

**JOHNS HOPKINS UNIVERSITY STUDIES IN
HISTORICAL AND POLITICAL SCIENCE.
SERIES XXVI,
NOS. 7-8. THE ELIZABETHAN PARISH IN
ITS ECCLESIASTICAL AND FINANCIAL
ASPECTS, PP. 311-395**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649752867

Johns Hopkins University Studies in Historical and Political Science. Series XXVI, Nos. 7-8. The Elizabethan Parish in Its Ecclesiastical and Financial Aspects, pp. 311-395 by Sedley Lynch Ware

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd.
Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

www.triestepublishing.com

SEDLEY LYNCH WARE

**JOHNS HOPKINS UNIVERSITY STUDIES IN
HISTORICAL AND POLITICAL SCIENCE.
SERIES XXVI,
NOS. 7-8. THE ELIZABETHAN PARISH IN
ITS ECCLESIASTICAL AND FINANCIAL
ASPECTS, PP. 311-395**

PREFACE.

These chapters are but part of a larger work on the Elizabethan parish designed to cover all the aspects of parish government. There is need of a comprehensive study of the parish institutions of this period, owing to the fact that no modern work exists that in any thorough way pretends to discuss the subject. The work of Toulmin Smith was written to defend a theory, while the recent history of Mr. and Mrs. Webb deals in the main with the parish subsequent to the year 1688. The material already in print for such a study is very voluminous, the accumulation of texts having progressed more rapidly than the use of them by scholars.

My subject was suggested to me by Professor Vincent, to whom as well as to Professor Andrews I am indebted for advice and assistance throughout this work. In England I have to thank Messrs. Sidney Webb, Hubert Hall and George Unwin, of the London School of Economics, for reading manuscript and suggesting improvements. For similar help and for reference to new material my acknowledgments are due to Mr. C. H. Firth, Regius Professor of Modern History, Oxford, and to Mr. C. R. L. Fletcher, of Magdalen College. At the British Museum I found the officials most courteous, while the librarians of the Peabody Institute, Baltimore, have given me every aid in their power.

CONTENTS.

CHAPTER I.

THE ECCLESIASTICAL GOVERNMENT OF THE PARISH.

	PAGE
ITS IMPORTANCE IN LOCAL GOVERNMENT.....	9
ARCHDEACONS' COURTS	11
ILLUSTRATIONS FROM ACT BOOKS OF JUDICIAL ADMINISTRATION...	17
CHURCHWARDENS' DUTIES	23
MINISTERS' DUTIES	30
OBLIGATIONS EXACTED FROM ALL ALIKE.....	34
CONTROL OF CHURCH OVER EDUCATION AND OPINION.....	43
HOW COURTS CHRISTIAN ENFORCED THEIR DECREES.....	46
EFFECTIVENESS OF EXCOMMUNICATION.....	47
EVILS AND ABUSES OF THE SYSTEM.....	52
JURISDICTION OF QUEEN'S JUDGES IN ECCLESIASTICAL MATTERS...	57

CHAPTER II.

PARISH FINANCE.

ENDOWED PARISHES	59
EXPEDIENTS FOR RAISING MONEY.	
CHURCH-ALES, PLAYS, GAMES, ETC.	70
OFFERINGS AND GATHERINGS.....	77
COMMUNION DUES	78
SALE OF SEATS, FEW RENTS.....	80
PARISH TARIFFS FOR BURIALS, MARRIAGES, ETC.	81
INCOME FROM FINES AND MISCELLANEOUS RECEIPTS.....	83
RATES AND ASSESSMENTS.....	88
INDEPENDENCE OF PARISH AS A FINANCIAL UNIT.....	90
SIGNIFICANCE OF THIS IN COUNTY GOVERNMENT.....	91

THE ELIZABETHAN PARISH IN ITS ECCLESIASTICAL AND FINANCIAL ASPECTS.

CHAPTER I.

THE ECCLESIASTICAL GOVERNMENT OF THE PARISH.

The ecclesiastical administration of the English parish from the period of the Reformation down to the outbreak of the great Civil War is a subject which has been much neglected by historians of local institutions. Yet during the reign of Elizabeth, at least, the church courts took as large a share in parish government as did the justices of the peace. Not only were there many obligations enforced by the ordinaries which today would be purely civil in character, but to contemporaries the maintenance of the church fabric and furniture appeared every whit as important as the repairing of roads and bridges; while the obligation to attend church and receive communion was on a par with that to attend musters, but with this difference, that the former requirement affected all alike, while the latter applied to comparatively few of the parishioners.

In the theory of the times, indeed, every member of the commonwealth was also a member of the Church of England, and conversely. Allegiance to both was, according to the simile of the Elizabethan divine, in its nature as indistinguishable as are the sides of a triangle, of which any line indifferently may form a side or a base according to the angle of approach of the observer.¹ The Queen was head of the commonwealth ecclesiastical as well as of the commonwealth civil, and as well apprized of her spiritual as of her temporal judges.² For both sets of judges equally

¹ Richard Hooker, *Ecclesiastical Polity*, Bk. viii, 448-9 (ed. 1666).

