

CONTESTED LEGITIMACY AND THE AMBIGUOUS RISE OF VESTRIES IN EARLY MODERN LONDON*

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ABSTRACT. *Studies of the rise of London's vestries in the period to 1640 have tended to discuss them in terms of the inexorable rise of oligarchy and state formation. This article re-examines the emergence of the vestries in several ways, moving beyond this traditional focus on oligarchy, and noting how London's vestries raised much broader issues concerning law, custom, and lay religious authority. The article reveals a notable contrast between the widespread influence and activities of London vestries and the questionable legal framework in which they operated. The political and ecclesiastical authorities – and in particular Archbishop Laud – are also shown to have had very mixed attitudes towards the legitimacy and desirability of powerful vestries. The apparently smooth and relentless spread of select vestries in the pre-war period is also shown to be illusory. The granting of vestry 'faculties' by the authorities ceased abruptly at the end of the 1620s, amid a series of serious legal challenges, on both local and ideological grounds, to the existence of vestries. Their rise had thus been seriously contested and stymied well before the upheavals of the 1640s, although opposition to them came from multiple sources – Laudians, Henry Spelman and the royal Commission on Fees, and local parishioners – whose objectives could vary.*

The rise of 'vestries' – that is, new decision-making bodies within parishes, whose members formed a self-selecting elite – is a familiar feature of the early modern historical landscape. Vestries fit neatly into a historiography that attaches great importance to the rise of more exclusive, oligarchical forms of local government, as an aspect of state formation. Just as these local oligarchies increasingly differentiated themselves from the rest of the community, so (it is suggested) they were co-opted as willing instruments of control by the central authorities.¹ They encapsulated – and in a sense constituted – the emerging state, and it is in the parishes of pre-Civil War London that they first catch the historian's eye.²

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* I am grateful to all those who commented on earlier versions of this article, which were presented to seminars in London, Kent, Oxford, Stanford, Madrid, and to the USC-Huntington Library early modern seminar in San Marino.

¹ S. Hindle, *The state and social change in early modern England, c. 1550–1640* (Basingstoke, 2000), ch. 8, esp. p. 229; B. Kumin, *The shaping of a community: the rise and reformation of the English parish, 1400–1560* (Aldershot, 1996), pp. 250–5.

² For vestries pre-1640, see I. W. Archer, *The pursuit of stability: social relations in Elizabethan London* (Cambridge, 1991), pp. 85–6, 68–74; F. F. Foster, *The politics of stability: the rulers of Elizabethan London*

This article, however, suggests that we need to re-examine the rise of London's vestries in the Elizabethan and early Stuart period. As will be seen, London vestries and their powers were not only more extensive than usually assumed, but their powers were also more contested and the rights they exercised more questioned. Moreover, challenges to emerging vestries were ultimately aided and abetted by higher political and ecclesiastical authorities. The involvement of such authorities partly reflects the fact that the emergence of vestries raised more issues than the specific one of 'oligarchy', which has tended to dominate historians' discussions. Vestries also raised questions of law, of custom, and especially of lay religious authority, which all served to complicate their role and acceptance.

The starting point for many historians discussing London's vestries has been a 1636 government survey of parish government in the capital, which has been used to document the rise of 'select' vestries, as opposed to more general meetings of parishioners. It is an intriguing document, yet its origins have never been explored, while its findings have generally been used as a straightforward description of parochial government in early modern London. Yet, as will be seen, new evidence reveals that this survey was actually the culmination of a series of challenges to vestries in the capital. By the 1630s, London vestries had increasingly come under scrutiny as a growing awareness of the scope of their activities intersected both with local grievances and national political and religious concerns. More generally, this article seeks to question whether the spread of select vestries in the sixteenth and early seventeenth centuries was as linear, predictable, or irreversible as might appear.

I

We should begin with the emergence of vestries. Vestries are most associated with English towns,³ and those found in the more than one hundred parishes of London are the best documented and also the most controversial. Vestries are generally seen as a post-Reformation phenomenon, although there is little doubt that medieval parishes depended on their 'chief parishioners' to carry out many duties. The term 'vestry' was used as early as 1507 in the London parish of St Christopher le Stocks, and Bishop Grindal also used the term in 1567 in a circular letter to the London clergy when its meaning was already clear.⁴

(London, 1977), pp. 39–43; J. F. Merritt, *The social world of early modern Westminster: abbey, court and community, 1525–1640* (Manchester, 2005), pp. 106–13; A. E. McCampbell, 'The London parish and the London precinct, 1640–1660', *Guildhall Studies*, 11 (1976), pp. 108–11; A. Argent, 'Aspects of the ecclesiastical history of the parishes of the City of London, 1640–1649' (Ph.D. thesis, London, 1984), pp. 17–23; S. and B. Webb, *English local government (The parish and the county)* (London, 1906; repr. 1924), pp. 183–96.

³ S. Hindle, 'The political culture of the middling sort in English rural communities, c. 1550–1700', in T. Harris, ed., *The politics of the excluded, c. 1500–1850* (Basingstoke, 2001), p. 127, notes that vestries remained relatively rare in the countryside until the Civil War period and the harvest crisis of 1647–50.

⁴ Lambeth Palace Library (LPL), CM VII/69; Webb and Webb, *Parish and county*, pp. 38–9n, 178, 183.

In general, vestries gained a higher profile as they undertook the wider range of tasks increasingly allocated to parishes by parliamentary statute in the sixteenth century. Vestries, as the decision-making bodies of parishes, oversaw a huge range of tasks, both religious and secular, including the management of parish expenditure, parish properties, lawsuits, church repair, and the general oversight of other local officials including (increasingly) the churchwardens. As such tasks grew in volume and complexity, many parishes started to function as a more narrow body of administrators. Increasingly, a distinction becomes apparent between a small body of inhabitants meeting more regularly for day-to-day administration, and larger meetings of the whole parish to elect parish officers every Easter. The smaller (or 'select') vestry meetings also began to create sets of rules for themselves, for example, by defining their numbers and membership criteria, making arrangements for the election of new vestrymen, and imposing fines for non-attendance. By 1563 the select vestry of St Dunstan in the East was accordingly directing that a table of their names should 'hange contynewallie in the Vestrie'.⁵

In one way, the emergence and consolidation of ruling elites might be seen as a reasonably straightforward response to administrative necessity, which would seem to be confirmed by the very diverse manner in which different London parish vestries developed and extended their powers. But this does not mean that vestries were ideologically neutral administrative units. On the contrary, what is particularly striking is London parishes' apparent confidence in their right and ability to run local affairs and their readiness to imbue their vestry with specific meaning. One of the more arresting examples of this sort of ideological fashioning can be found in the parish of All Hallows Staining. Here the parish formally established its vestry with a set of ordinances in 1574, under the guiding hand and expansive rhetoric of one Robert Carre, a grocer and citizen of London. A bound volume containing the minutes of this new body commences with a lengthy and elaborate 'epistle' explaining that lack of good orders and government are the cause of 'varience strife and enemie ... Betweene parishioners neighbours and Friendes'. The epistle proceeds to observe that a lack of good order means that a place cannot prosper 'Be it in kingdome, Citie, Towne parishe or house'.⁶ The volume then records the creation of a vestry of twenty-four men, who are empowered to 'end anny matter whatsoever', to make orders for the 'proffitt and comoditye' of the parish and so 'increase brotherlie love and charetie'.⁷ While the sentiments expressed here do not allude to the sense of status or power that

⁵ Foster, *Politics*, pp. 39–42; Merritt, *Social world*, pp. 106–8; M. Carlin, *Medieval Southwark* (London, 1996), pp. 38–9; Guildhall Library (GL), 4887, fo. 92r (a body called the vestry was already operating in St Dunstan's as early as 1537).

