-105. This tension between deference and conscience, particularly in an arena where the massed votes of the husbandmen could in theory prevail over the wishes of a few landlords, was fertile ground for political conflict.

with each other by using the principle of majoritarian decision-making to their advantage, mobilizing smaller ratepayers to support courses of action they favored. This kind of politics, largely unnoticed by historians, could be practiced even in parishes governed by select vestries or similar institutions were the minority of parishes where decision-making power was restricted to a specified minority of ratepayers. This surprising fact will be elaborated in the next chapter.

Chapter Three: The Politics of Oligarchy

In 1913, the antiquary J. Charles Cox provided his readers with an already familiar illustration of the trend towards oligarchy in early modern English parishes. He related how, over the course of the sixteenth century, the churchwardens of St. Martin's-in-the-Fields gradually went from being elected by "the whole body of the parish" to being elected by an exclusive group calling themselves "the masters of the parish," a shift clearly traceable in the records. During the eighteenth century various attempts to unseat this ruling clique all failed because of its opponents, being denied access to the parish books, were unable to disprove its claim that it derived its power from "immemorial custom." "And yet," noted Cox indignantly, "on each occasion, the unscrupulous vestry knew perfectly well that their 'immemorial' plea was false." Finally, in 1834, the sixteenth-century records were produced in court, the "hopelessly corrupt" select vestry was overthrown, "and the parish once more resumed their ancient rights."¹

This is the story in a nutshell: a previously participatory process mysteriously erodes and a narrow elite takes control of all parochial business, perpetuating its power through deceit and by controlling access to key information. Through these means, it manages to stay in power for decades or even centuries. But, as I demonstrated in the previous chapter, the example of St. Martin's-in-the-Fields is not representative of English parish politics in the seventeenth century. On the contrary, the regular participation of all ratepaying householders in parish government was the norm throughout the early modern period. Canon law, statutory law, and popular practice were all in essential agreement on this point. Yet this presents us with a contradiction:

¹ J. Charles Cox, *Churchwardens' Accounts from the Fourteenth Century to the Close of the Seventeenth Century* (London, 1913), 14.

numerous parishes were in fact ruled by select vestries of the sort Cox described—institutions once aptly defined as “a fragment of the parish which conceived itself to be endowed with all the legal powers of the parish as a whole.”² These unelected committees consisted of men who typically sat for life and between them had the power to levy taxes, spend money, and to appoint and monitor the actions of parish officers. Most offensive to modern democratic sensibilities, when these men died or moved away, their replacements were not selected by the parishioners as a whole, but by the remaining members of the committee. The select vestry was a self-perpetuating body.

As noted in the introduction, this unabashedly oligarchic manifestation of parish government has received the lion’s share of attention from scholars—indeed, select vestries have achieved an almost paradigmatic status. In his recent survey of post-Reformation England, John Spurr aptly summarizes recent scholarship on the subject when he states that the seventeenth century “witnessed a trend towards oligarchical vestries”—cliques of self-styled “chief inhabitants” who dominated parish affairs and lorded it over their neighbors.³ This trend, in turn, has become linked to a narrative which sees the emergence of such political bodies as part of a broader story of state formation. In this account, the expanding reach and ambition of the early modern state are directly tied to the increasing self-awareness of parochial elites who, driven by fear of their poorer neighbors, actively colluded with bishops and magistrates to erect legal obstacles that restricted participation in the crucial work of parish government to the

² Webbs, 173.

³ Spurr, *The Post-Reformation*, 261, although Julia Merritt has recently shown that London’s select vestries faced a series of legal challenges after the 1620s. Julia Merritt, “Contested Legitimacy and the Ambiguous Rise of Vestries in Early Modern London,” *HJ* 54, 1 (2011): 32-45. My focus here is to examine the political language employed by parishioners in two controversies regarding explicitly oligarchic parochial governing bodies.

respectable—or, as they usually appear in the records, to the “substantial,” the “chief inhabitants,” the “honest and discrete.” As Mark Goldie has written “[e]arly modern parish history is a saga of struggle between open and select vestries, a struggle which resembles the contests between the *governo largo* and the *governo stretto*, between popular and aristocratic republics in Renaissance Italy or eighteenth-century Geneva.”⁴

Yet this image of a clash between two competing conceptions of parish government, dramatic though it is, should not be characterized as a fractious crowd of poorer ratepayers pitted against a self-conscious parish elite selfishly clinging to the levers of power. Indeed, as I will demonstrate in two case studies, the contests Goldie identifies could pit parochial elites against each other. Such conflicts are significant, then, not because they provide examples of heroic, popular resistance to an inevitable drive towards oligarchy, but because they illustrate the kind of politics that took place in early modern parishes, and of the variety of arguments that were advanced regarding the sources of political authority.

The case studies indicate that parishioners attacking oligarchic forms of parish government made three basic arguments. First, and most obviously, they accused the vestrymen of corruption and favoritism—that they embezzled money from the parish funds and that they under-taxed themselves and their friends. However, they also attacked the legitimacy of the select vestry itself, appealing to the principle discussed in the previous chapter—that every ratepayer had the right to participate in discussions regarding how much they should pay into the parish coffers and how that money should be spent. Recognized by both canon and secular law, this was the Achilles heel of every select vestry. However, while it is attractive to think of the parish householders

⁴ Goldie, “The Unacknowledged Republic,” 174.

appealing to legal authorities *en masse* in an assertion of their rights, the examples provided here indicate that wealthy or influential parishioners could also effectively employ the ideal of popular participation in order to undermine select vestries from which they were excluded. This was accomplished both by reference to abstract legal principle, and by mobilizing anti-vestry sentiment among the smaller ratepayers in order to demonstrate that the vestrymen lacked popular support. Finally, even as the vestrymen's opponents made populist arguments against select vestry rule, they also took care to emphasize their own social worth and fitness to govern.

Select vestrymen or their equivalents, meanwhile, defended their position by a variety of arguments. Those that owed their existence to a bishop's faculty (that is, a warrant from the bishop's court) would of course cite this first, especially if the case were being heard in an ecclesiastical court. As we shall see, these documents often justified the establishment of the select vestry had been necessary because of an influx of the "meaner sort of people" who made ordinary parochial assemblies unmanageable. Whether or not they could point to a faculty, vestrymen typically defended their position by arguing that long-established custom justified their control of parochial affairs. But even when episcopal authority and custom were on their side, vestrymen, when possible, further justified their rule by noting that their establishment had been effected with the popular support of the parishioners. As counterintuitive as it may seem, clashes over the legitimacy of select vestries show how, in seventeenth-century parishes, elite and popular conceptions of power worked in tandem, not in opposition.

Select Vestries and the Historians

As we have just seen, select vestries have had a powerful hold on the imagination of English historians, touching as they do on perennially compelling questions regarding political participation, authority, and social place. In their monumental survey of parish government, the Webbs devoted three out of seven chapters to the subject. Unlike many subsequent historians they tended to see select vestries merely as one type of unreformed parish government, rather than as typical of the early modern era. Given the tone of much of the subsequent scholarship, which tended to denounce select vestries in caustic tones, the Webbs were surprisingly sympathetic (or, at least, non-censorious) towards select vestries which they found to be based on genuine custom. They reserved their ire for the urban select vestries of London and Bristol, especially those which, like St. Martin-in-the-Fields, claimed to be based on immemorial custom when in fact their origins were clearly identifiable in their own records. Their indignation stemmed from that fact that, at the dawn of the twentieth century, the legitimacy of these vestries was not an abstract academic issue—some of the urban vestries still held considerable financial assets and some, fearing to have their position called into question, even refused to allow the Webbs' researchers access to their archives. But while the Webbs denounced vestries that concealed their origins or embezzled public money, those that they found to be efficient and scrupulous in their management of parochial affairs, like the vestry of Braintree, Essex, escaped their censure.⁵

It was Christopher Hill who first linked the rise of the select vestry to a larger narrative of economic and social change, resulting in what he termed the “secularization of the parish.” As parishes struggled to deal with rising poverty, the “most significant

⁵ Webbs, 175-190, 221-222.

function of the parish came to be the collection of taxes” and “as the assessment of rates grew in importance, so did control of the machinery of the parish.”⁶ The richer parishioners, with the collusion of the episcopal hierarchy, established select vestries to protect their economic interests by excluding the rest from parochial government.⁷

Beat Kümin’s *The Shaping of a Community*, written over 30 years later, echoed many of these themes while grounding them in a much larger evidentiary base. One of the only general surveys of parish government that spanned the divide of the Reformation, Kümin’s book focused on the “increasing institutionalization of the parish” during the late Middle Ages, a process which he described in generally—although not naively—positive terms, seeing it as the strengthening of an autonomous, innovative, and genuinely communal body.⁸ He noted, however, that parishes’ “chief inhabitants” were already assuming a more prominent role in the management of parochial affairs by the later fifteenth century. This was a result firstly of economic change, but equally important was the phenomenon of parishes gradually amassing real property through charitable bequests. This, in turn, required a smaller group of parishioners, meeting regularly, who could dedicate their time to the task of managing properties and collecting rents, while requiring less involvement from ordinary householders in the task of parochial fund-raising. While Kümin considered this development “ominous,” he also took pains to stress that “everyday business was in the hands of the middling sort, rather than elites. The wardens as ‘chief executives’ worked in conjunction with the council [that is, a small group of “masters” or “auditors”], but had often more in common with

⁶ Hill, 417-418.

⁷ Hill, 418-422.

⁸ Kümin, *Shaping*, 51.

humbler members of the community” while “the average parishioner continued to have a voice in elections, audits, or important communal decisions.”⁹

The negative turn towards more a rigidly oligarchic system that, Kümin believed, took place in the mid- to late-sixteenth century was, in his analysis, primarily the result of increased interference by the ecclesiastical hierarchy and the local gentry in their attempt to assert control over what had become a dangerously independent entity.¹⁰ This erosion of local autonomy was accompanied by the emergence of select vestries, which Kümin saw as the era’s “most dramatic change in parish government.” Their appearance was partly the result of self-aggrandizing parish elites, but was also caused by the great increase in financial obligations imposed on parishes by the Tudor monarchy. “From the late 1550s, rates proliferated for a variety of purposes” resulting in the need for a “much more elaborate bureaucratic machinery” while “annual parish assemblies must have appeared increasingly inadequate and cumbersome.”¹¹ Steve Hindle has also drawn attention to the advent of select vestries, although his analysis differs slightly from that of Kümin.¹² Hindle places less emphasis on the decrease in the amount of autonomy enjoyed by the parish, stressing the actions of middling parishioners instead of interference by outside elites. However, like Kümin, he sees select vestries as the expression of “an increasing self-consciousness of local notables” and the two are in

⁹ Kümin, *Shaping*, 240-241.

¹⁰ Kümin, *Shaping*, 241-248, 252.

¹¹ Kümin, *Shaping*, 250-252.

¹² Hindle, *State and Social Change*, 210-211, 238. Aside from the question of select vestries, the two agree that the mid- to late sixteenth-century caused not only a marked decline in participation in parochial decision-making, but also a shift in the very purpose of parish politics. Parish “governors” were no longer the more-or-less autonomous actors they had been in the late Middle Ages, but instead derived their authority from their role as the enforcers of an increasingly ambitious and interventionist state. The question of the sources of authority within the parish, especially related to parochial office-holding, will be addressed in Chapter Five.

essential agreement both as to the prevalence of such bodies and their usefulness as a symbol of a new mindset pervasive among parochial elites at the end of the sixteenth century.¹³

The previous chapter showed that decision-making power within the parish after 1600 continued to rest with an assembly of rate-paying householders, both in law and in practice, making it clear that select vestries were the exception rather than the rule.¹⁴ Clearly, then, they should not be seen as emblematic of a newly exclusive mentality regarding parish government. But the more important issue at stake is this: all the historians discussed here (and a host of others) take for granted the opposition between participatory and oligarchic forms of decision-making, and in all cases their sympathy is clearly (and understandably) with the former. However, the previous chapter also showed that, when defending decisions made in parish assemblies, parishioners were perfectly capable of employing majoritarian arguments while simultaneously appealing to the social status of the decision-makers. The mutual reliance between these two becomes most explicit in an examination of select vestries: even parish governments that were unabashedly oligarchic in structure claimed popular support to legitimate their rule, while those determined to unseat them employed not only the populist arguments so appealing

¹³ Hindle, *State and Social Change*, 212. Hindle also suggests that it was easier for local elites to establish select vestries in rural parishes, while Kūmin believed that urban parishes were more likely to have oligarchic forms of government. Hindle, 215; Kūmin, *Shaping*, 254. It should be pointed out that Hindle sees little essential difference between select vestries and their “open” counterparts, and argues that both exhibited a *de facto* tendency towards oligarchy. Hindle, *State and Social Change*, 206.

¹⁴ It is also worth pointing out some unresolved contradictions in Kūmin’s account. Ronald Hutton’s herculean survey of sixteenth and seventeenth-century churchwardens’ accounts found little evidence of increasing bureaucratization at the parochial level in the early modern period. Hutton, *Merry England*, 162-163. Indeed, it is hard to see why rates levied to meet requirements imposed from above would require more “bureaucratic machinery” than the amazingly complex financial arrangements devised by late medieval parishes, so skillfully described by Kūmin in the first part of his book. It is hard to avoid the conclusion that Kūmin lapsed into an essentially Hill-ian description of early modern parochial government as he reached the end of his project, even though such a description ran crosswise to the conclusions implied by his examination of revenue-raising in late medieval parishes. His discussion of select vestries raises more questions than it answers.

to modern ears, but frequently highlighted their own status as the “better sort” to demonstrate the unjustness of their exclusion from parish politics. In this way, oligarchy justified itself by popularity, and popularity with oligarchy.

The Origins of Select Vestries

Select vestries can be grouped into two general categories. First, and possibly oldest, were the committees—usually consisting of twelve or twenty-four men—that presided over parishes situated primarily, but not exclusively, in the northern shires of England. This arrangement was particularly prevalent in Northumberland and Durham, and could be found in parts of Yorkshire and Lancashire as well.¹⁵ It has been suggested that the number of vestrymen—at least at some point in history—corresponded to the number of ancient farms in each parish, tracing the beginning of these select vestries at least back to the late Middle Ages. Given that several parishes in Northumberland, Durham, Derbyshire, and Westmoreland were clearly subdivided into twenty-four farms, husbandlands, or other units of assessment, this explanation seems plausible.¹⁶ Due to the lack of any surviving parish records from the period, however, there is no way to

¹⁵ For a survey of some of the printed records see Webbs, 179 n.1 and n.2. See also Henry Fishwick, *A History of the Parochial Chapelry of Goosnargh in the County of Lancaster* (Manchester, 1871); Thomas Charles Smith and Jonathan Shortt, *History of the Parish of Ribchester* (London, 1890); 125 ER 592[2 Lutw. 1027] (regarding the Yorkshire parish of Malsham); Michael G. Smith, *Pastoral Discipline and the Church Courts: the Hexham Court, 1680-1730*, Borthwick Paper No. 62 (York, 1982), 26 (regarding the Northumberland parishes of Hexham, Allandale, and St. John’s Lee); I.C. Carleton, *A Short History of Gateshead* (Gateshead, 1974), 38; J. Raine, ed., *The Injunctions and Other Ecclesiastical Proceedings of Richard Barnes, Bishop of Durham, 1575-1587* (London, 1834), 141 (regarding the parish of Barnard Castle, Durham). This form of parish government was not unknown in other parts of England. It was also found as early as 1502 in the Somerset parish of Stogursey and in the mid-1550s in the Essex parish of Braintree. See Somerset R.O., D/P/stogs/4/1/1 and Emmison, *Early Essex Town Meetings: Braintree, 1619-1636, and Finchingfield, 1626-1634* (London, 1970), vi.

¹⁶ At some point, the term “farm” seems to have become a fixed unit of assessment or measure, rather than a description of land owned or worked by a particular person. Webbs, 180-181. In Ribchester, Lancashire, the twenty-four men who managed parish affairs corresponded to the twenty-four townships that compromised the parish. Thomas Charles Smith, *A History of Longridge and District* (Preston, 1888), 176.

prove that select vestries of “the four-and-twenty” were not an innovation of the sixteenth century. Indeed, the records of the Durham parish of Pittington clearly record the initial formation of such a body in 1584.¹⁷

A variation of this type of select vestry were the smaller groups known as “the Four Men,” “the Five Men,” sometimes as many as eight, which had their roots in the in the legal device of “enfeoffment to use,” which first appeared in the fourteenth century. Year Book cases demonstrate that churchwardens were specifically forbidden from holding land from around the year 1400 and, while many parochial benefactors clearly ignored this, other testators who bequeathed property to their parishes appointed feoffees to administer it in the parish’s name.¹⁸ The institutional coherence of this body of men, and the responsibility they wielded with regard to the parish’s income, made it easy for them to accumulate other administrative and leadership responsibilities as well.¹⁹ They generally sat for life and exercised varying measures of control over parochial business, including the election of parish officers. This model was most usually found in the southwestern parts of the country.²⁰

¹⁷ A note in the Pittington parish book states, “It is agreed by the consent of the whole parish to elect and choose out of the same twelve men to order and define all common causes pertaining to the church, as shall appertain to the profit and commodity of the same, without molestation or troubling of the rest of the common people.” James Barmby, ed., *The Churchwardens Accounts of Pittington and Other Parishes in the Diocese of Durham* (Durham, 1888), 12-13. See also Robert W. Ramsey, “Records of Houghton-le-Spring, 1531-1771,” *EHR* 20, 80 (October, 1905), 677-678. Interestingly, the records of the Durham parishes of Pittington and Houghton-le-Spring both indicate the participation of “the gentlemen” of the parish as distinct from that of “the twelve” or “the twenty-four.” Could the formation of these bodies have been a way of preserving a non-gentry voice in the government of the parish?

¹⁸ Kūmin, *Shaping*, 24-25.

¹⁹ Of course, feoffees responsible for the management of parish lands, almshouses, schools, or suchlike might wield significant influence within a parish without ever gaining the formal right to appoint parish officers. H.R. French, *The Middle Sort of People*, 127-131.

²⁰ J.J. Alexander, “Some Notes on Tavistock History,” *Reports and Transactions of the Devonshire Association* 46 (1914): 389-390; Alison Hanham, ed. *Churchwardens’ Accounts of Ashburton, 1479-1580* (Torquay, 1970); Edmund Hobhouse, ed., *Church-wardens’ Accounts of Croscombe, Pilton, Yatton, Tintinhull, Morebath, and St. Michael’s Bath, ranging from A.D. 1349 to 1560* (London, 1890), xviii, 208, 209, 223; Duffy, *Morebath*; John M. Wasson, *Records of Early English Drama: Devon* (Toronto, 1986), liv (for All Saints Winkleigh, Devon), xxxv, 57-59, 442 (for Chudleigh, Devon), xxii, xxxiv, 55 (for St.

Secondly, and more notoriously, were the urban select vestries of Bristol and especially of south-eastern England, particularly those located in and around the metropolis. In the scholarship these have become a synecdoche for the early modern tendency towards oligarchy. The petitions from the would-be vestrymen to the Bishop of London bemoaning the intrusion of the “inferior sort” into parish government and the faculties establishing select vestries subsequently granted by the bishop have provided some of the juiciest evidence of class struggle without class.²¹ The language of the earliest surviving faculty, granted in 1591, is typical:

Through the general admittance of all sorts of parishioners unto their vestries their falleth out great hindrance to good proceedings by the dissent of the inferior and late inhabitants being for the most part the greater number and more ready to cross then either discrete or able to further and good order for the benefit of the church and parish.²²

The select vestries of London were primarily a result of the dramatic increase in population the city experienced in the sixteenth and early seventeenth centuries.²³ Wave after wave of immigrants, most of them desperately poor, poured into the metropolis—“London society was filling out at the bottom,” as Ian Archer graphically expressed it.²⁴ Parish governments struggled to cope with the extraordinary conditions this demographic shift produced. The burden fell overwhelmingly on the extramural, suburban, and riverside parishes. It was here, rather than in the wealthier parishes nearer the heart of the

Michael Chagford, Devon); K. French, *People of the Parish*, 96 (for Lydeard St. Lawrence, Somerset); Davies Gilbert, *The Parochial History of Cornwall* (London, 1838), vol. 3, 181. For other examples outside of southwest England, see Webbs, 189n. 1, and Charles Drew, *Early Parochial Organization in England: The Origins of the Office of Churchwarden* (London, 1954) 25-26.

²¹ Hill, 420; Kūmin, *Shaping*, 252-253; Hindle, *The State and Social Change*, 212-213.

²² Quoted by Kissack, 23.

²³ The population of London quadrupled over the course of the sixteenth century and nearly doubled again by 1650. Paul Griffiths, *Lost Londons* (Cambridge, 2008), 1.

²⁴ Archer, 13.

city, that select vestries became the typical form of government. Select vestries were, in fact, almost a hallmark of a larger, poorer parish.²⁵

But the establishment of select vestries in the metropolis did not, for the most part, eject parishioners from parish government who had previously been able to participate. An examination of the records of St. Martin Ludgate—the parish that was granted the faculty quoted above—reveals no evidence of meetings disrupted by disorderly mobs and the establishment of the select vestry does not seem to have affected the numbers of parishioners involved in parochial decision-making.²⁶ Establishing a select vestry in a London parish, therefore, should be seen more as a defensive measure undertaken by the householders in an attempt to preserve their position against an influx of poorer newcomers—the phrase about “inferior *and late* inhabitants” in the petition above may be particularly significant here.²⁷ But there were other reasons that parishioners might attempt to consolidate decision-making power in the hands of a few. The select vestry of St. Katherine Cree was instituted by bishop’s faculty at the request of a number of prominent parishioners in 1622—not because of an invasion of disorderly

²⁵ Kissack compared the 1638 tithe returns from 12 select-vestry parishes with those of 12 open-vestry parishes. He found a clear correlation between parishes with larger numbers of householders and select vestries. Metropolitan parishes that still held regular assemblies of householders had, on average, four times the number of inhabitants who paid more than £20 in rent per year than select vestry parishes, which averaged six times more inhabitants who paid less than £5. Kissack, 12-17. The size of the parish, obviously, also made a difference in how much the establishment of a select vestry changed parochial government. In the smaller parishes towards the middle of the City, a vestry of twenty or so parishioners would have consisted of a considerable proportion of the householders. In the larger, poorer, suburban parishes, however, select vestries were, in Archer’s opinion, “clearly the preserve of the parish elite.” For example, the select vestry of St. Olave, Southwark, a parish of 1,800 householders, was drawn from the wealthiest of the 27% of householders who paid the subsidy. Archer, 71.

²⁶ Kissack, 23.

²⁷ This appears to have been the case in the Essex parish of Braintree as well. The committee of twenty-four, which had governed the parish since the mid-sixteenth century obtained a faculty from the bishop of London in 1611 which formalized the arrangement and kept newcomers out of parish government. Webbs, 193. It should also be noted that a certain level of wealth was a *sine qua non* for political participation in London parishes, whether the parish was governed by a select vestry or by an assembly of householders. The lower threshold for political participation was generally an annual rent payment of between £5 and £10, varying from parish to parish. Kissack, 20-22.

poor, but in order to surmount divisions probably caused by their abrasive preacher, Stephen Denison.²⁸

In the case studies that follow, I will examine conflicts regarding each of the two types of select vestry which help illuminate the kinds of arguments used by their defenders and detractors. My first case study traces the establishment of one metropolitan select vestry and its gradual strengthening into a viable governing body. It focuses primarily on a dispute between the vestrymen and a disgruntled group of parishioners who challenged their right to run the parish and who demanded that decision-making authority be returned to a wider body of householders. The second case study shifts the focus to rural Cornwall, where a similar debate was complicated by the fact that the select vestry had been allowed to decay. An attempt by some parishioners to re-establish it after a hiatus of over a decade prompted a clash of competing memories regarding the nature and scope of the select vestry's power.

Taken together, these two examples help demonstrate that the politics of oligarchy in English parishes cannot be summarized merely as a selfish set of householders wishing to safeguard their position. The arguments employed by both sides in both cases demonstrate the broad range of acceptable opinion regarding parish government in the early seventeenth century and show that the consolidation of power in the hands of a wealthy minority of parishioners might be opposed by members of the parochial and even the national elite. The temptation for historians has been to simplify such conflicts into a competition between two conceptions of parish government—one exclusive and oligarchical versus one broad-based and participatory. But the prevailing principle of participation by all rate-paying householders impelled oligarchic vestries to justify their

²⁸ Lake, *Boxmaker's*, 63-64.

position by appealing to popular support. Select vestries' opponents, meanwhile, consistently referred to themselves as the "better sort" even while invoking the ideal of popular rule.

Case Study #1: St. Saviour's, Southwark

South across London Bridge, through the Great Stone Gate, lay vast and sprawling Southwark, where opulent houses sat incongruously next to the prisons, bear gardens, and brothels that gave the town an aura of criminality and sleaze.²⁹ From the Gate, to the right, stood the church of St. Saviour's, the seat of what, by the early seventeenth century, was probably England's most populous parish--with 1,900 inhabitants in Henry VIII's time, it had swollen to over 4,000 by the beginning of the seventeenth century. By that time, the social situation in the parish, as in all of Southwark, was acute—vagabonds were regularly escorted across London Bridge and dumped there, and the City sometimes stationed guards at the south end of the bridge to keep "sturdy beggars" away. Privation and disorder accompanied poverty: there were food riots in Southwark in 1595.³⁰

Under these conditions, the establishment of a select vestry in St. Saviour's seems to require little explanation, and is remarkable only because of the sustained (and extraordinarily well-documented) opposition it provoked. The case has been previously cited by several historians as another case of the early modern drift towards oligarchy.

The Webbs saw it as one of the most egregious examples of a select vestry's

²⁹ One of St. Saviour's's administrative sub-divisions, the Clink, gave its name to the famous prison located there. The prisons of King's Bench, Marshallsea, White Lion, and the Compter were also all located in Southwark. John Stowe, *Survey of London* (London, 1598), 330-346.

³⁰ H.E. Malden, ed., *Victoria County History: Surrey*, vol. 4 (London, 1912), 153; Griffiths, *Lost Londons*, 90-91, 113; Archer, 6.

establishment by underhanded and undemocratic means. To Hill, the conflict in St. Saviour's was between the traditional conception of "the parish as social security unit and the new conception of the necessity of labor," the latter exemplified by the industrious sort who sat on the select vestry. Michael Berlin's recent account of the St. Saviour's case likewise portrays it as part of a general trend towards hierarchy and away from communally-based parish government. Only Ian Archer provides a dissenting voice—after briefly outlining the case, he concludes that "the greatest threat to select vestry constitutions came not from the poor but from middling householders who found themselves denied the place in parish government to which they thought they were entitled."³¹

The following close study of the documents surrounding the establishment of the St. Saviour's select vestry and the opposition that it provoked finds that Archer's contrarian view is quite accurate. However, while Archer rightly recognizes that socio-economic division was not the driving force behind the conflict, my interest here is to uncover the prevailing assumptions and ideologies about parish government that each side was able to draw upon as they argued their respective cases. As mentioned above, we find that the select vestrymen, rather than claiming to be the sole bastion of responsibility and respectability in a sea of crime and disorder, regularly appealed to the popular basis of their authority. At the same time, the vestry's opponents, while claiming to speak for the whole community of the parish as we might expect, also highlighted their own social position, calling themselves "the better sort of parishioners."

³¹ Webbs, 187; Hill, 420-421; Michael Berlin, "Re-ordering Rituals: Ceremony and the Parish, 1520-1640," in Paul Griffiths and Mark S.R. Jenner, eds., *Londonopolis: Essays in the Social and Cultural History of Early Modern London* (Manchester, 2000), 61-62; Archer, 73.

The parish itself was young, a product of the Henrician Reformation, and the origins of its system of government is accordingly fairly easy to trace. After the dissolution of the ancient priory of St. Mary Overies in 1539, the parish of St. Mary Magdalen and the parish of St. Margaret, both of which had been connected to it, were rolled into one by parliamentary statute and the priory church was re-named St. Saviour's. Under the conditions of the act, the parishioners were empowered to elect four or six churchwardens. The popular election of these officers was, of course, in keeping with the medieval precedent established in canon law and by common practice that was discussed in Chapter Two. The bill only departed the norm by making the churchwardens a legal corporation, in recognition of the fact that they would be responsible for managing the considerable amount of real property belonging to the parish.³² When the churchwardens were granted the lease of the rectory in 1543, they gained complete control of all parochial revenues.³³

The election and supervision of such powerful officers was clearly a crucial issue. For nine years after the creation of the parish, an assembly of householders chose the churchwardens yearly. However, a document dated March, 1556 records an agreement, made with the "whole consent of the parishioners," that delegated the selection of parish officers to a committee of thirty men, variously known as "vestrymen," "assistants," or "sufficients." These men would henceforth choose churchwardens from among their own number, supervise their actions, inspect their accounts, and otherwise "rule and govern the parish." When one vestryman died, moved away, or was otherwise incapacitated, the

³² 32 Hen. 8, c. 49.

³³ Malden, 153.

remainder would choose a replacement.³⁴ In 1566, this arrangement was confirmed by Robert Horne, Bishop of Winchester, whose official residence stood close by.³⁵

In contrast to the petitions from London parishioners mentioned above, which spoke in alarmist tones about an influx of the disorderly poor into parish government, both parish records and the bishop's order presented the restriction of political power to thirty vestrymen as a decision reached by the parishioners as a group, rather than by an elite clique trying to maintain its authority. It is, unfortunately, quite impossible to ascertain whether or not this was actually the case. It is significant, however—particularly in light of the dispute that later erupted regarding the vestry's origins—that the principle of participation by all ratepayers in parochial decision-making remained powerful even in an increasingly crowded and poverty-ridden parish like St. Saviour's.

The striking difference in the rhetoric does seem to imply that social anxieties were not a major factor in St. Saviour's move towards a less participatory form of parish government. Indeed, the newly-created select vestry evinced little enthusiasm for the actual spade-work of governing. The records indicate an initial burst of zeal, followed almost immediately by apathy on the part of many of its members. The more diligent vestrymen found it necessary to impose fines on those vestrymen—sometimes as many as eleven—who failed to attend meetings.³⁶ The vestry's practice of dining at the parish expense, which dates from the early 1560s, may also have been an attempt of the more energetic members to encourage greater involvement.³⁷

³⁴ LMA, P92/SAV/412 (entry for 1556).

³⁵ Malden, 154.

³⁶ LMA, P92/SAV/449, 7, 8, 9, 14.

³⁷ LMA, P92/SAV/449, 32, 75, 76; P92/SAV/412 (entry for 1589). The select vestry later defended this practice in precisely these terms.

This carrot-and-stick approach appears to have worked. Although the total attendance at vestry meetings averaged between twenty and twenty-five members—thirty appears to have been an optimistically large number³⁸—the vestry’s coherence and sense of importance increased as the years went by. Its members developed an appreciation for protocol and ceremony within their meetings, closely regulating who sat where in order of precedence and fining those who marred their deliberations with “unseemly words.”³⁹ They began to police their ranks, expelling some members “for disobedience and froward minds” and re-admitting others after the payment of a hefty fine.⁴⁰ They also acquired a sense of political theater—a vestry order from 1578 states that any vestrymen who failed to wear his gown to the funeral of another would be fined.⁴¹ The (male) gown was, of course, a symbol of wisdom and power worn by justices, magistrates, and city aldermen—a symbol that could be adopted by those who wanted to be seen as possessing these qualities. Some of the parish might have smirked at this. Early modern Londoners did not reflexively goggle in awe at such political dramaturgy and were quite capable of mocking those who cared more about the trappings of office than its duties.⁴² Nevertheless, the sight of the assembled vestry, thus attired, did present the parishioners with an image of solemn, massed authority.

³⁸ Thirty vestrymen appeared at a meeting in 1558, a level of attendance which was not achieved again for sixty-three years. In 1621, it was recorded that “all the thirty vestrymen came and were present this day, which is a thing worth the noting as rare, none remembering the like appearance of all together heretofore.” LMA, P92/SAV/450, 513.

³⁹ A cryptic entry from 1567 dictates that “twelve of the vestry sit on the right side, the other four on the left, and the deputies in the middle.” LMA, P92/SAV/412. There was a continuing tension as to whether precedence was measured by the date of entry to the vestry or by the order in which the vestrymen served as churchwardens. The churchwarden responsible for collecting the tithes occupied a place of particular honor. LMA, P92/SAV/449, 63; P92/SAV/412 (entry for 1590). For “unseemly words,” see LMA, P92/SAV/412 (entry for 1586).

⁴⁰ LMA, P92/SAV/449, 90, 95; P92/SAV/412 (entry for 1598).

⁴¹ LMA, P92/SAV/412 (entry for 1578).

⁴² See John Earle’s tongue-in-cheek depiction of the stereotypical city alderman “venerable in his gown.” *Micro-cosmographie* (London, 1628), unpag.

However helpful it was to their public image, the wearing of the gown was probably more important for the effect it had on the vestrymen themselves. Clothes made the man. “The person that is gowned,” Edmund Spenser wrote, “is by his gown put in mind of gravity, and restrained from lightness.”⁴³ Finally, like the wearing of any uniform, it undoubtedly fostered a feeling of solidarity, a feeling re-enforced by their shared access to restricted information—they had agreed in 1569 that “whosoever doth utter any secret or tale out of the vestry of our company” would be fined.⁴⁴

The vestrymen of St. Saviour’s also became increasingly confident in their role as rulers and governors of the parish. They took legal action against parishioners who refused to pay their tithes and put a solicitor on retainer for that purpose.⁴⁵ This was entirely in keeping with the churchwardens’ essential function as managers of the parochial funds, but they rapidly extended their authority into other aspects of government as well. By the 1570s, its members had appointed themselves arbiters of the parochial hierarchy through their regulation of the seating arrangements in church, and had begun to manage the parish’s interaction with other local governmental institutions. In early 1571, a committee of four vestrymen was appointed to represent the parish’s interests to the Borough of Southwark.⁴⁶

As we shall see, the vestry would accumulate enemies who would portray it as a corrupt and overweening oligarchy. Its role as a mediator between parishioners, however, indicates that its judgments were regarded, by some at least, as essentially legitimate. In 1563—three years before the bishop of Winchester confirmed the vestry’s

⁴³ Edmund Spenser, *The Works of Edmund Spenser* (London, 1850), 500.

⁴⁴ LMA, P92/SAV/449, 79.

⁴⁵ LMA, P92/SAV/449, 35.

⁴⁶ LMA, P92/SAV/412 (entry for 1572), and P92/SAV/449, 83, 96.

powers—the vestrymen had already appointed a committee to arbitrate a dispute between two parishioners and commanded one to “cease his evil will” against them. The same year, they ordered that two other men and their wives would, on £5 bond, refrain from “any defamation or reproach” against each other. They also resolved a third conflict, directing one parishioner to pay another “with whom he hath been at law” over a piece of land in Warwickshire, an amount exceeding £35.⁴⁷ Appeals for arbitration from the parishioners strengthened the vestry’s authority.

It is not surprising, therefore, that the first real challenge to the vestry came not from the parishioners, but from an outsider. The churchwardens had held the lease of the rectory, and the lucrative tithes that came with it, for most of the sixteenth century.⁴⁸ In May, 1605, however, John Elphinstone, a Scottish gentleman in the queen’s retinue, procured a fifty-year lease of the rectory from the Crown.⁴⁹ His actions spelled trouble and the vestrymen knew it. Only a week after the lease was awarded to him, they met together, and, agreeing that Elphinstone would “seek all the means he can to wrong us,” appointed men to assist the churchwardens in defending their claim to the lease, even considering a petition to the king.⁵⁰ In the summer of 1605, their fears were realized when Elphinstone sued the churchwardens in the Court of Exchequer over their right to the lease.⁵¹ The vestrymen circled the wagons, announcing that any member who

⁴⁷ LMA, P92/SAV/449, 35, 37, 39, 57.

⁴⁸ There are some puzzling aspects of the record regarding the churchwardens and the lease of the rectory. Henry VIII granted the churchwardens a twenty-one year lease in 1543. However, between 1551 and 1553, the rectory was held by Bishop John Poynt. According to the *VCH*, the Crown granted the churchwardens the lease of rectory again in 1589, yet the vestry’s records show that the churchwardens had to negotiate with a Mr. Cope for over a year before, after paying him a considerable sum, the lease was triumphantly brought into the vestry room on December 22, 1591. But the Crown then granted the lease to John Elphinstone 14 years later, an action of contestable legality. Malden, 154; LMA, P92/SAV/450, 267.

⁴⁹ *CSPD: 1603-1610*, 218, 479.

⁵⁰ LMA, P92/SAV/450, 387.

⁵¹ LMA, P92/SAV/450, 390.

revealed any information concerning the lease to any non-member would be summarily expelled.⁵² This was not mere paranoia: Elphinstone's challenge to the vestry was a severe blow to its prestige. Shortly after the conflict over the lease had begun, a parishioner refused an invitation to become a vestryman—a nearly unprecedented move.⁵³

But the worst was yet to come. As the suit in Exchequer gathered steam, Elphinstone's legal team decided on a strategy that struck at the root of the vestry's authority. They had originally simply accused the churchwardens of having no legal claim to the lease of the rectory.⁵⁴ But once in court, they adopted a new line of attack, challenging the churchwardens' right to the rectory by attacking the legitimacy of their election—in other words, by attacking the legitimacy of the vestry itself. They pointed out that the same statute that had made the churchwardens a corporation—and therefore able to hold property—had also stipulated that they be elected, not by a select body of thirty, but by the parishioners as a whole. Because the churchwardens to whom the lease had been awarded had not been properly elected, it followed that their right to the rectory was null and void.⁵⁵

As Elphinstone's attack on the vestry dragged on through the winter, questions regarding its powers began to be raised from within the parish. By April, 1606, the vestry minutes record that “divers parishioners” were asking why churchwardens were

⁵² LMA, P92/SAV/450, 389.

⁵³ LMA, P92/SAV/450, 388; Jeremy Boulton, *Neighborhood and Society: A London Suburb in the Seventeenth Century* (Cambridge, 1987), 142 n.10.

⁵⁴ In legal terms, they had sued the churchwardens of St. Saviour's in Exchequer “on surmise of an intrusion”—in other words, on the suspicion that they had entered into a particular estate—the lease of the rectory—to which they had no claim. LMA, P92/SAV/450, 390.

⁵⁵ 145 ER 266[21 Lane]. Elphinstone himself is not specifically mentioned in Lane's report, but the facts of case described therein correspond perfectly to those found in the St. Saviour's vestry minutes. It would be interesting to know if any of the vestrymen were tenants of the rectory—if any were, it would have undoubtedly added to their desperation.

chosen by the vestrymen only, and not by an assembly of householders “as in other parishes.”⁵⁶ As the vestrymen scrambled to consult legal counsel, their opponents within the parish were hard at work preparing their own challenge to their authority.⁵⁷

Who were the vestry’s opponents? They consistently referred to themselves as “the parishioners,” highlighting their role as spokesmen of the wider community. They seemed to take for granted that their audience would accept widespread discontent with the vestry’s rule as an entirely legitimate argument for reforming or abolishing it. At the same time, they made it clear that this was no popular rebellion against plutocratic rule. They explicitly claimed to speak for “many of the better sort of parishioners,” making it clear that, in addition to the weight of numbers, they had the politically informed and responsible members of the parish on their side. Among these they counted the parish’s two preachers who “did by many arguments incite and stir up the parishioners” against the vestry’s unchecked authority.⁵⁸

The accusations against the vestry included a string of offenses that would become familiar in similar cases later in the century: they wasted the parish’s money on feasts and banquets, they leased parish properties at favorable rates to their own members, they falsified the parish accounts.⁵⁹ The vestry’s opponents bolstered their

⁵⁶ LMA, P92/SAV/450, 398.

⁵⁷ The only documents from this confrontation that survive are those preserved in among the vestry’s papers. Most are brief abstracts of the case against the vestry combined with the vestrymen’s rebuttals. Also included, however, is a copy of a document submitted to Parliament arguing in support of a bill that would have reformed the select vestry and which is discussed in detail below. The arguments correspond very closely to those contained in an “authentic writing” quoted by John Strype in his 1720 version of John Stowe’s *Survey of London* which purports to be the original appeal submitted to Parliament by the vestrymen’s opponents. John Strype, *A Survey of the Cities of London and Westminster*, vol. 4 (London, 1720), 9-10.

⁵⁸ LMA, P92/SAV/792.

⁵⁹ The Whig assault on the Tory-dominated select vestries of the metropolis in the late seventeenth and early eighteenth centuries will be discussed in Chapter Seven.

arguments by relating a string of embarrassing incidents—how one vestryman fled the parish with some of the church plate, how another had disappeared with over £50.

The primary target of their complaints, however, was the vestry's presumed right to choose churchwardens exclusively from among their own numbers and without consultation with the rest of the parish. This, they argued, was in direct contradiction to canon law, which allotted that right to the parishioners as a body. Not only that, but it was also contrary to the wording of the parliamentary statute that had founded the parish. While they allowed that, in a large parish like St. Saviour's, parishioners might, for convenience's sake, transfer their elective authority to a select committee, they argued that this could not be a permanent arrangement, but would have to be renewed every time new officers were chosen. Accordingly, they called for the abolition of the thirty-man vestry and, implicitly, for a recognition that the power to elect churchwardens and inspect parish expenditure rested with the parishioners.

But the populist tenor of these demands was somewhat muted by the fact that the vestry's opponents demanded the election of churchwardens and the auditing of their accounts not by all 1,500 householders, but only by those 200 or so wealthy enough to pay the subsidy.⁶⁰ This demand strongly implies that the popular uprising against the select vestry was led by those members of the parochial elite who were excluded from parochial decision-making. The well-established principle of participation in parochial decision-making by all ratepayers, discussed in the last chapter, could prove an effective weapon in the hands of parish notables who found themselves disenfranchised by the establishment of a select vestry from which they were excluded.

⁶⁰ LMA, P92/SAV/792. Of course, an election of churchwardens by subsidymen alone would also technically have contradicted the wording of the original act.

Aside from gaining a voice in parish government, what exactly were the vestry's foes trying to accomplish? A number of possible motivations can be suggested. Their anger at the reputed mismanagement of parochial monies requires no explanation. More interesting is their attack on the legitimacy of the vestry as an institution. Since both Elphinstone and the vestry's internal opponents denied the vestry's legitimacy, is tempting to assume that they were in collusion. It is more likely, however, that the parishioners' revolt against the vestry's authority was at least in part trying to head off Elphinstone by bringing the parish's process for electing churchwardens in line with the original wording of the act. The charges against the vestry did not mention the Exchequer suit explicitly, but the vestry's opponents later expressed alarm "that it is now discovered that the churchwardens are incapable and all their actions, laws, and leases void....by reason the election is contrary to statute."⁶¹ The two preachers, who were said to have whipped up anti-vestry sentiment among the parishioners, may also have been afraid of becoming dependent for their livelihood upon a courtier over whom they would have little influence. However, judging from the complaint that the vestrymen chose officers and audited their accounts while "refusing to let the ministers and parishioners to be acquainted therewith," it would seem that the ministers were also pushing for greater involvement in parochial business generally.⁶²

⁶¹ LMA, P92/SAV/792.

⁶² The ministers' objection to the vestry's authority may have been related in part to the promulgation of the Canons of 1604. The 89th Canon required that the minister have a role in selecting the churchwardens. This canon resulted in a series of lawsuits in London parishes in the early seventeenth century, as ministers attempted to assert their rights in parochial elections. The ministers of St. Saviour's, however, were in a precarious position, since they relied on the vestry to pay them a yearly salary. The vestrymen argued that, because the ministers were not technically parsons but only stipendiaries, they were not required to have any role in the selection of churchwardens. LMA, P92/SAV/793, f.2. For the text of the canon, see *Anglican Canons*, 385; and for a discussion of the lawsuits see Kümin, "Parishioners in Court: Litigation and the Local Community, 1350-1650," in *Belief and Practice in Reformation England*, Susan Wabuda and Caroline Litzenburger, eds. (Aldershot, 1998), 33.

The first move of the vestry's enemies was to appeal to the bishop of Winchester. This proved unsuccessful—the bishop refused to hear their complaints and bluntly informed them that he considered the vestry's authority legitimate. They then attempted a suit in the court of Chancery, which was only slightly more successful. The Lord Chancellor agreed to hear their complaints about irregularities in the parish accounts, but refused to rule on the legality of the churchwardens' election because the provisions for their election were specified by statutory law.⁶³ The vestrymen's opponents and their legal counsel accordingly drew up a bill encapsulating their demands and had it introduced in the House of Commons, which was then in session. The fight had moved into the highest court in the kingdom.⁶⁴

In early March, 1606/7, the Commons heard the bill read and perused the written arguments for and against submitted by both sides. Sussex MP Robert Bowyer recorded the arguments *pro* and *con* in his diary. The vestrymen had presented the Commons with a spirited justification of the institution and its powers. They agreed with their opponents that that decision-making authority lay ultimately with the householders of the parish, but argued that the parishioners also had the right to transfer that authority to thirty men of their own choosing. They did not explicitly argue that such a transfer was binding on the parish forever, admitting that it was a question “not yet decided.” Nevertheless, they pointed out that the vestry had been founded by the parishioners themselves, with the

⁶³ LMA, P92/SAV/792. A record of this case may be in TNA, C93, but due to time constraints I was unable to locate it.

⁶⁴ *CJ*, vol. 1, 339. The bill was titled “A bill for the strengthening, explanation, and enlarging of an act of Parliament...for the incorporation of six or four churchwardens, in the parish of St. Saviour's in Southwark.”

approval of the Bishop of Winchester, and it had run the parish for over 50 years without incident.⁶⁵

With regard to the bill's provision that the churchwarden's accounts be open for inspection, the vestrymen raised the specter of social breakdown, arguing that if "the multitude" were aware of the amount of cash and property the parish had at its disposal "many of the meaner sort would neglect their labor and choose to live on the common stock."⁶⁶ They also tried a variation on the same general theme of disorder, noting (in their opponent's paraphrase) that "popular meetings will breed confusion and is not safe, nor so good for the parish as is now used."⁶⁷

Considering that the bill only required that subsidymen be allowed to audit the accounts—a group that could scarcely be categorized as the "meaner sort"—it is clear that this argument was essentially a rhetorical strategy designed to stoke the Commons' fear of social unrest. Aside from these rather half-hearted efforts, however, it is striking how little the vestrymen's defense rested on the social anxieties usually taken as characteristic of parochial elites. They made no attempt to portray their enemies as the disorderly many, but rather consistently referred to them as "a few discontented persons" motivated "more upon spleen than cause."⁶⁸ According to the vestrymen, their foes amounted to little more than a handful of men dissatisfied at the pews assigned to them.

⁶⁵ Robert Bowyer, *The Parliamentary Diary of Robert Bowyer, 1606-1607*, David Harris Wilson, ed. (Minneapolis, 1931), 216-217. The vestrymen also argued that they maintained two preachers for the parish's benefit. This was rather disingenuous, as the two preachers were there as required by the founding statute and thus pre-dated the vestry.

⁶⁶ Bowyer, 217.

⁶⁷ LMA, P92/SAV/792.

⁶⁸ LMA, P92/SAV/790; P92/SAV/793, f.1.

Their leader was a newcomer to the parish who had married the widow of a former churchwarden and was angry that he had not been immediately invited into the vestry.⁶⁹

Moreover, the vestrymen claimed their government enjoyed popular support, stating that the “major part” of the parishioners were on their side. This claim immediately forced them into a somewhat awkward position. They cited a petition signed by 142 subsidymen on their behalf, noting that the remaining 53 “cannot show 30 that join with them, although they have, both by persuasions, threatenings, and most untrue suggestions, labored the most part of a year to draw the parishioners to join and set their hands with them.” This could only mean that the vestry’s opponents had been attempting to drum up support for their suit among the non-subsidy-paying parishioners. But while the vestrymen could point with satisfaction to their opponents’ limited success, they were at the same time forced to admit that their opponents were not simply “a few discontented persons” but included over a quarter of the parish’s wealthiest parishioners.⁷⁰

Clearly, then, the contest over the powers of the vestry of St. Saviour’s was not a clash between rich and poor parishioners, but a conflict among some of the community’s most affluent members. But the arguments advanced by both sides demonstrate the more significant point brought out in the previous chapter—that the oligarchic and popular principles inherent in parish government worked in tandem, rather than in opposition. On the one hand, both the vestrymen and their opponents laid claim to being the “better

⁶⁹ LMA, P92/SAV/793, f.2. This depiction of the vestry’s opponents as the factious few rather than the riotous, disorderly many is echoed in the defense mounted by the vestry of St. Katherine Cree against its internal opponents in 1636: “Some few of the meaner sort of the parishioners (but not the major part of them, as they believe) have dissented and been unwilling that the older sort of parishioners there, commonly called vestrymen, should....choose the churchwardens.” Lake, *Boxmaker’s*, 321. Apparently, it was important to point about that their opponents were not simply base, but a numerical minority.

⁷⁰ LMA, P92, SAV/793, f.1.

sort.” The vestrymen’s opponents did so explicitly, while simultaneously assuring their Parliamentary audience that, while in principle *all* parishioners had the right to participate in the election of churchwardens, they only wanted the right extended to the parish’s 200 subsidymen. The vestrymen, meanwhile, made a more subtle argument in favor of oligarchy. Speaking from a position of authority backed up by decades of precedent, they were content to murmur obliquely about the “confusion” inevitably resulting from popular elections, and of their fear that the “meaner sort” would lazily refuse to work if they became aware of the resources at the parish’s disposal. On the other hand, both sides found it essential to mobilize public opinion within the parish on their behalf, and shored up their case with repeated reference to the broad support their faction enjoyed within the parish.

A blend of oligarchic and popular principles was similarly reflected in the compromise bill that was subsequently proposed and passed by the Commons.⁷¹ This was an attempt to preserve the select vestry while broadening it to include a greater number of the wealthier parishioners in parochial decision-making. Under the bill’s provisions, the number of vestrymen would be expanded from 30 to 40, the ten new members all being £5 subsidymen. The vestry would continue to choose churchwardens from among its members, but now the two ministers were to have a vote as well, with the senior minister’s vote carrying the day in the event of a tie.

Even though it upheld the existence of the select vestry, the compromise bill also dramatically increased the amount of popular participation in parish government, well beyond the original desires of the vestrymen’s opponents. The ten new vestrymen would be chosen through a popular election in which all *householders*, rather than just

⁷¹ LMA, P92/SAV/450, 409v.

subsidymen, would take part. Each of the parish's two ministers would have a vote as well. The principle of co-option was also jettisoned—henceforth, if any vestryman died or moved away, his replacement would be chosen in the same manner. The times of vestry meetings were to be publicized in advance—even though non-vestrymen were not allowed to participate in decision-making, it was assumed that they would wish to exert informal pressure by the mere fact of their presence. Finally, the churchwardens' accounts would be open to inspection by all householders.⁷² Clearly, the burgesses and country gentlemen who sat in the Commons did not automatically support the claims of select vestries against those of the parish at large, even in parishes as notorious as Southwark, where fears of crime and disorder must have been as acute as anywhere in the kingdom.

Alarmed by this setback, the vestrymen redoubled their lobbying efforts as the bill progressed to the House of Lords.⁷³ In a written petition, they again accused their opponents of being “a few ambitious and seditious persons” who were now rubbing their hands at the prospect of being among the ten new vestrymen. They hinted again at the “great confusion” that would inevitably result from a general election involving “above 1,500 householders of all sorts, and most of them handicraftsmen and poor dwelling in alleys and by-places”—a prospect that apparently bothered the Commons not at all. At the same time, they reiterated the vestry's popular origins (it had been established “by the general consent of the whole parish” precisely to avoid such confusion), the longevity of its rule, and its confirmation by the Bishop of Winchester.⁷⁴

⁷² LMA, P92/SAV/790, 791.

⁷³ *LJ*, vol. 2, 513.

⁷⁴ LMA, P92/SAV/787.

Meanwhile, Elphinstone's suit against the churchwardens in the court of Exchequer was still dragging on, his lawyers attacking the vestry's legitimacy in much the same manner as the promoters of the bill. The churchwardens again responded that the parishioners' transfer of decision-making authority to the thirty vestrymen had been legal. It had been done not for any corrupt reason, but merely for convenience "in regard of the great number of parishioners." Not only that, but the vestry had the approval of the local bishop.⁷⁵

The barons' ruling could scarcely have satisfied either party. A few moved that even if the churchwardens' election had not met the terms of the original statute, the king's mere recognition of their ability to hold a lease made them a *de facto* corporation. This must have been encouraging to the vestrymen, although this opinion was not shared by the chief baron, Sir Lawrence Tanfield. But as to the question whether the churchwardens should be elected by a self-perpetuating oligarchy of thirty men or by a general assembly of householders, the court simply ignored the vestry's claim that the parishioners had transferred decision-making authority to its thirty members. Rather than rendering the churchwardens' election illegitimate, however, the court ruled that the gathering of the thirty vestrymen constituted nothing more or less than a legal assembly of parishioners which the rest of the parishioners might have attended and voted if they had so desired. Since they had not attended the meeting, and since they had not

⁷⁵ 145 *ER* 266[21 Lane]. It is impossible to tell from the report whether or not the Exchequer ruling was handed down before or after the vestry's opponents introduced their bill in the Commons, but given that none of the documents surrounding the bill mention the barons' decision, I have assumed that they gave it after the compromise bill was passed.

expressed any objection to the election of those particular churchwardens, the Exchequer ruled that the election was valid.⁷⁶

It is difficult to say which side would have been more disappointed by this ruling. As far as Elphinstone's suit was concerned, the decision was disastrous—it failed completely to invalidate the churchwardens' legal hold on the lease of the rectory. But the Exchequer barons had, in passing, undercut the vestry's claims to authority as well. In the court's eyes, the thirty vestrymen were not an exclusive body empowered to make decisions on the behalf of the wider community—they were merely a group of parishioners gathered together to discuss business and elect officers. “All the parishioners,” the reporter recorded “might by intendment of law have been present at the said election.” Between this ruling and the compromise bill now before the House of Lords, all the signs indicated that the days of unimpeded rule by the 30 vestrymen were at an end.

But nothing changed. The select vestry of St. Saviour's, when all was said and done, managed to retain its position. The Exchequer barons' ruling had at least blunted the threat from Elphinstone, and, although the suit fizzled on for a few more years, the vestrymen eventually rendered the question moot by having the churchwardens purchase the rectory outright.⁷⁷ But how was the vestry able to survive, given the opposition it faced in the House of Commons combined with a hostile ruling from the royal courts? Plainly, it did not owe its success to a simple collusion between local and national elites. The best explanation for its survival seems to be that the question of the vestry's powers

⁷⁶ 145 *ER* 266[21 Lane].

⁷⁷ The vestry made the decision to purchase the rectory on February 28, 1610/11, although it took several years to scrape together the necessary cash. LMA, P92/SAV/450, 432; Boulton, 142.

became linked to the broader conflict between episcopal and civil authority that dogged the first Jacobean parliament.

Three years earlier, the first parliamentary session had opened with Sir Edward Montague, a zealous puritan gentleman from Northamptonshire, criticizing the operation of the church courts and the Commons' subsequent creation, with the king's approval, of a special committee to study the issue. The tension between the lower house of Parliament and the bishops was evident from the outset. James accidentally outraged the Commons when he proposed a series of meetings between the committee and the Convocation, which seemed to indicate that the lower house of Parliament was equal in status to the assembled clergy of the realm, but inferior to the House of Lords, where the bishops also sat. This breach in protocol was smoothed over and the Commons agreed to meet with the bishops in Convocation only to have the talks abruptly terminated by the Archbishop of Canterbury, Richard Bancroft. Bancroft bluntly rebuked the representatives of the Commons for having interfered with the "liberties of the Church" and commanded the bishops to cease discussions with them. This unhappy exchange tainted the relationship between the bishops and many in the lower house. Thus rebuffed, some MPs, led by the arch-puritan Sir Frances Hastings, set about petitioning the king independently for the further reformation of the church, pointedly noting that "the bishops refuse to join with us." They also set up a subcommittee to study "all such precedents as have warranted this House to intermeddle with matters ecclesiastical," paving the way for future interventions in church business.⁷⁸ Such intermeddling could be risky. In 1605, Montague and Sir Richard Knightley petitioned James for the

⁷⁸ *CJ*, vol. 1, 235, 988-989; R.C. Munden, "James I and the 'growth of mutual distrust': King, Commons, and Reform, 1603-1604," in Kevin Sharpe, ed., *Faction and Parliament: Essays in Early Stuart History*, (Oxford, 1978), 66-72.

reinstatement of puritan ministers deprived of their livings—a trespass on ecclesiastical territory that enraged the king and nearly landed the two in prison. Nicholas Fuller, a lawyer and London MP who had already gained a reputation for outspokenness on religious and constitutional issues, was not so lucky. As the Commons' compromise bill regarding the St. Saviour's vestry was proceeding to the Lords, Fuller was busy denouncing the Court of High Commission, which would lead to his arrest and imprisonment later that summer.⁷⁹

In this highly-charged atmosphere, the bishops were likely to regard the Southwark bill, which severely modified the episcopally-confirmed select vestry, as a direct challenge to their authority over parish government. Over the course of James's reign, they became adept at blocking the Commons' threats to their jurisdiction and to clerical authority generally, putting aside their considerable personal and doctrinal differences in order to do so. Furthermore, Bancroft—a particularly jealous guardian of episcopal privilege—was the chair of the committee appointed to read the bill.⁸⁰ An astute manipulator of parliamentary procedure, the Archbishop killed many bills over the course of his career simply by never convening the committees assigned to hear them.⁸¹ It is almost certain that he quietly disposed of the Southwark bill in the same manner.

The vestrymen of St. Saviour's were certainly aware of the issues at stake and did all they could to ensure the support of their own bishop, the bishop of Winchester. They sent him a gift of two gallons of sack a few months after Elphinstone lodged his suit against them in the Exchequer, and, shortly after the bill was introduced in Parliament, they sought an audience with him to get his advice “touching the discontent of those who

⁷⁹ *ONDB*, s.v. Sir Edumand Montague and Nicholas Fuller.

⁸⁰ *LJ*, vol. 2, 513.

⁸¹ Kenneth Fincham, *Prelate as Pastor: The Episcopate of James I* (Oxford, 1990), 62-64.

hold the election of churchwardens to be unlawful.”⁸² Presumably they followed his advice when they composed their petitions against the bill. Whether they did or not, the vestrymen took every opportunity to emphasize that the bishop had confirmed their authority, their willingness to abide by the bishop’s rulings, that they had presented their accounts in the bishop’s court, and, pointedly, that the compromise bill before the Lords “clean excluded their Lord Bishop” from being able to arbitrate any future disagreements within the parish.⁸³ No argument could have rallied the Jacobean episcopate to their cause more effectively.

It is possible that the conflict surrounding the vestry of St. Saviour’s was driven partly by sectarian divisions within the parish that are invisible in the records. The parish had a reputation for puritanism in the early seventeenth century and it is possible that the bishops thought it better to support an avowedly pro-episcopal vestry rather than risk empowering the general body of parishioners.⁸⁴ The fact that the bishops chose to uphold the *status quo* rather than support a bill that would have given St. Saviour’s two ministers a greater role in parish government further supports this theory. If so, then the Commons’s bill emasculating the vestry was indeed another jab at ecclesiastical power, paralleling those made by Montague and Fuller.

As we shall see in Chapter Six, bishops did not reflexively back up oligarchic select vestries—they backed them up when they felt their own authority was at stake.⁸⁵ This was a sword that could cut both ways. The relationship between episcopal and parochial authority was a loaded issue and by the 1630s bishops were becoming

⁸² LMA, P92/SAV/450, 392, 400.

⁸³ LMA, P92/SAV/787.

