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## A Church Adrift: Virginia's Church Of England, 1607-1677

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A CHURCH ADRIFT: VIRGINIA'S CHURCH OF ENGLAND, 1607-1677

A Dissertation  
presented in partial fulfillment of requirements  
for the Doctor of Philosophy degree  
in the Arch Dalrymple III Department of History  
The University of Mississippi

by

KATHERINE GRAY BLANK

MAY 2018

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## ABSTRACT

The Church of England in the Virginia colony is an institution which has been much overlooked in historiography. Traditionally, historians have focused upon the weakness of the Church, with its lack of a complete hierarchy and dearth of ministers. These weaknesses, combined with some of the more unsavory attitudes and actions of early colonists, have led many scholars to postulate that religion did not play much of a role in the Virginia colony. While the early colonists did struggle, and the Church was weak, historians have overlooked the fact that most Virginians were seventeenth-century Englishmen, and inhabited a world that knew no sacred-secular divide. This lack of clear division is reflected in the manner in which Virginians shored up the weaknesses of their Church: county courts took the place of ecclesiastical courts, and the governor and congregations filled the role of archbishop. In the end, Virginians created a peculiar hybrid of a Church, one in which the Book of Common Prayer was taught and revered, but also one in which the vestries chose the ministers for individual congregations. This congregational Anglicanism proved a strength to Virginia's Church of England when civil war struck England and the Church was outlawed. Virginia's Church was able to continue to function because, as long as individual congregations were pleased with their ministers, that minister's job was secure, whatever theological differences he may have had with those in power. The Restoration in Virginia took only three years, too, because its Church had never ceased to function. The colony's religious weakness became its strength.

## DEDICATION

This dissertation is dedicated to Kyle, in love and gratitude for his unwavering support and respect. I could not have done it without you.

## ACKNOWLEDGMENTS

I owe many people a debt of gratitude for their role in this dissertation. First, I offer thanks to my advisor, Dr. Jeffrey Watt, and my other committee members, Dr. Sheila Skemp, Dr. Joseph Ward, and Dr. Caroline Wigginton, for their patience and flexibility. I express deep appreciation to the librarians of Interlibrary Loan, who obtained a number of odd sources for me promptly and without complaint. I would not be in graduate school if it were not for the teaching and mentorship of Dr. George Webb, Dr. Kent Dollar, Dr. Susan Laningham, and Dr. Jeff Roberts of Tennessee Tech. I think of them every time I teach and hope to be half as good.

In addition, I am grateful for my administrators and colleagues at Regents School of Oxford, who gave me a flexible schedule to accommodate my finishing this project and made me smile on difficult days. Jake Todd and Lori Bray have been especially helpful in this regard. My church family have been a wonderful blessing throughout this project's duration. I would be a poorer person if I did not have Sally Freeny, Harter Crutcher, Debra Patterson, and Janet Prather and others in my life. I am thankful for the friendship of Travis Eakin, who is always ready to pray, rant, or celebrate. I am grateful to my Blank family for their support, and for helping make this degree a reality. My own parents provided me with a good educational foundation.

I do not have adequate words to acknowledge my wonderful husband, Kyle. He has been my greatest supporter, encourager, and advocate through personal difficulties and graduate difficulties. He works tirelessly to care for those around him.

Finally, in unceasing praise to the One who holds it all together: *Soli Deo gloria*.

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## INTRODUCTION

April 26, 1607: three English ships arrived in Chesapeake Bay, carrying the adventurers of what would become the first permanent English colony in North America. On May 14, these men landed at the site they christened James City (later and still today known as Jamestown). One wonders just what thoughts raced through their minds as they surveyed the unfamiliar forests surrounding them. Did they have any inkling of the trials that faced them, or any sense that the choices they would make would lead them to the brink of ruin?

One thing they could not have predicted was the manner in which their stories, and the stories of their descendants, would be told and re-told by future historians and teachers, who sought to do everything from entertain students to inculcate morals to express political opinions. Often the story of Virginia is presented in the broader narrative of the founding of the United States as a whole. When that is the case, a comparison almost inevitably occurs: Massachusetts versus Virginia. Rocky, cold, sea-swept Massachusetts was a religious colony. Puritans, entire families of them, came there from England, hoping to escape the corruption of Europe and to purify the "popish" Church of England. Few would deny that this was the mission of the Massachusetts Puritans, explicitly stated by John Winthrop, William Bradford, and others. Modern historians have therefore constructed an extensive narrative on "godly" Massachusetts,



which they often conflate with New England as a whole.<sup>1</sup>

Virginia, meanwhile, has generated a rather different narrative. The warm, mosquito-ridden colony was founded by men interested primarily in trade. Though the charter for the colony states an interest in spreading Christianity to the Indians, in practice the Virginia immigrants did little to fulfill that stated goal. In the beginning, few showed any interest in remaining permanently in North America, and John Smith painted an ugly picture of their refusal to work at anything other than acquiring wealth. It took years to establish a stable society in Virginia – the first women did not arrive in any significant numbers until three years after the founding, and even then the swampy climate of Jamestown claimed a vast number of lives. Relations with the local Native Americans proved unstable, too, eventually erupting into the Powhatans' wholesale massacre of Jamestown in 1622. Even to contemporaries, Virginia had a rather less-than-desirable reputation.<sup>2</sup>

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<sup>1</sup> To obtain the opinion of the Puritan elites about their mission in Massachusetts, one may simply consult such works as John Winthrop's "City on a Hill" speech or William Bradford's *Of Plymouth Plantation*. Theologians such as the Matherses and Cottons have further left numerous sermons from which their opinions may be gauged. Historians have worked for decades to attempt to recapture exactly what the Puritan mission meant to Everyman. Fortunately for those historians, Puritans in general, elite or not, tended to write a great deal. Court proceedings, town charters, and purchasing habits have revealed still more about the belief systems of those men and women not leading the colony. Kenneth Lockridge's *A New England Town: The First Hundred Years: Dedham, Massachusetts, 1635-1736* (New York: Norton, 1970) and David Hall's *Worlds of Wonder, Days of Judgment: Popular Religious Belief in Early New England* (New York: Knopf, 1989) provide but two examples of historians' integrative use of such sources to reconstruct the mental worlds of Massachusetts's Everyman. Of the tendency to associate Massachusetts with New England as a whole, one need only examine the titles of the aforementioned two books, both of which purport to examine New England. Lockridge's work, however, focuses solely on Dedham, Massachusetts, while Hall draws the majority of his references (most famously Samuel Sewall's journal) from Massachusetts.

<sup>2</sup> Some evidence of the prevalence of negative opinions concerning Virginia comes from the number of pamphlets published by Virginians in defense of Virginia. In 1610, for instance, the Council of Virginia supervised the creation of a tract entitled "A True Declaration of the estate of the Colonie in Virginia, with a confutation of such scandalous reports as have tended to the disgrace of so worthy an enterprise." The unsavory reputation lingered, at least in some minds, nearly five decades after the colony's founding. In 1656, colonist John Hammond disseminated yet another defense, "Leah and Rachel, or, the Two Fruitfull sisters Virginia, and Mary-land: Their Present Condition, Impartially stated and related. With a Removall of such Imputations as are scandalously cast on those Countries, whereby many deceived Souls, chose rather to Beg, Steal, rot in Prison, and come to shamefull deaths, then to better their being by going thither, wherein is plenty of all things necessary for Humane subsistance." For facsimile reproductions of both tracts, see *Tracts and Other Papers, Relating Principally to the Origin, Settlement, and*

Following the lead of these early records, modern historians of Virginia highlight the early difficulties of the colony, crafting a narrative that frequently denies religion any real role in Virginia. New England bears the adjective "godly," while Virginia bears the insult of "greedy." Though that stereotype does remain to some extent, as the twentieth century wound to a close, the context surrounding Virginia's founding shifted. Historians in the late twentieth century made simply the colony, and its role in the development of the future United States, their subject, no longer explicitly comparing Virginia to Massachusetts; in these stories the first settlers emerge as avaricious and cruel. One famous interpretation of early Virginia weighs the character of the first settlers and finds it severely wanting, with the early Jamestowners deemed shiftless men, starving out of their own pride, greed, and stubbornness.<sup>3</sup> The descendants of these ne'er-do-wells were little better, even if they were more industrious; they were the ones who gradually institutionalized racism, building American republicanism on the backs of enslaved Africans.<sup>4</sup> Other accounts flesh out this idea of selfishness, painting the early Virginians as much less interested in the flourishing of the entire community than in their own, individual well-being. In their drive to protect themselves and achieve economic prosperity, early Virginians were as ruthless as any Gilded-Age Robber Barons.<sup>5</sup> In such a materialistic society, religious beliefs and practices had little place or influence.

By the end of the twentieth century, historians began reevaluating this grim assessment. Perhaps early Virginia could be better understood if the context in which the colony was studied were widened. Colonial historians began incorporating English history and even climate records

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*Progress of the Colonies of North America, from the Discovery of the Country to the Year 1776*, volume 3, ed. Peter Force (Washington, D.C., 1836-1847).

<sup>3</sup> Edmund Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (New York: W. W. Norton, 1975), 71-91.

<sup>4</sup> Morgan, *American Slavery*.

<sup>5</sup> Timothy Breen, "Looking out for Number One: Conflicting Cultural Values in Early Seventeenth-Century Virginia," *South Atlantic Quarterly* 78 (1979): 342-360.

to try to comprehend the early Virginians more thoroughly. The desire to place Virginia into a broader context was part of the creation of a new field of historical inquiry, *Atlantic World*.

*Atlantic World* studies hold that events happening in the nations that touch the Atlantic are better understood, if not *best* understood, by considering those events alongside one another; the Atlantic Ocean, after all, connects people, actions, and ideas.<sup>6</sup> In response to this shift in the historical field, scholars of colonial Virginia seek explanations for the colonists' actions and attitudes in the attitudes and actions of the colonists' English contemporaries. The colonists' atrocious behavior is not excused, but historians are more sympathetic toward the colonists overall. Karen Kupperman, for instance, argues that the Jamestown settlement should not be deemed a failure, nor should the early settlers be stigmatized as shiftless. Rather, their early struggles are all-too-comprehensible, attempting, as these colonists were, to survive in a completely foreign climate that defied the staple crops with which they were familiar. Moreover, the fact that the Native Americans tried so diligently in 1622 and again in 1644 to eliminate the settlement of Jamestown testifies to the growing strength of the colony; Opecanough would have felt little need to raze a settlement that was an obvious failure.<sup>7</sup> Lorena Walsh similarly argues that the failings of the Jamestown settlement in its early years are quite understandable, if for no other reason than the first Englishmen arrived in the midst of a notable cool spell, which made farming difficult even for the experienced Native Americans. Settlers may have been quite profit-driven, but they were also interested in personal pleasure and honor. Virginians were no worse than the vast majority of their peers in England.<sup>8</sup>

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<sup>6</sup> For further explanation of this contention, see Bernard Bailyn's *Atlantic World: Concept and Contours* (Cambridge: Harvard University Press, 2005).

<sup>7</sup> Karen Kupperman, *The Jamestown Project* (Cambridge: Harvard University Press, 2007).

<sup>8</sup> Lorena Walsh, *Motives of Honor, Pleasure, and Profit: Plantation Management in the Colonial Chesapeake, 1607-1763* (Chapel Hill: University of North Carolina Press, 2010). Virginians did not have connections just with other Englishmen. Broader context for the actions and attitudes of Virginians is a key part of more recent scholarly work. April Hatfield in *Atlantic Virginia* (Philadelphia: University of Pennsylvania Press, 2004) highlights

Colonial Virginians would have been well in tune with their peers, for the colonies were constantly in motion, as people arrived from England or even from other colonies. Using port records from 1635 London, Alison Games follows passengers to their various destinations throughout the Atlantic. The passengers shared certain characteristics: they were primarily indentured servants, Protestant, and young. Though Virginia has typically had a reputation as a solidly Anglican colony, a contrast to the Puritan colonies further north, Games notes that Puritans found their way to the Chesapeake as well. Early Virginians would have been exposed to a fair variety of opinions and customs.<sup>9</sup>

With this kind of constant movement throughout the Atlantic colonies, the question of colonial identity arises. Certainly most of the Virginia colonists were English, but a different setting meant their lives, from the crops they grew, to the buildings they constructed, to the problems they faced, no longer looked precisely like the lives of their peers in England. With time, these differences also helped create a bifurcation of ideas between England and the North-American colonies about the nature of government. Colonists slowly developed a culture that, while heavily imitative of England, was not precisely the same culture that a traveler would encounter in England itself.<sup>10</sup>

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Virginia's connections not just with the mother country, but also with the great merchants and sailors of the seventeenth century, the Dutch. Riverways in Virginia connected the settlers not just to one another and to England, but also fostered a thriving trade with merchants from the Netherlands and with the Dutch colonies throughout the Atlantic. A smaller trade with French colonies and some nations in Africa likewise existed. Far from being an isolated colony, Virginia received people, ideas, and material goods from throughout the Atlantic settlements. Hatfield does not explore to what extent local problems influenced Virginians' responses to the ideas, people, and goods imported from abroad, nor does such a discussion fall under the purview of her project.

<sup>9</sup> Alison Games, *Migration and the Creation of the English Atlantic World* (Cambridge: Harvard University Press, 1999). Games's purpose seems to be to eliminate the almost-claustrophobic earlier depictions of Virginia; and while she certainly achieves that goal, she does have a tendency to "flatten" the differences among the colonies.

<sup>10</sup> Historians have explored the manner in which the slow transformation occurred in a variety of ways. Bernard Bailyn in *Ideological Origins of the American Revolution* (Cambridge: Harvard University Press, 1967) famously charts the ideological shift that colonists underwent before the American Revolution, exploring the manner in which English Whigs pamphleteers like Trenchard and Gordon were added to the colonies' strain of Puritanism to create a sense of paranoia in the Founders. These men were convinced that the English government, the greatest form of government on earth, had become hopelessly corrupt and was out to get its own citizens. Time and distance from the

The process of the creation of an American identity, called the Americanization thesis, is particularly absorbing to historians of the American Revolution.<sup>11</sup> Yet some scholars have found evidence of Americanization, or at least of the creation of a primarily local, colonial identity, in the seventeenth century. Steven Crow's dissertation examines Virginia during the years of the Commonwealth and Protectorate. He maintains that Virginia surrendered easily to Parliamentary forces at the end of the English Civil War because the colonists were no longer truly Englishmen; they were Virginians first, and as such they felt no particular attachment to the homeland or to the conflicts then embroiling it.<sup>12</sup> In light of Games's research, highlighting the constant movement between England and the colonies, Crow's assertion seems a bit premature. Perhaps the Virginians did see themselves as Virginians before anything else; but that did not negate their broader identity as Englishmen.<sup>13</sup> In fact, with so many flourishing connections between England and Virginia, Virginians would be hard-pressed not to have at least some notion of affairs back home, not to mention a sense of kinship.

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mother country were creating distinctly American fears. Eliga Gould's research supports the thesis of time and geography slowly creating different cultures. In *Persistence of Empire: British Political Culture in the Age of the American Revolution* (Chapel Hill: University of North Carolina Press, 2000), he argues that the colonists' older notion of civic virtue, that it was most patriotic to serve in the militia, brought them into direct conflict with their English brethren, who had adopted a newer concept of civic virtue, namely, that paying taxes to support professional soldiers was the height of patriotism. Both colonists and Englishmen alike had deemed militia service extremely patriotic during the early Stuart period; but colonists, who experienced the late Stuart period rather differently from the English, had not adopted the Lockean liberal stance of their brethren in the mid-1700s. Even Brendan McConville, whose central argument in *The King's Three Faces: The Rise and Fall of Royal America, 1688-1776* (Chapel Hill: University of North Carolina Press, 2006) is that the Americans were growing more English as the eighteenth century waned, documents the creation of a colonial culture that was not in step with the prevailing customs of England. However much the colonists wanted to recreate the ways of their homeland -- and Gordon Wood's *Radicalism of the American Revolution* (New York: Alfred A. Knopf, 1992) indicates that they worked very hard to recreate the status-conscious society of England -- time, geography, migration, and different life experiences conspired against a carbon copy.

<sup>11</sup> See above for just a few historians who discuss Americanization.

<sup>12</sup> Steven Douglas Crow, "Left at Libertie:" The Effects of the English Civil War and Interregnum on the American Colonies, 1640-1660 (unpublished PhD dissertation, University of Wisconsin, 1974).

<sup>13</sup> Certainly a good Yorkshireman in 1650 would probably be most concerned about his home, family, and the well-being of his immediate surroundings. Yet that did not negate his identification as English, or his interest in the troubles affecting his island nation as a whole. Nor did it mean that, because he had a culture somewhat different from that of a man in Kent, he and the good gentleman of Kent could not both accurately identify themselves as English and have a certain pride in the nation.

While the Atlantic-World focus of recent studies has prompted serious reconsideration of the history of early Virginia, the older interpretation of Virginia continues to exercise great influence in one area: religion.<sup>14</sup> The colony endorsed, in its various charters, the Church of England. Yet in the chaos of early Virginia, few institutions got very far off the ground. Virginians struggled just to provide themselves with adequate food and housing; unsurprisingly, elaborate church buildings, as well as the many ecclesiastical furnishings familiar to English worshipers, were out of the question. Scholars examining the ugly conditions in which the colonists found themselves, and especially the scholars who have focused on the moral failings of the colonists, have concluded that the chronically-understaffed colonial Church of England meant little to its members. Indeed, the underlying assumption seems to be that people struggling simply to survive have little time for the "higher" business of worship -- praying, reading or listening to someone else read aloud the Bible, attending divine service. Contrasted with the obvious, public piety of New Englanders, Virginians seem at best indifferent to matters of faith.<sup>15</sup>

The Atlantic World field calls this interpretation of Virginia into question. Surely, if the colonists were so very English, at least some of the religious climate of England got transplanted

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<sup>14</sup> Of course not all scholars have overlooked Virginia's religious interests. One of the earliest scholars to consider religion in Virginia was Perry Miller in "The Religious Impulse in the Founding of Virginia: Religion and Society in the Early Literature" *William and Mary Quarterly* 5 (1948): 492-522. For a number of decades after his writing, however, few historians focused on religious practice in Virginia. Edmund Morgan, Steven Crow, and Karen Kupperman are all good examples of the sort of bare mention that religion has received in more recent studies of Virginia. Restoration Virginia's religious establishment has received more attention than that of early Virginia. Several scholars have published works in this time frame, including Arthur Cross, *The Anglican Episcopate and the American Colonies* (Hamden, CT: Archon, 1964); Carl Bridenbaugh, *Mitre and Sceptre: Transatlantic Faiths, Ideas, Personalities, and Politics, 1689-1775* (Oxford: Oxford University Press, 1962); John Nelson, *A Blessed North Carolina: Parishes, Parsons and Parishioners in Anglican Virginia, 1690-1776* (Chapel Hill: University of North Carolina Press, 2001); and James Horn, *Adapting to a New World: English Society in the Seventeenth-Century Chesapeake* (Chapel Hill: University of North Carolina Press, 1994).

<sup>15</sup> According to Horn, "stable, consensual societies of New England have been contrasted to the chaotic, shallow societies of Virginia and Maryland. . . . The profound importance of religion in the Bible Commonwealth has been compared to irreligion and secularism in the tobacco colonies. . . . Whereas the northern approximated Old World society in the New, the Chesapeake was a grotesque parody. New England society has been interpreted as normative, the South as deviant"; *Adapting to a New World*, 8.

to Virginia. Recent findings in Jamestown further call the earlier portrayals of Virginians into question. In July 2015 historians and archaeologists working in Jamestown (the site is presently overseen by Preservation Virginia, with the Jamestown Rediscovery Foundation as an affiliate) announced the discovery of four coffins in the chancel of Jamestown's first church. Experts identified the skeletons as belonging to Reverend Robert Hunt, Sir Ferdinando Wainman, Captain William West, and Captain Gabriel Archer. Atop Archer's coffin was a surprising artifact: a tiny box known as a reliquary, with an ampulla inside. Reliquaries, most often used by Roman Catholics, hold the bone or bones of a saint; an ampulla, a tiny lead container, holds oil, holy water, or blood. Scholars are now wrestling with understanding why this artifact was buried with Archer and what it meant. Archer, who died in either 1609 or 1610, was an outspoken critic of John Smith and the son of Catholic recusants. It is unclear if Archer himself was a Catholic, harboring his reliquary secretly, or if the reliquary had some significance to the Church of England in the new colony.<sup>16</sup> Catholic or Anglican, it seems clear that some of Virginia's early settlers had brought their Christian faith with them and were actively practicing that faith. At the very least, they understood the significance of Christianity and respected it as a tool of social control if nothing else.

James Horn, leader of the Jamestown Rediscovery Project, has been writing about early Virginia's religious practices since the 1990s. According to Horn, Virginians were very much Stuart Englishmen. The names they gave their new home, the manner in which they set up their

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<sup>16</sup>It is also possible that Archer was a Catholic spy. Certainly the Catholic-Protestant feud was an absorbing part of seventeenth-century English life, and a major factor in the rush to establish colonies in the Americas. Archer was buried with his head to the east, a position normally only assigned to clergymen. Was he a Catholic priest? Or was he filling in as the colony's minister in the wake of the death of Reverend Hunt? Either is possible. News agencies across the United States reported the Jamestown findings. Information about Archer and the reliquary may be accessed on Historic Jamestown's website ([historicjamestowne.org](http://historicjamestowne.org)). *The Atlantic* also published a highly-informative article, "A Skeleton, a Catholic Relic, and a Mystery about American Origins," available at the following url (<http://www.theatlantic.com/national/archive/2015/07/a-skeleton-a-catholic-relic-and-a-mystery-about-americas-origins/399743/>).

new lives -- all can be traced back to England. Unsurprisingly, then, the settlers also carried their religious beliefs across the ocean with them. Historians should not be deceived by Virginia's seeming lack of piety:

Although religious issues were not as prominent in the lives of settlers as in the northern colonies, one ought not infer that religion was unimportant or that colonists quickly shed their beliefs as irrelevant baggage. A dozen Anglican churches were established in Virginia by 1634 and another fifty by 1668. The vestry . . . was able to provide at least rudimentary instruction by the appointment of lay readers.<sup>17</sup>

Horn further argues that nonconformists were present in the colony, and that some colonists had a strong belief in what would now be deemed “magic.”<sup>18</sup> While some historians have seen the presence of old beliefs in magic as a sign that the Christianization of Europe was lacking, other historians, such as David Hall have noted that even Puritans often held on to "magical" beliefs; for many in England there was no conflict between attending church and nailing a horseshoe over the door for luck. In short, Stuart England's religious landscape did partially transplant itself into Virginia soil.

Since Horn's assertion, and certainly since the Jamestown discovery, some historians have given a bit more attention to the state of religious affairs in Virginia. Yet little has been said about the impact on Virginia of one of the most shocking events of the seventeenth century: the English Civil War. Even less space has been devoted to a detailed study of the Church of England in the colony during this time of massive political and religious upheaval.<sup>19</sup> Probably some of this lack is due to the persistence of the godly New England/greedy Virginia paradigm; and probably some of this lack is due to the fact the historical field has moved into other studies besides the religious. Trends and the persistence of certain narratives aside, the spotty records

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<sup>17</sup> Horn, *Adapting*, 382.

<sup>18</sup> Horn, *Adapting*, 382, 412-416.

<sup>19</sup> Carla Pestana is an obvious exception to this rule. See *The English Atlantic in an Age of Revolution, 1640-1661* (Cambridge: Harvard University Press, 2007).



available to historians of seventeenth-century Virginia also discourage studies of the early Church of England.