⁶ The epistle explains that the parishioners have therefore seen fit to make ordinances for themselves 'to the intent to have neighbourly friendship and brotherly love maintained'. They beseech God's mercy 'to graunt our good meeninge to come to good effect to the increase of brotherlie love and charetie amonge us as good Crestians ought to do'.
⁷ GL, 4957/1 (unfoliated).

vestrymen personally acquired, the image of the vestry as the paternalistic embodiment of the parish and custodian of its legal and financial interests was nevertheless crucial both to the vestry's self-identity and to local acceptance of its authority.⁸

What is remarkable, however, is that, despite London vestries having become a basic element of parish government carrying out fundamental tasks by the later sixteenth century, much of the legal basis of their actions was far from clear.⁹ The scope of their activities was extraordinary: they drew up regulations and orders covering a multitude of matters which they recorded as precedents and which vestrymen explicitly referred to as specifying what was 'lawfull' in the parish.¹⁰ Some vestries liked to compare themselves to mini-commonwealths. They made orders regarding treatment of the poor and distribution of benevolences, they disciplined and reconciled inhabitants, controlled parish expenditure, accepted fines in lieu of holding parish office, and established tables of church fees for christenings, marriages, and burials.¹¹ Where the parish controlled the appointment to the minister's living, the vestry had extensive religious powers, with at least thirteen London parishes controlling their advowson by the 1630s. More routinely, vestries also exercised considerable control over preaching heard in the parish, appointing 'lecturers' to suit their tastes, negotiating terms of employment, and sometimes arranging pay-offs with aggrieved and envious incumbents. In several cases, they also arranged the employment of readers of divine service so that nonconformist preachers could circumvent government regulations.¹² Nevertheless, as has been emphasized, the legal authority of all this was far from clear, and even the episcopal faculties that granted more limited vestry powers did so with the cautious formula that the bishop allowed the faculty 'soe far forth as lawfully and by Law he may'.¹³ It is also telling that parliamentary legislation was never addressed to vestries, even if vestries were very often involved in its practical implementation.¹⁴ As will be seen, there was a significant time-lag between, on the one hand, vestries extending and defining their own

⁸ See also the valuable discussion in Archer, *Pursuit*, pp. 71–3.

⁹ For contemporary concerns see below; see also Webb and Webb, *Parish and county*, pp. 39–40, 188–9.

¹⁰ E.g. GL, 5019/1, p. 25.

¹¹ Countless examples could be cited from vestry minutes in the Guildhall Library. For examples see: fining out (1431/2, fos. 10, 15v, 877/1, pp. 38, 40); establishing church fees (4957/1, fo. 8v, 959/1, fo. 110); controlling churchwardens' expenditure (1453/1, fo. 10v); orders concerning parish pensioners (819/1, fo. 117); reconciling parishioners (594/1, pp. 6, 38).

¹² P. Seaver, *The puritan lectureships: the politics of religious dissent, 1560–1662* (Stanford, CA, 1970), pp. 84, 138–46, 148–53.

¹³ E.g. London Metropolitan Archives (LMA), DL/C/338, fo. 14v.

¹⁴ The term 'vestry' does not appear in the statute book until 1663 (15 Chas. II, c. 5): Webb and Webb, *Parish and county*, p. 39. Tate erroneously claims that a 1555 act levying highways rates is an example of 'vestry' power, but see the statute 2 & 3 Phil. and Mary, c. 8, which he does not seem to have consulted and which does not mention vestries: W. E. Tate, *The parish chest: a study of the records of parochial administration in England* (Cambridge, 1946), p. 14. More generally, historians of the parish need to treat Tate's claims about the legal powers of vestries with caution.

powers and, on the other, consideration of the legal framework in which they operated.

II

We have noted the growing formalization of vestries in parishes. Indeed, it is fairly clear from surviving parochial records that organized vestries, wielding significant powers, generating their own formal records and orders, and run by a more formalized (often self-electing) elite that monopolized parish business, were very widespread in London by the Elizabethan period, even when the vestry was still theoretically 'open'. From the 1590s onwards, however, we also start to see involvement of the ecclesiastical authorities in confirming the formalizing and narrowing of parochial vestries. While these were initially rather ad hoc arrangements with individual figures of authority – involving the archdeacon of London or the dean of Arches in some cases¹⁵ – gradually the bishop of London's grant (or 'faculty') became the established means whereby the authority of a select vestry was officially recognized.

These 'faculties' designate the basic structure of a parish's government, usually with twelve or twenty-four vestrymen, with various other restrictions. The faculties also provide a number of different formulaic explanations for the creation of a select vestry, usually relating to the disturbance created by social inferiors in previously general meetings of the 'parish'. They typically refer to the 'great hinderance' caused by 'general admittance' to vestry meetings, sometimes with an added allusion to 'factious or evell-disposed persons'. From 1615, there are further references to 'great confusion and disorder' at church meetings and 'the ignorance and weaknes in Judgement' about parish affairs shown by some of the parishioners who attended.¹⁶ Less inflammatory forms were, however, available¹⁷ and by 1623 a more neutral formula became standard, simply requesting the grant of a vestry 'for the avoyding of confusion and disorder ... at their Church-meetinges ... to the intent that the business concerning their

¹⁵ St Martin Ludgate in 1592 would appear to have been the first parish to acquire an episcopal order permitting them to establish a select vestry (confirmed in their vestry book in the bishop's own hand in 1600, GL, 1311/1, pt 1, fo. 96v). A more formal faculty was granted to St Dunstan in the West in 1601 (LMA, DL/C/338, fos. 14r–15r), but more ad hoc arrangements continued elsewhere in the capital. St Magnus Martyr later reported having in 1603 established a select vestry at a parish meeting presided over by their minister, who doubled as archdeacon of London (LPL, CM VII/104), while St Leonard Eastcheap acquired a grant from Sir William Bird, dean of Arches, and 'our ordinary' (LPL, CM VII/102).

¹⁶ LMA, DL/C/340, fos. 153v, 185v, 208r, DL/C/341, pp. 111, 124–5, 277, 284, 417, 589.

¹⁷ One formula used in several cases simply refers to the churchwardens and parishioners being 'divers tymes hindered in their determinations and good purposes by the want of a Vestrie confirmed by [the Bishop's] authoritie': DL/C/340, fo. 197 (St Mary Matfelon in 1615/16). This form was then used by St Nicholas Olave (July 1620: DL/C/341, p. 361) and St Mildred Bread St (Jan. 1621: DL/C/341, p. 394).

Church may be dispatched and done peaceably with discrecion and in good order'.¹⁸

Such formulaic utterances nevertheless offer little reliable indication of what was happening to provoke a petition for a faculty. Sometimes, a group of parishioners may indeed have been attempting to set up a select vestry in the teeth of opposition from their social inferiors but in many other cases, a faculty granted for a select vestry seems merely to have confirmed existing practice.¹⁹ It is also worth noting that many parishes operated with a select vestry but never sought a faculty.²⁰ In quite a number of cases, the petition for a faculty came soon after activities that had required special taxation, or other circumstances where the authority of parochial officials may have been questioned or resented. This seems, for example, to have happened in the case of St Giles in the Fields, where the costs of major church repair created significant unrest.²¹

In one or two cases, other forces seem to have been at work. In the case of St Lawrence Pountney, the petition for the faculty in 1615, significantly said to come only from the vicar and one other parishioner, was opposed by the rest of the pre-existing vestry who recorded in the vestry book that they 'doe not consent to have a Vestery' according to the proposed faculty 'but doe desire to keepe our ould costoms'. As the parish controlled the advowson, the solution to this conflict was simple. Less than two years later, the minister, apparently the sole initiator of the petition for the faculty, was abruptly instructed to 'leave us ... according to a note under his owne hand to departe upon disliking of the parishioners within sixe monthes warning'. The bishop of London could only plead that 'they would be pleased to let Mr Fludd alone, for a certayne time till he could provide for himself elsewhere', to which the parishioners responded that they 'would consider thereof'.²² In the case of St Botolph Aldgate, the faculty was sought and granted in 1623 at the end of an acrimonious clash pursued through Chancery between the minister and junior parish officers, on the one hand, and two prominent vestrymen, on the other. The two vestrymen were accused of taking into their private custody deeds, papers, and the parish stock, and of refusing to return them, on the basis that their civil status as common councilmen gave them the right to retain such things under their control. The new vestry faculty (petitioned for solely by the minister and his supporters) not only ensured a more formal system of parish government, but also expanded the size of the vestry to

¹⁸ This formula was first used by St James Clerkenwell in 1623 (Nov. 1623: DL/C/342, fo. 33r), but was then used in all subsequent faculties. This represents a revision of the form that the parish had used in 1621. It is notable that the inflammatory form used in their 1621 faculty is crossed out in the draft of the 1621 faculty in the Bodleian Library, Oxford, Rawlinson MS D.818, fo. 139r.