⁸⁴ For the parish’s puritan reputation, see Boulton, 284.

⁸⁵ And see also Merritt, “Contested Legitimacy,” 37-45 for increasing episcopal skepticism regarding select vestries in the late 1620s and 1630s.

increasingly suspicious of select vestries, which they feared might be incubating presbyterian notions about church elders. In 1634, the select vestry of St. Mary Abchurch got short shrift from the bishop's chancellor when he discovered that it was operating without episcopal permission. The chancellor ruled that the vestry had usurped its authority illegally and confirmed the right of all rate-paying parishioners to elect parish officers.⁸⁶ Similarly, when a group of disgruntled parishioners petitioned against the select vestry of St. Katherine Cree in the Court of Arches in 1636, they claimed that it had been established without the consent of the bishop.⁸⁷

Controversies regarding vestries are a useful source of information regarding early modern Londoners' ideas regarding parochial political authority in a time of unprecedented social and economic stress. It is clear that, between 1550 and 1625, groups of wealthier parishioners greatly strengthened the exclusionary tendency always latent in parish government by obtaining bishops' faculties that officially restricted decision-making power to a select number of householders. Yet, while many historians have taken this development to be evidence of a general, unidirectional trend towards oligarchy, the example of the select vestry of St. Saviour's demonstrates that such an interpretation is an incomplete and misleading characterization of the political ideas that were undergirded early modern parish government. Historians' focus on the wording of bishops' faculties has led to the perception that select vestries were established by

⁸⁶ LMA, DL/C/343, f. 106. It would be interesting to know how this select vestry justified its authority, but only the chancellor's decision is recorded. Since St. Mary Abchurch was a much smaller and rather more upscale parish than St. Saviour's, Southwark, playing on fears of instability probably would not have received a sympathetic hearing. In 1638, of 109 householders, 22% paid over £20 annual rent, 45% paid between £11 and £20, 27% paid between £6 and £10, and only 15% paid less than £5. Kissack, 15. Only two years after the select vestry was declared illegal by the bishop's chancellor, the parishioners would claim to Bishop Juxton that their parish had always been governed by a general assembly, as though the select vestry had never existed. LPL, CM/VII/8.

⁸⁷ Lake, *Boxmaker's*, 319-320.

parochial elites in collusion with bishops in order to keep the throngs of disorderly poor away from the levers of power. But the case of St. Saviour's tells a different story: rather than an oligarchic political culture eclipsing a more popular one, we see a political culture in which both oligarchic and popular ideas had purchase. Throughout the conflict, *both* sides appealed to the principle that parochial government was the business of all rate-paying householders—a principle articulated in both ecclesiastical and secular law and normative throughout the kingdom. Elphinstone's lawyers knew that the vestry's violation of this principle was its Achilles heel and the vestry's opponents within the parish consistently referred to themselves as "the parishioners" in order to emphasize the broad basis of their support. But each side also found themselves impelled to appeal to the set of ideals opposite from what we might expect. It was the vestrymen who emphasized the broad basis of their support most often (in order to counteract their opponents' depiction of them as corrupt and unaccountable), while their opponents styled themselves the "better sort" and called for the election of churchwardens by all subsidymen, rather than all parishioners (in order to stave off the accusation that the select vestry's abolition would result in disorder). The bill proposed by the Commons, meanwhile, tried to square this circle. Designed to mollify the vestry's prosperous opponents by giving them the chance to become vestrymen themselves, it upheld the principle of rule by the few. Yet at the same time it would have greatly expanded the scope of participation in parish government by allowing all householders to elect the new vestrymen, attend vestry meetings, and to inspect the parish's financial records.

St. Saviour's, Southwark—enormous, crowded, urban—had little in common with the majority of English parishes. However, as discussed above, institutions that closely

resembled select vestries could be found from place to place in rural communities as well. Our focus accordingly now shifts to eastern Cornwall, to a parish that was controlled for much of the seventeenth century by a tiny circle of parishioners known collectively as the “Eight Men.” Their rule, like that of the St. Saviour’s vestry, did not go uncontested and the dispute also became a contest between oligarchic and participatory visions of parochial decision-making. At the same time, it developed into a clash between the customary authority of the Eight Men as representatives of the parishioners, and the seigneurial authority of a prominent local landholder who proved adept at mobilizing popular opinion in support of his own ends.

Case Study 2: Antony, Cornwall

In 1670, the parish of Antony, a community of between two and three hundred souls situated on the eastern edge of Cornwall, faced a crisis that divided the parishioners into two camps.⁸⁸ On one side were those who supported a group known as the Eight Men. The Eight Men, or “governors” as they called themselves, claimed from ancient tradition the exclusive right to “order, direct, or govern the affairs, business, and concerns” of Antony. They argued that they had right to levy rates, appoint parish officers, and to inspect and approve their accounts. They asserted that they had the authority to determine who sat where in the parish church “according to their degrees and quality,” thus making themselves the arbiters of the parish’s social hierarchy. And,

⁸⁸ The documents of this case can be found at TNA, E 134/21 Chas 2/East 15. The vicar of Antony estimated there were about 200 persons present at church the memorable Sunday morning in 1640 when lightning struck the steeple. Arthur Bache, *The Voice of the Lord in the Temple* (London, 1640), 9. See also Jonathan Barry, “Population Distribution and Growth in the Early Modern Period,” in Roger Kain and William Ravenhill, eds., *The Historical Atlas of South-west England* (Exeter, 1999), 111.

crucially, they claimed that if any of their number died or moved away, the remaining seven were empowered to select his replacement.

Another group of parishioners rejected every one of these assertions. While they accepted the legitimacy of the Eight Men's leadership role in principle, they argued that choosing officers, raising and spending money, determining seating arrangements in the church, and replenishing the number of the Eight Men could only be accomplished "by the consent of the parishioners." Their objections to the Eight Men's claims were summed up by their refusal to refer to them as "governors." The Eight Men, in this interpretation, were not a ruling body but merely an executive committee selected for convenience's sake to manage parish affairs—*primi inter pares* perhaps, but certainly subject to the authority of the parish generally and required to seek the approval of the parishioners before undertaking any action of consequence. In essence, then, the conflict pitted the supporters of an oligarchical conception of political power against a group arguing that such power properly rested with a more broadly-based assembly.

This alone would be interesting, but the dispute was more complex than that. The Antony case also shows both how oligarchy could be used as a counterweight to seigneurial influence, and how a popular conception of parish politics could be mobilized by a powerful member of the parish. The dispute that split the parish cannot be ascribed to poorer ratepayers revolting against an oppressive parish elite. In 1670, the Eight Men (their numbers having dropped to only six) consisted of two gentlemen, one an impoverished member of the county gentry, and four yeomen farmers.⁸⁹ The Eight Men's opponents, the defendants in the suit, were the parish vicar, the two

⁸⁹ The impoverished gentleman was William Bidlake. His father's staunch support of Charles I led to the sequestration of his estates and the financial ruin of the family during the 1650s. J.H.B. Wollocombe, "The Bidlakes of Bidlake," *Devon and Cornwall Notes and Queries* 3 (1905): 247.

churchwardens (both yeomen farmers), and a merchant, all of whom had the moral and financial support of Sir John Carew, baronet of Antony, and member of Parliament for the county. This was hardly a bunch of social outsiders attacking their betters in order to become insiders.

The Eight Men, in their own eyes, were for all intents and purposes a select vestry but they did not owe their position to a bishop's faculty as was common in metropolitan parishes. The existence of a committee of eight men can be traced back at least to 1496. In that year, a man named Thomas Woldson left two tracts of land to the parish, the proceeds of which were to be used for "maintaining and sustaining" the parish church. The land was to be administered in perpetuity by eight feoffees. When one of the eight died, the remaining seven were to select a replacement. Woldson did not mention "the Eight Men" but instead listed eight individuals by name. It seems reasonable to hypothesize, therefore, that these eight did not yet have a coherent identity.⁹⁰

Over the following century, the eight feoffees only gradually accumulated additional responsibilities to that of administering Thomas Woldson's bequest. There is no mention of them in the parish records which survive from the 1530s through the 1570s, which record the churchwardens delivering their accounts "to the whole parish."⁹¹ In 1580, it the collectors for the poor "brought in and delivered to the Eight Men £3 19s.," but such entries are rare. In the same year it was also recorded that the executors for a deceased parishioner's estate "will make an account to the whole parish."⁹² On the

⁹⁰ The Latin deed (Cornwall R.O., P7/25/1) states that Woldson's land would go to the eight individuals and "to their heirs and assigns in perpetuity." The English document that accompanies it, however, (P7/25/2) states, "I [that is, John Woldson] will that whosoever of all my deed's feoffees that shall fortune to survive all the other feoffees that be here named, they shall make escrow of the foresaid lands in likewise to eight other good men to perform and fulfill my debt..."

⁹¹ Cornwall R.O., P7/5/1; P7/12/4.

⁹² Cornwall R.O., P7/5/1, fos. 48, 51.

whole, the parish records prior to the mid-1580s provide scant evidence that the Eight Men had assumed the powers that their successors were later to claim.

Further bequests, however, seem to have strengthened the Eight Men's institutional coherence. A deed from 1603 left a piece of land and two cottages to "the Eight Men of the parish of Antony" as a feoffment for the relief of the parish poor.⁹³ Their prestige and authority increased as well. This was apparent in the proceedings recorded in a second book of parish accounts and memoranda running from 1582 to 1637, which was central to the Eight Men's argument in 1670. This book has since disappeared—as we shall see—but it clearly contained evidence of the Eight Men levying church and poor rates, approving parish officers' accounts, choosing parish officers, and determining parishioners' rights regarding pews. One entry, titled "An order taken by the Eight Men for the government of the parish" seems to have been particularly crucial to the Eight Men's later assertion that they and they alone wielded all decision-making authority.⁹⁴

One parishioner later claimed that this entry was in the handwriting of Richard Carew, the famous antiquary, squire of Antony, and justice of the peace. It is impossible to tell if his claim was true, but from what can be divined from the admittedly scanty evidence, the relationship between the Eight Men, and the Carew family was reasonably amicable in the first few decades of the seventeenth century. The parish undertook an ambitious pew-remodeling project in the 1630s without any evidence of the "broils over seats" that plagued many other parishes. The Carew family claimed the north aisle for

⁹³ Cornwall R.O., P7/25/3.

⁹⁴ This gradual accumulation of powers by the feoffees of Woldson's bequest supports Kümin's theory that parishes which derived a significant portion of their income from lands and rents tended to have more oligarchic governing bodies. Kümin, *Shapting*, 120.

his family and agreed, in exchange, not only to pay double the pew rent but also to construct a seating gallery at his own cost to accommodate the displaced parishioners. To codify the new seating arrangements and to avoid future disputes, the Eight Men drew up a new seating chart when the project was completed. That the Eight Men were able to take on such a potentially contentious project without provoking conflict is a measure of the prestige and authority they wielded during the 1630s.⁹⁵

But the concord between the Eight Men and the Carew family was not to last. In 1640, Richard Carew (the son of the older Richard, and soon to be baronet of Antony), approached the Eight Men while they met around the communion table discussing parish business. Carew had come to intercede on the behalf of one of his retainers, who was in some kind of trouble. When he stated his business, one of the Eight Men, a gentleman named Oliver Deeble, told him that he had come to speak on behalf of a thief and a quarreling knave, and that “he had nothing to do there, more than the poorest man in the parish.” Carew, as we might imagine, “went away very much displeased.”⁹⁶ The working relationship between the Eight Men and the Carews that was able to impose a new seating order on the parish without incident—no mean feat—was eroding. The Eight Men, meanwhile, had demonstrated their ability to defy the most important man in the parish.

This incident can be seen as the high point of the Eight Men’s power. Sir Richard Carew, already ill, died a few years later, and his son Alexander was by then too heavily involved in the Parliamentary cause to devote much energy to a parochial feud. After

⁹⁵ For “broils over seats,” see S.R. Gardiner, ed. *Reports of Cases in the Courts of Star Chamber and High Commission* (London, 1886), 140. For a few examples of how the drafting of a parish seating chart, which attempted to codify the parish hierarchy, could sow conflict among the parish gentry and yeomanry, see Marsh, “Order and Place,” 9, 12-17.

⁹⁶ TNA, E 134/21 Chas 2/East 15 (Testimony of Pascoe Neidler).

his execution in December 1644, his son John became the head of the Carew family at the age of ten.⁹⁷ During his minority, the Eight Men, judging again from the scanty documentary record, ran the parish without opposition. However, the Eight Men as a coherent body seems to have broken down in the mid-1650s. Some of the senior members of the group grew old and retired from parish business. Oliver Deeble, who so memorably ejected Sir Richard Carew from their meeting, passed away in 1656.⁹⁸ None of these men appear to have been replaced and by the late 1650s, only three of the Eight Men remained.⁹⁹

On the one hand, this might be construed as the continued concentration of political power in fewer and fewer hands. What is striking, however, is the reluctance of these three to seize the reins. One of these men later testified that, in his opinion, the power of the Eight Men effectively expired during this period, since replacing a member required a majority vote which was no longer possible since the majority of the Eight Men were dead. This was a point of some controversy, but it is clear that, for all practical purposes, the Eight Men as a governing body had ceased to exist by the late 1650s. The parish book which contained the “order taken by the Eight Men for the government of the parish” disappeared. The parish oligarchy had simply died out.

This would be the end of the story if it were not for a gentleman named Pascoe Neilder. Neilder had never been one of the Eight Men but he started a campaign to

⁹⁷ For Carew’s illness, see Bache, 7. For the career of Sir Alexander Carew, second baronet of Antony, see *ONDB*, s.v. Alexander Carew. For the dates of Sir John Carew’s birth and death, see George Edward Cokayne, ed., *The Complete Baronetage*, vol. 2 (Gloucester, 1983, reprint), 102, 126.

⁹⁸ Joseph Polsue, *A Complete Parochial History of Cornwall*, vol. 1 (Truro, 1867), 26. Oliver Deeble seems to have been a particularly influential personality. When lightning struck the church in 1640, he and the vicar together calmed the panicked congregation “with Christian comfortable words.” Bache, 6.

⁹⁹ This would appear to have violated the original terms of the feoffment, but this issue was never raised in the 1670 Exchequer case. Presumably, the income from the parish lands (Woldson’s bequest and the bequest from 1603) continued to be collected by the parish officers.

resurrect the institution, with himself as one of the members. Neilder's effort to resuscitate the parish's select vestry was probably motivated by a land dispute he was prosecuting against Sir John Carew, the third baronet of Antony, who had by now reached his majority.¹⁰⁰ As we have seen, the Eight Men had been able to defy the Carew family in the past—the humiliating rebuff they had dealt Sir John's grandfather was still being talked about.

By arguing that the retired members had in fact nominated other men to succeed them prior to their deaths, he and his supporters were able to maintain that the continuity of the Eight Men's authority had never been broken. Neilder's project, however, hit a snag. When he and his six supporters held their first official meeting they invited an elderly yeoman farmer named Richard Rundle to join them. Rundle was the one remaining member of "the ancient Eight Men,"—that is, of the Eight Men prior to their decay—who, at sixty-six, was still young enough to take an active role in parish life. Having him as one of their number would have given the new Eight Men far greater legitimacy. But Rundle refused to come. Instead, he bluntly demanded to know "by what power they did act?"¹⁰¹

It was a very palpable hit. The discomfiture felt by the seven members of the resurrected select vestry can be clearly seen by the fact that, instead of ignoring him, they ejected him by a formal vote. There was a certain absurd quality to this—Rundle, after all, had refused to have anything to do with them in the first place. Nevertheless, it seems that the new Eight Men succeeded in overcoming this embarrassment, at least initially.

¹⁰⁰ The *Calendar of Treasury Books* records a petition from Pascoe Neilder, dated 1660, for the lease of a tenement in the manor of East Antony. Sir John Carew was the lord of the manor. William A. Shaw, ed., *Calendar of Treasury Books, Volume 1: 1660-1667* (London, 1904), 32.

¹⁰¹ TNA, E 134/21 Chas 2/East 15 (Testimony of John Brusey).

Until the mid-1660s, they acted for all intents and purposes as a select vestry, levying rates, approving expenditures, drawing up a new seating chart for the parish church, and appointing parish officers.

It is not clear what exactly brought matters to a head. It may have been Pascoe Neilder's continued land dispute with Sir John Carew. It may have been the new seating chart—by the late-1660s, certainly, the Eight Men and Sir John were butting heads over the Carews' right to the north aisle of the church.¹⁰² There may have been other issues at stake. The parish vicar was overheard to speak “opprobrious and scandalous words” about the Eight Men, remarking that he would do anything to destroy their power, but the reasons for his animosity remain obscure. But by 1666, the Eight Men faced an open revolt. The churchwardens for that year drew up a rate without the Eight Men's approval and a total of twenty-three parishioners signed it, including Richard Rundle, the vicar, and Sir John Carew, whose signature headed the list. This was a deliberate challenge to the authority of the “new Eight Men”¹⁰³ and there is little doubt that Sir John was at least partly behind it. One of the Eight Men, a butcher, came to Pascoe Neilder with tears in his eyes, telling him pathetically that the baronet had personally upbraided him for refusing to sign, and called him “rebel.” He eventually buckled under the pressure and was accordingly ejected from the Eight Men for acting “contrary to the trust reposed in him.”¹⁰⁴

By levying a rate without the Eight Men's approval, their opponents were staking out an ideological position—that the ultimate decision-making authority rested with the

¹⁰² Pascoe Neilder says that this conflict occurred “two or three years ago” (i.e. in 1667 or 1668).

¹⁰³ Pascoe Neilder said that it was intended to “alter or overthrow the ancient customs of the parish.”

¹⁰⁴ Two of the Eight Men did sign the rate, probably bowing to the same kind of pressure. One later made his peace with Pascoe Neilder and was one of the complainants in the Exchequer case. The other was ejected “for that he went about to destroy and overthrow the customs of the said parish.”

parishioners as a whole. The Eight Men, according to this argument, had never been able to act alone. Rather, their decisions had had force only if they were also approved of “by the parishioners.” They grounded this position in parochial custom as preserved in the memories of the “ancient men” of the parish. The testimony of Richard Rundle, who, as we have seen, had actually been a member of the Eight Men in the 1640s, was probably particularly crucial.

It was in this politically charged atmosphere that the parish book from the early seventeenth century, which had been lost for nearly twenty years, resurfaced. Its record of the Eight Men’s doings when the vestry’s power was at its zenith, and especially the “order taken by the Eight Men for the government of the parish,” gave an enormous boost to Pascoe Neilder and his supporters. Based on their reading of what they reverently called the “ancient book,” the new Eight Men began to style themselves “governors” of the parish and advanced an expansionist theory regarding their powers—claiming the right to manage the parish’s affairs without any input from ordinary parishioners, who might attend meetings of the Eight Men but had no “voice or vote” in the proceedings.

The book’s discovery knocked the wind out of the new Eight Men’s opponents. They did their best to discredit its contents, contemptuously calling it “an old, ragged book” and insinuating that certain pages had been deliberately torn out or defaced. Richard Rundle said that he wished it had been burned. Not surprisingly, someone broke into the parish chest and stole it. Furious, the Eight Men sued the vicar and the two churchwardens (the same two who had levied the controversial rate) in the court of Exchequer, demanding the book’s recovery and the court’s confirmation of the Eight Men’s powers.

It is very unlikely that the Eight Men got their wish. The barons of the Exchequer dismissed their bill of complaint and the subsequent collection of testimony centered solely around determining the location of the book, which was almost certainly a fruitless effort. Reading between the lines, it appears likely that the attempt to re-impose a select vestry on the parish had been defeated.

On the one hand, this looks like a victory for those parishioners who had argued for a participatory style of communal decision-making. Contrary to the Eight Men of the 1660s, who claimed that power resided with them and them alone, the opponents of Pascoe Neilder had consistently maintained that the Eight Men had always been simply a sort of steering committee and that final authority in the parish had always rested with a general assembly of householders called together in a public forum. Before we celebrate the return of democracy to Antony, however, we should also note that the barons' decision was also a victory for Sir John Carew, the most powerful and politically connected man in the community.

Conclusion: Oligarchy and Popularity

The continuing importance of participation or at least approbation by all householders is a theme in both of these case studies—a fact that calls the conventional depictions of select vestries into question. Even in parishes with explicitly oligarchic constitutions, the principle of householder participation was still powerful and, in some cases, could persevere against the power wielded by an exclusive set of parishioners. Pascoe Neilder, the most vocal defender of the Eight Men's powers, admitted that even in the 1630s, when their authority was at its peak, ordinary parishioners still attended the

elections of parish officers and the annual audit of their accounts. Much of the dispute might even be attributed to competing memories of how such meetings operated. If the Eight Men's authority was generally uncontested, or if the Eight Men took care to govern within generally-accepted norms, the line between oligarchic and popular rule in Antony would have been all but indistinguishable in actual practice. If this were the case, then it was only in retrospect that there came to be a clash between competing notions regarding the source of political power. In St. Saviour's, Southwark, the boundaries of political participation were more sharply defined. Nevertheless, both the vestrymen and their opponents felt the need demonstrate that their position commanded the support of the majority of the householders of the parish.

Evidence of governing oligarchies appealing to the wider community for support appears occasionally in other parishes, particularly when thorny issues were being tackled. The Essex parish of Braintree, to take one example, had been governed by a select vestry at least since the mid-1550s and the efficiency of the "Company of the Four-and-Twenty," reflected in its meticulously recorded minutes, impressed even the Webbs, who were predisposed to see ineptitude and incompetence in "unreformed" local government. Yet, when the clothing trade bottomed out in 1625, the members of this coherent and self-confident body consulted with all the clothiers of Braintree regarding the proper course of action. When this proved inadequate, they called a second meeting "of all the chief inhabitants of the town to confer of some course to be taken to set the poor to work in this hard time."¹⁰⁵ In the same year in the parish of Goosnargh, Lancashire, an acrimonious dispute over church rates was settled through at a meeting attended by all householders—this in a township ostensibly ruled by a self-perpetuating

¹⁰⁵ Emmison, *Essex Town Meetings*, 31-33.

clique of 24 gentlemen and yeomen. After the meeting, the new table of rates was displayed in the church “to the end that whosoever pleaseth may peruse and examine the same” and appeal if he felt himself unjustly taxed.¹⁰⁶

This blend of oligarchic and popular principles was sometimes formalized in metropolitan parishes that on paper were governed by select vestries. The bishop’s faculty authorizing a select vestry in St. Dunstan’s-in-the-West contains the usual alarming rhetoric about popular assemblies being overrun by the “evil disposed” and the “inferior and meaner sort.”¹⁰⁷ Yet in practice the newly established select vestry shared power with the traditional, more broadly-based assembly. A survey of London parishes from 1636 indicates that similar arrangements existed in St. Botolph’s Aldersgate, St. Olave Hart, St. Augustine, St. Giles-in-the-Fields, St. Albans Wood Street, St. John Baptist-upon-Walbrook, St. Stephen Coleman Street, and St. Michael’s Crooked Lane.¹⁰⁸ The records of the Surrey parish of Richmond also show that the general assembly of

¹⁰⁶ Fishwick, 57-59. Fishwick provides all original documents verbatim. The Goosnargh church rate was adjusted in similar fashion five years later. 68-69.

¹⁰⁷ LMA, DL/C/338, fos. 14v.-15v; LPL, FP/Lowth/1, fos. 109-109v.

¹⁰⁸ At St. Dunstan’s, parish business had previously been conducted at a meeting of all parishioners who had previously served in parochial offices down to and including that of the “scavengers,” who were responsible for seeing that the streets were swept. After the establishment of the select vestry, this assembly continued to deal with “all temporal affairs” (presumably including poor relief) while the select vestry dealt with matters specific to the church, including choosing the churchwardens. St. Botolph Aldersgate had a similar division of labor, although here temporal officers like constables and scavengers seem to have been chosen separately by ward. At St. Olave Hart the select vestry chose the churchwardens and the broader assembly the overseers of the poor, but there the broader assembly also had ultimate responsibility for repairing and maintaining the church. At St. Magnus-the-Martyr, the general assembly had responsibility for the church while the select vestry controlled the distribution of poor relief. In contrast, at St. Giles-in-the-Fields most affairs, including the election of officers and levying poor rates, were handled by the select vestry, but expensive projects like renovating the church were handled by an assembly of all ratepayers. A similar system seems to have prevailed at St. Michael’s Crooked Lane, although here a general assembly also chose churchwardens annually. At St. Augustine the division of responsibilities was ambiguous: the response to Bishop Juxton’s enquiry cryptically states, “We have a selected vestry. But have done (and still do) time out of mind order all the business of our parish by a general meeting of our minister, and parishioners at a vestry.” LPL, CM/VII/4-6, 18-19, 28, 41, 50, 80, 104, 109. For St. Stephen Coleman Street, see Keith Lindley, *Popular Politics and Religion in Civil War London* (Aldershot, 1997), 56

parishioners continued to meet occasionally even after the establishment of a select vestry by bishop's faculty in 1615.¹⁰⁹

Scattered evidence suggests that where such arrangements did not exist, parishioners might exert pressure on select vestries through informal means. In 1669, an unknown individual recorded the "ancient custom" of St. Margaret, Westminster where, on the Thursday before Whitsun, the parishioners, summoned by the tolling of the church bell, gathered in the church to watch the churchwardens present their accounts to the select vestrymen. After this, the vestrymen retired to a separate room to select new churchwardens, emerging to announce their choice to the assembled company. The churchwardens of St. Anne and Agnus Aldersgate likewise presented their accounts to a select vestry but "in public audience of the whole parishioners."¹¹⁰ In both cases, ordinary householders were excluded from decision-making, yet their physical presence at the annual audit symbolically demonstrated that the vestry was accountable to the community at large.

But even if the participatory and oligarchic ideals operative in parish governance could reinforce each other, the tension between the two was always present. It is axiomatic among historians that the oligarchic ideal sometimes overcame the participatory; less well-known is the fact that, as in Antony, oligarchies could break down. The parishioners of St. Bartholomew Exchange agreed to establish a select vestry of 24 members in 1605, but the parish book records considerably more than that number

¹⁰⁹ Webbs, 219-220.

¹¹⁰ Webbs, 248; LPL, CM/VII/107. With regard to the St. Margaret's example, however, it must be admitted that when the parishioners waiting outside attempted to elect their own churchwardens in 1667, the courts sided with the select vestry.

attending subsequent parish meetings.¹¹¹ St. Katherine Cree was governed by a select vestry established by bishop's faculty in 1622 but by 1640 the parish householders were again meeting in general assembly.¹¹² In the late 1680s, the select vestry of Braintree, mentioned above, lost its monopoly on power when the number of vestrymen dropped below the traditional twenty-four. For the rest of the century decision-making authority shifted between select vestries and general assemblies until a restored version of the select vestry was toppled for good in 1714 by a crowd of ratepayers chanting "no four-and-twenty, no four-and-twenty."¹¹³ Such examples have been largely neglected by a historiography focused on a unidirectional "tendency towards oligarchy," but their existence indicates the resilience of the principle that all ratepaying householders had a right to participate in parish government. The perennial strength of this principle across the early modern period meant that select vestries were always vulnerable to attack by those parishioners who were able to mobilize a large number of supporters.

Historians who study early modern local government have a tendency to assign grades—we applaud when we find evidence of broadly-based participation, and we are censorious when we find evidence of oligarchy. But such an approach is inadequate for understanding the realities of early modern parish government. While this chapter has shown that while we should not exaggerate the oligarchic aspect of parish politics that select vestries embodied, neither should we delude ourselves in thinking that attacks

¹¹¹ Freshfield, ed., *The Vestry Minute Books of the Parish of St. Bartholomew Exchange* (London, 1890), 53, *passim*. This select vestry was re-established by a faculty from the bishop of London in 1662, but documents from the early eighteenth century state that parish meetings were attended by all ratepayers. LMA, DL/C/344, f.205-207; TNA, DEL 1/336, f. 101.

¹¹² Lake, *Boxmaker's*, 320.

¹¹³ Circumstantial evidence from the parish book implies that sectarian divisions may have had a role in the vestry's inability to maintain the necessary twenty-four members and, therefore, in its decline. A memorandum from 1686 states that "no different opinion in matters of religion of any member of the said company should be an objection for his not remaining a member." H.R. French, *The Middle Sort of People*, 125-126.

against them, successful or unsuccessful, were spontaneous upwellings of the popular will. The case studies here seem to demonstrate that select vestries were most vulnerable to attacks from the wealthier men who were not among their members. These men were able to use the legally-recognized principle of participation by all ratepayers as a weapon with which to attack the institution that denied them a role in parish government. Thus, the excluded subsidymen of St. Saviour's, Southwark, Sir John Carew of Antony, and their allies all argued that decision-making power rested with an assembly of householders, mobilizing popular opinion against the legitimacy of the parish oligarchies.

How did they actually mobilize popular opinion? How did they convince parishioners to confront the established power of the vestrymen—to sign the petition or the unsanctioned rate, or to provide evidence against them in court? Unfortunately, the surviving records tell us little. Of course, the other ratepayers may have needed little convincing. They may well have welcomed the opportunity to have a say regarding how much they would have to pay in local taxes, and to inspect the parish accounts to ensure that their money was not being wasted or stolen. But Sir John Carew's browbeating of the unfortunate butcher of Antony poses questions about how free ratepayers were when deciding which side to support. Did the butcher cave in simply because of the discomfort he felt about opposing a social superior, especially when subjected to a personal verbal attack? Or was Sir John able to bring some financial pressure to bear on the man as well? Either way, the incident raises the uncomfortable likelihood that drumming up opposition to select vestries was not only a matter of convincing parishioners to reclaim their traditional liberties, but could also be accomplished by intimidation. The vestrymen of St. Saviour's, we may recall, complained that their opponents had used "persuasions,

threatenings, and most untrue suggestions” to stir up animosity against them. And, although the records of these two cases do not mention it, it is probable that select vestries used their considerable powers to convince parishioners to see things their way as well.¹¹⁴

This possibility, in turn, begs the question whether the householder assemblies discussed in the previous chapter were not dominated by wealthier parishioners. In his testimony, another of the Eight Men’s foes remarked in passing that, traditionally, other parishioners “of estate” had their say in decision-making.¹¹⁵ He may have been trying to assure the barons of the Exchequer that quashing the Eight Men’s pretensions would not usher in mob rule, or he may have simply have been referring to all parishioners who held real property and therefore paid rates. However, the comment also hints at the deferential impulse embedded in the participatory model. Pascoe Neilder and his allies, on the other hand, might preeningly have called themselves “governors”—yet the fact that their primary motivation in re-establishing the Eight Men as an institution was to reestablish a counterweight to the Carews’ seigneurial authority suggests that, in their absence, open assemblies in Antony tended to defer to the parish’s leading family.

Both this chapter and the previous one have dealt primarily with the issue of participation, asking what proportion of the parishioners had a role in the governance of their communities. The conclusion of both has been—from a modern, democratic perspective—rather positive. Ordinary householders, thanks to their financial obligations

¹¹⁴ In Ian Archer’s opinion, the low number of legal challenges to select vestries during the 1600s implies that they “usually allowed for a degree of participation by the middling sort sufficient to contain controversies” and were subject to pressure from below. His speculation that vestrymen may have been influenced by their employees and tenants is tenuous, and Archer freely admits that these ties may also have been a means of control. Archer, 71-73.

¹¹⁵ NA, E 134/21 Chas 2/East 15 (testimony of John Brusey).

toward the parish, had a legal right to take part in decisions about taxation, expenditure, and the like. Parish constitutions that were explicitly oligarchic could be challenged with reference to these legally-recognized principles. Of course, if it was elite parishioners who, on occasion, waged campaigns against select vestries—as the St. Saviour’s and Antony examples indicate—then perhaps it follows that such parishioners expected to dominate parochial assemblies open to all householders. But if “threatenings” were sometimes called for, “persuasions” were also necessary, and the mere fact that both were required, even in parishes that were controlled by a narrow, officially-recognized elite, demonstrates again the importance of raw numbers in parochial decision-making.

Taking the evidence presented in this chapter and the last together, then, we can at least speculate as to how parish politics worked in practice. Majorities mattered—the collective voice of the ratepayers could overpower that of a wealthier parishioner. But material realities mattered as well—we should never forget the influence that landlords wielded over tenants, or (perhaps even more important) that creditors wielded over debtors. The harsh facts of early modern life made it extremely difficult for poorer parishioners to defy the richer *en masse*, so long as the richer stuck together. Yet evidence from a number of different sources shows that the upper socio-economic echelons of parish society were rarely a unified front. First, starting in about 1570, yeoman and wealthier husbandmen sued one another in ever-increasing numbers in the central courts at Westminster.¹¹⁶ In the ecclesiastical courts, meanwhile, the parish gentry, yeomanry, and richer husbandmen fought over desirable church seats as they

¹¹⁶ C.W. Brooks, *Pettyfoggers and Vipers of the Commonwealth: The “Lower Branch” of the Legal Profession in Early Modern England* (Cambridge, 1986), 52-57, and Chapter 5, esp. 95-96.

struggled to maintain their place in the physical arrayal of the communal hierarchy.¹¹⁷ Finally, the religious divisions of the age also frequently pitted parish elites against one another.¹¹⁸ We are reminded again of the Swallowfield articles, their dogged insistence on harmony and neighborliness implying a history of infighting among the community's chief inhabitants.

The examples of St. Saviour's, Southwark and Antony likewise imply that contests for political authority in early modern parishes were often not between richer and poorer parishioners, but were instead between the chief inhabitants themselves. But since majorities mattered (not to mention the collective opinion embodied by the "common fame") the chief inhabitants needed the smaller ratepayers to support them when they butted heads. This was especially true when external authorities were called upon to mediate such disputes and it became necessary for parish elites to be able to portray their actions as having popular support. Parish politics has generally been portrayed as an affair in which a small elite held sway over the rest or—more positively—as a proto-democratic matter in which individual householders were free to make autonomous choices. Both portrayals are true in part, but the outlines also emerge of an arena in which the wealthier parishioners attempted to one-up one another, while

¹¹⁷ Marsh, "Order and Place," esp. 20. Marsh's examples are drawn primarily from Cheshire and Cambridgeshire. For other examples of disputes over church seating, see Nick Alldridge, "Loyalty and Identity in Chester Parishes, 1540-1640," in Susan Wright, ed., *Parish, Church and People: Local Studies in Lay Religion, 1350-1750* (London, 1988), 113-114 (for the city of Chester); Susan Amussen, *An Ordered Society: Gender and Class in Early Modern England* (New York, 1988), 139-142 (for Norfolk); and David Hey, *An English Rural Community: Myddle under the Tudors and Stuarts* (Leicester, 1974), 219-220 (for Shropshire). Levels of instance litigation in the ecclesiastical courts also rose in the first half of the seventeenth century, although not as dramatically as did business in the royal courts and in Quarter Sessions. Helmholz, *Canon Law and the Ecclesiastical Jurisdiction*, 237-239, 307.

¹¹⁸ To cite only one of a plethora of examples, see Maltby's analysis of the signatories of a 1641 petition Parliament in support of the Book of Common Prayer drawn from five Cheshire parishes. Maltby's point is that the Book commanded support at every social level, but she also demonstrates that there was opposition to it at every social level as well. Maltby, 199-227. The dispute over the vestry of St. Katherine Creechurch in the 1630s also split the parish elite. Lake, *Boxmaker's*, 318-319.

mobilizing the poorer ratepayers to support them in the householder's assembly, before magistrates or episcopal officials, or simply in the court of public opinion.

Wealthy parishioners, then, may have seen poorer ratepayers as potential sources of political power rather than as rivals to be crushed. If this were the case, it adds further insight into the rather sudden appearance of select vestries in London around the year 1600. The massive increase in population experienced by the extramural, suburban, and riverside parishes, in addition to making parochial assemblies larger and harder to manage, may also have given the wealthier parishioners a greater pool of poorer ratepayers to mobilize against one another when disputes occurred. The establishment of a select vestry, a discrete group of individuals insulated from the rest of the parish, may therefore have been an attempt to restore intra-parochial harmony.¹¹⁹ We might extend the argument by speculating that select vestries' repeated injunctions against repeating what was said in their deliberations to non-vestrymen did not result from an obsession with secrecy, but rather from the fear that the vestrymen would use privileged information to harm each other's reputations or to scuttle projects of which they disapproved, in the same manner as government leaks today.¹²⁰

In both St. Saviour's and in Antony, one of the most contentious issues was the ability to appoint parish officers. This was an implicit recognition of the enormous discretionary powers they wielded. Churchwardens especially were given a wide range of secular and ecclesiastical responsibilities, placing them at the top of the parochial

¹¹⁹ Religious differences may well have contributed to this process. The fact that so many of the faculties establishing select vestries were issued during Richard Bancroft's tenure as bishop of London suggests that they may have been both an assertion of episcopal control and an attempt to ensure that "puritans" were kept out of parish government. There is, however, no specific evidence to support this claim.

¹²⁰ This point is an extension of the point I made about the Swallowfield articles in the previous chapter. Archer takes into account the possibility that select vestries were established in order to avoid social divisions, but ultimately seems to find the standard "social control" thesis more compelling. Archer, 84.

cursus honorem. Their role as officers made them personally responsible to archdeacons and magistrates for the enforcement of canon and secular law, yet at the same time they were accountable to their fellow parishioners. The experience of officeholding, therefore, was therefore an essential component of the political culture of the early modern parish.

This subject is addressed in the following chapter.

PART II
OFFICEHOLDING

Chapter Four: Conceptualizing Parish Office

The previous two chapters have discussed how decisions were made in the early modern English parish, who they were made by, and how such decisions were justified to external authorities and to the parishioners themselves. Chapter Two discussed the role of the householder in parochial decision-making, particularly in matters of local taxation and found that the principle of participation by all ratepayers remained strong throughout the seventeenth century—even to the extent that numerical majorities mattered in householders' assemblies—although the dynamics of the assembly did not necessarily conform to modern democratic expectations. Chapter Three examined the rise of select vestries and similar institutions often taken to represent the antithesis of participatory local government. I showed how such institutions were the exception rather than the rule, rather than being characteristic of a new age that valorized oligarchy as an ideal form of government. More importantly, I showed how select vestries' proponents justified their existence by continually invoking majoritarian and populist principles, while their opponents stressed their own social worth and therefore fitness to rule. Finally, I suggested that parish elites, rather than governing as a unified group, may have occasionally sought to mobilize poorer ratepayers against one another, seeing them as sources of political power rather than a disorderly mob best excluded from decision-making.

The next two chapters shift the focus from the debating and planning aspects of parish government to the execution of the decisions made. Assemblies and committees might have decided on policies and courses of action but it was parish officers who implemented them—a fact recognized by many historians who have consistently

considered the officeholder as more important than the rate-paying householder in their analysis of parish government. These chapters accordingly focus on parish officers, and, as a way of narrowing the topic, particularly on the office of the churchwarden, which was in many ways the quintessential parish office. Churchwardens were responsible for nearly every aspect of parish life. They were both secular and spiritual officers in an age when relations between civil and religious authority were hotly contested. They supervised the morals and manners of their fellow parishioners and were charged with enforcing religious conformity even while bitter sectarian differences threatened to tear the English church apart. They distributed poor relief during a time of deepening hardship, making crucial decisions about who deserved aid and who did not.

Most recent scholarly work on the power dynamics within parish communities has described parish office in terms of how the increase in governance associated with the early modern period strengthened previously existing hierarchies of gender and socio-economic status. But this interpretation obscures a more complex reality, as this chapter will show. Churchwardens' power was not simply an extension of the power that rested naturally in the hands of wealthy peasant patriarchs, but was articulated by a patchwork of laws refracted through the lens of local custom. Social position undoubtedly mattered, yet office was distinct from social position. Also, as Chapter Five will discuss, under the law, churchwardens answered to multiple masters. External authorities like JPs, bishops, and archdeacons tended to see churchwardens as their direct subordinates, enforcers of canon law and parliamentary statute. Within the parish, ministers might try to enlist wardens in programs of moral reform while butting heads with them over who was supposed to pay for the communion wine. Parishioners, meanwhile, wanted their officers

to protect their interests and safeguard their communally-held property. The office's discretionary power made it attractive to some, but the lack of contested elections in the records shows that, to most, the burdens of office outweighed the responsibilities. The need to spread the burden drew parishioners into office, sometimes against their will.

Churchwardens' Duties

The expansion of churchwardens' responsibilities between their first appearance in the records in the late thirteenth century and the middle of the seventeenth century is an illustration of the parish gradually becoming the basic building-block of the English state. The statutes promulgated by the bishop of Exeter in 1287 stated that the parishioners should choose "custodians" (*custodes*) who would be responsible for the parish's property. This was probably a reflection of contemporary practice. Parishes needed someone who would be responsible for the upkeep of the church itself and to safeguard the items necessary for the liturgy—vestments for the priest, vessels for the communion bread and wine, liturgical books.¹ Scholars of the late middle ages have discussed at length the considerable financial resources that churchwardens managed and the innovative means that parishioners devised to raise money for these purposes. In many parishes, as I mentioned in Chapter Two, instead of or in addition to levying rates churchwardens organized church-ales and revels, managed and rented out real estate held by the parish, kept bees, sheep, or other livestock, and received bequests and donations. Many of these fund-raising methods required a high level of participation from the parishioners—indeed, this has been a major theme in studies of the late medieval

¹ K. French, *People of the Parish*, 45-46.

parish—but the churchwardens were ultimately the ones legally responsible.² The physical appearance of the church changed radically during the course of the Reformation—the images of the saints were taken down or painted over, the rood screens were broken up, “mass books” and antiphons gave way to Jewel’s *Apology* and the Book of Common Prayer. But the essential requirements remained.

As Kümin has shown, churchwardens’ rising importance in the late Middle Ages was a function of the laity’s control of the parish’s increasing material possessions; they were truly the *guardianii bonum parochiarum*.³ But churchwardens had an increasing role in spiritual discipline also—by the fifteenth century they were representing their parishes at episcopal and archdeaconal visitations and answering questions posed to them regarding not only the physical state of their churches but also the moral lives of their fellow parishioners.⁴ The role of churchwardens as moral guardians increased dramatically in the last quarter of the sixteenth century. After half a century of stagnation, the church courts’ effectiveness increased as bishops and archdeacons held visitations more frequently. The questions they asked churchwardens became more detailed and were now often printed in advance. Most significantly, for the first time churchwardens themselves began to face prosecution when they failed to report wrongdoing in their parishes.⁵

² K. French, *People of the Parish*, 99-141.

³ Kümin, *Shaping*, 21-42.

⁴ K. French, *People of the Parish*, 31-35, 72; Helmholz, “Judges and Trials in the English Ecclesiastical Courts,” in *Judicial Tribunals in England and Europe, 1200-1700*, Maureen Mullholland and Brian Pullen, eds. (Manchester, 2003), 108.

⁵ Helmholz, *Roman Canon Law in Reformation England* (Cambridge, 1990), 105-107, 119n. 252, 192-193. Ralph Houlbrooke’s study of church courts during the Reformation finds that their power declined over the sixteenth century, while the power of secular judicial authority rose. However, he ended his study in 1570, at just around the time when episcopal authorities were working to re-invigorate the church’s disciplinary system. Ralph Houlbrooke, *Church Courts and the People During the English Reformation, 1520-1570* (London, 1979), 257-269.

While ecclesiastical authorities' supervision of churchwardens increased, wardens' secular responsibilities grew steadily through the sixteenth and seventeenth centuries. The increasing sophistication of late medieval parish government gave the Tudor state a ready-made network of local authorities to harness. Requiring parochial, as opposed to municipal or manorial, officers to perform certain duties was advantageous because while only a small percentage of English subjects lived in towns and an undetermined number were subject to the authority of manorial courts, nearly everyone lived in a parish. Churchwardens' non-religious duties accumulated accordingly. Successive parliamentary statutes mandated that wardens set out nets to catch crows,⁶ made them responsible for repairing roads running through their parishes,⁷ and for providing armor and weapons for the militia.⁸ By the mid-seventeenth century, churchwardens were involved in collecting money to maintain prisoners in Marshalsea and elsewhere, for monetarily assisting maimed soldiers and sailors, in apprehending rogues, in collecting fines levied in Quarter Sessions on unlicensed alehouses, on drunkards, swearers, poachers, Sabbath-breakers, and those who fished using illegal types of nets. Most significantly, the Elizabethan poor laws made churchwardens, together with the newly-created overseers of the poor, responsible for "setting the poor to work," finding apprenticeships for their children, and for raising and distributing money to indigent parishioners whose age or illness made labor impossible.⁹

⁶ 24 Hen. 8, c. 10.

⁷ 2 & 3 Phil. and Mary, c. 8. This statute required the churchwardens and constables to be present at the election of two "surveyors," implying that they still had some supervisory role.

⁸ 4 & 5 Phil. and Mary, c.2.

⁹ Foster, 289-295. The Elizabethan poor laws were 39 Eliz., c. 3 and 43 Eliz., c. 2.

The Meaning of Parish Office

This piling-on of duties has prompted some historians to conclude that parochial office was a tiresome burden to be avoided if at all possible. T.G. Barnes took it for granted that parishioners “had no interest in an office forced on them for one unpleasant year.”¹⁰ In a similar vein, F.E. Emmison wrote that many churchwardens “failed in their inquisitorial responsibilities” because the ideal of neighborliness trumped their role as enforcers of canon law.¹¹ Other scholars, however, saw churchwardens as effective, even oppressive, enforcers of the centralizing early modern state. As far back as 1924, W.P.M. Kennedy wrote that churchwardens were the parish’s “earliest points of contact with the national regime,” and described them as “little intendants” and “non-commissioned officers in the new army of the divine right of kings.”¹²

This was an early recognition of the fact that “middling” parishioners played an essential role in the process of early modern state-building and indeed the socio-economic status of officeholders has frequently been what historians have found most interesting about them. That middling parishioners played an important role in the governance of their communities had never been disputed by scholars, but it took some time before this insight was integrated into a broader theory of social and political change. In 1942, Mildred Campbell, noting that hundreds of yeomen served in parish offices every year, wrote that the “contribution of the yeoman to local government almost resolves itself into a chapter on parish administration.”¹³ Twenty years later, Christopher

¹⁰ T.G. Barnes, *Somerset, 1625-1640: A Country's Government During the Personal Rule* (Cambridge, Mass., 1961), 76-77.

¹¹ Emmison, *Elizabethan Life*, 234.

¹² W.P.M. Kennedy, *Elizabethan Ecclesiastical Administration: An Essay in Sociology and Politics* (London, 1924), cxxx-cxxxi.

¹³ Mildred Campbell, *The English Yeoman Under Elizabeth and the Early Stuarts*, 2nd edition (London, 1960), 315, 325.

Hill argued that as the secular responsibilities of the parish increased in the sixteenth-century parish offices came to be increasingly filled by richer, ambitious, parishioners, elected by their peers with the collusion of the local gentry. This process, he believed, meant that the modernizing “industrious sort” were entrenched in positions of power by the 1630s and were therefore able to shake off burdensome episcopal control, leading ultimately to the secularization of the parish.¹⁴ This was a major acknowledgement of the power and influence that came with parish office, and yet, in 1965, it was still possible for no less an authority than Peter Laslett to write that in pre-industrial England “if you were not a gentleman....you counted for little in the world outside your own household, and for almost nothing outside your small village community and its neighborhood.” Laslett allowed that those who were not gentlemen might serve in manorial or parochial office, thus giving them “something of a public life.” But having cracked open the door to political power for middling parishioners, he proceeded to slam it in their faces: “But in none of these capacities did their opinion matter very much....They brought no personal weight to the modest offices which they could hold. As individuals, they had no instituted, recognized power over other individuals....[T]o count at all as an active agent in the record we call historical, you had to be a gentleman.”¹⁵

The next generation of historians, however, not a few of whom had been influenced by Laslett himself, argued that empowered parish officers were one of the primary forces that drove social change in the early modern period. This was facilitated first by a number of local studies. David Hey’s survey of Myddle, to cite one example, portrayed the churchwardens of that community as respected and influential men—an

¹⁴ Hill, 435-441.

¹⁵ Peter Laslett, *The World We Have Lost* (New York, 1965), 26-27.

impression bolstered by the aura of self-confidence, intelligence, and prosperous solidity conveyed in the memoir of Myddle's most famous churchwarden, Richard Gough.¹⁶

But it was Keith Wrightson and David Levine's celebrated study of the Essex community of Terling that both recognized the power wielded by parish officers and imbued the fact of middling office-holding with major historical significance. Wrightson and Levine found that parish office in Terling was "restricted to the wealthier sections of village society" and that the "most prestigious posts, such as churchwarden, sessions juryman, vestryman, and overseer, went overwhelmingly to the yeomanry and wealthier tradesmen."¹⁷ More importantly, they argued that these elites, struggling to deal with the social upheaval wrought by a rapidly growing population, rocketing food prices, and the resulting rise in the number chronically poor men, women, and children, had become more willing than in the past to use the authority of parish office to prosecute previously tolerated forms of behavior like sexual misdemeanors, drunkenness, and failure to attend church. This marked a gradual withdrawal of the wealthier villagers from a traditional popular culture, which accordingly became increasingly identified with the unruly poor. Intertwined with this narrative was the notion that middling parish officers, deriving an ever-larger portion of their responsibilities and therefore their authority from the central state, no longer felt accountable to their fellow parishioners and used their increased

¹⁶ Hey, 100, 104, 139, 229. John Morrill's study of grand juries in Cheshire, while not specifically concerned with parish office, showed how an indispensable institution of local government was comprised of men whom historians had often been overlooked in previous discussions of local politics. The grand jurors "were not those immediately below the magisterial class in status, and they were separated from the humbler freeholders less by wealth than by official recognition of their capacity to perform disinterested tasks for the good of the community." John Morrill, *The Cheshire Grand Jury, 1625-1659* (Old Woking, Surrey, 1976), 19.

¹⁷ Wrightson and Levine, 104.

powers as a means of social distancing.¹⁸ The domination of parochial offices by local elites thus became linked to a grand narrative of social change.

Even before the publication of *Poverty and Piety*, as we have just seen, the identification of parochial officeholding and middling social status was so strong as to make the two nearly synonymous. While Wrightson and Levine's study inspired much spirited discussion and came under fierce attack from a number of quarters, no one disputed their conclusion that the office of churchwarden, along with other parochial and manorial offices, was generally filled by men from the upper rungs of village society.¹⁹ In subsequent studies of parish officers, however, the emphasis on Puritanism *per se* as an explanatory mechanism, which had figured prominently in Wrightson and Levine's study, was gradually leached out in favor of a general religiosity more concerned with order, good governance, and the maintenance of power than with any particular theological position.²⁰ As specifically doctrinal explanations for parish officers' actions faded into the background, the question of their socio-economic status came under more intense scrutiny. Cynthia Herrup suggested that parish officers might prove "a legitimate sample, albeit not necessarily a typical sample, that can help us learn more about the middling sort."²¹ Joan Kent argued that the parish officers' task of easing poverty and

¹⁸ A concept neatly summarized in the title of J.S. Craig's "Co-operation and Initiatives: Elizabethan Churchwardens and the Parish Accounts of Mildenhall," *Social History* 18, 3 (October, 1993): 357-380. The cooperation is that of the churchwardens with outside authorities and the initiatives were often measures designed to insert distance between themselves and ordinary parishioners, such as purchasing expensive communion wine for the better sort and cheap wine for the rest.

¹⁹ Other subsequent studies which supported this finding include Margaret Steig, *Laud's Laboratory: the Diocese of Bath and Wells in the early seventeenth century* (Lewisburg, 1982), 176-177; Martin Ingram, *Church Courts, Sex and Marriage in England, 1570-1640* (Cambridge, 1987), 324; Alldridge, 107-108; Marjorie Mackintosh, *A Community Transformed: The Manor and Liberty of Havering, 1500-1620* (Cambridge, 1991), 233-236; Archer, 71; Craig, 363-364.

²⁰ A summary of this debate, and a spirited defense of the book's original thesis, can be found in Wrightson's postscript to the 1995 edition.

²¹ Herrup, "The Counties and the Country: Some Thoughts on Seventeenth-Century Historiography," *Social History* 8, 2 (May, 1983), 174.

their exhortations to the poor regarding the importance of “diligence, hard work, discipline, and economic independence” helped inculcate “certain characteristics, attitudes and values which helped to define them and to set them apart from those below, and sometimes above, them.”²² Parish office, then, could be seen as either synonymous with middling status or as formative of middling identity. The conception of a link between the experience of parochial office-holding and the formation of middling identity also figured prominently in Steve Hindle’s book *The State and Social Change in Early Modern England*. Hindle argued not only that the middling sort played a decisive role in state formation through their participation in national and local judicial institutions, but that they themselves were the catalyst for increased governance, and that it was their increasing self-awareness, national consciousness, and collective action that helped forge a “modern political culture.”²³

Like Kent, Hindle argued that a specifically middling social identity was closely linked with leading parishioners’ service in parish office. “The middling sort created, and, in turn, were created by, a new political idiom” which was a product of their role as governors and administrators.²⁴ His overall depiction of parish politics, however, was considerably more pessimistic than Kent’s. In Hindle’s usage, the term “middling sort” was interchangeable with elitist terminology like “the better sort,” “the chief inhabitants,” “the more honest and substantial parishioners”—expressions commonly found in early

²² Joan Kent, “The Rural ‘Middling Sort’ in Early Modern England c.1640-1740: Some Economic, Political and Socio-Cultural Characteristics,” *Rural History* 10 (1999), 31, 41.

²³ Hindle, *State and Social Change*, 226-238.

²⁴ Hindle, *State and Social Change*, 228.

modern parish records that Hindle believed were harbingers of a concerted campaign of social distancing and cultural differentiation.²⁵

A few historians, however, have placed less emphasis on officeholding as a function of socio-economic status and, in sharp contrast with the rather dour depictions of parish government just described, portray churchwardens as exemplars of civic engagement. The Webbs believed that churchwardens “were always assumed to be both directly representative of and responsible to their fellow-parishioners. They were, in a unique sense the popular officers of the parish itself.”²⁶ Charles Drew began his seminal article on the evolution of the office with a Tocquvillian quote about self-government, and depicted them as responsible stewards of parish monies.²⁷ In Eric Carlton’s essay on churchwardens (a standard reference on the topic) the officers are locally-focused, neighborly types, impatient at duties imposed on them by the ecclesiastical

²⁵ Hindle, *State and Social Change*, 203, 206, 210-215. H.R. French’s *The Middle Sort of People in Provincial England* accepts Hindle’s essential depiction of parish government, but took a somewhat different view by arguing against the usefulness of “middling identity” as a category of analysis during the early modern period. Hindle’s belief in the importance of the poor law led him to focus primarily on poor on one hand and the “middling sort”—equated with the parish elite—on the other. French, in contrast, devoted a significant part of his book to discussing the threshold between small ratepayers and the “best men” or “chief inhabitants” who dominated parish government, taking Hindle’s depiction of a polarized parish society a step farther by emphasizing the divide *among* those wealthy enough to pay rates. Rates, being a reflection on annual income, were the “single most significant status indicator,” the “root of social estimations in society.”²⁵ Parish society was divided into ratepaying “citizens” and everyone else, but “some of these citizens were more equal than others. Those deemed to be of greater ‘credit,’ ‘repute,’ ‘worth,’ or ‘estimation’ were entitled to occupy the superior administrative, fiscal, and moral position of the ‘chief’ or ‘better sort’ of inhabitants. As points of stability within relatively mobile populations, these rulers came to exert considerable power over local administration and society.” French demonstrates the huge variation in chief inhabitants’ economic status from one parish to the next, and finds no indication that they thought of themselves as a nationally coherent “middling” group with a common outlook and interests. Nevertheless, he simultaneously reinforces the conclusion of other social historians who argue that early modern parish government was dominated by an active minority of parishioners who paid more in parish rates, attended parish meetings more regularly than their fellows, occasionally established select vestries to further concentrate power in their hands, and, perhaps most importantly, also served as governors of grammar schools, almshouses, or as trustees for funds established for poor relief—positions which they usually held for life. H.R. French, *The Middle Sort of People*, 263, 123-132.

²⁶ Webbs, 21. This was in contrast to other parish offices which (the Webbs believed) were beholden to the local magistrates.

²⁷ Drew, 5. Drew’s lack of discussion of churchwardens’ disciplinary duties is understandable since his essay was based mainly on medieval sources, mostly churchwardens’ accounts, which contain few traces of such activity.

establishment.²⁸ In Mark Goldie's "unacknowledged republic" it is officeholding—actually wielding power, rather than merely deliberating or voting—that is *republican* in the ancient sense, suggesting that officeholders' power was derived from their communities, rather than from the central state.²⁹

In short, there have been two main historiographical approaches to parish office: one which sees it as one aspect of the power of the parish's chief inhabitants, and another, smaller but equally venerable tradition that sees ordinary men serving in local offices as a laudatory example of civic engagement. Some historians, however, while influenced by one of both of these approaches, have also tried to investigate more closely how early modern parishioners thought about office *per se*. Joan Kent, Conal Condren, and Michael Braddick are three such scholars, and they have drawn from the disciplines of anthropology, political philosophy, and sociology, respectively.

Joan Kent drew on anthropological studies conducted in colonial Africa, finding a useful parallel between village headmen and early modern parish officers. Both were expected not only to carry out directives from the centralized state, but were also expected to act in the village's best interests when dealing with external authorities. "While they were required to represent the state to the village, they were also required to represent the village to the state."³⁰ Far from being desirous of reshaping society, her constables, on the whole, appear to be constantly torn by their having to serve two masters. Kent felt that the "in-between-ness" (her term) of the constable's position meant that they were they were not innovative in the fulfillment of their office (unlike

²⁸ Eric Carlson, "The Origins, Functions, and Status of Churchwardens," in Margaret Spufford, ed., *The World of Rural Dissenters, 1520-1725* (Cambridge, 1995), 179-180, 200-207.

²⁹ Goldie, "Unacknowledged Republic," 153-154.

³⁰ Kent, *The English Village Constable, 1580-1642: A Social and Administrative Study* (Oxford, 1986), 222.

Wrightson and Levine's constables and churchwardens of Terling), but merely strove to moderate the law's demands.

Kent's observations about the duality of local office are a useful corrective to those who would portray village and parish officers as the shock troops of the centralizing early modern state. However, I suggest that the depiction of constables (and presumably other village and parish officers) as the sole mediators between the local community and the state does not adequately capture their situation. It is true that officers were pressured by their neighbors to act in accordance with local mores, while simultaneously being pressured by ecclesiastical and secular authorities to conform to the law's demands. But ordinary parishioners at times also resorted to the law in order to hold their officers to account. Hundredal juries, grand juries, or simply irate individuals could bring wrongdoing to the attention of local magistrates just as well as constables, and they might report the constable himself if they felt his performance was not up to standard.³¹ Similarly, the poor could and frequently did petition JPs directly when they felt they were being wronged by the overseers.³² As we shall see, churchwardens were subject to the same kinds of pressures.

The work of intellectual historian Conal Condren also has implications for historians' investigation of parish office. As I mentioned in Chapter One, Condren has argued against what he sees as an overly Weberian, institutional definition of office employed by most scholars and has called instead for a recognition of the fact that all early modern people conceived of themselves as officers of one sort or another, with minutely specified privileges and duties. Condren's interest in high politics and in

³¹ For the duty of jurors to report offenders, see Herrup, *Common Peace*, 94, 109.