Virginia's difficult early years resulted in the destruction of many documents. Until 1699, Jamestown was the capital. Jamestown was at war with the Powhatan Indians for most of the first four decades of settlement. As a result, large parts of the settlement were destroyed in 1622 and again in 1644; government records were part of the destruction. During Bacon's Rebellion (1676), Jamestown was razed, resulting in the loss of many records. When the capitol building burned in 1698, the colony moved its capital to Williamsburg. The capitol building there housed the House of Burgesses, the elected legislative body of the colony, and that building burned in 1747. More destruction was wrought by the Revolutionary War. Finally, the Civil War wrecked Virginia. Countless documents were lost when Richmond, by then the state capital, fell to the Union army, to say nothing of the individual court houses that served as county archives and were also destroyed during the conflict. Those documents that did survive three centuries of military conflict were not always housed in good conditions; what man did not destroy, the worm frequently did.<sup>20</sup>

In addition to playing host to a number of military conflicts, seventeenth-century Virginia probably produced fewer documents to begin with than its northern neighbors or even its English contemporaries. New England always put a premium upon literacy. Everyone, man, woman, or child, needed to be able to read the Bible. New Englanders had their own printing press less than two decades after their arrival.<sup>21</sup> Their religious beliefs also encouraged a great deal of introspection, leading many Puritans to write not simply reports of the weather but prayers and accounts of titanic struggles with their doubting, sinful souls. While Puritans were present in

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<sup>20</sup> Beverley Fleet, who transcribed and edited many collections of Virginia's earliest government records, frequently lamented the ravages of Mother Nature and improper storage.

<sup>21</sup> Stephen Daye established one in 1639.

Virginia, they were never a majority, and the colony did not place anywhere near the emphasis upon education that the northern regions did. Fewer writings to begin with, coupled with the natural ravages of time and centuries of political and military upheaval, leave Chesapeake records somewhat sparse. A dearth of studies upon Virginia's religious practices is therefore understandable, albeit lamentable.

In light of a relative paucity of resources, one wonders if historians of colonial Virginia have really said all they can about the Church of England there and its role in settlers' lives. The work of English historians of the Reformation would suggest that the answer is no. Eamon Duffy provides a wonderful example of how much scholars can deduce about the past from a small number of documents. In *The Stripping of the Altars* and *The Voices of Morebath*, he relies upon church records that are usually less complete than might be desired to tell the story of the Reformation in various parishes.<sup>22</sup> He places the documents that he has into the wider context of the Reformation, relying upon church court records, vestrybooks, last wills and testaments, and the accounts of various government officials to provide the reader with a sketch of the impact of religious upheaval upon Everyman. Duffy's work suggests that the same might be done for Virginians in the Stuart Era.

At least one historian, James Bell, has done a study more along the lines of Duffy's work. He examines Virginia under the Stuart monarchs, with special attention to the Church of England and its personnel.<sup>23</sup> Despite his meticulous attention to gathering as much information as possible concerning the various ministers who served the Church of England in Virginia, Bell ultimately maintains that not enough information is available to draw a conclusion about the theological

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<sup>22</sup> Eamon Duffy, *The Stripping of the Altars: Traditional Religion in England c.1400-c. 1580* (New Haven: Yale University Press, 1993); and *The Voices of Morebath: Reformation and Rebellion in an English Village* (New Haven: Yale University Press, 2001).

<sup>23</sup> James Bell, *Empire, Religion, and Revolution in Virginia, 1607-1786* (Basingstoke: Palgrave Macmillan, 2013).

leanings of the various ministers or their congregations. How deeply Church of England teachings penetrated, and exactly what sort of teachings they were -- High Church Arminianism or the more traditional, lower church Calvinism -- remain shrouded in the fog of time.<sup>24</sup> While it is impossible to ascertain the theological nuances of Virginia's ministers, Bell does overlook an important source for information about the Church of England in Virginia: county court records.

Bell's neglect of the county court records is understandable in light of the fact that he is a historian of England, and in England, it is the ecclesiastical courts that provide some of the best records of the Church's power, influence over the people, and evidence of the beliefs of clergy and laity alike. These church courts were a holdover from England's Catholic days. The Catholic church had its own legal system, based on canon law. Offenses such as adultery, slander, or offensive doctrine could be tried in ecclesiastical courts. Who had primary jurisdiction, the ecclesiastical or the civil courts, became a point of contention as the medieval period waned. Yet the Reformation did not end the existence of church courts and canon law; in England, Protestant canon law replaced Catholic canon law. The squabble between ecclesiastical and civil jurisdiction continued, with the civil courts gaining ever more power.<sup>25</sup> The ecclesiastical courts continued to operate, however, until Parliament finally closed them during the English Civil War.<sup>26</sup>

Thus stood affairs in Stuart England. In Virginia, the court system looked rather different. Ecclesiastical courts never came to the colony. The Church there was, as previously stated,

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<sup>24</sup> Interestingly, Bell does maintain that some of Virginia's ministers were Puritans. "At Hungar's Parish, William Cotton was in frequent legal dispute with the vestry over his salary, while his assistant, Nathaniel Eaton, a former and discredited schoolmaster in Cambridge, Massachusetts, Thomas Hampton of James City, Thomas Harrison of Elizabeth River, and John Rosier of York, Hungar's and Cople parishes, were all demonstrating strong Puritan, rather than traditional Anglican leanings"; *Empire*, 41. Precisely what Bell means by "Puritan" is unclear; he never defines the term in his work.

<sup>25</sup> Martin Ingram documents some of the life of England's ecclesiastical courts in *Church Courts, Sex, and Marriage in England, 1570-1640* (Cambridge: Cambridge University Press, 1987).

<sup>26</sup> They were closed in 1640s; Ingram, *Church Courts*, 6.

woefully understaffed, and for a number of years the colony's very survival looked dubious; small wonder, then, that the colony did not provide both civil and ecclesiastical courts. Instead, in Virginia county courts prevailed. These county courts prosecuted cases that, in England, might well have fallen under the jurisdiction of the church courts. Cases of slander, of failure to attend church, and of working on the Sabbath -- all appear in the minutes of the county courts. These accounts have been mostly ignored by historians. Perhaps scholars have assumed that civil prosecution for religious offenses indicates early secularization in Virginia. Such an interpretation, however, puts too fine a division between "sacred" and "secular." In the Stuart period, to talk about politics was to talk about religion and vice versa.<sup>27</sup> The church and the state were completely intertwined in this period, and most Virginians probably would not have understood any clear divide between civil and religious. County courts prosecuted colonists for religious offenses; what would now be defined as a matter of religion at the time had civil, secular consequences.<sup>28</sup> To understand more about the nature of Virginia's Church of England, its power, and the faith and practices of its congregants, county court records must be consulted. Such records are, at times, most incomplete.<sup>29</sup> Even those which are complete include only

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<sup>27</sup> John Morrill makes just this point when discussing the English Civil Wars in *The Nature of the English Revolution* (London: Longman, 1993).

<sup>28</sup> Professor of philosophy Charles Taylor says that one definition of "secular" is the ability to "engage fully in politics without ever encountering God, that is coming to a point where the crucial importance of the God of Abraham for this whole enterprise is brought home forcefully and unmistakably. The few moments of vestigial ritual or prayer barely constitute such an encounter today, but this would have been inescapable in earlier centuries in Christendom"; *A Secular Age* (Cambridge: Belknap Press, 2007), 1. He continues, "One understanding of secularity then is in terms of public spaces. These have been allegedly emptied of God, or of any reference to ultimate reality. Or taken from another side, as we function within various spheres of activity -- economic, political, cultural, educational, professional, recreational -- the norms and principles we follow, the deliberations we engage in, generally don't refer us to God or to any religious beliefs; the considerations we act on are internal to the 'rationality' of each sphere -- maximum gain within the economy, the greatest benefit to the greatest number in the political area, and so on. This is in striking contrast to earlier periods, when Christian faith laid down authoritative prescriptions, often through the mouths of the clergy, which could not be easily ignored in any of these domains, such as the ban on usury, or the obligation to enforce orthodoxy"; *ibid.*, 2.

<sup>29</sup> Typical is the case of the Elizabeth City County records. As an introductory note to the transcribed records reads, "All court records of Elizabeth City County, Virginia, prior to 1688 have been lost except for a very few loose papers. From 1700 until after the Civil War the records are incomplete"; *Elizabeth City County, Virginia: Deeds, Wills, Court Orders, Etc., 1634, 1659, 1688-1702*, ed. Rosemary Corley Neal (Heritage Books: 1968), xv.

snippets of information, and the people they examine are not always representative of the population as a whole. Nonetheless, the records do allow the reader to see what the people of the time period valued, and what they considered normal and abnormal behavior. They also allow the reader to see not just the elites, who would have left other written records, but the lower classes, such as indentured servants.

Information provided from recent Atlantic World studies and archaeological findings, plus evidence gleaned from county court records, last wills and testaments, and land grants show that the Church of England was more influential in the lives of colonists than historians have emphasized. Virginians were Stuart Englishmen, who, in the seventeenth century, were immersed in both political and religious struggles; indeed, the two were often the same. The first three decades of the century were spent dealing with the growing rift between Calvinists and Arminians, both of whom hoped to control the Church of England, and neither of whom was willing to concede much to the other. By the late 1630s this struggle expanded into Scotland, a kingdom full not simply of Calvinists but of Presbyterians, Calvinists who advocated a presbyterian form of church government that directly contradicted the episcopalian model employed by the Church of England. Arminian leader and archbishop of Canterbury William Laud attempted to impose, with King Charles I's approval, a new, episcopal prayer book upon these people. They responded with a National Covenant that vowed to defend their church by force. Thus war came to England, and the Parliament that the king was forced to summon combined its anger over the constitutional matter of the king's power over taxes with its anger over the king and archbishop's theological stance. The Virginia colony, by now settled for thirty-five years, found itself caught in the conflict between Parliament and the king.

Though the colonists were not directly impacted by the war in the way that their kith and kin in England were, they were not immune to the vagaries of English politics or to the shifting religious winds. They initially declared their support of the Crown, with their governor delivering a particularly impassioned speech in support of Charles II after the colony received word of Charles I's execution.<sup>30</sup> By 1652, parliamentary forces arrived in Virginia to subdue the defiant colonists and replace their governor. Part of the settlement Parliament and colony reached included the disbanding of Virginia's Church of England. Yet the records reveal that technical compliance with the law remained just that -- technical. Ecclesiastical personnel did not change, for the most part, nor did Governor Berkeley ever leave the colony. The situation in the colony mirrored the situation in England, by then under the Protectorate of Oliver Cromwell: no Church of England, indeed no religious settlement at all aside from the banning of the Book of Common Prayer, but a practical tolerance for those who still held to the old Church, provided they did not disturb the public peace.<sup>31</sup> Virginians were no more indifferent to religious matters than their contemporaries in England. Both desired peace, which led to some measure of outward compliance; and many, as time passed, indicated their disapproval of the martial regime of Oliver Cromwell.

After Cromwell's death and the short-lived, weak rule of his son Richard, England welcomed home Charles II as monarch. A Parliament full of monarchists and Anglicans quickly set about restoring the old foundations, including the Church of England. They were, in fact, far more punitive in their measures against Puritans and other religious dissenters than Charles II seems to have wished.<sup>32</sup> Virginia followed the motherland's example, with the Church of

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<sup>30</sup> March 1651. Pestana, *English Atlantic*, 103.

<sup>31</sup> Of course Catholicism was still off the table, and most Englishmen were uncomfortable with that relatively new sect, Quakers.

<sup>32</sup> Blair Worden, *The English Civil Wars, 1640-1660* (London: Phoenix, 2009), 158.

England restored, new furnishings ordered, and lay readers instituted until the ministerial staff could be increased. Even Governor Berkeley returned to power. As the seventeenth century progressed, Virginia faced its final great challenge to stability, Bacon's Rebellion. When the conflict, involving angry former indentured servants and a desire for land held by Native Americans, finally ended in 1677, Virginia was free to become more English than ever. The families whose names would become famous in the eighteenth and nineteenth centuries -- Lees, Carters, Custises -- were already established, and within less than twenty years the university that would later claim Thomas Jefferson among its alumni was present as well (William and Mary, founded 1693). The Church of England, having survived disestablishment, understaffing, and the physical destruction of various of its churches, likewise grew. A colony founded for economic advancement thus came to house a rather strong Church.

Seventeenth-century Virginia's religious situation, then, mimicked the religious landscape of England far more than historians have previously thought. However, Virginia's Church of England did feature one key difference from the mother Church: due to lack of personnel, the colonial Church never had the full hierarchy of Anglicanism present -- bishops and archbishops in addition to ministers. For a Church built upon the rule of bishops, this deficiency, in addition to the lack of sufficient ministers, was a severe problem. Historians have rightly noted this lack, and have used it to further explain the weakness of the colonial Church. Certainly early Virginians were disturbed by their understaffed Church and the lack of proper organization. In the end, though, this weakness became the Church's greatest strength, for it led Virginians to innovate. Instead of demanding the ordination of individual minister by bishops, the Virginia legislators and governors ultimately gave individual vestries the power of ministerial choice. Functionally, the Church of England in Virginia practiced congregational Anglicanism: they

used the Book of Common Prayer, professed a belief in the rule of bishops, and often expressed a longing for a stronger Church; yet individual congregations chose the vestries, and in turn the vestries chose the ministers, with very little oversight by Virginia leaders. This strange system would enable Virginia's Church of England to survive multiple regime changes and upheavals. The manner in which it survived a variety of regimes, and its significance to the colony, can be seen by proceeding chronologically through the seventeenth century. Dates that are significant in seventeenth-century English history are relevant for the colony, with some modifications.

Chapter One focuses on the years 1607 to 1633, the founding of the colony to the appointment of William Laud as archbishop of Canterbury. Laud's appointment was a turning point in England, for he was determined to bring all the congregations of the Church of England into line with the theology he and the king deemed correct. Chapter Two covers the years 1633 to 1642, the turbulent period encompassing the remainder of Charles I's personal rule, the Bishop's War, the calling of the Long and Short Parliaments, and the start of the English Civil War. In Virginia, these years featured some stabilization for the colony, as it had been a royal colony for nearly ten years and had found some economic success in the form of tobacco. That stability was disturbed, however, by the eruption of war in England in 1642.

Chapter Three covers the years 1642 to 1652, the years of the war between Charles I and Parliament, Charles I's execution, and Virginia's ultimate surrender to Parliament. Chapter Four examines the years 1652 to 1660, the years of Parliamentary and Cromwellian rule. This period brought great change to England; the earlier abolition of the monarchy, the House of Lords, and the Church of England, as well as the banning of the Book of Common Prayer, were enforced, and ultimately a military dictatorship was established. Courtesy of a new governor, these



changes came to Virginia. Through it all, however, the Church survived, thanks to much local control over individual congregations.

Finally, Chapter Five surveys the years 1660 to 1663, from the Restoration of the monarchy to the last major legislation of the decade from the Virginia Assembly concerning the Church of England. In England, Charles II established himself as a *bon vivant*, and, in the minds of many Parliamentarians, a Catholic sympathizer. As time passed, his reign was marked by conflict with Parliament that looked remarkably similar to the conflicts his father had experienced. In Virginia, Restoration proceeded rapidly, and the colony grew. Problems lurked beneath the surface, however, as a system of indentured servitude and elite privilege finally boiled over into open warfare between Nathaniel Bacon and Governor Berkeley. The resolution of Bacon's Rebellion placed Virginia on a more stable footing than ever, preparing the colony and her Church to flourish.

\*A Note on Dates: All years used here are taken to begin on January 1, rather than March 25. When necessary, I have modernized the date used in the original document. For instance, the original document records the General Assembly convening February 1, 1632; in this dissertation, the date reads February 1, 1633

## CHAPTER 1 VIRGINIA, 1607-1633

Virginia's ties to the Church of England began before the first member of the Virginia Company ever set foot upon North American soil. The "ancient charters" penned by King James I in 1606 to guide the Virginia Company's activities specified that the propagation of the Gospel was one reason for colonization and that the leaders of the colony, as well as the ministers, were to see that this message was preached "according to the doctrine, rights, and religion now professed and established within our realme of England."<sup>33</sup> The rest of the instructions make it clear that the colony was primarily a financial and military investment, but that does not make the role of the Church insignificant. In Stuart England, Christianity, specifically Protestantism as practiced in the Church of England, was a key element of "civilization." If the colonists hoped to "civilize" the New World and its inhabitants, the Church of England had to be present. Unsurprisingly, then, one of the men aboard the three ships to leave England for Virginia in December 1606 was a minister, Robert Hunt. According to John Smith, Reverend Hunt had an admirable character, and proved his worth to the venture almost immediately. As unfavorable winds kept the ships within sight of England, Hunt, though sick and beset by insults about his personal reputation, nevertheless "with the water of patience, and his godly exhortations (but

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<sup>33</sup>*The Statutes at Large: Being a Collection of All the Laws of Virginia*, ed. William Waller Hening, 2d ed., 13 vols. (New York: n.p., 1823), vol. 1, 69.

chiefly by his true devoted examples) quenched those flames of envie and dissention."<sup>34</sup>

Reverend Hunt began church services as soon as the adventurers made landfall in Virginia. The first service, in which he thanked God for their safe arrival, was held under "an awning (which is an old saile) [nailed] to three or foure trees to shadow us from the Sunne."<sup>35</sup> The pulpit was a plank nailed between two trees, seats were more planks, and the walls were wooden rails. When the weather was especially bad, Jamestown denizens "shifted into an old rotten tent."<sup>36</sup> A proper church building was constructed some time later, "a homely thing like a barne, set upon Cratchets, covered with rasts, sedge, and earth."<sup>37</sup> According to Smith, the first houses were constructed along the same lines, but with even shoddier workmanship. He admits the church building was of little use in keeping out wind and rain, yet "wee had daily Common Prayer morning and evening, every Sunday two Sermons, and every three moneths the holy Communion."<sup>38</sup> This ramshackle structure burned in January 1608 and was almost immediately replaced. It was in this second church that Reverend Hunt was buried upon his death in early

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<sup>34</sup> John Smith, *A Generall Historie of Virginia, New England, and the Summer Isles, Together with the True Travels, Adventures and Observations, and a Sea Grammar*, volume 1 (Glasgow: James MacLehose and Sons, 1907), 86. Hunt supposedly had an unhappy marriage; while he left England, his wife remained behind. Perhaps at least some of the insults being bandied about on the ship were comments about his marital difficulties. Smith's first description of Hunt and his services reads as follows: "Mr Hunt our Preacher, was so weake and sicke, that few expected his recovery. Yet although he were but twentie myles from his habitation (the time we were in the Downes) and notwithstanding the stormy weather, nor the scandalous imputations (of some few, little better than Atheists, of the greatest ranke amongst us) suggested against him, all this could never force from him so much as a seeming desire to leave the busines, but preferred the service of God, in so good a voyage, before any affection to contest with his godlesse foes, whose disasterous designes (could they have prevailed) had even then overthrowne the businesse, so many discontentes did then arise, had he not with the water of patience, and his godly exhortations (but chiefly by his true devoted examples) quinned those flames of envie, and dissention"; *Generall Historie*, 85. No doubt Smith, writing with the benefit of hindsight, remembered Hunt fondly in part because they seem to have had similar "enemies" among what Smith called the "greatest ranke." It was Hunt who helped convince the Council to admit Smith to their number, releasing Smith from the chains in which he was initially held; *ibid.*, 89.

<sup>35</sup> John Smith, *Advertisements For the unexperienced Planters of New England, or anywhere. Or, the Path-way to experience to erect a Plantation* (Boston: William Veazie, 1865), 54.

<sup>36</sup> Smith, *Advertisements*, 54.

<sup>37</sup> Smith, *Advertisements*, 54.

<sup>38</sup> Smith, *Advertisements*, 55.

1608.<sup>39</sup> Smith claims that, even after Hunt's passing, the settlers continued to hold prayer services while awaiting a new minister.<sup>40</sup>

Should Smith's account of Reverend Hunt and Jamestown's early religiosity be taken at face value? Historians have long known that Smith is something of an unreliable narrator, his large ego apparent throughout his writings. He had a propensity to cast himself as the hero in all encounters, and he certainly enjoyed suggesting that women were irresistibly drawn to him.<sup>41</sup> In the texts in which he recounts these early days of Jamestown, Smith is certainly advertising for the colony and for his own character. The texts are full of references to God, Christianity, and the importance of the faith. It is entirely possible that Smith exaggerates the piety of the Virginia adventurers. The fact that he feels the need to do so, however, if that is indeed what he is doing, is a revealing statement about the culture in which Smith was writing.

Stuart England was a religious place. The period was redolent with references to the supernatural. By the 1610s and 1620s, the time in which Smith was writing, Protestantism formed a key part of the English identity. In advertising for a new colony, it would make sense to emphasize the religious nature of the venture. The Church of England was an institution that many Stuart Englishmen took quite seriously, for it was bound up in their identity and their politics.<sup>42</sup> Smith's repeated assurances that Virginia was trying to have "proper" worship services

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<sup>39</sup> Reverend Hunt was one of the four men whose earthly remains were uncovered by Jamestown archaeologists in 2015. He seems to have been the first person interred in the chancel of this church and was wrapped in a simple shroud, buried with his head to the east, so that he would rise facing his congregation at the Resurrection. The clergy were traditionally buried in this fashion in the Protestant church. By contrast, the laity were buried with their heads to the west, so they would rise facing Jerusalem and the sun. The Episcopal Church (USA) has allotted him a feast day, April 26. [historicjamestowne.org/archaeology/chancel-burials/founders/robert-hunt/](http://historicjamestowne.org/archaeology/chancel-burials/founders/robert-hunt/)

<sup>40</sup> Smith, *Advertisements*, 55

<sup>41</sup> For examples, see the story of Pocahontas in *A Generall Historie*, and the story of his "mistress" from his time while enslaved by the Ottoman Turks in *The True Travels, Adventures, and Observations of Captaine John Smith in Asia, Africke, and America: beginning about the yeere 1593, and continued to this present 1629* (Richmond: Franklin Press, 1819).

<sup>42</sup> Several historians make this point. Among them are Peter Lake, *Anglicans and Puritans? Presbyterianism and English Conformist Thought from Whitgift to Hooker* (New York: Harper Collins, 1988) and *Moderate Puritans and the Elizabethan Church* (Cambridge: Cambridge University Press, 1982); Nicholas Tyacke, *Aspects of English*

would have assuaged any fears Englishmen might have had about the New World making settlers into savages, perhaps thus encouraging those wavering on the brink of emigration to go ahead and try the new colony. That Smith may have felt the need to emphasize religion in such a manner is an interesting testament to the world in which he lived and to the kinds of people who would settle Virginia; certainly, investors in the Virginia Company needed to be reassured that their money was being spent to establish a "proper" colony.

The colonists' struggles to survive the early years were fierce. Colonists continually fought with disease and malnutrition, partly due to the poor location of Jamestown, partly because many settlers who arrived brought diseases from England with them, and partly due to poor harvests. The latter can be attributed to the difficulties of farming in a new environment, the fact that none of the first settlers were actually farmers, and the fact that many of the settlers seemed to have entertained fantasies of discovering precious metals, which meant they spent most of their time exploring and virtually no time planting crops. John Smith became the president of the Council in 1608. He famously declared that settlers who did not work would not be allowed to eat. In addition to encouraging farming, Smith ordered the fort at Jamestown strengthened, the first well inside the fort to be dug, and led an expedition to explore the Chesapeake Bay. Smith's dealings with the local Indian tribes made many settlers unhappy; they feared that he was alternately too lenient and too harsh. Smith's tales of his 'enemies' within the fort may not have been too exaggerated; in the fall of 1609 he was injured when some gunpowder exploded as he slept in a boat in the James River. Smith had to return to England in October 1609 for treatment. He never found his way back to Virginia.