¹⁹ E.g. St Mary Whitechapel, LPL, CM VII/114.

²⁰ E.g. St Mary Moses, St Martin in the Vintry, St Mary Magdalen Fish Street, St Dunstan in the East, St George Botolph Lane (LPL, CM VII/12, 14, 21, 26, 25) and many others.

²¹ Holborn Central Library, P/GF/M/1, fos. 1-2, 19, P/GF/C/4; The National Archives (TNA), E215/58D, pp. 267-8. For agitation over the composition of a vestry initially triggered by a pewing dispute at St Saviour, Southwark, see Archer, *Pursuit*, p. 73. ²² GL, 3908/1, fos. 3v, 5r-v, 8r-v.

forty-eight members. This example demonstrates that, on some occasions, a select vestry grant might actually be a means of increasing participation in, and the accountability of, the parish vestry.²³

In these two cases, at least, the minister would appear to have played a prominent role in seeking the provision of a formal vestry grant. Some petitions for faculties, however, do not name the minister at all.²⁴ Moreover, the vestry faculty for St Katherine Cree in 1622 specifically permitted the vestry to meet without its minister – the obstreperous puritan, Stephen Denison – who was banned from attending vestry meetings ‘until he hath given satisfaction unto our sayd Chaunceller on the behalf of those in the parishe whom he hath wronged and offended’.²⁵ This case apart, though, there was an increasing trend in faculties to require that ministers be present at *all* vestry meetings, and that the business be propounded by the minister or curate. From 1623 onwards, it was specified as a limitation on all faculties that no vestry should be called except by the appointment of the curate or minister, or at least with his consent.²⁶ Moreover, faculties from 1612 onwards always contained a larger set of limitations, aimed at preserving the rights of the minister and of the ecclesiastical courts. Thus vestrymen were forbidden from summoning before them any clergyman, or from ‘intermeddling’ with the churchwardens’ bill of presentment or any other matters that fell within the cognizance of the ecclesiastical courts, on pain of instant dissolution of the faculty.²⁷

It is tempting to use the awarding of vestry faculties to demonstrate the upward trajectory of select vestries.²⁸ Yet this does not tell the whole story. If the number of faculties granted by bishops of London to city and suburban parishes as recorded in the vicar-generals’ books for 1601–40 is grouped in periods of three years, while two faculties were granted in 1601–4 and two in 1605–8, there were four in 1609–12 and seven in 1613–16. A slight drop to five in 1617–20 is then followed by another tally of seven in 1621–4. But this falls to three in 1625–8, and only one faculty was granted thereafter (in 1629, to St James Clerkenwell, which

²³ GL, 9236/1, fos. 73r–75r, 76r–79v, 80v–81r, 84r. The faculty (DL/C/341, p. 589) names the petitioners for the vestry as the minister (Briggs) and four others. These were the five plaintiffs in the Chancery suit against the vestrymen Vinton and Carpenter. In the cases of both St Lawrence Pountney and St Botolph Aldgate the named petitioners listed at the beginning of the faculty can help us to identify local divisions over the request for a vestry. Other faculties where the minister is not mentioned, or only two or three named individuals are listed, may also represent divisions in the parish, even if surviving records do not enable us to dig any deeper.

²⁴ LMA, DL/C/338, fo. 14r, DL/C/341, pp. 277, 284, DL/C/342, fo. 34r.

²⁵ LMA, DL/C/341, pp. 537–9.

²⁶ In some cases, these attempts to preserve clerical authority might actually have boosted the cleric’s position (and this may explain some cases where the vicar was demonstrably a prime mover in the bid for a faculty). Some faculties, for example, specified that the vicar must have a double voice in vestry meetings: LMA, DL/C/340, fos. 37v, 52r, 56v.

²⁷ These limitations are standard after the faculty granted in February 1612 to St Margaret New Fish Street (LMA, DL/C/340, fos. 24r–26v).

²⁸ K. Lindley, *Popular politics and religion in civil war London* (Aldershot, 1997), p. 55; McCampbell, ‘London parish’, p. 109; and more cautiously, Archer, *Pursuit*, p. 70.

had already received three previous faculties).²⁹ This did not, moreover, reflect any fall in demand – there is clear evidence that parishes continued to apply for faculties, but that these requests were being turned down by the authorities. The uncertain legal position of *select* vestries now began to receive greater attention, which meant that, if people chose, it was possible to mount significant legal challenges to them, and even to have a vestry formally disestablished. What has never before been noted is how London's select vestries came under precisely this sort of direct attack in the late 1620s and 1630s, well before the political upheavals of the early 1640s, which historians have previously seen as the trigger for attacks on vestries and the dissolution of many.³⁰

III

At least five clear challenges to individual select vestries in London can be identified between 1627 and 1634, most of which seem to have emerged from conflicts among parishioners, angered by exclusion from meetings to appoint officers, or by increases in parish fees. Several are particularly striking and worthy of careful attention.

Nowhere was the challenge to select vestries more dramatic – and successful – than in the parish of St Lawrence Jewry, a rich parish situated in the shadow of the Guildhall. A faculty for a select vestry was granted by the bishop of London's chancellor on 17 November 1627, and this was announced and read out at the next vestry meeting, three days later, by the churchwardens. One George Johnson 'and divers others' promptly walked out. Thereafter, a sort of 'counter-vestry' was held, *parallel* to the new select vestry, but presided over by Johnson and his allies. Seventy parishioners met in the church at morning prayer and proceeded to hold their own *separate* vestry 'according to the ancient custom', electing their own officers, and declaring void leases made by the select vestry.³¹ As the minister complained, these 'unruly usurpers of authority' secured a prohibition of the select vestry in King's Bench and seized control of the parish, 'saying that the vicar is but an ordinary parishioner among them'.³² The case was pursued in ecclesiastical and secular courts for the following two years (costing parishioners opposing the select vestry over £93), severely disrupting all parish business, until both parties agreed to submit the case to the bishop of London, William Laud, for final judgement (following an earlier attempt by Laud to

²⁹ See LMA, DL/C/338–43. These are only approximate calculations. The number for 1605–7 may be an underestimate (the vicar-general's books do not survive for this period, but parochial and other materials record that both St Botolph Aldgate and St Botolph Aldersgate acquired faculties in these years). Added confusion surrounds three parishes which claimed in 1636 to have received faculties which do not appear in the vicar-general's books and therefore have not been included in the figures above: St Michael Wood Street (grant 1614), St Ethelburga (13 Jan. 1614/15), and St Olave Silver Street (1624).

³⁰ McCampbell, 'London parish', pp. 121–4; Argent, 'Aspects', pp. 34–8; Lindley, *Popular politics*, pp. 55–6, 59.

³¹ GL, 2590/1, pp. 265–80.