³² Hindle, *On the Parish?*, 405-432.

rarefied political theory leads him to all but ignore parochial and manorial offices; however, his argument has implications for the study of parish politics as well as of national politics. If Condren is right, then historians' emphasis on churchwardens, overseers, constables, and the like is misplaced—*all* parishioners were officers.³³

Condren has provided a cogent reminder that the divide between office-holder and non-office-holder may not have been as sharp in the eyes of seventeenth-century parishioners as it is to us. Nevertheless, archival evidence demonstrates that early modern men and women thought that churchwardens', overseers', and constables' legally-defined duties set them apart as long as their term of office lasted. Publically performed ceremonies—elections and induction into office (as with Mr. Mildmay of Queens Camel, described at the beginning of the next chapter), the auditing of their accounts at the end of their term, and the communal scrutiny of how well they performed their duties—reinforced this separation. When a man reported his minister to the church authorities for preaching doctrine that veered too close to Catholicism, he stated that “he beareth no ill will towards Mr. Cotton ...but what he has done against him is as an officer, he being constable of Bedminster”—in other words, “I’m just doing my job.”³⁴ And, while archdeacons, JPs, ministers, and parishioners all had different expectations for churchwardens (as I will discuss below), and although they each wanted to monitor their officers' actions and hold them accountable, there is little indication that ordinary parishioners thought of their role in parish government as an “office” in the sense that Condren uses the word.

³³ Condren, 20, 50, 60, 62.

³⁴ Somerset R.O., D/D/Cd 66, f. 118.

Finally, and, for the study of parish government, most influentially, Michael Braddick and John Walter have suggested a third way of looking at early modern office by invoking the sociological concept of “social role,” defined as a “culturally patterned way of unthinking interaction.”³⁵ They suggest that, in order for officers to be successful, they had to look and act the part—“their credibility in office rested to a large degree on the reception of their performance.”³⁶ In his book *State Formation in Early Modern England*, Braddick developed this idea further, noting that that the power of public office was emphasized in recognizable physical ways, such as magistrates wearing their hats in court while the rest of the assembly went bare-headed, or the constable taking up his staff of office which—in fiction at least—could render witches powerless.³⁷ Thus far, “social role” is understood literally as a conscious performance in an almost dramatic sense, requiring certain actions and props that conveyed an agreed-upon meaning. Elsewhere, while still focusing on its performative aspects, Braddick speaks of office as a social role that extended beyond the office-holder’s legally defined duties. Thus, “offices were envisioned as broader social roles, in which particular patterns of behavior were expected, in conformity with wider cultural values.”³⁸ Office was something that extended beyond the actual performance of duties—a man always needed to look and play the part.

However, Braddick simultaneously speaks of public office as being but one aspect of a “broader organic set of social roles” enacted by those who comprised the elite of village and county society. The job of the office-holder in this sense was to preserve “the

³⁵ R. Ruddock, quoted by Braddick and Walter, 11.

³⁶ Braddick and Walter, 27.

³⁷ Braddick, 77-78.

³⁸ Braddick, 77.

norms of interaction between neighbors, relations of deference and paternal responsibility” rather than to enforce compliance with the demands of “an abstract legal and political order.”³⁹ Localism and neighborliness were key ingredients of this broader set of social roles (in addition to relative wealth, one assumes), but so were ideals of godliness and order that Braddick (in the English social history tradition) believes to have become particularly attractive to local elites around 1600.⁴⁰ At the same time “appeal to these values created expectations which officeholders had to fulfill in order to appear credible”⁴¹—the demands of the broader role could constrain the officeholder’s ability to perform his duties. Thus, “when asked to act *qua* governor, officeholders frequently chose to act as neighbors instead.”⁴²

Braddick’s use of the concept of “social role” is ultimately unsatisfying because it is never clear whether he means to consider office as a social role in itself, or office as part of a larger social role of a gentleman or wealthy yeoman. The two possibilities are not mutually exclusive, of course, but without distinguishing between the two it is hard to see how the concept of social role advances our understanding of early modern officeholding in any meaningful way. Nevertheless, Braddick’s discussion contains some valuable insights. Indeed, while never specifically invoking the concept, historians have often sought to define parochial officeholding as an aspect of two larger social roles: that of the patriarchal householder and that of the prosperous yeoman farmer. The next part of this chapter will investigate the appropriateness of these definitions.

³⁹ Braddick, 75.

⁴⁰ Braddick, 75-76.

⁴¹ Braddick, 79.

⁴² Braddick, 77.

The churchwarden's office: an aspect of the patriarch's role?

Braddick (among others) has argued that, since the gentry and the middling sort who dominated county and parish politics believed threats to the social order originated from those who were outside or who subverted it—vagrants, young men, scolding women—“[t]he legitimation of the power of officeholders lay in a complex and changing vision of social order, but a consistent element of it was ‘patriarchy.’”⁴³ Given the early modern association of political authority with masculinity, it might be argued that the power parish officers wielded was fundamentally patriarchal in nature, that the role they were being expected to fulfill was essentially that of a stern but beneficent father, and that their authority was analogous to that a father's authority over his wife, children, and servants. Is this a useful model with which to examine the churchwarden's role?

On one level, it would appear so. Political power was considered to be an inherently male attribute, and the connection between social order, hierarchy, and patriarchy was so ingrained in early modern thought as to be axiomatic.⁴⁴ This was as true in the parish as it was anywhere else. Not only that, but since churchwardens were responsible to archdeacons, justices of the peace, and other officers who embodied the authority of church and state, to a certain extent they became imbued with that authority themselves—and such authority was considered to be inherently male. Thus, while landowning widows did very occasionally serve as churchwardens or other parish officers, their appearance in the records only serves to highlight the fact that the overwhelming majority of parish officers were male. This had not always been the case—women churchwardens were not uncommon in fifteenth-century Somerset, and

⁴³ Braddick, 101-102. See also Hindle, *State and Social Change*, 147.

⁴⁴ Amussen, 180-183.

their numbers even increased in the mid-sixteenth century. By the 1600s, however, it was very seldom that a woman actually held the office and when it fell to a landowning widow a proxy generally served in her place. It may be suggested that the increased responsibilities thrust upon churchwardens by ecclesiastical and secular authorities in the later sixteenth century made those same authorities—and male parishioners—increasingly unwilling to allow women to serve in the office, especially since a significant part of those responsibilities were disciplinary in nature.⁴⁵

While a widow's householding status might allow her to serve as churchwarden in name or (rarely) in fact, the requirement that churchwardens be householders generally served to reinforce the association between parish office and masculinity. The connection between a father's authority over his wife, his children, and his servants and power exercised in a public sphere governed English parishioners' sense of who was qualified to assume responsibilities on behalf of the whole community.⁴⁶ In a survey of Cambridgeshire churchwardens, Eric Carlson found a correlation between the dates of a man's marriage and his initial election to the office. "Marriage at whatever age, not age alone, determined full adult membership in the local community. No one who had not demonstrated the responsibility necessary to establish and manage a household could be trusted with the management of the parish 'household goods' and property."⁴⁷ While

⁴⁵ K. French, *Good Women of the Parish*, 228-229; K. French, "Women Churchwardens in Late Medieval England," in Clive Burgess and Eamon Duffy, eds., *The Parish in Late Medieval England: Proceedings of the 2002 Harlaxton Symposium* (Donnington, 2006), 302-321.

⁴⁶ This connection is also evident in early modern English terms of social description. The English political elite were generally positive about the trustworthiness of the yeomanry (in the abstract) and their ability to wield power at the parish and manorial level, as will be discussed further below. But to be a yeoman, one had to be married. During his laudatory discussion of yeomen, Sir Thomas Smith made explicit the link between marriage, authority, and the English yeoman's particular status, remarking that "commonly we do not call any a yeoman until he be married, and have children, and as it were some authority among his neighbors." Thomas Smith, *De Republica Anglorum*, Mary Dewar, ed. (Cambridge, 1982), 76.

⁴⁷ Carlson, 192-193.

unmarried men might occasionally be elected to the office,⁴⁸ the ideal of older, experienced wardens was, of course, reinforced by the fact that householdership—and, therefore, marriage, fatherhood, and a presumed economic independence—was the threshold for attending parish meetings and therefore for having a voice in decisions that affected the parish as a whole.⁴⁹

It might be supposed, then, that patriarchy is a useful way to conceive of the churchwarden's social role. But while it was increasingly the case that only men (and fathers) were qualified to hold the office, there is nothing in the records to indicate that early modern clergymen, jurists, or ordinary parishioners thought of the churchwardens' authority as being analogous to that of a father's authority over his household. While early modern commentators frequently invoked the parallels between God's authority and the monarch's, between the monarch's authority and a magistrate's, and between a magistrate's and a father's, this metaphor was never applied to churchwardens or indeed to other parish officers. To do so would have seemed strange and inappropriate.

⁴⁸ A man (from Greenstead, near Colchester) who pled in 1599 that he was "a bachelor and a servant to his mother" was rejected by the church court, which ordered "another honest neighbor being a married man to be called in his place." Emmison, *Elizabethan Life*, 232. In 1624, the churchwarden of Ashby-de-la-Zouche was described as "a white-haired bachelor." Christopher Haigh, "The Troubles of Thomas Pestell: Parish Squabbles and Ecclesiastical Politics in Caroline England," *JBS* 41, 4 (October 2002), 420.

⁴⁹ Determining the age at which a man first served as churchwarden is a difficult undertaking. No one bothered to record a man's age when he assumed the office and the data has to be pieced together from parish registers. All the available evidence, however, points in the same direction. Marjorie Mackintosh, in her study of the Essex parish of Romford within the royal manor of Havering, was able to identify the ages of ten churchwardens who served between the years 1580 and 1615. Two of these men were between the ages of twenty-six and thirty-nine, seven were between the ages of forty and fifty-nine, and one was over sixty. In the urban parishes of Chester, there was a clear connection between age and office-holding: the less prestigious offices like sideman and collector were filled by younger men; churchwardens were older, and the men who audited their accounts and who determined what each parishioner should pay in rates were older still. Sidemen and collectors in these parishes seem to have been in their late twenties, churchwardens in their mid- to late thirties, and assessors and auditors in their mid-forties and older. Eric Carlson's analysis of the Cambridge parish of Castle Camps revealed the ages of ten churchwardens who served prior to 1640. Of these, the youngest was only twenty-three, but six of the ten were over forty and the oldest was fifty-four. Mackintosh, 235; Alldridge, 107; Carlson, 192. For other examples of younger men holding minor offices while older men served as churchwardens, see Wrightson and Levine, 104-105; Carlson, 193-200; and Craig, 363-366.

In law, a churchwarden only served for a single year after which he resumed the ordinary life of a parishioner. While multiple terms were not uncommon, this was clearly a completely different proposition from lifelong offices like the magistracy or a city alderman, to which the label “patriarch” might be more accurately applied. Furthermore, while the churchwardens’ responsibility for spiritual discipline might have paralleled a father’s authority over his household, their responsibility extended over men and women alike, married and unmarried. Additionally, churchwardens, unlike fathers (or magistrates) could not punish—while they might be expected to warn spiritual offenders to change their ways, their disciplinary powers consisted primarily of reporting spiritual “crime” to outside authorities. Finally, the patriarchal metaphor would have completely failed to take into account churchwardens’ responsibilities as custodians of parish property and as managers of the parish’s finances, for which they were subject to authority of parish assembly in any case. English parishioners and external authorities usually required churchwardens to be men and preferably fathers, but their while their authority was masculine in nature, it was not patriarchal.

Churchwarden’s office: an aspect of the “chief inhabitant’s” role?

Historians’ attempt to define parish office as being patriarchal in nature is, of course, closely connected to the more central historiographical tradition already discussed which emphasizes socio-economic status as the critical factor in determining who held office in early modern parishes.⁵⁰ Taking this body of scholarship into account, it might

⁵⁰ There is a lingering sense in much of this work that parish officers could be of more modest social status in the Middle Ages. However, Lawrence Poos’s study of medieval Lincoln church court records shows that more than half of the “inquisitores” were in the top 23% of householders who appear in the 1332 subsidy rolls. Similarly, almost one-third of the Wisbech churchwardens/inquisitores simultaneously

plausibly be argued (as Braddick has partly suggested) that early modern parishioners conceptualized the churchwardens' office as part of the broader social role one of the parish's "chief inhabitants" (to use the phrase made famous by the Swallowfield articles). The following section examines this possibility.

There were practical reasons for wanting churchwardens to have at least a modicum of wealth. Most obviously, as numerous parish account books and the occasional court case attest, churchwardens frequently had to pay contracted workmen out of their own pockets and were only reimbursed by the parish later, sometimes not until the end of their year-long term.⁵¹ Additionally, poverty was widely believed to compromise one's ability to handle public money. A 1575 account of a dispute that had wracked an English congregation in Frankfurt many years earlier, noted how it had arisen from the fact that "there were made deacons honest men indeed; but yet such, as for their poverty, seemed not fit men to whom the common money should have been committed."⁵² It is instructive that this attitude was prevalent even in a tightly knit community of religious exiles. A similar attitude was displayed by Sir Peter Warburton, Justice of the Peace, serjeant-at-law, and alderman for the city of Chester, who ordered in 1610 that parish overseers should only be drawn from the "most substantial" inhabitants

served as manorial court jurors in the latter half of the fourteenth century. Poos basically follows the lead of the early modernist social historians in his discussion of the role of parishioners and the courts as a means of social control. He says that the phenomenon of certain parishioners being more likely "to be selected for the maintenance of order... would become even more pronounced in the sixteenth century with the compulsory integration of more functions of local government." L.R. Poos, ed., *Lower Ecclesiastical Jurisdiction in Late Medieval England: The Courts of the Dean and Chapter of Lincoln, 1336-1349, and the Deanery of Wisbech, 1458-1484* (Oxford, 2001), lxvii-lxviii.

⁵¹ Churchwardens might also decide to pay the rate of a recalcitrant parishioner rather than go through the hassle of a lawsuit. See Somerset R.O., DD/SF (4035), f. 16.

⁵² *A Brief Discourse of the Troubles at Frankfort, 1554-1558*, Elliot Stock, ed. (London, 1906), 118-119.

and not from “the meanest sort who are not fit to be trusted with the stock of the poor.”⁵³

A lack of material means was inevitably considered to make one susceptible to the temptation to steal, and therefore disqualified one for service as one of the parish’s financial officers.

Churchwardens also represented the parish in Quarter Sessions and in ecclesiastical courts, opening their accounts for inspection by the JPs, presenting spiritual offenders to ecclesiastical officials, and suing recalcitrant fellow parishioners who refused to pay their church rates or otherwise meet their financial obligations toward the church. In such activities, churchwardens needed to be perceived as reputable men whose testimony could be trusted. The taint of even genteel poverty—not being able to live on one’s own means, being dependant on neighbors or on the parish for sustenance, earning a precarious living by one’s one own labor rather than having the independence guaranteed by land—could compromise one’s credibility as a witness.⁵⁴ Not only that, but sometimes parishes sent their churchwardens into legal battle against very prominent individuals and needed to put their best foot forward. In 1594, for example, the churchwardens of St. Michael’s Bedwardine sued the dean of Worcester Cathedral.⁵⁵

The expectations of the time, then, were such that we should expect that the men who served as churchwardens were among their parishes’ wealthiest and that their service in the office was a natural extension of their role as leaders of their communities. An

⁵³ Hindle, *State and Social Change*, 154-155; s.v., Sir Peter Warburton, *ODNB*. That Warburton felt that such an order was necessary implies that men were filling the office who did not, in fact, meet this description—a theme to which we will return.

⁵⁴ Shephard, *passim*. Sufficient moveable wealth could be an acceptable substitute, but land was preferred as more reliable. William Lambarde believed that the ideal grand juror should have at least six to eight pounds’ worth of land but if his wealth was assessed in goods, he should have twice as much. Herrup, *Common Peace*, 103.

⁵⁵ Amphlett, ed., viii, 113-116. The parish lost the case and had to pay the dean twenty shillings. For other such examples, see Kūmin, “Parishioners in Court,” 20-39.

investigation of parochial financial records can indicate how well these expectations conformed to reality.

In the early 1630s, the Somerset parish of Bradford was riven by a festering dispute between some of its members who, in 1635, ended up in the ecclesiastical court. Edward Clarke, the gentleman who initiated the suit and who eventually won it, kept copies of all the related documents. The witnesses' testimony surviving from this case provides a snapshot of parish finance at the time, and of the relationship between the parish's economic hierarchy and its pattern of officeholding.

The document from Bradford recording a church rate made in 1631 lists seventy-six names and the amount each individual was rated. Each individual owed the churchwardens a halfpenny for each acre of ground that he (or, in a few cases, she) held (by any form of tenancy).⁵⁶ The two wealthiest men on the list were rated at *4s. 6d.* and *4s. 2d.*, indicating holdings of 108 acres and 100 acres respectively, nearly sixty percent greater than the next biggest holding. Aside from these two men, the top thirty percent of the ratepayers—twenty men and three widows—were rated at amounts between a shilling and *3s. 7d. ob.* Below these came twenty-one men and one woman who each paid between *11d.* and sixpence. Next were nine men and two women who paid between *1s. 6d.* and *5d.* Last of all, and listed separately, were twelve cottagers who were rated at a penny each.⁵⁷ Allowing for distortions (the document only reflects landed wealth and of course does not account for land an individual might have held outside the boundaries of Bradford), the overall impression is one of a finely-graduated parish hierarchy, with two distinctly wealthier members at the top of the pyramid towering above the rest.

⁵⁶ Somerset R.O., DD/SF (4035), "Copy, Church Rate, 1631"

⁵⁷ Somerset R.O., DD/SF (4035), "Copy, Church Rate, 1631"

From what section of this hierarchy were the churchwardens of Bradford drawn? It is possible from the church court depositions to identify fourteen of the men who served as churchwardens between 1620 and 1635. Neither of the two wealthiest parishioners served, but nine of the fourteen were drawn from the top thirty percent that was rated at more than a shilling, with one man serving two years in a row (This group included Clarke, who was rated at *2s 7d. ob.*). Of the five churchwardens who did not fall into this group, one served his term on behalf of Philip Atherton, a gentleman who was rated at *2s 5d.* No one rated at less than a sixpence served as churchwarden. In short, the office was most likely, but not exclusively, to be held by a man roughly in the top third of the ratepayers, but not by those at the very top.

This pattern of officeholding corresponds rather well with the findings of more in-depth studies. In Terling, Essex (to begin with the most famous) only nine members of the gentry and the largest farmers filled the office between the years 1590 and 1699. In the same time period, fifty-two men who can be identified as yeomen, substantial husbandmen, or craftsmen served as churchwarden, along with twelve men whose status cannot be determined. The office of the churchwarden in this community, therefore, was typically the preserve of the yeomanry and wealthier craftsmen, while husbandmen, although they might fill the office now and then, more typically filled the less prestigious office of sideman. This pattern held true across the seventeenth century. The only change in the social makeup of parish government in Terling was that most of the husbandmen and craftsmen who held the office did so after 1660, just as participation by the gentry and largest yeoman farmers at vestry meetings started to increase.⁵⁸

⁵⁸ Wrightson and Levine, 104-105. The case of Henry Morely of Earls Colne, Essex, coincides with these findings. Morely, a bricklayer who lived in a one-hearth house, served as churchwarden for fifteen

Eric Carlson's survey of twenty parishes in southeastern Cambridgeshire both reinforced and problematized the Terling findings. Surveying the subsidy rolls from 1599 and 1640, Carlson found that men wealthy enough to pay the subsidy generally did not serve as churchwarden—taking the two subsidies together, 56% of the churchwardens he identified did not pay.⁵⁹ Based on his investigation, he estimated that “fewer than half, and perhaps as few as a third, of households had a member assessed in 1599” and that the number dropped to around one fifth of households in 1640. While this still indicated that 43% of churchwardens came from the upper one-third to one-fifth of parish households, it was clear that the majority did not. This conclusion was supplemented by Carlson's analysis of a surviving 1636 church rate in the parish of Brinkley which showed that the five men who served as wardens between 1633 and 1635 all paid significantly more than the 12*d.* minimum, but also that none of them were in the top tier of ratepayers.⁶⁰ Carlson's subsequent examination of the Hearth Tax returns of 1674, on the other hand, showed that almost 60% of the churchwardens for the years 1673-1675 were from the roughly 26% of households that had three hearths or more. This led him to conclude that—in direct contrast to Terling—“the office in the last four decades of the century was filled by men of markedly higher wealth and status.”⁶¹

Obviously, considerable variation in local conditions makes one-to-one comparisons between parishes difficult. In an attempt to compensate for this, H.R. French conducted a painstaking analysis of parish rates from the later seventeenth century

consecutive years, from 1670 to 1685. Ralph Josselin, *The Diary of Ralph Josselin, 1616-1683*, Alan Macfarlane, ed. (Oxford, 1991), 689.

⁵⁹ Carlson identified the churchwardens from each of the twenty parishes for the years 1598-1600 and 1639-1641. Carlson, 194.

⁶⁰ They paid 12*s.*, 12*s.*, 5*s.*, 4*s.*, and 2*s.*, respectively. Seven men, none of whom served as churchwarden during these years, paid more than 14*s.*, one man paying over 30*s.*

⁶¹ Carlson, 199. Gwyneth Nair found a similar pattern in her study of the Shropshire parish of Highley Gwyneth Nair, *Highley: The Development of a Community, 1550-1880* (Oxford, 1988), 128-129.

in twenty-one parishes in Essex, Dorset, and Lancashire. French demonstrated that churchwardens were, when taken as a group, assessed at levels above the median assessment of all other ratepayers. Rather than compare levels of wealth across England, French opted to compare the assessment levels of parish officers and vestrymen with those of their fellow parishioners, demonstrating relative disparities of wealth within parishes. In Lyme Regis, Dorset, for example, the men who served as churchwardens between 1625 and 1725 were, in aggregate, assessed at a level 16% higher than the median assessment for all ratepayers in the parish during those same years. In six of the parishes surveyed, churchwardens seem to have been assessed at a level greater than twice the parish median.⁶² French's analysis of Hearth Tax returns indicates a similar, although slightly less conclusive pattern, with churchwardens in four of French's twenty-one parishes assessed at a number of hearths slightly below the parish median, six assessed at a number of hearths equal to the parish median, and the churchwardens of the remaining twelve parishes assessed at a level above the median.⁶³

Churchwardens in urban parishes were likewise generally drawn from the richer inhabitants, but rarely from the richest. In St. Mary's, Chester, a parish which included a large number of the county elite, 27% of the churchwardens between 1560 and 1630 were either yeomen farmers or gentlemen, while 57% of them were urban free citizens and 16% were non-free inhabitants (that is, inhabitants who did not have the rights and privileges of citizens). In the neighboring parish of St. John's, which had a larger rural population, the churchwardenship was dominated by the freemen who held the post 88% of the time between the years 1637 and 1650, with gentlemen or yeomen occupying the

⁶² H.R. French, 112-113. The churchwardens of Earls Colne, the parish of Ralph Josselin, seem to have been particularly wealthy on average, and yet see footnote 58 above.

⁶³ H.R. French, 114.

office only twice. In both of these parishes, the yeomen and the parish gentry gravitated towards the more prestigious positions of “auditor” or “sessor”—offices which together constituted a semi-permanent committee that presided over parish business. In the extramural parish of Holy Trinity, however, all parochial offices seem to have been controlled completely by the freemen, who constituted the majority of the parishioners, possibly because the parish gentry channeled their energies into county politics.⁶⁴ But the wealthiest of all, the county gentry, played little role. “In Chester, county gentry and magnates were relegated to the position of figureheads in parish politics.”⁶⁵

The greater complexity of urban society could change the dynamics of parish office-holding. In Tewkesbury, Gloucestershire, the churchwardens were drawn from the ranks of successful merchants and the leadership of guilds, and were considered equal in rank to the town’s bailiffs.⁶⁶ More often, the office of churchwarden was viewed as a stepping-stone to more prestigious positions outside of the parish. Many of the auditors and sissors of the Chester parishes served simultaneously in civic or county offices.⁶⁷ Nowhere was this more the case than in London, where the churchwardenship, which itself was at the top of the parochial *cursus honorum*, was a prerequisite for higher office within the city.⁶⁸ Additionally, parishes which had disproportionately wealthy members tended to have wealthier churchwardens. St. Andrews Holborn, which in the late sixteenth century was the wealthiest parish in London, was closely connected to the Inns at Court, and was financed by generous bequests from medieval forbearers. In 1584 one

⁶⁴ Alldrige, 86-87, 107-108.

⁶⁵ Alldrige, 104.

⁶⁶ Caroline Litzenburger, *Tewkesbury Churchwardens’ Accounts, 1543-1624* (Stroud, 1994), viii.

⁶⁷ Alldrige, 108.

⁶⁸ Archer, 51, 58-99.

of its churchwardens was Thomas Bentley—gentleman, member of Grey’s Inn, antiquarian, and author of a 1,500-page work of devotional literature.⁶⁹

Legal experts, justices, and ecclesiastical officials may have wished that every churchwarden could be a Thomas Bentley or—to return to rural Somerset—a minor gentleman like Edward Clarke, who later in life became a Justice of the Peace.⁷⁰ This was unrealistic, however,⁷¹ and it was generally felt that responsible urban tradesmen or prosperous yeoman farmers were perfectly acceptable substitutes. Indeed, educated opinion was quite positive towards yeomen in the abstract.⁷² It was believed that yeomen farmers, who were somewhat removed from daily labor, could be entrusted with positions of responsibility. Sir Thomas Smith, the son of a Lancashire sheep-farmer, also admired the English yeomanry, lauding their military prowess and counting them together with their social superiors: “When we in England do say the Lords and the commons, the knights, esquires, and other gentlemen, with citizens, burgesses and yeomen be

⁶⁹ Colin B. Atkinson and Jo. B. Atkinson, “The Identity and Life of Thomas Bentley, Compiler of the *The Monument of Matrones* (1582)” *SJC* 31, 2 (Summer, 2000): 323-348.

⁷⁰ For Edward Clarke as a JP, see E.H. Bates Harbin and M.C.B. Dawes, eds., *Quarter Sessions Records for the County of Somerset. Volume 4: Charles II, 1666-1677* (London, 1907), x.

⁷¹ Historians have insufficiently examined why the wealthiest parishioners served as churchwardens far less frequently than their social inferiors. After all, why would such men pass up the opportunity to exercise power backed up by canon law and parliamentary statute? If the office were desirable, why did Edward Clark serve only once in fifteen years? As I shall discuss further below, I believe the answer is that the burdens of the office outweighed the advantages.

⁷² As is often the case with widely-used social designations, there was no established definition of a yeoman and thus no clear dividing line between a yeoman’s status and that of a husbandman. Peter Laslett remarked that while all yeoman were husbandmen (in the sense that they were farmed the land) not all husbandmen were yeomen. Early modern lawyers often defined a yeoman as one possessing a forty-shilling freehold, but this definition was imperfect at best. Latimer, writing in the 1550s, seems to take it for granted that a yeoman need not be a freeholder: “My father was a yeoman and had no lands of his own, only he had a farm of three or four pounds by the year at the uttermost.” Latimer, *Sermons*, vol. 1, 101. The lawyer Sir Thomas Smith writing a decade or so later, opened his chapter on yeoman with the archaic legal classification of the forty-shilling freehold but, appearing to recognize its inadequacy, a few pages later defined a yeoman later simply as “a man well at ease and having honestly to live, and yet not a gentleman.” Smith, *De Republica Anglorum*, 74-76. The size of yeomen’s holdings varied widely, as did the type of tenure by which they held the land, but much research by social historians confirms the wide usage of this second definition. Wrightson, *English Society*, 39-40.

accompted to make the commons.”⁷³ Men like Richard Gough of Myddle, who had some training in the law and adorned his history with Latin tags, could plausibly be addressed in royal proclamations together with mayors, magistrates, and justices. They were an integral part of England’s ruling hierarchy—when Oliver Cromwell, in an address to parliament, remarked that the authority of the English state rested on the shoulders of “a nobleman, a gentleman, and a yeoman” he was stating a shared belief that the English yeoman was the lowest responsible rank in this chain of command.⁷⁴ This positive attitude towards yeoman on the part of the national political elite, when combined with the archival research summarized above, indicates that service in parish office was indeed well-recognized part of the “social role” of the yeoman, the substantial husbandman, or the prosperous urban craftsman—men who might with justification consider themselves the parish’s natural leaders.

This much is historiographical orthodoxy. However, to return to the Bradford example, we are still confronted by the fact that about a quarter of the churchwardens (five out of fourteen) were from drawn from the middle third of the rating list. Again, this corresponds with the data gathered by researchers elsewhere—evidence for non-elite churchwardens has also lain un-discussed in studies that have emphasized their socio-economic loftiness. The tabulated data provided by Wrightson and Levine shows that 20.4% of the ninety-nine identified churchwardens in Terling between 1590 and 1699

⁷³ Smith, *De Republica Anglorum*, 68. For Smith’s parentage, see s.v. *ODNB* Sir Thomas Smith. Latimer also remembered his yeoman father’s military service against rebels in the West Country in 1497. Latimer, *Sermons*, vol. 1, 101. A few yeomen could amass enough wealth, education, and respect to be considered gentlemen in the eyes of their neighbors. Richard Gough followed his signature with “yeoman” until the end of his life, but he was prominent enough in his community that his neighbors sometimes referred to him as a gentleman. Richard Gough, *The History of Myddle*, David Hey, ed (Harmondsworth, 1981), 13-14.

⁷⁴ Wilbur Cortez Abbott, ed., *The Writings and Speeches of Oliver Cromwell* (Cambridge, Mass., 1937), vol. 3, 435.

were husbandmen and craftsmen assessed at only £2 in goods. While their summary of their data states that the churchwardenship “went overwhelmingly to the yeomanry and wealthier tradesmen,” it also seems that a poorer husbandman holding the post was by no means unusual.⁷⁵ Carlson’s investigation of the 1674 Hearth Tax returns showed that while over half of the churchwardens from his twenty-one Cambridgeshire parishes lived in houses with at least three hearths. His evidence, however, still indicated that almost 40% of churchwardens came from households with two hearths or less and Carlson noted that a full 21.6% of the wardens he surveyed came from households with only one.⁷⁶

Some of the evidence presented by French also indicates a more complex picture even of the “chief inhabitants” than might be expected. A 1674 list of “chief and most substantial” Wiltshire parishioners named forty-two persons—including three widows—out of eighty-eight total ratepayers who were considered sufficiently qualified to hold parish office. While this list included four very wealthy men whose annual income totaled sums well over £100, it also included ten men whose annual worth was less than £10, with the median annual income for the group lying at just over £24.⁷⁷ Recognizing that his aggregated data conceals wide variations in wealth between individual parish officers, French provides an analysis of individual officers’ entire rate-paying history from the Essex parish of Newport Pond from the years 1661 to 1705. In this parish, the median assessment for churchwardens, when taken as a group, was 79% greater than the parish median. When the figures are broken down, however, a surprise emerges: of the

⁷⁵ Wrightson and Levine, 105.

⁷⁶ Citing an earlier article by Spufford that showed that some substantial Cambridgeshire yeomen lived in houses with only one hearth, and noting that probate inventories of three of the churchwardens in his survey revealed that they lived in quite sizable houses with only two hearths, Carlson speculated that at least some of this 21.6% may have been better off than their Hearth Tax return indicates. Carlson, 199-200.

⁷⁷ H.R. French, 106.

forty churchwardens who can be identified from the records, half were assessed at a level *below* the parish median! The disproportionately great wealth of the top 25% of Newport Pond's churchwardens for this period skews the data upwards for the group as a whole.⁷⁸

It seems appropriate here to quote an oft-repeated anecdote, related with characteristic dryness by Richard Gough, concerning one William Parker, a laborer who had inherited a small tenement from his father-in-law:

[H]e was a person that affected to be accompted somebody in this parish, and therefore procured to be bailiff of this manor. He also had a great desire to be made churchwarden of this parish, which at last he obtained. It was said that he gave a side of bacon to Robert Moore, to the end he would persuade his brother the rector to choose him churchwarden, and afterwards he made that year the epoch of his computation of all accidents, and would usually say such a thing was done many years before or after the year that I was a churchwarden.⁷⁹

This anecdote, invisible in the official records, illustrates how an ambitious man of lowly background might contrive to serve in his community's most prestigious office. Parker was clearly not an obvious candidate for the position and his efforts to achieve it apparently took time and—perhaps—a judicious gift to a man of influence. But, although his incessant mentioning of his service afterwards appeared faintly ridiculous to men like Gough, to whom parish office came naturally and inevitably, Parker managed to attain his goal—a reminder that barriers to the office were surprisingly low.⁸⁰

⁷⁸ Ten more were assessed at a level only slightly above the parish median, and the top ten were assessed at more than two and a half times greater than the parish median. H.R. French, 116.

⁷⁹ Gough, 239; for Parker's background see Hey, 144, 173. French references this incident, but only to demonstrate the desirability of the office. H.R. French, 121.

⁸⁰ If barriers to the churchwardens' office were low, those to the churchwardens' assistant may have been even lower. One Cheshire swornman was receiving poor relief when he served in the office in 1641. Maltby, 257.

If one out of every four or five churchwardens was indeed drawn from the lower rungs of the community of parish ratepayers, as the studies cited above imply, it would help explain the steady barrage of complaints about churchwardens and other parish officers commonly heard across the early modern period. The remarkably consistent critique of churchwardens and other parish officers was *not* that they were haughty and overweening—which is what we might expect from the historiography—but rather that they were untrustworthy and ineffective as a result of their low social status. Seventeenth-century Englishmen may have thought that the churchwarden’s office was properly part of the role they expected the wealthiest parishioners to play; however, the constant grumbling about low-status churchwardens implies that it was generally believed that the reality did not meet the expectation.

Sir Thomas Smith, writing in the 1560s, described English society as being divided into nobility, gentry, and yeomen on the one hand, and the “fourth sort of men who do not rule” on the other.⁸¹ As we have seen, Smith was complimentary towards the yeomanry. He was nowhere nearly as positive about those in the bottom category:

The fourth sort or class amongst us, is of those which the old Romans called *capite censeii* or *operae*, day laborers, poor husbandmen, yea merchants or retailers which have no free land, copyholders, all artificers, as tailors, shoemakers, carpenters, brickmakers, masons, etc. These have no voice nor authority in our common wealth, and no account is made of them but only to be ruled and not to rule others, and yet they be not wholly neglected. For in cities and corporate towns for default of yeomen, they are fain to make their enquests of such manner of people. And in villages they be commonly made churchwardens, alecunners, and many times constables, which office toucheth more the common wealth, and at the first was not employed on such low and base persons.⁸²

⁸¹ Smith, *De Republica Anglorum*, 76.

⁸² Smith, *De Republica Anglorum*, 76-77.

Some historians have taken exception to the characterization of churchwardens as low and base.⁸³ Others have pointed out that Smith and other social commentators of his day described their society in conservative, legalistic terms that rendered irrelevant anyone who was not a freeholder.⁸⁴ Still others have recognized that lumping laborers, husbandmen, craftsmen, and merchants all together at the bottom of the social pyramid “represented the failure of a system of social classification rather than its successful application.”⁸⁵ Nevertheless, it is worth remembering Wrightson’s comment that, while such contemporary social descriptions may have been lacking in complexity “they were generally right, however, in insisting upon the special place of yeomen and full citizens in the social order.”⁸⁶

If legal specialists, justices, and clergymen alike all believed that yeomen farmers, who were somewhat removed from daily labor, could be entrusted with positions of responsibility like churchwarden or constable, they were equally certain that husbandmen and craftsmen—who filled these positions by the thousand every year—could not. The disdain for non-yeomen office-holders is quite evident in the writings of common lawyers. William Lambarde declared that grand jurors should be “such only as can read and write and is withal assessed to the subsidy at six or eight pounds in lands or double thereof in goods”—a standard that was almost certainly never achieved. Another legal commentator approvingly quoted Sir John Fortesque’s statement that “men wholly given to moiling in the ground, in whom that rural exercise engenders rudeness of wit and

⁸³ J.S. Craig in particular took umbrage at Sir Thomas’s statement in his article “Co-operation and Initiatives” cited above.

⁸⁴ David Cressy, “Describing the Social Order of Elizabethan and Stuart England,” *Literature and History* 3 (March, 1976), 31.

⁸⁵ H.R. French, “The Search for the ‘Middle Sort of People’ in England, 1600-1800,” *HJ* 43, 1 (2000), 278.

⁸⁶ Wrightson, *English Society*, 45.

mind” were not fit to sit on juries.⁸⁷ A recent survey of witnesses’ self-descriptions in church court records found that husbandmen often said they were dependant on wage labor—a fact that eroded confidence in their capacity for independent judgment and implied they were susceptible to bribery.⁸⁸ Daily labor also made it hard to attend to one’s duties: a question posed to circuit justices in Charles I’s time asked whether constables might be allowed to appoint deputies to assist them. The questioner had to explain that constables were “in our parts husbandmen and so daily in the fields,” implying both that the justices expected constables to be yeomen and that the day-to-day work of husbandmen kept them from performing the duties of a constable efficiently.⁸⁹ Robert Gardiner’s 1692 handbook for constables combined all these concerns, warning that “this office ought not to be put on the poorer sort, for they are usually the most ignorant and fearful, and less able to attend this office, their necessity requiring them to mind their trade and employment.”⁹⁰ That such men would insinuate themselves into office was a common concern. The playwright Philip Massinger gestured towards such fears in *A New Way to Pay Old Debts* by having the scoundrel alehouse-keeper remark that, thanks to the money he has made by catering to “whores and canters,” he has been elected to a minor parish office and “in time/May rise to be overseer of the poor.”⁹¹ All these statements are in themselves evidence that men whom legal specialists and others thought were not equal to the task were in fact occupying positions of responsibility.

⁸⁷ Herrup, *The Common Peace*, 103, 133.

⁸⁸ Shephard, 64.

⁸⁹ Barnes, ed., *Somerset Assize Orders*, 71.

⁹⁰ Gardiner, 7.

⁹¹ Philip Massinger, *A New Way to Pay Old Debts* in Colin Gibson, ed., *The Selected Plays of Philip Massinger* (Cambridge, 1978), 191.

Churchwardens came in for their share of such criticism. Their role as the parish's financial officers inevitably gave rise to popular depiction of unscrupulous wardens helping themselves to the common purse. When Thomas Adams sought to describe how the theft of ordinary objects from the church still constituted sacrilege, he used the immediately recognizable image of churchwardens stealing cash from the poor-box.⁹² Gardiner's comment about poorer constables being fearful echoed the complaints about churchwardens that zealous clergymen and others had been making for at least a century, frequently accusing them of being the stooges of powerful parishioners who wanted to flaunt God's law. Sir Owen Hopton expressed his concern to the House of Commons in 1571 that churchwardens "being simple men," would prove less than reliable when apprehending those who failed to attend church on Sundays and argued that more reliable persons should be given the task.⁹³ The godly clergy of Lancashire agreed with Hopton. "There is no small corruption in the Church officers, as in the churchwardens, sidemen, and parish clerks," they petitioned in 1590. "They are chosen by the singular nomination of the gentlemen and better sort of every town, without the consent of the pastor. By means whereof, it cometh to pass they are commonly of the meanest and lowdest sort of the people and therefore most fit to serve the humor of the gentry and multitude."⁹⁴ Richard Bancroft had little use for the opinions of puritan clergymen, but the Canons of 1604, promulgated under his supervision, seemed to take their concerns seriously. Canon 89 gave the minister the right to appoint one of the churchwardens if he and the parishioners could not agree on who should hold the office.

⁹² Thomas Adams, *The Happiness of the Church* (London, 1619), 25.

⁹³ T.E. Hartley, ed., *Proceedings in the Parliaments of Elizabeth I, vol. I: 1559-1581* (Leicester, 1981), 201-202.

⁹⁴ F.R. Raines, ed., *A Description of the State, Civil and Ecclesiastical, of the County of Lancaster about the year 1590*, Chetham Society Publications 96 (Manchester, 1875), 9.

Additionally, Canon 113 gave ministers the right to make presentments in the church courts independently of their churchwardens who, the canon stated, “do forbear to discharge their duties therein, *either through fear of their superiors* or through negligence, more than were fit, the licentiousness of the times considered.”⁹⁵

Ministers’ apprehensiveness of churchwardens’ fear of their wealthier neighbors persisted through the seventeenth century. A Buckinghamshire clergyman grumbled in 1635 that the churchwardens of his parish were “willfully resolved to be foresworn, rather than they will present any justice or gentlemen or rich neighbor, be they never so faulty.”⁹⁶ A more sympathetic George Herbert wrote that it was up to the parson to present delinquent gentlemen or nobility himself “if the poor Church-wardens be affrighted with their greatness.” The office of churchwarden, Herbert wrote, should not be “vilified or debased by being cast on the lower rank of people.” Rather, the responsible parson “invites and urges the best unto it, showing that they do not loose, or go less, but gain by it.”⁹⁷ Such cajoling may sometimes have worked, but Herbert clearly felt that most of the men who served as churchwardens fell short of his ideal.

It was not only ministers who felt that churchwardens’ shortcomings were due to their lowly status. George Wither’s splenetic satire of all ranks and professions also pilloried churchwardens: “Partly in favor, in part for fear/They wink at much disorder in a year.”⁹⁸ Nor did critiques of churchwardens as lowly and base decrease as the century

⁹⁵ *Anglican Canons*, 385, 411. Emphasis mine. Much scholarly attention has been given to the Elizabethan regime’s fears of the ungodly poor, but, as these examples indicate, it appears that the church leadership was just as concerned about the ungodly rich. In the parliament of 1597, Archbishop Whitgift denounced the “toleration of offenses in great persons...because none doth present them. These mighty men, they make a profession of sin.” Strype, *Life of Whitgift*, vol. 2, 374-375.

⁹⁶ Hill, 391.

⁹⁷ Herbert, 270.

⁹⁸ George Wither, *Juvenalia* (Manchester: The Spenser Society, 1871), vol. 2, 342. The wardens in his poem defend themselves by complaining that “offenders are so friended/If they present, ‘tis little thing

wore on. A breathless account of a sacrilegious puritan churchwarden in Northamptonshire took care to note that he was “of the meanest sort.”⁹⁹ In 1666, a Leicestershire rector accused his wardens of “dancing after the pipes of some grandees in the parish and according to their dictates presenting a perjured *omnia bene* at the Visitation.” Such “tame officers,” he wrote, were “altogether unsuitable for the cure of many sad distempers.”¹⁰⁰

There was a common perception that the problem was a particularly rural one. In one of his sermons, Bishop Hugh Latimer had speculated that Jarius, the powerful ruler of the synagogue who begged Jesus to heal his daughter, was the ancient Hebrew equivalent of a churchwarden, “which is a great office *in the great cities*.”¹⁰¹ His complimentary aside was in sharp contrast to Thomas Smith’s disparaging comment, quoted above, that “low and base persons” were frequently made constables and churchwardens in the villages.¹⁰² Godfrey Goodman, while a rector in rural Essex, remarked that in his parish if a man owned a few farm animals and paid his rent on time he was considered “a very great and sufficient man”—definitely churchwarden material—and noted that “we wonder that all do not respect him accordingly.”¹⁰³ But among the educated, few did. The younger Henry Peacham, a curate’s son who doubtless had witnessed plenty of interaction between his father and the lay officers of his parish,

amended”—in other words, that they lack the influence wielded by the men whom they were supposed to be bringing to justice.

⁹⁹ *Wonderfull news, or a true Relation of a Churchwarden in the Town of Tocester* (London, 1642), 1.

¹⁰⁰ John H. Pruett, *The Parish Clergy Under the Later Stuarts: The Leicestershire Experience* (Urbana, 1978), 118.

¹⁰¹ Latimer, *Sermons*, vol. 1, 533-534. Emphasis mine. Latimer compared biblical Capernaum to the Coventry or Bristol of his own day.

¹⁰² Smith, 76-77.

¹⁰³ Godfrey Goodman, *The Fall of Man, or The Corruption of Nature* (London, 1616), 139-140. This work is believed to be a compilation of Goodman’s sermons while he was pastor at Stapleford Abbots, before he was elevated to the see of Gloucester. *ODNB*, s.v. Godfrey Goodman. Both the Webbs and Hindle cite this passage as an example of the churchwarden’s exalted status, but both omit the part about the wealth of towns, thereby missing the irony.

frankly recognized that a country husbandman might have a certain degree of material wealth, but nevertheless mocked him as churlish and narrow-minded, and implied that his miserly selfishness made them untrustworthy when handling public funds: “[H]e had rather be spreading of dung than go to the leanest sermon in the shire; he murmurs at all payments and levies....[I]f he fortune to be church-warden of his parish, at every brief gathering in the church he reserves a groat or sixpence to himself.”¹⁰⁴ Peter Heylyn reported that clergymen who resisted having the Book of Sports read to their congregations claimed that their churchwardens were illiterate as “doth happen many times in the country villages” and that the proclamation ought to be read aloud by a learned man and not a “silly villager.” While Heylyn clearly felt that this was a dodge, he also assumed that his readers, nearly forty years after the event, would still recognize the plausibility of the excuse.¹⁰⁵

By the beginning of the eighteenth century, as we shall see in Chapter Seven, churchwardens in the metropolis were being abused in terms that had earlier been more commonly reserved for their rural counterparts. The pamphleteers who campaigned against select vestries in the London suburbs capitalized on the stereotype of churchwardens as men of humble background who used their position to lord it over their social superiors. By the mid-eighteenth century there was a nation-wide campaign to reform parish government more generally. One tract complained that instead of substantial householders serving in parish offices, the positions were dominated by “a continual succession of mean people” who laid heavier and heavier taxations upon landed property, which they themselves did not have to pay. The accusations leveled against

¹⁰⁴ Henry Peacham, *The truth of our times revealed out of one man's experience, by way of essay*. (London, 1638), 124.

¹⁰⁵ Peter Heylyn, *Cyprianus Anglicus* (London, 1671), 278.

churchwardens and overseers were depressingly familiar: churchwardens, overseers, and the vestrymen to whom they were accountable were poorly educated, small-minded, without any sense of the public good, easily controlled by the unscrupulous, and intent only on lining their own pockets.¹⁰⁶

Most social historians have either ignored these accusations or dismissed them as preposterous exaggerations.¹⁰⁷ However, court records indicate that poor churchwardens and the problems they were believed to cause did not only exist in the minds of jurists, clergymen, and Grubb Street scribblers. In 1597, the churchwarden of Langenhoe, Essex, pleaded before the consistory court that he be excused from serving on account of his poverty. Six years earlier, the members of another Essex parish elected a “poor and laboring man” to the office who—successfully—argued before the court that someone else should be chosen in his place, pointing out that he had been churchwarden for two consecutive years already. He helpfully provided the court with a list of “divers sufficient men in the Queen’s book (i.e. on the subsidy rolls) which are meet to serve, which have no office.”¹⁰⁸ In 1635, a group of Dorsetshire parishioners lodged a suit against their churchwarden, derisively describing him as “a poor man and of no estate and one that liveth by selling of butter.”¹⁰⁹ John Stock, a Somerset churchwarden, had been arrested for debt “several times” prior to 1638 and had no means of his own in his parish.¹¹⁰ Sometimes parishioners blamed the clergy for their churchwarden’s low status. In the 1680s, as we shall see in Chapter Five, the inhabitants of the Somerset parish of Queens Camel sued their minister for appointing a poor man to the office; the same

¹⁰⁶ Langford, 154.

¹⁰⁷ Carlson, 193-200; Craig, 363-4.

¹⁰⁸ Emmison, *Elizabethan Life*, 233.

¹⁰⁹ H.R. French, 77.

¹¹⁰ Somerset R.O., D/D/Cd 131 (Goode and Stock c. House, 1638).

happened in the Wiltshire hamlet of Foxham.¹¹¹ The unfortunate Thomas Young of Dorset was an illiterate carpenter who found himself in debtors' prison when a clique of his fellow parishioners refused to honor the expenses he had incurred while serving as churchwarden in 1690. Even after the Court of Exchequer ruled in his favor, he was still unable to collect the money and found himself imprisoned a second time. A sympathetic witness described Young as "but a poor man and unable to defend himself against such a body of Confederates."¹¹² But other communities rallied to their churchwardens' defense, humble though they were. Around the same time that Young was fruitlessly pursuing his suit in Exchequer, parishioners in the Welsh district of Cardigan elected a dairyman as their churchwarden, a man their archdeacon contemptuously described as a "*pauper lactarius, servus minus habilis*." He refused to administer the oath and told the representatives of the parish to pick someone more suitable. The parishioners, on the contrary, procured a writ of mandamus that upheld their original choice.¹¹³

As we saw in the previous chapter, accusations that the "meaner sort" were gaining a level of influence in the parish could be a rhetorical device designed to stoke secular and ecclesiastical authorities' fears of disorder. But the fact that significant numbers of poor husbandmen and craftsmen served as churchwardens made this argument a plausible one, and the persistence and ubiquity of the complaints about base churchwardens indicate the degree to which many churchwardens were vulnerable to such attacks. Churchwardens may rarely, if ever, have been as poor as their attackers made them out to be. But comparatively few were rich enough to be completely immune

¹¹¹ Somerset R.O., D/D/Cd 97, f. 151; Donald Spaeth, *The Church in an Age of Danger: Parsons and Parishioners, 1660-1740* (Cambridge, 2000), 94, 100.

¹¹² J.H. Bettey, "The Bell of Bothenhampton: The Travails of a Seventeenth-Century Churchwarden", *Proceedings of the Dorset Natural History and Archaeological Society* 114 (1993 for 1992): 268-269.

¹¹³ 91 ER 153 [Salk. 116].

from the accusation. For every Richard Gough—secure, prosperous, and (as far as we know) universally respected—there was a John Stock or a Thomas Young, who had seen the inside of a debtor’s prison. What requires explanation is not that there were so many substantial parishioners serving as churchwardens— this is nothing more but what we should expect in an age that relentlessly proclaimed the correlation between wealth and fitness to govern. What requires explanation is that such a large proportion of churchwardens failed to meet the standard.

In summary, while occasionally serving as churchwarden was indeed an integral part of being one of a parish’s “chief inhabitants,” it is not useful for historians to think about the office simply as an extension of a broader social role. Furthermore, if a social role is a “culturally patterned way of unthinking interaction,” then parish office was only partially a social role in any case. The role of a public officer might have been defined by tradition and other cultural expectations, but it was also defined in canon law and in parliamentary statute. For this reason, it was qualitatively different from the role of, say, a father or a wealthy yeoman farmer, which were defined by unwritten societal expectations. I suggest that a more productive way is to understand early modern conceptions of parish office is to examine it as *an office*—as a *legal* role performed by qualified but interchangeable individuals for a fixed period of time and which required the performance of specified duties.

Churchwarden as legal role

Perhaps the best way of proceeding with an investigation of the legal role of the churchwarden is first to define how contemporaries described them. Mark Goldie and

Phil Withington have both suggested that classical texts, particularly Aristotle, Cato, and Cicero, might have shaped early modern Englishmen's ideas about parochial and urban government, leading them to see them as arenas for civic republicanism.¹¹⁴ While both provide a few examples of city burgesses referring to Roman models, on the whole there is scant evidence that these were commonly evoked by ordinary parishioners.¹¹⁵

A more fruitful approach perhaps is to examine the terms used in the actual documents that record the mundane business of parish administration. Thirteenth-century parish account books contain references to *procuratores parochie* or *ecclesie*, *custodes instauri* or *bonorum ecclesie*, *custodes operis* or *fabrice ecclesie*. All these terms emphasize one of the variety of functions that later become associated with churchwardens—administering property or taking other action on behalf of the parish community, responsibility for the safeguarding of the church's ornaments and utensils, or raising funds to meet a particular need. Terms like *oeconomi*, *custodes*, or *preposti ecclesie* were less specific, but still implied men appointed to be caretakers of property on someone else's behalf.¹¹⁶ The layman's term “warden,” which was current from at least the 1400s, similarly implied someone appointed to be a caretaker on behalf of some superior authority.¹¹⁷ Medieval church court records refer to *economi* in the fourteenth century and to the Latinized French equivalent *guardiani* by the mid-fifteenth century,¹¹⁸

¹¹⁴ Goldie, 181-183; Phil Withington, *The Politics of Commonwealth: Citizens and Freemen in Early Modern England* (Cambridge, 2005), 68, 118-120, 214.

¹¹⁵ Richard Gough briefly compares a pair of mid-sixteenth century churchwardens to the consuls Julius Caesar and Bibulus, but this is more to show off his knowledge of Suetonius than it is to portray Myddle as a seat of republican virtue. Gough, 34.

¹¹⁶ This list is provided by Drew, 6. An *oeconomus* was originally the steward of an episcopal or monastic household. Gerald Bray, ed., *Tudor Church Reform: The Henrician Canons of 1535 and the Reformatio Legum Ecclesiasticarum* (Woodbridge, 2000), cxxxvi.

¹¹⁷ Bray, cxxxvi; Kumin, *Shaping*, 22. Kumin also notes the terms *procuratores parochiae*, *custodes instauri*, church-reeves (from 1386), kirkmasters (1429), and churchwardens (at least as early as 1466).

¹¹⁸ Poos, lx.; Bray, cxxxvi.

but they also refer to officers known as *inquisitores* (usually translated as “questmen”) whose job it was to bring wrongdoing within the parish to the attention of ecclesiastical officials.¹¹⁹ If we go strictly by the names, we would expect that the wardens’ job was strictly to watch after the parish’s physical property while the questmen were in charge of supervising morals; however, no such distinction is evident in the records. The humanist lawyers and clergymen appointed to reform canon law in the reign of Edward VI rejected *guardiani* as insufficiently elegant. The clergymen on the committee opted for resurrecting *oeconomus*, emphasizing the churchwarden’s role as the custodian of parish property.¹²⁰ The lawyers on the committee preferred the term *syndicus*, which could mean one deputized to perform legal or administrative business on behalf of another, but which could also mean someone empowered to act as a disciplinarian.¹²¹ When Matthew Parker, who sat on the commission, became Archbishop of Canterbury twenty years later, he referred to churchwardens as “aediles” (*aeditui ecclesiasticarum*) in the canons he promulgated in 1571.¹²² Again, this could merely have been humanist archaizing, but the ancient Roman officers’ responsibility for public buildings *and* for maintaining order may have seemed an appropriate parallel for the churchwardens’ combination of caretaking and policing responsibilities, particularly at a time when the latter were being increasingly emphasized. The canons of 1604, with less erudition but perhaps greater clarity, referred to *ecclesiarum oeconomi* and *inquisitores* interchangeably, emphasizing

¹¹⁹ Poos, lx-lxii. Houlbrooke, “Bishop Nykke’s Last Visitation” in M.J. Franklin and Christopher Harper-Bill, eds., *Medieval Ecclesiastical Studies in Honor of Dorothy Owen* (Woodbridge, 1995), 117, 118, 120.

¹²⁰ It is important not to read too much into the names, but it is a possibility that they chose not to emphasize the churchwardens’ disciplinary role because they wanted discipline to be enacted by lay elders (*seniores*), who, with the minister, would be empowered to pronounce the ban of excommunication. The appearance of lay elders in this document will be discussed further in Chapter Six.

¹²¹ Bray, cxxxvi. It is possibly significant that the same title was used by the four chief magistrates in John Calvin’s Geneva.

¹²² *Anglican Canons*, 191.

the churchwarden's dual role as steward and moral guardian.¹²³ In spite of these official attempts to harmonize the two, conflicting expectations regarding the churchwarden's role were a regular feature of parish government, as we shall see in the next chapter.

But if the legal titles indicated an impressive range of responsibilities, the legal requirements for office sent a different message. Canon law, which governed churchwardens' elections, specified no qualifications for the office.¹²⁴ Ecclesiastical officials might occasionally—and, by the late seventeenth century, controversially—refuse to administer the oath of office to someone who they thought was unsuitable.¹²⁵ But such cases were the exception: on the whole, churchmen were more concerned with getting parishioners to fill the office than with keeping unfit individuals out of it. By and large ecclesiastical officials relied on the power of the churchwardens' oath and the oversight of the minister to ensure proper discharge of their duties. Moral imperfections—even a bitter ongoing dispute with the vicar—did not disqualify a man.¹²⁶ Perhaps even more surprisingly, religious heterodoxy was not a bar to office—when the Cavalier parliament passed the Test Act in 1672, which required all public officers to take Anglican communion, it specifically exempted churchwardens from its provisions, along with constables and other local officers.¹²⁷ The official expectations of church and state were astoundingly minimal.

Ecclesiastical law was similarly oblique about churchwardens' duties. Nowhere did the Church formally define what churchwardens were supposed to do; instead,

¹²³ *Anglican Canons*, 384.

¹²⁴ *Anglican Canons*, 385.

¹²⁵ The decreasing ability of episcopal officials to reject candidates they deemed unsuitable will be discussed in Chapter Seven.

¹²⁶ Carlson, 204-205.

¹²⁷ This will be also discussed further in Chapter Seven.

descriptions of their responsibilities were scattered throughout the canons. Canon law did specify that wardens should be elected in Easter week,¹²⁸ and archdeacons usually conducted a visitation in late spring, not only to swear in the new churchwardens but also to provide them with written guidance.¹²⁹ Newly-elected wardens relied instead on their predecessors and on local custom embodied in the older parishioners. Unlike constables, manorial officers who gradually accumulated duties through successive parliamentary statutes, for most of the seventeenth century churchwardens had no handbook to educate them in their duties (although handbooks for constables often had an appendix covering the poor laws). For official direction, of course, wardens had the visitation articles, but these, while reasonably effective at ensuring at least minimum compliance with canon law, were not codified and were therefore ephemeral, un-standardized expectations set by individual bishops. It was not until 1701 that Humphrey Prideaux, an archdeacon of Suffolk better known to posterity for his interest in Middle Eastern history, published a comprehensive set of directions for his churchwardens that became the standard reference.¹³⁰ Meanwhile, as was described above, a cascade of parliamentary statutes added steadily to churchwardens' secular responsibilities which often bore little relation to one another or to their ecclesiastical functions.

The ambiguity inherent in the laws concerning the churchwardens' office—the piecemeal definition of its duties, the low threshold to entry, and its disparate functions—demonstrate that, although office was a legal role, those who filled that role had to act before a variety of audiences, each one of which had its own ideas as to what that role

¹²⁸ In the late sixteenth century, many parishes elected churchwardens around Christmas; the nearly universal shift to holding their elections after Easter is one of the clearest examples of post-Reformation standardization.

¹²⁹ This was codified in the canons of 1604. *Anglican Canons*, 419.

¹³⁰ Prideaux, *Directions to Churchwardens for the Faithful Discharge of Their Office* (Norwich, 1701).

ought to be. The patchy legal framework that defined the office meant that each one of these audiences had official justification for its own definition. The following chapter, therefore, discusses how external authorities (particularly ecclesiastical officials), parish ministers, and parishioners each conceptualized their relationship with churchwardens. Each felt—with justification—that the churchwardens ultimately worked for them.

Chapter Five: “A Door-keeper in the House of God”

In the previous chapter I discussed how early modern English householders (and present-day historians) conceptualized the all-important office of the churchwarden, arguing that viewing the office simply as an extension of the broader social roles of patriarchal father or prosperous yeoman farmer is inadequate if we wish to analyze how officeholding actually worked. As I indicated in the conclusion, churchwardens' disparate duties meant that they were expected to conform to a variety of expectations. This chapter, accordingly, will begin by analyzing churchwardens' relationships with episcopal authorities, with the parish incumbent, and with their fellow parishioners. It then investigates what the mechanics of churchwardens' elections reveal about the nature of parish politics more generally. Finally, it examines how eligible parishioners' willingness or—more frequently—unwillingness to serve in office affected parochial political dynamics. A recurring theme in the first section is the amount of discretionary power churchwardens had at their disposal, while both the first and the second sections use the churchwardens' office as a lens through which to investigate the fractured nature of political authority in the parish. The third section raises a theme to which we will return in the conclusion—that the burdensome nature of the churchwardens' office demanded participation in parish government, even from those who wished to avoid it. Two examples—one from Lancashire and one from Somerset—help illustrate the issues at hand.