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*Protestantism* (Manchester: Manchester University Press, 2001) and *Anti-Calvinists: The Rise of English Arminianism, c. 1590-1640* (Oxford: Oxford University Press, 1987); William Haller, *The Rise of Puritanism* (New York: Columbia University Press, 1938).

In the wake of Smith's departure, Jamestown's conditions spiraled into disaster. The difficulties had begun that summer, when a severe drought endangered crops. Then a new group of settlers arrived from England. The ships they came on were supposed to bring more supplies to the colony in addition to more people, but the ships had been damaged in a storm, so the much-awaited supplies were lacking. In fact, the new arrivals ate all of Jamestown's corn in three days.<sup>43</sup> The winter of 1609-1610 became known as the Starving Time.

The Powhatan tribe, offended in part by colonists incessant demands for food, besieged Jamestown; no colonists could exit or enter the fort. George Percy, appointed the leader of Jamestown after Smith's departure for England, records the disaster that befell the group of about three hundred people trapped inside the fort. According to him, settlers first ate all the animals they could find, including dogs, cats, and snakes. They then ate shoe leather and ventured outside the fort, some being killed in the process, to hunt for roots. Finally, "famine beginning to look ghastly and pale in every face that nothing was spared to maintain life and to do those things which seem incredible as to dig up dead corpses out of graves and to eat them."<sup>44</sup> Later historians sometimes doubted these tales of cannibalism, wondering if the stories were simply exaggerations, the sorts of horror tales that one might expect from Englishmen who feared that

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<sup>43</sup> James Horn, William Kelso, Douglas Wosley, and Beverly Straube, *Jane: Starvation, Cannibalism, and Endurance at Jamestown* (NP: Carter Printing, 2013), 9-10.

<sup>44</sup> George Percy, *A True Relation of the Proceedings and Occurances of Moment which have happened in Virginia from the Time Sir Thomas Gates shipwrecked upon the Bermudes anno 1609 until my departure out of the Country which was in anno Domini 1612* in *Early Narratives of Virginia 1606-1625*, ed. Lyon G. Tyler (New York: Scribner's, 1907), excerpted at <http://nationalhumanitiescenter.org/pds/amerbegin/settlement/text2/JamestownPercyRelation.pdf>. Percy continues, "some have licked up the blood which has fallen from their weak fellows. And among the rest this was most lamentable, that one of our colony murdered his wife, ripped the child out of her womb and threw it into the river, and after chopped the mother in pieces and salted her for his food. The same not being discovered before he had eaten part thereof, for the which cruel and inhumane fact I adjudged him to be executed, the acknowledgement of the deed being enforced from him by torture having hung by the thumbs with weights at his feet a quarter of an hour before he would confess the same"; *ibid.*

the New World might turn good Christians into "savages."<sup>45</sup> In 2012, however, excavations at Jamestown uncovered the first proof of cannibalism during the Starving Time: the broken skull and severed leg bone of a fourteen-year-old girl, dubbed Jane. The skull featured clear knife marks where the facial muscles had been stripped from the bone, and more knife marks around the occipital lobes, where someone had attempted to access the brain.<sup>46</sup> Jane was one of those who starved to death and whose remains were eaten in a desperate bid to keep the remaining colonists alive.

At the end of the 1609-1610 winter, sixty colonists were left in Jamestown. These were the people Sir Thomas Gates, the colony's new lieutenant governor, found when he finally arrived in the colony, part of the original fleet of ships supposed to re-supply the colony the previous June, and forced by storms to winter in Bermuda. He published "Laws Divine, Morall, and Martial" the day after his arrival, in an attempt to restore order to the colony. It quickly became apparent, however, that neither he nor the colonists had supplies sufficient to prevent further starvation or repair the damage already done. Unable to find a better solution, Gates loaded the Jamestown survivors onto his ship and set sail for England. As they sailed out of the harbor, they were blocked by the arrival of Thomas West, Lord De La Warr, the colony's new governor. De La Warr ordered the people to return, and immediately began rebuilding the colony, including making repairs to the church. Reverend Richard Buck, Robert Hunt's replacement, was one of the men aboard De La Warr's ship, and he apparently held a church service as soon as he landed.<sup>47</sup>

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<sup>45</sup> See Rachel Herrmann, "The 'tragical historie': Cannibalism and Abundance in Colonial Jamestown." *William and Mary Quarterly* 68 (2011): 47-74.

<sup>46</sup> See Horn, Kelso, et. al, *Jane*.

<sup>47</sup> Mary Stanard, *Colonial Virginia: Its People and Customs* (Philadelphia: J.B. Lippincott, 1917). William Meade, *Old Churches, Ministers, and Families of Virginia* (Philadelphia, 1857. Reprint, Baltimore: Genealogical Publishing Company, 1978), 1: 62-69.

Where the Church had been during the dreadful events of the Starving Time is unclear. Without a minister, and with a population rapidly dying of disease and starvation, some colonists were probably thinking about the afterlife. It was during this period that Gabriel Archer was buried with his reliquary, which indicates a respect for tradition and religious beliefs, even as chaos enveloped the fort. During the Tudor period, Englishmen of both Catholic and Protestant persuasions had developed a strong tendency to continue to practice their faiths in their homes during times of persecution and distress. Perhaps Jamestown's colonists drew on this custom during the winter of 1609-1610, when they were clear-headed enough to think of anything besides the terrible hunger. George Percy, clearly trying to vindicate his rule in Virginia, neither glosses over the horrible events of that winter nor acts as though the colonists willingly turned to barbarous behavior; the stark reality of hunger simply drove them to the most extreme of all actions to survive. How the other survivors of the Starving Time justified their actions remains a mystery. Perhaps they were all as pragmatic as Percy. Jane's remains indicate that the colonists involved in stripping her bones initially turned the body so they would not have to look at her face as they worked.<sup>48</sup> Clearly they were disturbed by their actions. One can only imagine the guilt they must have felt, or the peculiar ministerial demands such a situation placed upon Reverend Buck. Regardless of the possible absence of formal religious life during the 1609-1610 winter, by the following spring, Jamestown's church was again in action.

The years from 1610 to 1619 were difficult, but they did feature growth for the colony. Other settlements had established themselves.<sup>49</sup> Several forts were in place by 1610 to provide

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<sup>48</sup> William Kelso, *Jane: Starvation, Cannibalism, and Endurance at Jamestown*. Documentary, produced by Colonial Williamsburg Foundation and Preservation Virginia (2013; United States), Amazon.

<sup>49</sup> Before 1624, land in Virginia was granted for a few specific reasons: meritorious service, for transporting oneself to Virginia, for transporting someone else to Virginia, or for purchasing a share in the Virginia Company. Meritorious service was evaluated and rewarded by the colony's officials. When a freeman arrived in Virginia, he normally purchased a share of about one hundred acres, with two hundred available after first tract's seating. For transporting someone else to Virginia, a freeman got fifty acres. After 1624, the reward of land for meritorious



defense against the Powhatan and keep a lookout for Spanish expeditions.<sup>50</sup> Fort Algernon had housed a number of colonists during the Starving Time; the settlers lucky enough to end up there had survived the terrible winter with enough supplies to feed their domestic animals on scraps.<sup>51</sup> Henrico, near today's Richmond, was established in 1611. Hundreds, sections of land frequently bounded for defense, also appear early in the records.<sup>52</sup> The Eastern Shore featured at least one settlement by 1616. Kecoughtan, later known as Elizabeth City, was located on the James, while Dale's Gift existed just at the entrance of the Chesapeake.<sup>53</sup> All these settlements created churches, though, as will be discussed elsewhere, these churches were not always staffed by ministers and the local populations did not always provide proper maintenance for the buildings. The settlement of Henrico, for instance, sported "a poore ruined church" in 1619.<sup>54</sup> Apparently the locals meant no insult to the church building, however, for the Burgesses further reported that homes were often ramshackle and weathered the time rather poorly.<sup>55</sup>

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service was rare, and most freemen seem to have earned land by transporting themselves or someone else; see "Abstracts of Virginia Land Patents," *Virginia Magazine of History and Biography* 1 (1893): 82, note by W.G. Stanard. Historian Ralph Whitelaw confirms this distribution. He notes that every freeman in 1619 paying for the transport of another person earned fifty acres, with the exception of the pre-1616 settlers who each got one hundred acres. There were 109 of these pre-1616 settlers in Virginia, with thirteen located on the Eastern Shore. Colonists went to the local county commissioner for a certificate for the number of acres received, then took the certificate to the governor for a formal patent. Seven years later, the colonists would pay 1 shilling per fifty acres as a quitrent to the Crown, assuming some "improvement" had been made to the land. If no such improvement existed after three years, the land was forfeit; *Virginia's Eastern Shore: A History of Northampton and Accomack Counties*, ed. Ralph T. Whitelaw, 2 vols. (Richmond: n.p., 1951), 1: 9-10.

<sup>50</sup> These forts were located on the tip of the Jamestown peninsula, near present-day Fort Monroe..

<sup>51</sup> James Horn, *A Land as God Made It: Jamestown and the Birth of America* (New York: Basic Books, 2005), 177.

<sup>52</sup> John Rolfe listed at least two such Hundreds in 1616, Bermuda Nether Hundred and West and Sherley Hundred.; Horn, *A Land*, 235.

<sup>53</sup> Horn, *A Land*, 235.

<sup>54</sup> *Journals of the House of Burgesses, 1619-1658/9*, ed. H.R. McIlwaine (Richmond: Colonial Press Everett Wadey Company, 1915), 35.

<sup>55</sup> Of the church at Henrico, the body reported that "true it is that there was a Bricke Church intended to be built, but not soe much as the foundation thereof ever finished, but we contentinge our selves with a church of wood answerable to those houses."; *Burgesses*, 32.

Precisely how many and what kind of people lived in Virginia during these years is unclear; the colony did not take a regular census throughout the century.<sup>56</sup> Historians do know a few names, however. One of the settlers to arrive from Bermuda in 1610 was John Rolfe. It was he who would unexpectedly discover Virginia's eventual cash crop. Newly widowed, he swiftly realized that the colony's climate was ideal for tobacco, beginning his experiments in 1611, with seeds he had acquired in the Caribbean. The following year he sent his variety to England and various friends, asking for their opinions on the leaf. Rolfe's tobacco, a sweeter leaf than what most Englishmen were smoking, received favorable reviews and eventually became the cash crop of the colony. By 1617 the colony was exporting some 20,000 pounds of the crop to England; by 1618 that amount had more than doubled.<sup>57</sup> Rolfe did not simply contribute to the success of the colony through experimentations with seeds, however; his personal life did the same. In 1614 he married Pocahontas, daughter of the leader of the Powhatan, a union which created temporary peace between the English and the Native Americans, allowing the colonists to expand their settlement and grow more tobacco. Events surrounding the marriage highlight the

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<sup>56</sup> As time passed, and as the Company changed its recruiting techniques (which will be discussed further below), more and more Virginians arrived as indentured servants. This situation is one with which their Tudor ancestors would have had much experience. Something like seventy percent of Tudor Englishmen spent their childhood and early adult years "in service"; Ruth Goodman, *How to be a Tudor: A Dawn-to-Dusk Guide to Tudor Life* (New York: Liveright, a division of W.W. Norton, 2015), 116. Interestingly, there are several recorded cases from Middlesex, England, county courts that suggest Virginia was being used as something of a penal colony. In 1619, for instance, Ralph Rookes was convicted of "Incorrigible vagabondage" and was sent by Sheriff Johnson to Virginia as punishment; Edward D. Neille, "Virginia Threads for the Future Historian," *William and Mary Quarterly* 2 (1893): 61. Similarly, Elizabeth Handsley was sent to Virginia after her conviction for stealing from Mary Payne; *ibid.*, 62. Sheriff Johnson, also a grocer, was the deputy treasurer of the Virginia Company of London at the time, so perhaps he thought to aid the colony while simultaneously ridding Middlesex of two 'undesirables.' These two cases were neither the first nor last evidence from Middlesex courts that Virginia was being used as a punishment for the unruly. In 1618, Richard Ball was called before the courts for sending his son, Richard Jr., to Virginia and refusing to maintain his pregnant daughter-in-law, Elizabeth; Neille, "Virginia Threads," 61. In 1621, Joseph Johnson, indicted for vagrancy at Clerkenwell, was sent to Virginia; *ibid.*, 62. Apparently the justice system worked a little differently where the colony was concerned, too. Stephen Rogers was convicted in 1618 of manslaughter and sentenced to hang, but "at the instance of Sir Thomas Smith, Kn't was reprieved in the interest of Virginia, because he was a carpenter"; Neille, "VirginiaThreads," 61. William Hill was convicted of stealing a bull but was "respited" for Virginia in 1621; *ibid.*, 62. Perhaps these sort of commuted sentences encouraged lawbreakers to think of Virginia as a place to escape punishment; in 1649 John Couper, indentured to tailor Anthony Kempe, broke his indenture and fled to Virginia; Neille, "Virginia Threads," 62.

<sup>57</sup> <http://historicjamestowne.org/history/pocahontas/john-rolfe/>

manner in which religion was woven into everyday life in the colony. Pocahontas had been kidnapped and brought to Jamestown, where her people had failed to ransom her. Rolfe had apparently felt an immediate attraction to Pocahontas, but could not bring himself to marry a "heathen." Only after she converted to Christianity and took the baptismal name Rebecca were they wed, by Reverend Buck in Jamestown's second church.<sup>58</sup> By 1616, John Rolfe recorded Virginia's population as numbering 351 persons spread across six different settlements.

If information for the whole population of the colony by 1620 is slim, so too is information about the colony's first ministers. By 1623 one Reverend Francis Bolton was on the Eastern Shore. Whether he had his own church building is unknown. It seems that he served a limited number of parishioners along King's and Cherrystone Creeks. Though the exact date of Bolton's departure is unknown, by 1630 he was in Jamestown.<sup>59</sup> His successor was William Cotton, whose "name appears early in the first book of local records."<sup>60</sup> Bolton apparently had a fairly stable and successful ministry on the Shore, though he did complain to the local court that he had a hard time collecting his salary, and apparently one parishioner did criticize him.<sup>61</sup> Elizabeth City had a minister, James Stockden, by 1627; he held at least fifty acres of land on the eastern side of the Southampton River.<sup>62</sup> Presumably his was the church mentioned in other

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<sup>58</sup> Rolfe and Pocahontas returned to England in 1616 with their infant son, Thomas. They were received by high society, but their happiness did not last long: Pocahontas died in Gravesend seven months later, as they were set to return to Virginia. Rolfe did return, eventually remarried, and was a burgess for a time. He did in 1622. It is unclear if his death was related to the terrible Indian attack of that year or not; Horn, *A Land*, 225-232.

<sup>59</sup> *Virginia's Eastern Shore* I: 171. James R. Perry, *The Formation of a Society on Virginia's Eastern Shore, 1615-1655* (Chapel Hill: University of North Carolina Press, 1990), 183.

<sup>60</sup> *Virginia's Eastern Shore* I: 154. Perry dates his appearance to 1632.

<sup>61</sup> *Virginia's Eastern Shore* I: 154.

<sup>62</sup> This patent reads, "James Stockden, minister 50 acs. on the Ely. side of Southampton Riv. within the Co.'s Land at Eliz. Citty, abutting Sly. on a Cr. parting this from land in the occupation of Lt. Thomas Flint commonly called the Indian howse thickett, N. on another Cr., W. on sd. Riv & E. on the main woods. 8 Sept. 1627"; *Cavaliers and Pioneers: Abstracts of Virginia Land Patents and Grants, 1623-1666*, ed. Nell Marion Nugent (Richmond: n.p., 1934), 9.

county records from that year.<sup>63</sup> Precisely who appointed these ministers is unclear. As will be discussed later, by the 1640s individual vestries were formally granted the power to choose their own ministers, a practice which some historians speculate was in place by at least the 1630s. These ministers of the 1620s may have been chosen thus; the records are silent on the topic.

The theological leanings of these early ministers is almost impossible to discern. The Church of England had, by the death of Elizabeth I, become dominated by Calvinists.<sup>64</sup> Yet these same Calvinists grew increasingly divided as time passed.<sup>65</sup> While some were content with the episcopal form of church government, and its emphasis upon ritual, others objected to the 'high' liturgy.<sup>66</sup> These opponents of ritual earned the name "Puritans" for their desire to purify the Church of England of its "popish" remnants of ritual. Some Puritans went further still in their yearnings for reform and pushed to reorganize the church government, so that it was no longer an episcopacy but a presbytery. That is, they wanted the hierarchy of bishops replaced with what they deemed a more congregationally-responsive system of simply ministers and elders.

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<sup>63</sup> A patent for September 8, 1627, to Robert Poole for 300 acres reads that the acreage is "to be Ely. [easterly] on land of Lt. Gilbert Peppett, Wly. [westerly] toward the Church there erected and built"; *Cavaliers*, 8.

<sup>64</sup> Historian Nicholas Tyacke asserts in his book *Anti-Calvinists: The Rise of English Arminianism* that Calvinist theology was so entrenched in the Church by the time the Stuarts came to the throne that the Arminians were the true innovators and progressives of the seventeenth century. The Arminians truly came to power when Charles I took the throne. "James I died in March 1625. Thomas Crosfield, a fellow of Queen's College, noted in his diary that 'immediately' after the accession of King Charles the 'cancer of Pelagianism', that is to say extreme free will doctrine, began to spread. . . . Allowing for hyperbole and a certain foreshortening of perspective, his assessment was broadly correct: revolutionary changes were in the offing"; Nicholas Tyacke, "Religious Controversy," *The History of the University of Oxford*, vol. 4, *Seventeenth-Century Oxford*, ed. Nicholas Tyacke (Oxford: Oxford University Press, 1997), 584.

<sup>65</sup> Oxford University provides a microcosm of these different Calvinists. Nicholas Tyacke identifies them as falling into three different groups: "avant-garde conformists, Calvinist episcopalians, and puritans. Explicit doctrinal differences, however, emerged relatively late and even under Charles I some of the most characteristic changes concerned forms of worship, notably the altarwise repositioning of communion tables and bowing towards them"; Nicholas Tyacke, introduction to *Seventeenth-Century Oxford*, 7-8.

<sup>66</sup> John Howson is a good example of one of the episcopalian Calvinists. "He didn't think undue emphasis should be given to preaching. He identified as a 'formalist,' a traditionalist who observed all the rites. He fussed about parish churches, which were not very attractive or well kept. He also fussed about 'judaizers,' too-strict keepers of the Sabbath. Yet he was a Calvinist, limited atonement and all"; Tyacke, "Religious Controversy," in *Seventeenth-Century Oxford*, 571. Other Calvinists included eventual archbishops George Abbot and Toby Matthew, as well as eventual bishops Robert Abbot, William James, John King, John Prideaux, and Thomas Ravis; *ibid.*, 570. As Tyacke warns, "Any temptation therefore on our part simply to conflate puritanism and Calvinism must be resisted, because conformity especially remained a divisive issue"; Tyacke, "Religious Controversy," in Tyacke, *Seventeenth-Century Oxford*, 571.

Presbyterian kirks in Scotland were organized in just such a fashion, and as time passed some Calvinists in England came to sympathize with this position. All these different kinds of Calvinists called the Church of England home throughout the early Stuart years. Though canon law dictated, to some extent, the form of worship, and though most churches were utilizing the Book of Common Prayer, services could still vary considerably from congregation to congregation. One minister might emphasize the preaching of the Bible the most, while another might emphasize the sacrament of the Lord's Supper. Precisely where Virginia ministers fell on this scale from 1607-1633 is rather impossible to estimate, given the paucity of information about these ministers.

It seems unlikely that the Virginia Company would have refused any members of the Church of England who were interested in settling in the colony. In fact, in late 1617 Edwin Sandys, the treasurer of the Company, was discussing immigration to Virginia with members of an English congregation in Leiden, Holland, better known to history as the Pilgrims.<sup>67</sup> The Pilgrims were yet another group of Calvinists known as Separatists. They believed that the Church of England was so hopelessly corrupt that it could not be repaired, and accordingly they had formed their own church congregation outside the Church of England. They believed that each church congregation should answer only to itself, a position later known in England as Independent. Since such churches were illegal, the Pilgrims had left England to live in Holland, a climate they believed would be more religiously tolerant. They discovered that Holland was a little too secular for their tastes, so they contacted Sandys about immigrating to the New World. With Sandys's encouragement, they received permission to settle in Virginia. The winds and the waves had other plans, as the Pilgrims ultimately ended up in New England, well outside their charter.

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<sup>67</sup> Horn, *A Land*, 241-242.

The fact that Sandys would encourage their settling Virginia is intriguing, however. It reveals a certain pragmatic streak, as he was clearly more interested in acquiring settlers than in ensuring doctrinal conformity. That economic pragmatism seems to have superseded religious uniformity in this instance is hardly surprising. After all, Virginia was very much an economic venture. Yet this invitation to the Pilgrims also reveals just how capacious the Church of England could be in the 1610s; Sandys probably assumed that even dissenters could find a place in the fold. As later events will reveal, the Church of England in Virginia never managed to establish the hierarchy that marked it in England; the Pilgrims could likely have established a congregation that suited them and colonial officials equally well, all under the aegis of the Church of England.<sup>68</sup>

Many historians of early Virginia have noted the existence of Puritan congregations within the colony. Lawnes Creek, for instance, is called a "center for puritan settlement," by James Horn.<sup>69</sup> Precisely what he means by the term "Puritan," or why he deems the settlement to be such a center is never explained. This lack of definition is common to other historians of early Virginia. Since Puritans fell into a large number of camps, the term, when used without a specific definition, can only be applied in its broadest sense, indicating simply some form of disagreement with the Church's focus on ritual, and possibly the hierarchy. What, then, denizens of Lawnes Creek heard from their pulpit remains unclear.

Probably Virginia's greatest problem in the first two decades, impacting the Church significantly, was the high death rate. Settlers arrived periodically, but many died within just a year or two, of disease, malnutrition, or an Indian attack. This chronic shortage of manpower in

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<sup>68</sup> The Puritans who settled Massachusetts Bay were technically still members of the Church of England. As time passed, however, they came to advocate Independence. In America, this position became known as Congregationalism.

<sup>69</sup> Horn, *A Land*, 242.

the colony led the Virginia Company to change its recruitment policies several times. The Company was a joint-stock venture. Investors, whether they came to the colony or remained in England, could expect to earn land and share in the Company's profits after five years. Settlers who were not investors were basically employees of the Company; they would receive food, clothing, and arms from the common store, and, after the Company turned a profit, they could expect to receive their own plot of land.<sup>70</sup> This system sounded good on paper; unfortunately, the Company did not turn an immediate profit. Hopes for gold and other precious minerals had vanished by 1610, as had, to some extent, visions of docile and welcoming natives. The Company realized they would have to work harder to make a return on the investments. Among the many ventures tried in Virginia were silk worms, glassmaking, and potash. None of these ventures proved successful. In fact, financial salvation arrived with John Rolfe in the form of the tobacco leaf. The king, with his public dislike of smoking, was likely not best pleased by the colony's new crop.<sup>71</sup> And in fact, it took several more years for tobacco to bring in a profit. The Virginia Company therefore turned to land distribution as an incentive for immigration.