³² TNA, SP16/148, fos. 28r–29r (the vicar Boswell's petition to Laud, endorsed 6 Aug. 1629).

arbitrate that had been blocked by Archbishop George Abbot).³³ In his decision, issued in April 1630, Laud came down decisively in favour of those who had *opposed* the select vestry (and the minister), and formally revoked the 1627 vestry grant. Laud also ordered that the parishioners should proceed in their parish affairs 'according to the auncient and laudable Customes used in the said parish before the Graunt of the said selected Vestry'. Laud's decision even quoted explicitly from a petition submitted to him by the disgruntled parishioners who referred to their 'auncient Custome which admittes every householder of the said parish, if he will to be present at their Vestries and give his voice about such matters as shalbe decided there'. The parishioners had also appealed to Laud 'to restore unto them their said auncient Custome libertie and freedome'. Here, then, was Laud the defender of mass lay participation in parish government in the name of 'libertie and freedome' – not necessarily a role with which Laud might naturally be associated.³⁴

This case in 1630 appears to be the first time that a vestry faculty was formally revoked³⁵ and it is notable that not a single vestry faculty appears to have been granted in London after the St Lawrence Jewry case until after the Restoration. Another select vestry – in St Mary Abchurch – was formally prohibited by Laud's chancellor just twelve months later, on the basis that it contravened the ancient custom of the parish and that the vestrymen could not show that they had ever received a faculty from the bishop.³⁶ St Michael Paternoster also later reported that it had attempted to obtain a select vestry the year after St Mary Abchurch's failed bid, 'finding many inconveniences' in its current form of parish government, but that 'seeing wee could not well accomplishe that Intendment we have since beene inforced to fall upon a generall Companie'.³⁷

³³ GL, 2590/1, pp. 265–85, 2593/1, fo. 325r; LMA, DL/C/343, fos. 88r–v; *The works of ... William Laud*, ed. J. Bliss and W. Scott (7 vols., Oxford, 1847–60), vi, p. 14.

³⁴ LMA, DL/C/343, fos. 88r–gr. The instrument is 'to be voide and of noe effect as if the same had never bynne made or graunted'. Laud's decision makes no reference to the three petitions received from the minister and his supporters in August 1629 (TNA, SP16/148/22–4). It is not entirely clear what then happened. Laud says in 1633 that 'a prohibition at the common law' was sent to him after his attempts to resolve the issue (Laud, *Works*, vi, p. 14), yet the parish's 1636 submission states that the vestry stood revoked by Laud's order: LPL, CM vii/83.

³⁵ No clear evidence survives to support Stephen Denison's claim that the faculty of St Katherine Cree's select vestry was dissolved in 1624: P. Lake, *The boxmaker's revenge* (Manchester, 2000), p. 64.

³⁶ GL, DL/C/343, fo. 106r.

³⁷ LPL, CM vii/17. Speaking before the Commission on Fees in April 1632, Laud's chancellor, Arthur Duck, reported that 'touchinge his grauntinge of Instruments for erection or confirmation of Vestries and Tables of Church Fees and Duties in Parishes of and about London', he had denied 'farr more then he hath graunted'. He specifically named St Ethelburga, St Margaret New Fish Street, St Botolph Billingsgate, St John Zachary, and Edmonton as parishes whose petitions had been rejected. This would seem to refer to petitions for tables of church fees rather than vestry instruments (Duck makes no reference to turning down St Mary Abchurch's petition for a vestry, for example), but Duck's concluding remarks 'that of late hee hath not graunted any at all, and will forbear to graunt any more except hee shall be lawfullie authorized thereunto' may refer to both types of faculty (TNA, E215/58D, pp. 325–6). It is possible, then, that perceived pressure from the Commission on Fees, as

A further extraordinary reversal of a select vestry occurred in the parish of St Martin Orgar. Following what was a serious breakdown in relations between the vicar and the vestry over the income from parish properties, the bishop of London's chancellor, Arthur Duck, formally intervened in 1632 to forbid the select vestry from ever meeting again. Although St Martin's vestry had met in select form since at least the early 1560s, and had drawn up formal rules for the appointment of vestrymen in 1593, all meetings of the select vestry thereafter ceased.³⁸ It is unclear on what basis the vestry was prohibited, although the parish did not have a faculty, and clearly the Court of High Commission more regularly enquired into vestry faculties in this period. In 1632, the parishioners of St Augustine Watling Street were briskly instructed by the court 'to bring in the instrument of their vestry', whilst four parishioners had been fined the previous year for 'transgressing and exceeding' the limits of their 'Commission or Inquest of Vestry'.³⁹

Two further high-profile challenges to the authority of London select vestries also occurred at this time, involving the parish of St Katherine Cree and the vast suburban parish of St Botolph Aldersgate. The St Katherine Cree case (previously discussed elsewhere) saw a series of challenges orchestrated by the minister Denison and his supporters to the legitimacy of the select vestry's activities, which were pursued in both Chancery and the Court of Arches.⁴⁰ In the case of St Botolph's, it is striking that the faculty being opposed was not recent, having been granted back in 1607. A petition addressed to Laud (apparently c. 1629–30), signed by forty-four parishioners who claimed to speak 'in the name and with the unanimous vote of the whole Parish', begged the bishop to revoke the select vestry 'and to restore to them their ancient customes, freedome and liberty' (invoking precisely the same terms used in St Lawrence Jewry's petition to Laud). Doubtless with a keen eye to the restrictions specified in the faculty, the petition claimed that 'the selected Vestry hath many ways trenched upon the Ecclesiasticall Jurisdiction', as well as having 'violated and broken the ancient and approved Customs of the said Parish, which alloweth every householder to have a free voice in Vestry Businesse'. They particularly complained about a new 1620 table of fees 'never confirmed by the Lord Bishop'.⁴¹ It was this table of fees that drew particular attention during a visit to the parish by the royal Commission on Fees in November 1629, when the foreman of the local jury of inquiry into illegal church fees was one Francis Bowles, whose signature is

well as directions from Laud, may lie behind the absence of further vestry faculties granted in London in the 1630s.

³⁸ TNA, SP16/302/49.

³⁹ Cambridge University Library, MS Dd/2/21, fos. 80, 81.

⁴⁰ Lake, *Boxmaker's revenge*, pp. 317–21. In the case of the Court of Arches, the dean was acting within the peculiar jurisdiction of the archbishop of Canterbury in London. I am grateful to Professor Kenneth Fincham for this point.

⁴¹ Westminster Abbey Muniments (WAM) 13591. The vicar-general's book does not survive for 1607, but the text of the faculty is reproduced in *The report of the committee appointed by a general vestry of the inhabitants of the parish of St Botolph without Aldersgate* (1733), pp. 9–13.

prominent on the parishioners' petition to Laud. Bowles's readiness to send a report to the commissioners that was hostile to the existing vestry prompted the vicar and vestrymen to bring a series of malicious prosecutions against him, culminating in the vestry's alleged decision to refuse the deceased Bowles a burial in the church in December 1632. As one of the vestrymen reportedly declared, 'the said Bowles was a contentious wrangling knave in his life and was against double duties for burials. And therefore should not be buried in the Church'.⁴² Ultimately, it was intended that the vestry be prosecuted in Star Chamber, where the creation of the new table of fees would be presented as evidence that the vestrymen 'did unlawfully assemble themselves together ... in high Contempt of the lawes and government of this Kingdome and against the regall authority and prerogative of the Crowne of England'. St Botolph's vestry was also accused of 'assuming Royall authority' in allowing individuals to evade holding burdensome local offices through the payment of a fine, which was a widespread and lucrative practice in London.⁴³

IV

This insistence on the illegality of the vestry – and particularly the emphasis on burial fees – echoed arguments developed at this time by the legal historian and antiquarian, Sir Henry Spelman. Among his many writings, Spelman's *De sepultura* has been noted for its attack on burial fees, and on the vestries that imposed them, but the fact that it was published in 1641 has led historians to treat Spelman's work as evidence that vestries' legal status was only 'called into question with the attack on episcopacy in 1641' (rather than earlier).⁴⁴ In fact, Spelman's short tract did not emerge solely as a result of the heady reforming atmosphere of the early 1640s, but grew out of his work sitting on the royal Commission on Fees in the later 1620s and early 1630s; it may even have been drafted in this earlier period.⁴⁵ Although the Commission had been set up to investigate the charging of illegal fees in secular and ecclesiastical courts,⁴⁶ it was apparently under Spelman's direction that the Commission increasingly investigated the ways in which London parish vestries drew up greatly inflated rates for fees, such as those for burials and marriages.