The Lancashire parish of Ribchester, on the banks of the river Ribble, was managed by a group of parishioners whom the records refer to as the “Four-and-Twenty gentlemen.” At their annual meeting during Easter week in 1639 the members

representing the township of Hothersall selected one of their number, an elderly man named John Ward, to be township's churchwarden that year. But Ward did not want to serve. In a petition to the bishop of Chester, he complained that the Twenty-Four had selected him solely on the basis of "a little house and little parcel of land" that he held which were located in Hothersall. Ward claimed that neither he nor his forefathers had ever had to serve as churchwarden before for these properties, and asked the bishop to intervene "that your petitioner may not be harmed by raising a wrongful custom."¹

Ward's petition had a sympathetic hearing from the bishop, but for reasons different from those expressed in the petition. The bishop wrote in the margin of the petition that he had been informed that the man was old and infirm and that the parishioners should pick someone else. Ward's ability to perform the duties of the office was the bishop's primary concern, but he also tersely expressed his intention to dissolve the "Company of the Twenty-four" if they continued to act without regard for their own customs.²

The bishop's order was initially ignored, but the Twenty-Four were, in fact, deeply divided on this issue. When Ward petitioned the bishop a second time he was joined by eleven members of the Twenty-Four plus six other parishioners who explained that it was parish custom that no one was required to serve as churchwarden other than for the town he dwelt in and that Ward was being unfairly compelled to serve for a town several miles from his residence for a piece of property that had never before been required to provide an officer. The bishop responded by admonishing those who were trying to force Ward, "an old impotent man unable to serve" into the office "at this

¹ Smith, *Longridge*, 176.

² Smith, *Longridge*, 176.

troublesome time,” also declaring his intention to summon the three members of the Twenty-Four who represented Hothersall township to the consistory court if they refused to find someone more suitable. Ultimately, a compromise was reached with the Twenty-Four selecting a parishioner to serve as Ward’s deputy.³

This incident revisits several themes from Chapter Three: a select group of parishioners who claim the right to manage all parish affairs, divisions within that group lead some to appeal both to ordinary parishioners and external authorities for support. But this incident also illustrates three aspects of parochial officeholding not generally emphasized in the scholarship. First, in Ribchester—as in many parishes—political office was connected to land, not simply in the sense that a churchwarden was expected to hold land, but also in the sense that the holding of a certain piece of land might require the owner to serve in the office. Second, it was the practice for the Twenty-Four to appoint parish officers with the members representing the different townships each picking a churchwarden; however, the Twenty-Four did not have free exercise of this power.⁴ Third, we see how external authorities’ expectations regarding parish officers might conflict with those of the parishioners. To the parishioners of Ribchester, office was a rotating set of duties attached to land. Ward’s dispute with the Twenty-Four was simply over whether the particular piece of land he held required him to serve as churchwarden for the townshipship, something which he argued had never been required of the land’s owners before.

The bishop, however, had a different set of concerns. While the Twenty-Four’s disregard for custom was one source of his frustration, what really bothered the bishop

³ Smith and Shortt, *Ribchester*, 162-163.

⁴ Ribchester had five churchwardens total. Smith and Shortt, *Ribchester*, 174.

was the prospect of a man being made churchwarden who would not be physically able to perform his duties. This was indeed a clash between “two concepts of order”⁵ but not in the sense that Wrightson meant it—instead of a small group of wealthy parishioners embracing a new “middling” ethic of tightly-regulated morality that ran counter to traditional ways, the bishop saw a parochial elite more concerned with the mechanics of filling the office than whether or not Ward could actually do the job. Perhaps they genuinely felt that Ward, a man said to be “serviceable and dutiful in all respects,” would make a good churchwarden in spite of his age. But, even so, Ward’s reluctance forced the question—whose opinion mattered more, that of the parishioners who chose him, or that of the bishop who swore him into office? Finally, it is apparent that Ward did not want the office in the first place and fought to avoid being saddled with a recurring obligation not previously required of him. That parish office might be shunned rather than eagerly sought after is more than an interesting side note. Much of the recent scholarship on parish government has assumed a will to power on the part of English parishioners, seeing narrowing participation in office as another sign of social polarization. Ward’s case shows the opposite: political power was not something all men craved, and yet they could be drawn into parish government, whether they wanted it or not.

A second example from the Somerset parish of Queens Camel in the later half of the seventeenth century provides further insights into what dynamics might be at play in a churchwardens’ election. Unlike Ribchester, which is typical of the sprawling parishes of the north, Queens Camel is a compact six square miles, most of which, in the seventeenth century, was dominated by a single manor. Mr. Mildmay, lord of that manor, and Mr.

⁵ Wrightson, “Two Concepts of Order.”

Kidley, the parish vicar, were talking in the house of a third parishioner (a yeoman farmer) the day before Easter, 1682. Churchwardens were usually chosen during Easter week and the meeting was a bit of pre-election maneuvering, with the conversation turning to who would be chosen to serve in the office for that year. The question was particularly important because the church needed extensive repairs and the churchwardens would be responsible for contracting builders and artisans to do the work, and with collecting the money to pay for it. Mr. Mildmay, one of the parish's wealthiest men, stated that "he could do it better than another" and asked the vicar to choose a suitable partner for him, indicating his preferred candidate. But the vicar objected vociferously, stating that the man in question refused to pay his tithes: "He will take the bread out of my mouth." A different man was agreed upon.

But when the parish householders met together a few days later to elect the wardens for the following year, things broke down. Mr. Mildmay, as planned, announced his willingness to take on the office and was promptly elected. But when the vicar stood to nominate the other churchwarden, he chose not the man that he and Mildmay had agreed upon, but John Burrows, a former servant of Mildmay's universally described as "a very poor man." This was a slap in the face. The assembled householders complained that Burrows was not a suitable partner for a man of Mildmay's status, nor could he be trusted with the parish's money. But the vicar refused to put forward a different candidate. The frustrated householders proceeded to ignore the vicar and elected the man whom Mildmay had originally wanted as his partner, probably at the prompting of Mildmay himself. This was in contravention of the church canons, which stated that that parishioners and ministers should elect churchwardens together, but that if they could not

agree, then the parishioners should choose one and the minister the other.⁶ Nevertheless, when the bishop's apparitor arrived in Queens Camel a few weeks later asking who the churchwardens were in order that he might deliver the summons for the upcoming visitation to them, he was told the whole story and "understanding that this Burrows was a poor man and named by Mr. Kidley by way of affront," he was satisfied that the two men elected by the parishioners were the legitimate wardens. The two were sworn into office at the bishop's visitation.⁷

These examples demonstrate the political variety found among English parishes. In Ribchester, the power to appoint officers rested with the committee of the Twenty-Four, two or three men representing each of the parish's five townships, while in Queens Camel, that power was in the hands of the assembled householders.⁸ Yet the Twenty-Four of Ribchester did not wield complete authority when choosing parish officers—they were restricted by parochial custom, taking into account which properties typically provided churchwardens and which did not. The parishioners of Queens Camel, on the other hand, were able to elect one of their churchwardens directly although, thanks to an innovation introduced by the canons of 1604, the vicar nominated the other.⁹ But the vicar's authority in this matter was clearly not absolute.

The two examples also highlight a difference in the manner in which parishioners viewed the churchwarden's office. As I observed a moment ago, it is evident that John

⁶ *Anglican Canons*, 385. More specifically, the Canons of 1604 stated that parishioners and ministers should elect churchwardens together, but that if they could not agree, then the parishioners should choose one and the minister the other. Queens Camel, like many parishes in the later seventeenth century, had formalized the distinction between the "people's warden" and the "vicar's warden." The relationship between ministers and churchwardens will be discussed more fully below.

⁷ Somerset R.O., D/D/Cd 97, fos. 151-154.

⁸ The records surveyed by Smith and Shortt, *Ribchester*, clearly show that the Twenty-Four was still in existence in the 1680s, making it possible to compare these two parishes.

⁹ Another contrast is evident here: while the parishioners of Queens Camel had apparently adjusted their election procedures in accordance with the new canons, the Twenty-Four of Ribchester had ignored them.

Ward had no interest in the position and lobbied hard to get out of it, contrary to what we should expect from a historiography which implies that parochial office was a passport to power and respectability. Yet if part of the Ribchester parish elite were trying to foist the churchwardenship on an “aged and infirm man” who wanted desperately to avoid it, the opposite was the case in Queens Camel, where the vicar’s nomination of a poor man to the office met with general disapproval.

But the two incidents are similar in many ways. In both cases the role of elite parishioners was important. This was more obvious in Ribchester, where decision-making was monopolized by the Twenty-Four. In Queens Camel the influence was more subtle. That the householders followed Mildmay’s prompting at the churchwardens’ election is not particularly surprising—Mildmay was taking the lead on an important and expensive parish project, and it probably seemed only fair that he should get to choose his partner since the vicar had abdicated his responsibility in order to be obstructive. More significant was the fact that Mildmay, the vicar, and probably the yeoman farmer in whose house they met were discussing who the churchwardens for the next year were to be. On the one hand, this demonstrates the disproportionate influence these men wielded in the parish assembly. Mildmay knew his election was assured as soon as he announced his willingness to assume the office. At the same time, it also shows that their economic and moral authority, at least where the election of parish officers was concerned, could only be exercised through that assembly. And in both parishes, the elite was divided against itself—a theme familiar from Chapters Two and Three.

Finally, in both examples we find external authorities getting involved in internal parish disputes. In Ribchester, John Ward and his allies appealed to the local bishop,

who demonstrated impatience with the parish's governing committee and a desire to demonstrate his authority over it. In Queens Camel, the bishop's apparitor simply put the official seal of approval on the election, rather than supporting the vicar as might be expected. Yet his appearance also reminds us that parishioners did not choose parish officers in a vacuum—their actions had no legal validity unless the bishop or his subordinates swore them into office.

The role of external authorities in parish government raises the broader question of the parish officers' discretionary power. Historians of the early modern period have suggested that one of the crucial changes in the relationship between local communities and the state was the shift in the kind of authority wielded by local officers like churchwardens. Using a distinction borrowed from Walter Ullmann, Hindle has postulated that in the late Middle Ages these men, the communities' leaders, held an "ascending" authority derived from the opinion of their neighbors. By the end of the sixteenth century, however, thanks to the increased supervision from magistrates and church officials, the men who sat on the parish vestry wielded a "descending" authority—they commanded respect "precisely because they wielded authority on behalf of external powers over which they had little influence."¹⁰

Parish elites, the story goes, imbued with the power of the central state, became increasingly able to advance their own agendas. Centrally planned programs of social policy or moral reformation, meanwhile, were likely to fail if they did not command the support of the yeomen farmers and tradesmen who served in parish offices. Yet historians are in peril of underestimating the supervisory role of external authorities. Churchwardens, more than any other local officers (constables, overseers of the poor,

¹⁰ Hindle, *State and Social Change*, 209.

surveyors of the highways) had to serve multiple masters. Justices of the peace supervised wardens' role as managers of poor relief. Ecclesiastical officials, who received their presentments at episcopal and archdeaconal visitations, expected them to report spiritual offenses and to keep churches properly maintained. The churchwardens' discretionary power during most of the seventeenth century was not as great as we might think. This calls into question a well-established narrative regarding the formation of the early modern English state; namely, that the expansion of the state's power rested on the convergence of social and cultural interests between the local elites who carried out programs of social policy and the architects of those programs at the center.

The relationship between the churchwardens and the incumbent also deserves greater analysis than it has received in the historiography. Without looking too closely, we might assume that they were natural allies, pillars of the religious establishment and, indeed, parochial clergy often wanted to enlist the wardens in their own projects and campaigns. But the relationship could be an adversarial one. Ministers might not want churchwardens to be over-rigorous when they answered the bishop's questions regarding their own performance, nor did churchwardens always sympathize with the minister's aims. Historians specializing in seventeenth-century religion have long studied conflicts between incumbents and wardens of differing religious convictions, but few have analyzed the more mundane dynamics of a relationship that was part partnership and part mutual supervision.

Finally, historians have had a tendency to see parochial officeholders as stand-ins for middling parishioners *en masse*, interpreting their actions as the expression of the parochial elite's collective will. But an analysis of the relationship between the

churchwardens and their fellow parishioners helps us gain a more sophisticated understanding of parish government. Churchwardens were responsible to their fellow householders who wanted them to help maintain order, to protect their interests, and to use their money wisely. But delegating power, as always, had its drawbacks—parishioners’ surrender of much day-to-day financial business to churchwardens inevitably meant that they had a degree of leeway in the performance of their duties. Exactly how much leeway was, of course, a matter of debate.

The next three sections of this chapter will examine churchwardens’ relationships with episcopal authority, the parish clergy, and with their fellow parishioners, examining the balance between the power wielded by each of these and the churchwardens’ own discretionary authority. The churchwardens’ office can serve as a lens through which to investigate, not only the nature of parochial officeholding, but also the fractured nature of political authority in the parish.

“Ye shall swear...So God help you”: Churchwardens and the bishops

The scholarly consensus is that the English state was reasonably successful at implementing programs designed to distribute poor relief, combat vagrancy, or to collect and distribute food in times of dearth largely because the yeoman farmers and tradesmen who served as churchwardens (and other parish and village officers), who were charged with carrying out these programs, believed it was in their interest to do so. Indeed, with regard to the Poor Laws, the officeholders of the parish seem to have come out the winners, at least in the sense that the statutes increased their authority. While they were subject to supervision by the justices of the peace, they were also imbued with the state’s

prestige and exercised wide discretionary powers. Meanwhile, the argument goes, monarchs' and archbishops' ambitions to maintain a "confessional state" ultimately failed because these same men were ultimately not interested in enforcing religious conformity.¹¹

This argument ignores the strengthening of the ecclesiastical courts and visitation procedures in the late sixteenth century—measures that intensified the control of the "confessional state" over the parish. This process began in the 1570s—two decades before the economic crisis that forced the Elizabethan regime to take an increased interest in the problem of poverty—and continued through the 1630s. The Laudian program—which was largely successful until the Caroline regime's acute financial situation and military weakness gave its opponents an unexpected advantage—rested on the episcopal hierarchy's ability to compel churchwardens' enforcement of the church canons.

Clearly, the programs of monarchs, parliaments, and bishops worked more smoothly when those tasked with carrying them out felt it was in their own interest to do so. Clearly, churchwardens—drawn largely if not entirely from the upper ranks of village society—had a tendency to present poorer parishioners. Indeed, some historians have seen the increase in the church courts' disciplinary business as simply another facet of the greater program of social control enacted by an alliance of national and local elites.¹²

¹¹ See Braddick's *State Formation in Early Modern England* in which the generally successful efforts of magistrates and constables in managing problems of poverty, dearth, and disorder are contrasted with the anemic response of local elites when enforcing religious conformity. Braddick, 101-175, 287-336.

¹² Wrightson and Levine, to take one of the most influential examples, recognize the general increase in ecclesiastical supervision but dismiss it as an explanation for the rise in church court business originating from Terling: "[I]t can be said quite positively that pressure from above evoked a response only when the village notables who mediated between the courts and the village community became persuaded that local interests were best served by cooperation with the authorities." As evidence, they note that the bulk of

But historians' assumption that there has to have been a clear collusion of interest between the national and local elites in order for such programs to work has made any investigation of the mechanism by which the local elites were held to account seem unnecessary. The remainder of this section will discuss one such mechanism—the oath that churchwardens had to swear when they appeared, as required, at episcopal or archdeaconal visitations. The oath was intended to ensure the officer reported violations of ecclesiastical law while minimizing the amount of discretion he could apply while doing so. Failure to enforce the law—or, more accurately, failure to admit to one's failure when questioned by ecclesiastical officials—could lead to prosecution for perjury and possibly even damnation. As such, it was a reasonably effective means of compelling the churchwardens' obedience.

For their spiritual duties, churchwardens were responsible ultimately to the local bishop, the archdeacons, and their legal staff. The primary arena for the evaluation of the churchwardens' performance was the episcopal visitation.¹³ Bishops typically conducted visitations every three years (although local custom varied considerably), with their archdeacons filling in for them in the intermediate years, or sometimes as frequently as every six months.¹⁴ When visitations were conducted, churchwardens were required to appear at a pre-appointed location.¹⁵ Once there, they were required to swear their oath

court cases were “freely brought in from below,” either by individuals or village officers. The assumption is that accusations made by churchwardens must have been made freely. Wrightson and Levine, 115-116.

¹³ Although other mechanisms of supervision might be in place as well: in 1640, the churchwardens of one Worcestershire parish dutifully wrote to the chancellor of the diocese to tell him that they had assumed responsibility from the old wardens, specifying the amount of money transferred (see Worcester R.O., 795.02 BA 2302/3, f. 929).

¹⁴ Kenneth Fincham, ed., *Visitation Articles and Injunctions of the Early Stuart Church*, vol. 1 (Woodbridge, 1994), xiv.

¹⁵ While bishops and archdeacons occasionally summoned ordinary parishioners to appear at visitations, the justices of King's Bench might issue prohibitions against them for doing so. In 1678, Godolphin's

of office,¹⁶ and exhorted by the visiting official of the importance of their role in the struggle against sin and error, and they were then usually provided with printed booklets of questions (“articles of inquiry”) which they were to answer in writing.¹⁷ The articles asked about the physical state of their church and its furnishings, whether or not the parish had all the equipment necessary to perform divine service (the proper books, a surplice for the minister, etc.), and of course they asked about the behavior of the parishioners. While there were other ways that a person might be accused of a violation of ecclesiastical law and end up in the church courts, most disciplinary church court cases between 1570 and 1640 originated with churchwardens dutifully reporting (or “presenting”) offenders’ names at episcopal or archdeaconal visitations.¹⁸ The oath the

handbook of canon law stated that only churchwardens and sidemen could be summoned to visitations. 74 *ER* 1087[Noy 123]; Godolphin, 90.

¹⁶ Prideaux assumes that churchwardens will be sworn in at the next visitation held after the churchwardens are elected. Prideaux, 42. Evidence from seventeenth-century church court depositions supports the conclusion that churchwardens were not officially sworn into their office until the next visitation conducted by the bishop or his archdeacon: see Somerset R.O., D/D/Cd 32 (Old Cleeve, Somerset, 1601); BI, CP.H.1234 (Thurnscoe, Yorkshire, 1616); Somerset R.O., D/D/Cd 66, p. 105 (Timberscombe, Somerset, 1629); Somerset R.O., D/D/94, f. 67 (Wellington, Somerset, 1672); Somerset R.O., D/D/Cd 97, fos. 26, 27v., 30v. (Bradford-on-Tone, Somerset, 1679); D/D/Cd 96, f. 138 (Donyatt, Somerset, 1680); D/D/Cd 97, f. 151v. (Queens Camel, Somerset, 1682). The gap in time between the churchwardens’ election (usually during Easter week) and the next visitation when they were officially sworn sometimes caused confusion as to whether their actions in the interim were legally viable. In the example from Bradford-on-Tone, the old churchwardens continued in office after the Easter week election until the new ones could be sworn in at the bishop’s visitation at Taunton the following July—but this meant that a proper handover of the parish accounts was never conducted. In order to avoid such confusion, parishioners sometimes stipulated in writing that money could be transferred to a churchwarden only after he had taken the oath. Freshfield, ed., *St. Bartholomew Exchange*, 60.

¹⁷ The Bath and Wells deposition books contain a vivid description of this process, related in 1601 by a former churchwarden of Charlinch parish. Sometime between Easter and Whitsuntide, he, his partner churchwarden, and the two sidemen traveled the five or so miles to Bridgewater, where the archdeacon of Taunton was holding his biannual visitation. They met with him in the parish church there where he administered the oath to them and charged them “to make a true presentment in writing of all such things as they knew within their said parish to be worthy of punishment and reformation.” The churchwardens and sidemen conferred together, came up with a list of items, then “did cause the same to be set down.” (Apparently they were all illiterate; the warden who described the process later signed with a mark.) They returned to the church that afternoon to submit their bill of presentment. Interestingly, the archdeacon did not provide them with a set of questions or articles to answer. Somerset R.O., D/D/Cd 32 (Hodie et Stowell c. Bisse, Crosse, et Martin, 1601). Gibson, writing a century or so later, says that the articles should be “delivered” to the churchwardens, presumably prior to the visitation. Gibson, *Of visitations, parochial and general* (London, 1717), 67.

¹⁸ M. Ingram, 44, 324.

churchwardens swore guaranteed that, on the whole, they took these proceedings seriously.

The oath that Archbishop Grindal administered to parish churchwardens during his 1576 metropolitan visitation is a typical example:

Ye shall swear by Almighty God, that ye shall diligently consider all and every the articles given to you in charge, and make a true answer unto the same in writing, presenting all and every such person and persons dwelling within your parish, as have committed any offence or fault, or made any default, mentioned in any of the same articles, or which are vehemently suspected or defamed of any such offence, fault, or default; wherein ye shall not present any person or persons of any evil will, malice, or hatred, contrary to the truth, nor shall for love, favor, mede, dread, or any corrupt affection, spare to present any that be offenders, suspected or defamed in any of these cases, but shall do uprightly, as men having the fear of God before your eyes, and desirous to maintain virtue and suppress vice. So God help you.¹⁹

This insistent list of directions is characteristic of the ecclesiastical machinery was being tightened up considerably starting around 1570. The archival record shows a marked improvement in the operation of the ecclesiastical courts in the last quarter of the sixteenth century. Facing withering criticism from a vociferous group of clergy who believed that the continuing immorality of the populace was the result of the failure of the English church to reorganize itself according to Scriptural (which to them meant presbyterian) lines, the Elizabethan bishops under the leadership of Archbishops Parker and Grindal insulated themselves against these claims by working to streamline the

¹⁹ Edmund Grindal, *The Remains of Archbishop Grindal*, William Nicholaon, ed., (London, 1843), 177.

operation of the church courts.²⁰ Standards of record-keeping improved. Visitations were conducted more frequently, more sets of articles of inquiry were printed in advance, and greater efforts were made to ensure that all churchwardens and ministers attended. Churchwardens now had to submit their presentments in writing. Archdeaconal officials began to insist that ministers certify in writing that penances had been performed. The canons of 1571 recognized that diligent churchwardens might be unpopular with their neighbors and made it a crime to harass them or to lodge retaliatory lawsuits against them.²¹

Complaints about lazy or perjured churchwardens slyly reporting “*omnia bene*” were, of course, a constant across the late sixteenth and seventeenth centuries. Thomas Adams, as usual, was particularly eloquent on the subject. In what appears to have been a sermon to an assembly of clergy, he vented what was surely their collective frustration:

God’s house, God’s day is neglected; the temples are unrepaired, and unrepaired to; neither adorned, nor frequented. Adultery breaks forth into smoke, fame, and infamy. Drunkenness cannot find the way to the church so readily as to the alehouse; and when it comes to the temple, takes a nap just the length of the sermon. And yet *omnia bene* still.²²

²⁰ The attack on the church courts—and on the structure of parish government generally—by presbyterian-minded clergy will be discussed in the following chapter.

²¹ Helmholz, *Roman Canon Law in Reformation England*, 42-51, 104-109; *Anglican Canons*, 197. The rising volume of non-disciplinary business in the courts during this period is also testimony to their improved efficiency. Noting the increase in the sheer amount of records, Ingram states that “new brooms were clearly at work in archidiaconal and diocesan registries in the middle years of Elizabeth’s reign.” M. Ingram, 13-14.

²² Thomas Adams, *The Blacke Devil, or the Apostate, Together with the Wolf worrying the Lambes, and the Spiritual Navigator, bound for the Holy Land. In three sermons.* (London, 1615), 33. In another visitation sermon preached in 1625, Adams chided the assembled churchwardens that when Christ first established the Church “was an *omnia bene* indeed, and yet never was an *omnia bene* since.” Thomas Adams, *Five Sermons Preached Upon Sundry Especiall Occasions* (London, 1626), 50.

But the pressure on churchwardens was increasing. Also beginning in the 1570s, ecclesiastical court officials began punishing them when they failed to present offenders. The premier historian of English canon law for the period writes: “Virtually all late sixteenth-century *ex officio* act books contain prosecutions of churchwardens and this was something new.”²³ The oath that the churchwardens swore was the fulcrum of these proceedings: to be legally effective, a charge leveled against delinquent wardens had to state not only that they had been lawfully elected, but that they had sworn the oath.²⁴

Churchwardens might use some discretion when making presentments, preferring to focus on “repeat offenders” and on certain types of transgressions more than others.²⁵ But no one can have wanted to have end up like the churchwarden of Glentworth, Suffolk, who, for failing to present his minister for not wearing a surplice and for refusing to make the sign of the cross, was required to appear in his parish church “in a white sheet, with a paper on his head setting forth his perjury.”²⁶ Such penalties undoubtedly contributed to the rise in disciplinary business handled by the church courts

²³ Helmholz, *Roman Canon Law in Reformation England*, 105-107, 119n. 252, 192-193.

²⁴ Typical charges read: “The said Roger Ellis and Richard Stead...are churchwardens of the parish church of Thurnscoe...and did [at the visitation] take their corporal oaths upon the holy Bible faithfully to execute the office of churchwardens and to present all such faults, offenses, and defects as did happen within the time and parish aforesaid.” Or, “*Item*, that the said George Oldfield had a book of articles given to him and his fellow churchwarden in the visitation holden by the archdeacon of York or his official...and accordingly took his oath upon the holy evangelists, to make a full and true presentment in writing to any of the articles aforesaid.” BI, CP.H.1234; CP.H.1710 (Thurnscoe, 1616; Halifax, 1625). Sidemen or swornmen—churchwardens’ assistants—could be caught in the same net. One admitted that “he did take a corporal oath...to present all crimes, fames, and defects” in his parish, but insisted that at the time of the visitation he knew nothing about either the couple who skipped communion or the unwed mother, and that that the hole in the church floor had appeared only later. Somerset R.O., D/D/Cd 66, p. 105 (Timberscombe, 1629).

²⁵ M. Ingram, 328-329.

²⁶ Craig, 360.

at the end of the sixteenth century and the high level of activity they maintained through 1640.²⁷

Compelled by their oath to bring in offenders, churchwardens often presented the poorer members of their communities. Clergymen noticed this tendency also and preached against it. The Leicestershire parson Thomas Pestell, who was always at odds with his prosperous neighbors, rounded on churchwardens assembled for a visitation in 1630: “And what sayeth your bill, my masters? Some poor rascal will not pay his levy, or the piper hath got a bastard—but how many hath your lord gotten?”²⁸ Wardens might also use their authority creatively in order to present those who had violated no specific law, but whose behavior they disliked.²⁹

Yet there is no denying that their oath put churchwardens in a subordinate position to ecclesiastical officials. When the wardens and sidemen of Charlinch made their bill of presentment in the archdeacon’s court in Taunton in 1601, the archdeacon examined it and immediately asked why the names of a certain couple, rumored to be having an illicit relationship, were not included. When the churchwardens responded that there was no truth to the rumor, the archdeacon “in very angry sort, and with many

²⁷ Helmholz, *Roman Canon Law in Reformation England*, 105-109. Ingram’s study of the church courts in the Diocese of Salisbury also finds that “the degree of penetration [church courts] achieved compares well with the analogous system of quarter sessions presentments,” and that church courts’ effectiveness in this period “should not be underestimated.” The church was able to ensure “at least basic cooperation” on the part of churchwardens, including attendance at visitations and the rendering up of bills of presentment. “In spite of negligence and caution on the part of churchwardens the total numbers of detections were by the early seventeenth century very impressive.” Ingram also cites similar findings from H. Gareth Owen’s study of late Elizabethan London. M. Ingram, 46, 323, 324-325, 328. As I mentioned in Chapter Four, this is in contrast to the older notion that the church courts declined steadily in effectiveness after the Reformation: see Houlbrooke, *Church Courts and People*, 257-269. I suspect that the increased emphasis on the disciplinary aspect of churchwardens’ duties was partly responsible for the declining numbers of women in serving in the office.

²⁸ Quoted in Haigh, 424. Pestell’s scalding words are closely connected to the common perception of churchwardens described in Chapter Four. Men drawn from the lower (if not the lowest) ranks of parish communities, it was supposed, lacked the backbone needed to present their social superiors.

²⁹ Helmholz, *Roman Canon Law in Reformation England*, 107-108. Helmholz’s examples include dressing in clothes of the opposite sex, general idleness, and bringing a dog to church.

threatening speeches” rejected their presentment, “willing them to confer again together and better to consider thereof, otherwise he would make them answer.” One of the wardens caved under the pressure and added the two names.³⁰

The churchwardens’ oath was in fact a powerful means of compelling obedience—powerful enough that both clergymen and laymen who opposed the policies of the Church of England found it intolerable, argued for its abolition, and tried a variety of strategies to dilute it. A useful illustration can be found in the papers of the Dedham conference.³¹ This was a monthly meeting of a network of clergymen who were opposed to and dedicated to changing the structure of the Church of England (they believed bishops to be unscriptural or at least highly suspect), as well as purging it of what they saw as the vestiges of Catholic ceremony. Their reluctance to abide by some of the provisions imposed by the Elizabethan settlement frequently put them on a collision course with the episcopal hierarchy. Their papers reveal a good deal of anxiety about upcoming visitations, and what their churchwardens were going to say in response to the articles. Each time the issue was raised, the oath was the main concern: either the churchwardens could tell the truth about what their ministers were up to (in which case the clergymen would probably be severely punished) or the churchwardens could perjure themselves.

To these puritan divines, the second option was almost as unattractive as the first. Various dodges were suggested. William Tey, one of the more uncompromising ministers, floated the idea that the oath could not require churchwardens to present godly

³⁰ Somerset R.O., D/D/Cd 32 (Hodie et Stowell c. Bisse, Crosse, et Martin, 1601)

³¹ The minutes and related papers generated by these meetings are available in Patrick Collinson, John Craig, and Brett Usher, eds., *Conferences and Combination Lectures in the Elizabethan Church, 1582-1590: Dedham and Bury St. Edmunds* (Suffolk, 2003). (Hereafter cited as *Dedham*.)

ministers and parishioners, since to do so would violate the laws of piety and charity. But such legal casuistry was ultimately rejected—the minutes state that “it was thought meet that they should keep their oaths.”³² An oath was an oath, even if it was administered by illegitimate authority. They later wrote to the local archdeacon, boldly informing him that that the churchwardens could not answer the articles honestly without offending the Almighty and requesting that he cease requiring them to swear the oath prior to answering the questions posed in his articles.³³ The archdeacon’s response is not recorded.

Ultimately, as will be further discussed in the next chapter, the episcopal hierarchy was able to root out both the Dedham conference and other similar semi-clandestine attempts to establish parallel structures of parish government. Visitations carried out by energetic bishops played an important role in the process. The decimation of the English puritan movement in the 1590s is a testament to how ruthlessly effective ecclesiastical discipline machinery could be, even in the face of considerable (if localized) opposition. The churchwardens’ oath was the link that bound them to the church courts, compelling a general, if not total, obedience.

The churchwardens’ oath continued to be a burning issue for puritans after the accession of James I. Various dodges were, of course, employed: a favorite tactic was to not wash, mend, or replace the minister’s surplice and then, when asked if the minister wore it, churchwardens could honestly reply that it was “old and not fit to be used.”³⁴ Wardens might stall at visitations when asked if a preacher was licensed, they might

³² *Dedham*, 34.

³³ *Dedham*, 82.

³⁴ Tom Webster, *Godly Clergy in Early Stuart England: The Caroline Puritan Movement* (Cambridge, 2002), 198, 248.

evade sticky questions about whether their parson used the sign of the cross at baptism or administered communion to those who refused to kneel, and they might conveniently forget to ask a visiting preacher for his license or to sign his name in the parish book.³⁵ Another approach was to claim that the unreasonable oath was resulting in widespread perjury. “A list of “Common Grievances Groaning for Reformation,” probably intended for a member of the House of Commons in the Parliament of 1623-1624, includes a complaint against the “strict oath which churchwardens, questmen, [and] sidemen do usually take at their generals and visitations.” The petition—invoking the negative stereotype of churchwardens described in the previous chapter—went on to claim that “That all of the richer sort refuse to take these offices and to be sworn, others that do take it are much troubled, being unwilling to present all; thus many are perjured not regarding one quarter of the articles.”³⁶ The thesis of one 1634 tract was summarized in its title: “A short discourse, evidencing necessarily by ten several solid and substantial arguments that the churchwardens and sidemen of England can not execute their places (according to that oath which they take at their admittance into their office) without sinning against God, and that in a very high nature.”³⁷

There are hints that during the 1630s arguments were circulating against the legality of the oath, or at least its legal scope. Bishop Matthew Wren, one of the most

³⁵ Webster, 190, 197, 201. Tactics like these infuriated one Buckinghamshire rector, whose angry letter survives in the Caroline state papers. Invited to preach the sermon before Archbishop Laud when he came through the area on his 1634 metropolitan visitation, he warned the diocesan chancellor that he would not be a popular choice: “I am not of the new cut, nor anywise inclining to puritanism, wherewith the greatest number (both of priests and people) in these parts are (if not yet deeply infected yet) foully tainted.” He provided a long list of offenses which churchwardens in his district refused to present, and called for the church courts to prosecute them for “their willful, common, and execrable perjury.” W.H. Summers, “Some Documents in the State Papers Relating to Beaconsfield, Etc.,” *Records of Buckinghamshire*, vol. 7 (Aylesbury, 1897), 98. As will be discussed in Chapter Six, some Laudian polemicists saw churchwardens’ foot-dragging as part of an attempt to subvert the very structure of parish government.

³⁶ Worthington C. Ford, ed. *The Winthrop Papers, Volume I: 1498-1628* (Boston, 1929), 306.

³⁷ Anon., *A Short Discourse, &c.* (n.p., 1634). In 1624 a Cheshire man was prosecuted for advising churchwardens not to take the oath. Chester R.O. EDC 5/1626/62.

notorious puritan-hunters of Charles I's reign, was concerned enough about this that he demanded in his visitation articles to know if anyone has said that churchwardens should not take the oath, or that the oath was unlawful, or that it could be disregarded as a mere formality, or that the churchwardens could omit who they wished from their presentments without sin.³⁸ In the main, however, the puritan campaign against the churchwardens' oath emphasized its burdensome nature rather than questioning its legality. The lawyer William Prynne focused on how parliament had never confirmed the canons of 1604, on which visitation articles were based, rather than on any presumed illegality of the churchwardens' oath.³⁹ Even the Root and Branch petition of 1640, which demanded the abolition of episcopacy itself, decried "[t]he imposing of oaths of various and trivial articles yearly upon churchwardens and sidemen, which they cannot take without perjury, unless they fall at jars continually with their ministers and neighbors."⁴⁰ The oath was oppressive for churchwardens precisely because it had to be honored, even though it was imposed by a church hierarchy that the petitioners resoundingly rejected.

In keeping with historians' stress on the need for the enforcers of a program of confessionalization to have a socio-economic interest in the programs' success, Martin Ingram has suggested that what made these attacks on the church courts possible from 1640 to 1642 was that in the decades around 1600 much of the courts' attention had been given to prosecuting bastard-bearers. In the 1630s, however, much of that business had shifted to quarter sessions and visitation articles became increasingly concerned with more controversial religious issues (altar rails and ceremonialism in some dioceses,

³⁸ Fincham, ed., *Visitation Articles*, vol. 2, 149.

³⁹ William Prynne, *Brief Instructions to Churchwardens and Others to Observe in all Episcopal or Archidiaconal Visitations and Spiritual Courts* (n.p., 1637), 1v.

⁴⁰ S.R. Gardiner, ed., *Constitutional Documents of the Puritan Revolution* 2nd edition (London, 1899), 143.

Sabbath-breaking in others) which were of less immediate importance to middling parishioners.⁴¹ This may very well be the case. My point here is that the coercive mechanism of the visitation oath was effective enough to force churchwardens to take these programs seriously, however unpopular they may have been to some. Thousands of puritan individuals did not emigrate to New England in the 1630s because the religious directives of the Caroline regime could simply be ignored.⁴²

Ultimately, of course, the revolutionary Long Parliament abolished first the church courts and then the Church of England itself, rendering the issue moot. After the Restoration and the re-establishment of episcopacy, the churchwardens' oath retained its coercive power for about two decades before the church courts were forced to administer a version that was re-worded in such a way as to make it nearly powerless. How this came about will be discussed in Chapter Seven. For now, it is enough to recognize that, in the century between (roughly) 1580 and 1670 or 1680, the oath was a reasonably effective means of compelling churchwardens to enforce the basic provisions of ecclesiastical law and that their relative obedience was not simply a function of shared social outlook or common economic interest. The role of the churchwarden, at least in the eyes of bishops, archdeacons, and their chancellors and ordinaries was that of a functionary of the spiritual courts.

⁴¹ M. Ingram, 370-371.

⁴² In his recently published book, Bernard Bailyn recognizes the controversy over whether or not the Great Migration was primarily a religious movement, but notes that "however small it was relative to the major population displacements in the British archipelago, the Puritans' exodus was concerted, collectively purposeful, and coherent." Bailyn, *The Barbarous Years: The Peopling of British North America: The Conflict of Civilizations, 1600-1675* (New York, 2012), 366-367. See 576 n.1 for various estimates regarding the number of emigrants to New England in the 1630s, ranging from 9,314 individuals prior to 1650 to 20,000 individuals just between 1634 and 1640.

“You the eyes, they the hands”? Churchwardens and the parish clergy

As a group, the parish clergy—at least those who recognized the authority of the church courts—largely shared this view. In 1572, an exasperated Essex incumbent wrote to his archdeacon, complaining that one of his churchwardens “hath done nothing of that of which he was appointed by your worship in midsummer to do...I pray you deal with him so that he may be a precedent for them that shall have the office, for they will but jess at it and say it is a money matter.”⁴³ The parson’s words perhaps reflect the shifting emphasis in wardens’ duties in the 1570s, as church courts increasingly demanded presentments. Fifty years later, after the visitation process had been strengthened by the regular distribution of printed articles, George Herbert—undoubtedly describing an ideal situation—described how the parson should advise his churchwardens to read (or, for the illiterate “to hear read”) both the church canons and the visitation articles regularly “so that they may know their duty, and keep their oath better.” Additionally, the parson should impress on his churchwardens the importance of their task, “that indeed the whole order and discipline of the parish is put into their hands.”⁴⁴ But where Herbert felt that, legally, the churchwardens, rather than the incumbent, were primarily responsible for spiritual discipline, other clergymen clearly thought of the churchwardens as the minister’s enforcers. William Strode (who never served at the parochial level himself) outlined to the parish clergy in his audience a strikingly sacerdotal vision of their

⁴³ Sedley Lynch Ware, *The Elizabethan Parish in its Ecclesiastical and Financial Aspects*, Johns Hopkins University Studies in Historical and Political Science, Series 26, Nos. 7-8 (Baltimore, 1908), 20-21. It is unclear whether the recalcitrant parishioners’ belief that the churchwardenship was a “money matter” indicated a belief that the churchwardens’ proper job was managing the parish’s finances (and thus an objection to the increasing emphasis on churchwarden’s disciplinary responsibilities), or whether they were voicing a common critique of the church courts as more concerned with fees than with spiritual matters. The *First Admonition to Parliament* accused the ecclesiastical courts of turning the solemn business of excommunication into a “money matter.” W.H. Frere and C.E. Douglas, eds., *Puritan Manifestoes: A Study of the Origin of the Puritan Revolt*, (London, 1907; reprint, 1954), 17.

⁴⁴ Herbert, 270.

authority, exalting them as men “separate from this world,” distinct in their proximity to Christ, and, under them, their churchwardens: “you His eyes, and they His hands; you His tongue, and they His two rows of teeth; you to direct, and they to execute.”⁴⁵

Strode was a vociferous enemy of puritanism and to those in his audience who did not share his opinions, such sentiments might have seemed a confirmation of Henry Barrow’s warning a generation earlier, that, without a congregational system, lay influence in the church would dwindle to nothing.⁴⁶ Strode’s words were extreme; however, it was commonly accepted that it was proper for the minister to exercise some level of authority over the churchwardens. Ministers commonly sent their wardens to check the alehouses during divine service or to tell parishioners when word arrived from the church courts of their excommunication.⁴⁷ When an abandoned infant turned up on the rector of Myddle’s porch one night, the man took charge, directing the churchwardens to find someone to care for the child, while telling Richard Gough (who recorded the incident) and another leading parishioner to go and find the child’s mother.⁴⁸ When a Somerset parishioner objected to the vicar’s allowing a nonconformist minister to preach in the parish church, a witness said the vicar “commanded” the churchwardens to remove the parishioner “and threatened the said officers if they would not observe his command.”⁴⁹ But not all ministers met with unquestioning obedience. Isaac Archer, the young vicar of Chippenham, wanted his churchwardens to be more diligent in getting all parishioners to attend divine service, rather than going to the alehouse. He was

⁴⁵ William Strode, *A sermon preached at a visitation held at Lin in Norfolk, June the 24th, anno 1633* (London, 1660), 13-14.

⁴⁶ *ODNB*, s.v. William Strode; Henry Barrow, *A Brief Discovery of the False Church* ([Dort?], 1590), 189-192.

⁴⁷ Haigh, 407, 408.

⁴⁸ Hey, 230.

⁴⁹ Somerset R.O., D/D/Cd 93, fos. 112-112v.

eventually successful—he thought his sermon on the subject had helped—but it was a struggle and the occasion for several unhappy entries in his diary.⁵⁰

Yet even as churchwardens took direction from their minister, their obligation to the church courts required them to monitor his behavior as well. Ecclesiastical officials openly called on churchwardens to present ministers who failed to live up to the expectations of their calling. “I dare affirm,” said one in his visitation sermon, “that if there be any one scandalous minister yet found amongst us, the blame doth not lie in the bishop....but rather in the church-wardens, those inferior officers, who are the trustees of every parish.”⁵¹ Churchwardens sometimes tried to protect their ministers from ecclesiastical authorities in spite of their oath, as we have seen above. Others, however, used their authority to bring clerical wrongdoing to ecclesiastical authorities’ attention. Wardens presented their ministers for singing lewd songs at weddings,⁵² for failing to preach on Wednesdays and Fridays,⁵³ for being too hung over to say divine service,⁵⁴ and for ignoring their request that he take communion in a separate cup because the running sore in his throat made the parishioners nervous.⁵⁵ Allegations of heterodoxy mixed frequently with charges of more mundane failings, but some localized trends have a strong smell of sectarian conflict about them. An investigation of church court records in Wiltshire after the Restoration found that the number of churchwardens’ presentments of ministers remained constant in the 1670s, even as their presentments of ordinary

⁵⁰ “Isaac Archer: Early Experiences as a Clergyman,” in David Booy, ed., *Personal Disclosures: An Anthology of Self-Writing in the Seventeenth Century* (Aldershot, 2002), 212-213, 214-215.

⁵¹ Francis Gregory, *Concio ad clerum, or a visitation sermon preached at Great Wycomb within the Diocess of Lincoln, May 13, 1673* (London, 1673), 20.

⁵² Somerset R.O., D/D/Cd 25 (Churchwardens c. vicar of Bathampton, 1572)

⁵³ Somerset R.O., D/D/Ca 219 (note from the vicar of Yeovill inserted in the visitation book, c. 1620).

⁵⁴ Somerset R.O., D/D/Cd 94, f. 44.

⁵⁵ Somerset R.O., D/D/Cd 131 (Thomas Long, Robert Masters, and John Cabell c. Nicholas Hardy, 1640).

parishioners declined.⁵⁶ Zealous ministers wanted churchwardens to be their enforcers, but the churchwardens' obligation to the ecclesiastical courts gave them power over their ministers.

Ministers and churchwardens shared disciplinary and administrative authority within the parish, an arrangement primed for conflict. The increasing institutional coherence of the churchwarden's office in the fifteenth century seems to have been driven by the laity's desire to protect their material investments in their church from clerical encroachment.⁵⁷ Subsequent directives from the kings and archbishops reinforced the practical divisions of power that parishioners had worked out. Keys were particularly potent symbols of authority and controlling access to the church and the parish's records was too much power to be concentrated in the hands of either incumbent or churchwardens alone. Royal injunctions and canon law both mandated that parish records be stored safely in a chest with multiple locks, and that the incumbent and each of the churchwardens should have their own key.⁵⁸ Controlling access to the church itself could be a source of conflict. One parish vicar changed the lock on the church door in order to keep his churchwardens from seeing the alterations he had made before he could secure backing from the ecclesiastical court.⁵⁹ In the Somerset parish of Hinton St. George, it was the churchwardens who locked their abrasive minister out of the church.⁶⁰

If shared authority over access to sacred space could lead to friction, so too could shared duties. Churchwardens' responsibility for repairing the nave of the church and

⁵⁶ Spaeth, 70.

⁵⁷ Kūmin, *Shaping*, 21-22.

⁵⁸ According to the second Henrican Injunctions (1538), parish registers were to be kept in a chest with two locks and keys, one to be held by the incumbent and one by the wardens. The canons of 1604 mandated that the chest should have three locks and keys, one for the incumbent and one for each warden. Bray, ed., *Documents of the English Reformation, 1526-1701* (Cambridge, 1994), 182; *Anglican Canons*, 361.

⁵⁹ Worcester R.O., 795.02 BA 2302/3/845.

⁶⁰ Somerset R.O., D/D/Cd 72, (Gove c. Addams, 1637).

incumbents' responsibility for the chancel and the parsonage house gave each power over the other—visitation records are full of each presenting the other for failing to perform these duties adequately.⁶¹ The boundaries between other shared responsibilities often were also murky. In St. Margaret Lothbury, London, in 1626, a dispute arose between the minister and the churchwardens over the distribution of alms traditionally collected from the parishioners at communion, each claiming the right to distribute the money to whom they chose. At the next communion day, one churchwarden defiantly gathered up the money and deposited it in the poor-box “as,” the parish book noted, “by the orders of the church confirmed by act of parliament he ought to do.” The minister responded by lodging a suit against the wardens in the Court of Arches.⁶² Parochial tradition could also make matters difficult: ministers new to their parishes depended on the parishioners to explain the local arrangements and they did not always like what they heard. One Cheshire rector snorted that his churchwardens “pretended a custom” that he was to provide the communion bread and wine on Palm Sunday and Easter. He sued them instead.⁶³

What, then, was the churchwardens' role as far as the minister was concerned? A confused picture emerges: while the minister's position encouraged him to see them as his allies or even his subordinates in the never-ending struggle against sin, the wardens' legal obligation to monitor their minister's behavior and to ensure that he upheld his

⁶¹ The visitation returns from the Worcestershire parish of Broadwas in 1693 provide an example of this tit-for-tat. The rector informed the visitors that the west end of the church—the wardens' responsibility—was about to collapse. He also complained that his wardens had stolen the lime had he had purchased for the chancel, and had added insult to injury by presenting him for failing to repair it. Worcester R.O., 807 BA 2058, f. 102.

⁶² The minister's stance on this matter is baffling—the 1559 *Book of Common Prayer* states that after communion, the churchwardens “shall gather up the devotion of the people, and put the same into the poor man's box.” Yet Doctor Duck, then chancellor to the Bishop of London, seemed to support the minister in his suit. Freshfield, ed., *St. Margaret Lothbury*, 60-61.

⁶³ Chester R.O., P 211/9/2.

financial obligations to the parish was always a potential source of conflict. In these latter cases, especially, the churchwardens were not acting on their own behalf but were performing what was perhaps their most ancient role—protecting the interests of the parish’s householders.

Stewards or governors? Churchwardens and the parishioners

Thus far, this chapter has examined the relationship between churchwardens and authorities external to the parish (specifically episcopal officials) and between churchwardens and minister, who was of course the spiritual leader of the parish. Looming in the background in each of these discussions is an issue seldom addressed directly by historians—that of the relationship between the parish officers and their peers, the ratepaying members of the parish. How much control did these parishioners have over what their wardens were doing? Were the wardens merely functionaries, “stewards and agents,” carrying out the commands voiced by an assembly of householders? Or were they “great governors” who were able to use their position to advance their own personal agendas?

The tension between these two interpretations is as old as the office itself—Kümin argues that parochial assemblies came into being partly to elect and supervise the increasingly powerful churchwardens.⁶⁴ After the appearance of such assemblies in the fifteenth century, however, the prevalent view, held by legal commentators and parishioners alike, was generally that churchwardens were representatives of the ratepaying parishioners. Canon law, which had remained silent regarding how churchwardens should be chosen, eventually caught up with common practice—

⁶⁴ Kümin, *Shaping*, 47.

Archbishop Parker's canons of 1571 stated that churchwardens would be chosen by the parishioners "otherwise they shall not be churchwardens."⁶⁵ While the canons of 1604 would modify this to give the minister a role, even to the extent of appointing one of the wardens if he and the parishioners could not agree, the wording of the canon still indicated that the ideal was the minister and parishioners harmoniously working together rather than each choosing "their" warden.⁶⁶

While this did, in fact, become the norm in many parishes, the principle that churchwardens represented the parishioners and were ultimately answerable to them remained at the heart of parish government. It was the reason that select vestries or oligarchic cliques like Antony's Eight Men had to justify their right to appoint churchwardens by pointing to an episcopal faculty or by proving an ancient custom. The anti-vestry faction of Saint Saviour's Southwark attacked the select vestry's assertion that its powers derived from the parish churchwardens. The churchwardens' office, as they wrote in their petition to Parliament, was not to be "governors and masters of the parish," as the select vestry claimed to be, but rather "to be guardians and stewards of the revenues of the church."⁶⁷ They assumed their audience would agree. Nearly a century later, Prideaux's handbook for churchwardens used almost the same terms to describe the office.⁶⁸ The yearly ritual in which churchwardens presented their accounts before the assembled householders for inspection was a piece of political theater designed to demonstrate the wardens' subordination to the parish community. No matter how

⁶⁵ *Anglican Canons*, 191.

⁶⁶ *Anglican Canons*, 385.

⁶⁷ Stype, *A Survey of the Cities of London and Westminster*, bk 4, 9.

⁶⁸ Prideaux, 32. Of course, this definition cut both ways. Prideaux was making the point that the expenses incurred by the churchwardens had to be honored by the parishioners "for they belong to the parish as a proctor to his principal."

modestly attended these gatherings sometimes were, their repeated performance made an impression in the minds of the parishioners which remained when it was their turn to serve. The parishioners' approval of the wardens' accounts was recorded in parish books to remind future generations where authority lay. One Wellington officer spoke of the "precedents of his predecessor churchwardens" recorded in the book of accounts, which clearly showed who was in charge: "[I]f there were any thing inserted in the churchwardens' accompts that was not allowable, it was disallowed of, and disapproved by the said parishioners."⁶⁹ When the lead was stolen off the roof of a Worcestershire church in 1674 the parishioners did not request that the churchwardens take action; they "ordered" the churchwardens to levy a rate to raise the necessary funds to repair it.⁷⁰

Ecclesiastical and secular legal authorities regularly upheld the principle that the churchwardens were responsible to the parishioners in financial matters. The power to tax rested with the ratepaying parishioners, not with the churchwardens, although financial commitments made by the churchwardens for routine repairs to the church had to be honored.⁷¹ Neither could churchwardens dispose of parish property, such as bells or communion cups, without the parish's consent.⁷² When the inhabitants of a chappelry in the parish of Aston, Warwickshire, pointed to a forty-year old document in which the

⁶⁹ Somerset R.O., D/D/Cd 131 (Foxwell c. Rutter, 1640).

⁷⁰ Worcester R.O., 807 BA 2058, f.1.

⁷¹ Goldolphin, 148; Prideaux, 31-33. When problems arose, it was sometimes because churchwardens, presumably in the service of practicality, or because routine had made them complacent, assessed a rate without first calling a general meeting of the parish's ratepayers. However, there was always a measure of ambiguity—as Prideaux's comments above indicate, episcopal officials held that churchwardens did not need parishioners' permission to spend money in order to do things required by ecclesiastical law. The Long Parliament attempted to resolve this ambiguity by giving the churchwardens the ability to levy rates without the parishioners' consent. Similar power was extended to the overseers of the poor. See C.H. Firth and R.S. Rait, eds., *Acts and Ordinances of the Interregnum, 1642-1660* (London, 1911), vol. 1, 1066; Forster, *Layman's Lawyer* (London, 1656), 300. This act was, of course, overturned with the Restoration. In 1696, the justices of King's Bench again upheld the well-established principle that church rates were to be assessed by the parishioners as a body, and not by the churchwardens alone. 91 *ER* 153 [Salk. 165].

⁷² Godolphin, 167, Prideaux, 75-76.

Aston churchwardens had agreed that they were not required to contribute to the parish church's repairs, justices in King's Bench waived their argument aside, stating that "the folly of two men" could not bind the whole parish.⁷³

From the above discussion, one might get the impression that to serve as a churchwarden was to spend a year as the hapless object of a tug-of-war between competing interests, a puppet jerking this way and that as archdeacons, incumbents, and parishioners all yanked the strings. Indeed, an argument might be made that the existence of poorer churchwardens is circumstantial evidence that, in some parishes, real decision-making power had migrated from the churchwardens themselves to a distinct body of parishioners that maintained an institutional identity over time, whether that body was an officially-constituted vestry or a more informal clique.⁷⁴ Even in such cases, however, churchwardens wielded considerable discretionary power.⁷⁵ It was, after all, churchwardens alone who were sworn into office by the archdeacon and who were required to provide presentments under oath at visitations. It was the churchwardens, together with the overseers of the poor, who supervised the day-to-day provision of public charity. It was the churchwardens who showed parishioners to their pews each Sunday, which often meant committing the parish officially in frequent disputes about seating. It was the churchwardens who met with carpenters, masons, and craftsmen regarding repairs and beautification projects for the church, often dispensing considerable sums of money. Of course, part of the point of having churchwardens in the first place

⁷³ 80 *ER* 215[Hob. 66] Hobart's reports cover the period from 1603 to 1625.

⁷⁴ This seems to have been the case in later seventeenth-century Terling, where the presence of more husbandmen and craftsmen, as opposed to yeomen, in the office after 1660 "may have owed something to the fact that the formal emergence of the vestry rather devalued the office of churchwarden." Wrightson and Levine, 104.

⁷⁵ The churchwardens of St Saviour's Southwark, for example, often seem like they were in the driver's seat—the minutes of "the Thirty" record matters constantly being left to their discretions. LMA, P92/SAV/450.

was so that ratepaying parishioners did have to bother with the minutiae of daily parish business. But there was continuous tension between the discretionary power of the churchwardens and the obligations that they had to their multiple masters.

The churchwardens' duty to report infractions of secular and spiritual law, as we might expect, could often lead to conflict within the parish. The Swallowfield articles hint at unpleasant episodes in the past, when parish officers perhaps performed their duties too rigorously without allowing parishioners to sort the problems out themselves. The articles were impassioned on the subject: "And all the company prayeth and beseecheth all officers before they go to any court to present any offence, to make the whole company privy to such faults as are to be presented, that some good order may be taken by us all for remedy thereof, before any presentment be made, that thereby we may live in lawful manner together without any discord or disliking one of another."⁷⁶ Churchwardens could potentially use their position to hound parishioners they did not like, or to pursue them for offenses that existed in their own heads. One warden was overheard saying of a fellow parishioner that "he would spend ten pounds to hunt him out of the country"—words that rather compromised the lurid accusations he made against the man at the archdeacon's visitation.⁷⁷ When one of the churchwardens of High Littleton sued the parish's lay rector for refusing—properly—to pay church rates on parsonage land, a witness told church officials that "he doth not know any person that join with Mr. Jones in this cause, but that he doth prosecute it himself as churchwarden."⁷⁸

⁷⁶ Hindle, "Hierarchy and Community," 850.

⁷⁷ Somerset R.O., D/D/Cd 32 (Pitman c. Warman, 1602)

⁷⁸ Somerset R.O., D/D/Cd 97, f. 127. The holder of parsonage land (the "glebe") was responsible for repairing the chancel of the church, while the parishioners were responsible for the nave. Even the other

It would be interesting to know whether Mr. Jones was able to get his fellow parishioners to pay his legal expenses when time came for them to approve his accounts. It seems unlikely in this case, but refusing to honor the debts churchwardens incurred was risky. In his handbook for churchwardens, Prideaux emphasized their obligation under ecclesiastical law to keep the church and church-yard in repair and to ensure that each parish had the accouterments required for divine service. To spend parish money in the performance of these duties, he wrote, “they need not the advice, consent, or authority” of either their fellow parishioners or of church officials. Prideaux warned churchwardens that it was always best to consult with their fellow parishioners before embarking on any major project which might result in high costs which the whole community would have to bear. Nevertheless, he declared that “if they will act without such advice, they have by virtue of their office full power and authority so to do.” As long as the churchwardens had spent the money on these matters honestly and without fraud, “how foolishly and needlessly soever it hath been done,” the parishioners had no recourse at law, but had no choice but to honor the financial obligations their wardens had incurred. Prideaux, therefore, cautioned his readers against electing unfit men to the office. “As long as they are in the office,” he wrote, “the trust of the parish, as well as of the ordinary, is invested in them...and they must be allowed whatever money they lay out herein, provided they act not fraudulently.”⁷⁹ Consequently, parishioners usually settled for a sharp rebuke rather than risk a lawsuit, perhaps noting in the parish account book that the expenses incurred by the churchwardens were “so extravagant that we resolve never to allow the

churchwarden did not support Jones’s position (fos. 128v., 132). Jones’s method of levying the rate could also be seen as rather high-handed: he showed up at the parish meeting with church rate already written out and only needing the assembled company’s signatures (f. 127). A forceful churchwarden could go a long way on discretionary power.

⁷⁹ Prideaux, 31-33.

like again.”⁸⁰ But even as a coherent and well-established a vestry as the “Twelve Men” of St. Oswald’s, Durham might have difficulty reining in wardens’ expenses even in small matters. Frustrated with the increasing amounts that their churchwardens were spending on meals while traveling on parish business, the Twelve Men ordered—to no avail—that “the churchwardens’ dinners shall not exceed the sum of 20s. henceforth.”⁸¹

Historians have long recognized that parish officers might threaten to withhold poor relief in an effort to make the poor behave,⁸² but while this has generally been portrayed as part of a general campaign of social discipline waged by wealthier parishioners, less attention has been given to ratepayers’ fears that their wardens might use their discretionary power to favor some of the parish poor over others. In the early seventeenth century, the churchwardens of Stoke, Suffolk, reserved for themselves the right to decide who would be awarded the privilege (for such it was) of being situated in the parish almshouse—a right that their opponents said was a recent, and illegitimate, innovation.⁸³ While debating the merits of the Test Act nearly fifty years later, one member of parliament voiced the concern that dissenters, if allowed to serve as churchwardens, would be in a position to favor their co-religionists.⁸⁴ While this did not prove to be the majority opinion, concerns about churchwardens’ discretionary power lingered. In the 1690s, Parliament passed an act requiring every parish to maintain a written record of all poor relief disbursements, citing the “unlimited power of

⁸⁰ Worcester R.O., 850 (Hanley Castle) BA 8119/5. Entry for 1724.

⁸¹ Barmby, ed., 206, 210n. Sums spent at visitations were a frequent source of contention. In 1708, the inhabitants of Middlewick, Cheshire, complained that the churchwardens “have been very extraordinary and expensive,” and set a forty-shilling cap on future expenditures at visitations. Cheshire R.O., DSS 1/3/99/1.

⁸² Wrightson, *English Society*, 181.

⁸³ TNA, REQ 2/298/8.