The Company instituted the headright system. Settlers already in the colony by 1618 received one hundred acres of land. Settlers who paid their own way to the colony that year or after earned fifty acres for themselves, and if they paid for another person's transportation, then they earned another fifty acres. This headright system encouraged the growth of the institution of

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<sup>70</sup> John Rolfe, in 1616, divided the Virginia settlers into three categories, officers, laborers, and farmers. James Horn summarizes the distinctions: "Officers were responsible for ensuring that defenses were adequate in the settlements and that those under their charge attended to their work diligently and obeyed the martial laws. Laborers were of two kinds: Either they were employed in general work for the Company and were supported from the general store or they were skilled artisans . . . who maintained themselves. The farmers . . . were obliged to defend the colony . . . and to work for the Company one month of the year; the rest of the time they were free to grow their own crops on condition each man supported himself and his family and delivered two and a half barrels of corn to the general store annually"; Horn, *A Land*, 234-235.

<sup>71</sup> In 1604 James I published his *A Counterblaste to Tobacco*. In it he lambastes the use of tobacco as "A custome lothsome to the eye, hatefull to the Nose, harmefull to the braine, dangerous to the Lungs, and in the blacke stinking fume thereof, nearest resembling the horrible Stigian smoke of the pit that is bottomelesse"; *A Counterblaste to Tobacco*, reprint (London: G. Putnam and Sons, 1905), <http://www.laits.utexas.edu/poltheory/james/blaste/blaste.html>.

indentured servitude, wherein a wealthy settler paid the transportation fee for someone who could not otherwise afford to immigrate, in return for which said person then served the wealthy settler for five to seven years. At the end of the term of service, the former servant would expect to receive tools, clothes, or perhaps seeds, as well as a chance to stake a claim to some land of his own. The expectation of land would prove hard to fulfill long-term, but in the early years of the colony it was feasible. In addition to using the headright system, the Company permitted private investors to create settlements in the colony; "about 150 to 160 settlers arrived in Virginia in 1617 . . . with their families, laborers, and servants, representing the first major infusion of colonists for six years."<sup>72</sup> The population growth spawned church growth, for it was in this period of Samuel Argall's deputy governorship that the second Jamestown church was rebuilt.<sup>73</sup> The records of the House of Burgesses describe this church, noting that it was "built, wholly at the charge of the inhabitants of that cittie [Jamestown], of Timber, beinge fifty foote in length and twenty foote in breadth."<sup>74</sup>

While the Virginia Company's new land policies did help attract some new settlers, the Company realized that land would not be enough. In 1618 the Company created the Great Charter, designed to give colonists' greater say in the administration of the colony and, it was hoped, a sense of a greater stake in the success of said colony. Until 1618, the governors of the colony held practically all the power on the ground in Virginia. They answered only to the Company's Council, which was located in England. The great amount of power the governor could wield had earned many complaints from the colonists. Several governors ruled the colony under martial law, a decision not popular with most colonists. The 1618 charter changed the balance of power. The position of governor and Council were retained, as was the Company

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<sup>72</sup> Horn, *A Land*, 237.

<sup>73</sup> 1617-1619.

<sup>74</sup> *Burgesses*, 35.



Council in England. An assembly was added; the Company hoped that this body, in giving settlers some voice in government, would encourage colonists to feel a greater attachment to the colony, and endeavor more fervently to make the place an economic success. Each settlement of the colony could choose as many delegates as they saw fit to represent them in this assembly.<sup>75</sup> The delegates, known as burgesses, would meet with the governor and his Council, in a collective body known as the General Assembly. The governor could veto any suggestions the burgesses made, and a measure created by the Assembly only became law once the Council in England had approved it. Small though its power was, this Assembly proved a real gain for the colonists.<sup>76</sup>

The burgesses met with Governor Yeardley and his Council for the first time on July 30, 1619, in the Jamestown church. There were twenty burgesses, representing the ten settlements in the colony.<sup>77</sup> The Assembly opened with a prayer by Reverend Buck, and then got straight down to business.<sup>78</sup> Unsurprisingly, the Assembly immediately debated bureaucratic matters, pondering the legitimacy of seating burgesses from two of the plantations, and then examining the Great Charter. They also discussed financial issues, petitioning the Company for tobacco to

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<sup>75</sup> Initially, all freemen could vote, with no limit on the number of burgesses elected. In 1645, with counties finally formed, each county was limited to four burgesses, a number that was later changed to two. Suffrage likewise changed over time. In 1655 it was limited by age and reputation; *Statutes I*: xix-xxx. Perhaps these changes in suffrage reflected the great debates about franchise that had occurred in England in 1645. Eventually the General Assembly became bicameral, with the lower house called the House of Burgesses.

<sup>76</sup> The House of Burgesses, still in existence, is considered the oldest legislative body in the United States.

<sup>77</sup> These burgesses represented James City (immediate area around Jamestown), Charles City (City Point), City of Henricus (Henrico), Kiccowtan (Elizabeth City), Martin Brandon (Brandon, a private plantation), Smythe's Hundred (Southampton Hundred), Martin's Hundred, Argall's guiffe, Flowerdiew Hundred, Captain Lawnes Plantation, and Captain Warde's Plantation; Lyon G. Tyler, ed., *Narratives of Early Virginia: 1606-1625* (New York: Barnes and Noble, 1907), 249-250. According to Tyler, "Hundred was the Anglo-Saxon word for a community occupying a larger territory than a town or for a subdivision of the county. The application was revived in Virginia, and the hundred might embrace several boroughs"; *ibid.*, 267.

<sup>78</sup> Tyler, ed., *Narratives*, 252. "But forasmuche as men's affaires doe little prosper where God's service is neglected, all the Burgesses took their places in the Quire till a prayer was said by Mr. Bucke, the Minister, that it would please God to guide and sanctifie all our proceedings to his owne glory and the good of this Plantation"; *ibid.*, 251.

be accepted as money, and for boundaries and inheritance practices to be clarified.<sup>79</sup> The maintenance of crops and the performance of various tasks were regulated.<sup>80</sup> Clearly, the settlers were eager to make their colony a financial success. A surprising amount of the Assembly's business, however, involved the Church and moral regulations.

As was common in the Stuart era, the Church was tangled up in a myriad of everyday tasks and issues. Behavioral regulation and law enforcement were one such area. The burgesses ruled that certain behaviors should be prohibited, namely idleness, gaming at dice, and drunkenness. Clergy were to be involved in the regulation and punishment of such behaviors, especially that of drunkenness: Ministers were to privately and then publicly reprove the intoxicated.<sup>81</sup> The involvement of the clergy highlights an old conception of the law, in which punishment of the wrongdoer was not the primary goal, but rather reconciliation within the community. Those who upset the public peace by their bad behavior needed to be chastised, but more than that, they needed to repent, and act in a way that would restore and then maintain harmony among neighbors. Relationships with Native Americans involved the Church, too. The 1619 Assembly proposed maintaining peace with Indian neighbors through the conversion and assimilation of the Native Americans, especially children, the most intelligent of whom were to be "obtained by just means" and educated by the colonists in the doctrines of Christianity and English customs.<sup>82</sup> The brightest of these youths would then be sent to college, with the intention of finally sending these educated young men back to their original communities to spread the

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<sup>79</sup> Tyler, ed., *Narratives*, 252-256.

<sup>80</sup> Tyler, ed., *Narratives*, 265-267.

<sup>81</sup> Tyler, ed., *Narratives*, 264.

<sup>82</sup> "Be it enacted by this present assembly that for laying a surer foundation of the Indians to Christian Religion, eache towne, citty, Borrough, and particular plantation do obtain unto themselves by just means a certine number of the natives' children to be educated by them in true religion and civile course of life -- of which children the most towardly boyes in witt and graces of nature to be brought up by them in the first elements of litterature, so to be fitted for the College intended for them that from thence they may be sente to that worke of conversion"; Tyler, ed., *Narratives*, 264.

Gospel among their families and tribes.<sup>83</sup> The mention of "just means" is probably the Englishmen's attempt to differentiate themselves from the Spaniards; by 1619 everyone had heard stories of Spanish attempts to convert natives at the end of a sword. Like the Spanish, however, the English were interested in spreading their religious beliefs. Virginia may not have dedicated much time to this conversion project in the 1600s, but the fact that the Assembly mentions this project at all is a sign that religion was part of daily life, and again points to the assumption that one could not be counted truly civilized if one were outside the Church.<sup>84</sup>

Ministerial behavior and church order were regulated by laws from the first Assembly. Every March, ministers were to report to the Secretary of Estate the marriages, baptisms, and burials they had performed; in places that had no minister, the "commanders" of the area were to submit the report.<sup>85</sup> (The shortage of manpower overall in the colony included a shortage of Church personnel.) Ministers were further instructed to "read divine service" and function "according to the Ecclesiastical lawes and orders of the churche of England."<sup>86</sup> Sunday afternoons were to be spent catechizing those not yet ready for the communion table.<sup>87</sup> The process of church discipline was specified. Churchwardens and the ministers were to "mildly reprove" those involved in any sexual misconduct; if two such reproofs failed to produce changed behavior, the churchwardens were to present the man or woman to the minister, who would then bar the offender for a time from the church. If the offender's behavior still did not alter, and no repentance was forthcoming, he was to be formally excommunicated, and the

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<sup>83</sup>Tyler, ed., *Narratives*, 264.

<sup>84</sup> To what extent the emphasis upon being "civilized" was used to maintain a sense of superiority to and separation from Native Americans is unclear. Protestant Englishmen had made a similar distinction between themselves as 'civilized' and the Irish Catholics as 'barbarians' for nearly a century.

<sup>85</sup>Tyler, ed., *Narratives*, 272

<sup>86</sup>Tyler, ed., *Narratives*, 272.

<sup>87</sup>Tyler, ed., *Narratives*, 272.

governor was to write an order to seize him and all his worldly possessions.<sup>88</sup> The formal excommunication and subsequent order for seizure were first to be approved by the governor. To that end, all the ministers in the colony were to meet four times a year -- at the feast of St. Michael the Archangel, Christmas, the Annunciation, and midsummer -- at the city of the governor's residence to explain who they wished to excommunicate and why.<sup>89</sup> Church attendance was commanded, both in the morning and afternoon, with all parishioners further ordered to be armed; failure to comply resulted in the fine of three shillings per offense.<sup>90</sup> The Assembly also asked for ministers to receive some help in caring for their glebes and for London to consider the creation of a university in the colony.<sup>91</sup>

Virginia's Church was weak, yes, but the legislation devoted to it is interesting. It reveals no clear separation of church and state, and no delineation between sacred and secular. It is clear that, in attempting to recreate English society, the Assembly thought the recreation of the Church of England absolutely essential. The lack of oversight from England is intriguing, too. It would seem that colonists wanted some involvement from the mother country; they asked for London to consider creating a university in Virginia, in part to train ministers; this movement makes sense, given the clear shortage of ministers in the colony. The ministers who were present were expected to order services according to canon law, to follow the customs and ordinances of the Church as established in England.<sup>92</sup>

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<sup>88</sup> Tyler, ed., *Narratives*, 272-273.

<sup>89</sup> September 29, December 25, March 25, and June 24, respectively; Tyler, *Narratives*, 273.

<sup>90</sup> Tyler, ed., *Narratives*, 274.

<sup>91</sup> Tyler, ed., *Narratives*, 257.

<sup>92</sup> Should this desire for more ministers and for the ministers they had to follow English custom be read as the colonists fretting over their relative ecclesiastical freedom? The sources available for the 1610s and 1620s do not reveal enough to make the answer clear. As the following chapter will detail, with time the colonists grew quite comfortable with their own power over their churches, much to the dismay of English officials. How soon that feeling of comfort set in is anyone's guess, subject to the endless debates of the Americanization thesis.

For a place so set on following the customs of England, however, a couple of absences are glaring. First is the lack of church courts. These courts were a staple in England, or so historians such as Martin Ingram maintain. Does their absence in Virginia indicate that the courts were not as important as previously estimated? Not necessarily. Virginia, especially in the early years, was a very difficult place to live. Tales of barbarism and privation filtered fairly quickly to England; after all, John Smith was publishing his thoughts by the 1610s. While backers of the colony were quick to assure readers that the problems of the colony were not permanent or indeed as bad as they sounded, many English people were understandably reluctant to consider moving to such a place. Virginia seems to have been a destination for the particularly adventurous or the particularly desperate. Ecclesiastical courts were run by men trained in canon law. Such men were unlikely to find themselves in either the overly adventurous or overly desperate categories. As such, it should not be surprising that church courts were not established in Virginia. It was hard enough simply to staff all the churches necessary for the colony's population, much less have the extra manpower required for courts. Early circumstances, then, likely prevented ecclesiastical courts from ever being established in the colony.

Another absence is harder to explain, and that is the absence of the bishop of London. The bishop of London was supposed to exercise control over the Church in Virginia; the colony was included, initially informally, in his jurisdiction. According to historian Arthur Cross, "since the Bishop of London for the time being [John King, bishop of London 1611-1621] happened to be a member of the [Virginia] Company, and had manifested some interest in the church beyond the seas, the charge was entrusted to him, and from the precedent thus established may be traced the beginnings of the diocesan control of the bishops of London over the English plantations."<sup>93</sup>

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<sup>93</sup> Cross, *Episcopate*, 8-9. Later bishops like Henry Compton would certainly exert their authority over Virginia, an authority they traced to beginning with John King.

A bishop had two main functions, an administrative one, such as consecrations and ordinations, and a civil one, such as overseeing wills and marriage licenses. Not surprisingly, it was extremely difficult for a bishop overseas to perform either function adequately.<sup>94</sup> In the early decades of the seventeenth century, when the Virginia colony's population was small, it seemed unnecessary to provide a bishop on site; even if it had been deemed necessary, few would have wanted to go to such a troubled place.<sup>95</sup> The Church in Virginia learned to work around the absence of a bishop. Ministers were supposed to be ordained by him before they left England, or, if a colonist became a minister, he was to travel to England to be ordained.<sup>96</sup> By the end of the century, tasks such as the discipline of the clergy were delegated to commissaries, "officers whom bishops of the Church of England are accustomed to appoint to exercise ecclesiastical jurisdiction in particular parts of their dioceses, where, owing to distance or to other causes, they cannot attend in person."<sup>97</sup> The governor of Virginia took over the more civil powers, such as probating wills.<sup>98</sup> Yet the delineation between sacred and secular was once again blurred, for the governor also oversaw excommunications. In working around the absence of religious officials, Virginia officially tied the church more closely to the state.

The power of the bishop of London, then, at least in the years before the Restoration, seems to have remained largely theoretical. Arthur Cross finds no mention of him anywhere in the *Colonial State Papers* or *Calendar of State Papers*. James Bell, who has catalogued all the information he could obtain on Virginia's Anglican ministers through the American Revolution, lists not one as having been ordained by the bishop of London before 1677. Perhaps this absence is due to the destruction of records, or simply to lack of information, but it seems just as probable

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<sup>94</sup> Cross, *Episcopate*, 2-3.

<sup>95</sup> Cross, *Episcopate*, 10.

<sup>96</sup> Cross, *Episcopate*, 3.

<sup>97</sup> Cross, *Episcopate*, 3.

<sup>98</sup> Cross, *Episcopate*, 4.

that the bishop's power was not being exercised or enforced in the seventeenth century, at least not by the bishop himself. While Virginia, as already noted, created a method of working around this absence, the bishop's absence is particularly surprising in the years 1628-1633.

During those years William Laud was the bishop of London. Laud, as will be discussed in more detail later, was anything but uninterested in the use of his power. As Cross notes, Laud sought "to extend the Church of England establishment to every part of the known world where the English government had a foothold."<sup>99</sup> He was a known micromanager, even regulating the use of the Book of Common Prayer among English soldiers stationed on the Continent and in an English church located in Delft.<sup>100</sup> It seems very out of character for him not to be involved in Virginia. The date of Laud's appointment probably explains some of his absence, however. In 1628, the situation in England was something of a powder keg. King Charles was about to embark on his personal rule, and Thomas Wentworth, an ally of Laud, was about to be swamped with difficulties in Ireland. Laud had more than enough work to oversee at home. Some other element of his absence probably stems from his possible attitude toward the colonies. Virginians were not necessarily of the finest or most reputable backgrounds. Perhaps Laud viewed the colony simply as a penal operation, a wilderness outpost of undesirables.<sup>101</sup> There could be little need to regulate criminals who were all too likely to die of disease or a Native American attack. Virginia was not alone in never seeing Laud's involvement; Plymouth Plantation and Massachusetts Bay do not seem of any particular import to him, either. The state of affairs at home plus a possible underlying sense that Virginia was little more than a penal colony probably explain William Laud's absence from the colony. The same likely holds true for other seventeenth-century bishops of London. Though historians can only speculate about the reasons

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<sup>99</sup> Cross, *Episcopate*, 12-13.

<sup>100</sup> Charles Carlton, *Archbishop William Laud* (London: Routledge and Kegan Paul, 1987), 89-90.

<sup>101</sup> See note 23 for evidence from Middlesex, England, that would support this possible assumption by Laud.

for the lack of episcopal oversight, it is clear from the records of the first General Assembly in 1619 that Virginians were developing a system to deal with the absence and were well on their way to creating an ecclesiastical administration that worked for their particular needs.

The year 1619 was not just momentous for the calling of the General Assembly, however. In that year, the first Africans arrived in the colony. They arrived aboard two English ships, the *White Lion* and the *Treasurer*. The *White Lion* was licensed as a privateer by the Dutch William of Orange's son, while the *Treasurer* belonged to the Earl of Warwick. Apparently the crews had acquired these enslaved Africans by attacking a Portuguese ship along the coast of Mexico. After the attack, the two English vessels had made their way to the West Indies, and then to Virginia, where they traded the Africans at Point Comfort. It is unclear exactly what status these Africans had, if they were treated as permanent slaves or more as indentured servants. John Rolfe reports that twenty Africans were traded in the colony at this time.<sup>102</sup> From the 1660s onwards, Virginia's laws would increasingly distinguish between white indentured servants and black indentured servants. As that decade waned, a system of perpetual slavery was established for Africans in the colony.<sup>103</sup> For the first several decades of their time in the colony, however, many Africans inhabited a gray realm between slavery and servitude. The Church of England's outreach to these "servants" seems particularly limited, though later laws would require masters to send their servants to catechism classes.

From 1619 to 1622, the Virginia colony enjoyed an unprecedented period of peace with the Native Americans. Powhatan had died, and his brother, Opechancanough, ruled the local tribes. The English traded with the Indians and seem to have generally relaxed their guard. It was not unusual for Native Americans to enter English settlements for trade and talk. This peace

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<sup>102</sup> Horn, *A Land*, 244. <http://historicjamestowne.org/history/the-first-africans/>

<sup>103</sup> Kathleen Brown discusses the gradual process of codifying slavery in *Good Wives, Nasty Wenches, and Anxious Patriarchs* (Chapel Hill: UNC Press, 1996).



shattered on Friday, March 22, 1622. That morning Opecanough's warriors carried out attacks on all the major English settlements in Virginia, killing 347 people, or approximately one quarter of the English population. The burgesses who assembled in 1624 described the attacks: "The Hande of God [was] sett against us, in great part, no doubt, for the punishment of our ingratitude in not being thankfull but forgettfull that by his mercye we were delivered from such bondage and calamities as before time we had suffered. Justly likewise were we punished for our greedy desires of present gaine and profit, wherin many showed themselves insatiable and covetous."<sup>104</sup>

No doubt to Opecanough's dismay, the attack in 1622 was not enough to cause the English to abandon the colony. In fact, the English sought revenge, stealing the Indians' crops and, during an ostensible peace negotiation, serving poisoned beverages. Though the attack was not enough to destroy England's interest in Virginia, it was enough to destroy something else: the Virginia Company's control over the colony. In May 1624, King James I revoked the charter of the bankrupt Company and made Virginia a crown colony. The monarch himself would oversee all affairs relating to Virginia, or at least he would appoint administrators who would do so.

The Assembly that met in Virginia in March 1624 may have sensed that change was in the air. In any case, they promptly devised a clear list of rules regarding the creation of churches, the doctrine of the churches, and church attendance. Specifically, the legislative body ordered that each settlement needed to have a building or room dedicated solely to the use of divine worship, accompanied by a cemetery.<sup>105</sup> In those churches, the doctrine of the Church of England was to be followed.<sup>106</sup> Both ministers and the populace at large were charged to attend

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<sup>104</sup> *Burgesses*, 36. There are no records from the years 1622 or 1623, mentioning the attacks. Perhaps the General Assembly did not meet those years, or, equally likely, the records were at some point destroyed.

<sup>105</sup> "That there shall be in every plantation, where the people use to meete for the worship of God, a house of room sequestred for that purpose, and not to be for any temporal use whatsoever, and a place empaled in, sequestered only to the buryal of the dead"; *Statutes I*: 122-123.

<sup>106</sup> "That there be an uniformity in our church as neere as may be to the canons in England; both in substance and circumstance, and that all persons yeild readie obedience unto them under paine of censure"; *Statutes I*:123.

church, either to listen or to deliver the homily, or else face a fine.<sup>107</sup> Finally, ministers were protected against unwarranted slander.<sup>108</sup>

The repetition and expansion of the laws of the 1619 Assembly is not surprising. It was initially customary for the Assembly to revoke and then pass again all the laws of the previous Assembly's gathering.<sup>109</sup> The differences between the 1624 legislation and the 1619 legislation, then, should draw the most attention. In 1624 Virginians are ordered to maintain church buildings and a cemetery. Clearly the colonists had already been constructing churches by this point, but here they were ordered to make sure that one was present, with its accompanying graveyard, in every settlement. Ministers in these churches were protected from slander. These differences could indicate that slander and lack of church buildings had become bigger problems than they were in 1619. Such a situation would not be unusual, given the growth of the population. They also indicate two other possibilities, as well: That some of the Virginians were more eager than ever to emulate the life they had known in England; or that some Virginians

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<sup>107</sup> Specifically, a layman who missed one service had to pay one pound of tobacco. If that same layman missed a month of services, he owed 500 pounds of tobacco. Ministers, meanwhile, forfeited half of their "means" for an absence of more than two months, while an absence of more than four months resulted in the loss all the minister's means and cure; *Statutes* I: 123-124.

<sup>108</sup> "That whosoever shall disparage a minister without bringing sufficient prooffe to justify his reports whereby the mindes of his parishioners may be alienated from him, and his ministry prove the less effectual by their prejudication, shall not only pay 500 lb. waight of tobacco but also aske the minister so wronged forgiveness publickly in the congregation"; *Statutes* I: 124. It is interesting to note here that this punishment for slander required not just the payment of a fine, but an act of public humiliation. This latter sort of punishment was common among church courts in England, where the goal was not simply civil restitution for damages done, but reconciliation between the two parties. In Virginia, the county courts oversaw these slander cases and executed judgment.

<sup>109</sup> "During the early periods of legislation in Virginia, it was the usual practice whenever a law required amendment, to re-enact it, with the amendments introduced into the body of it. It was customary too, at each session, to repeal all former laws, and either re-enact them in the very same words of the at repealed, or with such amendments as experience might suggest. While they existed only in manuscript, and were promulgated by being publicly read, this mode was attended with peculiar advantages: for the people, at once, heard the *whole* law on a subject, without being compelled to ask the advice of counsel, or to resort to the clerk's office for a reference to the only copy extant in their county"; *Statutes* I: v-vi. The introductory material to the *Statutes at Large* explains a little more thoroughly the manner in which Virginians heard the law. "The acts of each session (which existed only in manuscript) were promulgated by being read to the people at the beginning of every monthly court, and by having copies deposited in the clerk's office for the inspection of all those who wished to consult them. Besides, as every plantation or settlement was entitled to as many representatives as the inhabitants thought proper to elect, the members, on their return home, could easily communicate to their neighbors the substance of the laws which had passed"; *ibid.*, v.

were clearly *not* emulating English customs, and it made the authorities uncomfortable, enough so that they chose to impose English custom through legislation. It is likely that all three scenarios were present.