The basic argument of Spelman's *De sepultura* is that the canons of the medieval church expressly prohibit the charging of fees for burials, and that clergy who

⁴² TNA, E215/58C, fos. 96v, 97v, 99v, 100r–v, SP 16/255/51.

⁴³ They also assumed 'Royall power to them selves' in drawing up the new table of fees: TNA, E215/1304 (order dated 21 Nov. 1629 by commissioners to examine books of St Botolph Aldersgate, and for all jurors to return inquisitions). See also E215/1202: St Botolph without Aldersgate Commissioners' certificate on exactions taken by an order of the vestry, 1620 (8 fos).

⁴⁴ Hindle, 'Political culture', p. 130; Hindle, *State*, p. 211.

⁴⁵ Certainly, Spelman's text refers to a vestry faculty of 1627 as 'lately granted' (p. 24) and makes no reference to the events of the 1630s.

⁴⁶ G. E. Aylmer, 'Charles I's Commission on Fees, 1627–1640', *Bulletin of the Institute of Historical Research*, 31 (1958), pp. 58–67, does not discuss the examination of vestries.

now collected them were in direct breach of church law and guilty of sacrilege. It was not just the clergy, however, that Spelman targeted. In a revealing passage he also attacked as breaking ancient canons ‘the Church-wardens of Parishes that sell graves in the Church and Churchyard like ware in their shop, and when they thinke fit, make lawes in their vestry for raising their price, as they doe in their Halls for the price of their ware’.

Spelman did not, however, leave matters there, but mounted a broader attack on the legitimacy of vestries. He allowed that vestries might be ‘a consistory for well ordering of the things of the Church’, but insisted, ‘let it not bee a Parliament, that a dozen or sixteen private persons ... should change or abrogate any superior Constitutions, much lesse those of synods and generall Councils, nor to make orders to bind, like a law, the rest of the Parish that consented not’. Spelman’s would have been a controversial view, given that vestries making orders had become standard practice in much of Elizabethan and early Stuart London. Spelman’s particular target was what he regarded as the spurious legality of vestry faculties, through which, in the last thirty years, vestries had abandoned their ‘ancient forme ... and contrived to themselves a new society, power and jurisdiction over the rest of the Parish’ by an episcopal instrument, ‘and (as new things must have new names) are commonly stiled *Selected Vestries*’. Yet, Spelman declared, ‘I understand not by what Law they may at this day erect such Societies, or endow them with such Authority as is pretended.’ Possibly referring to the St Lawrence Jewry case, he reflected that ‘many of the wise Parishioners doe perceive it, and some Parishes have renounced it, and are turned back to their ancient Vestrie’. But he stressed that *neither* type of vestry ‘keep their bounds; for the one and the other take upon them not onely to make orders in the nature of by Lawes to binde their Parishioners, but to set and raise fees and duties of the Church ... as appeareth by many Tables produced before us’. As they claimed their fees ‘by such vestry orders, or unlawfull Authority’, Spelman suggested that ‘the Vestry-men perhaps may bee in danger of an unlawfull Assemblie to change Lawes’.⁴⁷ Spelman’s views provide a useful reminder that parish controversies over vestry government were not merely local disputes, but were part of a broader ideological challenge to vestries.

In fact, internal parish conflicts and Spelman’s legal-historical misgivings came into direct contact through the activities of the royal Commission on Fees.⁴⁸ Spelman was a prominent member of the Commission and he personally perused and corrected certificates drawn up against London parish vestries.⁴⁹ Spearheaded by Spelman, the Commission was a potentially implacable opponent of London’s vestries. In fact, study of its records makes it clear that the Commission helped to stir up opposition to vestries within parishes and to exacerbate existing unrest among parishioners. Not only did Spelman’s

⁴⁷ Henry Spelman, *De sepultura* (1641), pp. 21–4.

⁴⁸ I am planning a more detailed study of the activities of the Commission on Fees in London parochial affairs in the 1620s and 1630s.

⁴⁹ TNA, E215/53G, p. 231.

Commission initiate systematic inquisitions in response to direct petitions from local inhabitants against their vestries, but the Commission explicitly solicited individual testimonies on church fees rated in the parish, and parish beadles were specifically charged with informing all householders of this invitation.⁵⁰ The Commission summoned local jurors, men who were specifically *not* involved in parish government, requiring them on oath to cross-examine parishioners and vestrymen alike.⁵¹ Jurors were also instructed to gain access to all relevant parish documents, and to report on any evidence of misgovernment. This could lead to prolonged and acrimonious struggles over rights of access to parish documents.⁵² The Commission's clerk directly assisted jurors in drawing up inquisitions and in collecting materials from parish documents, and the Commission itself intervened to protect jurors threatened by parish officers.⁵³ Attacks by local inhabitants seeking to question the authority and behaviour of their parish vestry were thus specifically incited, aided, and abetted by government commissioners whilst it was the Commission that subsequently prepared the legal cases in Star Chamber in which the vestries were to be prosecuted. It is unsurprising, then, that the Star Chamber charges against the vestry of St Botolph Aldersgate so closely mirror the arguments of Spelman's *De sepultura*. Not only did Spelman live at the adjacent Barbican, but he intervened personally in clashes between St Botolph's vestry and the jurors appointed by the Commission, and it was Spelman himself who presented to the Commission the testimonials gathered against St Botolph's vestry.⁵⁴

Attacks on London vestries did not, however, only spring from the activities of Spelman and the Commission. These investigations also coincided with increasing fears of vestries being voiced among the emergent faction associated with Archbishop William Laud. In particular, London's long history of support for puritanism prompted concern over vestries as bodies that might introduce Presbyterianism via the back door. In December 1626, in a high-profile sermon at Durham House chapel in the Strand, John Cosin emphasized bishops' sole right to ordain with a telling allusion: 'For it was the High-Priest of old and not the presbytery; it is the bishop now and not the vestry-man' that has authority to ordain ministers. Priests themselves cannot ordain other priests, Cosin maintained, 'And if not they, much less the consistory, and the verdict of the vestry, to whom they say the Spirit is lately gone'. Concluding with mock restraint and charity, Cosin would 'not here vouchsafe to confute them, not to name them, more than that they are a tumultuous faction, and despise dominions, and speak

⁵⁰ E.g. TNA, E215/58G, pp. 54–5, 62–7, E215/165D, fos. 13r, 36v–37r.

⁵¹ One juror for St Martin in the Fields was specifically removed from the jury during the time that he was serving as churchwarden: TNA, E215/58C, fo. 101r.

⁵² I will be exploring elsewhere the Commission's involvement in London parish affairs. On conflict related to the accessibility of documents, see P. Griffiths, 'Secrecy and authority in late sixteenth- and early seventeenth-century London', *Historical Journal*, 40 (1997), pp. 925–51.

⁵³ TNA, E215/58G, p. 231, E215/58C, fos. 52r, 96v, 99v, 100r–v.