² Coke, *4 Inst.*, 320 (ed. 1797).

Parliament legislated, or sanctioned legislation. Sometimes, in fact, it became a mere matter of expediency whether a court Christian or a common law tribunal should be charged with the enforcement of legislation on parochial matters. Thus the provisions of the Rubric of the Book of Common Prayer were enforced by the justices as well as by the ordinaries. Again, secular and ecclesiastical judges had concurrent jurisdiction over church attendance, and—at any rate between 1572 and 1597³—over the care of the parish poor. Finally, it must not be supposed that the men who actually sat as judges in the archdeacon's or the bishop's court were necessarily in orders. In point of fact a large proportion, perhaps a large majority of them, were laymen, since the act of Henry VIII in 1545 permitted married civilians to exercise ecclesiastical jurisdiction.⁴

In the treatment of our subject the plan we shall follow is, first, to make some preliminary observations as to the times, places and modes of holding the church courts; second, with the aid of illustrations drawn from the act-books of these courts, to show how their judicial administration was exercised over the parish, either through the medium of the parish officers or directly upon the parishioners themselves; third, to analyze the means at the command of the ecclesiastical judges to enforce their decrees; and, finally,

³ See 14 Eliz. c. 5, sec. 16, and 39 Eliz. c. 3.

⁴ 37 Hen. VIII, c. 17, re-enacted 1 Eliz. c. 1. "The real effect of the statute was this—that lay lawyers were substituted for the clerical canonists of pre-Reformation times." Lewis T. Dibden, *An Historical Inquiry into the Status of the Ecclesiastical Courts* (1882), 59. By canon cxxvii of the Canons of 1604 in order to be a chancellor, a commissary, or an official in the courts Christian, a man must be "*ad minimum magister artium, aut in jure baccalarius, ac in praxi et causis forensibus laudabiliter exercitatus*." E. Cardwell, *Synodalia* (etc.), i, 236. Cf. Blomefield, *Hist. of Norfolk*, iii, 655-6 (Parker's report, 1563. Officials of the archdeacons not required to be in orders). E. Cardwell, *Documentary Annals of the Reformed Church of England*, i, 426 (Complaint in a document of circa 1584 [or later] that excommunication is executed by laymen. In the answer by the bishops it is stated [*ibid.*, 428] *inter alia*, "that in later times, divines have wholly employed themselves to divinity and not to the proceedings and study of the law"). To the same effect, but for a later period, see White Kennett, *Parochial Antiquities* (Oxon. ed. 1695), 642.

to point out that from its very nature the exercise of spiritual jurisdiction was liable to abuses, and must at all times have proved unpopular.

Speaking generally (for the jurisdictions called "peculiar" formed exceptions), England was divided for the purposes of local ecclesiastical administration and discipline into archdeaconries, each comprising a varying number of parishes. Twice a year as a rule the archdeacon, or his official in his place, held a visitation or kept a general court (the two terms being synonymous) in the church of some market town—not always the same—of the archdeaconry. The usual times for these visitations were Easter and Michaelmas. The bishops also commonly held visitations in person, or by vicars-general or chancellors, once every third year throughout their dioceses. Yet at the semi-annual visitations of the archdeacon as well as at the triennial visitations of the bishop, the mode of procedure, the class of offences, the parish officers summoned, the discipline exercised—all were the same, the bishop's court being simply substituted for the time being for that of the archdeacon.

There were other visitations: those of the Queen's High Commissioners, and those of the Metropolitan. There were a very great number of other courts, but for the purposes of the every-day ecclesiastical governance of the parish the two classes of courts or visitations above mentioned are all that need concern us. It is, however, important to state, that while churchwardens and sidemen were *compelled* to attend the two general courts of the archdeacon (and of course the bishop's court) and to write out on each occasion formal lists of offenders and offences ("presentments" or "detections") these parish officers might also at any time make *voluntary* presentments to the archdeacons. Those functionaries, in fact, seem to have held sittings for the transaction of current business, or of matters which could not be terminated at the visitation, every month, or even every three weeks. Others may have sat (as we

should say of a common-law judge) in chambers.⁵ Before each general visitation an apparitor or summoner of the court went about and gave warning to the churchwardens of some half-dozen parishes, more or less, to be in attendance with other parish officers on a day fixed in some church centrally located in respect of the parishes selected for that day's visitation.