⁸⁴ *Grey’s Debates*, vol. 2, 72-73.

churchwardens and overseers, who do frequently, upon frivolous pretences (but chiefly for their own private ends) give relief to what persons and numbers they think fit.”⁸⁵

The bitterest controversies stemmed from differing ideas regarding the scope of churchwardens’ discretionary power in matters affecting religious worship. Church court officials often directed churchwardens to emphasize certain articles over others when making their presentments, clearly expecting churchwardens to exercise a degree of judgment as a matter of course.⁸⁶ But some were willing to place greater power in the churchwardens’ hands. When conducting his visitation of Norwich in 1619, Bishop John Overall required his churchwardens to report clergymen who said anything contrary to Scripture or to the teachings of the church fathers. These directions—which were frequently repeated in other visitation articles throughout the 1620s and 30s—essentially made the churchwardens accountable for ensuring their pastor’s orthodoxy.⁸⁷ Moves like this made it easier for those of puritan opinions to think that the episcopal hierarchy was deliberately empowering laymen in order to erode the authority of godly ministers. Yet Laudian polemicists also feared, or purported to fear, that churchwardens’ discretionary power, particularly with regard to the placement of the communion table, allowed them to defy episcopal orders, resulting in the profanation of sacred spaces.⁸⁸

There are scattered indications that some churchwardens had their own moral or religious programs that they intended to use their power to enact during their term in office. The tendency of some churchwardens to report their fellow parishioners for offenses that, in fact, violated no specific church canon has already been noted. One

⁸⁵ 3 William and Mary, c. 11, § 11.

⁸⁶ Fincham, ed., *Visitation Articles*, vol. 1, xxii-xxiii. Ingram, *Church Courts*, 328-329.

⁸⁷ Fincham, ed., *Visitation Articles*, vol. 1, xvi, 162, 169-177, 179-180; *ODNB*, s.v. John Overall.

⁸⁸ See the discussions of the controversy between Peter Heylyn and John Williams, Bishop of Lincoln, and of the case of the churchwardens of Beckington, in the following chapter.

Hertfordshire man's boast that "when he came to be churchwarden he would make the puritans come up the middle alley [i.e. aisle] on their knees" was an exaggeration, but it was enough to alarm Nehemiah Wallington who recorded the incident in his diary, along with his belief that the man was personally responsible for railing the altar during his term in office.⁸⁹ At the other end of the religious spectrum, a pamphlet of 1643, mocking the puritan program, recorded what purported to be a newly-elected churchwarden's speech to his fellow parishioners in which he expressed his intention to overhaul the church from top to bottom.⁹⁰ Ministers sometimes allowed churchwardens to take the lead—when the Long Parliament ordered the destruction of statues and images, Richard Baxter thought it a lawful order "but left the churchwarden to do what he thought good."⁹¹ The vicar of St. Sepulchre's, on the other hand, in 1662 refused to admit a prospective churchwarden "who would bring in the Common Prayer."⁹² It is notable that each of these cases, the churchwardens were enacting the official policy of the regime then in power—indeed, much of the 1643 pamphlet's bite comes from the fact that the "transformed" churchwarden promises to enact the puritan program with the same vigor with which he served the episcopal hierarchy the last time he held the office.⁹³ Yet at the same time it is telling that Wallington, the pamphleteer, Baxter, and the vicar of St.

⁸⁹ Nehemiah Wallington, *Historical Notices of Events Occurring Chiefly in the Reign of King Charles I* (London, 1869), vol. 1, 70-71.

⁹⁰ *The Reformado, precisely characterized by a transformed church-warden at a vestry*, London (n.p., 1643). The Wrenn catalog attributes the work to George Wither, but this seems strange, given Wither's service in the parliamentary cause.

⁹¹ Leonard Bacon, ed., *Select Practical Writings of Richard Baxter* (London, 1831), vol. 1, 67.

⁹² Harris, *London Crowds*, 59. The parishioners complained to the Bishop of London.

⁹³ Says the churchwarden: "You will conceive that the wind sits in another corner, and I must move by other rules than formerly." *The Reformado*, A2v.

Sepulchre's all felt that the individual in the office also mattered, implying that to some extent the churchwardens could shape implementation of official religious policy.⁹⁴

In many parishes, churchwardens had a degree of responsibility over church seating. While many seats were connected to certain houses or farms by long tradition, and newer ones might be held as freeholds by those who constructed them, churchwardens were usually in charge of allocating seats that did not fall into either of these two categories.⁹⁵ Churchwardens were expected that they would keep track of which seat belonged to whom, and they were responsible for directing parishioners to the appropriate pew if there was any confusion.⁹⁶ When a dying man wanted to bequeath his seat to a fellow parishioner, he might send for one of the churchwardens in order to convey his wishes personally, after which the churchwarden—preferably on the following Sunday in the presence of witnesses—would formally transfer the right to the seat to the new occupant. Sometimes churchwardens used their office's authority to their own advantage—in one particularly egregious case, a churchwarden ignored a dying man's bequest and simply took the man's seat for himself, telling his partner that unless he went along with the scheme he would refuse to counter-sign their accounts at the end of their term.⁹⁷ This was a clear abuse of the position, but churchwardens might also simply take advantage of the opportunities their office afforded. In the parish book of

⁹⁴ Indeed, *The Reformado* could be read as a critique of churchwardens who were too willing to conform to whatever regime was in power. The one thing the churchwarden promises to preserve is the weather-cock on the steeple, "an eminent, gilded, hollow, craking, comb'd, and variable creature." *The Reformado*, A2v.

⁹⁵ Gardiner, 116; "P.B.," 159. Some parishes drew up detailed lists or charts recording who sat where, noting which seats could be rented out by the churchwardens to a parishioner for his or her lifetime. For one example, see West Sussex R.O., Par 106/9/1, f. 4.

⁹⁶ In 1624, the vestry of St. Edward, Salisbury, ordered the churchwardens "to place every person in the pew where he or she shall sit...and no person shall presume to place him or herself in any seat or pew in any other manner." Cox, 69. In one Somerset parish in the early 1680s, a woman described going to a certain pew at the churchwarden's "order." Somerset R.O., D/D/Cd 97, f. 6v.

⁹⁷ Somerset R.O., D/D/Cd 131 (Cary c. Haggot).

Horsham, Sussex are carefully recorded new seats built by various parishioners for themselves and their families—all of which required the churchwardens’ approval—as well as a seat built by one William Daniel, “he being churchwarden.”⁹⁸ But fractious parishioners could also thwart the churchwardens’ discretionary power. The churchwardens of Halesowen, without consulting their fellow parishioners, applied to the bishop of Worcester for permission to tear down and re-build a number of pews, claiming that they were “generally old and decayed and very irregular and out of form.” The fact that they procured a faculty from the bishop’s ordinary for the repairs, however, strongly indicates that this was in the eye of the beholder, and that the churchwardens were using the temporary access to episcopal power to obtain permission to re-arrange or re-model the pews to their liking. But at the next visitation, the churchwardens reported that their project had been forestalled because “some of the stubborn sort of parishioners claiming rights and clamoring at the doing thereof, we thought it not safe to proceed.” They requested additional support from the bishop.⁹⁹

An example from the Somerset parish of Bradford (already touched on in Chapter Two) further illustrates the authority that could be wielded by a comparatively humble man while in office. In 1632, Peter Shorland paid sixpence to the parish church rate, an amount just below the parish median. Such a payment indicated a holding of only twelve acres. As was mentioned above, most of the fourteen men who served as churchwarden between 1630 and 1635, and most of the twelve men who signed a 1631 memorandum

⁹⁸ West Sussex R.O., Par 106/9/1, f. 104v. Similarly, one churchwarden of Bradford-on-Tone made the most of his position, purchasing a vacant seat for his daughter as soon as the previous occupant died. Somerset R.O., D/D/Cd 97, fos. 2v., 4v.

⁹⁹ Worcester R.O., 807 BA 2058, f. 110. The grant of a bishop’s faculty was only necessary to make some alteration in the church fabric; none should have been necessary if the pews were simply going to be repaired.

authorizing the levying of the rate, paid many times more than he did. Nevertheless, it is clear that Shorland was an effective man when it came to parish administration. He was present at the parish meeting that authorized the rate, signing his name to the memorandum, and served as churchwarden in 1635. He was partnered with a gentleman by the name of Philip Atherton who was rated at *2s. 5d.*—almost five times as much as Shorland. Once elected, the two men met to draw up the church rate they intended to levy in order to meet the parish’s expenses. The rate that had been levied the previous year had been somewhat controversial. Shorland had been satisfied with it and wanted to levy the same rate again without amendment, but Atherton wanted to make a new rate altogether. Contrary to what we should expect, Shorland rebuffed Atherton and called a parish meeting on his own authority, at which his fellow parishioners agreed to the original rate with only a very minor adjustment. Atherton, disgusted, essentially withdrew from parish business entirely.¹⁰⁰

The previous three sections demonstrate the tensions between officeholders’ discretionary power on the one hand and the power that episcopal authorities, parish clergy, and their fellow parishioners held over them. In the first case, the oath churchwardens swore when they entered the office restricted the amount of discretion they were able to exercise in the performance of their duties. The oath retained its potency—the years of civil war and Interregnum aside—until roughly 1680, for reasons that will be explained in Chapter Seven. In the second case, churchwardens and

¹⁰⁰ Somerset R.O., DD/SF(4035), fos. 41v.-42. It is possible, even likely, that Shorland was encouraged by his neighbor Edward Clarke, the gentleman who served as churchwarden in 1634 and who lodged the suit in the consistory court against the man who had objected to the church rate to begin with. If this were the case, it would diminish my point about the churchwarden’s discretionary power, while illustrating that the vertical ties between Clarke (who was rated at a very respectable *2s. 7d. ob.*) and Shorland were of greater importance than the horizontal ties between Clarke and Atherton. This implies a dynamic not discussed in this chapter—the important possibility that churchwardens could be the clients of wealthier parishioners.

incumbents were bound together in a relationship in which each simultaneously relied on and monitored the other. In the third, the supervisory authority of the parish householders trumped the discretionary power of the wardens as far as the law was concerned, but wardens' day-to-day management of parochial finance and the physical arrangement of the church still gave them some freedom of action if they chose to use it. Political authority in the parish was fragmented.

Choosing Churchwardens

Late nineteenth- and early twentieth-century historians celebrated medieval and early modern parishioners' election of parish officers as one of the wellsprings of English democracy, albeit one that some of them believed was under assault by clerical encroachment and the scheming of oligarchic select vestries.¹⁰¹ More recent analysis, as was discussed in Chapter Four, has placed less emphasis on the procedures of election in favor of the status of those typically elected. But parochial electoral procedures are deserving of examination because they reflected the contending concerns that drove parish politics—the competing claims of ministers and parishioners to set churchwardens' priorities and monitor their actions, the need to spread the burdens of office, and the need to accommodate the interests of various subgroups within the community. They are a useful means of determining the competing interests that parochial politics was meant to manage.

Modern elections held to select an individual for office follow an idealized model regardless whether the goal is to choose the leader of a nation or the mayor of the

¹⁰¹ Toulmin Smith, *The Parish*; Hobhouse, ed., xi, xv n.1; F.A. Gasquet, *Parish Life in Medieval England* (London, 1906), 1-20, 106-107.

smallest town: two or more candidates for the office announce their candidacy, the citizens vote, and the candidate with the most votes wins. But while early modern parishioners did make some decisions by majoritarian voting (as we saw in Chapter Two) early modern churchwardens' elections were undergirded by a different set of assumptions than those operative in modern elections. First, the desire of the candidates to serve might be irrelevant. Early modern English parishioners, in fact, made no distinction between the right of political participation and the responsibility of bearing office. The same financial obligation to the church incurred by the occupation of land within the parish boundaries that gave a man the right to attend meetings of householders called together to determine or approve a course of action required him to serve occasionally as one of the officers who actually collected and spent the money. Where the modern world sees political rights as something attached to the autonomous voter, early modern parishioners saw them as something attached to specific pieces of real property. Second, there is practically no evidence of parishioners competing to be churchwardens. Contested elections, when they happened, were generally due to situations like the one in Queens Camel discussed at the beginning of this chapter—the crucial question was not how many votes each candidate garnered, but whether or not the election had followed the customary procedure. Third, and perhaps most surprising in the context of early modern culture, churchwardens' elections were not intended to select men who were moral exemplars, nor even to admit only the wealthiest men who possessed enough financial wherewithal to look the part and therefore perform the task effectively. Other considerations were more important—spreading the burdens of office,

ensuring that different subgroups within the parish were sufficiently represented, and maintaining the balance of power between competing interests.

In principle, the right of choosing churchwardens belonged to the parishioners, a tradition inherited from the late middle ages. Prior to the late sixteenth century, the ecclesiastical establishment provided few guidelines regarding choosing churchwardens. The clergymen and lawyers who worked to reform English canon law in the early 1550s stated only that churchwardens should be elected by the parishioners.¹⁰² In 1554, Bishop Bonner directed that they should be elected yearly, and, in 1569, Bishop Sandys directed the same, adding that they ought to give an account to the parish at the end of their year in office—already long-standing practice.¹⁰³ The canons of 1571 and the canons of 1604 also left the responsibility for electing churchwardens in the hands of the parishioners—although both directed that the minister should have a hand in their selection as well, as will be discussed below.

None of these directives specified the actual process for choosing churchwardens and parish records usually blandly state that the officers were chosen “by the parishioners.” However, as we saw in Chapter Two, many parishes elected officers, levied rates, and approved accounts in general meetings which all ratepaying parishioners might attend. In their complaints lodged against select vestries described in the Chapter Three, the parishioners of St. Saviour’s Southwark, and Antony, Cornwall argued that this manner of electing churchwardens was normal, obvious, and generally accepted, and that it had only been abandoned in their parishes because of the actions of a selfish minority. Such a system is comfortingly familiar to modern eyes and we are be tempted

¹⁰² Bray, ed., *Tudor Church Reform*, 349.

¹⁰³ W.H. Frere, ed., *Visitation Articles and Injunctions of the Period of the Reformation* (London, 1910), vol. 2, 347; vol. 3, 228.

to imagine parishioners meeting together to choose between a number of self-declared candidates, debating which candidate for the office would do a better job managing the parishes' money or which, in his personal life, provided a superior moral example and was therefore fit to administer spiritual discipline. However, several generations' work on parish minutes plus my own survey of church court records reveals no evidence of candidates for the office competing for parishioners' votes. Parish records blandly record churchwardens as having been chosen "by the consent of the parishioners" and disputes arising from elections are never about vote counts or any of the things we might expect to find if churchwarden's elections were conducted in accordance with modern sensibilities.

Many communities selected their churchwardens by rotating the responsibility for filling the office among the farms and tenements that constituted the parish. Exactly how common this system was is difficult to determine: some rotational systems are clearly spelled out in churchwardens' account books¹⁰⁴ while others are only evident from a chance reference in other sources that a churchwarden served "for his farm" or a man's complaint that he was called to serve "out of course."¹⁰⁵ In some cases the existence of a rota system is only apparent through close examination of parish records, painstakingly pairing the names of successive churchwardens with the physical location of the tenements they held.¹⁰⁶ The scholarly consensus is that this arrangement was fairly widespread. Tate's classic investigation of parish accounts from across the country lead

¹⁰⁴ For a few fine examples see Hereford R.O., BN 88/1 (Foy Parish Book); AD 56/1 (Yarkhill Parish Records); W 3/10 (Ullingswick Parish Records). A 1628 entry in the Yarkhill parish book outlines a 13-year rotation, copied from an older book, since lost. The parish of Ullingswick also selected churchwardens by rota in the 1690s and early 1700s. Such rotational systems could occasionally bring women into parochial offices. In Ullingswick in 1699, 1700, and 1701 men served as proxy "for the widow Pitt," but in 1715 Ursula Powell herself served as sideman, and as churchwarden for the following year.

¹⁰⁵ Emmison, *Elizabethan Life*, 233 (from the Essex parish of Lexen).

¹⁰⁶ Duffy, *Morebath*, 29; "Hinton St. George," *VCH: Somerset*, vol. 4, R.W. Dunning, ed., (Oxford, 1978), 48, compared to Somerset R.O., D/P/hin.g/4/1/1.

him to conclude that rota systems were “quite common”¹⁰⁷ while Martin Ingram’s focused study of Wiltshire church court records led him to conclude that wardens there were elected from “more or less formalized rotation systems.”¹⁰⁸

Parishes that selected their officers by rota were careful to preserve the principle that they held their office only by popular approval. They were encouraged to do so by canon law, which only recognized the role of the parishioners and the incumbent in choosing churchwardens. The rotational system of Ashurst, Sussex, recorded in the parish book in 1603, was adjusted with a note stating that the men thus selected could only assume the office “if the parson and parishioners do think them fit.”¹⁰⁹ The householders of Bradford-on-Tone served as churchwarden “coming to their turns...for their estates,” yet one Bradford warden could simultaneously testify that he had been chosen “by the parishioners.”¹¹⁰ In another Somerset parish, the outgoing wardens traditionally picked their successors but, as one parishioners stated, “it is known beforehand who it is to be, because according to the custom of the parish the office goes from house to house.”¹¹¹ In the second case, the outgoing churchwardens’ designation of their successors was a ceremonial expression of the parish’s will while the rotation of the office was a mechanism designed to limit the wardens’ discretionary power and to ensure that the burdens of office were fairly distributed among the parish’s householders.¹¹²

¹⁰⁷ W.E. Tate, *The Parish Chest: A Study of the Records of Parochial Administration in England* (Cambridge, 1951), 84.

¹⁰⁸ M. Ingram, 324.

¹⁰⁹ West Sussex R.O., Par 11/9/1, f. 32; Par 11/1/1, f. 126.

¹¹⁰ Somerset R.O., D/D/Cd 97, fos. 26v., 5v.

¹¹¹ Somerset R.O., D/D/Cd 97, f. 146. Almost exactly the same process is described in a church court case originating from Chastleton, Oxfordshire. Michael G Smith, *The Church Courts, 1680-1840: From Canon Law to Ecclesiastical Law* (Lewiston, 2006), 40.

¹¹² Not all parishes felt the need to restrict the churchwardens’ ability to pick their successors in this way. The parish book of Lindfield, Sussex records new wardens as being made by “the last wardens” in some years and “by the parish” in others. West Sussex R.O., Par 416/9/1.

The filling of important offices by rotation has pleasing egalitarian implications—Mark Goldie found the early modern English proclivity for selecting officers and jurymen by rotation one of the features that made it possible to think of seventeenth-century England as an “unacknowledged republic.”¹¹³ But it is important not to exaggerate this. Attaching the office to the holding of a parcel of land meant that in cases where a few parishioners held most of the land in a parish, they would serve as churchwarden (or have the responsibility for appointing a deputy in their place) a disproportionately high number of times. The Hereford parish of Foy, for example, was dominated by two gentry families, the Apperleys and the Abrahalls. The responsibility to provide the two churchwardens rotated among the eighteen farms that comprised the parish in a nine-year cycle.¹¹⁴ In 1632, William Apperley was responsible for filling the office for one of his properties. He was again responsible to fill it in 1637 for a second property he held in the parish. Henry Abrahall was responsible for filling the office in 1634 and again in 1638. James Collins, meanwhile, appears in the rotation in 1633 for a farm called “the Ryes,” again in 1635 for an estate on the Hill of Eaton, and a third time in 1639 “for the old Park.” When his son married into the Abrahall family around 1670, the responsibility to provide a churchwarden may have devolved on an even smaller group of people, assuming all the properties listed in the 1632 entry remained in the same families.¹¹⁵ A

¹¹³ Goldie, “The Unacknowledged Republic,” 166-167. Goldie wrongly states that churchwardens were not elected by rotation.

¹¹⁴ Hereford R.O., BN 88/1 (entry for 1632). It is probable that these men did not serve as churchwarden themselves every time their turn came, but instead paid someone else to take their place. This certainly would have been the case for Rowland Burghill, vicar of Foy, who appears in the rotation for “Nurses Farm.” Clergymen could not serve as churchwardens and his inclusion in the rotation simply indicated that he was required to provide a deputy to serve in the office.

¹¹⁵ For James Collins’s son’s marriage, see Charles John Robinson, *A History of the Mansions and Manors of Herefordshire* (London, 1872), 139. The parish of Highley, Shropshire, provides a similar example: in the 1620s and 30s, churchwardens might be yeomen, husbandmen, artisans, or even cottagers. By the

rigid adherence to custom might also result in a slow drift towards oligarchic patterns of officeholding. In 1682 the inhabitants of High Littleton, Somerset, generally agreed that all but one estate in the parish supplied a churchwarden (although there was some ambiguity about the house that the lay rector lived in). Estates which had been broken up and leased out in two or three parcels, however, did not provide churchwardens, however—the obligation fell only on “ancient estates.” One can see how, over time, this could lead to a decrease in the number of properties required to provide a churchwarden even as it led to an increase in the number of ratepayers.¹¹⁶

In communities where all or most of the land was held by resident gentry the connection between officeholding and land could serve to reinforce seigneurial power. The Leicesters of Tabley and the Shakerleys of Hulme Hall took turns appointing their tenants to serve as churchwardens for the townships of Nether Peover and Allostock.¹¹⁷ Other parishes, however, developed procedures for choosing churchwardens designed to keep any one man or interest group from dominating the process. Roughly seven miles to the south, the parish church of Middlewich was stuffed full of baronial arms, inscriptions, and the graves of patrician forbearers and when the parishioners met in Easter week to elect new churchwardens, their numbers included the Baron of Kinderton, and several of his family. But the election was not simply a forum for the exercise of aristocratic

1680s and 90s, wardens were drawn exclusively from the largest tenant farmers, in spite of the fact that the rota system by which churchwardens were selected remained in place. Nair, 128-129.

¹¹⁶ Somerset R.O., D/D/Cd 97, fos. 127, 129, 129v.

¹¹⁷ Cheshire R.O., DSS 1/3/142, nos. 10 and 11. An agreement was worked out between the two families in 1638, but from the text of the document it appears that they had been appointing their tenants to serve as churchwardens prior to that date. The townships of Nether Peover and Allostock both had two churchwardens to represent their interests at the chapelry of Nether Peover. This arrangement was still being observed in the early 1700s. Other documents from the early eighteenth century show that the Shakerleys and the Davies family appointed “sub-churchwardens” for the parish of Astbury in a similar manner. See DSS 1/3/101, no. 7.

power—according to custom, the four outgoing churchwardens nominated eight men, out of whom the parishioners selected new churchwardens for the following year.¹¹⁸

Other parishes dealt with internal divisions by institutionalizing them, letting a specific parochial subgroup elect one of the churchwardens. Dividing officeholding responsibilities among these subgroups helped manage rivalries that otherwise might have threatened communal harmony. For example, in late sixteenth-century Brighton, where the critical distinction was between those who made their living from the sea and those who did not, a fisherman was always paired with a landsman.¹¹⁹ More usual was the selection of churchwardens by geographic community—neighborhood, ward, or hamlet.

Such arrangements could be a function of external political structures. The householders of the London parish of St. Margaret Lothbury chose one churchwarden from the east side of the parish and one from the west side, the two sides lying in different city wards.¹²⁰ In urban parishes, town governments might play a direct role in the selection of officers. When the mayor of the East Yorkshire town of Beverley refused to assent to the election of one of the churchwardens, it made the warden's enemies' case more credible when they appealed to the High Commission for his removal even though witnesses agreed that he had been lawfully elected.¹²¹ The role of Arundel's town government was less ambiguous: the mayor and burgesses chose one churchwarden from

¹¹⁸ This was the normal procedure. In 1677, however, the parishioners, apparently annoyed by the lay rector's insistence that he was allowed to select one of the churchwardens on his own authority, decided to saddle him with the office instead, even though he was not one of the four nominated. Not surprisingly, he refused to serve. Here is a neat illustration of the dynamic discussed earlier in this chapter—men wanted the right to control who served in the office, but often resisted serving themselves. BI, CP.H.3448 and 3471.

¹¹⁹ Webbs, 22.

¹²⁰ Freshfield, ed., *St. Margaret's Lothbury*, xv-xvii. This practice continued until the nineteenth century.

¹²¹ BI, HC.CP.1594/4

among the corporation and the citizens chose the other from among their number.¹²² In the parish of St. Cuthbert's in the city of Wells, the election of churchwardens was accomplished by interlocking urban, episcopal, and manorial institutions—the mayor of the city chose one of the city burgesses to be churchwarden who in turn selected his partner from among three candidates recommended by the jurors of the bishop's court leet.¹²³

In rural parishes, electoral procedures often reflected the parish's geographic divisions. In Prescott, Lancashire, three wardens represented the northern part of the parish, while the householders of the southern part, who worshipped at their own chapel, sent their chapelwardens to speak for them at parish meetings.¹²⁴ The parishioners of North Petherton, Somerset, divided their community into three "limits" for administrative purposes, each of which had its own churchwarden, sideman, and overseer of the poor.¹²⁵ In High Littleton, also in Somerset, one churchwarden represented the core community of Littleton, clustered around the parish church, while the second churchwarden was always chosen from the outlying hamlet of Hallitrow.¹²⁶ Sometimes such arrangements are invisible to a researcher without intimate local knowledge. It is never recorded in Winford's parish book that the inhabitants of the north side of the parish should elect one churchwarden and those of the south side should elect the other—such a pattern only

¹²² West Sussex R.O., Par 8/12/2. The entry for 1677 remarks that the election of two "commoners" as overseers will not be taken as a precedent.

¹²³ Somerset R.O., D/D/Ca 345. For a summary of the fraught relationship between the bishop and the city of Wells, see Carl Eastabrook, "In the Midst of Ceremony: Cathedral and Community in Seventeenth-Century Wells," in S. Amussen and M. Kishlansky, eds., *Political Culture and Cultural Politics in Early Modern England: Essays Presented to David Underdown* (Manchester, 1995), 133-161.

¹²⁴ These officers' complex selection process also reflected a balance of competing interests. The vicar chose one of the four wardens who represented the northern side, the other three were chosen by eight men who in the sixteenth century had been appointed by the vicar and the parish gentry, but who by the 1630s were being elected by their middling peers. Similarly, three of the four chapelwardens were elected by the householders, the curate chose the fourth. Steel, ed., *Prescott Churchwardens' Accounts*, xvi-xvii, xxii.

¹²⁵ Somerset R.O., D/P/pet.n/4/1/1.

¹²⁶ Somerset R.O., D/D/Cd 97, f. 129v.

becomes apparent when the names of the individuals elected are painstakingly compared to the properties they held.¹²⁷

This diversity of process for selecting churchwardens (and other officers) demonstrates the continued importance of parochial custom in the seventeenth century, even while the parish was becoming the basic administrative building-block of the central state. An investigation of parochial electoral practices also shows that the parish government was often best characterized as a set of interlocking interests, rather than as a horizontally stratified model with all the decision-makers acting in concert at the top.

The role of the incumbent when choosing churchwardens

As this chapter has already attempted to demonstrate, one fundamental question that drove parochial politics (and with it the politics of officeholding) was the relation between clerical and lay authority. The 1570s saw a concerted attempt by the Elizabethan bishops, led by Archbishop Parker, to strengthen the church's ability to enforce spiritual discipline. This was partly accomplished by promulgating a new set of church canons in 1571, canons that (among other things) devoted far greater attention to the office of the churchwarden than previous ecclesiastical directives.¹²⁸ In addition to the duties of the office being spelled out in detail for the first time, the canons stated that churchwardens were to be elected "by the minister and the parishioners."¹²⁹ This was the first episcopal restriction on the selection of churchwardens, requiring that the minister agree to the parishioners' choice. Archbishop Grindal's injunctions for the province of

¹²⁷ I owe this insight to Dr. Robert Dunning.

¹²⁸ The religious and political context for this effort will be discussed more thoroughly in the following chapter.

¹²⁹ *Anglican Canons*, 191.

York that same year reiterated “that the churchwardens, according to the custom of every parish, shall be chosen as well by the consent of the parson, vicar, or curate, otherwise they shall not be churchwardens.”¹³⁰ The desire to allow the minister a say in the election of churchwardens was not confined to those who, like Parker and Grindal, were broadly sympathetic to the puritan program. The canons of 1604, which were the project of Archbishop Richard Bancroft, reiterated and clarified Parker and Grindal’s intent, stating that parishioners and ministers together were to choose churchwardens, but that they could not agree on two suitable men to fill the office, the parishioners should choose one and the minister the other.¹³¹

Some historians have followed the nineteenth-century scholar and political activist Toulmin Smith who argued that this was an egregious clerical usurpation of what before had been an office genuinely representative of the people.¹³² This is an exaggeration. Some sixteenth-century churchwardens’ accounts indicate that incumbents already had a measure of involvement in the selection of parish officers. In 1566 the vicar of Ashurst, Sussex, noted in the parish book that the usual practice was to choose churchwardens by “the voice of the parish and the minister together.”¹³³ The 1604 canons’ provision that ministers and parishioners might each choose one of the churchwardens may also have reflected the contemporary practice of some communities: in the 1580s the vicar of Lindfield, Sussex, was already punctiliously noting in the parish book which warden had been selected by him and which “by the wardens and the

¹³⁰ Frere, ed., vol. 3, 283.

¹³¹ *Anglican Canons*, 385.

¹³² Toulmin Smith, 72-81; Carlson, 181. Carlson calls it “a staggering reversal of centuries of self-government.”

¹³³ West Sussex R.O., Par 11/9/1, f. 23. It should be noted that the vicar was angrily recording a breach of this practice, that the parishioners had actually chosen churchwardens before they came to the church “and then put the matter in question here and went their way.” The parishioners’ cunning manipulation of procedure, however, itself indicates that the minister was used to having a say in choosing parish officers.

parish.”¹³⁴ Some parish accounts imply a peaceful change in procedure, or at least a nod to the ministers’ heightened role—the 1588 entry in the records of one Worcester parish note that churchwardens were chosen “by the vicar and parishioners together, in accordance with the statute.”¹³⁵ Countless parishes eventually institutionalized the new canon by designating a “parson’s warden” and a “people’s warden.”

Yet it is equally clear that the 1604 canons’ insistence on ministerial involvement in churchwardens’ elections was highly controversial.¹³⁶ Seventeenth-century householders may not have often fought over the privilege of serving as churchwarden (as we will see below), but they certainly fought for the right to select them. There was a spate of lawsuits as parishioners sought to stymie ministers who attempted to assert their newfound authority by ignoring the parishioners’ candidates for the office and putting forward their own.¹³⁷ Some archdeacons, determined to defend the prerogatives of the

¹³⁴ West Sussex R.O., Par 416/9/1. fos. 2-4, 14-16. This practice continued uninterrupted until the Interregnum—in 1657, “the parish” is recorded as having picked both churchwardens (f. 38). After 1664, the minister resumed choosing one warden and the parishioners the other (f. 47v.), and continued to do so until the accounts end in 1704 (Par 416/7/6).

¹³⁵ Worcester R.O., 850 (South Littleton) BA 1284/1, p. 31.

¹³⁶ Indeed, the canons were controversial in their entirety. Passed by the Convocation of Canterbury in 1603 and approved by James I the following year, they received a hostile reception in Parliament and were never confirmed. There were a couple of issues at stake. First, many of the canons contradicted points of statutory law and even though it was generally recognized that parliamentary statute prevailed in such situations, the MPs were understandably unwilling to confirm them. Second, it was held that the Henrician statutes that had implemented the break with Rome had effectively made canon law *as it had existed in 1535* the equivalent of English statutory law. Therefore, the argument went, canon law, like statutory law, could only be changed by Parliament. These objections notwithstanding, the canons were widely applied in the ecclesiastical courts and remained the administrative law of the English church until 1969. *Anglican Canons*, 258n.2; Helmholz, “The Canons of 1603: The Contemporary Understanding,” in Norman Doe, Mark Hill, and Robert Ombres, eds., *English Canon Law: Essays in Honor of Bishop Eric Kemp* (Cardiff, 1998), 33-34.

¹³⁷ Such cases frequently ended up in the royal courts. The 1604 canons’ ambiguous legal status made it possible for parishioners to defend parochial custom by obtaining writs of prohibition. A search through the printed reports uncovers the following cases for the seventeenth century: 74 *ER* 1101-1102 [Noy 139]; 79 *ER* 456 [Cro. Jac 532]; 79 *ER* 1074-1075 [Cro. Car. 551]; 82 *ER* 231 [Jones W. 440]; 74 *ER* 1001 [Noy 31]; 83 *ER* 1087 [1 Keble 517]; 83 *ER* 230 [Raym. Sir T 440]; 125 *ER* 563 [2 Lutw. 1010]. Four out of these seven cases were from London, one was from Surrey, one from Chester, and one from an unknown location. In all of these cases, the parishioners’ right to elect both churchwardens was upheld. Arguments made in support of this decision generally stated that the canons could not prevail against established custom, but in the London parishes the argument was sometimes advanced that, in London, churchwardens

clergy, refused to administer the oath to the parishioners' candidate. But on the whole, canon lawyers themselves recognized that, because they had not been confirmed by Parliament, they could not overturn a long-established custom. Canon lawyers' precedent books were stating as much as early as 1610,¹³⁸ a conclusion that was reiterated in John Godolphin's 1678 handbook on canon law.¹³⁹ Writing at the end of our period, Bishop Gibson, looking back on a century of examples of parishioners using the royal courts to defend their right to choose churchwardens against the claims of incumbents, warned those incumbents who did have the customary right to appoint churchwardens to exercise it vigorously, lest their right to do so lapse.¹⁴⁰

The (Un)desirability of the office and its implications

How did early modern parishioners view the prospect of being a churchwarden? Did the discretionary powers that came with the office make it attractive, a prize to be fought over, to be monopolized if possible by those who had the power to do so? Or did the office's time-consuming and sometimes unpleasant duties, combined with the negative perceptions and common criticisms of churchwardens, compel parishioners to avoid the office and serve only under duress? There is much to be said for the former view. The unexciting evidence of churchwardens' accounts, which record the routine election of

were a kind of corporation and so temporal officers. The notion of the churchwarden as a temporal officer would become important later in the century when efforts were made to keep archdeacons from rejecting churchwardens by refusing to swear them into office. Also of note is 77 *ER* 1479 [13 Co. Rep. 70] which describes a clash between parishioners and their minister over who was allowed to appoint the parish clerk; when giving his opinion Coke gratuitously says that the clerk is a temporal officer like a churchwarden and therefore not within the minister's power. See also Helmholz, "The Canons of 1603," 32n. 42, for two more such cases, one from York and one from Chichester, being fought out in the ecclesiastical courts. For a brief discussion of those cases relating to early Stuart London, see Kümin, "Parishioners in Court," 33.

¹³⁸ Helmholz, "The Canons of 1603," 34.

¹³⁹ Godolphin, 163-164.

¹⁴⁰ Gibson, *Codex*, vol. 1, 242.

churchwardens year after year without fuss, make it clear that filling the office was never a serious problem. Nevertheless, there is strong evidence indicating that, left to their own devices, parishioners frequently preferred to let someone else fill the office. This is significant for our understanding of parish government because it meant that the practical need to fill the office—by coercion if necessary—counterbalanced the elitist impulse inherent in early modern political culture.

The churchwardens' office was not without its advantages. Parishioners were not paid for serving but, as the political economist Sir William Petty shrewdly observed, for some "the honor of being trusted and the pleasure of being feared" was reward enough.¹⁴¹ The churchwardens' discretionary powers may in themselves have provided sufficient motivation for many parishioners to put up with the office's drawbacks. As unpleasant as it may have been for some people to have to report their neighbors' wrongdoings, to certify that they had performed their public penances, or to announce their excommunication in church,¹⁴² we must assume that others found the opportunity attractive. The office had less tangible benefits as well. Parishioners who served as churchwardens became for a year symbolic leaders of the community. They, with the minister, led the community in annual "perambulations"—usually the first major function they performed in the public eye—ritually processing as a body around the boundaries of the parish.¹⁴³ Their involvement in the business of pews, even their ceremonial

¹⁴¹ William Petty, *A Treatise of Taxes and Contributions* (London, 1662), 2. Petty gave as examples the offices of sheriff, justice of the peace, constables, and churchwardens. Sometimes a material reward did result, though—an entry in the vicar-general's book for the diocese of London records the confirmation of a pew for an ex-churchwarden of St. Mary Blackfriars, "in recompense for your pains and endeavors in the enlarging of the church." LMA, DL/C/341, f. 93x.

¹⁴² For these last two, see M. G. Smith, *Church Courts*, 51.

¹⁴³ Perambulations were usually performed a few weeks after the churchwardens' election during Easter week. For a few examples, see the churchwardens' accounts for St. Michaels Bedwardine and Worcester St. Swithin at Worcester R.O., B 850 (Worcester St Andrews) BA 2335/16b(iv); B 850 (Worcester St.

conducting of parishioners to their seats on Sunday, further marked them as men of distinction.¹⁴⁴ Collecting money on the parish's behalf of course also enhanced their authority. This may have been especially true in parishes that continued to raise money by means of church-ales and other genial customs like "hogging," which were informal and neighborly but also put the collector in a position of importance. In Keynsham, Somerset, for example, the churchwardens collected hogging money at Christmas and their wives collected it at Easter—the wives had no legal power, but their husbands' office gave them a temporary moral authority.¹⁴⁵ That a man had held the office might be referred to in a legal deposition in order to strengthen assurances of his trustworthiness—one witness, asked about two of his neighbors, responded that they were "honest men of good repute and opinion....Pyle having been not many years since one of the churchwardens."¹⁴⁶ It was this respect that William Parker of Myddle was after, his longstanding ambition to be churchwarden stemming from his desire "to be accompted somebody in this parish."¹⁴⁷ Godfrey Goodman described how a man became churchwarden only after proving his trustworthiness by first serving in lesser offices like constable and sideman: "thus we raise him by degrees, we prolong his ambitious hopes, and at last we heap all our honors upon him."¹⁴⁸ In populous London parishes this *cursus honorem* was often quite formal, with the offices ranked in a finely-graduated

Swithin) BA 1026/31; also Somerset R.O., D/P/ax/4/1/1 (Axbridge churchwardens' accounts, entry for 1640). The churchwardens were responsible for making sure the ceremony was conducted properly. The account book of Worcester St. Andrews records how the churchwardens had to send the parish clerk to round up the parishioners, who were keeping the minister waiting. Worcester R.O., B 850 (Worcester St Andrews) BA 2335/3a(i). The wardens were also usually responsible for providing food and drink on these occasions.

¹⁴⁴ Anon. *The Country Parson's Companion or, Young Clergyman's Lawyer* (London, 1725). 56-57.

¹⁴⁵ Somerset R.O., D/D/Cd 17 (Churchwardens c. Jones and Gaye, 1583).

¹⁴⁶ Somerset R.O., D/D/Cd 131 (Foxwell c. Rutter, 1640).

¹⁴⁷ Gough, 239.

¹⁴⁸ Goodman, 139-140. Cf. Jan Pittman, whose research on north Norfolk has shown that in that region the constable was considered the superior office. Pitman, 33-35.

hierarchy.¹⁴⁹ The distinction of the office, however, could go to men's heads—one London pamphleteer criticized a particular pair of churchwardens who, he said, “boast of the honor, but neglect the duty of the place.”¹⁵⁰ We must also assume that the previously-discussed anxieties about churchwardens helping themselves to the poor-box money and the like were not entirely without foundation and that some men found the office attractive for that reason as well.¹⁵¹

Because being a churchwarden meant wielding state-sanctioned power, the respect and deference of one's peers, and (possibly) the chance at financial gain, it is tempting to assume that men actively sought after the office. Wealthier individuals serving multiple terms as churchwarden, either consecutively or in close succession, would seem to provide particularly compelling evidence for this. On the other hand, it might also mean that few were willing to serve. When such a pattern of officeholding appears in parish records, historians have explained have explained it in different, perhaps contradictory, ways. Duffy, in his study of sixteenth-century Morebath, demonstrates a clear drop in the number of householders serving as churchwarden

¹⁴⁹ Archer, 51; Griffiths, *Lost Londons*, 293. Griffiths describes one man who lived in the parish of St. Sepulchre for thirty-two years, serving as first as scavenger, then as constable, and finally as churchwarden. Once a man had served as churchwarden and moved even further up the ladder, however, he might feel that serving in the office again was beneath him. In 1638, a London alderman complained to the bishop's court that his parish had chosen him to be churchwarden. The bishop's court exempted him from serving in the office “or any other inferior office incompatible with his degree.” LMA, DL/C/344, fos. 37-37v. This attitude contrasts with the rural pattern of repeated service in the churchwarden's office, discussed below.

¹⁵⁰ “Alethes Noctroff,” *The Arrest of Five Unsober Men* (London, 1657), 3.

¹⁵¹ One 1641 pamphlet purported to describe the “manifold abuses and impious actions of many officers in this city.” In the satirical dialogue, one churchwarden tells another how he made the poor buy the coals he was to distribute to them for free: “‘Tis just that every man should live by his calling, am I not call'd to be a churchwarden?” The second remarks, “I have often wondered indeed that men have been so ambitious to get offices, which I conceived could not choose but to be very expensive and laborious; but never knew ‘till now what the reason was.” But even the satirist notes that the intangible benefits of the office are important as well. Says the corrupt churchwarden: “‘Tis ambition to have our wives pleased. . . she was never quiet ‘till she had the title of Mrs. Churchwarden, that she might take the upper hand of her betters and sit in the chief places at gossipings and feasts.” Of course, she must have new clothes as well, supplied by the poor-box. Anon., *A Charitable Church-Warden* (London, 1641), A2-A3.

between the 1530s and the 1570s but—careful not to speak where his evidence is silent—leaves it ambiguous as whether this was because fewer men were willing to fill the office (presumably out of loyalty to traditional Catholicism), or because worsening economic conditions reduced the number of qualified parishioners, or because of the erosion of the values of cooperation and communal obligation that characterized the late medieval parish.¹⁵² Wrightson and Levine, who found that the Terling elite monopolized institutional power in their community across the seventeenth century, took it as a given that repeated service in office was a deliberate choice on the part of the wealthier and more powerful.¹⁵³ H.R. French has espoused a moderated version of this view, interpreting repeated service as churchwarden as evidence that the office was “slightly more prestigious or desirable” than that of constable or overseer—offices in which men rarely served more than once.¹⁵⁴ Eric Carlson, on the other hand, surveyed twenty Cambridgeshire parishes and found that, unlike Terling, most experienced significant changes in officeholding patterns in the first half of the seventeenth century—for example, a few men might monopolize the office for several years running, after which a large number of new men might serve a single term each. After the Restoration, however, the number of men holding the office dropped significantly, the length of their terms increased, and wealthier men now dominated the position.¹⁵⁵ But while these signs could be interpreted as evidence of parish oligarchies tightening their grip—or at least

¹⁵² Duffy, *Morebath*, 31, 185. Emmison’s study of late Elizabethan church court records in Essex reveals several examples of parishioners refusing the office, lending greater credence to Duffy’s suggestion that external pressure on churchwardens from secular and especially ecclesiastical authorities may have made the office less attractive. Emmison, *Elizabethan Life*, 231-233.

¹⁵³ Wrightson and Levine, 106.

¹⁵⁴ H.R. French, 120-121. French bases this conclusion on a single set of parish records (those of Sherbourne, Dorset, which run from 1659 to 1730). Twenty-one out of fifty-five wardens (38%) served more than once, which hardly seems like the “dramatic” decrease in participation in parish office identified by Carlson in late seventeenth-century Cambridgeshire.

¹⁵⁵ Carlson, 182-191, 199-200.

that the office was a prize to be sought after—Carlson argued instead that this narrowing participation in the office indicated an increased reluctance to serve. “When the office’s genuine community service involved had been suffocated under the weight of repressive religious legislation,” he writes, “it was difficult to find men willing to take their turn.”¹⁵⁶

What should we make of these wildly differing interpretations? It seems logical that, if parish office was a prize to be jealously guarded, we should expect to see evidence of parishioners competing for the opportunity to serve. In fact, while filling the office was never a serious problem, parishioners rarely seemed to fight for the privilege of serving. In fact, when they did go to law over the churchwardenship, it was usually to get out of it.¹⁵⁷ This is a remarkable contrast to the ferociously contested parliamentary elections that were a feature of the later seventeenth century, not to mention the constant striving for positions in urban government, which were a constant throughout the period. Indeed, various classes of men were exempted from service, including not only the

¹⁵⁶ Carlson, 191. A modern example provides a different—and intriguing—explanation for the phenomenon of the same men being returned to parish office year after year. In his study of the Norwegian parish of Bremmes—a socially egalitarian community—the anthropologist J.A. Barnes found that most elections returned the officeholders into office. “[M]ost elections to local committees in Norway consist of re-voting into office the outgoing members, and sometimes a special sub-committee is appointed to draw up a private list of nominations, so that voting becomes a formality. In this way the rivalries that threaten the unity of the community are hindered from coming out in the open.” J.A. Barnes, “Class and Committees in a Norwegian Island Parish,” *Human Relations* 7 (1954): 51.

¹⁵⁷ Based on an investigation of the following sets of ecclesiastical court records: the deposition books of the Diocese of Bath and Wells for the years 1583-1584 (D/D/Cd 17), 1594-1595 (D/D/Cd 18), 1570-1573 (D/D/Cd 25), 1600-1603 (D/D/Cd 32), 1624-1625 (D/D/Cd 59), 1628-1630 (D/D/Cd 65), 1628-1634 (D/D/Cd 66), 1637 (D/D/Cd 72), 1633-1641 (D/D/Cd 131), and 1661-1700 (D/D/Cd 93 through 108); the seventeenth-century cause papers for the Diocese of York (BI, CP.H); the court papers of the Diocese of Chester from 1613-1653 (Chester R.O., EDC 5); the consistory court deposition books of the Diocese of Worcester from 1560-1573 (Worcester R.O., 794.052 BA 2102/1), March 1588/9-September 1592 (794.052 BA 2102/4), and 1676-1684 (794.052 BA 2102/13); and the books of the vicar-general of the Diocese of London from 1601-1685 (LMA, DL/C/338-345). There are a few examples of men competing for the office. Carlson cites the example of a man accused of bribing the curate to appoint him (Carlson, 182, 190) and of course there is the well-known anecdote related by Richard Gough mentioned in the previous chapter. Accusations that a man from the East Riding had been improperly elected in 1594 are embedded in a host of other complaints about his brawling and un-neighborly behavior. In 1687 Jeremiah Briggs was accused of showing up at the archdeacon of York’s residence and having himself sworn in as churchwarden even though he had not been elected. BI, HC.CP.1594, CP.H.3634. Neither Godolphin, Prideaux, nor Gibson so much as mention the possibility of a contested churchwardens’ election.

obvious ones like peers (who couldn't be bothered) and clergymen (who could not be expected to monitor their own behavior), but also lawyers, physicians, and apothecaries. Those spared from having to serve were not shy about defending that right in court.¹⁵⁸ Exemption from service could even be used as a reward: in 1699, an act of Parliament established the so-called "Tyburn ticket," which rewarded any man who prosecuted a felon to conviction by exempting him from service in parish or ward offices in the parish or ward where the offense had been committed.¹⁵⁹ In Braintree, parish offices were considered noxious enough that the select vestry that ran the parish punished those who failed to submit their accounts on time by making them serve another year.¹⁶⁰

It is not hard to understand why this was so. By the late sixteenth century, it was harder to be a churchwarden than it previously had been. The vicissitudes of the Reformation had been difficult to manage and as England's churches were transformed many churchwardens found themselves in the middle of bitter controversy, and were sometimes stuck having to pay the expenses out of their own pockets.¹⁶¹ Additionally, as we have seen, supervision of churchwardens by the ecclesiastical courts intensified in the last quarter of the century. Aside from the tensions that this could cause between churchwardens and their neighbors, it also meant that the officers had to spend increasing amounts of time on the road in order to appear in court as zealous archdeacons began demanding quarterly reports in addition to their biannual visitations. Between 1572 and 1603, the churchwardens of one Herefordshire parish were traveling to the church courts

¹⁵⁸ Godolphin, 164; Prideaux, 41-42.

¹⁵⁹ 10 and 11 Wm. 3, c. 23.

¹⁶⁰ H.R. French, *The Middle Sort of People*, 120.

¹⁶¹ Doree, ed., *Bishop's Stortford Churchwardens Accounts*, xviii.

five or six times a year.¹⁶² In 1601, complaints about this “infinite charge and daily vexation” reached the ears of Archbishop Whitgift who sent a circular to his bishops condemning the “over-frequent and often keeping of courts....to the vexing of the subject, and especially churchwardens.”¹⁶³

The business of spiritual discipline settled into a more sustainable tempo in the subsequent decade or so; however, there were plenty of reasons for men to avoid the office. The duties were still time-consuming. The need to pay workmen promptly often meant that churchwardens had to spend their own money on church repairs in the hope that the parishioners would approve their expenses later. Not surprisingly, this often led to lawsuits between incoming and outgoing churchwardens.¹⁶⁴ As we have seen, the oath churchwardens had to swear at visitations, and the prospect of being held to account themselves if they failed to present offenders, meant that their discretionary power to overlook wrongdoing was not as great as historians have sometimes assumed. A particularly spicy rumor, such as the peddler’s wife being pregnant by the vicar, might so exercise parishioners as to force churchwardens to report it, even if they thought the story false.¹⁶⁵ But having to report one’s neighbors was never an agreeable business. In his visitation sermon, Strode recognized that men serving in the office might be seen as “meddlers and busybodies,”¹⁶⁶ and churchwardens sometimes faced legal action or verbal

¹⁶² Anthony Palmer, ed., *Tudor Churchwardens’ Accounts* (Cambridge, 1985), 91-183.

¹⁶³ Strype, *Whitgift*, 548-549. The actual letter is in Whitgift, *Works*, vol. 4, 364-365. Whitgift reiterated these instructions to the convocation of Canterbury in 1604. Edward Cardwell, *Synodalia* (Cambridge, 1842), vol. 2, 583.

¹⁶⁴ For example, see Somerset R.O., D/D/Cd/94, fos. 63-65, 72v.-73. Some parishes recorded their intention to make churchwardens personally responsible for expenses they incurred carelessly. LMA, P92/SAV/450, 423.

¹⁶⁵ S.R. Gardiner, ed., *Reports of Cases*, 71-72.

¹⁶⁶ Strode, 24-25.

or even physical abuse in the line of duty.¹⁶⁷ One clergyman hopefully told churchwardens that “when they incur any displeasure or malice...they may encourage themselves with this, that therein they suffer for righteousness sake”¹⁶⁸ Some men undoubtedly relished the fight, but others would rather have avoided such unpleasantness.

There is also significant anecdotal evidence suggesting that attracting worthy candidates to the office remained a problem. Certainly this was the opinion of George Herbert, who believed that a good parson needed to persuade the substantial parishioners to serve as churchwardens.¹⁶⁹ Strode, Herbert’s contemporary, less charitably, spoke of how men had to be “drawn and lugg’d” into the office.¹⁷⁰ Many parishes allowed men to pay a fine to avoid having to serve. The opponents of the select vestry St. Saviour’s Southwark wanted such fines to be capped at five pounds—the fact that the same parishioners who were vociferously demanding a greater voice in decision-making also passed up opportunities to serve as churchwarden speaks volumes about the difference between attending an occasional meeting of householders and the burdens of actually holding office.¹⁷¹ Parishioners might also pay a deputy to serve in their place—a practice

¹⁶⁷ Churchwardens from one Cambridgeshire parish complained that when they attempted to verify that a parishioner had performed his penance “he did use irreverent speech...and said would the churchwardens had kissed his Arse.” Marsh, “Sacred Space in England, 1560-1640: The View From the Pew,” *JEH* 53, 2 (April 2002): 305. See Carlson, 188-189 for a few similar examples. After the Restoration, Wiltshire parishioners loyal to their nonconformist minister physically assaulted their churchwarden when he tried to prevent the man from entering the church. Spaeth, 165. For one example of legal action against a churchwarden taken in revenge, see TNA, REQ 2/301/13/2, in which a former churchwarden complained that the suit lodged against him was simply revenge for his having presented one of his accusers for not attending church two years earlier.

¹⁶⁸ John Kettlewell, *A discourse explaining the nature of edification...in a visitation sermon* (London, 1684), 34.

¹⁶⁹ Herbert, 270.

¹⁷⁰ Strode, 13-14. Herbert and Strode’s words seem to contradict those of Goodman, quoted above, who spoke of the churchwarden’s office as a great honor. However, it should be noted that Goodman, a parish rector, is portraying the office in the most positive terms for his parishioners’ benefit—just as Herbert recommends.

¹⁷¹ LMA, P92/SAV/791, f. 2.

that the bishop of Gloucester, who wanted only the “most sufficient” men, tried to forbid in 1605.¹⁷²

Combining this impressionistic evidence with the lack of evidence of competition for the office, it is hard to escape the conclusion that the office was considered a burden at least as much as it was considered a privilege. Men may have aspired to serve a term as churchwarden, and were doubtless proud of having done so once their term was over, but one suspects that comparatively few wanted to hold the office frequently, although some may have done so out of a sense of duty. The office was not without its rewards and certain men occasionally may have wanted to serve in order to implement a particular project—a self-aggrandizing rearrangement of pews, a religiously motivated remodeling of the church’s interior, or a particular program of moral reformation. Yet, there was rarely a mad scramble among wealthy parishioners to be the next churchwarden. The duties themselves were time-consuming and at times uncomfortable, and the possibility of an even more time-consuming lawsuit or the loss of money paid out of pocket always loomed. There was continued tension between the authority and respect that came with state-sanctioned power and the onerous responsibilities of the office, combined with the ever-present prospect of enraging one’s neighbors. For this reason, like Herbert’s conscientious parson, parishioners also used encouraging words to gild over the drudgery—some Somerset parishioners grandly described their choice, a man named

¹⁷² Fincham, ed., *Articles and Injunctions*, vol. 1, 53. For examples of men who sought to avoid holding the office for confessional and other reasons, see Robert Marchant, *The Puritans and the Church Courts in the Diocese of York, 1560-1642* (London, Longmans, 1960), 70-72, 99, 114, 126, 138-9, 190-2, 197. In the Devon parish of Colyton in 1674 the local JPs recognized that the rising number of dissenters, combined with the large number of paupers, meant that serving as churchwarden would “cost more trouble than in later years” and that “the employment was dreaded by many that at other times would have taken it.” With difficulty, they persuaded an attorney to take on the responsibility. Before long he asked to be relieved of his duties. Pamela Sharpe, *Population and Society in an East Devon Parish: Reproducing Colyton, 1540-1840* (Exeter, 2002), 49-50.

John Hooper, as “a man of sufficient ability and understanding and civility fit to serve in any office in church or commonwealth.”¹⁷³ This ringing endorsement only survives because, like John Ward at the beginning of this chapter, Hooper did not want the office.

Individual ambition might drive some men to serve repeatedly, but the need to share the burden could also draw in the unwilling. This is significant for our understanding of parish government—while the political culture of the ratepaying householders who ran England’s parishes was predicated on the exclusion of those who did not contribute financially to the church, it could, and often did, draw in those who would have preferred not to serve. It also might require participation from those who were otherwise officially proscribed. As we shall see in Chapter Seven, the members of the Cavalier parliament decided that the provisions of the Test Act should not be applied to churchwardens and other parochial officers because they did not want to reward dissenters by exempting them from service.¹⁷⁴ First, however, we turn our attention to those who felt that the very structure of parish government described in the previous five chapters bore scandalously little relation to that prescribed by Christ. Their decades-long campaign to overhaul parochial government will be described in the next chapter.

¹⁷³ Quoted by Steig, 177.

¹⁷⁴ 25 Car. 2, c. 2, § 15.

PART III
RELIGION AND PARISH GOVERNMENT

Chapter Six: Alternate Visions of Parish Government, 1552-1660

In the previous chapter, I discussed how the process of selecting churchwardens—the parish’s moral guardians—was geared to spreading the burden of office and to placating competing interests within the community rather than selecting spiritual exemplars. Wardens’ authority in religious matters stemmed from the fact that they were periodically called before the bishop or his representative where, under oath, they were required to answer a series of questions relating to the morals and manners of their fellow parishioners. The disciplinary power of the churchwarden was an extension of the power of the bishop. As we have seen, churchmen and parishioners alike wanted solid men to serve as churchwardens; men who were respected in their communities and who could perform the task effectively. But the churchwarden had no authority in and of himself.

Throughout England’s long Reformation, there were religious leaders who contemplated—or agitated for—changing the inherited medieval structure of parish government in order to bring it closer to what they believed was mandated by Scripture. For such men, the best contemporary model was the system designed and implemented by Martin Bucer in Strasbourg: one or two university-trained ministers to preach, teach, and administer the sacraments, and lay deacons responsible for poor relief, but also an unspecified number of parishioners, known variously as “elders,” “seniors,” “governors” or “assistants,” responsible for enforcing spiritual discipline.¹

This model of church government was based on an entirely different conception of the sources of disciplinary power than the one prevalent in English parishes. Elders

¹ Both ministers and lay elders were often referred to as “elders” in reformed writings. The New Testament term *presbyteri* was taken to refer both to those who preached and to those who were responsible for spiritual discipline. For simplicity’s sake, I have avoided this usage and have used the term “elder” to refer only to lay elders.

bore a superficial resemblance to churchwardens, but the difference between the two was profound. Elders were men apart, men of “semi-clerical status,”² selected for their godliness rather than by a mundane rotational process. Unlike churchwardens, who were gradually accumulating various secular responsibilities during the sixteenth century, elders had responsibility only in spiritual matters.³ But their authority to monitor and regulate the lives of their fellow parishioners and even to ensure doctrinal orthodoxy in the pulpit made them far more powerful than any churchwarden. Elders had the authority to suspend or deprive ministers in cases of personal misconduct or if they felt they preached false doctrine. Elders also frequently had a degree of influence in the selection of a minister and some felt that they should take part in the ceremony of ordination, laying their hands on the new minister’s head. Most importantly, lay elders, together with the minister, would have the power to suspend parishioners from communion and even to pronounce the ban of excommunication.

This chapter will trace how this alternative system of parish government influenced many English reformers in the mid-sixteenth century, and the various forms it took as a scattered number of its adherents tentatively tried to put it into practice during Elizabeth’s reign. It then describes how the memory of those attempts, combined with parochial resistance to the Laudian program, drove many high-church clergymen to take an increasingly negative posture towards parish government during the 1630s. Finally, it discusses how parish government by ruling eldership came to be mandated nation-wide by the Long Parliament, and concludes by asking why this concept—so successful elsewhere in Protestant Europe—failed to take root in England, even given the

² Margo Todd, *The Culture of Protestantism in Early Modern Scotland* (New Haven, 2002), 370.

³ Indeed, the churchwardens’ centuries-old responsibility of managing the parish’s money and property seemed to fit more closely with the Scriptural description of the deacon than with the elder.

intellectual groundwork here described and the undoubted increase in power that it would have brought to the parish elite. Although the wavering support of the parliamentary regime and the religious conservatism of much of the population surely played a role, this chapter will conclude by arguing that the concept of the ruling eldership was also fundamentally at odds with the political culture of the English parish.

Elders in Britain

What would English parish government have looked like if changed to meet these reformers' standards? It is tempting to believe that it would have become more participatory. The democratic implications of Reformed doctrine, the arguments of the French Calvinists in favor of armed rebellion, and the culminating example of Charles I's execution have all provided the foundations of a venerable historiographical tradition that sees Reformed theology as an essential part of the story of modern political liberty.⁴ Presbyterianism—the most prominent variant of Reformed thought in England prior to the 1640s—was, as Patrick Collinson has put it, a form of “ecclesiastical republicanism,” with decision-making power vested not in a hierarchy of individuals, but in a hierarchy of committees—elderships at the parish level, supervised by local classes, and, above these, regional assemblies, all under a national synod.⁵

On the other hand, the doctrine could also have the effect of reinforcing the oligarchic principle already inherent in parish government. Collinson also noted a “marked preference for aristocracy at the local level” on the part of English presbyterian

⁴ For a recent example that emphasizes English presbyterians' use of classical republican theory, see Michael P. Winship, “Godly Republicanism and the Origins of the Massachusetts Polity,” *William and Mary Quarterly*, 3rd series, 63, 3 (July 2006): 427-461.