⁵⁴ TNA, E215/58D, pp. 111, 317–21, E215/58G, p. 36.

evil of dignities; and that we own them not'.⁵⁵ Clearly, such attacks on vestries were the table-talk of the Durham House Group to which Cosin belonged, whose episcopal members, such as Neile, Buckeridge, and Laud, would have been exposed to accounts of the high-handed behaviour of London's vestries while sitting in High Commission. In late 1635 and early 1636 the court heard cross-examinations of many ex-vestrymen of St Martin Orgar and copies of their responses to accusations that its vestry had illegally exercised ecclesiastical jurisdiction and set down orders for the government of the church were carefully dispatched to Laud.⁵⁶ Laudian suspicions of vestries were also manifested in the most notorious set of visitation articles produced in this period – Matthew Wren's 1636 set for Norwich diocese – which demanded detailed information on any 'assemblies called vestry-meetings' and whether they discussed or 'medled with' anything relating to the church's doctrine, discipline, or government.⁵⁷

It is not surprising that vestries were an increasing concern for Laudians. Not only were Laud's attacks on London lecturers putting Laudians on a collision course with London vestries, but Laudian policies aimed at changing church interiors also encountered opposition from vestries and churchwardens, and opened a hornet's nest of issues concerning the precise location of authority in parochial matters.⁵⁸ This was demonstrated most graphically in High Commission in 1632, when the churchwardens of St Augustine Watling Street refused Laud's demand that they take down pews and 'scorned and slighted ... [him] in an irreligious manner'. Laud was reduced to appealing to the archbishops of Canterbury and York there present to confirm that the churchwardens were *obliged* to obey him as their ordinary, although the wardens begged for an explicit order 'or els we dare not, for our Vestry hath ordered it'. As one bishop present commented: 'the power of vestries and churchwardens, this is to hatch a lay presbytery'.⁵⁹ The association of vestries with Presbyterianism was also heard increasingly during the 1630s. The petition of St Botolph Aldersgate's parishioners against their vestry had pointedly claimed that the vestry 'have violated their graunt in exercising a Presbitary government over their Neighbours'.⁶⁰

⁵⁵ J. Cosin, *Works*, ed. J. Sansom and J. Barrow (5 vols., Oxford, 1843–55), II, pp. 85, 99, 100. Also, articles propounded to lecturers and ministers in London in 1635 include 'That the voice of the people is not required in the election of the minister' (TNA, SP16/308/43).

⁵⁶ TNA, SP16/298/31, 299/85, 301/19, 53 and 54, 302/34, 49; *Calendar of state papers domestic, 1635–1636*, pp. 469, 484, 495, 502, 519.

⁵⁷ K. Fincham, ed., *Visitation articles and injunctions of the early Stuart church* (2 vols., Church of England Record Society, 1994–8), II, p. 149; *Winthrop papers*, III: (1631–1637), ed. A. B. Forbes (Boston, MA, 1943), p. 305. Questions about vestries had hitherto been rare in visitation articles, although the archdeacon of London, Theophilus Aylmer, had consistently inquired whether London vestries exercised spiritual discipline (see his 1615, 1617, 1620, and 1626 visitation articles). See also Fincham, ed., *Visitation articles*, II, pp. 18, 92, 213.

⁵⁸ Seaver, *Puritan lectureships*, pp. 240–66; J. Spraggon, *Puritan iconoclasm during the English civil war* (Woodbridge, 2003), pp. 135–7, 145–6; K. Fincham and N. Tyacke, *Altars restored: the changing face of English religious worship, 1547–c. 1700* (Oxford, 2007), pp. 188–96.

⁵⁹ *Reports of cases in the Courts of Star Chamber and High Commission*, ed. S. R. Gardiner (Camden Second Series, 39, 1886), pp. 306–7. This was John Bowle, bishop of Rochester. ⁶⁰ WAM 13590, p. 1.

The official defence of the altar policy also condemned 'the Vestry-doctrine of these days; in which the Church-wardens, & other Elders of the vestry, would gladly challenge to themselves the Supreme disposing of all ecclesiasticall matters in their severall Parishes'. The clergy, it was claimed, risked being surrendered 'into the hands of the Vestrie Elders'.⁶¹

V

This brings us to what has become a famous document for historians charting the emergence of parish vestries in London: a collection of 113 returns from almost all London parishes, responding to a 1636 official survey about the nature of their parish government, including the origins of select vestries and the powers they claimed.⁶² These returns are often treated as statistical evidence for the continued growth of London's vestries, yet the origins and meaning of this survey of London parish government has never been fully studied or explained. In fact, new evidence strongly suggests that the collection of returns was actually prompted by one of the Star Chamber cases against London vestries being pursued by Spelman's royal Commission on Fees – almost certainly that against St Botolph Aldersgate – and thus formed part of a much broader attack on London's vestries.⁶³ Rather than evidence of the strength of select vestries, the returns are actually a manifestation of the campaign against them, which had arrested their expansion.

Answers to the 1636 survey show clearly that parishes saw these questions as politically charged and that replies were therefore carefully crafted. For this reason we must be careful not to see answers as candid or neutral accounts of London parish government, providing easily quantifiable information. Parishes were asked four questions. The first asked if parishes ordered their business with a vestry of 'selected persons' or through 'all your parishioners meeting in generall' and the second question inquired whether vestries derived from an episcopal grant or from 'use and prescription'. Parishes reporting that their vestry derived from 'use' were then asked 'what power you clayme to your vestry by such use

⁶¹ A. Milton, *Laudian and royalist polemic in Stuart England: the career and writings of Peter Heylyn* (Manchester, 2007), p. 96.

⁶² LPL, CM VII.

⁶³ The initial letter requiring returns describes itself as being 'by direction and Comand of my Lord Bishopp of London and other the Lords and Judges of the High Court of Star Chamber' (e.g. LPL, CM VII/55), but although some responses are addressed directly to the bishop of London this was clearly not an episcopal inquiry (still less one directed by Laud, as some historians have suggested). The Commission on Fees prepared various Star Chamber cases against London vestries: three cases were initially delayed in 1633 (TNA, E215/58G, p. 163), but the St Botolph case was described on 18 Aug. 1635 as being scheduled to be heard that coming Michaelmas (*ibid.*, p. 165). An order of the commissioners dated 15 Jan. 1635 (*ibid.*, pp. 32–3, WAM 13589) remarks that the case against St Botolph's in Star Chamber is 'readie for hearinge' and that 'it wilbee much to his Maiesties disservice if the Bookes, Orders and Tables of Vestries concerning Church Fees and Duties in and about London as well auncient as moderne bee not brought before them and ascertained for evidences against such as shalbee delinquent upon future Inquiries', noting that while commissioners had the power to have all such books and papers brought before them on oath, they did not have the power to keep the originals.

and prescripcion', while a final question requested a list of church fees.⁶⁴ It was, however, the question about the powers claimed by vestries that perhaps most worried parishes.

The 1636 inquiry was addressed specifically to churchwardens, although they were instructed that 'you shall also desire your minister to ioyne with you'.⁶⁵ Nevertheless, only about half the returns contain signatures of clergy.⁶⁶ Uniquely, one parish, St Leonard Shoreditch, actually submitted a return with the signatures of fifteen vestrymen, together with those of the churchwardens and minister.⁶⁷ Overall, however, out of 113 parishes, sixty-four clergymen signed their parishes' return and their involvement sometimes resulted in a document that skilfully navigated its way through potentially awkward questions. At St Andrew Holborn, for example, the response was said to have been prepared 'upon Mature advice and consultation' with the rector, John Hackett, the future bishop and biographer of Archbishop John Williams. Not surprisingly, the well-connected Hackett ensured that St Andrew's return sent a reassuring message to the authorities, by repeatedly emphasizing deference to clerical and legal authority. Members of the select vestry were described as well affected to 'the rites and ceremonies of the Church of England' and in 'noe way prone to faction'. The parish, it was said, claimed no powers 'but such as it is ready and most willing to submit in all affaires to my Lord Bishop'. Similarly, on a point related to burial fees, the parish was said to 'humbly crave that the grave authoritie of those to whom it doth belong would appoint what should be observed'.⁶⁸

Every return has its oddities, although none is quite so bizarre as that of the parish of St Katherine Cree. Here the authors of the return actually seized the opportunity to attack the legitimacy of the parish vestry, appealing to the assumed anxieties of the authorities by claiming that the vestry levied rates and appointed and dismissed ministers at their own pleasure.⁶⁹ All other returns sought to pick their way through a potential minefield in trying to defend existing practice. A number of parishes were clearly very worried as to what might lie behind the inquisition. The return of Holy Trinity Minories, for example, found the parish very reluctant to insist on any powers and if any 'irregularities' were to be found, they claimed that they were desirous to receive the bishop's instructions.⁷⁰ When

⁶⁴ LPL, CM VII/55.