Similar religious laws already existed in England. Both James I and Charles I routinely issued proclamations ordering the life of the Church. Religious legislation would have been an expected part of Stuart life. Legislators who hoped to rule the unruly Virginia population likely realized that the Church was a key part of social control, as well. Political opinions and religious opinions went hand in hand, or so people of the time thought, which meant it was in the rulers' best interest to ensure church attendance and at least some manner of conformity to the Church.

Such practical concerns do not denigrate the sincerity of some Virginians' religious beliefs. Some indication of the mental world of the Burgesses of 1624 appears in the legislative body's comments about the Indian massacre of 1622, quoted above. The statement reveals the burgesses' belief in an active God who punished sins, and a deep conviction that they had been worthy of such chastisement, for they had been sinful. This kind of public repentance would not look out of place coming from a New England congregation or from the congregation of an Anglican Church in England. At the very least it is clear that the Virginia burgesses assented to the basic teachings of the Church. With such a religious mental world in place, it makes sense that some of these officials would feel a personal need to establish the Church of England in their colony. Since burgesses were elected by local property owners, it is also likely that such sentiments reflected the convictions of their constituents.<sup>110</sup>

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<sup>110</sup> For other references to God or mention of prayer to Him in the years 1619-1624, see *Burgesses*, 21, 25, 26, 28, 33.

Churches continued to spread throughout the 1620s, as did official laws mandating church attendance and church maintenance.<sup>111</sup> In 1625, Charles I became king of England and officially confirmed that Virginia could keep its Assembly. Probably the 1629 Assembly followed the lead of the new monarch in requiring upkeep of church buildings, since both monarch and legislative body published similar-sounding religious regulations in October of that year. The king's proclamation of October 11, 1629, reads as follows: "[I] straitly charge & command all Archbishops, Bishops, Archdeacons, and others to whom it may appertaine, That they shall take speciall care . . . that this point of keeping and upholding the Churches and Chappels from time to time; in good, decent, and substantiall repaire, bee exactly and duely performed."<sup>112</sup> The Assembly's announcement came on October 16, 1629, and addressed the issue of attendance in addition to repairs: "It is ordered that there bee an especiall care taken by all commanders and others that the people doe repaire to their churches on the Saboth day and to see that the penalty of one pound of tobacco for every time of absence and 50 pounds for every months absence."<sup>113</sup>

Once again, the difference between the hierarchy established in England and the society in Virginia is striking. In England, high-ranking church officers were ordered to maintain churches. In Virginia, where churches simply had ministers and deacons, it was the general population, under the direction of plantation commanders, who were ordered to repair and

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<sup>111</sup> The following examples of church and ministerial presence appear in land grants and patents. On September 8, 1627, a grant was made to Robert Poole of three hundred acres located "Ely. [easterly] on land of Lt. Gilbert Peppett, Wly. [westerly] towards the Church there erected and built"; *Cavaliers*, 8. On the same day, a minister named Jonas Stockden leased 50 acres on the east side of the Southampton River; *ibid.*, 9.

<sup>112</sup> *Stuart Royal Proclamations Volume II: Proclamations of Charles I, 1625-1646*, ed. James F. Larkin (New York, Clarendon Press, 1983), 249.

<sup>113</sup> *Burgesses*, 54. The same Assembly commanded "that the Saboth day be nor ordinarily profaned by workeing in any employments or by journeying from place to place. *It is thought fitt* that all those that worke in the ground of what quality or condition sever, shall pay tithes to the ministers."

maintain the edifices. The colonists had learned to work around their chronic shortage of church personnel.

The colonial leaders' ability to alter English precedents to suit its needs is again on display in the court systems Virginia established. Trial by jury had been established as a right of the colonists in the November 1606 charter. The Council and its president were to pronounce the sentence, and they could make ordinances and constitutions to better govern, as long as such documents were in accordance with English law.<sup>114</sup> As time passed and the colony gained more settlements, it was not feasible for all citizens to come to Jamestown for judgment before the governor and Council, so monthly courts were created, to meet in more distant communities. For example, in 1624 the Assembly created monthly courts for the settlements of Charles City and Elizabeth City. The commanders of plantations ran these courts, which were authorized to hear cases whose value did not exceed one hundred pounds of tobacco. Settlers had the right of appeal to the quarter court of governor and Council held in Jamestown.<sup>115</sup> In March 1629 more monthly courts were established in Virginia for "some of the more remote plantations."<sup>116</sup> Commissioners were appointed by the governor to determine all cases whose value did not exceed one hundred pounds of tobacco. They were to look after "the conservation of the peace, the quiet government and safety of the people there residing or being," and make sure that all orders and proclamations were read and kept.<sup>117</sup> The court in Jamestown, held by governor and Council, remained the appeals court. This expansion of the courts to more and more remote areas continued at subsequent Assembly gatherings.<sup>118</sup> By the 1640s these monthly courts in the "remote regions"

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<sup>114</sup> *Statutes* I: 69-74.

<sup>115</sup> *Statutes* I:125.

<sup>116</sup> *Statutes* I: 132.

<sup>117</sup> *Statutes* I: 133.

<sup>118</sup> In 1632, for instance, settlements along the Warwick River and on the Eastern Shore received monthly court commissioners; *Statutes* I:168.

had become county courts.<sup>119</sup> In the words of William Hening, "besides the general jurisdiction of the *county* and *quarter* courts, special provision was made for certain counties and settlements where it was considered to inconvenient to the people to attend at the usual place of holding courts. The leading principle seems to have been *to carry justice to the doors of the inhabitants*."<sup>120</sup>

The county courts grew in number, in the amount of jurisdiction they wielded, and in personnel as time passed.<sup>121</sup> The evolution of the court system could be a story in itself. For the purposes of this study of Virginia's Church, however, the key thing to note is the types of cases the county courts heard. As will be developed in further chapters, the Virginia county courts heard cases that, in England, probably would have fallen to the church courts. People accused of adultery, of slander, of prophaning the Sabbath, of blasphemy, and of gossip all ended up in county court. How that system involved, and the manner in which church officials joined with the county courts to make such a system function, will be explored in the next chapter. By 1633, the year that William Laud ascended to the highest clerical position in the Church of England,

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<sup>119</sup> *Statutes* I:272.

<sup>120</sup> *Statutes* I: xvii. Some examples of this principle include the commissioner in a remote area of James City County being given the powers of the county court; Appamattock and Bristole parishes were allowed to hold courts; two courts met in Northampton, Isle of Wight, and Charles City Counties; *ibid.*, 335-6, 376, 409. "As the population of the county increased, these special courts were abolished"; *Statutes* I: xviii. The jurisdiction of the county courts expanded over time, too, as they were eventually authorized to have original jurisdiction in all cases outside James City County where the value did not exceed 1600 pounds of tobacco; *ibid.*, 303, 345, 398, and 477. Eventually the Assembly had the right of jurisdiction in all cases of all amounts; *Statutes* I: 541.

<sup>121</sup> The introductory matter in *The Statues at Large* has a brief but intriguing section on this development. "The first officers whose fees were established by law, were the *secretary* who was clerk of the quarter court [176, 201, 220, 265, 463], and the *marshal*, who executed the same duties which devolved upon the *sheriff*, after the appointment of that officer, which was not until the year 1634 [224]. . . . Clerks of county courts were, at one time, appointed by the governor [305], but afterwards by the courts themselves [448-9]. Commissioners of county courts, (the same as justices of the peace) were formerly appointed by the governor [132], afterwards by act of assembly [168, 186]; but at the commencement of the commonwealth they were appointed by the house of burgesses [372]; afterwards they were recommended by their courts, and commissioned by the governor and council [376, 402], and finally their appointment was confirmed by the assembly [480]. During the same period the county courts recommended *three or more* to the governor and council, out of which they made a selection for sheriffs [392], who were to continue in office for one year only [442]"; *Statutes* I: xviii-xix.

Virginia was on its way to a larger population, a clearer judicial system, and an accommodation of a missing church hierarchy.

## CHAPTER 2 VIRGINIA, 1633-1642

On August 5, 1633, George Abbot, archbishop of Canterbury, died. He had served in the highest ecclesiastical position in the Church of England since 1611, and at age seventy, he had finally breathed his last. Abbot's death date would be important to historians of the Church of England, regardless of who succeeded him as archbishop. As it turned out, Abbot's successor made the date rather infamous. On August 5, 1633, William Laud became the next archbishop of Canterbury.

On the face of it, Laud hardly seemed the type to attract infamy. He had a quiet, academic background. Born to a clothier in Reading, he attended Reading Grammar School and in 1589 he headed to St. John's College, Oxford, where he received a scholarship the following year from the founder of St. John's, Sir Thomas White, himself once a Reading lad. By 1594 Laud had obtained the bachelor of arts, and from there he continued to rack up academic degrees and ecclesiastical positions: master of arts by 1598, deacon and senior fellow of St. John's in 1601, bachelor of divinity 1602, and doctor of divinity in 1606.<sup>122</sup>

Worldly success did not immediately follow Laud's obtaining the doctor of divinity. In 1610 he became a vicar of a rural church, which required him to resign his fellowship at St. John's, a resignation which stressed him so much he was ill for weeks after the fact.<sup>123</sup> Laud had, however, managed to catch the attention of several Arminian theologians, and these men

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<sup>122</sup> Charles Carlton, *Archbishop William Laud* (London: Routledge and Kegan Paul, 1987), 5-6.

<sup>123</sup> Carlton, *Laud*, 15.



continually aided his career, finding ever-more-important church positions for him.<sup>124</sup> One such person was Bishop Neile of Rochester.

At its core, the term Arminian can perhaps be understood as Anti-Calvinist, a term Nicholas Tyacke employs.<sup>125</sup> The word derives from the founder of the movement, Dutch theologian Jacobus Arminius (1559-1609). Arminius was particularly troubled by the Calvinist emphasis upon unconditional election, the idea that God chooses those to save, not due to any of their own merits, but simply of His own will and grace. Arminius contended that God predestined some to salvation because He had prior knowledge of their saving faith. Such a position also challenges the Calvinist notion of total depravity, the idea that sin has corrupted all of man, and thus he cannot and will not choose God, but God must move him to faith. Arminianism had not found much of a foothold in the Church of England until the Stuart period; certainly adherents of that theology existed in the Church, but they were not in positions of power. James I began to favor the Arminian faction by the end of his reign, and Charles I made that favoritism clear. By 1608 Bishop Neile had made Laud one of his protégés.<sup>126</sup> Laud also made other Arminian friends, such as Christopher Wren and William Juxon.<sup>127</sup>

These friends helped Laud obtain the presidency of St. John's College later in 1610, a position from which Laud had access to the monarch.<sup>128</sup> Through a winding path, Laud eventually became bishop of London in 1628 and then archbishop of Canterbury in 1633. Had a

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<sup>124</sup> Carlton, *Laud*, 14.

<sup>125</sup> Tyacke, *Anti-Calvinists*. Calvinism is often summarized in the acronym TULIP, which is broken down as follows: Total depravity -- the Fall utterly corrupted human nature, and now humans are completely incapable of responding in and of themselves to God's grace. Unconditional election -- God chose, before the creation of the world, those He would save. They were not chosen for any merits they possess, but simply due to His own grace. Those chosen are often referred to as "the elect." Limited atonement -- Jesus' death on the cross is not effective for all people in the world, but only for all of his elect. Irresistible grace -- the work of the Holy Spirit cannot be resisted; God will save those whom He has chosen. Perseverance of the saints -- The elect will persevere in their faith until the end; they cannot be lost.

<sup>126</sup> Carlton, *Laud*, 14.

<sup>127</sup> Carlton, *Laud*, 18.

<sup>128</sup> Carlton, *Laud*, 18-19.

particularly observant bystander been following Laud's career to this point, he likely would have been able to predict at least some of Laud's actions in the years 1633 to 1640, for Laud's education, as well as his activities in his previous church positions, revealed the tendencies that would make him a hated man.

Laud's studies, as well as his basic personality, combined to make him stubborn, argumentative, and convinced of the superiority of his own theological positions. As one historian expresses it, Laud's education "taught him to worry about the small things: if they were right then the whole would automatically be correct. . . . Learning became a game of erudition, with truth on the side of the biggest battalions of citations, that somehow grew into an Armageddon between the forces of right and wrong."<sup>129</sup> In the colleges of Oxford, argument was an art form, and recalcitrant members of a college were to be firmly argued and regulated into submission. Unsurprisingly, given his long tenure at Oxford, Laud took these lessons in management into his church positions.

As president of St. John's, Laud put a lot of emphasis on aesthetics. He added more stained glass to the college, got a new organ loft for the chapel, worked on the battlements. This emphasis upon outward appearance is in clear contrast to the Puritan focus on sermons and

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<sup>129</sup> The entirety of this section of Charles Carlton's biography of Laud provides some interesting speculations on how and why Laud became the stubborn figure of history: "His training had been a long hard grind in the classics, prizing the translation of other men's ideas far more than critical thought or originality. To excel in such a system required a certain kind of mind: pedantic, precise, knowledgeable, and an almost encyclopaedic memory to compensate for the lack of bibliographies, indices, and finding aids that scholars enjoy today. . . . His education taught Laud how to find the correct classical, biblical or patristic text rather than the truth. His was an education in which footnotes counted as much as the text, if not more. Correct citations and precise details were valued more than the right conclusions. His education taught him to worry about the small things: if they were right then the whole would automatically be correct. His training taught him to look for general principles. Learning became a game of erudition, with truth on the side of the biggest battalions of citations, that somehow grew into an Armageddon between the forces of right and wrong. Since it does not usually matter too much who wins an academic debate, its protagonists often pursue victory with a rare ferocity"; Carlton, *Laud*, 7-8. Perhaps Carlton's assessment is too harsh, but certainly Laud pursued all his major battles with a scholarly mindset, quoting ancient sources and tenaciously holding to their absolute truth.

simplicity. When he became the dean of Gloucester in 1616, Laud pressed for the same sort of changes: the cathedral was to be repaired, and the altar was to be moved to the front. These changes upset several church members, who accused Laud of "popery." Laud successfully charged the men with libel, and their complaints ceased (as did the attendance of one man). This success "confirmed his view that if you treated troublemakers, like fractious dons, firmly, they would soon calm down, see the error of their ways and conform."<sup>130</sup>

Laud's religious convictions were sincere. Conformity must be maintained; the doctrine of predestination was rather ugly; ritual and ceremony were an important part of worship, aiding in reverence. Though he was no Catholic, Laud did not like the labels "popery" and "papist," and he did not maintain, as many Protestants of the time did, that the pope was the Antichrist. Unfortunately, his sincerity left little room for those who deviated from his beliefs. James I seemed to feel some concern about Laud's inflexible nature. He supposedly said, "The plain truth is that I keep Laud back from all place of rule and authority because I feel he hath a restless spirit, and cannot see when matters are well, but loves to toss and change, and to bring things to the pitch of reformation."<sup>131</sup>

While his rigidity was a cause for concern, Laud's loyalty to the Crown fairly begged for reward. Laud's sermons frequently reminded listeners of the importance of the power of princes. In 1622, for instance, while preaching upon the text of Psalm 21: 6-7,<sup>132</sup> Laud mentioned the special role of the king, a role that was distinct from that of his councilors: "None of them [the king's councilors] may share with him [the king] in his 'honour of blessing the people,' nor none

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<sup>130</sup> Carlton, *Laud*, 24.

<sup>131</sup> Quoted in Carlton, *Laud*, 26.

<sup>132</sup> "For you make him most blessed forever; you make him glad with the joy of your presence. /For the king trusts in the LORD, and through the steadfast love of the Most High he shall not be moved." ESV.

ought to steal away the hearts of his people upon any popular pretences whatsoever."<sup>133</sup> He went on to say that God's blessings could not fall upon the people before they first passed through the monarch.<sup>134</sup> Such supportive sermons were a consistent theme for Laud.<sup>135</sup> Laud did not simply preach loyalty, however: he also befriended those closest to the monarch. By the 1620s he had grown close to Buckingham, a favorite of James I and his son Charles. By the time Laud was bishop of St. David's in Wales, he used his court contacts and his position in Parliament to wield power in court. In 1628, he became the bishop of London. Later that year, when Buckingham was assassinated, Laud rushed to comfort King Charles I and Queen Henrietta Maria. Throughout the fateful events of 1628, he remained close to the monarch. Parliament accused him of "popery," and when the body was dissolved as Charles embarked upon his personal rule, Laud received a number of death threats.<sup>136</sup> Yet Laud stayed the course. He and Charles I pushed for greater conformity in worship, a turn to more ceremony and carefully-crafted architecture. When Archbishop Abbot died in 1633, it was no surprise that the king chose Laud as his successor.

As archbishop of Canterbury, Laud continued to pursue theological conformity throughout the Church. Communion altars were moved to the fronts of churches and railed off. Bowing at the name of Jesus was encouraged. *The Book of Sports* was reissued, and ministers were ordered to read it from their pulpits. Censorship of the press, always a fact of life in Tudor and Stuart England, was partially overseen by Laud, who hunted down critics of monarch, court,

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<sup>133</sup> William Laud, *Works of the Most Reverend Father in God, William Laud, D.D., Sometime Lord Archbishop of Canterbury*, ed. William Scott, vol. 1, *Sermons* (Oxford: John Henry Parker, 1847-1853), 38.

<sup>134</sup> "Therefore, the blessings here spoken of, come not immediately from God to the people, but they are strained *pereum*, through him, through the man, and therefore must relish a little of the strainer, him and his mortality. And there cannot be a greater wrong done unto Princes, in the midst of their care for the people, than for men to think they are not 'blessed' by them upon supposal that some things may be imperfect"; Laud, *Sermons*, 44.

<sup>135</sup> Another example is found in yet another 1622 sermon in which Laud insists that Church and State must be intertwined for either to reap the full benefits of God's mercies; Laud, *Sermons*, 6-29.

<sup>136</sup> Carlton, *Laud*, 75.

and Arminian theology. Dissenters were treated harshly. Some ministers were removed from their posts after refusing to read the *Book of Sports*. Sometimes Laud employed the Court of the Star Chamber to mete out justice to offenders. William Prynne, Henry Burton, and John Bastwick were three rather infamous victims of Laud's Star Chamber justice. Convicted of defying Laud's censorship of the press, the three men in 1637 were sentenced to "cropping" -- having the outer portions of their ears cut off -- as well as imprisonment and fines.<sup>137</sup> Laud insinuated himself in Church affairs throughout the nation, and, as mentioned previously, even attempted to regulate the affairs of English congregations on the Continent.<sup>138</sup> Such emphasis upon conformity, such a determination to root out dissenters, makes Laud's ignoring of Virginia appear exceptionally strange. To repeat a question from the first chapter: what could explain his absence, first as bishop of London, and then as archbishop of Canterbury?

Probably the simplest explanation, and thus in keeping with Occam's razor, is that events in England, which will be discussed in greater detail in the next chapter, kept Laud too busy to have much time for worrying about events in the colonies of North America. That Laud cherished hopes of exercising some control in the North American colonies in the early 1630s seems clear. By 1634 a new board of commissioners had been organized, under the writ of the privy seal, to oversee the colonies. The members of the board included the archbishop of Canterbury, the high treasurer, the lord keeper of the privy seal, and seven members of the Privy Council. The commission was to rule the colonies in political, civil, and ecclesiastical affairs.<sup>139</sup> Moreover, the commissioners were permitted to establish courts in the colonies and to decide

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<sup>137</sup> Worden, *English Civil Wars*, 29-30. This experience was not the first one for Prynne. He had already been cropped in 1634 for publishing a criticism of the court. In 1637 the rest of his ears was removed, and he was branded with the letters "SL" on his face -- "Seditious Libeler."

<sup>138</sup> Chapter One, 39.

<sup>139</sup> Cross, *Episcopate*, 18-19.

what matters fell under civil, or under ecclesiastical, jurisdictions.<sup>140</sup> The power to create courts, ecclesiastical and civil, was confirmed again in a 1636 commission.<sup>141</sup> Charles I, perhaps at Laud's urging, tried to limit the immigration of nonconformists to North America with a 1637 declaration that required immigrants to have a license from the Commissioners for Plantations or certificates from two justices of the peace saying that the immigrants had taken the oaths of supremacy and allegiance, as well as the testimony from a minister that each immigrant was a conforming member of the Church of England.<sup>142</sup> Enforcement of such a proclamation was obviously a problem. Stuart England was hardly a police state, so it was practically impossible to check every single immigrant for such papers. Nonetheless, Charles I issued the proclamation, as well as another one that specifically limited the departure of anyone for New England unless he or she had a special license from the king or others of the Privy Council who specifically oversaw the plantations -- i.e., Laud or one of the men on his board of commissioners.<sup>143</sup> In 1638, it seems that Laud had plans to send a bishop to New England.<sup>144</sup>

Doggedly persistent and deeply convinced of the probity of his theology, Laud no doubt would have carried out his plans, had the unexpected not occurred: The Scots, outraged at Laud's new prayer book and England's attempts to impose conformity upon them, revolted, an event that helped trigger the English Civil Wars. Laud's attention was promptly diverted to the disaster near at hand, leaving him no time for concern about the colonies of North America.<sup>145</sup> Even if Laud

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<sup>140</sup> Cross, *Episcopate*, 19-20.

<sup>141</sup> Cross, *Episcopate*, 20.

<sup>142</sup> *Stuart Royal II*, 555-556. Cross, *Episcopate*, 20.

<sup>143</sup> *Stuart Royal II*, 610-611. Cross, *Episcopate*, 20. My notes indicate this second decree is from 1638, but Cross says it is from 1637.

<sup>144</sup> Cross, *Episcopate*, 21.

<sup>145</sup> Peter Heylyn, Laud's contemporary, fellow churchman, and hagiographer, writes that it was in order to subdue the unruly elements of New England, to prevent those nonconformists from corrupting the whole English church, that Laud decided to "send a Bishop over to them, for their better Government, and back him with some forces to Compel, if he were not otherwise able to persuade Obedience. But this design was strangled in the first Conception, by the violent breakings out of the Troubles in *Scotland*"; Peter Heylyn, *Cyprianus Anglicus: Or the History of the*

had had the time, New England probably would have captured his attention sooner than Virginia. Virginia, after all, was ostensibly in conformity with the Church of England. In addition, several factors unique to Virginia probably would have placed it low on the list of colonies to capture the archbishop's interest.

Virginia's purpose, as is clear from the first charters from James I, was tri-fold: to provide a military garrison against the Spanish in the New World; to provide economic success to members of the Virginia Company; and, least important of the three, to bring Christianity to the Native Americans. None of these purposes seems likely to attract Laud. Laud had never been a proponent of military activities. The Puritans of the early Stuart period were often dismayed by James I's lack of support for their Calvinist brethren on the Continent.<sup>146</sup> When Charles I came to the throne, they were initially encouraged by his involvement in Continental affairs, but this happiness soon subsided into bitterness as they realized the English army under his supervision won few battles, and seemed to provide the monarch simply with another excuse to tax the populace. Laud, along with most members of the Arminian or High-Anglican party, was little interested in these wars. He urged peace in his sermons, though of course he fully supported the monarch's right to do whatever he chose.