⁵ *Dedham*, xxii.

divines.⁶ Peter Lake likewise noted that in the writings of Thomas Cartwright “there emerges a clear image of the sort of self-selecting godly oligarchy” which ideally would be entrusted with spiritual authority.⁷ The experience of Reformed parish government elsewhere in Britain—in the Channel Islands and in Scotland—also indicates that the trend was generally towards the concentration of disciplinary power in fewer hands.⁸ This observation fits rather neatly with a second, highly influential, historiographical tradition which sees puritanism as giving impetus to a process of cultural differentiation and a correlating program of social control implemented by the upper echelons of parish society.⁹ Some historians have considered the appearance of a politically exclusive select vestry in a parish an indication of the adoption of a presbyterian eldership.¹⁰

Comparisons are always tricky, but the records of Scottish “kirk sessions”—committees of minister and elders—also suggest how the power of spiritual discipline could play out at the parish level. Parish elders north of the border could not only excommunicate—although this often proved terrifying enough. They could also employ the formidable sanction of public penitence. Every parish had its stool on which those whom the elders determined sinful were humiliatingly displayed before congregation.

⁶ Collinson, *The Elizabethan Puritan Movement* (Oxford, 1990), 298.

⁷ Lake, *Anglicans and Puritans? Presbyterianism and English Conformist Thought from Whitgift to Hooker* (London, 1988), 59.

⁸ In Guernsey, according to the “discipline” or constitution adopted in 1576, new elders were to be chosen by the minister and the sitting elders, guided by the advice of the governor of the island and the twelve merchants and landowners who acted as his advisors. In 1597, this was changed so that the governor actually had to approve the newly selected elder, although in both cases the congregation technically had the right of veto. D.M. Ogier, *Reformation and Society in Guernsey* (Woodbridge, 1996), 99. In Scotland, the first *Book of Discipline*, adopted in 1560, mandated that elders be elected every year, but the second *Book of Discipline* of 1576 declared that they should sit for life. Todd, 371.

⁹ Wrightson and Levine’s *Poverty and Piety* is the classic example; see also William Hunt, *The Puritan Moment: The Coming of Revolution in an English County* (Cambridge, Mass., 1983). It is sometimes forgotten how much *Poverty and Piety* is a book specifically about puritanism. Wrightson and Levine’s thesis has been criticized from a number of quarters, but in the afterword to the second edition Wrightson powerfully re-states how Reformed theology could, under the right conditions, have appealed to middling parishioners eager to keep their poorer neighbors in their place

¹⁰ Hunt, 82-83; H.R. French, 124.

Lesser offenders might simply be required to kneel before the elders and confess their sin, “craving God and the session mercy.” If proper penitence was not forthcoming, there was imprisonment—a church in Perth had a special room over the northern door; others locked their sinners up in the church steeple on a diet of bread and water. The truly recalcitrant might be subjected to the “branks” (an iron cage for the head with a flange that painfully depressed the tongue) or the “jougs” (an iron collar screwed into the church wall).¹¹

Scottish elders had powers that far exceeded those of the English vestry, thus, we may assume that the establishment of parish elderships in England would increase the power and authority available to the parochial elite. Why those elites failed to grasp that power when it was offered to them is a question to which we will return at the end of this chapter. First, however, I will discuss how some of the most influential figures of the English Reformation entertained the notion of parish government by godly elders, their tentative plan for implementing it, and their direct experience of it while in exile.

Parochial government reform, 1535-1553

The Henrician reformation made no attempt to rearrange the traditional structures of parish government. The new canons promulgated in 1535 reiterated the supervisory powers of bishops and archdeacons over churchwardens. They required wardens to provide an account of their expenditures “according to the habit and custom of their parishes.” Parishioners contributed to the repair of their churches and towards other

¹¹ For these and other inventive means of eliciting repentance, see Todd, 127-168. In contrast, incidents of “rough music” and charivari in English parishes were invariably extra-legal and were in any case expressions of communal disapproval, rather than sentences handed down by men in authority. M. Ingram, 163.

communal expenses as in the past.¹² Nothing in the canons of 1535 indicate a desire to change the essential manner in which the standards of Christian morality were upheld. Reformers left the established system of episcopal and archdeaconal visitations intact, and the power of excommunication still resided officially with the bishop.

Nevertheless, some of the key players in the Henrician reformation were convinced of the need to bring church government into accordance with their interpretation of the scriptural accounts of the early Church. An early hint of this desire was John Day's 1547 translation and publication of a work titled *Simplex ac pia deliberatio*, written by Hermann von Wied, the recently excommunicated Archbishop of Köln. This was von Wied's proposal for a reformed liturgy and church organization. The translated *Pia deliberatio* was significant with regards to parish government for its instructions for spiritual correction. The process for excommunication outlined by von Wied was strikingly different from contemporary English practice. First, the pastor was to confront the parishioner "with other godly men, which shall be chosen and appointed out of towns and villages for this purpose."¹³ These men are later referred to as "ministers of repentance," although there is no indication that they are to receive ordination. If the parishioner failed to reform his life in spite of this remonstrance, then the matter was to be brought before the "superintendent," von Wied's preferred term for bishop. This was to be done by the pastor and "one of them which shall be joined with the pastor, by the appointment of the congregation, to execute this business." Presumably the second individual was to be one of the same men who had earlier assisted the pastor in admonishing the recalcitrant parishioner. The superintendent would then travel to the

¹² Bray, ed., *Tudor Church Reform*, 137.

¹³ The marginal note reads "appointed by the church." Hermann von Wied, *A simple and religious consultation* (London, 1548), f. 221.

parish to reprove the man personally “with the pastor and others appointed to that office.” If even this proved ineffective and the man still refused to reform his life “all these persons must pronounce a sentence together against such a one, and judge him worthy to be cast out of the congregation, and to be excommunicated.”¹⁴

The implications for English parish government were extraordinary. It had always been the duty of the incumbent to admonish the sinner. Implementing the official process of ecclesiastical discipline, however, rested on the shoulders of the churchwardens.¹⁵ Under von Wied’s system, the minister was to take the lead. But more unfamiliar to contemporary practice were the “godly men” appointed by the congregation who played a nearly equal role to that of the minister in all disciplinary stages. What we have here is a prescription for lay elders whose disciplinary duties echo those of Martin Bucer’s *Kirchenpfleger* in Strasbourg.¹⁶

As Diarmaid MacCulloch has shown, English evangelicals held von Wied in high regard. Thomas Cranmer borrowed heavily from the *Pia Deliberatio* when he composed the Book of Common Prayer.¹⁷ Nevertheless, the mere appearance of the *Pia deliberatio* in English translation cannot be taken as evidence that the Church of England under Edward VI was moving towards a reorganization of parish government along Bucerian lines—especially since the vast majority of von Wied’s 600-page work dealt with matters of doctrine and worship rather than with parish administration.

¹⁴ von Wied, fos. 221-222.

¹⁵ The Canons of 1604, however, for the first time enabled ministers themselves to present offenders to the ecclesiastical courts.

¹⁶ For a discussion of the *Kirchenpfleger*, see Jean Rott, “The Strasbourg *Kirchenpfleger* and parish discipline: theory and practice,” in David F. Wright ed., *Martin Bucer: Reforming Church and Community* (Cambridge, 1994), 122-128. The Bucerian parallel is scarcely surprising, given the close association between von Wied and Bucer. Unlike von Wied’s “godly men,” however, the *Kirchenpfleger* were appointed not by the congregation, but by the city magistrates.

¹⁷ Diarmaid MacCulloch, *Thomas Cranmer: A Life* (New Haven, 1996), 393.

We can gain a better sense of how ideas for the overhaul of parish government were taking shape around the beginning of Edward VI's reign from the abortive attempt to reform ecclesiastical law. This undertaking had been one of Cranmer's pet projects for nearly twenty years, but had been hanging fire since 1532. The Henrician canons of 1535 had merely been a summary of existing legal procedure. But Edward's accession to the throne re-energized the endeavor and, after much legislative deliberation, a parliamentary committee was appointed to the task in February, 1549/50. A list of its members reads like an honor roll of the English reformation: Cranmer, Nicholas Ridley, Richard Cox, Matthew Parker, John Ponet, Miles Coverdale, and Hugh Latimer were all present, as were two Continental divines, Peter Martyr Vermigli and Jan Łaski, the Polish aristocrat, scholar, and Protestant reformer who had helped to establish London's famous Stranger Church. Also on the committee were a young William Cecil and the scholar Sir Thomas Smith.¹⁸

Given these committee members' undoubted commitment to the Protestant cause, the document they produced, known as the *Reformatio Legum Ecclesiasticarum*, is remarkable for its conservatism.¹⁹ It contained almost no changes in legal principle or procedure. The structure of church government was kept intact from parish clerk to archbishop. The committee members' concern that parishes be properly administered, however, led them to enumerate the duties of parochial officials, clerical and lay, in far greater detail than had been provided in any previous canonical legislation.

¹⁸ Bray, ed., *Tudor Church Reform*, xlvii-li. Bray's analysis of the committee's composition leads him to conclude that it was "totally subordinate to clerical interests." The absence of lay peers is not surprising. As a group they had shown themselves to be singularly uninterested in canon law reform and they tended to adhere to a much more conservative vision of the English Church than Cranmer and his allies.

¹⁹ The title *Reformatio Legum Ecclesiasticarum* was the name bestowed on it by John Foxe, when he published the document in 1571. Bray's 2000 edition is now the definitive version.

Churchwardens' responsibilities were spelled out for the first time, but the description of their office was entirely conventional. They were to keep order during divine service. They were to administer the parish's property, keep the church in good repair, and were responsible to the bishop for the good behavior of their neighbors. Parishioners would elect them and churchwardens would provide them with an account of their expenditures at least once a year. There was nothing here to which Christopher Trychay of Morebath could have objected.²⁰

In spite of this conservatism, however, the *Reformatio* did contain a few requirements which would have resulted in significant changes for English parish government, had the document ever been approved by Parliament. First, the title (or chapter) on defamation stated that slanderers were to be first rebuked by "the pastor and elders (*seniores*) of the church" and only pursued in the ecclesiastical courts if they refused to mend their ways.²¹ Taken by itself, this provision was unremarkable. Ministers were already expected to work together with their churchwardens to reprimand sinners. Both ecclesiastical and secular courts expected and encouraged people to settle disputes informally before resorting to the law, and "ancient men" acted as sources of moral authority and repositories of communal tradition and had an important informal role in parish government. These customary practices notwithstanding, it is clear that the drafters of the *Reformatio* wanted to implement a more robust and parochially-centered system of spiritual discipline. This is more completely demonstrated in the "title" or section on divine service, under the canon (that is, the sub-section) modestly headed "The

²⁰ Bray, ed., *Tudor Church Reform*, 349, 371-373. Bray postulates that Title 20 was composed by the clergymen on the committee, Title 21 by the canon lawyers. Presumably, these sections were to be combined at a later date. Bray, ed., *Tudor Church Reform*, cxxxvi n.623

²¹ Bray, ed., *Tudor Church Reform*, 653.

counting of the collections and the discipline follow the evening prayer.”²² According to this canon, the minister, elders, and parishioners were to meet together in order to discuss parish finances each Sunday after evening prayer. At the same meeting, known sinners were to be admonished and were to perform public penance. After this had been accomplished, the parishioners would be dismissed and the minister and elders would discuss matters of spiritual discipline privately. Parishioners in need of correction would be identified and later confronted. If they refused to mend their ways, then they would “be treated with that severity which we see has been designed by the Gospel”—in other words, they would be expelled from the community of believers.²³ The following canon elaborated how this was to be accomplished:

And when the thunder of excommunication is to be published, the bishop shall appear and be informed of the sentence, and if he consents and authorizes it, the formula of excommunication shall be read out in front of the entire church, so that we by this means may reintroduce the ancient discipline into the church as much as possible.²⁴

This is distinctly similar to the scheme outlined by Archbishop von Wied. The bishop/superintendent comes personally to the parish to pronounce the ban rather than having a subordinate declare it in the more removed forum of an ecclesiastical court. Again, his role in the process is ambiguous. He is “informed” of the sentence of excommunication already determined by the minister and elders, but his authorization is still required. But where von Wied had superintendent, minister, and a select group of “godly men” pronounce the ban together, indicating parity between the three, the

²² Bray, ed., *Tudor Church Reform*, 341-343.

²³ See Matthew 18:17.

²⁴ Bray, ed., *Tudor Church Reform*, 343

Reformatio, by use of the passive voice, hedges on the question of where authority to excommunicate ultimately rested.

Taken together, these passages briefly sketched a system of parish government quite different from that which actually existed in the early 1550s. Earthly business like the maintenance of the church and its goods, the approving of accounts, and (presumably) the levying of parish rates would still be in the hands of popularly elected churchwardens and an assembly of householders. Churchwardens would still have responsibility for ensuring church attendance and proper behavior during divine service. But the minister and elders wielded considerable powers of spiritual discipline, and even the ultimate sanction of excommunication, with the bishop appearing only to rubber-stamp their decision.²⁵

By introducing the undefined office of elders into the discussion, the *Reformatio*, had it ever been implemented, would have pushed parish government into uncharted legal territory. An informal group of “ancient men” was one thing, but “elders” were without precedent in canon law. Old age was not a prerequisite. Moral authority, ideally, came from a godly life and familiarity with Scripture rather than from intimate knowledge of local custom.²⁶ Even more extraordinary was the document’s shifting of disciplinary responsibility from the ecclesiastical courts to what amounted to a parish consistory. This was a startling departure from the *status quo*, all the more so for being situated in so generally conservative a document.

²⁵ Most relevant to parish government, the *Reformatio* never clarified the relationship between the elders and the parish churchwardens, who were ordinarily responsible for reporting offenders to the ecclesiastical authorities.

²⁶ Cranmer’s chaplain, Thomas Becon, described an elder as one who was “well taught and instructed in the word of God, and exercised therein. He which liveth honestly, and without reproof, having hoariness of manners, authority, gravity, and high knowledge in the word of God.” Thomas Becon, *Prayers and Other Pieces of Thomas Becon*, John Ayre, ed., (Cambridge, 1844), 607.

Does the presence of the *seniores* in the *Reformatio* indicate that the members of the committee were trying to edge parochial government towards the Bucerian model? This possibility was first suggested by James C. Spalding in 1972, and he reiterated his point in the introduction to his translation of the *Reformatio*, which was published shortly after his death.²⁷ Spalding's argument was marred by the fact that he was far too eager to see *any* lay involvement in spiritual discipline as evidence of presbyterian ideas in action. Furthermore, Gerald Bray, whose edition of the *Reformatio* is now the standard, has criticized Spalding's account of the *Reformatio*'s subsequent history as "wrong to the point of perversity."²⁸ But Spalding was on to something nonetheless. The appearance of *seniores* in the *Reformatio* and their participation in the ceremony of excommunication—a point glossed over by Bray²⁹—indicates that the members of the committee were considering a fundamental reorganization of English parishes. This conclusion dovetails nicely with Thomas Cranmer's admiration for von Wied, and the revolutionary aims of Church of England's leadership during Edward VI's reign.³⁰

Furthermore, a concrete demonstration of a ruling eldership was available to the committee in the form of the Stranger Church, of which Jan Łaski was the superintendent. While helping draft the *Reformatio*, Łaski was simultaneously composing a set of ecclesiastical ordinances which he later published under the title *Forma ac Ratio*.³¹ Like Bucer, Łaski's reading of the New Testament led him to believe that ecclesiastical authority at the parochial level was properly invested in two types of

²⁷ James C. Spalding, "The *Reformatio Legum Ecclesiasticarum* of 1552 and the furthering of discipline in England." *Church History* 39 (1970): 162-71; *The Reformation of the Ecclesiastical Laws of England, 1552* (Kirkville, 1992).

²⁸ Bray (ed.), *Tudor Church Reform*, cxv-cxvi.

²⁹ Bray, ed., *Tudor Church Reform*, cxxxiii.

³⁰ MacCullough, *The Tudor Church Militant: Edward VI and the Protestant Reformation* (London, 1999).

³¹ Michael S. Springer, *Restoring Christ's Church: John a Lasco and the *Forma ac Ratio** (Aldershot, 2007), 50-51, 57-58. A major theme of this work is Łaski's privileging of lay authority.

ministers: elders and deacons. The function of deacons was simply to care for the poor, to assist with the Lord's Supper, and to catechize. Greater responsibilities were reserved for the elders, whom Łaski further divided into lay elders and ministers of the word. The function of the ministers of the word was preaching and instruction.³² Lay elders were not to preach or administer the sacraments, but to govern. Łaski described them as "the senate of the entire church, who maintain the true religion and enforce ecclesiastical discipline."³³ They were ministers—not ministers of the Word, but ministers none the less. Their authority was from God and their office a divine institution ordained by Scripture.

The impact of the *Reformatio* on English parishes will never be known because the Duke of Northumberland, furious with Cranmer for criticizing his regime's seizure of church lands, scuppered his pet project in revenge.³⁴ We should not necessarily conclude that its enactment would have resulted in sweeping changes in parish government. Its detailed description of parish officers and their duties was entirely traditional and contained no mention of elders whatsoever. Historians, struck by the document's overall traditionalism have generally tended to minimize the extent of Łaski's influence.³⁵ It

³² This was in contrast to Calvin, who believed that ministers of the Word were properly divided first into doctors, who were responsible for teaching and doctrine, and pastors, who were responsible for preaching. Parsing the technical differences between bishops, pastors, preachers, doctors, elders, and deacons was a constant concern of Reformed divines.

³³ Quoted in Springer, 64-65. Regarding the crucial issue of excommunication, however, Łaski's conception of lay elders' powers was in contrast to that expressed in the *Reformatio*. Łaski originally allowed the preachers and lay elders to expel members of the church on their own authority. By 1548, however, he had shifted his position and declared that the ban was valid only on approval of the entire congregation. Vermigli also believed that the power to excommunicate should rest with the congregation. Springer, 114n.9, 102.

³⁴ MacCulloch, *Tudor Church Militant*, 154.

³⁵ Bray states that Łaski's influence on the *Reformatio* "was unlikely to have been significant." Bray, ed., *Tudor Church Reform*, lxxiii. MacCulloch, more cautiously, declares that "[i]t is difficult to trace the specific work of Łaski in the surviving text of the canon law revision; there is no source comparable to the series of annotations made by Peter Martyr which remain on one manuscript and its relationship to the *Forma ac ratio* is not close." MacCulloch, "The importance of Jan Łaski in the English Reformation," in

should be also be emphasized that the *Reformatio*, even in its published form, was a work in progress and included several repetitive, even contradictory, sections that were obviously intended to have been harmonized at a later date. Nevertheless, the appearance in the *Reformatio* of lay elders maintaining spiritual discipline within an episcopal structure—a distinct echo of Łaski’s model of parochial governance—must be set alongside Cranmer’s fondness for von Wied’s *Pia Deliberatio* as evidence that some of the most prominent churchmen of the 1550s were prepared to contemplate significant changes in the distribution of authority and decision-making within English parishes. More than that, they also considered depriving the ecclesiastical courts of a major share of their disciplinary power and giving it to ministers and lay parochial officers.

English Elders in Exile

If some of the leadership of the Church of England were already considering introducing lay elders in 1552, the experience of exile during Mary’s reign afforded some of them the opportunity to participate in such a system directly. At least three of the men who drafted the *Reformatio* found themselves presiding over congregations led by a consistory of ministers and lay elders. A brief examination of the government of these exiled congregations is necessary because together they provided a tangible model of a lay eldership for many who later called for a similar system in the Elizabethan church.³⁶

John Scory, formerly the bishop of Rochester, served as one of the ministers to the

Christoph Strohm, ed., *Johannes a Lasco (1499-1560): Polnischer Baron, Humanist und europäischer Reformator* (Tübingen, 2000), 333. Both are contrasting the distinctly Reformed Protestant stance of the *Forma* with the legal conservatism of the *Reformatio*. Neither discusses the appearance of elders in the committee’s draft.

³⁶ Andrew Pettegree in particular has drawn attention to Łaski’s influence upon the Marian exiles. Andrew Pettegree, *Marian Protestantism: Six Studies* (Aldershot, 1996), 32-38.

English congregation in Emden.³⁷ Miles Coverdale, meanwhile, became an elder in the English-speaking congregation in Geneva.³⁸ In Frankfurt, Richard Cox attacked John Knox's liturgy, got him expelled from the city, and then introduced a version of the 1552 Book of Common Prayer. The constitution he drew up to govern the English congregation, however, preserved the role of lay elders in the maintenance of spiritual discipline, indicating that he may already been sympathetic to a parochial regime of lay elders prior to his exile.³⁹ The readiness with which each man adapted to this system implies that the introduction of *seniores* in the *Reformatio* was not the work of one radical that would have been edited out, but a definite attempt to reappropriate the disciplinary responsibilities of ecclesiastical administration at its lowest levels. Scory, a staunch defender of the Edwardian church in print, could not help noting that it had still lacked "Christ's true discipline."⁴⁰ Now exile had wiped the slate clean.

The governing bodies of English exile congregations took a variety of forms, but the similarities outweighed the differences. The exile congregations in Emden, Wesel, and Frankfurt were organized along lines very similar to those prescribed by Łaski.⁴¹ The leadership of the Geneva congregation, unsurprisingly, was categorized in a manner that reflected Calvin's division of offices into preachers, doctors, lay elders, and deacons.⁴² These officers, however, were chosen in the manner of Łaski's Stranger

³⁷ Springer, 14, 18-19.

³⁸ *ODNB*, s.v., Miles Coverdale.

³⁹ Springer, 125-126. Knox and Łaski were close associates in London during Edward's reign, so it is scarcely surprising that Knox's congregation in Frankfurt resembled Łaski's in its structure. Springer, 131.

⁴⁰ Pettegree, 27. MacCulloch writes, "During the Marian years, the presbyterian polity imitated from Łaski's London Stranger Church had been the common property of the whole English Church under the cross—including those who had been bishops in the reign of Edward VI." *The Tudor Church Militant*, 197. I believe that the appearance of *seniores* in the *Reformatio* indicates that the most influential Edwardian bishops were thinking along these lines even prior to 1555.

⁴¹ Pettegree, 18-20, 32-33.

⁴² Springer, 126-131.

Church, rather than in the manner prescribed by Calvin.⁴³ This was probably because Calvin's Geneva was not a particularly useful model for English exiles looking to set up their own congregations on the Continent, nor was it ultimately useful as a model for those who would later agitate for a presbyterian system under Elizabeth. Genevan parishes had little autonomy and most, if not all, disciplinary functions were performed by the city consistory.⁴⁴ "Calvinist parish government" is, in a sense, an oxymoron. It was the model established by the Stranger Church reinforced by the experience of exile that most influenced English Protestant thinkers as they considered the possibilities for a truly reformed system of parish government.

An examination of a well-documented dispute in the exiled congregation of Frankfurt provides a useful insight into their thinking about parish government and gives us some hint as to what kind of parochial regime they wanted to replace the one England had inherited from the late Middle Ages. Given their substantial powers, the manner in which elders were to be selected was crucial. The *Forma* attempted to strike a balance between popular election by the congregation and co-option by the leadership. Łaski mandated that when an elder needed to be replaced, the congregation would submit the names of suitable candidates to the preacher and the remaining elders. They, in turn, would make a selection, taking into account which candidate received the most nominations. The congregation then had a week to register any objections before the new elder was installed.⁴⁵

⁴³ Pettegree, 32.

⁴⁴ Robert M. Kingdon, "Protestant Parishes in the Old World and the New: The Cases of Geneva and Boston," *Church History* 48, 3 (September, 1979): 295.

⁴⁵ Springer, 70.

In Frankfurt, however, elders were chosen through direct popular election. The English congregation elected a pastor, two preachers, four elders, and two deacons in this way in 1555. Richard Cox wrote to Calvin, assuring him that that he had ensured “that everyone should be at perfect liberty to vote.”⁴⁶ Cox had his reasons for securing a popular election—the sitting elders were supporters of John Knox, the resident preacher. Knox had introduced a liturgy at odds with the 1552 Book of Common Prayer, which Cox was determined to uphold.⁴⁷

Cox was able to subvert the anti-Book elders by means of a popular election, but this only exposed what was to prove a perennial problem—negotiating the balance of authority between the eldership and the congregation. The author of the work detailing the Frankfurt controversies noted disapprovingly that the sitting elders had not given their consent to the election Cox engineered. In February, 1556/7, only a few years after Cox routed his opponents, the Frankfurt congregation was again split by a disagreement that pitted the majority of the congregation against the minister, Robert Horne, and the elders. This dispute had begun over whether or not Thomas Ashley, a member of the congregation, had insulted Horne, but soon mushroomed into a furious controversy about first principles that was never satisfactorily resolved.⁴⁸

The Frankfurt episode was an embarrassing episode but Mary’s death in 1558 and the return of the exiles to their homes in England rendered the immediate issues that sparked the controversy moot and the affair, for the most part, was forgotten.

⁴⁶ *A Brief Discourse of the Troubles at Frankfort, 1554-1558* (London, 1908), 77. See also Collinson, “The Authorship of the Brief Discours of the Troubles Begonne at Franckfort” *JEH* 9 (1960): 188-208, which persuasively argues that Thomas Wood was the author of this work.

⁴⁷ *A Brief Discourse*, 59-61. Cox dispatched Knox himself by informing the Frankfurt city magistrates of Knox’s views on the lawfulness of armed resistance, particularly to the rule of the emperor. The magistrates rapidly decided they did not need that kind of trouble and sent Knox packing.

⁴⁸ *A Brief Discourse*, 100-187.

Nevertheless, the incident neatly sums up the debate regarding parochial authority that existed among those who wished to see ruling elderships in place of the medieval parochial governments that had survived the English Reformations intact. On one side was the position taken by Horne and his supporters which declared that, while authority initially rested in the congregation, it was granted unreservedly to the minister and elders upon their election. Such authority could not be revoked—it could only be willingly surrendered by the pastor and elders themselves. On the other side, was the position taken by the majority of the congregation and articulated in the “new discipline.” This position stated that final authority resided in the congregation at all times and that the pastor and elders only acted on sufferance. Their philosophy regarding parish government was summed up by their assertion that the minister and elders had no authority to make rules governing the church but “shall execute such ordinances and decrees as shall be made by the Congregation, and to them delivered.”⁴⁹

Obviously, these positions were each at the extreme ends of the spectrum of presbyterian practice, but the issues at stake were perennial ones. A dispute among the exile congregation of Emden burgeoned into a very similar argument about the power of the eldership versus the authority of the congregation.⁵⁰ It is clear that the question as to whether ultimate authority rested with the congregation or with the minister and elders remained a cloudy one. In fact, the congregations of Emden and Frankfurt were struggling with the same issues that I discussed in previous chapters—the need to balance the perceived need for consultation and accountability with the need for parish officers to

⁴⁹ *A Brief Discourse*, 186-187.

⁵⁰ Pettegree, 20-22, 172-182.

exercise discretionary power in their management of affairs—all given greater significance by the Reformed ideal of godly leadership.

Parochial government reform in Elizabethan England⁵¹

The combined evidence of the *Reformatio Legum Ecclesiasticarum* and the practice of the exiled churches during Mary's reign demonstrates that much of the leadership of the English church was sympathetic towards a profound revision of parish government, one which would have shifted a substantial share of disciplinary power directly into the hands of the minister and newly-created parish elders. Any hopes they had of changing the parochial structure of the Church of England were quickly dashed. Cobbling together a religious settlement that would satisfy both those who fled Mary's reign rather than compromise their beliefs with those who chose to stay and accommodate theirs was a ticklish business. The task was complicated by the fact that Elizabeth herself had been forced to compromise her own beliefs to a certain extent during her sister's rule. While her personal religious convictions remain enigmatic, John Knox's *First Blast of the Trumpet Against the Monstrous Regiment of Women* and the arguments of the French Calvinists in favor of armed resistance to monarchs combined to make her deeply suspicious of Reformed ideas. Additionally, her abiding animosity towards those who declared her birth illegitimate in order to place her half-brother on the throne made her extremely sensitive to any questioning of her authority.⁵²

For all these reasons, any systematic attempt to overhaul the basic structure of English parish government was off the table. Attempts to resurrect the *Reformatio* in the

⁵¹ The indispensable treatment of presbyterianism during Elizabeth's reign is still Collinson, *The Elizabethan Puritan Movement*.

⁵² MacCullough, *Tudor Church Militant*, 185-192.

Parliaments of 1559 and 1563 went nowhere. When John Foxe related the heroic story of the London protestant congregation that had worshiped in secret during Mary's reign, he had to be very cagy about how the congregation had been organized in order to avoid mentioning the role of its lay elders.⁵³ The Elizabethan bishops, previously sympathetic to parishes governed by elders within an episcopal structure, began to conclude that this was a lost cause. They had lost none of their reforming zeal. Documents prepared at the Convocation of 1562 under Archbishop Parker's direct supervision called for extensive reforms which, in MacCullough's assessment, "would have continued the trajectory of Edwardian reform well past the 1553 benchmark."⁵⁴ Parker recommended, for instance, that the Book of Common Prayer be amended to disallow vestments, altars, organs and "curious singing," and the ringing of bells on All Saints and All Souls Days.⁵⁵ But he shied away from recommending any specific changes in parish organization. In any case, his recommendations were stymied by Queen Elizabeth, just as the attempts to re-introduce the *Reformatio* in Parliament had been.

The Canons of 1571, drafted under Archbishop Parker's direct supervision, codified the position of the ecclesiastical establishment regarding parish government. Significantly absent from these were the Calvinist elements that had figured so prominently in their recommendations of 1562 and 1563. They were, however, similar in their attempt to improve the enforcement of spiritual discipline by the traditional means of churchwardens under the supervision of archdeacons and bishops. This was first

⁵³ MacCullough, *Tudor Church Militant*, 197.

⁵⁴ MacCullough, *Tudor Church Militant*, 192. For Parker's involvement in the drafting of these documents, see David Crankshaw, "Preparations for the Canterbury provincial convocation of 1562-3: A question of attribution," in Caroline Litzenberger and Susan Wabuda, eds., *Belief and Practice in Early Modern England* (Aldershot, 1998), 60-93.

⁵⁵ *Anglican Canons*, 729.

accomplished by publicly defining churchwardens' duties more precisely than ever before. Here Parker relied heavily on the enumeration of churchwardens' duties found in the *Reformatio*, which he had helped draft almost 20 years earlier.⁵⁶ Some historians have seen the 1571 Canons as an attempt to introduce a Bucerian style of spiritual discipline in which churchwardens would have new, "essentially pastoral" functions, even to the extent of verifying the credentials and monitoring the behavior of their ministers.⁵⁷ It is true that these canons sounded a distinctly Reformed note. They mandated that communion be distributed from a "joined handsome table," that parish churches be cleared of crosses and "all relics of superstition," and the walls painted with appropriate Biblical passages.⁵⁸ But scrutinizing clerical conduct had been an integral part of churchwardens' duties at least since the late Middle Ages.⁵⁹ Similarly traditional was the canon regarding excommunication, which was specifically reserved for the bishop alone. While this spoke to concerns voiced by those who complained that the gravity of the sentence was debased when pronounced by lay functionaries (as often happened in the ecclesiastical courts), it was equally a rejection of the notion that excommunication was the responsibility of lay elders as well as that of the minister.⁶⁰

⁵⁶ *Anglican Canons*, 191-196, Bray, ed., *Tudor Church Reform*, lxxxvii.

⁵⁷ Mark VanderSchaaf, "Archbishop Parker's efforts towards a Bucerian discipline in the Church of England," *SCJ* 8 (1977): 85-103; Spalding, ed., *Reformation of the Ecclesiastical Laws of England*, 53.

⁵⁸ *Anglican Canons*, 193, 195.

⁵⁹ Helmholz, *Canon Law and Ecclesiastical Law*, 220, 517-518; K. French, *The Good People of the Parish*, 31-35. In her study of religious practice in late-medieval Somerset, French provides several cases of parishioners reporting delinquent clergy to ecclesiastical officials during visitations. One mid-fifteenth example from the parish of Mary Magdelene, Taunton, declares that the priests "ought to be content with their surplices and caps and, moreover, they ought not during the said mass, or any service, to wander and pay attention to the walls or windows of the church, but should with devotion and attention read, chant, and sing the psalms." French, *The Good People of the Parish*, 34. Furthermore, the Marian canons promulgated by Reginald Pole, while not mentioning churchwardens specifically, required "chosen honest men" to report all the defaults of their parishes, including those of the clergy, to the bishop at his visitation. *Anglican Canons*, 131.

⁶⁰ The only remaining hint of presbyterian notions was that Alexander Nowell's catechism, published in 1570, was now the only one authorized for religious instruction. Nowell was a veteran of the 1557

Far from establishing a ruling eldership in every parish, the Canons of 1571 marked the official end of the English bishops' flirtation with the Bucerian or Laskian model of parochial governance. Henceforth, they focused their efforts on improving the operation of the existing system. Edmund Grindal, Parker's successor to the see of Canterbury, continued this policy. For all the sympathy he had shown for the Protestant refugees who organized their churches along presbyterian lines when he was Bishop of London, Grindal made no attempt to cultivate lay elderships in English parishes. He reaffirmed the role of the bishop and his ecclesiastical officials in pronouncing the ban of excommunication, although he also expressed concern that the sentence be pronounced with the proper dignity and not be abused.⁶¹ Parliamentary efforts for further reform of the church in 1571 and 1576 likewise emphasized the reform of ceremonies and abuses rather than calling for changes in parochial administration.⁶²

The promulgation of the canons of 1571 coincided with a notable increase in disciplinary efficiency. It was already a standard argument employed by critics of the episcopal establishment that the persistence of sin in English society was the inevitable result of a church "but halfly reformed."⁶³ Unless the church adhered to the forms of

Frankfurt controversy during which he had sided with the congregation against the minister and elders. In his catechism, he stated that in properly ordered churches "[t]here were chosen elders, that is ecclesiastical magistrates, to hold and keep the discipline of the church." The primary responsibility of these officers was to ensure that no one of sinful life was allowed to receive communion. Only after such individuals had performed public penance to the satisfaction of the elders and the pastor would the excommunicate member—Nowell used this term specifically—be received again into the church. The bishop did not even rate a mention. Alexander Nowell, *Catechism*, G.E. Corrie, ed. (Cambridge, 1853), 218-219.

⁶¹ Grindal, 451-455.

⁶² Collinson, *Elizabethan Puritan Movement*, 119, 161-162. The 1571 bill was sufficiently radical in its provisions that it was confiscated by the queen, but even it contained no attempt to introduce a lay eldership.

⁶³ This oft-quoted phrase is Collinson's re-wording of William Fuller's remonstrance to Elizabeth: "For your majesty hath so insufficiently heard, believed, and taken to heart what God hath commanded you, and so weakly and coldly obeyed and followed the same. . . . that but halfly by your majesty hath God been honored, His Church reformed and established, His people taught and comforted, His enemies rejected and subdued, and His lawbreakers punished." Collinson, *Elizabethan Puritan Movement*, 29.

government spelled out in Scripture, how could it be any different? Ruling elders in every parish, besides being required by Scripture, would also be more efficient and effective in thwarting sinful behavior than the cumbersome and costly ecclesiastical courts. Thomas Cartwright believed that elders would not only restrain parishioners from committing major crimes, but also from “lying and uncomely jesting, of hard and choleric speeches, which the magistrate doth not commonly punish.”⁶⁴ His protégé Dudley Fenner would later argue that “[b]y the vigilance of the eldership the beginnings of sins, offenses, riot, excess, quarreling, wantonness, which the law meddleth not with till they be too ripe, should be cut off. . . . By their eye in every place, the magistrate might know of the dispositions, affections and inclinations and almost the fetches of all men against them.”⁶⁵ To justify episcopal church government against these claims, Elizabeth’s bishops had to show that the existing system could be made to work. As we saw in the previous chapter, they must be credited for tackling the problem head-on: the archival evidence clearly demonstrates a remarkable increase in the ecclesiastical courts’ efficiency and effectiveness in the last quarter of the sixteenth century.

This conception of parish government—a rigorous Protestantism enforced through the inherited medieval apparatus—was best articulated by Phillip Stubbes. Stubbes’s famous pamphlet *The Anatomie of Abuses*, a scathing denunciation of church-ales, feasts, wakes, and “the horrible vice of pestiferous dancing,” has earned him a lasting reputation as the quintessential puritan killjoy.⁶⁶ But Stubbes was also a keen supporter of the episcopal establishment—“To doubt whether there ought to be bishops,”

⁶⁴ Thomas Cartwright, *The Reply to the Answer* (Hempstead(?), 1573), 2.

⁶⁵ Dudley Fenner, *A defense of the godly ministers* (London, 1587), 130.

⁶⁶ Phillip Stubbes, *The Anatomie of Abuses* (London, 1583), unpag.

he wrote, “is to doubt of the truth itself.”⁶⁷ Accordingly, Stubbes also argued on behalf of the existing system of parochial administration. Elders, he wrote, had been necessary in the early church only because there had not been Christian magistrates to enforce the law. Now discipline could be left to civil and ecclesiastical magistrates, leaving pastors free to instruct and minister to their parishioners. “Besides, the institution of elders was mere ceremonial and temporal, and therefore not to continue always.” Reacting against the Bucerian concept of ruling elders responsible for enforcing moral standards, Stubbes downplayed the disciplinary role of churchwardens and equated them, not with the elders mentioned in the New Testament, but with the deacons: “honest, substantial men...chosen by the consent of the whole congregation” who collected and administered funds for the poor.⁶⁸

In spite of the stepped-up supervision coming from the ecclesiastical courts, some godly ministers tried to bend the rules. Percival Wiburn attempted to re-create Calvin’s Geneva in Northampton after being invited there by the local gentry in 1570. His “order for Northampton” not only introduced an arduous regimen of preaching and Scripture-reading both on Sundays and during the week, but also set up a system of spiritual discipline that strongly resembled those found in the Reformed cities on the Continent. He had obtained the backing of the local bishop, but when the bishop got wind of Wiburn’s attempt to set up a consistory which would have rivaled the authority of the archdeacon’s court, he banished the troublesome clergyman from the city.

Even so, Wiburn’s plans for parish government had been more modest. The “order of Northampton” directed that a few weeks before the distribution of the Lord’s

⁶⁷ Stubbes, *The Second Part of the Anatomie of Abuses* (London, 1583), sig. D1-D1v.

⁶⁸ Stubbes, *The Second Part of the Anatomie of Abuses*, sig. D1.

Supper, pastors and churchwardens were to visit each of their parishioners to enquire into the “estate of their lives.” Those who were in a state of sin were forbidden to take part unless they repented. While this resembled the practice of lay elders in Geneva or Zurich, it could reasonably be argued that it was nothing more than a zealous adherence to Parker’s canons, which stated that “if any offend their brethren...let the churchwardens warn them brotherly and friendly to amend,” and if any refused “let them be driven from holy communion till they be reformed.”⁶⁹ Wibur was a dyed-in-the-wool presbyterian, the composer of a highly critical 1566 report on the state of the English church, and an associate of Thomas Cartwright—a connection which would land him before the Star Chamber in 1573. But his scheme for parish government—vigorous churchwardens working hand-in-hand with the pastor—was no different then that expressed by the Canons of 1571.⁷⁰

Elders and Churchwardens

Men like Wilburn were able to reconcile their desire for reformation without tampering with the existing structure of parish government. During the 1570s and 80s, however, scattered groups of godly ministers, tired of waiting for reform from above, were attempting to enact their version of scriptural spiritual discipline within their parishes on their own authority. These attempts often consisted of little more than meeting regularly for prayer and mutual support, although after 1586 some county associations of presbyterian-minded ministers pledged to enact the provisions of the

⁶⁹ *Anglican Canons*, 193-195.

⁷⁰ W.J. Sheils, “Erecting the Discipline in Provincial England: The Order of Northampton, 1571,” in James Kirk, ed., *Humanism and Reform: The Church in England, Scotland, and Europe, 1400-1643* (Cambridge, 1991), 331-345; Collinson, *Elizabethan Puritan Movement*, 352.

Book of Discipline as far as the law would allow.⁷¹ Few of these clergymen were so impolitic as to risk the wrath of the authorities by attempting to change the legally-defined decision-making and disciplinary structure of their individual parishes. Some, however, desired to push matters further, to create in their parishes *de facto* elderships which would conduct the real business of spiritual discipline, without the knowledge of the episcopal hierarchy.⁷² This inevitably raised the thorny question of how the elders should be chosen. A document known as “the Decrees” drawn up around 1587 recommended that churchwardens be converted into elders and the parochial officers responsible for collecting and distributing poor relief be converted into deacons, thereby bringing established traditional parochial officialdom in line with New Testament accounts of the early church.⁷³ They would be elected by “the church”—from the context of the document it is clear that this was meant to refer to the congregation as a whole—after which they would be “received into the ministry,” indicating parity with the pastor.⁷⁴

⁷¹ Collinson, *Elizabethan Puritan Movement*, 317-325; for the “Book of Discipline,” see 296-298.

⁷² Most of the evidence for the attempts to establish these semi-secret elderships comes from the papers of Star Chamber, packaged for maximum polemical effect by Richard Bancroft in *Dangerous Position and Proceedings* (London, 1593).

⁷³ Bancroft, *Dangerous Positions*, 47. This document was drawn up in Warwickshire, and then circulated in Northamptonshire as well. Bancroft wrongly dates this document to 1583. For the correct date see Collinson, *Elizabethan Puritan Movement*, 328.

⁷⁴ Bancroft, *Dangerous Positions*, 47. That this proposal was seriously considered within the community of presbyterian divines is clear from the furious denunciations it attracted from separatists like Henry Barrow. To Barrow, converting “popish churchwardens” into elders was a scheme to maintain clerical dominance. Such elders, Barrow believed, “shall be but of the wealthiest, honest, simple men of the parish, that shall sit for ciphers dumb by their Pastor and meddle with nothing...As for the ordering of all things, it shall be in the Pastor’s hands only.” Henry Barrow, *A Brief Discovery of the False Church* ([Dort?], 1590), 189-192. It is interesting that Barrow did not see wealth as leading to effectiveness, or equate it with godliness. Robert Brown also lumped churchwardens together with the despised episcopal hierarchy and Francis Johnson also wrote contemptuously of “popish priests and their churchwardens.” See Robert Brown, *A Book Which Sheweth the Lives of All True Christians* (Middleburg, 1582), no. 51; Francis Johnson, *A Treatise of the Ministry of the Church of England* (n.p., 1595), 104.

For a closer look at how presbyterian-minded clergymen attempted to re-shape the traditional institutions of parish government, and how they grappled with the practical political implications of their program, we must turn again to the papers of the Dedham conference. As I briefly discussed in Chapter Five, this was a group of puritan ministers from parishes along the river Stour in Suffolk who met together, more or less secretly, mainly for prayer but also to discuss the practical difficulties of administering parishes in a scriptural manner while under the scrutiny of an institutional church still hobbled by popery. Included in these papers are several documents that help reveal how these men believed a godly system of parish government should work. The first are the minutes of the meetings themselves. Second is an agreement signed by nine of the wealthiest inhabitants of Dedham pledging their adherence to “all Christian order” both within their households and in the town at large. Third are two draft constitutions for the government of the town of Dedham. Finally, there is a private document in the form of an essay in which the author mulls over who should enforce spiritual discipline when the authorities failed to do so.

How far did the ministers of the Dedham conference proceed with the presbyterian goal of setting up parochial elderships? The surviving documents indicate that they were some distance from establishing presbyteries or from converting churchwardens into elders, as “the Decrees” would later suggest. For one thing, not all of their churchwardens were amenable to being instruments of further reformation, a situation that was proving equally frustrating—even dangerous—to puritan clergymen across the realm.⁷⁵ The minutes of one meeting record a frustrated minister asking his

⁷⁵ Churchwardens usually reported ministers who entertained presbyterian notions to the ecclesiastical authorities, although whether they did so because they were hostile to their opinions (as the high

comrades what he ought to do with a “froward” churchwarden, a question to which the assembled company had no answer.⁷⁶ Richard Parker, one of the circle’s prime movers, had similar problems with his churchwardens, who failed to correct “disorders” in his church.⁷⁷ The ministers’ proffered solution—prayer, exhortation, denunciation, and intervention by neighboring pastors—highlighted their reluctance to refer any problem to the “popish” church courts from which their churchwardens derived their disciplinary authority.⁷⁸ But in spite of this reluctance, the Dedham conference ministers did not actively seek to eliminate churchwardens from parish government. Their primary concern, as we saw in the previous chapter, was that they not be forced to perjure themselves when summoned before the archdeacon.

But while the ministers may have accepted churchwardens and the control exercised over them by the episcopal hierarchy as an inevitable fact of life, they sought to marginalize them from the business of government.⁷⁹ The surviving documents drawn up for the government of the town of Dedham tend to minimize the churchwardens’ role. The “profession” signed by nine prominent inhabitants, in which they promised “to join together for the observation and maintenance of all Christian order” in the town, took their own leadership role more or less for granted but did not even mention the churchwardens’ office, although several of the signatories had served as churchwardens

churchman R.G. Usher believed) or from fear of perjuring themselves (Collinson’s view) is nearly impossible to determine. Collinson, *Elizabethan Puritan Movement*, 292, 334, 351-353.

⁷⁶ *Dedham*, 41.

⁷⁷ *Dedham*, 45 n.433.

⁷⁸ *Dedham*, 141-142. This was entirely in keeping with John Field and Thomas Wilcox’s *First Admonition to Parliament*, which had lumped churchwardens together with archdeacons, ordinaries, and the rest of the episcopal bureaucracy. Frere and Douglas, 15-16.

⁷⁹ Collinson, Craig, and Usher see the Dedham circle’s general lack of enthusiasm for Turner’s bill (Tey aside) as evidence of a tendency towards independency rather than presbyterianism. *Dedham*, xcvi-c. Their irenic attitude towards the role of parish officers, however, perhaps indicates that they have been more willing to work within the existing system than were congregationalists like Henry Barrow and Robert Browne, both of whom advocated total separation from the established church.

themselves.⁸⁰ Two drafts of a set of “orders” which discussed everything from the providing holy communion, the method of catechizing children, to the prevention of illegitimacy and the provision of poor relief mentioned churchwardens only briefly—during the Lord’s Supper one was to direct the parishioners where to sit while the other was to collect money for the poor.⁸¹ In this manner, the churchwardenship was retained only as a strictly subordinate office with no role in spiritual discipline. In the second draft of these orders, the official in charge of gathering the poor’s money is referred to simply as the “collector”—a name that carried less episcopal baggage.

The author of the second draft of the “orders” was also reluctant to use the term “ancients” which had appeared several times in the first version of the document. The first draft specified that the two ministers and “the ancients of the town” would meet together once a month “to confer concerning the good government” thereof.⁸² In the second draft, the attendees of this monthly meeting have been changed to “the minister, constables, collectors, and other headboroughs of the town.”⁸³ Similarly, the first draft of the orders states that at least one of the ministers and two or three of the “ancients,” accompanied by a constable, should visit the poor in their homes and investigate the “suspected places” of the community.⁸⁴ In the second version, this inspection is to be conducted by “the minister, constables, and collectors, and one or two of the headboroughs.”⁸⁵

⁸⁰ *Dedham*, 124-128.

⁸¹ *Dedham*, 128.

⁸² *Dedham*, 129.

⁸³ *Dedham*, 140.

⁸⁴ *Dedham*, 129.

⁸⁵ *Dedham*, 140.

The constables referred to were probably the two elected from the manor of Dedham Hall.⁸⁶ But who were the headboroughs? The term was commonly used as a synonym for constable, but given the lack of headboroughs in any other surviving records of local government, it appears likely that the author of the second draft of “orders” replaced the more Biblical “ancients” with this inoffensive, entirely secular, term. The motivation here was probably twofold. First, calling the ancients “headboroughs” may have helped deflect episcopal attention at a time when, as we shall see below, the Elizabethan bishops were on the lookout for presbyteries and elders. Secondly, by identifying them with a non-parochial office with familiar powers the author avoided the thorny question of what role lay parochial officers were to play.

The different intellectual currents and pressures to which the ministers of the Dedham conference were subject are evident in an essay included in the papers. Ostensibly an argument for the right of parish “ancients” to enforce spiritual discipline when those in authority failed to do so, it is actually a set of musings regarding the respective powers of “private men,” ministers, and parish officers. The author argues against the rule of a select eldership in favor of rule by the whole congregation.⁸⁷ Although he defined the latter narrowly as those made fit for the responsibility by their “wisdom, experience, sex, states, credit, and acception,” he believed that authority rested with a larger body rather than with a handful of “church elders” who were “specially picked out and chosen.”⁸⁸ In this understanding, the “ancients” of Dedham were not

⁸⁶ C.C. Thornton, “Dedham,” in *VCH: Essex*, vol. 10 (Oxford, 2001), 177.

⁸⁷ This is most evident in his interpretation of Matthew 18:16-17 in which Christ says that a sinner is first to be rebuked by two or three men privately, but if he refuses to reform his life “tell it to the church.” Cartwright and Travers interpreted “the church” as to mean the assembled eldership, but the Dedham minister takes it to mean the whole congregation.

⁸⁸ *Dedham*, 144-145.

presbyterian elders, but were “ancients” in the more conventional sense of older, respected parishioners. Far from rejecting existing parochial officers as being compromised by their associations with episcopacy, the author defended the existence of churchwardens and sidemen. He provocatively (from a presbyterian or congregational standpoint) pointed out that, under the existing system of the Church of England, parochial officers like churchwardens had more scriptural basis than did ministers because the former were elected by the ministers and the parishioners, while the latter were imposed on parishes by holders of advowsons with the bishop’s collaboration. Nevertheless, as flawed as the system was, ministers’ authority was still legitimate.⁸⁹

Taken together with the two drafts of “orders” for the town of Dedham, this anonymous⁹⁰ clergyman’s ruminations seem to be an attempt to compromise the form of parish government advocated by Thomas Cartwright and Walter Travers with the demands of the episcopal establishment. Rather than trying to convert churchwardens into lay elders, as the “Decrees” had recommended, the two Dedham ministers worked to erect a system of parish government in which they would be assisted by a set of respected, well-to-do parishioners. These men were to help ensure godly discipline by setting the example and by using persuasion (or perhaps browbeating) to convert sinners, but were unable to do more without resorting to the civil authorities. These men were sometimes known as “ancients” and sometimes as “headboroughs,” the second a term that disguised their essential function as moral guardians and which helped paper over the

⁸⁹ *Dedham*, 145-146.

⁹⁰ If this author of this essay was Edmund Chapman, as the editors suspect, then the three documents are all specific to the parish of Dedham itself.

fact that they wielded no legally recognized authority.⁹¹ Traditional parish officers like churchwardens were still employed, although their legal obligation to the episcopal hierarchy, cemented by the oath they had to swear, was a source of continued anxiety. The godly minsters' plans for a reformed Dedham envisioned their removal from the management of spiritual discipline.

The public campaign for presbyterian reform came to a screeching halt in 1586 when a group of puritan MPs sponsored a bill that was, in Collinson's words, "perhaps the most immoderate measure ever to come before the House of Commons."⁹² Not only would it have made the *Form of Common Prayer* (composed for John Knox's congregation in Geneva) the law of the land, it also would have abolished canon law and all other statutes and ordinances governing the church at a single stroke. The long and inflammatory preface attracted the ire of the queen who confiscated the bill and imprisoned its most prominent supporters. The bill's radicalism provided the presbyterians' enemies with precisely the tools they needed to portray their opponents as subversive fanatics, dedicated to depriving the queen of her jurisdiction over the church and endangering the time-tested institutions of the kingdom.⁹³ The prospect of each parish being required to support several elders, who, it was presumed, would give up their livelihoods, and live on church revenues sparked fears among the gentry that it would be necessary to restore to the church much of the land confiscated during the Reformation.⁹⁴ Parliamentary support for the presbyterian program melted away while

⁹¹ Indeed, the "ancients" inability to enforce discipline was a recurring matter of discussion among the ministers of the conference.

⁹² Collinson, *Elizabethan Puritan Movement*, 307.

⁹³ Sir Walter Mildmay, Chancellor of the Exchequer, frightened the Commons by telling them that the bill's demand for the abolishment of all pre-existing laws touching the church might result in the repeal of Magna Carta. Collinson, *Elizabethan Puritan Movement*, 313.

⁹⁴ Collinson, *Elizabethan Puritan Movement*, 313.

bishops like John Aylmer of London and Thomas Bickley of Chichester cracked down, the latter demanding to know of churchwardens “whether any new presbytery or consistory of elders be in your parish erected.”⁹⁵ When Richard Parker, the animating force of the Dedham conference, was summoned before the High Commission and threatened with torture, he provided his persecutors with the names of his fellow ministers.⁹⁶ Archbishop Whitgift redoubled his campaign against the puritans after the appearance of the viciously satiric Marprelate Tracts in 1588-89 and by 1592 all semi-clandestine attempts to establish alternate systems of parish government like that in Dedham had been ferreted out.

The accession of James Stuart to the English throne provided hope to many English puritans, but by then most had abandoned the dream of elderships in every parish. The Millenary Petition presented to King James as he journeyed south to claim the English crown contained only an oblique request “that the discipline and excommunication be administered according to Christ’s own institution” and any radical implications were undercut by the following clause, which asked only that excommunication no longer be pronounced by lay officials and not for trivial offenses. Neither did the puritan divines present at the Hampton Court Conference raise the question of parish elderships.⁹⁷ It is curious that the puritan clergymen at the conference never attempted to resurrect the Edwardian concept of parish elderships operating under the supervision of bishops, the concept favored by Cranmer and Łaski and which had

⁹⁵ Collinson, *Elizabethan Puritan Movement*, 313; for Aylmer, see R.G. Usher, *The Presbyterian Movement in the Reign of Elizabeth I* (London, 1906), 10; for Bickley, see Kennedy, ed., 215.

⁹⁶ *Dedham*, lxxx.

⁹⁷ William Barlow, *The Sum and Substance of the Conference....at Hampton Court* (London, 1604); Collinson, “The Jacobean Religious Settlement: The Hampton Court Conference,” in Howard Tomlinson, ed., *Before the English Civil War* (London, 1983), 27-51.

tentatively appeared in the *Reformatio*. The king's overt enmity to presbyterian church government in principle likely rendered even this moderate position untenable.

High Church Suspicion of Parish Government, 1590-1641

Indeed, the suspicion that presbyterian elders were subversively lurking under the cover of the traditional structures of parish government smoldered on in the minds of conformist clergymen. These suspicions had been stoked by Bancroft in *Dangerous Positions*, published in 1593. Presbyterian ministers, Bancroft warned, would attempt clandestinely to implement their fanatical and disloyal schemes “though they concealed the names, either of presbytery, elder or deacon, making little account of the names for the time, so their offices might secretly be established.”⁹⁸ Bancroft paid particular attention to the 1587 “Decrees” which had proposed surreptitiously converting churchwardens into elders.⁹⁹ Bancroft's fear that churchwardens might be elders in disguise can perhaps been detected in the unprecedented and hotly contested provision in the canons of 1604 that ministers would henceforth be allowed to pick one of the churchwardens if they and the parishioners could not agree on which them should fill the office.¹⁰⁰

This concern was evident in the faculties granted by the bishops of London to parishioners wanting to establish select vestries. As we have seen, the granting of such faculties was an assertion of episcopal power over parish government.¹⁰¹ We saw in

⁹⁸ Bancroft, 115.

⁹⁹ Bancroft, 47.

¹⁰⁰ *Anglican Canons*, 385. On the other hand, godly ministers also agitated for a hand in the selection of churchwardens. See Chapter Five.

¹⁰¹ Sir Henry Spelman criticized bishop's faculties has having no force in either secular or ecclesiastical law, but recognized the validity of select vestries established by prescription. Henry Spelman, *De Sepultura* (London, 1641), 22-23.

Chapter Three how the vestrymen of St. Saviour's, Southwark, received coaching from the Bishop of Winchester on how to defend themselves against legal challenges, and how parliamentary attempts to question the vestry's origins may have been perceived as an attempt to erode episcopal authority. Yet even as they created and defended them, bishops were conscious that a select vestry comprised of "the ancients and better sort" bore an uncomfortable resemblance to presbyterians eldership and they worried that they were sowing the seeds from which such an eldership might grow. Accordingly, the faculties they granted bristled with caveats. Bancroft personally amended the one his chancellor granted to St. Dunstan's-in-the-West's in 1601, adding a clause stipulating that the vestrymen were not to "take upon them the hearing, deciding by their vestry, or intermeddling with any ecclesiastical cause whatsoever.... [N]either deal with or inflict any ecclesiastical censure upon any, but leave the same to the ancient course of law."¹⁰² The faculty granted to the parish of Ealing, Middlesex in 1612 contained an even longer list of constraints: the vestrymen were not call to account any minister who abused his position, but were to refer the problem to the proper authorities; they were not to interfere when the churchwardens decided whom to present at visitations; nor were they to discipline offenders who should properly be tried in the church courts.¹⁰³ These admonitions, repeated again and again in faculties granted to London and Essex parishes in the 1620s, show ecclesiastical officials' fear that vestrymen might assume the role of elders.¹⁰⁴

¹⁰² LMA, DL/C/338, f. 15v.

¹⁰³ LMA, DL/C/340 (unfol.).

¹⁰⁴ LMA, DL/C/340, fols. 208-208a., DL/C/341, fols. 162-163, 163-163v., 262-263, 268v.-269; DL/C/342, fols. 33-34, 34v.-35v., 246v.-248v.; DL/C/343, fols. 33v.-34, 88-89. It is possible that Bishop Juxon's 1636 survey of London parishes, in which he demanded to know "what powers you claim for your vestry" (among other things) was partially motivated by similar concerns. Certainly this is the implication of the response from St. Andrew's Holborn which assured the bishop that the vestrymen were all "well addicted

For many high churchmen, initial worries about the potential for select vestries to assume the powers of a presbyterian eldership had by the 1630s grown into a suspicion of such institutions. William Laud, contrary to what we might perhaps expect, was not personally given to fretting about select vestries as hotbeds of presbyterianism, although he felt their origins dubious and was becoming uneasy about the power at their disposal.¹⁰⁵ But others, following the example set by Bancroft nearly 40 years before, drew an explicit connection between parish vestries and the insidious threat of presbyterianism. When a London vestry ordered new pews to be built above the altar and fended off the High Commission's subsequent attempt to halt their construction, the Bishop of Rochester grouched, "The power of vestries and churchwardens, this is to hatch a lay presbytery."¹⁰⁶ Peter Heylyn, who would shortly gain notoriety as one of the puritans' most acid-tongued opponents wrote to Laud from the Channel islands in 1629, furious about the churchwardens there taking on the role of elders.¹⁰⁷

Such suspicions combined and reacted with the controversies concerning the Sabbath and the placement of the communion table which erupted after Laud's elevation to the see of Canterbury in 1633. Laud's policies, as historians have shown,

to the rites and ceremonies of the Church of England and in no way prone to faction." The system described in the response from St. Dunstan's-in-the-West—an episcopally-sanctioned select vestry dealing with religious matters and the traditional, broader-based assembly dealing with everything else—would seem to support this conclusion. LPL, CM/VII, nos. 57 and 4. Kissack, however, is inclined to think that the survey's primary purpose was to determine if vestries were illicitly raising the fees for burial and other ceremonies. Kissack, 8. 79. However, his reasonable speculation that the bishops of London may have seen select vestries as a means of controlling who made decisions at the parish level seems to me to strengthen the argument that they were originally instituted to help ensure religious conformity. (Kissack also notes the contradiction between bishops' suspicion of select vestries on the one hand and their willingness to grant faculties for their establishment on the other. Kissack, 62.)

¹⁰⁵ While discussing in Star Chamber a case in which a parish vestry stood accused of destroying a stained-glass window, Laud, then bishop of London remarked that "vestries were made and suffered first by negligence, yet being of continuance, we cannot easily restrain their use." Laud, *Works*, vol. 6, 14.

¹⁰⁶ S.R. Gardiner, *Reports of Cases*, 306-307.