⁶⁵ *Ibid.*

⁶⁶ Churchwardens acting on their own may not have been sure how to reply, but it is worth remembering that Londoners were often very primed about issues of custom and precedent, partly through their involvement in livery company affairs and city government.

⁶⁷ LPL, CM VII/93. The same return specified that 'The Vestrie have noe duties Ecclesiasticall.' The minister was John Squire.

⁶⁸ LPL, CM VII/57. Some of the details given, such as the emphasis on church beautification, were presumably included to emphasize that the parish was sympathetic to current central initiatives. It was also pointed out that the arrangements for a select vestry had been accepted by the two past rectors who went on to become bishops of London (i.e. Bancroft and King).

⁶⁹ LPL, CM VII/11; Lake, *Boxmaker's revenge*, pp. 316–17, 322.

⁷⁰ LPL, CM VII/51. Cf. Holy Trinity the Less, a parish without a select vestry, nevertheless stressed that it did not 'pretend ... any power' and that it submitted itself 'to authority that wee may does that

St James Garlickhithe received the questions, its vestry discussed the response and, at the same meeting, decided to defer the election of a new lecturer 'till such time as itt shall bee ordered to know what power our Vesterie hath to chuse and order the Parish affaires'.⁷¹ Other parishes, such as St Benet Gracechurch and St Clement East Cheap, dealt with the anxiety produced by the inquiry simply by avoiding answering the questions about 'select' vestries.⁷²

Parishes often seem to have been looking for the safest response, rather than the most accurate one, and this may especially be true of their responses to the first question, which has hitherto often been the only question to have excited scholarly interest, namely, did the parish have a select vestry? Out of 113 parishes responding, fifty-four described their vestries as 'select' or 'not general' (avoiding the 's' word, but falling into that category). This number, however, seems to be an underestimate of the number of parishes actually running their affairs in this manner. This partly reflected the fact that many inner-city parishes with small populations were run in practice by vestries of dominant parishioners, even if they remained theoretically 'open'.⁷³ The term 'select' also seems to have embodied quite varying degrees of exclusivity – from those parishes that held occasional general meetings, for example to choose parish officers – to those that operated in a more restrictive manner. The returns appear, however, to demonstrate not semantic quibbles, but a sense that it was not necessarily a good idea to claim to have a select vestry – although St Mary Magdalen Fish Street 'earnestly' desired a faculty for their select vestry if it was being offered.⁷⁴ Most intriguing are five parishes that denied having a select vestry despite having actually received a bishop's faculty (in three cases within the last decade) while one of these parishes had received no fewer than four faculties.⁷⁵ These may reflect a more common desire to avoid admitting the existence of a select vestry, although it is also possible that, in some cases, like St Lawrence Pountney, the parish had effectively decided to ignore a faculty that no longer enjoyed parishioners' support.

which is commanded and a provident desire that all things may be caryed among us according to the lawes ecclesiasticall and civill': LPL, CM VII/39.

⁷¹ The next year they started to describe vestry meetings differently, as 'a generall meeting of our parish', even though attendance lists still recorded fourteen vestrymen plus the rector: GL, 4813/1, fos. 16, 53. At St Bride's, the churchwardens (and perhaps the minister, James Palmer) attempted to second-guess what was desired and therefore beseeched the bishop to be 'pleased to establish and setle a Selected vestrie amongst us'.
⁷² LPL, CM VII/85 and 67. See also VII/76.

⁷³ See, for example, the surviving vestry minutes of St Matthew Friday Street and St Pancras Soper Lane (GL, 3579, 5019/1), whose formal vestry meetings tend to be signed by a consistent body of between thirteen and twenty-six names although they declared themselves to be general vestries in their 1636 returns (LPL, CM VII/68a, 108), as did the small parishes of St Mary Colechurch, St Olave Jewry, St Alban Wood Street, St Helen Bishopgate, and St Peter Cornhill, whose surviving vestry minutes reflect formal organization. St Peter Westcheap's vestry had proposed gaining an 'instrument' for a settled vestry in 1620 (GL, 642/1 (unfoliated)).
⁷⁴ LPL, CM VII/21.

⁷⁵ St James Clerkenwell, St Botolph Aldgate, St Lawrence Pountney, St John Zachary, and St Benet Fink (LPL, CM VII/7, 13, 16, 23, 24; LMA, DL/C/343, fo. 7r-v; DL/C/341, pp. 589–91; DL/C/340, fos. 185v–186v; DL/C/342, fos. 34–5, 246v–248v).

It should be obvious from these cases that the returns cannot be used as a straightforward statistical record of the number of select vestries in 1630s London.

The origins of London's vestries were addressed in the second question in the 1636 inquiry. For those with faculties the answer was straightforward, although some were notably anxious to insist that this faculty merely confirmed a much earlier custom. But for the vast majority of parishes, whose vestries had evolved over many years, it was a matter of explaining that the practice was 'time out of mind' (perhaps with reference to elderly parishioners) or better yet, that the custom was documented in records kept by the parish.⁷⁶ St Antholin's parish was impressively able to document meetings in general from records going back to Edward IV's reign, although most parishes did not justify their practice before the reign of Elizabeth.⁷⁷ In addition to custom, some returns also noted other authorities for their proceedings, citing the canons of the church (for elections of church officers), and also the authority of the lord mayor and aldermen (for rating inhabitants).⁷⁸

One of the most charged questions asked in the 1636 inquiry was question three, asking parishes 'what power you clayme to your vestry'. The answers supplied betrayed the nervousness of those replying. Frequently certificates stated that the vestry 'only' exercised the same power as did its predecessors, which was clearly felt to be a safe answer, even if it may well have stretched the truth. The certificate for St Bartholomew the Great noted the general principle of 'holding yt safe to follow the president of antiquity without innovacion'.⁷⁹ Some returns articulated a distinction between civil and ecclesiastical affairs, making it clear that much of the vestries' dealings concerned civil matters that were no business of the church, including the election of 'Comon wealth officers for the service of our parish and the ward'. St Botolph Aldersgate distinguished between 'business of their parish concerning matters of the Church' and 'other publique affaires'. Most parishes were aware of the need to avoid any implication that they 'meddled' in ecclesiastical matters. At St Sepulchre Newgate the churchwardens noted the assistance they received from the 'ancients', but not, they added, in their presentments into ecclesiastical causes, 'which wee with our Mynister doe only make'.⁸⁰

The unspoken fear that parishes were effectively running their affairs along Presbyterian lines was actually addressed by a few parishes. St Leonard Foster Lane insisted that their select vestry 'is executed modestly, and in noe whit in the

⁷⁶ St Swithin London Stone noted its authority came from 'president in our Vestrie bookes of above 70 yeares', while St Christopher le Stocks similarly tracked general meetings in their church books for the past 100 years: LPL, CM vii/75, 40.

⁷⁷ LPL, CM vii/74. In addition, St Alban Wood Street (/80) cited custom in parish affairs from the last sixty years while St Mary Colechurch (/70) cites a general meeting of parishioners from time out of mind. ⁷⁸ LPL, CM vii/5, 47, 109, 17. ⁷⁹ LPL, CM vii/72.