The economic success of the members of the Virginia Company would not have been within Laud's interests, either. Laud seems primarily interested in the financial situation of the Church and the crown. Moreover, considering some of the early members of the Virginia Company, like Sandys, had dealings with Puritans and possibly some Puritan leanings

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*Life and Death of the Most Reverend and Renowned Prelate William, by Divine Providence Archbishop of Canterbury, Primate of All England, and Metropolitan, Chancellor of the Universities of Oxon. and Dublin, and one of the Lords of the Privy Council to his late most Sacred Majesty Charles the First, Second Monarch of Great Britain, Containing also the Ecclesiastical History of the Three Kingdoms of England, Scotland, and Ireland from His first rising till His Death* (London: A. Seile, 1668), 347.

<sup>146</sup> Worden, *English Civil Wars*, 13.

themselves, Laud certainly would not have wanted to assist such men in increasing their wealth and power. After all, one of Laud's first actions was the abolition of the Feoffees of Improvements, which Puritans had taken over in the early Stuart period and used to fund Puritan lectures.

Finally, the Virginia Company, as the previous chapter explored, professed an interest in converting the Native Americans. The Company did not spend a whole lot of time on this notion, and the Virginia colony itself would wait till near the end of the century to pursue fully the idea of an Indian college.<sup>147</sup> This was, however, an ostensible aim of the Company and of the colony. It seems like the sort of goal that would attract an archbishop. However, there were people at home to keep Laud busy with missionary work: dissenters and nonconformists, of course, and, just across the sea, the Irish. The English had maintained a presence in Ireland since the time of Henry VII. Despite the religious turmoil in England throughout the Tudor period, and the subsequent dominance of Protestantism and the Church of England by the Stuart years, the Irish, by and large, maintained their Catholicism. This stubborn adherence to the old church caused no end of consternation for English Protestants, even those, like Laud, who were convinced that the Church of Rome was not entirely wicked. Adding to Laud's interest in affairs in Ireland was the fact that a close friend of his, Thomas Wentworth, was sent to the country to "pacify" the people.

Laud's missionary impulses, then, such as they were, found more than enough outlet at home. Virginia, ostensibly Anglican, simply did not rank as high on his list of concerns as the messy situation in his own backyard. Perhaps, had events in England worked out differently -- had Laud's plans for the Church gone forward smoothly, had Charles I's Parliaments been

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<sup>147</sup> When Sir Robert Boyle died in 1691 he left part of his estate for the funding of 'Indian schools' in North America. Some of his bequest went to Virginia. By 1693, when William and Mary was established, so too was a school for Native Americans on the same campus; <http://www.wm.edu/about/history/historiccampus/indianschool/index.php>.



compliant, or had his personal rule extended for the entirety of his reign -- Laud would have been able to turn his attention back to North America and to the increasingly heterogeneous religious settlement flourishing there.<sup>148</sup> As it was, England in the 1630s was an increasingly unstable place and would tip into disaster in the 1640s. Virginia was left to rock along as best it could, with little supervision or interference from English church leaders.

Virginia in the 1630s was a rough-and-tumble place to live. Precisely how many people lived in the colony remains unclear. No censuses were taken during the years 1634-1699.<sup>149</sup> Jamestown, the oldest settlement and capital of the colony, had grown, but it still lagged far behind the refinements of London, or even the larger villages of England. At the start of the decade, the town still lacked a tavern and a statehouse. The Assembly continued to meet in the church, and the Council of State and Quarter Court met in the front parlor of the governor's home. The colony's secretary housed all public records in his home.<sup>150</sup> Life in what the burgesses deemed the "remote parts" of the colony, like the Eastern Shore, featured even fewer creature comforts. Horses, for instance, were unavailable on the Eastern Shore until 1642; the easiest way to travel was down the numerous creeks and rivers.<sup>151</sup> On the Shore, "plantations of modest size" dominated, and since waterways were highways, all settlers aimed to claim

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<sup>148</sup> One wonders if Laud did not share some of the feelings that Heylyn expressed regarding New England and those settling there: "Not much took notice of it [the immigration to New England] at first, when they were few in Numbers, and inconsiderable for their Powers: but growing up so fast both in Strength and multitude, they began to carry a face of danger. For how unsafe must it be thought both to Church and State, to suffer such a Constant Recepticle [sic] of discontented, dangerous, and schismatical Persons, to grow up so fast; from whence, as from the Bowels of the *Trojan* horse, so many Incendiaries might break out to inflame the Nation? *New England*, like the Spleen in the Natural Body, by drawing to it so many sullen, sad, and offensive Humours, was not unuseful and unserviceable to the General Health: But when the Spleen is grown once too full, and emptieth itself into the Stomach, it both corrupts the Blood, and disturbs the Head, and leaves the whole Man wearisome to himself and others"; Heylyn, *Cyprianus Anglicus*, 347.

<sup>149</sup> Nelson, *A Blessed Company*, 120.

<sup>150</sup> Warren M. Billings, *Sir William Berkeley and the Forging of Colonial Virginia* (Baton Rouge: Louisiana State University Press, 2004), 43.

<sup>151</sup> Perry, *Formation*, 42-44. Using court records and deeds, Perry estimates that at least 19% of the people who settled the Shore after 1635 were related somehow to people already living in Virginia; *ibid.*, 54. Kinship, then, was probably one of the greatest "pull" factors for immigrants.

property along a waterway.<sup>152</sup> As time passed, this pattern became common throughout the colony, for growing tobacco demanded enough land that a field could lie fallow while another was cultivated, and then the original was rotated back into use.<sup>153</sup>

Historians have long debated the influence that this "residential isolation" had on the Virginia settlement.<sup>154</sup> Timothy Breen uses this settlement pattern as part of his argument that Virginia was the most individualistic and self-serving of the North American colonies. According to him, Virginia colonists were concerned about themselves and their families; the lives of neighbors and any sort of communal spirit were infinitely less important, if they registered at all.<sup>155</sup> James Perry challenges that notion, noting the forces that drew Virginians together, such as markets.<sup>156</sup> April Hatfield likewise notes the flourishing trade occurring not just among the Virginia colonists but between Virginia and New England, Virginia and England, and Virginia and Holland.<sup>157</sup> While there is little doubt that Virginians were more isolated from one another than the New England colonists or even their brethren back home, it was not merely markets that drew the colonists together and gave them a chance to interact with one another. As the colony grew throughout the 1630s, the government of the colony grew and evolved as well, providing more opportunities for Virginians to meet and socialize, even if such social interactions were not always pleasant.

The highest level of government in the colony consisted of the governor, his Council, and the General Assembly, which included the two aforementioned groups plus the burgesses. In the

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<sup>152</sup> Perry, *Formation*, 68.

<sup>153</sup> Perry, *Formation*, 68.

<sup>154</sup> Perry, *Formation*, 68.

<sup>155</sup> See Timothy Breen, "Looking out for Number One."

<sup>156</sup> Perry notes that Virginia and New England were trading with one another by at least the mid-1630s, a trade that only grew as the 1640s arrived; *Formation*, 147-148.

<sup>157</sup> Hatfield, *Atlantic Virginia*.

1620s and 1630s, about ten to eighteen men gathered for Council meetings, with six as a quorum. The colonial secretary and treasurer supervised various administrative tasks, while other councilors commanded the militia and held various provincial posts. The Council also formed the Quarter Court, which acted as the court of appeals for the colony and judged all felony cases.<sup>158</sup> The functioning of the Quarter Court reveals the pragmatic manner in which colonial officials conducted business, making do with the resources available to them. A note from the governor announced the dates for the court to meet and urged councilors to attend. A clerk controlled the docket, and a crier called the court to order. Most of the cases were civil, often appeals from county courts. Felony trials usual had their own special day. The Quarter Court also took care of various administrative concerns, doled out advice concerning executive affairs, confirmed land grants, and ratified appointments.<sup>159</sup>

The men composing the Council and the burgesses were mostly of the middling sort, men whose families had a little more money than most colonists, or who had ties to prosperous colonists or the old Virginia Company. Much has been written about these men, for, unlike their counterparts in high government positions in England, these men were not aristocrats and not particularly wealthy. They represented private plantations, counties, and parishes, and in the 1630s there was no limit to the number a district could elect. Historians have long noted the problems caused by the lack of education and pedigree, problems not of intellect, but of commanding respect in a world very much dominated by considerations of birth.<sup>160</sup> Virginia's councilors and burgesses were keenly sensitive to their lack of rank, and it gave them, at times,

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<sup>158</sup> Billings, *Sir William*, 51.

<sup>159</sup> Billings, *Sir William*, 81-82.

<sup>160</sup> See Bernard Bailyn's article "Politics and Social Structure in Virginia," in which he discusses Virginia's "tangled cousinry," in *Seventeenth-Century America: Essays in Colonial History*, ed. James Morton Smith (Chapel Hill: University of North Carolina Press, 1959).

something of a chip on their collective shoulder.<sup>161</sup> As time passed, however, these men managed to create a system that worked fairly well for their colony.

The General Assembly evolved as time passed, from an institution created by the Company to try to appease settlers and generate more attachment to the colony's success, to, in the minds of its members, a miniature Parliament. It slowly assumed more responsibilities and claimed more privileges as the century progressed: the right to decide who sat as burgess; to be exempt from arrest while in session; to regulate the governor's levying of taxes; to create counties; regulate the church; oversee defense; and periodically review and revise the laws.<sup>162</sup> Like Parliament, the General Assembly was summoned by writ of the executive, with an election day for the members announced. Ministers opened the Assembly, asking God's guidance and blessing on the meetings. The governor addressed the body at the first session, laying out the issues to be considered. Measures were debated, revised, and submitted, and then they awaited the agreement of governor and the majority of Council and burgesses before they could become law. After all the issues mentioned by the governor had been addressed, the body dissolved until its next summons.<sup>163</sup>

However much the General Assembly liked to think of itself as a 'little Parliament' -- certainly something the burgesses of the eighteenth century prided themselves on -- in the 1630s the Assembly still had a long way to go in resembling the legislature of England. The members, as already noted, had much to learn about lawmaking. Just as the colony lacked the sort of

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<sup>161</sup> As Warren Billings describes them, "They constituted an emerging ruling class whose only claim to power was their ability to succeed. Leaders unused to leading, they lacked habits and carriage of a rank apart. Insecurity sharpened their resentments of intrusions on their prerogatives, real or imagined, yet they were determined to share largely in setting the course of Virginia's future. Fractious though they were, they managed to chart the basic outlines for self-government, a legal order, and a structured society that were clearly viable by Berkeley's landing"; *Sir William*, 46.

<sup>162</sup> Billings, *Sir William*, 53.

<sup>163</sup> Billings, *Sir William*, 53.

"extras" that made life more comfortable, so the General Assembly lacked the "extras" that were an important part of Parliament. For one thing, the General Assembly remained unicameral until 1643. In that year, the burgesses would begin to sit as the lower house. For another, rules of order and the use of committees remained something of a novelty, both yet in the making. Staff was sorely lacking. The clerk of the Council of State recorded the decisions of the Council and Quarter Court, kept the Assembly journal, counted votes, and drafted texts. Speakers, such as were present in both Lords and Commons, did not exist in the Assembly.<sup>164</sup>

The General Assembly legislated for the entire colony, and it met in Jamestown. As such, it was not necessarily accessible to ordinary colonists. As the first chapter detailed, the leadership of the colony attempted to extend justice to the broader populace by the creation of monthly courts in the 1620s. By 1632, these monthly courts even met in the "remote parts" of the colony, such as the Eastern Shore. In 1634 the Assembly took further steps to ensure the enforcement of the law throughout the colony. Virginia was divided into eight shires -- James City, Henrico, Charles City, Elizabeth City, Warwick River, Warrosquyoake, Charles River, and Accawmack -- "to be governed as the shires in England."<sup>165</sup> Lieutenants were appointed "the same as in England," with the added notation that they were to "take care of the warr against Indians." Finally, the offices of sheriff, sergeant, and bailiff were created, positions that again were supposed to have the same role and powers as in England.<sup>166</sup> A final notation to the 1634 Assembly's acts mentions that courts were to meet in the shires, with a Council member given notice to attend and "assist in each court of shire."<sup>167</sup> Apparently the General Assembly was

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<sup>164</sup> Billings, *Sir William*, 53-54.

<sup>165</sup> *Statutes* I: 224, 92.

<sup>166</sup> *Statutes* I: 224. The wording of the creation of these positions indicates that they were elected. Historian Warren Billings, however, notes that in practice the men holding these offices were "nominally gubernatorial appointees." He likewise notes that commissioners assumed the name 'justices'; *Sir William*, 55.

<sup>167</sup> *Statutes* I: 224.

motivated to create these county courts and the offices by advice from a royal commission headed by Archbishop Laud.<sup>168</sup>

Despite the repeated references to functioning just as courts and personnel did in England, Virginia's county courts and officers operated in a slightly different manner, adapting English custom to colonial needs. As in England, a commander, plus an unspecified number of commissioners, comprised the county courts, with jurisdiction to a certain amount of money over civil and criminal cases. Also as in England, the officers could not operate without executive permission. However, the content of the commissions in Virginia was different from that of an English commission. In England, the authority was delegated directly from the king to the local justices, with a broad range of power and responsibility. The commission was usually in Latin. In Virginia, the commission came from the governor, with responsibilities and limitations set out in English.<sup>169</sup> Virginia's court system, while modeled on the English system, was adapted to meet the specific needs of Virginians, including the lack of formal education of most colonists, and the truncated political order present in the colony. The offices of sheriff, justice, and clerk, like the offices of burgess or councilor, became status symbols, offering colonists another leg up the social ladder.<sup>170</sup> By the 1640s, wealthier Virginians were busy competing with one another for social dominance.

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<sup>168</sup> Billings, *Sir William*, 55.

<sup>169</sup> Billings, *Sir William*, 83-84.

<sup>170</sup> According to Warren Billings, "Institutionally, the county courts allowed a few colonists to set themselves up as a ruling class. A yearning for stature and wealth was the prickly urge that drove ambitious colonists to Virginia. Seat on local benches offered fulfillment. Uniting power with position, they opened access to land, laborers, social networks, with strategic marriages. Holding the office of justice symbolized one's arrival at the head of Virginia society"; *Sir William*, 55.

That the councilors and burgesses thought they had real power in the colony is confirmed by the 1635 "thrusting out" of Governor Samuel Harvey.<sup>171</sup> Harvey was appointed governor of Virginia in 1628 by Charles I. Precisely when he arrived in the colony remains unclear; the March 1630 records of the Assembly are the earliest official reference to his being present in Virginia. A dispute began between Harvey and some of his councilors over the exact nature of his commission from the king. Harvey thought that the Council was simply an advisory body, and that he had the final word on the governance of Virginia (subject to the king's pleasure, of course). The Council disagreed. They maintained that governors could not act without the consent of the Council and that the governors had been, and should be, neutral at Council meetings, speaking out only to break a tie.<sup>172</sup> Adding to the discontentment, in the years 1630 to 1635, it appeared that king might be orchestrating a royal monopoly of the tobacco trade. All members of the Assembly signed a letter to the king in 1635, voicing their dislike of this idea; some hoped to trade tobacco with the Dutch, and others seem to have hoped for the possibility of a renewal of something like the Virginia Company, and lucrative trade opportunities that such a reconstitution might offer. Harvey failed to send the letter of complaint to the king. Members of the Assembly circulated a petition of protest, and Harvey arrested several of the leaders. On April 28, the Assembly met, and Harvey and the Assemblymen simultaneously attempted to arrest each other for treason. The Assembly was backed by musketeers, who surrounded the governor's house. The Assembly then elected one of the Council, John West, as governor, and met again on May 7, over Harvey's protests that such a meeting was illegal. By the end of the

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<sup>171</sup>The incident has been thus referred to since William Hening used the phrase in his notes on a 1635 meeting of the Assembly; *Statutes* I: 223.

<sup>172</sup> Brent Tarter, "Sir John Harvey (c. 1581 or 1582-1650)," in *Encyclopedia Virginia*, a publication of the Virginia Foundation for the Humanities and in partnership with Library of Virginia, Accessed April 6, 2015, [http://www.encyclopediavirginia.org/Harvey\\_Sir\\_John\\_ca\\_1581\\_or\\_1582-by\\_1650#start\\_entry](http://www.encyclopediavirginia.org/Harvey_Sir_John_ca_1581_or_1582-by_1650#start_entry).

month, Harvey was on the way to England, with Council members Samuel Mathews and Francis Pott as his guards.<sup>173</sup>

Mathews wrote a letter in 1635, explaining the position of the General Assembly regarding Harvey and the reasons for his eviction. Mathews summarized the complaints against Harvey: Harvey had detained letters written to the king; he had usurped the Council's powers; he had made the Assembly members fear that he might invalidate their land titles; in court he did "revile all the councell and tell them they were to give their attendance as assistants onely to advise with him, which if liked of should pass, otherwise the power lay in himselfe to dispose of all matters as his Majesties substitute"<sup>174</sup>; he had conspired with the colony of Maryland to shut down Virginia's corn trade; he had made peace with the Indians, against advice; he had supported Maryland's taking of ships and goods, contrary to the king's advice; and he had imprisoned some men who wrote a letter of protest. The General Assembly was thus sending him to England on the charges that he had refused to obey or dispense the king's orders.<sup>175</sup>

That the General Assembly thought it had the power to deem an interpretation of the king's orders by the king's appointee incorrect is a rather stunning assertion of power. It is also very much in keeping with a surprising trend in the development of Virginia in the 1630s and 1640s: The establishment of more and more local control. Even as the colony acquired more personnel and more offices that made the colony appear ever more English, the colonists were adapting these offices to suit their own unique circumstances and needs.

This adaptation of English forms to suit colonial needs continued throughout the 1630s in church affairs. As discussed earlier, Virginia's church government was severely truncated.

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<sup>173</sup> Brent Tarter, "Sir John Harvey."

<sup>174</sup> "The Mutiny in Virginia," *Virginia Magazine of History and Biography* 1 (1894), 416-417.

<sup>175</sup> "The Mutiny in Virginia," *VMHB* 1 (1894), 417-424.



Without an archbishop or bishop in the colony, lacking oversight from the bishop of London or from Archbishop Laud, Virginia's governor had taken over some matters of church oversight, such as the official excommunication of church members who refused to amend their unlawful behavior.<sup>176</sup> The colony had adapted to the lack of personnel in this instance by marrying church and state, the sacred and the secular, more closely. Two trends emerge in 1630s and 1640s church administration: solving church matters through state means; and granting ever more power to individual congregations.

The latter trend is noticeable in the importance of vestries. Vestries were a group of men, usually twelve, elected by a congregation to oversee the affairs of the church. In England, there was a distinction between simply a "vestry" and a "select vestry." The term "vestry" was sometimes used in the late Tudor era to refer to a gathering of all the congregants to care for church property. A "select vestry" comprised several leading members of the church, elected by the rest of the church, especially to care for the poor of a parish and to schedule vestry meetings.<sup>177</sup> Virginia's vestries seem to have more closely resembled the select vestries of England. Vestrymen and churchwardens looked after the poor and orphaned, approved ministers, and reported violators of religious legislation to the county courts.

The terms "parish" and "county" are not always used in neatly-defined fashion in the legislation, court records, and other writings from seventeenth-century Virginia. Sometimes the two terms are used as synonyms. At other times, a clear difference seems to exist, with the county as some broader, secular unit, and the parish as an ecclesiastical unit with a narrower

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<sup>176</sup> See Chapter One, 35.

<sup>177</sup> Edward L. Bond, "The Parish in Colonial Virginia," *Encyclopedia Virginia*, Accessed April 21, 2015, [http://www.encyclopediavirginia.org/parish\\_in\\_colonial\\_virginia\\_the#start\\_entry](http://www.encyclopediavirginia.org/parish_in_colonial_virginia_the#start_entry).

geographical focus around a specific church.<sup>178</sup> In the extant records, the terms "parish" and "parishioner" appear first in the Assembly records from March 1624.<sup>179</sup> Precisely when parishes came into existence or when vestries and churchwardens began to assume the responsibility of reporting 'moral offenders' to the county courts is unclear. Historian Edward Bond calculates that the vestries were probably wielding this sort of control by 1635, but admits that the records that would allow historians to verify such a claim have been lost or destroyed.<sup>180</sup> An early date for such local control does not seem unlikely, given the fact that ministers and churchwardens are ordered in 1619 legislation to report congregational misbehavior and candidates for excommunication to the governor.<sup>181</sup> What is clear is that, by March 1643, the Assembly standardized this practice of local control. That year, the body ruled that "there be a vestrie held in each parish, for the makeing of leavies and assessments for such uses as are requisite and necessary for the repairing of the churches, etc. and that there be yearly chosen two or more churchwardens in every parish."<sup>182</sup> Congregants were ordered to choose "the most sufficient" men to join the minister and churchwardens as their vestry.<sup>183</sup> The importance of these vestrymen, and just how much they differed from their colleagues in England, is confirmed by another piece of 1643 legislation: the right of the vestry to appoint ministers.

The legislation is sparsely-worded: "It is also enacted and confirmed . . . that the vestrie of evrie parish with the allowance of the commander and commisioners of the county living and resideing with the said parish, or the vestrie alone in case of their nonresidence shall from

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<sup>178</sup> According to Edward Bond, Virginia parishes usually covered less territory than a county, but more territory than a parish in England. He suggests that most colonists were probably more familiar with parish government than any other kind of government, since churches, or rather, the vestries and churchwardens, were responsible for what current Americans might think of as welfare; "Parish in Colonial Virginia."

<sup>179</sup> *Statutes* I:124-125.

<sup>180</sup> Bond, "Parish in Colonial Virginia."

<sup>181</sup> See Chapter One, 35.

<sup>182</sup> *Statutes* I: 240.

<sup>183</sup> *Statutes* I: 240.

henceforward have power, to elect and make choyce of their ministers."<sup>184</sup> That the General Assembly should place such power in the hand of individual vestries is astonishing. In England, ministers were typically nominated by a parish patron, and then the diocesan bishop formally inducted the minister into his position.<sup>185</sup> Typically the minister held this position for life, barring some terrible offense. That parishioners should be responsible for choosing a minister -- even with the caveat of including the commissioners -- is an impressive delegation of authority into local hands. The law went on to say that the ministers should then be presented to the governor for formal induction into their offices and that they could be removed for offense only by the order of the Assembly.<sup>186</sup> Again, the governor was assuming the role traditionally played by a bishop. In practice, vestries often neglected to present their ministers to the governor, a neglect which allowed them to dismiss the minister at will, further increasing their already-considerable control.<sup>187</sup> Precisely how long the vestry had wielded this particular power is, once again, frustratingly unclear. The legislation uses the term "henceforward," which could indicate that the body was conferring the power for the first time to the vestries. It is equally likely, however, that this system had existed unofficially in the 1630s, and the Assembly had simply decided finally to recognize the practice. Whatever the case, the Virginia legislature had officially delegated an enormous amount of power to individual congregations. Henry Compton, bishop of London from 1675 to 1713, would complain bitterly of the power the Virginia vestries wielded.<sup>188</sup>

This 1643 law also illuminates the first trend in church administration in the 1630s and 1640s, that of using the state to regulate church affairs. Offenses which, in England, might have

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<sup>184</sup> *Statutes I*: 241-242.

<sup>185</sup> Bond, "Parish in Colonial Virginia."

<sup>186</sup> *Statutes I*: 242.