¹⁰⁷ Anthony Milton, *Laudian and Royalist Polemic in Seventeenth-Century England* (Manchester, 2007), 24.

corresponded with the sympathies of much of the English population.¹⁰⁸ This did not diminish the fact that they were profoundly unpopular with what was at minimum a very sizable minority. Many pastors, churchwardens, select vestrymen, and prominent householders used the authority they were accustomed to exercising as parish governors to frustrate the Laudian program. The notorious case of Beckington, Somerset, where the parish's two churchwardens, with much popular support, refused to put up rails around the altar and were ultimately imprisoned by the Court of High Commission, became a puritan *cause célèbre*.¹⁰⁹

The spectacle of puritans using the parish office to thwart the expressed will of king and archbishop stoked the smoldering suspicions high-church clergymen already harbored towards parish government.¹¹⁰ When Francis White, Bishop of Ely, published his *Treatise on the Sabbath Day*, his prefix situated opposition to Charles's policy firmly within the context of a schismatic and subversive presbyterian movement that had been threatening the church since Elizabeth's time by attempting to enact a "disciplinarian regiment" of "pastors, doctors, and vestry elders." In so doing, these "presbyterian

¹⁰⁸ See Conrad Russell, *The Causes of the English Civil War* (Oxford, 1990), 58-130; and Judith Maltby, *Prayer Book and People in Elizabethan and Early Stuart England* (Cambridge, 1998), although Maltby also notes that "Prayer-Book Protestants" could be simultaneously anti-Laudian and anti-Puritan. For evidence of the resurgence of Sunday festivities in the 1630s, see Hutton, *Merry England*, 153-199. For popular support for beautifying churches, erecting altars, and for greater ceremonialism in worship, see Kevin Sharpe, *The Personal Rule of Charles I* (New Haven, 1992), 390-392; and Kenneth Fincham and Nicholas Tyacke, *Altars Restored: The Changing Face of English Religious Worship, 1547-c.1700* (Oxford, 2007), 253-273. For an insightful discussion of the debate over whether or not Laud's policies were a shocking break from the past or a generally popular move designed to appeal to a religiously conservative population, see Alexandra Walsham, "The Parochial Roots of Laudianism: Catholics, Anti-Calvinists, and 'Parish Anglicans' in Early Stuart England," *JEH* 49, 4 (October, 1998): 620-651.

¹⁰⁹ Fincham and Tyacke, 222-224.

¹¹⁰ Some parishioners also complained of puritans in parish office, although it did not lead them to a suspicion of parish government *per se*. A petition from the clergy of Salisbury Cathedral to Laud complained that "in most parishes in Wiltshire, Dorsetshire, and the western parts, there is still a puritan and an honest man chosen together. The puritan always crosses the other in repairs and adorning the church, as also in the presentments of unconformities, and in the issue puts some trick or other upon the honest man, to put him to sue for his charges." "Archbishop Laud's Visitation of Salisbury in 1634," *Wiltshire Notes and Queries* 1 (1893-1895): 75.

senators,” as White sarcastically called them, were attempting to assume the power that rightly belonged to kings and bishops.¹¹¹ Nowhere was this attitude more apparent than in Heylyn’s *A Coale from the Altar*, his vituperative response to a widely-circulated letter from John Williams, Bishop of Lincoln. In the letter, published under a pseudonym, the bishop had attempted to reconcile a high-church vicar with an alderman who had objected to the vicar’s placement of the communion table altar-wise at the eastern end of the church. The bishop had rebuked the vicar and reminded him that the church canons gave the churchwardens responsibility over the communion table.¹¹² Heylyn seized on this. He first attacked the bishop’s interpretation of the canon and then, raising the stakes, claimed that Williams was deliberately giving the churchwardens unbridled power “to give some countenance to the vestry-doctrine of these days, in which the churchwardens and other elders of the vestry, would gladly challenge to themselves the supreme disposing of all ecclesiastical matters.”¹¹³ The tearing down and profaning of altars by the tumultuous mob, wrote Heylyn, would be the inevitable result of rule by “vestry elders and their vestry doctrine.”¹¹⁴

Such terms, employed by both White and Heylyn and gaining currency among Laudian polemicists in the 1630s, demonstrate their increasing tendency to identify *all* churchwardens and vestrymen as closet presbyterians. As White’s forward indicated, this

¹¹¹ Francis White, *Treatise of the Sabbath-Day* (London, 1635).

¹¹² Milton, 56-57. The bishop cited the canons of 1571 which mandated that churchwardens would ensure “that there a joined handsome table, which may serve for the administration of the holy communion, and a clean carpet to cover it.” *Anglican Canons*, 193.

¹¹³ Peter Heylyn, *A Coale from the Altar* (London, 1636), 11

¹¹⁴ Heylyn, *Coale*, 48. Heylyn’s position was somewhat ironic, given that he was sniping at a bishop. The publication of William’s letter under a pseudonym, however, gave Heylyn the opportunity to frame the entire debate as a question of clerical authority versus the dangerously democratic “vestry doctrine.” He also maliciously suggested that the true author of the letter was the separatist Robert Cotton. Heylyn, of course, knew perfectly well that Williams wrote the letter. Indeed, personal animosity may have played some role well—Heylyn and Williams had previously butted heads in 1632, when Heylyn was a prebend at Westminster Abbey and Williams was the dean. Milton, 45-48. For a discussion of this affair in the broader context of the altar debate, see Fincham and Tyacke, 177-181.

tactic effectively tied the conflict over Charles's vision for the church with the controversies of the 1570s and 80s, and portrayed the king's opponents as members of a decades-long conspiracy intent on seizing control of English parishes. Matthew Wren, at various times bishop of Norwich, Hereford, and Ely, later summed up this way of thinking when he described the events leading up to the Civil War. In Elizabeth's time, Wren claimed, "it was very difficult to find a man, who....followed the persuasion of Calvin, who had not also strong propensions to the eldership and vestry, or at least much indifferency to the establishment of the Church of England."¹¹⁵ That Wren could equate merely sitting on a parish vestry with Calvinist theology and an opposition to episcopal authority is an indicator how overheated some Laudians' rhetoric had become.

Ordinary parish clergy, including those who were sympathetic to the Laudian program, probably did not share this view. George Herbert, as we have seen, had exalted the churchwarden's office in his handbook for parsons and wanted them to take an active role in admonishing sinners.¹¹⁶ The pro-episcopal Thomas Adams expressed similar attitudes in his sermons.¹¹⁷ Yet suspicion towards parish government was beginning to manifest itself beyond the confines of anti-puritan polemic. Wren in particular carried this attitude into his pastoral work and the visitation articles distributed in the diocese of Norwich in 1636 demonstrate his distrustful and even hostile attitude:

Are any assemblies called vestry-meetings, held in your parish? When and how often are they? In what place, and by whom? Hath any thing (that you have heard of) been proposed, treated, or concluded therein, touching the divine

¹¹⁵ Matthew Wren, "Of the Origin and Progress of the Revolutions in England," in John Gutch (ed.), *Collectanea Curiosa*, (Oxford, 1781), vol. 1, 229.

¹¹⁶ Herbert, *Works*, 270.

¹¹⁷ Thomas Adams, *Works*, vol. 2, 122, 272.

service, or the doctrine and discipline of the Church? Or any thing meddled with, for the government of the church or parish, which belongs to the ecclesiastical cognition and jurisdiction?¹¹⁸

The effect of these articles on their recipients can only be imagined. As we saw in Chapter Two, “vestry-meetings” were routine and some churchwardens must have been puzzled and annoyed that such an everyday aspect of parochial management was being treated as something unusual, if not seditious.¹¹⁹ Of course, not all bishops were as suspicious of vestries as Wren.¹²⁰ When Laud conducted his metropolitan visitation in 1634 he did not consider vestries suspicious in and of themselves, but only wanted to know if they had presumed to usurp the power of the ecclesiastical courts by ordering sinful parishioners to do penance.¹²¹ Wren’s successor to the see of Norwich, Richard Montague, inquired if anyone publicly advocated the government of “lay-elders” while at the same time asking if church rates were “cessed by a lawful vestry,” indicating that he did not consider such meetings to be inherently subversive.¹²² Yet even these milder interrogations convey a fear that presbyteries might lie concealed within the traditional assemblies of householders. The conflation of vestries with elderships, even the derisive term “vestry-elder” seems to have gained a certain amount of common currency. In the aftermath of Wren’s visitation, one puritan minister wrote to John Cotton in

¹¹⁸ Fincham, ed., *Visitation Articles and Injunctions*, vol. 2, 149.

¹¹⁹ These articles were also a striking change from the ones that had been distributed in advance of Bishop Overall’s visitation in 1619. Rather than treating churchwardens with suspicion, Overall had expected them to report ministers who preached doctrine contrary to Scripture or the teachings of the early Church fathers. Fincham, ed., *Articles and Injunctions*, vol. 1, 162.

¹²⁰ Wren was one of the most aggressive puritan-hunters of the 1630s and his visitation articles came in for specific mention in root and branch petitions from the diocese of Ely. M. Ingram, 368. They were also probably the primary reason behind the move to standardize them in 1640. See Bray’s note in *Anglican Canons*, 572 n. 79; although see also Fincham, ed., *Visitation Articles and Injunctions*, vol. 1, xvi.

¹²¹ Fincham, ed., *Articles and Injunctions*, vol. 2, 92.

¹²² Fincham, ed., *Articles and Injunctions*, vol. 2, 199, 206 n. 56.

Massachusetts, lamenting that his call for prayer and fasting in the face of impending plague “was deemed as hateful as conventicles, the fruit of vestry elders, their vestry doctrine, and the disciplinarian faction.”¹²³

Such attitudes were directly descended from Bancroft’s 1590s polemics and, if Wren’s reminiscences are in any way representative of those of his high-church allies, it would seem that they made the connection consciously. In both decades, the issue for these conformist clergymen was not simply that men with heterodox religious views were insinuating themselves into positions of authority in English parishes, although that was clearly bad enough. The overriding concern was that their doing so was effectively subverting the religious and political order.

Peter Lake has recently argued—I think convincingly—that the anti-puritan polemic of the 1570s, particularly that of John Whitgift, centered on the notion of the puritans as demagogues who incited the masses in the hopes that they themselves could profit from the resulting turmoil and whose program could be summarized by the pejorative word “popularity.”¹²⁴ Yet the strain of anti-puritan polemic common in the 1630s was almost the opposite—and in fact exposes the ambivalent attitude that national elites and opinion-shapers had about parish oligarchies. The bishops’ faculties establishing select vestries are another case in point. These are usually cited as an example of sharpening social divisions in the early modern period, a sign of political power being concentrated in fewer and fewer hands with the collusion of the national elite. Yet a close investigation of the faculties indicates nervousness about the consolidation of this power from the religious perspective. By the 1630s, the rhetoric of

¹²³ *Collections of the Massachusetts Historical Society* (Boston, 1863), vol. 6, 407-409.

¹²⁴ Lake, “Puritanism, (Monarchical) Republicanism, and Monarchy; or John Whitgift, Antipuritanism, and the ‘Invention’ of Popularity,” *Journal of Medieval and Early Modern Studies* 40, 3 (2010): 463-495.

the Laudians (if not of Laud himself) reached the point where even the routine business of parish government was being held in suspicion. It is even possible that the distrust and antagonism towards parish officers emanating from visitation articles like Wren's helped to undermine the moral authority of the episcopal courts in the eyes of churchwardens across England by the end of the decade.

The Failure of Elderships, 1643-1660

So far, the idea of parish government by ruling eldership, aside from short-lived initiatives during Edward's reign, had been advocated only by men who were in some way in opposition to the official policy of the realm. This was to change dramatically in the 1640s. The Long Parliament opened in an atmosphere that was feverishly hostile to Laud and euphoric about the prospect of cleansing the temple. Within months, Parliament abolished the Court of High Commission, forbid bishops from directing churchwardens and sidemen to take oaths, and stripped the church courts of their corrective powers. In the following years bishops and the church courts were abolished. All that remained was to establish a Scripturally-based discipline in every English parish. The remainder of this chapter examines why these efforts failed and why, in spite of the official sanction of the state and the undoubted powers that would have accrued to the middling parishioners who would have served as elders, the medieval structure of parish government survived the Interregnum intact.

The Long Parliament was, of course, deeply divided even after the successful marginalization of those who wished to preserve some form of a reformed episcopacy. There is no space here for an analysis of the prolonged debates between Presbyterian and

Independent factions or how the fortunes of each party waxed and waned in relation to the progress of the war and the protracted negotiations with the king. For the purposes of this chapter, it is enough to understand that both sides agreed on the necessity of elders at the parish level. Parliamentary ordinances passed between from 1645 to 1648 confirm this. Parliament ordered that “ruling elders” were to be elected in every parish.¹²⁵ Since the Marian exile, English presbyterians had struggled with how to balance the authority of the elders with that of the congregation. The Long Parliament came down decisively in favor of the latter.¹²⁶ Unlike the system extolled by Walter Travers in the days of Elizabeth, in which the elders were chosen by co-option, the puritan revolutionaries of the 1640s decided that elders were to be chosen by the congregation and the wording of the ordinance, which mandated the participation all those who “are not under age, nor servants that have no families” made it clear that this was intended to include all householders at the very least—with the important provision that all who participated in the election had to have taken the National Covenant.¹²⁷ The elders could not excommunicate without the consent of the congregation and their “quasi-ministerial authority” was further diminished by the fact that they were not inducted into their office

¹²⁵ *Acts and Ordinances*, vol. 1, 749-754.

¹²⁶ In contrast, the Long Parliament greatly strengthened the power of the churchwardens and overseers of the poor—the parish officers charged with enforcing secular law—by granting them the ability to levy rates without the parishioners’ consent. See Forster, 300. This resolved the question as to where the power to levy rates lay—as we saw in Chapter Four, the standard legal answer had been that it lay with the parishioners, but episcopal officials sometimes held that expenses incurred by churchwardens in the performance of canonical requirements (such as basic church repairs) had to be honored by the parishioners even they had not approved them in advance.

¹²⁷ *Acts and Ordinances*, vol. 1, 749. The exclusion of “servants who have no families” of course invites speculation as to whether servants with families would have been allowed to participate in the choosing of elders. This seems unlikely. In fact, by the 1650s, there were signs that the oligarchic tendency was reasserting itself as it had in Scotland and in the Channel Islands, although in the English context it was likely in reaction to the dismaying proliferation of radical religious sects. In January 1651/52 the London provincial synod decided that new elders would be selected by the elders already in office, with the congregation having only the right of veto. William A. Shaw, *A History of the English Church During the Civil Wars and Under the Commonwealth, 1640-1660* (London, 1900). vol. 2, 105.

by the laying on of hands (which was to be conducted exclusively by preaching ministers, for preaching ministers) and by the fact that elders were expected to continue in their lay occupations, rather than being supported by church revenues.¹²⁸

In spite of these restrictions, however, the parish elderships created by Parliament still wielded considerable powers. They may have needed the approval of the congregation before they could excommunicate anyone, but they could still exclude parishioners from the Lord's Supper if they committed certain offenses.¹²⁹ Elders had power to call witnesses to testify before them and those who refused to answer their summons were to be imprisoned by the Justices of the Peace.¹³⁰ But Parliament also strived to keep parish elders on a short leash. Parliamentary commissions were created to supervise them,¹³¹ and, within the newly-created province of London, Parliament established committees of "tryers" which fielded complaints from parishioners about unqualified candidates to the eldership. These committees had the right to depose elders, although outside the capital this function was reserved to the local classis.¹³²

The Long Parliament's attempt to establish elderships in every English parish was not without success. Most London parishes elected elders in the summer of 1646.¹³³ Ten counties established a network of classes and there were corresponding attempts to encourage the election of elders in each classis's parishes. Oliver Heywood, the

¹²⁸ *Acts and Ordinances*, vol. 1, 789-797. This was in defiance of the Independents who held that the non-preaching elder was a minister who should be ordained and who should have no other occupation. William A. Abbott, "Ruling Eldership in Civil War England, the Scottish Kirk, and Early New England: A Comparative Study of Secular and Spiritual Aspects," *Church History* 75, 1 (March, 2006): 44.

¹²⁹ Firth and Rait, vol. 1, 789-797

¹³⁰ Firth and Rait, vol. 1, 833-888.

¹³¹ Firth and Rait, vol. 1, 833-838. This was later amended so that the elders could suspend the accused parishioner temporarily, but the final decision still rested with the parliamentary commissioners rather than with the parish elders and the congregation. Firth and Rait, vol. 1, 870-4

¹³² Firth and Rait, vol. 1, 789-797; 1188-1215.

¹³³ Spurr, *English Puritanism, 1603-1689* (London, 1998), 108.

Presbyterian minister, recalled how the parishioners of Bolton, Lancashire, chose twelve elders without incident, and the parishioners of neighboring Prescott followed suit.¹³⁴

But this sporadic compliance aside, the Long Parliament's attempt to reform parish government by establishing parochial elderships was an abject failure. The reasons for the failure to establish a national presbyterian church are well known—the MPs' desire to retain final religious authority was eroding support for presbyterian church governance even prior to the New Model Army's intervention in politics in the August of 1647.¹³⁵ Middling parishioners' reluctance to embrace an institution that would have greatly increased their social prestige and disciplinary powers, however, is puzzling and worthy of some explanation.

That they did so is beyond doubt. Repeated Parliamentary injunctions also indicate how sluggishly English parishioners responded when given the chance to be elders, and how unwilling they generally were to continue serving in the office once elected.¹³⁶ This was true even in London, where presbyterian classes had been first established. Some parishes, like St. Benet's Gracechurch, simply refused to elect elders.¹³⁷ Others responded to the parliamentary directives with a distinct lack of enthusiasm. Of the fourteen parishes that made up London's newly-created fourth classis, two failed to choose any elders at all. Of those that did, their elders disappear from the classis's records as early as 1648, although it is possible that they were neglecting the classis, while continuing in the office at the parish level. In December

¹³⁴ Oliver Heywood, *The Rev. Oliver Heywood, B.A., His Autobiography*, J.Horsfall Turner, ed., (Bingley, 1882), vol. 1, 78.

¹³⁵ John Morrill, "The Church in England, 1642-9," in John Morrill, ed., *Reactions to the English Civil War, 1642-1649* (London, 1982), 97-98.

¹³⁶ *Acts and Ordinances*, vol. 1, 789-797; 833-838.

¹³⁷ Shaw, vol. 2, 103.

1651 the London provincial assembly was forced to order parishes to “make up the number of their elders as many as there were at first.” This was ignored—a year later, the members of the assembly were lamenting that the whole system of church government would collapse “unless some speedy and effectual remedy were applied for the erecting of elderships were they are wanting and for the upholding, repairing, and continuing of the same where erected.”¹³⁸

A similar dynamic can be observed in the counties where classes had been established. In Lancashire, the parishioners of Didsbury elected elders in 1648 but the men chosen refused to serve. The minutes of the Manchester classis record repeated messages sent to parish elders asking to know “why they fell off in their offices.” The problem was widespread enough that a form letter was composed which ordered the minister and elders of the receiving parish “to demand of _____, one of your elders, the reason for his withdrawing from the office, or of his abstaining from the eldership.”¹³⁹ In Derbyshire, the preaching ministers dominated the Wirksworth classis to such an extent that they refer to lay elders simply as “the others.” Some congregations were unable to distribute communion because they lacked elders to examine the communicants and the classis was forced to direct neighboring ministers to assist instead.¹⁴⁰ Repeated attempts to elicit greater participation by lay elders by other Derbyshire classes also went

¹³⁸ Shaw, vol. 2, 104-105. Of course, the situation might have been different if Parliament had been willing to grant coercive or disciplinary powers to the classes. The parishioners of St. Michael’s Crooked Lane fell out with their minister over who should serve as elders for the parish and ignored their classis’s attempts to mediate with the end result that no elders were chosen. Shaw, vol. 2, 101-103. The Scottish emissary Robert Baillie feared the consequences of Parliament’s refusal to grant any power to the classes. Robert Baillie, *The Letters and Journals of Robert Baillie*, David Lang, ed. (Edinburgh, 1841), vol. 2, 318.

¹³⁹ Shaw, vol. 2, 122.

¹⁴⁰ J. Charles Cox, “The Minute Book of the Wirksworth Classis,” *Journal of the Derbyshire Archaeological and Natural History Society* 2 (1880): 146-147, 151, 157. Only one of the prominent families of the region chose to serve as elders.

nowhere.¹⁴¹ But in the great majority of parishes, the business of decision-making, government, and administration—levying and collecting rates, maintaining parish property, and etc.—continued as it had done before the war. John Morrill’s comprehensive survey of the surviving churchwardens’ accounts from ten counties plus Bristol (150 sets total) provides ample evidence that very little changed in the actual running of English parishes during the Interregnum.¹⁴² Some parishes may have followed the example of St. George Hinton in Somerset. Here, the two Presbyterian ministers satisfied themselves by referring to the churchwardens as “ruling elders,” while the wardens continued to perform their traditional functions, chosen by rotation and for a single annual term as before. If they ever took it upon themselves to catechize, examine parishioners prior to communion, excommunicate, or perform any other similar function, it is not recorded in the (very detailed) parish records.¹⁴³

Why did English parishioners prove so reluctant to serve as elders? A number of different explanations have been suggested. It was once proposed that the spirit of puritan individualism found all forms of discipline irksome.¹⁴⁴ The link between puritanism and individualism is no longer accepted as axiomatic, but it is true that many Independents were loath to act as elders within the traditional parochial system.¹⁴⁵ Adam Martindale related how his parish was “somewhat backward to make any use of them

¹⁴¹ Shaw, vol 2, 117.

¹⁴² Morrill, 89-114. For a list of the churchwardens’ accounts surveyed, see 231 n.16 and 233 n. 45.

¹⁴³ Somerset R.O., DD/PT/H/452, box 40, account book 14 (November 1655); D/P/hin.g/4/1/1.

¹⁴⁴ This was the opinion of C.E. Surman, quoted by William A. Abbott, “Ruling Eldership in Civil War England, the Scottish Kirk, and Early New England: A Comparative Study of Secular and Spiritual Aspects,” *Church History* 75, 1 (March, 2006): 42

¹⁴⁵ Congregational churches, of course, had elders and deacons of their own, but these did not typically elect elders until the early to mid-1650s and then only after ministerial encouragement. Joel Halcomb, “A Social History of Congregational Religious Practice During the Puritan Revolution,” Ph.D. dissertation (University of Cambridge, 2009), 66-68. I am extremely grateful to Dr. Halcomb for providing me with a copy of his dissertation.

[elders], having in it many of the Independent judgment.” Six elders were finally chosen in July 1655, but only three agreed to serve.¹⁴⁶ Others may have felt unequal to the task—a 1656 classis minute book contains an intimidating list of theological topics with which an elder was expected to be familiar. There may also have been practical reasons to avoid the office. Baxter feared that few would want to be elders once they found out that they would have to serve for life and that, unlike the minister, they would not be compensated for their labors.¹⁴⁷ The most comprehensive theory has been recently been advanced by William Abbott, who has suggested that in England (in contrast to Scotland and New England) the men who would have naturally filled the office considered the eldership an uncomfortable blend of spiritual and secular responsibilities. “Wealthy and well-educated puritans,” writes Abbott, “were less able to see themselves in a semi-clerical role; one was either a cleric in character, lifestyle, and training or one was not, and a governing function was either spiritual and persuasive or it was physical and coercive, in which case it belonged to a trained magistrate.”¹⁴⁸

Abbott deserves credit for recognizing the importance of the eldership in the Long Parliament’s plans for re-molding local government and he has assembled an impressive array of objections to the office which came from a number of quarters. John Selden, for example, feared that elders would be an ineffective brake on clerical authority while Bulstrode Whitelocke was concerned that “in the country villages” unlearned elders would wield great powers unchecked.¹⁴⁹ Both of these fears stemmed from the belief that

¹⁴⁶ Adam Martindale, *The Life of Adam Martindale*, Richard Parkinson, ed. (Manchester, 1845), 113. The records of the fourth London classis also note that some objected to elders as “having no warrant in the Word.” Spurr, *English Puritanism*, 125.

¹⁴⁷ Abbott, 55, 67-68.

¹⁴⁸ Abbott, 68.

¹⁴⁹ Abbott, 54, 67.

a hierarchy of elderships, classes, and synods would replicate the power of the ecclesiastical courts. But Abbott seems to believe that all parochial governance was in the hands of the gentry, which then leads him to assume a comparison in the mind of the gentry between the office of the justice of the peace and that of the elder, in which the eldership emerged as the less prestigious of the two.¹⁵⁰ But the gentry typically avoided parochial office in any case and their lack of interest in acting as elders does not explain why the yeoman and husbandmen, artisans and tradesmen, who were already used to serving as churchwardens and other parish officers, were so uninterested in having their powers enhanced by the ability to excommunicate. Why was this so?

Conclusion

Three answers seem possible. First, it could reasonably be argued that one of the underlying themes of this chapter has been the power of a centralized national state. The example of the Dedham conference and the success of Bancroft's anti-puritan campaign show that the church courts, far from being "in many ways irrelevant" as some historians have claimed,¹⁵¹ were in fact quite efficient at ferreting out embryonic parish elderships. This is, again, a mild counterpoint to the bulk of recent scholarly writing on the question of government in early modern England, which takes it as axiomatic that the state was powerful only to the extent that it managed to engage the loyalties of local elites. In this interpretation of the evidence, the failure of the Dedham ministers' intellectual heirs to remold parish government to fit their own interpretation of the New Testament, stemmed

¹⁵⁰ Abbott, 56-57. Abbott ascribes the appeal of the eldership to the Scottish elite to the fact that in Scotland elders were able to handle a much broader range of cases that in England fell under the jurisdiction of common law.

¹⁵¹ *Dedham*, xciii.

not from the fact that their program was unpopular, but from their failure to give the classes and regional synods the means to enforce the election of elders. This was in stark contrast to the example of Scotland in the 1560s where the reformation of parish government, with the united support the aristocracy, was effected with remarkable speed.

Second, the power of religious conservatism also should not be underestimated and alone might account for a large share of the answer. A remarkable number of parishes, for example, continued to celebrate the liturgy according to the Book of Common Prayer and to distribute communion in the Anglican fashion, on the feasts of Whitsun, Christmas, and Easter, in defiance of parliamentary ordinances.¹⁵² The rapid re-establishment of the ecclesiastical courts in 1660-61, in stark contrast to the fitful and patchy implementation of the Long Parliament's edicts regarding parish government, is compelling evidence in favor of both these two theories.¹⁵³

However, there is also a third possibility, not necessarily exclusive of the two already mentioned—that, in spite of some superficial similarities, rule by godly elders was fundamentally incompatible with the system of parish government with which most Englishmen were familiar. As was discussed in the previous three chapters, governing authority within the boundaries of the parish was something held collectively by the assembly of householders. This power, as we saw in Chapter Three could, on occasion, be permanently transferred to a standing committee or “select vestry.” But such arrangements were controversial and almost always required either written permission from the local bishop or a general and periodically reinforced consensus that the select

¹⁵² Morrill, 103-112.

¹⁵³ Admittedly the volume of business in many of the diocesan courts never equaled pre-1640 levels but the fact remains that, after an interval of twelve years the institutions themselves had numerous customers almost from the day that their officials were re-appointed by the Crown.

vestry existed only because the householders allowed it to. Churchwardens were not governors, but “stewards” or “agents” who acted as proxies for the parish as a whole.

At first glance, the concept of parish elders seems to fit into the established scheme rather well. Early Stuart bishops (and modern historians) noted the similarities between ruling elderships and select vestries and a number of contemporary observers drew a connection between churchwardens and elders as well.¹⁵⁴ But elders’ power was not delegated to them by the congregation. It came from above, not from below. The ordinary power exercised by householder assemblies or delegated to select vestries was power associated with fiscal obligation to the parish and therefore usually tied to land. It was of a practical, financial sort. Formal disciplinary power, however, ultimately came from without, either from parliamentary statute or church canon. Churchwardens only reported malefactors to the appropriate authorities, be they magistrates or archdeacons. But elders actually sat in judgment—and they could punish. It is easy to believe that many parishioners may have been profoundly reluctant to see such formidable powers conferred on a small clique of their fellow householders, especially when they could be expected to exercise them for years at a time. Moreover, elders’ authority was not only disciplinary, it was also spiritual. This may also have been hard to adapt to a system which connected elected office to land almost instinctively. While clergymen might occasionally extol the qualities of a good churchwarden, the basic qualification for most candidates for the office was simply that it was his turn. Office based on inherent spiritual authority was incompatible with this mindset. It is significant that even in London parishes where the presbyterian model was successfully implemented, parish

¹⁵⁴ Scottish elders, like English churchwardens, were “drawn from substantial landholders down to working farmers in the countryside, and in towns from a range extending from the mercantile elite to various levels of craftsmen and artisans.” Todd, 8-9.

vestries made up of ratepayers retained their coherence—indeed, elders’ ability to exercise spiritual authority in these parishes seems to have been largely contingent on the vestry’s support.¹⁵⁵

In spite of nearly a century of learned consideration about the possibility of implementing the system of parish governance designed by Bucer and Łaski, and in spite of the tentative experiments towards that end carried out by the men like those of the Dedham conference—the memory of which caused some Laudian churchmen to hold even ordinary parish meetings with suspicion—the medieval system of parish governance held firm. At its heart was the notion that financial obligation to the maintenance of the church—and thus to the community—gave one both the right to participate in parish decision-making and the duty of sharing the obligation of serving in parish office. This principle proved so strong that, after the Restoration, Protestant dissenters were able—even required—to participate in parish governance even as they faced severe persecution at the hands of church and state. As an unintended consequence of this, the re-installed episcopal hierarchy slowly lost its ability to hold churchwardens to account. How this happened—and other effects of permanent sectarian division on English parishes—will be discussed in the following chapter.

¹⁵⁵ Eliot Vernon, “A Ministry of the Gospel: The Presbyterians During the English Revolution,” in Christopher Durston and Judith Maltby, eds., *Religion in Revolutionary England* (Manchester, 2006), 127-128.

Chapter Seven: Parish Government and Religious Change, 1661-c. 1700

The past twenty-five years have seen an efflorescence of innovative scholarly works on English political developments after 1660 examining the high political narrative, popular interest and involvement in national political events, and popular involvement in county and urban politics more generally. The study of parish politics during this period has yet to experience a similar renaissance. Remarkably little work has been conducted on the social and economic history of the later seventeenth century, and social historians' tentative observations about parish government during the period see it as being characterized mainly by the working-out of processes already apparent around 1600.¹ Rather more has been published regarding parish religion after 1660, particularly regarding the presence and nature of religious dissent, but little attempt has been made to understand the impact of sectarian division on the operation of parish government and thus on the everyday political lives of ordinary Englishmen and women.

Yet parish government changed significantly in the latter seventeenth century in one important respect: churchwardens, the officers in charge of spiritual discipline, steadily became less accountable to episcopal officials. In order to determine how this happened, it is first necessary to explain why it was that, in a time of intense persecution, dissenters not only continued to participate in parish government but were essentially *required* to—by the very legislation that banned them from most other forms of public life. The answer returns us to themes discussed at the end of Chapter Five, that the

¹ “Perhaps the most fundamental social transformation over the course of the seventeenth century was the consolidation of the political presence of the middling sort in English rural communities. . . . It was only in the late seventeenth century, however, that the final institutionalization of the poor laws and the increasing frequency of parliamentary elections crystallized the habits of association and officeholding that had so long been in suspension in the social order.” Hindle, “The Growth of Social Stability in Restoration England,” 573.

churchwardens' office—like that of other parish officers—was as much a burden to be shared as an honor to be sought after. The presence of dissenting churchwardens in parish administration, in turn, resulted in a series of legal battles which ultimately caused the churchwardens' oath to be re-worded in such a way as to make it nearly meaningless. Of less practical but of equal symbolic significance were a series of rulings from the royal courts that undercut episcopal officials' ability to reject unqualified churchwardens. The parish as a community did not become more secular, but parish officers became less subject to ecclesiastical power.

A second, more localized, but still important change was the effect of sectarian division on the system of parochial governance in London. While select vestries had increasingly been seen as legally dubious by the end of the 1620s,² after 1660 the Stuart regime moved aggressively both to re-establish these institutions and to ensure that they were filled with loyal Anglicans. After 1688, parishioners who chafed under select vestries' rule allied themselves with Whig members of parliament in repeated attempts to reform or abolish these bodies altogether. This campaign consisted of a rhetorical stance against financial corruption and an increasingly public skepticism regarding the select vestries' claims to legal authority. At its heart it was a push for greater direct participation in decision-making, in accordance with the practice of the great majority of English parishes, although there continued to be disagreement as to whether decision-making ought still to be restricted to the wealthier ratepayers. While only sporadically successful, the arguments the campaigners employed became part of a standard critique of parish government that persisted into the nineteenth century.

² Merritt, "Contested Legitimacy," 32-45.

The puzzle of dissenting churchwardens

“Restoration England was a persecuting society,” Mark Goldie writes. “It was the last period in English history when the ecclesiastical and civil powers endeavored systematically to secure religious conformity by coercive means.”³ London’s politics remained unruly and sectarian.⁴ The city of Bristol witnessed successive campaigns of persecution against religious nonconformity.⁵ Sessions rolls for the 1660s reflect tension, uncertainty, and outbreaks of violence—in one Worcestershire town, a mob of 2,000 strong attacked a party of soldiers come to arrest a nonconformist preacher.⁶ Sectarian bitterness permeated parish politics as men and women sought satisfaction for wrongs suffered over a decade earlier.⁷ The specter of dissent could be a handy excuse for lackadaisical churchwardens—a leaky chapel roof could thus be blamed on “divers sectaries [who] refuse to pay their rates.”⁸ Nevertheless, real divisions persisted. Nonconforming ministers were pitted against parishioners loyal to the established church. In one Somerset parish, a group of parishioners accused their vicar of never having renounced the Solemn League and Covenant, of refusing to read the litany in accordance

³ Goldie, “The Theory of Religious Intolerance in Restoration England,” in Ole Peter Grell, Jonathan I. Israel, and Nicholas Tyacke, eds., *From Persecution to Toleration: The Glorious Revolution and Religion in England* (Oxford, 1991), 331.

⁴ Harris, *London Crowds*, 62-95.

⁵ J. Barry, “The Politics of Religion in Restoration Bristol,” in T. Harris, P. Seaward and M. Goldie, eds., *Politics of Religion in Restoration England*, 163-190.

⁶ Worcester R.O., 1/1/109/115-116.

⁷ As Dan Beaver has put it, “In many English parishes, a generation of conflict over the meanings of community, the relationship of church and people, constituted the fundamental inheritance of the Restoration from years of war.” Dan Beaver, “Behemoth, or civil war and revolution , in English parish communities 1641-82” in Nicholas Tyacke, ed., *The English Revolution, c. 1590-1720* (Manchester, 2007), 129. To cite just one example, a Somerset man whose pew had been usurped in the late 1640s by a churchwarden—who justified his actions by disparagingly calling his victim “cavalier”—sued for its recovery in 1661, as soon as the ecclesiastical courts were re-established. Such physical reminders of religious division were pervasive, and the language of religious division could be deployed against opponents. In 1674, the churchwardens of Kidderminster reported that one of the pews in their church—erected “in times of the rebellion”—was too close to the altar. One wonders whose pew it was, and what particular axe they were grinding. Somerset R.O., D/D/Cd 131 (Cary c. Haggot); Worcester R.O., 899.243 BA 9201/17.

⁸ Worcester R.O., 807 BA 2058, f. 24.

with the Book of Common Prayer, of not wearing a surplice, and allowing nonconformist ministers to preach in the church.⁹ Donald Spaeth's study of late seventeenth-century Wiltshire, on the other hand, provides numerous examples of the opposite situation: conformist incumbents vainly striving to bring dissenting parishioners to heel.¹⁰ In other parishes, the balance of power see-sawed between dissenting and conformist factions.¹¹

In this supercharged atmosphere, Parliament and the members of urban corporations attempted time and again to restrict dissenters' access to political power. In spite of these attempts dissenters continued not only to participate in parish life, but also in parish government. Various reasons for this have been advanced, but a crucial explanation has been hiding in plain sight: the structures and practices of parish government tended to push ratepayers in, rather than keeping them out. This is most clearly demonstrated by an examination of the role of dissenters in parish politics after 1660.

It is well-established that religious nonconformists often continued to attend Anglican services and to participate in parish life more generally. This was sometimes simply the result of a desire to avoid persecution or—after the passage of the Test Act in 1672—an attempt to fulfill the minimum requirements of the law in order to participate in city government or stand for Parliament. But such “occasional conformity” often indicated more than timidity or ambition. Historians have come to recognize that the ideal of Christian unity within a national church continued to be a powerful one, particularly for presbyterians, who often saw themselves as a reforming current within

⁹ Somerset R.O., D/D/Cd 93, fos. 112-117.

¹⁰ Spaeth, 158-159.

¹¹ Fincham, “Material Evidence: The Religious Legacy of the Interregnum at St. George Tomblond, Norwich,” in K. Fincham and P. Lake, *Religious Politics in Post-Reformation England* (Woodbridge, Suffolk, 2006), 224-240.

the Church of England rather than as a separatist movement. Many nonconformists therefore participated in the Anglican rituals of baptism and burial, attended services in the parish church, and jealously guarded their right to sit in certain pews, while seeing participation in conventicles and the like merely as supplements to an overburdened or otherwise inadequate established Church.¹² They also continued to pay church rates—Quakers being a notable exception—and to serve as parish officers.

Dissenters' willingness to serve as constables, overseers of the poor, and surveyors of highways has excited little comment from historians—these offices had more-or-less secular duties, defined by custom and statutory law, although the responsibilities of the overseer were of course colored by the Christian ideal of obligation towards the poor and the perceived need to place them under a regime of moral discipline. Much more surprising is the appearance of dissenters serving as churchwardens. Though churchwardens performed some important non-religious functions as I discussed in the previous two chapters, the bulk of their duties were defined by the church canons, and they were sworn into office by ecclesiastical authorities to whom they were periodically required to give an account—under oath—of their parish's adherence to the laws of the church. Why did dissenters serve in this office and why did

¹² For an example of presbyterians staking their claim to pews in the parish church, see Somerset R.O., D/D/Cd 108, fos. 208-211v., 212-215v. For this more sophisticated understanding of dissent in late-Stuart England, see Spurr, *Restoration Church*, 200-204; Goldie and Spurr, "Politics and Restoration Parish: Edward Fowler and the Struggle for St. Giles Cripplegate," *EHR* 109, 432 (June, 1994): 572-596; Fincham, "Material Evidence," 224-240; Spaeth, 165, and Beaver, "Behemoth," 142-144. For a recent treatment of how one urban corporation attempted to accommodate, rather than persecute, the large numbers of dissenters in the city, see John Miller, "Containing Division in Restoration Norwich," *EHR* 121, 493 (September, 2006), 1019-1047. For discussions regarding "partial conformity" and "occasional conformity" specifically, see J. Flaningan, "The Occasional Conformity Controversy" *JBS* 17 (1977): 38-62; J. Ramsbottom, "Presbyterians and 'Partial Conformity' in the Restoration Church of England," *JEH* 43 (1992): 249-270; and Mark Knights, "Occasional conformity and the Representation of Dissent: Hypocrisy, Sincerity, Moderation, and Zeal," *Parliamentary History* 24, 1 (February, 2005): 41-57.

their fellow parishioners—not to mention magistrates, ecclesiastical officials, and members of Parliament—allow it?

That dissenters filled the office of churchwarden is beyond doubt, although the frequency with which they did so is hard—perhaps impossible—to ascertain. Their presence in the office was probably affected by the relative numbers of parishioners sympathetic to their religious views. In the Essex parish of Terling, with its strong tradition of puritanism, one third of the churchwardens between 1662 and 1668 were men who at some time appeared at Quarter Sessions or Assizes for their nonconformity.¹³ In St. George Tombland, Norwich, another parish with a staunchly puritan past, the churchwardens of the 1660s and 70s ignored repeated commands from the bishop's commissary to take down the seating gallery that towered over the altar.¹⁴ In the teeming London parish of St. Giles Cripplegate—a notorious haven for dissenters—one churchwarden was said to “commonly shout at, and jeer at the Common Prayer” while another insolently wore his hat during the sermon.¹⁵

The overall number of nonconformist churchwardens is unlikely to have been statistically impressive—the surviving evidence indicates, for example, that only fourteen out of a total of three hundred Wiltshire parishes saw a dissenter fill the office, although there were probably others who escaped prosecution and therefore do not appear in the records.¹⁶ Nevertheless, the presence of dissenting wardens caused headaches for more than one Anglican minister. One outspoken churchwarden tore up his minister's

¹³ Wrightson and Levine, 168.

¹⁴ Fincham, “Material Evidence,” 226-228.

¹⁵ Goldie and Spurr, 590, 592. It is true that this second man was ejected from office for his crime, but the point is both that he was willing to serve as churchwarden and that he was (initially) allowed to do so. For other examples of dissenting churchwardens, see Spurr, *Restoration Church*, 204; and Dan Beaver, *Parish Communities and Religious Conflict in the Vale of Gloucester* (Cambridge, Mass., 1998), 256, 312.

¹⁶ Spaeth, 165.

presentment, intended for the bishop's visitation, and told his partner to burn the visitation articles. Other churchwardens encouraged their fellow parishioners to attend conventicles.¹⁷ The high-church clergyman and polemicist George Hickes found himself indicted for idolatry by his churchwardens, who added insult to injury by rubbishing him in print.¹⁸

Given the considerable discretionary powers the office entailed, including a chance at thwarting the ecclesiastical establishment's attempts to maintain religious discipline, it is not surprising that some dissenters were willing to serve as churchwardens in spite of the moral dilemmas that their oath of office may have caused. What is puzzling is that there were not greater attempts to exclude such men from a position of such authority, particularly in the overheated sectarian atmosphere of the later 1660s and early 1670s. Scholars have variously grappled with this question. The Webbs found the lack of a religious test surprising, but no more so than the lack of any other standardized qualifications for the office.¹⁹ As long as the study of parochial politics remained a scholarly backwater, it was possible for historians simply to assume churchwardens were pillars of the established church,²⁰ and express surprise when a man like Gerard Winstanley agreed to serve in the office.²¹ This view is echoed in Dan Beaver's study of the Vale of Gloucester, in which churchwardens tend to appear as a discrete group of

¹⁷ Spaeth, 165-167.

¹⁸ Bod. MS Eng. e.4, fos. 14-19; Edmund Sherman, *The birth and burning of the image called S. Michael* (London, 1681). One of the churchwardens, Slingsby Bethel, was a former sheriff of London and a prominent Whig.

¹⁹ Webbs, 23.

²⁰ Eric Carlson notes the common perception of churchwardens as "ecclesiastical Dogberrys and pillars of local Anglicanism." Carlson, 164.

²¹ J.D. Alsop, quoted by Ann Hughes, "Religious Diversity in Revolutionary London," in Nicholas Tyacke, ed., *The English Revolution, c.1590-1720* (Manchester, 2007), 123.

high-church enforcers.²² Other historians, however, interpret the existence of dissenting churchwardens as simply a sign of a generally neighborly and tolerant laity.²³ Scholars writing in the social history tradition meanwhile have depicted parish politics and parochial office as an arena in which matters of religion were ultimately less important to the middling sort than protecting their common interests as a socio-economic group and especially when dealing with the poor.²⁴

No historian, however, has addressed the fact that struck the Webbs—the lack of any official religious test for churchwardens. In 1663, as will be discussed further below, Parliament, anxious to exert control over the capital, passed an act requiring all members of select vestries to subscribe to the Act of Uniformity, but this affected only a tiny percentage of England's parishes.²⁵ Indeed, for a group of men known collectively to

²² In his book *Parish Communities and Religious Conflict in the Vale of Gloucester*, Beaver does note that the churchwardens' presentment of offenders before ecclesiastical officials could be an expression of parish consensus (128), but he more typically uses phrases like "churchwardens regularly prosecuted Nonconformists" (19), "the general pursuit of order by constables and churchwardens" (48), "churchwardens' efforts to reform attitudes to the sacred" (160), and "churchwardens...began to insist on personal comportment suited to the solemnity and moment of the ceremonies" (163). He ascribes the appearance of dissenting churchwardens after 1660 to an Anglican attempt to resuscitate the notion of the parish as a spiritual and geographical community, an attempt that sputtered out after the Popish Plot controversy (310-312). To my mind, this explanation fails to consider the possibility that dissenters may actually have wanted the office or, alternatively, may have been expected to fill it out of an obligation to share its burdens. The treatment of churchwardens as a discrete group allied with church court officials can also be found in Beaver, "Behemoth," 139.

²³ Carlson, 179-180, 200-207, finds wardens generally reluctant to present dissenters, stating that "they could see no conceivable reason for persecuting peaceful residents of their own villages...for worshipping God in their own way" (180). He finds no definite evidence of wardens from his sample parishes holding nonconformist religious opinions themselves. Bill Stevenson, while noting that "It would have been anathema for a Quaker to serve as churchwarden," provides evidence for Baptists and Quakers serving as constables and overseers in "The social integration of post-Restoration dissenters," in Spufford, ed., *The World of Rural Dissenters*, 368-375. Wiltshire parishioners' tolerant attitude towards their nonconformist neighbors is also a major theme in Spaeth, 155-172.

²⁴ Wrightson and Levine originally postulated a connection between an affinity for puritan theology and many of the "chief inhabitants" of parish communities, a proposition which Wrightson has eloquently defended in the postscript to the second edition of *Poverty and Piety* (Oxford, 1995), 198-211, esp. 209. Religious motivations figure rather less in Hindle, *State and Social Change*, 146-230. In Braddick's *State Formation in Early Modern England*, the generally successful efforts of magistrates and constables in managing problems of poverty, dearth, and disorder are contrasted with the anemic response of local elites when enforcing religious conformity. Braddick, 101-175, 287-336.

²⁵ 15 Car. 2, c. 5.

history as the “Cavalier Parliament,” their attitude regarding dissenters in parochial office was surprisingly lenient. In 1673, after all, any man who wished to stand for Parliament, participate in municipal corporate government, attend a university, or hold a commission in the army had to submit to the requirements imposed by the Test Act—signing a declaration against transubstantiation and taking communion by the Anglican rite. The Test Act’s provisions were so sweeping that they are usually summarized as having been required of all office-holders, but this is not so.²⁶ The last section of the act specifically exempted all those holding parochial offices, churchwardens included.²⁷

Why did Parliament deliberately excused churchwardens from the very religious test that they were required to help enforce?²⁸ The contradiction was not lost on the honorable members. Some believed on principle that men “that care not for the church and would let it fall” had no business being churchwardens. Others feared the practical effects of allowing dissenters into positions of such power. One member remarked, “If you let them in to be churchwardens or overseers of the poor, you will be sure to have all of their opinion well fed, and the rest starved.” But the debate was colored by the knowledge that being a churchwarden was an onerous responsibility that was avoided as much as it was sought after. When one member suggested that Catholics and dissenters pay a fine in lieu of serving, another answered—in jest, we must assume—that he would rather “have the Protestant subjects eased, and would lay it upon the others.” Sir William Coventry summed up the problem when he said that he “would not have them [that is, dissenters] bear offices, nor have them benefit by not bearing offices.” Ultimately, the

²⁶ Kishlansky, *A Monarchy Transformed: Britain, 1603-1714* (London, 1996), 248; Harris, *Restoration: Charles II and his Kingdoms* (London, 2005), 54.

²⁷ 25 Car. 2, c. 2, § 15.

²⁸ As proof that the individual in question had received communion in the Church of England, a certificate signed by the churchwardens had to be produced.

members had to accept the fact that the nations' parishes simply could not afford to exempt dissenters from the responsibilities of office. With the air of those making the best of a bad situation, they placed their trust in the ability of the ecclesiastical courts to keep dissenting churchwardens in line.²⁹

That the members of Parliament thought of local office as a burden rather than a privilege can also be seen from a comment made by William Love, a dissenter and London alderman who represented the city in the Cavalier Parliament. During the debate regarding a bill that would have exempted dissenters from various penalties (in return for Charles's withdrawal of the 1672 Declaration of Indulgence), Love sought to demonstrate to the Commons that his fellow dissenters posed no threat to king or church and in particular that they were willing to bear their share of the work and expense of local government: "Nor do they desire *to be exempted from all chargeable offices*, paying of tithes, to the poor or the church." Love did note that some dissenters balked at serving as churchwarden, but hastened to say that those that did so were willing to pay a fine in lieu of serving.³⁰ The clear implication is that men were more likely to shirk parish office than scramble after it and that this tendency was considered a greater danger to good governance than allowing dissenters to serve.

Historians have been so focused on potential office-holders' presumed will to power—and on the oligarchic and exclusive character that it gave to parish political culture—that they have neglected how the burdensome nature of parochial office actually helped preserve the inclusive aspects of parochial office-holding, even in a time when a vengeful Parliament was determined to restrict dissenters' access to political power. The

²⁹ *Grey's Debates*, vol. 2, 72-73; *Parl. Hist.*, vol. 4, 553.

³⁰ *Parl. Hist.*, vol. 4, 537 (February, 1672/3). Emphasis mine.

Act of Toleration's provision exempting dissenters who felt they could not swear the churchwardens' oath in good conscience from holding office—provided, of course, that they could find someone to serve in their place—is compelling, if circumstantial, evidence that some men who wished to avoid being churchwarden for religious reasons had actually been forced to serve.³¹ After the Act's passage, dissenters doubtless found the churchwardens' task an easier one—after all, with nonconformist worship now openly allowed, they no longer had to deflect uncomfortable questions about conventicles at visitations. But being a churchwarden was still difficult and time-consuming, regardless of one's religious opinions. Humphrey Prideaux, archdeacon of Suffolk in the 1690s, assumed that men were still more apt to shirk the responsibility than to scramble after it. He sternly reminded *all* ratepaying parishioners, dissenters included, of their obligation to serve if chosen, and cautioned them against shunting the task off onto unsuitable men.³²

The waning of the ecclesiastical courts' coercive power

The continued presence of dissenters in parish office in spite of the persecuting campaigns of the Stuart regime almost certainly contributed to the neglected—but crucial—post-Restoration change in parish government which I mentioned in introduction to this chapter: the erosion of the episcopal establishment's ability to compel churchwardens to present spiritual offenders. This was the result of a series of lawsuits lodged in the royal courts that resulted in the re-wording of the oath in such a way that all but the most scrupulous would feel free to ignore it. At the same time, a series of legal

³¹ 1 Will. and Mar., c. 18, § 7.

³² Prideaux, *Directions to Churchwardens*, 1st edition (Norwich, 1701), 10, 6; 2nd edition (London, 1704), 11, 15-16; 3rd edition (London, 1713), 42, 32.

decisions questioned archdeacons' ability to reject unsuitable churchwardens, further eroding the principle of episcopal oversight.

The decline of the English church courts is one of those phenomena that historians agree happened without any clear consensus as to why it occurred, or even exactly when it occurred. This is unfortunate because the Church of England's gradual loss of disciplinary power is not only an important historical development in its own right, but it is also an important marker of difference between the eighteenth-century church and its seventeenth-century predecessor. Some scholars have suggested that the church courts' reputation had suffered greatly during the years of Archbishop Laud and that the attempt to reconstitute them fifteen years after their abolition by the Long Parliament was a project doomed to failure.³³ This explanation often fails to account for the burst in activity that the courts experienced in the decade after their re-establishment in 1661.³⁴ Other explanations for the decline in the effectiveness of visitations point to the 1689 Act of Toleration, which took away the church courts' ability to punish dissenters,³⁵ but this does not explain why the volume of disciplinary business handled by the church courts began dropping around 1670, well before the revolution of 1688.³⁶ It will be noted that both of these explanations correspond to a particular scholarly take on the difference between the seventeenth and eighteenth centuries in England—the first

³³ For a review of this historiography, see Spaeth, 61.

³⁴ Spaeth, 65; R.B. Outhwaite, *The Rise and Fall of the English Ecclesiastical Courts, 1500-1860* (Cambridge, 2006), 80, although the latter points out that that few if any of the church courts achieved the levels of business they had seen in the 1620s and 30s. Dan Beaver's analysis of churchwardens' presentments also demonstrates that speaking of an inevitable decline in church court business ignores the actions of individual bishops, under whom the level of disciplinary business might rise or fall, depending on the amount of emphasis placed upon reporting spiritual offenses.

³⁵ E.A.O. Whiteman, "The Re-establishment of the Church of England, 1660-63," *Transactions of the Royal Historical Society*, 5th ser., 5 (1955), 125; G.V. Bennett, *The Tory Crisis in Church and State, 1688-1730* (Oxford, 1975), 9.

³⁶ Spaeth's analysis of the Wiltshire deanery of Amesbury shows churchwardens' presentments of dissenters peaking in 1668 and dropping thereafter. *Omnia bene* presentments remained low in the 1670s but made up 30% of all presentments by the 1680s. Spaeth, 65-67.

recalls a historiographical school that sees a long, more secularized, eighteenth century starting *circa* 1660, while the other resonates with the notion that the events of 1688-1689 constituted a true revolution, a decisive break with the past.

It has also been suggested that the church courts' ultimate sanction of excommunication had lost its power to terrify by the 1670s. As one historian has observed, "a system of moral discipline by a church which much of the populace repudiated inevitably declined in credibility."³⁷ There is something to this: there are reports of excommunicated servants insolently telling their masters that the sentence simply meant they no longer had to attend church and, during the parliamentary debate over the Test Act, one member remarked that the sanction meant little to those who rejected the episcopal hierarchy.³⁸ Nevertheless, this explanation must also be treated with caution. Historians have tended to identify the decline in the effectiveness of excommunication as a disciplinary measure in whatever period they are examining, from the thirteenth through the eighteenth centuries.³⁹ Additionally, writs of *de excommunicato capiendo*, time-consuming and expensive to obtain though they were, could still be employed to fine or imprison excommunicated individuals. Furthermore, excommunicated individuals were not allowed to act as legal witnesses, prove wills, give evidence in court, hold office, or undertake any other legal action. This should have been

³⁷ M. Ingram, 373.

³⁸ Outhwaite, 82; *Grey's Debates*, vol. 2, 72-73.

³⁹ Helmholz, *Canon Law and the Law of England* (London, 1987), 101-103. Although further study is needed, there is evidence that excommunication continued to be an effective sanction at least for practicing members of the Church of England into the eighteenth century. In 1739, the congregation walked out of the cathedral at Wells when the chancellor of the diocese entered, he having been previously excommunicated by the bishop. M.G. Smith, *The Church Courts, 1680-1840*, 53.

enough to give dissenters pause, however much they disputed the theological basis for the sanction.⁴⁰

One of the most popular explanations for the decline in the church courts' effectiveness is that reporting one's neighbors to the church courts contradicted the powerful ideal of neighborliness held by English parishioners. As one historian has put it, churchwardens "could see no conceivable reason for persecuting peaceful residents of their own villages...for worshipping God in their own way."⁴¹ As intuitively pleasing as this explanation is, however, it again fails to account for the comparative effectiveness of the church courts a century earlier. Are we to believe that English parishioners became more neighborly at the end of the seventeenth century? Or that Elizabethan puritans' opposition to the established church in the 1580s and 90s was any less fierce than that of the dissenters of the 1670s and 80s?

I suggest instead that the primary reason for the decrease in the church courts' ability to force churchwardens to present spiritual offenders lies in the fact that a series of contentious legal battles fought out in the Court of King's Bench between 1665 and 1675 forced a change in the wording of the churchwardens' oath. Unlike the campaigns against the churchwardens' oath waged in the 1620s and 1630s, which had argued for its abolition mainly on the grounds that it resulted in widespread perjury, the post-

⁴⁰ As late as the 1740s, Quaker pamphlets noted that, in spite of legislation that allowed JPs to handle many disputes regarding tithes, "some priests and others, either ignorantly or vexatiously, still continue to prosecute Friends in the King's Courts at Law, seeking their ruin by sequestrations, or treble damages; or in the ecclesiastical courts, in order to excommunication and imprisonment [*sic*]" (emphasis mine). *Advice to Friends under Prosecution either in Temporal or Ecclesiastical Courts, for their Christian Testimony against the Payment of Tithes, and other Ecclesiastical Demands* (n.p., 1749). This is the edition in the English Short Title Catalog—for an earlier copy printed in 1746, see Somerset R.O., DD/SFR/10/2/115.

⁴¹ Carlson, 180. See also Stevenson, "The Social Integration of post-Restoration Dissenters," for the case that the ideal of neighborliness usually trumped sectarian division. Spaeth argues that it was the courts' campaign against dissent—an "unpopular and divisive function"—which eroded their legitimacy in the eyes of the populace. By 1700, he writes, "the church courts could not shake off their association with persecution and intolerance." Spaeth, 62-67.

Restoration campaign against the oath was based on a new, legalistic strategy consisting of two axes of attack. The first was based, ironically enough, on a parliamentary act passed in 1661 which confirmed the Long Parliament's abolition of the Court of High Commission twenty years earlier.⁴² The act abolishing the High Commission had also banned the oath *ex officio* which had been administered to defendants not only in the prerogative courts of High Commission and Star Chamber but also in ordinary ecclesiastical courts. This oath had been a lightning rod of controversy since Elizabethan times for two reasons—first because it required men to incriminate themselves and, second, because it was one of the courts' most effective means of flushing out political and religious dissidents.⁴³ The 1661 act reiterated the ban, forbidding the church courts from administering the oath *ex officio* “or any other oath where the swearer may be compelled to accuse himself.”⁴⁴

There is no indication in the language of the act that the members of the Cavalier Parliament intended to reduce church courts' ability to hold churchwardens to account—indeed, the preamble of the act specifically stated that the act was not to be construed as a reduction of the authority of bishops or other ecclesiastical officials and that “all censures and coercions” that they had previously employed were to remain in place. But it did not take long for opponents of the churchwarden's oath to exploit the act's sloppy wording.

⁴² 13 Chas. 2, cap. 12.

⁴³ The defendant was required to swear to answer all questions truthfully and to the full extent of his knowledge without having been informed of the nature of the questions or the charges against him. The classic study is Mary H. Maguire, “The Attack of the Common Lawyers Against the Oath *Ex Officio* As Administered in the Ecclesiastical Courts of England,” in C. Wittke, ed., *Essays in History and Political Theory in Honor of Charles Howard McIlwain* (Cambridge, Mass., 1936), 199-229.

⁴⁴ 13 Chas. 2, cap. 12, § 4.

One of the first⁴⁵ to do so was a Lincolnshire barrister of strong dissenting opinions named Edward King who, after having been elected churchwarden for his parish in 1665, refused to swear the oath when the chancellor of the diocese attempted to administer it. Members of the legal profession were generally exempt from serving as churchwardens and the fact that King was serving in the office at all strongly indicates that he voluntarily took on the office specifically in order to challenge the legality of the oath.⁴⁶ Excommunicated for his refusal to swear, King promptly obtained a writ of prohibition out of King's Bench staying the sentence on the grounds that the oath was in violation of the 1661 act just mentioned because to swear it would have compelled him to accuse himself.⁴⁷ When the bishop of Chichester excommunicated a churchwarden from Arundel under similar circumstances in 1676, the man successfully procured a writ of prohibition out of Common Pleas, the text of which also cited the 1661 act.⁴⁸

The second axis of the legal attack on the churchwardens' oath rested on the assertion that the ecclesiastical officials were overstepping their authority in their visitation articles by enquiring into matters that properly belonged to the secular courts—even if the visitation articles simply reflected ecclesiastical law. In 1665—the same year that King, the Lincolnshire barrister, lodged his suit in King's Bench—the justices received another appeal for a writ of prohibition from lawyers acting on the behalf of a

⁴⁵ At least the first to appear in *English Reports*, which of course is a problematic source. Examination of the manuscript reports, or of the manuscript records of the royal courts more broadly, may reveal prohibitions obtained on similar grounds prior to 1665, when King lodged his suit.