The church of each parish was, indeed, not only its place for worship, but also the seat and centre for the transaction of all business concerning the parish. In it, according to law, the minister had to read aloud from time to time articles of inquiry founded on the Queen's or the diocesan's injunctions, and to admonish wardens and sidemen to present offences under these articles at the next visitation.⁶ In it also he gave monition for the annual choice of collectors for the poor;⁷ warning for the yearly perambulation of the parish bounds;⁸ and public announcement of the six certain days on which each year every parishioner had to attend in

⁵ Harrison, writing in 1577, says that archdeacons keep, beside two visitations or synods yearly, "their ordinarie courts which are holden within so manie or more of their several deaneries by themselves or their officials once in a moneth at the least." Harrison, *Description of England*, Bk. ii, *New Shakespeare Soc. for 1877* (ed. Dr. Furnivall), p. 17. Between 27th Nov., 1639, and 28th Nov., 1640, there were thirty sittings in the court of the Archdeacon of London. Hale, *Crim. Prec.*, introd. p. liii. Any casual inspection of the visitation act-books reveals the fact that the judge sits either in court or in chambers between visitations, for offenders are constantly ordered to appear again in a few days or in a few weeks. Compulsory presentments were, however, limited by law and custom to two courts a year. See canons 116 and 117 of the Canons of 1604. Also Gibson, *Codex*, ii, 1001.

⁶ See p. 18 and p. 20 *infra*. For the duty to read the injunctions or the articles based on them see p. 32 *infra*.

⁷ See 5 Eliz. c. 3. *Stats. of the Realm*, iv, Pt. i, 411. Also Visitation of Warrington Deanery in 1592 by the Bishop of Chester in *Lancashire and Cheshire Historic Soc. Trans.*, n. s., x (1895), 186 *et passim*. Hereinafter cited as *Warrington Deanery Visit.* Cf. also Grindal's Injunc. for the Province of York (1571), art. 17, *Remains of Grindal, Parker Soc.*, 132 ff.

⁸ See Visitations of the Archdeacon of Canterbury, *Archæologia Cantiana*, xxvi (1904), 24 (1602). Mr. Arthur Hussey has published copious extracts from the act-books of these visitations extending over a considerable period in vols. xxv-xxvii of the *Arch. Cant.* Hereinafter cited as *Canterbury Visit.*, xxv (etc.).

For perambulations see p. 27 *infra*.

person or send wain and men for the repair of highways.⁹ In the parish church also proclamation had to be made of estrays before the beasts could be legally seized and impounded.¹⁰ Here, too, school-masters often taught their pupils¹¹—unless, indeed, the parish possessed a separate school-house. Here, in the vestry, the parish armor was frequently kept, and sometimes the parish powder barrels were deposited;¹² here too, occasionally, country parsons stored their wool or grain.¹³

Finally, in the parish church assembled vestries for the holding of accounts, the making of rates and the election of officers. Overseers of the poor held their monthly meetings here. Occasionally the neighboring justices of the peace met here to take the overseers' accounts or to transact other business;¹⁴ and in the church also might be held coroners' inquests over dead bodies.¹⁵ Last, but not least in importance, in the churches of the market towns the archdeacon made his visitations and held his court; and on these occasions the sacred edifice rang with the unseemly squabbles of the proctors, the accusations of the wardens and

⁹ J. Cordy Jeaffreson, *Middlesex County Records*, i, 100-1 (Indictment reciting that John Johnson had had due notice in his parish church, yet had not sent his wain, etc., 1576). Cf. provisions of the statutes 5 Eliz. c. 13, and 18 Eliz. c. 10, *Stats. of Realm*, iv, Pt. 1, 441-3, and 620-1 respectively.

¹⁰ *Brownlow v. Lambert*, C. B., 41 Eliz., 1 *Croke Eliz. Rep.*, Leache's ed. (1790), Pt. ii, 716.

¹¹ *Canterbury Visit.*, xxvi, 23 (1599); *ibid.*, 20 (1591). W. H. Hale, *A Series of Precedents in Criminal Causes from the Act Books of the Ecclesiastical Courts of London, 1475-1640* (pub. in 1847), 190 (Schoolmaster of Stock presented in court for defacing the church "in making a fire for his schollers," 1587). This work hereinafter cited as Hale, *Crim. Prec.*

¹² Constables Acc'ts of Melton in *Leicester Architec. and Archaeol. Soc. Trans.*, iii (1874), 72-3. Chelmsford Churchwardens Acc'ts in *Essex Archaeol. Soc. Trans.*, ii (1863), 225 ff.

¹³ Stratton (Cornwall) Churchwardens Acc'ts, *Archæologia*, xlv, 200 ff. s. a. 1565 and editor's note.

¹⁴ "Sir W. . . A. . . and I with divers other justices, being met together at Sondon church" (1582). Strype, *Annals of the Reformation*, iii, Pt. ii, 214. This meeting here may have been in the churchyard.

¹⁵ See in the *Antiquary*, xxxii (1896), 147-8, the inquest held at St. Botolph Extra Aldgate (1590), and the coroner's judgment delivered in the church that a suicide should be buried at cross-roads with a stake through her breast.