<sup>187</sup> Hungars Parish records, quoted in Edward Bond's article, referred to this practice as hiring the minister from year to year; Bond, "Parish in Colonial Virginia"

<sup>188</sup> William Seiler, "The Anglican Parish Vestry in Colonial Virginia," *Journal of Southern History* 22(1956): 310.

been prosecuted in church courts, were prosecuted in Virginia's county courts. Ministers and churchwardens were ordered to meet yearly before the commander and commissioners of every county court "in nature of a visitation according to the orders and constitutions of the church of England, which is there usually held every yeare after Christmas."<sup>189</sup> At this visitation, the men would promise to provide a list of all those parishioners who had committed "misdemeanors" in the previous year. Misdemeanors were defined as "swearing, prophaning God's name, and his holy Saboths, abusing his holy word and commandments, contemning his holy sacraments or any thing belonging to his service or worship."<sup>190</sup> Further actions, deemed "high and foule offences" were likewise to presented. These included "adultery, whoredome or fornication or . . . the loathsome sinne of drunkennesse."<sup>191</sup> In the absence of ecclesiastical courts, Virginians used state courts, in this case individual county courts, to punish and try to correct what they deemed morally aberrant behavior. In tying the church more closely to the state, Virginians again gained more power in the oversight of their own churches. As time passed, commissioners became elected officials. Since prominent men usually occupied the office of commissioner as well as vestrymen, there was even overlap between the two offices at times. Parishioners were thus choosing their own vestrymen and churchwardens, as well as commissioners, trusting these men to report and properly prosecute offenses. Small wonder that some Virginia families began to regard themselves as a sort of colonial aristocracy.

This local control, and this careful tying together of parish and county, church and state, sacred and secular, sounds and looks rather similar to the congregationalism at work in New England in the 1630s and 1640s. Perhaps this similarity gives further credence to the assertion of

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<sup>189</sup> *Statutes* I: 240.

<sup>190</sup> *Statutes* I: 240.

<sup>191</sup> *Statutes* I: 240.

various historians that Puritans were present in early Virginia, for as time passed, congregationalism, or Independence, was favored by many Puritans. Should historians then class Virginians as pure congregationalists? While the administration of church government encourages an affirmative response to that question, a closer look at the materials being used in church worship, as well as the standards regulating ministerial behavior, suggests a negative response. Once again, the Assembly 's legislation takes center stage.

Legislation from February 1633 makes it clear that churches were using, or at least were supposed to be using, the Book of Common Prayer in their worship services. Ministers of large cures, where it was not possible to be present each Sunday or on other "holydays" were to appoint deacons "for the reading common prayer in their absence."<sup>192</sup> It is impossible to know which 'edition' of the Book of Common Prayer Virginia deacons were using when they read the service in the minister's absence. James I had ordered the revision of the 1559 version of the Book of Common Prayer in 1604.<sup>193</sup> The colonists could have been using this latest version, but it is equally likely that, in a time when books were regarded as valuable and often bequeathed, Virginians were using the older Elizabethan version. As will be detailed later, differences in edition of the Book of Common Prayer were often cause for consternation, and at the very least they were not to be taken lightly. Regardless, by 1633 very few congregationalists were likely to be employing the Elizabethan or the Jacobean Book of Common Prayer.<sup>194</sup> With the exception of

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<sup>192</sup> *Statutes* I: 208.

<sup>193</sup> Consult Frances Procter, *A New History of the Book of Common Prayer with a Rationale of its Offices*, ed. Walter Frere (London: MacMillan, 1910) for information regarding the specific alterations. Accessed May 1, 2015, <http://www.justus.anglican.org/resources/bcp/Procter&Frere/index.htm>.

<sup>194</sup> A letter from Deputy-Governor Thomas Dale to the Virginia Council in London from May 1611 offers an interesting inventory of the items furnishing Henrico's church. He wrote that "the chancel of the church was constructed of wood from cedar trees, as were the pulpit, the pews, and the window frames. The communion table was crafted from black walnut, while the baptismal font was carved from wood. The chancel and interior walls were decorated with different types of native flowers. In a steeple at the west end of the church were suspended two bells which summoned the community at ten o'clock in the morning and four in the afternoon"; Bell, *Empire*, 48-49.

the Scottish church, churches using the prayer book also had an episcopalian form of church government. While Virginia's church government did not look very episcopalian, the use of the Book of Common Prayer certainly did.<sup>195</sup>

Another blow is struck against the case for Virginians being true congregationalists by legislation throughout the 1630s and 1640s that references conformity to the canon law of England. Ministers in 1630 were ordered to conform or be subject to censure.<sup>196</sup> The need for conformity and colony-wide uniformity in the church was again confirmed in February and September of 1632.<sup>197</sup> Assembly meetings for the rest of the 1630s say little about church management, but there is little reason to think that conformity was not expected, especially since dedication to canon and the prayer book is again confirmed in March 1643.<sup>198</sup>

Conformity and uniformity with the laws of the Church of England and with its prayer book are demanded repeatedly throughout the 1630s and early 1640s, even as the vestries are given control over the choice of ministers and over the presentation of offenders before court. Strange and contradictory though it sounds, it seems that Virginians were practicing congregational Anglicanism.<sup>199</sup> Their liturgy, their church law, and the standards to which they held ministers are all Anglican, enshrined in canon law and the Book of Common Prayer. The Book of Common Prayer affirmed the rightness of episcopal government, praising the role of bishops and of the monarch as head of the Church. While Virginians affirmed these things with

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<sup>195</sup> It is a pity as well that next to nothing can be said about the edifices in which the ministers directed service, or the materials which they used in the service. The statutes of the Assembly do not indicate the placement of the altar, how men and women sat, if and what they sang, or what version of the Bible they used; Bell, *Empire*, 7, 53. Bell has located records to indicate that most of the churches built during these years were wooden structures, though one hopes they were of sturdier construction than the churches of the 1610s; *ibid.*, 53.

<sup>196</sup> *Statutes I*: 149.

<sup>197</sup> *Statutes I*: 155, 180.

<sup>198</sup> *Statutes I*: 241.

<sup>199</sup> James Bell writes, "Without episcopal oversight in either Virginia or London until about 1680 the church was more akin to the structure of the Congregational and Presbyterian churches"; *Empire*, 3.

their mouths, heard them from their pulpits, sent their children to catechism lessons that came out of the back of the Book of Common Prayer, they also attended churches that lacked any kind of episcopal oversight. They did not have a bishop or an archbishop, and in fact lacked sufficient ministers. They relied upon deacons where ministers were unavailable. They elected vestrymen who elected the minister, who worked with the county courts, which were often staffed by vestrymen. They jealously guarded these privileges and positions. They had adapted the familiar liturgy and book of worship to situation in which they lived. They were, in effect, congregational Anglicans.

As usual, Virginia's records say little about what kind of men served as ministers in the colony's peculiar Church of England. James Bell estimates that, by 1641, Virginia contained a population of about 10,500, with some 23 parishes.<sup>200</sup> Precisely how many church buildings were present in these parishes is unknown. James Horn maintains that a dozen Anglican churches were present in the colony by 1634.<sup>201</sup> As for the personnel staffing the churches, Bell has found records to indicate that nine men served as ministers in Virginia between the years 1630 and 1639, and nine served as ministers from 1640-1649. Whether the 1640s group were the same men as the 1630s group, he does not indicate.<sup>202</sup> He names five of these ministers as William Cotton, Nathaniel Eaton, Thomas Hampton, Thomas Harrison, and John Rosier. Like the other historians discussed in Chapter One, Bell uses but does not define the terms "Anglican" and "Puritan"; he asserts that all five of the aforementioned preachers exhibited Puritan leanings.<sup>203</sup> Perhaps he bases this conclusion on the fact that Oxford and Cambridge were the two universities most represented among the clergymen in Virginia who historians know attended

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<sup>200</sup> Bell, *Empire*, 41.

<sup>201</sup> Billings, *Sir William*, 382.

<sup>202</sup> Bell, *Empire*, 58.

<sup>203</sup> Bell, *Empire*, 41.

university, for according to Bell these universities tended to 'lean' Puritan in their theology, at least in the years leading up to the Civil Wars.<sup>204</sup> In addition, one of the men, to be discussed below, had formerly been in Massachusetts Bay. Presumably all the ministers were acting in accordance with the uniformity prescribed by the Assembly, and certainly the peculiar blend of Anglican prayer book and congregational government would have lent itself to accommodating a broad array of opinions on church government.<sup>205</sup>

County court records and land patents cannot illuminate the theology of Virginia's clergy in this period, and at times they reveal little more than the names of the men who served, along with the amount of land these men managed to acquire. For instance, William Wilkinson, identified as a minister in 1635, acquired some 700 acres in a settlement called Linhaven "commonly called Chisopeian River" that year.<sup>206</sup> The records also say he had three servants. One George Keth, identified as "clarke and pastor of Kiskiake" also shows up in land patents in 1635.<sup>207</sup> The "Nanzemond River" was home to George White, "Minister of the Word of God," who was likewise acquiring land in 1635.<sup>208</sup>

Sometimes the records reveal something of the personalities of the preacher and his congregants. Reverend John Wilson served at Elizabeth River in 1637, and while he waited for a

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<sup>204</sup> Bell, *Empire*, 67-68. For a more detailed discussion of these theological leanings, see Carlton and Tyacke.

<sup>205</sup> Edward Bond describes Virginia's Caroline church thus: "From the colony's earliest days distance and neglect spared the settlers the din of the theological disputations that embroiled their kindred in the British Isles. A strange new world, few priests, and scanty institutional buttresses begot a colonial church nearer to the model of James I than that of his son. Virginians read their Bibles, prayed daily and earnestly to a just God, and turned to the Book of Common Prayer for direction in their private or corporate devotions. Their belief that the fundamental tenets of Christianity counted for more than theological correctness promoted an ecumenical view of Anglicanism and an acceptance of heterodox opinions regarding the ambiguities of faith and practice. Attitudes such as these allowed for a polity that bent toward the Church of England without insistence upon unswerving conformity to a single, rigid interpretation of Anglican teachings. In their quiet, accidental way the colonists had created an environment in which staunch Anglicans and stiff Puritans, and those in between, lived in peace and harmony as they went about their daily lives and work or when they met in church"; quoted in Billings, *Sir William*, 103.

<sup>206</sup> *Cavaliers*, 34. This was followed by the acquisition of 100 more acres in 1644.

<sup>207</sup> *Cavaliers*, 29.

<sup>208</sup> *Cavaliers*, 27.



church to be built at Lynnhaven River -- presumably Wilson was located further up or down the river from Wilkinson -- Adam Thorowgood allowed Wilson to use his home for services.<sup>209</sup> Wilson appears several times in the county court records, typically for monetary issues.<sup>210</sup> It seems that, in one case, he had been denied his tithes, and the court had to command his parishioners to pay him. Whether this failure to pay Wilson indicates that his congregation was unhappy with him is unclear; however, he died just a year after this failure, and the fact that his creditors were ordered to collect their money from those who failed to pay the tithe, suggests that Wilson and his congregation were at some kind of loggerheads.<sup>211</sup> By way of contrast, the inhabitants of Mulberry Island must have dearly loved their minister, Willis Hely. In 1635 the court confirmed the issuance of an unspecified amount of land to him, granted "upon a two-fold consideration, first in reward of his faithfull paines in the Ministrie exemplified by a Godly and quiet life thereby seconding his doctrine, next as a spurr and encouragement for others of his calling to pursue soe faire and bright an example."<sup>212</sup> Sadly, the court documents say nothing more about the denizens of Mulberry Island, nothing to give readers a more personal glimpse into their minds or into the life of Hely. As this case and that of Wilson reveal, however, at least some Virginians seem to have harbored strong opinions about their preachers.

Given that, the tale of Minister Nathaniel Eaton is particularly frustrating, for he had a very colorful existence, and nothing remains of the reaction Virginians had to him. Eaton's story begins with William Cotton, mentioned in Chapter One as the presumed successor to Eastern

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<sup>209</sup> James Horn, *Adapting to a New World*, 170. Thorowgood must have been quite wealthy, for he rapidly acquired thousands of acres of land in Virginia. For more information see *Cavaliers*, 21 and 36.

<sup>210</sup> Twice in 1639 he was ordered to pay his debts to various merchants. Edward W. James, "The Rev. John Wilson," *William and Mary Quarterly* 2 (1894): 154-155.

<sup>211</sup> James, "The Rev. John Wilson," 154-155.

<sup>212</sup> *Cavaliers*, 30.

Shore minister Richard Bolton, who served at King's and Cherrystone Creeks.<sup>213</sup> Cotton was present on the Shore by 1632. Churchwardens appear in the records in 1633, and a vestry is mentioned by 1635.<sup>214</sup> By 1639 Cotton was serving not just the colonists on King's Creek but also a group living on Hungars Creek. A year later Cotton died, but it seems that his church(es) were not vacant for long, as Nathaniel Eaton and John Rosier were both on the Shore by late that year.<sup>215</sup>

Historians speculate that perhaps Eaton and Cotton knew one another, for Cotton's mother and Eaton's father were both from Cheshire, England, where Eaton had been born in 1610. Eaton attended Cambridge and then studied under well-known Puritan William Ames at the University of Franeker. In 1637 he immigrated to Massachusetts Bay. Late that year, he was appointed as the head of the colony's infant college, Harvard. Complaints immediately poured in from students. He was accused of cruelty -- beating pupils -- and his wife's cooking was railed against, for supposedly she served pudding that contained feces. Authorities found him guilty of excessive punishments, which prompted him to flee, with stolen funds, first to New Hampshire, and in 1640, to Virginia.<sup>216</sup> Whether or not colonists on the Eastern Shore knew of Eaton's past is unclear. In 1642, his first wife having died or been abandoned, he married William Cotton's

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<sup>213</sup> Chapter One, 27.

<sup>214</sup> Perry, *Formation*, 183. "In September [1635] the court appointed the first formal vestry for the parish and at the same meeting 'Mr William Cotton Minister presented an order of Cort [sic] from James City [sic] for the building of a Parsonage House upon the Glebe land which is by this board referred to be ordered by the Vestry.'" The parsonage was to be forty feet long, eighteen feet wide, with two chimneys, a study, buttery, entryway, kitchen, and chamber; *Virginia's Eastern Shore I*: 142-143.

<sup>215</sup> Perry, *Formation*, 183.

<sup>216</sup> C. Ramsey Fahs, "In the School of Tyrannus," *The Crimson*, October 30, 2014, <http://www.thecrimson.com/article/2014/10/30/in-the-school-of/>; Anthony Vaver, "Early American Criminals: Punishment of the Harvard-Educated Burglars," *Early American Crime*, accessed April 13, 2018, <http://www.earlyamericancrime.com/criminals/punishment-of-harvard-burglars/>; Samuel Eliot Morrison, *The Founding of Harvard College* (Cambridge: Harvard University Press, 1935), 200-210.

widow, Ann.<sup>217</sup> It seems that both he and Rosier served as ministers, and it is not a stretch to imagine that Eaton probably preached Puritan doctrine. Eaton was not long for the Shore, however. It seems that he had some sort of conflict with Rosier, and, in addition, he stole his infant stepdaughter's inheritance, a parcel of land, and sold it. Perhaps his open hypocrisy, conflicts with Rosier, or a revelation to Virginians about his past made him a social pariah, for Eaton had departed from the Shore by 1643. He returned to England, evidently abandoning Ann, served as a minister for a time, and then died in debtor's prison 1674.<sup>218</sup> Such a scandalous life must surely have inspired plenty of gossip among the colonists on the Eastern Shore. What a pity that Virginia's records say nothing of these tales!

What does remain of Virginians' reactions to events, their opinions about the matters of their day, and their struggles comes to historians in county court records. As noted in the Introduction, county court records are flawed in their representativeness of the colonists. They typically show colonists at their most litigious and catch them in their worst actions. Yet the records are some of the few sources that have survived, and they are some of the few sources from the time that reveal anything about ordinary colonists, the sort who were unlikely to sit in the General Assembly. Geography also raises the question of representativeness. The most ample records readily available for the years 1633-1642 come from the Eastern Shore, eventually divided into the two counties of Accomack and Northampton. It is imperative to exercise extreme care in using records from such a small region; it is entirely possible that some anomalies may exist, making Eastern Shore denizens have different experiences than their

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<sup>217</sup> What precisely happened to the first Mrs. Eaton is unclear and disputed. Some sources say she died before Mr. Eaton reached Virginia; others say he abandoned her; and still others say she was lost in a shipwreck while trying to flee Massachusetts Bay herself.

<sup>218</sup> Perry, *Formation*, 184-185. *Virginia's Eastern Shore* I: 154-155. See also Jennings Cropper Wise, *Ye Kingdome of Accawmacke: Or the Eastern Shore of Virginia in the Seventeenth Century* (Richmond: Bell Book and Stationery, 1911).

contemporaries in Henrico or Jamestown. That said, it does appear that the Eastern Shore's residents were demographically quite similar to the other counties of Virginia and that they were just as busy growing tobacco as their neighbors, so their experiences should not differ too dramatically from those of other Virginians. Their records of the 1630s and early 1640s highlight two themes: that slander was considered a serious offense, acted upon by Virginia county courts in much the same way that ecclesiastical courts in England would have prosecuted such cases; and that at least some of the colonists were invested in their churches.

Defamation of character was, for Virginians as for their English brethren, not a matter to be taken lightly. According to James Perry, "those who slandered their neighbors [by falsely accusing them of everything from sexual misconduct to dishonesty] or questioned their background in England quickly found themselves on a ducking stool, in stocks, or wearing a sign that proclaimed their error."<sup>219</sup> The goal of punishment, as both he and Martin Ingram note, was reconciliation, to restore harmony to the community and repair a damaged reputation. Such an emphasis, Perry says, is also clear in Virginia's court proceedings.<sup>220</sup>

Such an emphasis is readily apparent in a 1635 case involving Reverend Cotton and Henry Charleston. According to three witnesses,<sup>221</sup> Henry Charleston proclaimed that "if he had Mr. Cotton without the Church year he would have kicked him over the Palisades calling of him black clotted Rascal." The court records do not explain what justification, if any, Charleston offered for wanting to call Cotton a rascal and kick him over the fence. Whatever defense he proffered was obviously deemed insufficient, as the court ordered that "the seed Charleston shall for the syd offence buyld a pair of stocks and sett in them three several Sabouth days in the tyme

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<sup>219</sup> Perry, *Formation*, 201-202.

<sup>220</sup> Perry, *Formation*, 201-202.

<sup>221</sup>These witness were John Waltham, age 24, Randoll Revell, 21, and John Ford, 25.

of Dyvine Servis and there aske Mr Cotton forgiveness."<sup>222</sup> The records do not indicate precisely how Charleton was forgiven by Cotton, though it seems likely that the forgiveness was granted publicly before, after, or during the worship service. Presumably Charleton was then able to resume his normal life.

That the guilty were punished during church services is noteworthy. Churches were meeting places. It is impossible to know just how many Virginians attended church and how often; but the fact that county courts, seeking to restore harmony in a community, would order offenders to serve their sentences at church suggests that much of the community would be present at worship, at least enough for the desired peace to be restored. That officials like commissioners published their orders at churches is further suggestive of fairly broad attendance.<sup>223</sup> Frustratingly, the records reveal very little, and that only indirectly, about what the colonists thought of their churches. Obviously Henry Charleton was none too fond of his minister, and yet, as earlier testimony suggested, Willis Hely was quite popular.

Sometimes the courts ordered church maintenance as punishment. Daniel Cugley was ordered in 1634 to be "at the Charges of daubinge the Church as sone as the roof is repaired"; what he did to require such a sentence is unknown.<sup>224</sup> At another settlement in 1638 David Winley and Edward Game were fined 100 pounds of tobacco each "towards the building of a newe Church." Again, the offense is unspecified.<sup>225</sup> The punishment could even be broadly directed, as in 1641 when a court ordered that all parishioners who had neglected to obey orders about carrying arms and ammunition when away from home were to "meete at the parish Church of Ackowmack upon Satterday next and cutt up All the weeds about the Church" as well as the

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<sup>222</sup> *Virginia's Eastern Shore* I: 154.

<sup>223</sup> Perry, *Formation*, 188.

<sup>224</sup> *Virginia's Eastern Shore* I: 171.

<sup>225</sup> *Virginia's Eastern Shore* I: 121.

path to the church."<sup>226</sup> Church maintenance seems to have been an ongoing problem, but the courts on the Shore were certainly making an effort. Interior beautification was also on their minds. In 1636 churchwardens were ordered to provide for their church "with all Conveniency that may be, a Pulpit cloth, a cushion, a Bear [bier?] and a Cheast."<sup>227</sup>

Not all church maintenance and beautification was court mandated, however. William Burdett, probably the same man that had married Alice Traveller, in 1643 left to his church in the lower parish of Northampton "ffive pounds to bee bestowed on a communion cup and plate, if it will hould otherwise one cupp only, Or as the minister and Church wardens shall thinke Fitt."<sup>228</sup> Such a bequest suggest that Burdett saw value in the church. That some colonists were eager to have a church and regular services outside the Eastern Shore, and that they were fond of their minister, is evident in a note from the court records of Lower Norfolk County.

In May 1640, Norfolk inhabitants gathered "for the providinge of themselves an able minister to instruct them concerning their soules health." One Thomas Harrison had been serving as their minister thus far, "whch his said tender is well liked of, with the genall approbacon of the said Inhabitants." In their "zeale and willingnes to p'mote god's service" the people promised, and the court thereby established, that they would pay Harrison "one hundreth pounds starling yearly." Apparently congregants of two different churches were present, however. The ones agreeing to pay were from "the parish church at Mr Sewell's Point." Congregants from Elizabeth River objected to the payment, "'unless the sd minister may teach them as often as he shall teach at . . . Sewell's Pointe." Harrison agreed to alternate Sundays, preaching at both settlements, and

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<sup>226</sup> *Virginia's Eastern Shore* I: 122.

<sup>227</sup> *Virginia's Eastern Shore* I: 171.

<sup>228</sup> *Virginia's Eastern Shore* I: 122.

the Elizabeth River inhabitants agreed to build a church there before next May.<sup>229</sup> Perhaps the colonists simply wanted to get their money's worth from Reverend Harrison, but just as likely they also wanted some religious instruction. It is not hard to imagine parents especially wanting their children catechized, something Virginia preachers were required by law to ensure, for, as discussed in Chapter One, the Church was one of the few things that separated the "civilized" from the "savage." The church, as a gathering place and as a place for the dispensation of justice, was held in esteem and probably with some fondness by at least some Virginians.

By 1642, Virginia looked a little more like England. More settlements dotted the shores, a legislature met regularly in Jamestown, county courts dispensed justice, and people met on Sundays at church. Colonists had learned how to make their church function without bishops and archbishops. Vestries held the power, recognized by the General Assembly, even as that same Assembly continued to proclaim conformity with canon law and mandated the use of the Book of Common Prayer. Church, state, and congregation had all been woven together into a practice that could best be called congregational Anglicanism. While the system worked, it doubtless would have horrified Archbishop of Canterbury William Laud. Yet Laud is absent from the Virginia scene, despite well-known tendencies of micromanagement. The reason? While Virginia was slowly stabilizing, England's stability was slowly crumbling, a process that began in Scotland in 1637, and eventually brought the nation to civil war.

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<sup>229</sup> "Historical Notes and Queries," *Virginia Magazine of History and Biography* 1 (1894): 327.

### CHAPTER 3 AN ENGLISH INTERLUDE: THE WAR BEGINS

England's national nightmare began in Scotland in 1637, though of course no one at the time realized the fact. In the years after the Protestant Reformation, Scotland had slowly broken with the Catholic Church and officially embraced Protestantism as the state religion.<sup>230</sup> By Elizabeth I's reign, Scotland had found its most famous reformer, John Knox, a student of John Calvin and the man most associated in the popular imagination with the creation of the Presbyterian denomination. By the time James VI of Scotland became James I of England in 1603, Scotland's Kirk was an interesting amalgamation of the episcopal and the presbyterian. The Kirk used the title "bishop," but Scottish bishops did not seem to hold any authority over presbyters (also called elders), as they did in the Church of England. A brief experiment with Edward VI's Book of Common Prayer had yielded by 1564 to Knox's Book of Common Order.<sup>231</sup> Some English Puritans had hoped that the Stuarts might bring Calvinist theology with them to England, or at the very least that the Stuarts would prove sympathetic to Puritan calls for reform. As it turned out, James embraced not just the English throne, but also the episcopacy, in part because the episcopacy regularly emphasized the importance of the monarch and his

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<sup>230</sup> The Scottish Parliament in 1560 formally made the state Protestant.