⁴⁶ See Prideaux, *Directions to Churchwardens*, 2nd edition (London, 1713), 41 for lawyers being exempt from service as churchwardens. King was something of a dissenting activist: the following year, he petitioned the parliamentary committee for grievances against Sir Edward Lake, the chancellor of the diocese and a staunch royalist, accusing him of extortion and other illegal activities. *ODNB*, s.v. "Sir Edward Lake."

⁴⁷ 145 *ER* 499 [Hardres 364].

⁴⁸ For a copy of the writ (later printed and disseminated by the Quakers' London Meeting), see Somerset R.O., DD/SFR/10/2/114.

second churchwarden, arguing that, since many violations of ecclesiastical law were also violations of secular law, an oath requiring these officers to present all violations of ecclesiastical law inherently infringed on the secular courts' jurisdiction.⁴⁹ An agreement was reached in consultation with the doctors of civil law in Exchequer, stating that the "oath should only be to present such things as they ought by the laws of the land to present," and the dean of the Court of Arches was informed that the justices would grant prohibitions to any who were disciplined for refusing to swear the oath unless it were changed accordingly.⁵⁰

The upshot of this new set of arguments, and the sympathetic hearing they received from the royal justices, was that the churchwardens' oath was re-worded to say:

You shall swear truly and faithfully to execute the office of a churchwarden within your parish, and according to the best of your skill and knowledge present such things and persons as to your knowledge are presentable by the laws ecclesiastical of this realm. So help you God and the contents of this book.⁵¹

The authors of this anemic formula⁵² probably did not deliberately intend to emasculate the church courts. Edmund Gibson, the conservative champion of the

⁴⁹ This was a resurrection of an argument that had been successfully employed in 1629, when a man, excommunicated for being "a railer and sower of discord among his neighbors," had procured a prohibition out of Common Pleas overturning the sentence on the grounds that such offenses were the business of Courts Leet. 124 *ER* 400 [Hetley 132]. Strangely, this argument does not seem to have been employed by the opponents of the churchwardens' oath prior to the Civil War.

⁵⁰ 84 *ER* 678 [3 Keble 205].

⁵¹ Bray states that this formula was agreed upon by civil and common lawyers around 1662, but does not cite any evidence for this claim. In any case, it was probably a general formula, rather than a standardized wording. As late as 1689, Bishop Stillingfleet recommended to Gibson that "[i]t were fit that one uniform oath should be order'd by canon for the churchwardens to take throughout the kingdom." *Anglican Canons*, 416 n. 424; 418 n. 425. Prideaux gives the following: "That they will well and truly executed the office of a churchwarden in the parish, where they are chosen for the ensuing year, and to the best of their skill and knowledge present such persons and things as are presentable by the Ecclesiastical Laws of this Realm." Prideaux, (1701 edition), p. 11; (1704 edition), p. 17, (1713 edition), p. 44.

⁵² For comparison, contrast with the example given in Chapter Five.

ecclesiastical jurisdiction, believed that the formula had simply been a misbegotten legal compromise.⁵³ Nor did the new oath become immediately widespread. As we have just seen, the members of Parliament who passed the Test Act took it for granted that the oath would compel dissenters serving in the office to carry out their duties properly. A bill designed to relieve dissenters of certain penalties, debated by the Commons in February, 1672/73, would have allowed dissenters to pay a fine in lieu of serving as churchwarden on the assumption that they would still feel themselves unable to swear the oath in good conscience.⁵⁴ Yet decisions made in the royal courts in 1672, 1676, and 1678 indicate that the oath was already being watered down—justices were ruling in favor of churchwardens who refused to swear the oath unless it were phrased in the most general terms.⁵⁵ Probably for this reason, the new formula became the standard by the late 1670s or the early 1680s.⁵⁶

Anglican ministers still urged their churchwardens to conduct their duties rigorously. “The churchwardens swear, indeed, to discharge [their oath] only according to the best of their knowledge,” admitted John Kettlewell in a visitation sermon, “but then they must use a competent endeavor to know it, and this is no warranty at all to affect ignorance; and much less to pass over what they do know, in negligence, or connivance.”⁵⁷ Undoubtedly some churchwardens heeded his words. But others

⁵³ Gibson, *On Visitations*, 69.

⁵⁴ *CJ*, vol. 9, 259.

⁵⁵ 84 *ER* 488 [2 Keble 772]; 86 *ER* 82 [1 Ventris 127]; 84 *ER* 102 [3 Keble 813]; 84 *ER* 1035 [3 Keble 836]. When the bishop of Chichester excommunicated a churchwarden under similar circumstances in 1676, the man successfully procured a writ of prohibition out of Common Pleas, the text of which also cited the 1661 act. For a copy of the writ (later printed and disseminated by the Quakers’ London Meeting), see Somerset R.O., DD/SFR/10/2/114.

⁵⁶ Edmund Hickerlingill provides an example of the churchwardens’ oath which corresponds exactly to the example given here. He stated that it was “usually given in these words.” Edward Hickerlingill, *The Naked Truth, the second part* (London, 1681), 45.

⁵⁷ John Kettlewell, *A Discourse explaining the nature of edification*, 33-34.

probably took comfort in the mischievous suggestion of Edmund Hiceringill, that gadfly of the ecclesiastical establishment, who, noting that churchwardens swore to enforce the church canons only according to the best of their knowledge, delighted in highlighting every legal ambiguity imaginable.⁵⁸ And of course, still others were in sympathy with Hiceringill's broader message, which was that the ecclesiastical laws themselves were illegitimate. Ever the dramatist, Hiceringill depicted churchwardens as fearfully cowering before tyrannical ordinaries and archdeacons and being forced to denounce their fellow parishioners,⁵⁹ but after 1680 this image bore little relation with reality. The archives of the church courts clearly demonstrate the results: the emasculation of the churchwardens' oath effectively broke the coercive link that connected churchwardens to the episcopal hierarchy and steadily eroded the church courts' effectiveness as enforcers of spiritual discipline.⁶⁰

While further research is necessary to uncover the specifics, there are indications that the ecclesiastical courts' ability to exercise control over parish government was further weakened in the later seventeenth or early eighteenth century. This time the issue was whether or not the archdeacon or other relevant episcopal official had the right to reject a properly elected churchwarden by refusing to administer the oath.⁶¹ This was an

⁵⁸ Hiceringill, *The Naked Truth, the second part*, 44-45.

⁵⁹ Hiceringill, *Scandalum Magnatum, or The Great Trial at Chelmsford Assizes* (London, 1682), 49.

⁶⁰ A memorandum book from Maidstone, Kent, from the first decade of the eighteenth century contains a number of formulae meant to be used by parish officers in various circumstances. The formula provided for the bishop's annual visitation assumed that the churchwardens were not going to present anything. Complaints about perjured churchwardens persisted, but after 1689 they were more likely to be made by high-church Anglicans than by puritans upset about unscriptural church government, as had been the case prior to 1641. In 1733, for example, an anonymous clergyman wrote to Bishop Gibson, complaining about the widespread perjury being committed by churchwardens who failed to present the thousands of dissenters who did not receive Anglican communion as canon law required. See TNA, C 111/208; LPL, MS 1741, fos. 106-107v.

⁶¹ The royal courts, however, did regularly restrain those episcopal officials who supported incumbents bent on establishing their right to appoint of the churchwardens if the parishioners argued that this contradicted local custom. See Chapter Five.

integral part of the ecclesiastical courts' broader supervisory authority over churchwardens and parish government generally, although the challenge of getting householders to share in the burdens of parochial office ensured that this right was rarely exercised. Inevitably, it had occasionally been challenged over the course of the seventeenth century. In 1619, when the ordinary refused to administer the oath to the warden of Sutton Valance, Kent and swore another in his place, the parishioners procured a prohibition out of King's Bench that stopped him from doing so.⁶² Godolphin's 1678 digest of ecclesiastical law, citing this case, noted that if the relevant episcopal official refused to administer the oath to a lawfully elected churchwarden he could be compelled to do so by a writ of mandamus.⁶³ In principle, this meant that the role of the ecclesiastical courts in the election of churchwardens was simply to approve automatically the parishioners' selection, but at present there is little to indicate that the implications of this principle were widely felt at the parish level. After all, when unwilling churchwardens appealed to ecclesiastical court officials to be relieved of their duties, they did so in the expectation that these officials had to power overturn their fellow parishioners' decision to elect them.⁶⁴

In the last decades of the seventeenth century, however, something seems to have changed. The printed reports record writs of mandamus being issued in three separate instances, commanding ecclesiastical officials to administer the oath to churchwardens

⁶² 81 *ER* 689 [2 Rolle 106-107]; 81 *ER* 973 [Palmer 50]. It is possible that the ordinary's mistake was to presume to appoint a churchwarden on his own authority.

⁶³ Godolphin, 164.

⁶⁴ Emmision, *Elizabethan Life*, 233; Smith, *History of Longridge*, 176; LMA, DL/C/344, fos. 37-37v. In parishes in which the incumbent appointed one of the churchwardens, the parishioners appealed to the ecclesiastical courts in the same way when they did not approve of his choice. Somerset R.O., D/D/Cd 97, f. 151; Spaeth, 94, 100.

whom they had previously rejected.⁶⁵ Three incidents do not amount to much and perhaps it took some time for these precedents to become more widely known. Neither the first nor the second editions of Prideaux's *Directions to Churchwardens* (published in 1701 and 1704) so much as mention the possibility that an archdeacon might refuse to swear a churchwarden and subsequently be ordered to do so by the royal justices. The third edition, published in 1713, did.⁶⁶ Gibson's *Codex*, published the same year, also noted that episcopal officials could be compelled to administer the oath to churchwardens they personally felt to be unqualified. But Gibson also registered his disapproval with this state of affairs, remarking that while it made sense to assume that parishioners themselves were the best judges of whether a man was competent to manage the material business of the church (because their own money was at stake), it was unwise to assume that they would chose individuals who would be zealous in enforcing spiritual discipline.⁶⁷

That Gibson felt compelled to interject this comment may indicate that this further diminishing of episcopal control over parish government was a comparatively recent development. Assuming that it was, a possible hypothesis for its appearance is that as the churchwardens' oath got watered down episcopal officials became more willing to reject parishioners' candidates in an attempt to ensure that the office was filled by men who recognized the church court's role in spiritual discipline. This, in turn, may have

⁶⁵ The first of these incidents was in Chester, sometime between 1682 and 1704. The second was in King's Lynn in 1685, and the third—recorded by Lutwyche, Salkeld, and Lord Raymond—occurred in the Welsh archdeaconry of Cardigan. See 125 *ER* 563 [2 Lutw. 1010]; 84 *ER* 798 [3 Keble 418]; 87 *ER* 685 [5 Mod. 325]; 91 *ER* 153 [1 Salk. 166]; 91 *ER* 711 [3 Salk. 90]; 91 *ER* 988 [Ld. Raym. 138].

⁶⁶ Prideaux, *Directions to Churchwardens* (1713), 44. Of course, the third edition contained lots of other material that had not been included in the first two editions so this is not, in and of itself, conclusive evidence that increasing numbers of parishioners were obtaining writs of mandamus in order to install churchwardens in spite of ecclesiastical officials' disapproval.

⁶⁷ Gibson, *Codex*, vol. 1, 243.

prompted parishioners to procure writs of mandamus, based on the notion that the churchwarden was a purely temporal officer—a concept established earlier in the century by the prohibitions defending parochial custom against the 1604 Canons’ insistence that the incumbent choose one churchwarden as I discussed in Chapter Five. Only a systematic examination of the manuscript reports—or of the writs of prohibition and mandamus themselves—will tell for sure.

Whether or not this hypothesis is correct, the curtailing of episcopal officials’ authority to reject unsuitable churchwardens was—along with the emasculation of the churchwardens’ oath—another significant reduction of the coercive powers that the English “confessional state” could bring to bear on parochial officers. I suggest that it was for this reason that the bishops’ most influential and ambitious efforts to reform the morals of the laity in the last decade of the seventeenth century were centered on voluntary societies outside the institutional structure of the church itself, the most famous being the Society for the Reformation of Manners.⁶⁸ Within the church, bishops began to focus on improving clerical behavior and financial security rather than lay behavior, and they increasingly relied on the parochial clergy, rather than lay officers, to find out what was happening in their parishes.⁶⁹ When William Wake and Edmund Gibson conducted

⁶⁸ The standard work remains D.W.R. Bahlman, *The Moral Revolution of 1688* (New Haven, 1957). For a consideration of how the Anglican hierarchy was able to accommodate an extra-institutional campaign of moral reform, see John Spurr, “The Church, the Societies, and the Moral Revolution of 1688,” in John Walsh, Colin Haydon, and Stephen Taylor, eds., *The Church of England, c.1688—c.1833: From Toleration to Tractarianism* (Cambridge, 1993), 127-142.

⁶⁹ Gilbert Burnet’s 1692 *Discourse on the Pastoral Care* set the course for the eighteenth-century episcopal hierarchy’s clergy-centric efforts to reform the church; see Robert Ingram, *Religion, Reform, and Modernity in the Eighteenth Century: Thomas Secker and the Church of England* (Woodbridge, 2007), 114-115. Jeremy Gregory finds bishops’ reliance on clergy, rather than on churchwardens, in the conduct of their visitations to be characteristic of the eighteenth-century church. However, he sees this as “an indication of the increasing homogeneity of the profession” rather than as a symptom of the fact that eighteenth-century churchwardens were significantly less accountable to episcopal authority than were their seventeenth-century counterparts—a fact that he does not address. Jeremy Gregory, *Restoration*,

visitations of their dioceses in 1706 and 1718, they still directed questions at the clergy and churchwardens together, but when Thomas Secker, a conscientious and vigorous reformer, re-energized visitation procedures twenty years later, his efforts were overwhelmingly focused on the clergy, both from a supervisory standpoint and as a source of information.⁷⁰ The Church of England's campaigns for moral reformation continued in the eighteenth century, but their character was now fundamentally different.⁷¹

The years 1660, 1688, and 1714 have all been suggested as possible dates for the beginning of the long (or short) eighteenth century. Each has its merits but, from the perspective of parish government, one can make a strong case that the year 1680, from an ecclesiastical standpoint, was just as significant as any of these. The emasculation of the churchwardens' oath, a process that we can estimate was generally complete by that year, marked the end of a century of fairly effective supervision of churchwardens by the episcopal hierarchy, albeit one interrupted by civil war and the years of the Church's disestablishment—events which in any case were to a large degree triggered by the very effectiveness of that supervision. The subsequent whittling away of episcopal authorities' ability to reject men they thought unfit essentially removed lay parochial officers from their control almost completely. Bishops and archdeacons' diminished

Reformation, and Reform, 1660-1828: The Archbishops of Canterbury and Their Diocese (Oxford, 2000), 275.

⁷⁰ The fact that Secker had to exhort the Oxford clergy to encourage their churchwardens present offenders in church courts illustrates how little parish officers themselves were beholden to episcopal authority, and indeed how little they had to do with spiritual discipline by the mid-eighteenth century. R. Ingram, 123, and 114-156 for the clerical focus of Secker's reforms.

⁷¹ It should also be noted that some churchwardens were still willing to present offenders at visitations in the late seventeenth and early eighteenth centuries even though the neutered oath gave them an excuse not to. If it had passed, the Ecclesiastical Courts Bill of 1733 would have removed the church courts' ability to prosecute offenders based on churchwardens' presentments, indicating that some churchwardens did not need to be compelled to bring their neighbors' behavior to the attention of the spiritual authorities. Stephen Taylor, "Whigs, Tories, and Anticlericalism: Ecclesiastical Courts Legislation in 1733," *Parliamentary History* 19, 3 (2000): 336-337, 349-350.

ability to hold lay officials to account was a glaring difference between the eighteenth-century Church of England and its seventeenth-century predecessor.

The campaign against London's select vestries

Thus far in this chapter we have seen how Protestant nonconformists, in spite of being persecuted in the 1660s and 70s with a harshness not seen since for decades, were still *expected* to serve as parish officers. It seems likely that this contributed greatly to the increasing willingness of some parishioners to challenge the legal basis of the oath which churchwardens were required to swear, forcing episcopal officials to water it down to the point of irrelevance and significantly eroding the ability of the episcopal hierarchy to exert spiritual discipline over lay parishioners. The following section shifts the focus from the effects of religious change on parish office to its effects on ideas regarding participation. As Whigs sought to demolish the Tory-dominated select vestries that controlled about half of London's parishes, the ensuing political and sectarian conflict sparked a prolonged debate about the rights of ratepaying parishioners that continued throughout the eighteenth century.

In order to analyze this conflict it is first necessary to explain how London's select vestries became strongholds of high-church sentiment. Peter Heylyn, writing about the Laudian years, could still refer to select vestries as "bastard elderships," but such sentiments seemed increasingly dated in the 1660s.⁷² After 1661, Gilbert Sheldon, while bishop of London, took aggressive—if not entirely successful—measures to re-establish select vestries where they had existed in metropolitan parishes and to pack them with

⁷² Heylyn, *Cyprianus Anglicus* (London, 1668), 229.

supporters of the Anglican regime.⁷³ In 1663, as mentioned briefly above, Parliament passed the Select Vestries Act, requiring members of urban select vestries in London and elsewhere to subscribe to the Act of Uniformity.⁷⁴ Parliamentary statutes creating new parishes in London in order to meet the needs of the city's expanding population in the 1660s, 1670s, and early 1680s mandated that they be governed by select vestries, the members of which were to be selected by episcopal officials.⁷⁵ Taken together, these actions both increased the number of select vestries and transformed them into a network of high-church strongholds throughout the famously fractious capital.

The decades after 1688, not surprisingly, witnessed what amounted to a campaign waged by some Whigs to reduce their opponents' power in London by dismantling the select vestries. Starting in the early 1690s, complaints begin to appear in the Middlesex Quarter Sessions records denouncing certain select vestries as oppressive and corrupt.⁷⁶ Such complaints were simultaneously being raised in Parliament. In 1693 a bill "for the better governing and regulating of vestries" was apparently introduced in the House of Commons, but nothing about its content can be discerned from the record.⁷⁷ In 1696, a

⁷³ Paul Seaward, "Gilbert Sheldon, the London vestries and the defense of the Church," in T. Harris, P. Seaward, and M. Goldie, eds., *The Politics of Religion in Restoration England* (Oxford, 1990), 49-73. For the faculties establishing select vestries in London prior to the Select Vestries Act, see LMA, DL/C/344, fos. 128-129v. (Broxborn and Hoddersdon), 132-133 (St. Benett, Pauls Wharf), 136-137 (St. Alphage), 139-140 (St. Dunstan-in-the-West), 155 and 213-214 (St. Stephen, Coleman Street), 170-171 (St. Mary Whitechapel), 201-202v. (St. Paul's Covent Garden), 203-204v. (St. Magnus the Martyr), 205-207 (St. Bartholomew the Great), 207v.-209v. (St. Leonard Shoreditch), 210-211v. (Stepney, Middlesex), and 214v.-216 (St. Anne Blackfriars).

⁷⁴ 15 Car. 2, c. 5. This act was supposed to expire at the end of the first session of the next Parliament, which was in the spring of 1679, but it was either renewed or other measures were put in place to ensure that the members of select vestries were loyal to the established Church. In 1716, select vestrymen were still being required to sign a document stating they would uphold the liturgy set forth in the Book of Common Prayer. Craig Rose, "Seminaries of Faction and Rebellion: Jacobites, Whigs, and the London Charity Schools, 1716-1724" *HJ* 34, 4 (December, 1991): 842.

⁷⁵ 12 Chas. 2, c. 37 (St. Pauls, Covent Garden); 30 Chas. 2, c. 18 and 1 Jas. 2, c. 20 (St. Anne's, Soho); 1 Jas. 2, c. 22 (St. James, Piccadilly).

⁷⁶ Complaints were lodged against the select vestries of Giles-in-the-Fields, St. Andrew Holborn, St. Botolph Aldersgate, St. Anne Soho, and St. Clement Danes. Webbs, 249n. 2.

⁷⁷ Webbs, 249.

second bill “for regulation select vestries and preventing abuses thereby” was introduced. The text of this bill unfortunately does not survive either, but judging from one of the petitions submitted against it, it appears that at a minimum it would have required vestrymen to be elected by the householders, rather than by the traditional method of co-option.⁷⁸ Whatever the exact provisions of the bill, the rhetoric employed in the petitions submitted for and against it demonstrate once more how both sides invoked oligarchic and majoritarian principles, just as we saw in Chapter Three. A few of the petitions submitted by select vestries against the bill hinted that its passage would result in confusion and disorder. The vestrymen of St. Margaret’s, Westminster insinuated that the difficulty of choosing new vestrymen would lead to a disruption of the distribution of poor relief and those of St. Andrew’s Holborn murmured about the dangers of popular elections.⁷⁹ But these appear to have been secondary concerns. In general the select vestrymen invoked popular principles in support of their rule, citing their parishioners’ general satisfaction with their management of parish affairs.⁸⁰ The petitioners in favor of the bill adopted a stance that was understatedly critical of oligarchy, noting that excessively high rates were “imposed in a most unequal manner by a few persons,” who kept the parish officers’ account books in secret, and they cast aspersions on the select vestries’ legal status by referring to them as “pretended vestries.” Yet at the same time they also attacked the vestrymen’s claims to social authority, mockingly referring to

⁷⁸ The petition remarks on “the difficulty of the method proposed thereby for choosing vestrymen, the householders being above 3,000,” implying that the large numbers of householders would render their election of vestrymen cumbersome. *CJ*, vol. 11, 474-475.

⁷⁹ *CJ*, vol. 11, 474-475, 469.

⁸⁰ *CJ*, vol. 11, 453, 474-475, 481, 469, 490-491, 448-449.

those “who assume to themselves the name of ancients,” while describing themselves as “divers gentlemen” and “substantial inhabitants.”⁸¹

Such self-characterization shows that the opponents of select vestries *circa* 1700 could position themselves not just as illegally disenfranchised, but as the parish’s social elite who in the natural order of things should be included in parochial decision-making. Thus a measure proposed in the House of Lords in 1697 lambasted select vestries as corrupt bodies that acted “without consent of the greater part *of the most able* inhabitants” and would have replaced them with committees of “the chief and most discrete and able men” who would be chosen annually not by all householders, but only those who paid rates above a certain amount.⁸² Yet other measures against select vestries were more explicitly populist—in February 1709/10 when the Whig majority in the Commons determined that another bill for regulating select vestries should be drawn up, it did so based on a petition from the London parish of St. Botolph Bishopsgate in which the petitioners identified themselves merely as ordinary ratepayers appealing against the “arbitrary power” exercised by their parish’s select vestry “to the utter subversion of the petitioners’ liberty.”⁸³ The decision to draw up the bill was apparently also based (at least in part) on a petition from disgruntled parishioners from St. Saviour’s, Southwark. A countering petition from the still-operational select vestry claimed that the institution “hath always been found the proper method” for governing the parish—all memory of the 1607 dispute apparently having been conveniently forgotten.⁸⁴ However, as in 1607, the select vestry appears to have once again mobilized some amount of support from the

⁸¹ *CJ*, vol. 11, 550.

⁸² Webbs, 250-251. Emphasis mine. The amount was never determined because the measure was withdrawn.

⁸³ *CJ*, vol. 16, 315.

⁸⁴ See Chapter Three.

parish ratepayers: another petition from “divers inhabitants” of St. Saviour’s informed the Commons that having a select vestry “freed them from the inconveniences of neighboring parishes.”⁸⁵

While the petitions supporting or opposing select vestries generally avoid any mention of partisan or sectarian issues, there is little doubt that the campaign to dismantle London’s select vestries was part of a broader campaign for control of the capital. The enemies of St. Botolph Bishopsgate’s select vestry included in their complaints the claim that the vestrymen were able to “to influence the electors for parliament.”⁸⁶ After their electoral victory in October 1710, Tory MPs attempted to expand the number of select vestries in London: an act setting up a commission to supervise the building of additional churches in London included a provision that allowed the commissioners, in coordination with the bishop’s ordinary, to set up select vestries in the newly-created parishes.⁸⁷ After the Whigs swept back into power in 1715, some were determined to break the power of the Tory select vestries once and for all. When the select vestry that governed St. Martin-in-the-Fields appointed Joseph Trapp—a clergyman known for penning high-church polemic—as lecturer, the Whig majority in the Commons responded by appointing a committee to inquire into select vestries’ financial abuses.⁸⁸ Conveniently finding it too difficult to investigate all the select vestries in London, the committee focused its attention solely on St. Martins-in-the-Fields, predictably finding much corruption and mismanagement. This finding prompted four MPs closely allied with the government to

⁸⁵ *CJ*, vol. 16, 312, 315. The vestrymen of nearby St. Olave, Southwark also indirectly raised the specter of disorder, hinting at “suits and controversies” that might arise if the select vestry were abolished. *CJ*, vol. 16, 347.

⁸⁶ *CJ*, vol. 16, 315.

⁸⁷ 9 Anne, c. 17. Eleven new parishes—and presumably eleven new Tory-dominated select vestries—were eventually created as a consequence of this act. Webbs, 199.

⁸⁸ John Oldmixton, *The History of England During the Reigns of King William and Queen Mary, Queen Anne, King George I* (London, 1735), 633; *ODNB* s.v. Joseph Trapp.

introduce yet another bill “for the better regulating of select vestries within the Bills of Mortality.”⁸⁹ Unlike the previous attempts in 1693, 1696, and 1710, the full text of this bill survives.⁹⁰ Under its provisions, all sitting select vestries were to be disbanded. Rather than allowing the direct participation in parish government by all ratepayers—which admittedly would have been nearly impossible in many of the larger parishes, where the population could number in the tens of thousands—the bill mandated that new select vestries be elected in place of the old. But unlike the old select vestries, in which the members sat for life, the new select vestries’ members would be elected every three years. The strikingly populist implications of this measure were counterbalanced by two property requirements: only parishioners with estates of £300 or more could participate in these elections while an estate of at least £1000 was required to be a vestryman.⁹¹

In spite of its partisan origins, there can be no doubt that the bill contained many provisions that stemmed from a genuine desire to prevent the money raised through poor rates and other means from being used by the vestrymen for their own benefit, to make vestrymen more accountable to the parishioners, and to improve the lot of the poor generally. Nor were many of the bill’s provisions revolutionary: requiring that parish account books being available for inspection by the householders or that all vestrymen should be informed of when and where the vestry was going to meet, or that a list be maintained of who was receiving relief, or that inhabitants had the right of appeal to a higher authority if they thought their rates were too high were all in keeping with the general practice of most English parishes (and, it should be noted, with canon law).

⁸⁹ *CJ*, vol. 18, 393-396.

⁹⁰ *HMC, The Manuscripts of the House of Lords: 1714-1718*, ns, vol. 12 (London, 1977), 293-302.

⁹¹ *HMC, House of Lords: 1714-1718*, 294.

If the bill had been restricted to these measures alone, it is possible that it might have garnered enough support from Anglican clergymen who sympathized with the Whigs for it to have passed. Indeed, Edmund Gibson's treatment of select vestries in his magisterial *Codex*, published three years earlier, indicates a certain dubiousness regarding both their legality and the benefits they were supposed to convey.⁹² But the bill was also shot through with sectarian and anti-clerical provisions that rallied the Whig clergy against it. The very first clause mandated that the vestry would be placed under the control of the JPs, who were to adjudicate all disputes about parochial elections and finances, rather than the ecclesiastical courts. The bill also contained several measures specifically designed to reduce the power of churchwardens and to minimize their access to parish funds. Any man who served as churchwarden was forbidden from sitting on a parish vestry for three years after his term expired.⁹³ Poor rates and church rates were to be kept separate and distinct and churchwardens were forbidden—in contravention both of previous statutes and long-established practice—from having anything to do with the former.⁹⁴ Another clause, perhaps most extraordinarily, stated that any charitable bequests of property that had been left to the parish for the maintenance of the poor

⁹² While providing his reader with a full text of the 1663 Select Vestries Act, Gibson relegated his discussion of the origins of select vestries to a footnote, an odd editorial decision given the controversies about them that had already arisen in Parliament at the time of writing. His comments about them exude skepticism: "These seem to have grown from the practice of choosing a certain number of persons yearly to manage the concerns of the parish for that year," Gibson wrote, "which by degrees, came to be the fix't method, and the parishioners lost not only their right to concur in the public management, as oft as they would attend, but also (in most places, if not all) the right of electing the managers." His omitting to mention the fact that many of the select vestries were established or confirmed by a bishop's faculty is also suspicious—one suspects he was reluctant to associate them with episcopal authority. Gibson, *Codex* (London, 1713), vol. 1, 246n.

⁹³ *HMC, Manuscripts of the House of Lords: 1714-1718*, 294.

⁹⁴ *HMC, Manuscripts of the House of Lords: 1714-1718*, 296-297. Having separate poor rates and church rates was in keeping with the letter of the law: poor rates were mandated by parliamentary statute while church rates had arisen as a means of meeting parishioners' canon law obligation to maintain the parish church. Yet the two sources of parochial income were often mingled together, especially since churchwardens were involved in the collection of both.

(which were almost always administered by the overseers of the poor and the churchwardens together) were henceforth to be administered by the overseers alone.⁹⁵

The reasoning behind these provisions is not hard to figure out—churchwardens alone of all parish officers were accountable to the ecclesiastical courts as well as to the JPs. Even though the visitation oath that bound wardens to the episcopal establishment had now been effectively neutered, the bill’s authors apparently still feared archdeacons and bishop’s ordinaries’ influence over churchwardens, or the possibility that high-church wardens would willingly report infractions of ecclesiastical law to episcopal authorities.

Some of the bill’s other provisions were equally worrying to the Anglican clergy. Not only would there be no religious test for vestrymen, but the bill explicitly allowed Quakers to participate in vestrymen’s elections and indeed there was nothing to stop a Quaker from serving as a vestryman, assuming he had an estate worth at least £1000.⁹⁶ Finally, the bill sought to place charity schools directly under the control of the newly-secularized vestry, which, as Craig Rose has shown, caused widespread resentment and was generally regarded as an attack on these well-regarded institutions.⁹⁷ Sixty London clergymen petitioned against the bill and the Archbishop of Canterbury (prodded by Gibson, then bishop of Norwich) broke with the government’s ministers and made a speech against in the House of Lords, which killed it.⁹⁸

By using the specific issue of select vestries’ corruption as a pretext for reducing clerical influence over parish government, the bill’s authors had overplayed their hand. While this was not the last attempt to diminish the church courts’ supervisory authority

⁹⁵ *HMC, Manuscripts of the House of Lords: 1714-1718*, 300.

⁹⁶ *HMC, Manuscripts of the House of Lords: 1714-1718*, 295.

⁹⁷ *HMC, Manuscripts of the House of Lords: 1714-1718*, 296; Rose, 840-841.

⁹⁸ Rose, 842-844.

even further,⁹⁹ the 1716 bill marks the last time that the contentious issue of select vestries was bound up in the various strains of Whig anticlericalism. Opposition to select vestries continued to roil London politics, but after 1716 their opponents shied away from proposing obviously sectarian measures.¹⁰⁰

The arguments they employed instead can be grouped into three general categories. First and most obvious were the anti-corruption arguments that had been raised since the 1690s and which had been the point of departure in the case against St. Martin's-in-the-Fields. The crux the argument was that exorbitant levels of parish taxation and the problem of poverty both could be blamed on the embezzlement and misuse of the parish funds by the select vestrymen. The solution proposed was a moderately populist one—to increase ordinary ratepaying parishioners' involvement in parish government and to end the monopolization of decision-making power by a few. At the same time, as we have seen, select vestries' opponents often advocated restricting decision-making power to householders whose estates were worth more than a certain amount, in 1716 that figure being £300.¹⁰¹

⁹⁹ In 1733, in addition to the Ecclesiastical Courts Bill mentioned above, the Commons also debated a Church Rates and Repairs Bill that would have made JPs (rather than church courts) the adjudicating authority for church rates. Taylor, "Whigs, Tories, and Anticlericalism," 329-355, esp. 336-337, 349-350.

¹⁰⁰ Although some satirists did mischievously suggest that London's select vestries were in fact filled with dissenters, or men who were similar to dissenters in their disaffection for the government. Daniel Defoe, in a feat of rhetorical jujitsu, claimed that select vestries had been introduced by and were filled with occasional conformists and other enemies of the ecclesiastical establishment. Defoe contrasted traditional meetings of householders—held publically in the church and presided over by the minister—with secretive select vestries that met apart from the community. Select vestrymen, Defoe maintained, favored "every dear brother and staunch Whig that can but curse the memory of the late Queen in a tavern kitchen" while oppressing the true supporters of the Church of England. Ned Ward also believed, or pretended to believe, that select vestries were a recent innovation associated with religious nonconformity: "Who conjur'd up that parish sect/A modern vestry call'd *select*/An old rebellious name—of late/Reviv'd, that stinks of Forty-eight?" Anon. [Daniel Defoe], *Parochial Tyranny, or Select Vestries Become the Plague of the People* (London, 1719), 5-8; Anon. [Edward Ward], *The Parish Gutt'lers* (London, 1722), 12.

¹⁰¹ Although this measure would still have increased the total number of individuals able to participate in parish government, such a stance also coincided with the Whig tendency to favor restrictions on participation in other local governmental institutions in the capital. For Whig attempts to narrow wardmote

Doing so served a variety of purposes. First, it acknowledged the difficulties inherent in having *all* householders participate directly in day-to-day deliberations and decision-making in London's crowded suburban parishes. Second, it insulated those agitating against select vestries from the accusation that they were courting disorder by inviting irresponsible and easily-influenced poorer householders into parish government. Finally, and perhaps counter-intuitively, it spoke to concerns that the wealthiest and therefore the most trustworthy members of the community were being excluded while baser individuals monopolized decision-making, parish offices, and access to parish funds. Such concerns were of course inseparable from the accusations of financial wrongdoing which permeated the rhetoric against select vestries, which in turn tapped into long-standing beliefs that those of small fortunes (as the select vestrymen were said to be) were easily tempted to steal public money and went hand-in-hand with the perennial stereotype of the low-status churchwarden described in Chapter Four. Scathing pamphlets penned by Daniel Defoe and Ned Ward helped immortalize the image of the select vestryman as a small-minded, greasy tradesman who feasted at the public expense while more qualified individuals (approvingly described as "the most ancient and experienced inhabitants" or the "middling sort of people") were excluded from parish government.¹⁰²

Both in 1697 and in 1716, it will be noted, the parliamentary opponents of select vestries did not argue for their outright abolition. Instead, they proposed to make these bodies more accountable by having the vestrymen chosen on an annual or tri-annual basis

franchises in London, see Gerald DeKrey, *A Fractured Society: The Politics of London in the First Age of Party, 1688-1715* (Oxford, 1985), 177-178, 190, 267-268.

¹⁰² Defoe, *Parochial Tyranny* (1719), 2, 4; Ward, *The Parish Gutt'lers*; "Andrew Moreton" [Daniel Defoe], *Parochial Tyranny, or the House-Keeper's Complaint* (London, 1727).

by the wealthier parishioners, rather than being chosen for life by the other vestrymen. Others agitating against select vestries, however, argued for their complete abolition on the grounds that all those who paid church and poor rates were allowed by law to participate in parochial decision-making. An example of this second line of attack can again be found in the legal challenges mounted by certain inhabitants of St. Botolph Bishopsgate against their select vestry.¹⁰³ Their complaints were typical: the vestrymen misused parish funds, inducted new members who were junior to older, more respected parishioners, and abused their power to appoint parish officers.¹⁰⁴ But to these parishioners, the solution to these ills was not to reform the select vestry by making it more accountable; it was to return decision-making authority to the ratepayers completely. In 1717, opponents of the parish's select vestry unsuccessfully attempted to obtain a writ of *mandamus* that would have required the election of churchwardens by all ratepayers.¹⁰⁵ Four years later, a parishioner deliberately provoked a confrontation, pushing his way into a vestry meeting and forcing the vestrymen to physically remove him. The parishioner then sued the vestrymen in King's Bench, arguing that he had a right to be present "as an inhabitant and as a parishioner" and that "the inhabitants of a parish paying scot and lot might assemble in the vestry and make rates; and every inhabitant had a right to be present at such meetings and give his vote."¹⁰⁶ The case was

¹⁰³ The target of Ward's *Parish Gutt'lers* was almost certainly the select vestry of St. Botolph Bishopsgate. See Howard William Troyer, *Ned Ward of Grubb Street: A Study of Sub-Literary London in the Eighteenth Century* (Cambridge, Mass., 1946), 179.

¹⁰⁴ For the text of a 1721 petition against the select vestry, see George Rudé, *Hanoverian London, 1714-1808* (Berkeley, 1971), 133-134.

¹⁰⁵ "[B]ut the court refused it, saying there was no instance of such a mandamus, and they could not take notice who had a right to call the vestry, and consequently did not know to whom it should be addressed." 93 *ER* 783[1 Strange 686].

¹⁰⁶ 92 *ER* 404-405[2 *Ld. Raymd.*, 1388-1389]; see also 88 *ER* 251-252[8 *Mod. Rep.* 351-352] and 93 *ER* 741[1 *Strange*, 625].

thrown out on technicalities.¹⁰⁷ Nevertheless, this purely populist vision of parish government (grounded as it was in what was still common practice in the majority of English parishes) continued to be one of the solutions advocated for rectifying the ills purportedly wrought by select vestries. When the parishioners of St. Saviour's, Southwark and St. Botolph Aldersgate finally managed to overthrow their select vestries in the early 1730s, they replaced them with general vestries made up of all ratepayers, rather than the system proposed in the 1716 Select Vestries Bill.¹⁰⁸

Third and finally, some began once again to question the legal and historical basis for select vestries' authority.¹⁰⁹ William Nelson, an attorney who published the collected reports of the Tory lawyer and sometime justice Sir Edward Lutwyche, could not resist inserting a sardonic comment of his own while discussing a 1690 decision often cited as a precedent allowing select vestries the exclusive right to examine parish accounts. Lutwyche had noted that the ruling had only been made after much debate, but did not record the arguments, leading Nelson to remark that his intention apparently had been "to put it beyond any one's reach to discover where he was in the wrong."¹¹⁰ Others delved into the documentary history of particular select vestries, chipping away at the image they chose to present. The scholar and antiquarian John Strype, who published a version of Stowe's *History of London* in 1720, included in it a copy of the 1607 petition against the

¹⁰⁷ In spite of the plaintiff's argument here quoted, the justices still thought that he had not "set forth any legal or prescriptive right of the parishioners to meet in a vestry. The plaintiff should have alleged a right in the inhabitants, time whereof and &c., to be present and vote; for otherwise there may be a select vestry which was the case here, and the intent of this action was to try the validity of select vestries." Lord Strange only recorded the case because it illustrated that to sue successfully for admission to a meeting, the plaintiff needed to prove that the meeting was not in a private house. 93 ER 741[1 Strange 625].

¹⁰⁸ Webbs, 188; *The report of the committee appointed by a general vestry of the inhabitants of the parish of St. Botolph Aldersgate* (London, 1733). Joseph Phipps believed in retaining an executive committee made up of "men of substance, sense, and character," but he also believed that these should be annually elected by all ratepayers. Joseph Phipps, *The Vestry Laid Open* (London, 1739), 60.

¹⁰⁹ As Ned Ward remarked, "But whence these modern Vestries, call'd/Select, derive the Pow'r they hold/Like many others I'm inclin'd/To think is difficult to find." *The Parish Gutt'lers*, 10.

¹¹⁰ William Nelson, *The Reports and Entries of Sir Edward Lutwyche* (London, 1718), 329.

select vestry of St. Saviour's, Southwark—an institution which, as we have just seen, was again under attack and which was basing its claims to legitimacy partly on the longevity of its supposed history of peaceable and uncontested rule.¹¹¹ Both examples show how the obfuscation or suppression of important historical information regarding select vestries' legitimacy was becoming as important a theme in anti-select vestry propaganda as their alleged corruption. Other opponents of select vestries attacked the very notion of permanently delegating decision-making to a subset of the parishioners. After abolishing their parish's select vestry in 1733, a group of parishioners from St. Botolph Aldersgate published a pamphlet published to justify the change in regime. They quoted in full the 1606 bishop's faculty on which their select vestry had been based, and attacked it as unjust and illegal. To cite just one example, they pilloried the document's notorious assertion that the select vestry had remedied a situation in which parish government was controlled by the "inferior and meaner sort of the multitude being greater in number," noting sarcastically that it was "something strange that the majority should always be in the wrong."¹¹² The simple participation of the ratepayers was what was important and any attempt to exclude them, no matter the source, was obviously and inherently unlawful.

This struggle to make metropolitan local government more accountable and participatory has received little attention from historians of the eighteenth century. This may in part be attributed to the fact that it was not particularly successful—indeed from

¹¹¹ John Strype, *A Survey of the Cities of London and Westminster*, vol. 4 (London, 1720), 9-10. Strype's inclusion of this lengthy denunciation of the select vestry is striking because, on the whole, he avoided discussing the issue of select vestries, just as he skirted around other sensitive confessional issues. See Julia Merritt, "The Reshaping of Stow's 'Survey': Munday, Strype, and the Protestant City," in J.F. Merritt, *Imagining Early Modern London: Perceptions and Portrayals of the City from Stow to Strype, 1598-1720* (Cambridge, 2001), 52-88.

¹¹² *The report of the committee....of St. Botolph Aldersgate*, 10.

the mid-eighteenth century onwards, Parliament became increasingly willing to establish select vestries by local acts.¹¹³ Yet these three overlapping sets of arguments against select vestries demonstrate the continued viability of the principle of participation in parish government by all ratepayers.¹¹⁴ They also became part of an ongoing debate about whether parish government needed to be restructured—which in turn was part of the larger discourse of reform and improvement so characteristic of the eighteenth and early nineteenth centuries.

Conclusion

Both the whittling away of the churchwardens' oath and the campaign against select vestries were a result of the political and religious environment of Restoration England. It will also be noted that each was a product of the parochial political culture of the early modern period. The expectation that dissenters would serve as churchwardens resulted from a conception of officeholding which was ultimately more concerned with ratepaying parishioners doing their share of the spade-work of parish administration than

¹¹³ Webbs, 204-211, 260.

¹¹⁴ A 1744 publication serves to illustrate both the persistence of majoritarian decision-making in eighteenth-century parishes and the complexity of attitudes towards oligarchy held by some would-be reformers. The anonymous author denounced the corrupt select vestries of London in terms reminiscent of Defoe, while praising rural parishes where the smaller ratepayers were properly deferential to the big landowners and left matters in their hands. The former were bad oligarchies, the second were good. But the bulk of the piece—and the bill the author unsuccessfully tried to get through Parliament—were devoted to the problem of parishes in which smaller ratepayers outnumbered the greater. “Though their respective occupations are much the less in value,” the author complained, “yet by a majority of votes they can always secure their own churchwardens.” *A Short View of the Frauds, Abuses, and Impositions of Parish Officers* (London, 1744), 7-9; see also *The London Magazine and Monthly Chronologer* (London, 1745), 270-271 for similar remarks by the same author. As an aside, the situation he describes coincides rather well with the John Broad's description of the long-term effects of enclosure in the rural Midlands: the gradual accumulation of rural land by the aristocracy, gentry, and successful commercial men who rented out much of their land in large blocks to wealthier tenant farmers, with the displaced small farmers relocating to neighboring parishes where it was still possible to buy or rent small holdings, or to establish themselves as craftsmen. It was in the latter communities where—if the author of the 1744 piece is to be believed—such men were most able to exercise their rights as ratepayers and have a voice in parish government. John Broad, “The fate of the Midland yeoman: tenants, copyholders, and freeholders as farmers in North Buckinghamshire, 1620-1800,” *Continuity and Change* 14, 3 (1999): 326-330.

with the accumulation of honor and status. The re-writing of the churchwarden's oath redefined churchwardens'—and parishes'—relationship with the episcopal hierarchy. While churchwardens could still tap into bishops' authority if they desired to, they were now less accountable to them, a fact which fundamentally changed both the nature of the office and the ability of the Church to exert spiritual discipline over the laity. The battle over London's select vestries, meanwhile, shows the continuing tension between majoritarian and oligarchic models of decision-making that persisted throughout the early modern period.

These developments, it will be noted, might plausibly be considered “Whiggish” in both senses of the term. Both resulted from the large scale of Protestant dissent present in English society in the later seventeenth and early eighteenth centuries, and both can be associated with developments that appeal to modern sensibilities: the participation in local government by religious minorities, the decreased ability of religious authorities to monitor and punish ordinary people's behavior, and the public advocacy for greater participation and transparency in local government generally. As such, they provide something of a counterpoint to the dour narrative of decline which has dominated the study of the early modern parish. In the following chapter, I provide some concluding thoughts about how a deeper understanding of parochial political culture contributes to a re-assessment of that narrative.

Chapter Eight: Conclusion

I discussed in Chapter Two how some historians of the later Middle Ages, rebelling against a historiographical school that saw medieval politics mainly in terms of *herrschaft*, clerical dominance, and vertical person-to-person relationships that lacked any sense of communal solidarity, emphasized instead the high degree of lay participation in fifteenth and early sixteenth-century local government. This conception of parochial political life in the late Middle Ages dovetailed perfectly with what has been the dominant scholarly narrative of the early modern parish at least since the 1970s—that a previously participatory system was slowly killed off in the decades around 1600. Strikingly, and without any sense of contradiction, prominent historians of nineteenth-century England have unfavorably contrasted Victorian bourgeois democracy, with its narrowly-defined franchise, its centralizing tendencies, and its reduction of political participation to voting in mass elections, with the vibrant political culture of the eighteenth century in which, they argue, the parish still played a crucial role.¹ By associating the erosion of popular participation with decreasing opportunities for ordinary farmers and tradesmen to participate directly in the governing of their communities, the work of these scholars reinforce a point also made by Goldie, who lamented the

¹ David Eastwood and James Vernon, approaching the issue from very different methodological angles, see the nineteenth century as a time in which a participatory system of local government was extinguished. David Eastwood freely notes the oligarchic tendencies in eighteenth-century parish government, stating that “[i]n most parishes was a sharp demarcation between a class of office-holders (actual or potential) and the much larger class of lesser ratepayers and the poor who could never aspire to office-holding.” However, he finds this situation preferable to what came after: “Until their slow emasculation in the nineteenth century, the political institutions of the parish were representative, participatory, and accountable.” David Eastwood, *Government and Community in the English Provinces, 1700-1870* (London, 1997), 47, 43. James Vernon makes the case that the political reforms of the nineteenth century, pushed through by bourgeois activists who feared an alliance of smaller ratepayers and laborers, greatly reduced the opportunities for the bulk of the population to affect political decision-making through previously accepted types of informal political participation—demonstrations, popular ballads, and the like—by narrowing the definition of politics to the formalized voting of property-holders. James Vernon, *Politics and the People: A Study in English Political Culture, c.1815-1867* (Cambridge, 1993), esp. 16-29.

nineteenth-century destruction of England's unacknowledged officeholding republic.²

Most recently, however, David Lemmings has identified the eighteenth century as a time in which the workings of local government and the administration of justice were marked by “a decline of active and unmediated popular participation and a corresponding increase in professionalization or specialization as paid officers and other specialists replaced lay people at the grass roots and in key institutions....a significant departure from the tradition of citizen service and popular representation enshrined in the culture of common law.”³

If all these scholars are correct, then it would appear that they describing different stages of the same process and that participation in parish government declined steadily from the mid-sixteenth to the early nineteenth century, with observers of each century looking back at the one immediately previous to it as a sort of golden age. A second possibility, one more in keeping with the evidence presented in Chapters Two and Three, is that the ideal of government through decision-making by all ratepayers on the one hand and of government by a knowledgeable and dedicated minority on the other both remained viable political models that could be appealed to and employed as the local conditions and rivalries demanded. Nor were these ideals mutually exclusive—would-be oligarchs claimed to govern with popular support while those advocating broader participation emphasized their own respectable socio-economic status. If this interpretation is correct, then the phenomenon of increasingly oligarchic and non-participatory local government may be like the rise of the middle class, or the decline of popular culture, or of the yeoman farmer, or of the prevalence of religion in Western

² Goldie, “The Unacknowledged Republic,” 183.

³ David Lemmings, *Law and Government in England in the Long Eighteenth Century* (Basingstoke, 2011), 11.

society—a supposedly defining aspect of modernity that historians have found in whatever period they happen to be studying. A more sophisticated understanding of the political culture of the early modern parish helps us avoid confusing actual historical change with something that, on closer examination, seems perilously close to a teleological master narrative of decline.

One remarkable fact about the scholarship just described is its general neglect of religion and religious change after the Reformation. In the eyes of some early modern reformers, the English system of parochial government was an abomination having no basis in Scripture which was quite specific in its discussion of how communities of believers should be organized and how spiritual discipline should be applied. The puritan opposition to episcopacy was inextricably linked to an alternative vision of parish government and the Calvinist ideal of godly leadership. Disciplinary power would rest in church elders chosen for their piety, rather than in churchwardens chosen simply because they paid church rates and because it was their turn. The prospect of reorganizing parish government along Biblical lines maintained a powerful hold on the imagination of many Englishmen for over a century after the break with Rome.

Yet English parochial government retained its medieval structure even after Parliament's victory in the civil wars cleared the way for its reconstruction along Bucerian lines. This was in part due to the increased political power of the Independents, whose opposition to any form of church discipline imposed from above the parish level paradoxically helped ensure the survival of the old system. But it is also significant that few of the parishioners who were accustomed to serving as churchwardens and other parochial officers were interested in assuming the role of church elders. The quasi-

ministerial status of church elders and the disciplinary and punitive powers they wielded were fundamentally unsuited to the traditional arrangements of parochial government in which churchwardens were ultimately agent of the parish as a whole. But paradoxically the re-institution of the old system, based on financial obligation, gave dissenters an unassailable foothold in parish government, even in a time of intense persecution. The need for dissenters to share in the burdens of parish office ultimately resulted in the churchwardens' oath being re-worded in such a way as to make nearly meaningless, effectively putting parish officers outside the reach of episcopal authorities.

Churchwardens were answerable to parochial assemblies of ratepayers and carried out the decisions they made, as well as the duties imposed on them by canon law and parliamentary statute. Successful service in parish office was probably more likely if the officeholder looked the part—that is, if he were a yeoman farmer or at least a prosperous husbandman or artisan—but the legal framework that defined responsibilities of office made it more than an extension of a social role. While wardens could undoubtedly exercise some discretion in the performance of their duties, their freedom of action was hemmed in both by the supervisory powers of their fellow ratepayers, and—until the late seventeenth century—by the oath they swore before episcopal authorities upon entering the office. The multiple authorities to which churchwardens were subject, both external and internal, undoubtedly contributed to the sense that the office was an honorable burden rather than a prize to be won.

The emasculation of the churchwardens' oath and the whittling away of episcopal authorities' ability to reject men they thought unfit made it easier for dissenters to serve as churchwardens, but the structure of parish government was such that their participation

in parish government was already practically guaranteed. The right to participate in collective decision-making grew out of parishioners' obligation to contribute financially to the maintenance of the parish church, a duty inherited from the late Middle Ages. Whether the money was collected by a simple tax or by some more convivial means (like the church-ale), the obligation was attached to the land a parishioner held, rather than to the individual himself or his place of residence, which might even lie in a different parish. Holding land was the prerequisite for participating in deliberations about local taxation and expenditure, but the parochial elite (broadly defined as all the householders in the parish who could afford to pay rates) was rarely, if ever, a homogeneous group, divided as it was by socio-economic status, profession, neighborhood, and often by religious conviction as well.

As in all small-scale deliberative and decision-making bodies, consensus was preferred, but when this proved impossible—as it often did—decisions were made by majoritarian voting. The clear evidence of majoritarian voting, however, should not seduce us into thinking that the ratepayers' assembly was a group of autonomous voters impartially weighing the pros and cons of different courses of action. Oligarchy and majoritarianism were both valid political ideals that could be appealed to, either in opposition or—preferably—together. Decisions were most effectively defended when it could creditably be said that “the most part” *and* “the better sort” both supported it. When consensus broke down, opposing sides sought to portray themselves not as the godly few arrayed against the disorderly many, but as the responsible many arrayed against the divisive and factious few. Even urban select vestries and their rural equivalents had to defend their existence by invoking popular support, while their

opponents highlighted their own socio-economic worthiness. Probably for this reason, the officially-sanctioned narrowing of participation in parochial government was rarely a unilinear process. Oligarchy and popularity were not competing ideologies; they were the twin counterweights that propelled political discourse and action.

The rather prosaic requirements for participation in parochial government reinforced a community pecking-order in which the measure of a man might be estimated simply by the amount he paid in rates. This fact might draw us to the conclusion that parish politics was a simple matter of rule by the wealthiest. As this dissertation has shown, however, the payment of rates was as much a path to participation as it was a barrier. The pamphlets generated by the Whig assault on the London's select vestries in the early eighteenth century made much of their exclusivity, secrecy, and corruption and historians have been quoting Daniel Defoe and *The Parish Guttlers* ever since.⁴ But London's select vestries are a misleading illustration of English parish government taken as a whole, even within the capital. Only a few years after Defoe published his second blistering denunciation of select vestries, self-described "principal inhabitants" of St. Mary's, Whitechapel were complaining about the "clamorous proceedings and irregular behavior of the great multitude of persons" who attended parish meetings.⁵ Again, the fact that this boisterous lot paid rates gave them the right to be there.

In fact, while select vestries' opponents were condemning the injustice of a handful of parishioners levying taxes on the others without their consent, the only way ordinary assemblies of householders could exclude someone was by *not* taxing him. Some parish assemblies commanded their churchwardens not to collect money from

⁴ Webbs, 62, 65; Hindle, *State and Social Change*, 210, 212.

⁵ *CJ*, vol. 22, 251; see also 271: "An unruly herd of men, some of whom are scarce rational or most commonly act as if they were not."

anyone without prior authorization, for fear they might inadvertently confer the right to participate on someone undesirable. In 1716 the parishioners of Woolwich, Kent, decided that “no churchwarden or overseer of the poor do *make any person whatsoever a parishioner* of this parish who was not so before, by receiving of him or her any sum or sums of money for church or poor, without having first taken the order and direction of a vestry to be called for that purpose.”⁶ The motivation behind orders like this was often economic: parishioners also had to balance their need for revenue with the knowledge that the payment of rates today might entitle a man to poor relief tomorrow. Political and confessional motivations might play a role as well. In the late 1720s the churchwardens of Wellington, Somerset were accused of leaving a number of parishioners off the rating lists, under circumstances that indicate an attempt to exclude Presbyterians and Baptists from parochial decision-making.⁷

But the pressures of parish government were such that such measures were seldom effective or widespread. The need for revenue, like the need to share the duties of parish office, ensured the continued participation of groups that might otherwise have been marginalized. In the case of Wellington, the leading men of the Presbyterian congregation, acting in the guise of concerned, rate-paying members of the parish, were able to keep their churchwardens tied up in the church courts for several years.⁸ In fact, it is a neglected irony of English political history that dissenters’ long-fought and ultimately successful campaign to abolish church rates in the nineteenth century eliminated the very

⁶ Webbs, 105. Emphasis mine.

⁷ Somerset R.O., D/D/Cd 117, fos. 257-259v., 264-265, 272.

⁸ Somerset R.O., D/D/Cd 116, fos. 126-136; D/D/Cd 117, fos. 255-275; D/D/Cd 132 (Marsh and Fry c. Southerton).

thing that had helped guarantee their continued participation in parish government in the seventeenth and eighteenth centuries.⁹

The tension between the oligarchic and participatory principles inherent in parish government continued throughout the eighteenth century, with the Parliamentary local act taking the place of the bishop's faculty as the most effective means of instituting select vestries. But formal attempts to restrict participation to the wealthiest ratepayers seem to have been sporadic and localized and probably did not amount to a general trend.¹⁰

By the end of the century, war, demographic expansion, and economic change had all but overwhelmed the capacity of many parishes to manage the problem of poverty. Arthur Young, traveling in France, mused about the probability of revolution in England, in which the poor might demand access to parish meetings and vote themselves whatever rates they pleased.¹¹ But this proved to be a minority concern. By the end of the century, the opposite view was much more common—that parish assemblies were dominated by small ratepayers whose greater numbers drowned out the voices of the propertied and responsible. In 1818 Parliament took action, pegging the share of decision-making power within the parish to the *amount* paid in rates, and forbidding parishioners who paid no

⁹ For the dissenters' nineteenth-century campaign against church rates, see J.P. Ellens, *Religious Routes to Gladstonian Liberalism: The Church Rate Controversy, 1832-1868* (University Park, 1994). For two of nineteenth-century examples of parochial assemblies dominated by dissenters refusing to levy church rates, see Cannan, 108, and Michael Baumber, "The Haworth Church Rate Controversy," *Yorkshire Archaeological Journal* 75 (2003): 120-128.

¹⁰ A legal handbook published in the 1750s stated: "Anciently every parishioner who paid church rates, or scot and lot, had a right to come to these [parish] meetings; and when they who are so qualified are assembled at the time and place appointed, the major part of those present conclude all that are absent; *and in the country this still prevails in most places.*" Thomas Pearce, *The Compleat Justice of the Peace and Parish Officer* (London, 1756), 60. The self-styled "principal inhabitants" of St. Mary's, Whitechapel mentioned above wanted Parliament to intervene and restrict participation to the wealthier ratepayers, but no legislation to that effect appears to have been enacted.

¹¹ Arthur Young, *Travels in France During the Years 1787, 1788, 1789* (London, 1889), 336.

rates from attending vestry meetings.¹² This unprecedented interference in the formal rules of parish governance provoked a firestorm of opposition that continued for decades. Even the conservative *Times* condemned the measure as “too sudden an alteration of the constitution of this realm.”¹³

We might dismiss the *Times*'s words as romantic nonsense, citing a mass of rigorous scholarly work to show that parish government was already dominated by parish gentry and wealthy yeomen. According to this view, all Parliament had done was to formalize a situation that had been in effect for at least 200 years. But the *Times*'s editors were right. The constitution to which they referred did not necessarily empower the wealthy yeoman at the expense of the poor husbandman. It was a constitution that could act as a counterweight against the informal oligarchic tendencies in parish politics just as it could also frustrate the persecuting campaigns of vengeful Parliaments. This constitution, embedded in the formal institutions of parish politics, had little to do with the issues that concern the political historiography of the early modern period: court culture, the powers of the monarch, the nature of Parliamentary elections, the rise of party politics, or even the discourse of “commonwealth” that germinated (we are told) in England's towns. It was more pervasive than any of these.

Outside of the household, the parish was the forum in which the overwhelming majority of English men and women had their most direct experience of government. It was the arena in which yeomen and husbandmen, craftsmen and tradesmen managed internal conflicts, collectively decided on courses of action, and supervised their

¹² 58 Geo. 3, c. 69. This act, known as the Sturges-Bourne Vestry Act, allotted one vote for each parishioner who paid £50 or less in rates, and then one extra vote for each additional £25 up to a maximum of six votes.

¹³ Bryan Keith-Lucas, *The Local Government Franchise: A Short History* (Oxford, 1982), 23-24.

execution by their parish officers. Parochial political culture, I have argued, cannot be explained simply as the pursuit of interest by dominant social groups any more than it ought to be naively celebrated as evidence of an egalitarian democracy. It contained elements of both—perhaps more of the former than the latter, even—but it was also the product of English parishioners' everyday grappling with fundamental political issues: the relationship between spiritual and lay authority, the proper balance between the discretionary power of office and the need to hold officials accountable, the demands of external authorities versus those of the community, and the merits of decision-making by the few or by the many. The varied arrangements they made, and their attempts to justify or contest them, were not only an aspect of early modern English political thought—they were its most common manifestation.

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