⁸⁰ LPL, CM vii/55, 62, 69. This distinction was also routinely made in vestry faculties, which may have given the issue greater prominence. Ironically, a few years earlier, groups within St Botolph Aldersgate actually accused the vestry of effectively operating a presbytery: WAM 13591.

nature of an eldership.⁸¹ More generally, parishes anxiously downplayed the extent to which their vestries had become executive bodies, directing churchwardens and overseeing both religious and civic affairs.⁸² Few stated as explicitly as St Swithin London Stone that they reformed 'things amisse' and made 'good & profitable orders for the Church & the Parish'.⁸³ In fact, the returns provide a deeply misleading account of the powers that vestries exercised in practice, and the facile distinction between ecclesiastical and secular matters was rarely observed outside the returns. There was also a deafening silence in the returns about the appointment of lecturers, although surviving vestry minute books clearly show that many parishes voted in lecturers at vestry meetings. The notoriously puritan parish of St Antholin's – perhaps because it only claimed to hold general meetings of parishioners – was unique in emphasizing that 'we have an heavie burthen to choose our morning Lecturers'.⁸⁴

VI

Given the extent of this inquisition into London's parishes and the systematic way that information was gathered, why does it not seem to have resulted in any further action? This all depends on what the inquiry was meant to demonstrate. If, as seems likely, the inquisition had been prompted by a Star Chamber case that had revolved around what was the standard practice and authority of London vestries, then the returns had not provided a straightforward response. Instead the returns seemingly demonstrated that vestry government in London encompassed a huge variety of local practices, with the authority and scope of vestries still unclear. The smattering of bishops' faculties had done little to clarify matters, and had perhaps added to confusion. The many appeals to custom to endorse the form and proceedings of the parish vestry would be difficult to challenge, and constant avoidance of questions regarding the precise range of vestry activities did not help. In many ways, the various queries into vestries resembled the more famous campaign regarding London tithes. In the tithe dispute, the government drew back from a total assault, but gave leave to the clergy to sue cases individually in the ecclesiastical courts. It is notable that there were three Star Chamber cases involving London parish vestries that remained unresolved – or in some cases not even heard – in 1640.⁸⁵

But what were Archbishop Laud's thoughts? He may have shared the sense that an assault on vestries would be impractical; in 1633 he declared that vestries 'which were made and suffered first by negligence doubtless, yet being of continuance, we cannot so easily restrain the power which they use ... it is not an

⁸¹ LPL, CM VII/49.

⁸² Quite a number say that they only superintend 'small' matters, but then list important affairs such as choosing all officers and rating parishioners for taxes: see St Giles in the Fields (/50).

⁸³ LPL, CM VII/75.

⁸⁴ LPL, CM VII/74.

⁸⁵ T. C. Dale, ed., *The inhabitants of London in 1638* (2 vols. in 1, London, 1931), I, pp. x–xii; TNA, SP16/409/175; British Library (BL), Add. MS 34601, fo. 143v.

easy matter to restrain a custom'.⁸⁶ Even so, Laud clearly had ambiguous feelings towards select vestries. In St Lawrence Jewry he was presented with petitions spelling out the worst Laudian nightmare: a popular rebellion of parishioners overthrowing the episcopally granted select vestry, taking control of church property, and treating the minister and his rights with contempt. And yet Laud's solution had been to dissolve the select vestry altogether, which the minister certainly had not requested. Laud's judgement in this case applauded popular liberty to participate in parish business, and apart from a stray case in the first year of his tenure as bishop of London, Laud never granted a vestry faculty and neither did his successor, Juxon. But Laud does not seem to have intervened in the St Botolph Aldersgate case, despite receiving parishioners' petitions against their select vestry. This may have been because disputed church fees were too important to clerical income, or because the matter was deemed to fall more within the remit of the Commission on Fees. But could the character of the parish also have been important? St Lawrence Jewry had a record of puritan activity, which might make a select vestry appear more threatening. St Botolph Aldersgate, by contrast, had a more reliable minister in the shape of Thomas Boothe, who would later prevent his parishioners from taking down the altar rails in 1641.⁸⁷ Laud may also have had mixed feelings about the assault on vestries by the Commission on Fees, at least when it sought to summon and prosecute clergymen, as Boothe had experienced in 1630 when the Commission gave him a severe reprimand for his hostile behaviour towards the jury foreman, Bowles.⁸⁸ When Thomas Worrall, rector of St Botolph Bishopsgate, was cross-examined by the Commission the following year, he may have spoken for many clergy when he complained 'that hee had taken Sir Henry Spelman for a friend to the Church, till now'.⁸⁹ Laud was doubtless behind Charles I's letter to the Commission in June 1634, which commanded it to refrain from prosecuting men in holy orders.⁹⁰ Ultimately, for all the fears of Presbyterian plots, select vestries need not be inherently hostile to Laudianism. The Laudian William Fuller, vicar of St Giles Cripplegate, was accused of having ruled his parish in the 1630s through 'his conclave or select vestry' and having used it deliberately to exclude 'puritan' parishioners from holding parish offices.⁹¹ Meanwhile, at the Restoration, new select vestries were partly seen as a means by which the restored church could regain control of parishes.⁹²

⁸⁶ Laud, *Works*, vi, p. 14. Laud's description here of his dealings with St Lawrence Jewry is, however, garbled, and does not make clear the fact that he supported appeals for the customary legitimacy of a general vestry, and that his ruling was accepted. ⁸⁷ Seaver, *Puritan lectureships*, p. 275.

⁸⁸ TNA, E215/58C, fo. 100r–v. See also E215/58D, pp. 272–80.

⁸⁹ TNA, E215/58D, p. 141, E215/58E, 2 Apr. 1631.

⁹⁰ TNA, E215/58G, p. 4. For the initial impact of this letter, contrast the wording of the Commission's charges against parishes in 1633 and 1635 (*ibid.*, pp. 158–9, 165), although as late as 1638 the issue was still causing problems (see SP16/537/71, 125). ⁹¹ Lindley, *Popular politics*, p. 57.

⁹² See P. Seaward, 'Gilbert Sheldon, the London vestries and the defence of the church', in T. Harris, P. Seaward, and M. Goldie, eds., *The politics of religion in Restoration England* (Oxford, 1990), pp. 49–73.

The dilemma of vestries was that they were a useful vehicle for getting things done, from puritan preaching to ceremonialism. Their precise legitimacy, however, was never entirely clear. The contrast between their widespread influence and activities and their questionable legal status is one of the most intriguing aspects of government in this period. This made them an inevitable target for opponents, so that fundamental questions of local power and legitimacy were regularly raised. They may also have played an important role in heightening fears among the Laudian bishops in the Courts of High Commission and Star Chamber of lay control and incipient Presbyterianism.

While there would appear to have been no further official attacks on London's vestries after 1636, when parliament met four years later, it was lobbied by Spelman to continue the legal assault on the capital's vestries that the Commission had attempted.⁹³ For more than a decade, then, London's vestries were under sustained attack: their 'rise' had unquestionably been halted. As this article has shown, the 1630s provided an ideological and political context in which it was possible to attack individual vestries. Moreover, the assault on London vestries amid the upheavals of the 1640s was, in some ways, a continuation of broader divisions that already had been opened up.⁹⁴ It is also striking that central government was prepared to side with local inhabitants against parish oligarchies, rather than seeking to co-opt them into the business of government. In the struggles over the emergence of oligarchy in London's parishes, the central authorities' sympathies were notably – and fascinatingly – ambiguous.

⁹³ BL, Add. MS 34601, fo. 143v.

⁹⁴ It is true that the six parishes identified by Lindley as making the decisive switch from a select vestry in the early 1640s (Lindley, *Popular politics*, p. 56) were not those which had experienced challenges in the 1630s, but four out of the six had acquired an episcopal faculty.