<sup>231</sup> William Muss-Arnolt, "The Scottish Service Book of 1637 and its Successors: A Biobibliographical Study," *The American Journal of Theology* 24 (July 1920), 386; Reverend John Henry Blunt, editor, *The Annotated Book of Common Prayer, being a Historical, Ritual, and Theological Commentary on the Devotional System of the Church of England* (London: Rivingtons, 1886), xlv.



power.<sup>232</sup> Instead of bringing Scottish customs to England, the Stuarts embraced English customs and sought to bring those to Scotland.

James I, despite his commitment to the Church of England, did not press the episcopacy too harshly upon the Scottish, though he did create more bishops and even some archbishops for the Church of Scotland. By 1616, the General Assembly, the highest governing body of the Church of Scotland, decreed that the kingdom would work on the creation of a liturgy, a common prayer to be used by all the churches in the realm; four ministers formed the committee in charge of that creation. No doubt they were motivated by the king's desires for certain liturgical changes, such kneeling to receive communion, changes he had made clear to the Scottish on a visit in 1617 to Edinburgh. The Five Articles, as they came to be known, were approved by the General Assembly in 1618 by a bare majority.<sup>233</sup> Several ministers refused to recognize the alterations, and some were deprived of their livings. In his disgust and anger, James refused to let the General Assembly meet any further. James did not return to Scotland for another visit during his reign, and many Scots ignored his liturgical changes.

Such was the situation when Charles I inherited the throne of England and the throne of Scotland in 1625. Charles, unwilling or unable to understand the religious temper of his Scottish subjects, decided in 1633 to attempt the introduction of a more episcopal church order. Laud wanted to impose the Book of Common Prayer on the Scots, but the Scottish bishops demanded a say in the new liturgy that they would use. Laud, a few other English bishops, and the Scottish

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<sup>232</sup> James I's childhood teachers had taught him that the power of the king was based in part on the consent of the people. As an adult, James embraced the divine right notion of kingship, which said that the monarch was answerable only to God. For a brief summary of his ideas see Magnus Magnusson, *Scotland: The Story of a Nation* (New York: Atlantic Monthly Press, 2000), 382-418. The Arminian element of the Church of England, and especially Laud, was, as Chapter Two revealed, in agreement with this notion. Small wonder, then, that James shrugged off the presbyterianism in which he was raised for a more agreeable episcopalian climate.

<sup>233</sup> The new liturgy required kneeling at communion, private baptism and communion, four holy days, and confirmation; Muss-Arnolt, "Scottish Service Book," 387.

bishops collaborated on this new prayer book. Its final form was authorized by the end of 1636, and it was printed in Scotland in 1637.<sup>234</sup>

The book was imposed upon the people and their churches by the bishops and the monarch; the General Assembly had no say in the matter. The Scots were outraged. On July 23, 1637, Dean Hannay of St. Giles Cathedral in Edinburgh attempted to read from the prayer book. His congregation's wrath broke forth immediately, beginning with one Jenny Geddes. As Hannay began to read, she leapt from the stool on which she was sitting, shrieked, "Villain, dost thou say a mass at my lug [in my hearing]?" and hurled her stool at him. A riot ensued, other congregants threw their stools, and then they all departed. The situation only deteriorated from there. Crowds attempted to stone the bishop of Edinburgh. Riots broke out in all the churches throughout the city that attempted to use the book. Charles I and Laud held firm, determined to impose the book on Scotland. The Scottish responded with petitions and criticisms of the prayer book, culminating in the creation of the National Covenant in February 1638. Signers of the Covenant agreed to oppose the new prayer book and defend their Kirk and all its traditions, with their own blood if necessary. Nearly all the Scottish signed the pledge. Charles I decided that only force could decide the day, and so he raised an army. Unfortunately for him, he discovered in 1639 that the Scottish had raised an even larger one.

The Scottish had been divided among themselves, since not everyone supported the National Covenant, and there had been some conflict in the nation before Charles arrived. The Scottish Covenanter army that faced Charles was larger and more experienced than the English one. A worried Charles agreed to negotiate with the Covenanters, resulting in a rather vague agreement between the two sides known as the Pacification of Berwick. The king agreed to

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<sup>234</sup> Muss-Arnolt, "Scottish Service Book," 388.

permit the General Assembly to meet and to summon the Scottish Parliament, and both sides agreed to disband their armies. This First Bishops' War thus concluded without any battles between English and Scottish. Charles, however, remained convinced that he needed to bring Scotland to heel. To that end, he brought home to England Thomas Wentworth, who had been overseeing attempts to subdue Ireland, to act as his adviser. Wentworth advised taking an army back to Scotland; in order to fund that army, he also advised the king to summon Parliament, something Charles I had not done since 1629. The eleven years of Personal Rule were coming to a close.

Charles's relationship with Parliament had been shaky since 1628. Part of the problem stemmed from his involvement in various disastrous foreign conflicts; part came from the general dislike of his favorite, the duke of Buckingham; and part from his use of ship money and forced loans. In 1628, Parliament passed the Petition of Right, asserting the body's power, especially over the purse strings, and warning Charles that he should not usurp his subjects' liberty. Charles accepted the Petition, but then proceeded to ignore it. Later in 1628, Buckingham was assassinated, an event which traumatized and terrified the king. Early in 1629, Parliament defied the king's order to adjourn and held down the Speaker as they passed a series of resolutions again asserting traditional English liberties, decrying Catholicism and Arminianism, and calling anyone who accepted Charles's usurpation of parliamentary prerogative to be an enemy of England. An outraged Charles dissolved Parliament, had the ringleaders of the resolutions tried and imprisoned, and embarked upon eleven years of ruling without Parliament.

Had Scotland not erupted and summoned an army, Charles might well have ruled to the end of his days without Parliament. In April 1640 what would become known as the Short Parliament began convening. Charles expected the body simply to vote for the supplies and

money the English army needed, but the members responded that they expected an investigation into the case and a discussion of their liberties. After all, many English people were very unhappy about the situation in Scotland; a number of them felt sympathetic toward the Covenanters, and even more were unhappy about being taxed and expected to provide an army to solve the Scottish Parliament. Charles dissolved Parliament just three weeks later, though he allowed Convocation, the Church parliament, to continue to sit and pass legislation; this allowance was completely contrary to convention and further outraged the English. Again, the Scottish forced the king's hand. In August 1640 they defeated an English army at Newburn and then occupied Newcastle. Even worse, in the negotiation between the Covenanters and Charles, Charles agreed to cease his religious policy in Scotland and actually pay for the upkeep of the Scottish army until a formal treaty could be signed. Only Parliament could grant the money necessary for such upkeep. Twelve peers petitioned Charles to summon Parliament once more; it was clear that Charles was not going to be able to rule during wartime without the consent of at least his leading subjects. In November the legislature convened; this meeting would last, in some form or other, for the next thirteen years, giving rise to the name the Long Parliament.

The Long Parliament in 1640 and 1641 was full of critics of the king's policy, most notably John Pym, an extremely skillful leader and a Puritan. In August 1641 an agreement was finally reached with the Scottish army, and both it and the English army disbanded. Parliament was able to win a number of concessions from the king that year, too. A Triennial Bill passed, requiring the summoning of Parliament at least once every three years; ship money was outlawed; the Star Chamber was abolished; the current Parliament was not to be dissolved without its consent; and various councilors were arrested. William Laud was arrested and thrown into the Tower where he would remain for four years. Most importantly, Strafford, the king's

chief adviser, was arrested and put on trial for treason. Supposedly he had advised the king to use an Irish army to subdue those Englishmen who opposed the monarch. Parliament was unable to prove his treason, so it passed a bill of attainder, declaring simply that he had treasonous designs. The king signed the bill, which sent Strafford to his death in May 1641, an act for which Laud would be unable to forgive the king; nor indeed would the king seem to forgive himself.<sup>235</sup>

Though he was distinctly at a disadvantage, Charles continued to scheme. He had known of a plot to save Strafford from the Tower, a plot which ultimately failed, but which Parliament eventually found out about and which made them more suspicious than ever of their monarch. When Charles went to Scotland in August 1641, Parliament pondered all sorts of theories about what he might be doing there -- could he be preparing to have Covenanters assassinated? The conspiracy fever grew worse among the MPs in October, when word arrived from Ireland of a Catholic uprising. Catholics in Dublin, viewing the collapse of government authority there as an opportunity, rose up against the hated English and Protestants. Around two thousand Protestants were massacred, in Ulster as many as one in five of the Protestant population. Horrific stories filtered to England of burnings, torture, drownings. Supposedly the king was in support of such activities, for he too was a victim of extreme Protestantism. The fact that such stories were exaggerated, and that the king was probably not in favor of the massacre made no difference to the MPs or indeed to the general English population, especially that of London. Fear reigned supreme, and in that environment, London held elections for MPs.

London chose men allied with Pym to represent them in December 1641. Shortly afterward, the king brought charges of treason against five members of Parliament, including

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<sup>235</sup> Laud and Strafford were close friends. On the morning of his execution, Strafford paused at Laud's cell in the Tower -- the two men had both been imprisoned there -- to bid him farewell and ask for a blessing. Laud attempted to bless him, but was apparently so horrified by what was to come that he fainted. Strafford simply responded, "Farewell, my Lord, God protect your innocence," and then continued on to the block; Carlton, *Laud*, 203.

Pym. On January 4, 1642, he led roughly eighty armed men to Commons and demanded the arrest of the five, only to hear a defiant response from the Speaker and discover that the five MPs had already slipped out the door and into the City via the Thames. When Charles demanded that London hand over the men, inhabitants refused, yelling, "The privileges of Parliament!" By January 11, Charles had departed London, never to return a free man.

Historians have long debated the causes of the English Civil War. Broadly speaking, there are three camps in the origins debate: economics, politics, and religion. The economic argument stretches back to the 1950s, with the extensive work of Christopher Hill. He looked to the Tudor era, and the collapse of the medieval financial system, as the root of the problems that erupted into civil war. The Stuarts and Laud were simply attempting to restore to the Church the lands and tithes that had traditionally belonged to that institution. Unfortunately, their attempts angered those who had been trained by the Tudors to think less about the needs of all of society than the concerns of their own purses.<sup>236</sup> Not only did the rise of capitalism endanger the Church and set the Stuarts on a collision course with those who had embraced this new system, it also determined the religious ideologies of participants in the conflict. According to Hill, those who found Puritanism attractive tended to be the industrious sort, or yeomen, small farmers, and middling merchants, ambitious men hoping to rise economically and socially further up the ladder from the middle ranks.<sup>237</sup> Of course, Hill does give credence to the importance of ideology in the conflict; however, he repeatedly emphasizes the role of capitalism in shaping the ideology and indeed in making certain ideas attractive to certain types of people.<sup>238</sup>

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<sup>236</sup> Christopher Hill, *The Economic Problems of the Church from Archbishop Whitgift to the Long Parliament* (New York: Harper Collins, 1971).

<sup>237</sup> Christopher Hill, *Society and Puritanism in Pre-Revolutionary England* (New York: Palgrave Macmillan, 1997).

<sup>238</sup> Christopher Hill, *Intellectual Origins of the English Revolution* and *The World Turned Upside Down: Radical Ideas in the English Revolution* (London: Clarendon Press, 1997).

This focus on economics, though not necessarily on capitalism, extends into more recent works on the Civil War. Robert Brenner, for instance, studies London merchants companies and concludes that whom they chose to support in the wars depended largely upon their economic ties, specifically those to the court. Older companies with better patronage tended to support the king; newer companies, involved heavily in the New World exploration and with lesser patronage, tended to support Parliament.<sup>239</sup> This assertion ties in nicely with Hill's argument that "men on the make" tended to lean toward Puritan causes, while traditionalists went with the king. While there is little doubt that purse strings are a powerful influence in men's affairs, other historians have suggested that economics alone cannot explain the commitment necessary to make men fight. Politics, some scholars argue, offers a better explanation for such action.

Lawrence Stone was one of the first historians to examine the role of political patronage in the causes of the civil wars. According to Stone, many of the problems the Stuarts faced stemmed from the ramshackle government system they inherited from the Tudors. The Tudors did not have a very efficient system, relying upon close cooperation between gentry and Crown to keep order rather than a clearly-delineated bureaucracy.<sup>240</sup> Even worse, the tax system of the kingdom was included in this vague system of goodwill. This problem of an inefficient government dovetailed with a population growth, especially in the ranks of the gentry. These men then competed for an insufficient amount of patronage and status markers, such as seats in

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<sup>239</sup> Robert Brenner, *Merchants and Revolution: Commercial Change, Political Conflict, and London's Overseas Traders, 1550-1653* (New York: Verso, 2003).

<sup>240</sup> Geoffrey Elton would be appalled by this argument, for he asserts that Thomas Cromwell was an administrative genius who built a highly efficient bureaucracy. Perhaps his and Stone's arguments can be synthesized by noting that a significant amount of time elapsed between the end of Henry VIII's reign and James I's reign, time enough for the notoriously stingy Elizabeth to implement a number of changes; *The Tudor Revolution in Government: Administrative Changes in the Reign of Henry VIII* (Cambridge: Cambridge University Press, 1953). Also, as Stone highlights, the population had changed significantly from Tudor to Stuart times; Lawrence Stone, *The Causes of the English Revolution, 1529-1642* (London: Routledge, 1996).

Parliament. High social mobility, plus lack of opportunity and an old government system all led to instability in England, which eventually erupted into conflict.<sup>241</sup>

This notion of a government in "functional breakdown" is contested by Thomas Cogswell, who maintains that the tax system in particular worked just fine and that local patronage remained key throughout the early Stuart years. Cogswell's study of Lord Huntingdon, however, further highlights Stone's point, that there simply was not enough patronage to go around. For instance, Huntingdon alienated many of his underlings by selling off land, something he had to do because there were not enough opportunities for him to make a sufficient amount of money to still be present at court.<sup>242</sup> The old political system was not keeping up with population changes. David Cressy highlights the further breakdown of the system in the years 1640-1642. He notes the importance of the collapse of government censorship, as the presses were suddenly flooded with all kinds of propaganda from critics of the monarchy.<sup>243</sup> Some of the criticism focused on the religious changes of the Stuart era, the third and final category some scholars see as key to explaining the outbreak of war.

The importance of religious ideology in precipitating and understanding the English civil wars is mentioned even by the most determined economic and political historians. Some historians take that notion one step further and find the root of the conflict in England there. Keith Lindley maintains that, while economics, regional differences, and societal changes were all important precipitants to the conflict, religious ideology was even more important, for it cut across social divisions. Thus, in general, Parliamentary supporters leaned Puritan, and Puritans

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<sup>241</sup> See Lawrence Stone, *Causes*. Lack of sufficient patronage has been noted by some historians of the American Revolutionary War as a cause of that conflict. Had royal governors held more power and had more favors to bestow upon loyal followers, the status-hungry colonists might never have broken with England.

<sup>242</sup> Thomas Cogswell, *Home Divisions: Aristocracy, the State, and Provincial Conflict* (Palo Alto: Stanford University Press, 1998).

<sup>243</sup> David Cressy, *England on Edge: Crisis and Revolution, 1640-1642* (Oxford: Oxford University Press, 2007).



could be found in all classes.<sup>244</sup> John Morrill, also noting the importance of regional identity in determining support for Parliament or the monarch, says that the conflict which erupted was essentially a war of religion. Practically everything in the seventeenth century, he maintains, was couched in religious terms; people simply thought about their lives, interpreted them and described them, in such a fashion. Religion was their interpretive framework, and wars fit right into that structure.<sup>245</sup> Economics and politics might motivate actions, but religion *explained* everything.

Blair Worden is probably *the* leading contemporary historian of the English civil wars. Like all the revisionists, he focuses upon the importance of region in understanding the conflict; as he neatly sums it up, "It was in Scotland that Charles committed political suicide."<sup>246</sup> He sees roots of the war in the disastrous political policies of Charles I -- such as his numerous, rather poorly-prosecuted foreign wars -- but also in religion. Like Morrill, he argues that seventeenth-century Englishmen understood their lives in religious terms. They did not talk about religion as a way to talk about something else; they were really talking about religious matters.<sup>247</sup>

The origins of the English civil wars, then, are to be found in political problems, in religious differences, and ultimately in the actions of the Scottish in creating the National Covenant and raising an army. This seems to be the most balanced approach to addressing the roots of the conflict. The political question of the rights of Parliament versus the rights of the monarch, plus a very real belief that religion was important, and that the "correct" form of worship must be employed, help explain the fact that England went to war in 1642. No single

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<sup>244</sup> Keith Lindley, *Popular Politics and Religion in Civil War London* (Hants: Scolar Press, 1997).

<sup>245</sup> John Morrill, *Nature of the English Revolution* (London: Routledge, 1993).

<sup>246</sup> Worden, *English Civil Wars*, 26.

<sup>247</sup> Blair Worden, *God's Instruments: Political Conduct in the England of Oliver Cromwell* (Oxford: Oxford University Press, 2012).

factor adequately explains why men chose the sides they did. In general, up-and-coming merchants and Puritans became Roundheads, while the nobility, the established middling sort, and the High Church crowd became Cavaliers. In the final say, however, as one historian points out, allegiance was often determined by which army managed to take over an area first. Before the war was finished, many men would join the Clubmen, men who opposed war itself and sought to impose peace at the end of a club.<sup>248</sup>

Though Charles I had departed London in January, heckled by the masses, war did not immediately ensue. Both Parliament and Charles spent the next few months solidifying support for their causes and recruiting followers. Charles I continued to issue proclamations, and at his advisors' behest, he tried to appear conciliatory, claiming to walk a middle line between Puritanism and Laud.<sup>249</sup> Parliament likewise tried to unite all of its members into one voice, a voice that would speak for the nation. As both sides worked on the unity of its own adherents, they set about raising armies. Parliament seized control of Hull and Portsmouth, while the navy was reorganized under the command of the Earl of Warwick. The king raised his standard in Nottingham in August. His nephew, Prince Rupert, son of the Elector Palatine, came to his aid. The two armies encountered one another in a minor skirmish in September, at Powick Bridge; Parliament lost. The first major engagement came a month later, at Edgehill, and it was inconclusive, with both sides sustaining heavy losses. As many previous army commanders had thought, and many later commanders would think, the forces of king and Parliament alike had imagined that the conflict might be resolved in a single battle. Edgehill showed that such was not to be the case. Charles moved to Oxford, which became his capital for the duration of the war,

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<sup>248</sup> Ronald Hutton, *The Royalist War Effort, 1642-1646* (London: Routledge, 1999).

<sup>249</sup> Worden, *English Civil Wars*, 45.

while Parliament continued to hold London. Six more years of bloody conflict stretched before them.<sup>250</sup>

#### WAR AND VIRGINIA, 1642-1652

Virginia, from its position on the edge of the empire, did not immediately feel the upheaval of England's war. The colony went on creating new parishes and churches, verifying each vestry's control of the appointment of ministers, and creating a holy day to mark the 1621 deliverance from an attack by the Native Americans.<sup>251</sup> The House of Burgesses stated that one of the benefits of their 1642 meeting was "the appropriating and accommodating of parishes with metes and bounds that God Almighty may be the more duly served."<sup>252</sup> Though no official documents mark the colonists' awareness of or reaction to the conflict in England in early 1642, at least one man arriving in the colony that March had already felt the sting of war and was trying to avoid it: Sir William Berkeley.

Berkeley, son of a gentleman and graduate of Oxford, in his twenties became a gentleman of the king's privy chamber.<sup>253</sup> He befriended Edward Hyde and various other influential court figures. Historian Warren Billings speculates that from these men Berkeley imbibed a devotion to the Crown, a wariness of Stuart kings, and a distaste for Laud's demands of total conformity, which "reinforced in him a realization that people of faith were seldom driven in directions they devoutly refused to walk."<sup>254</sup> Whatever his reservations about Laud, Berkeley joined the king during the Bishops' War, serving on one mission as a spy. He watched Parliament's meetings in 1641 with some anxiety. When Strafford was executed, Berkeley decided it was time to flee -- his family had too many connections to Crown supporters who were being accused and

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<sup>250</sup> Worden, *English Civil Wars*, 46-47.

<sup>251</sup> *Statutes I*: 241-242, 263.

<sup>252</sup> *Burgesses*, 69.

<sup>253</sup> Billings, *Sir William*, 10-11.

<sup>254</sup> Billings, *Sir William*, 21.

convicted by Parliament of various plots.<sup>255</sup> With the help of friends, Berkeley managed to win the king's appointment to the governorship of Virginia in July 1641. He arrived in the colony to take control of the government in March 1642.<sup>256</sup>

Berkeley quickly set about trying to make allies with local leaders. He almost immediately proved himself a pragmatist, one for whom the stability of the colony and its financial success would prove far more important than ideology. If it were to the benefit of the colony, Berkeley did not fret about breaking with English tradition. His notions concerning trade are reflective of this liberality. He encouraged trade with the Dutch and with other colonies, anyone who might help Virginia financially.<sup>257</sup> When Berkeley did attempt to bring Virginia law and practice more into line with English custom, he did so in a manner that benefitted the colony and reflected the realities of life there. For instance, Berkeley got the king to recognize explicitly the county court system in Virginia, and Charles officially designated Berkeley as the man through whom the dispensation of orders to county commissioners would occur. This designation was notable because in England, such commissioners held orders directly from the king; as Virginians had earlier adapted their religious system to reflect an absence of personnel, so Berkeley now arranged the legal system to work more efficiently in light of the distance from the monarch. He also freely shared his letters from the king with the Council, and act that was no doubt pleasing to the men who had thrown out John Harvey for his refusal to do as much.<sup>258</sup>

Berkeley's willingness to delegate and to share power is reflected in the meeting of the General Assembly in 1643. He suggested that, for the first time, the burgesses meet apart from

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<sup>255</sup> In fact, two of Berkeley's brothers served Charles I and went into exile with Charles II, earning court positions later in thanks for their services; Billings, *Sir William*, 5.

<sup>256</sup> Billings, *Sir William*, 28-38.

<sup>257</sup> Billings, *Sir William*, 77-78.

<sup>258</sup> Billings, *Sir William*, 84.

the Council as the House of Burgesses; thus the Assembly officially became bicameral.<sup>259</sup>

Berkeley also permitted the burgesses to choose their own officers, a privilege MPs did not have, since the choice of officers provided the Crown with an opportunity to direct Parliament. The allowance of these privileges to burgesses was a savvy move by Berkeley. Having been in the colony only a short while, it won him a number of allies.<sup>260</sup> Perhaps most interesting of all, it reflect the ongoing Virginia trend, noted earlier, of delegating more power to the denizens of Virginia.<sup>261</sup>

Berkeley's unique way of recognizing the realities of colonial life while making the colony as a whole more in tune with English custom showed up in religious legislation from the 1643 General Assembly meeting. The Assembly demanded ministerial conformity to the Church of England. If the ministers refused to conform, the law ordered that "the Gov. and Counsel do take care that all nonconformists upon notice of them shall be compelled to depart the collony with all conveniencie."<sup>262</sup> In many ways, this law was a repeat of earlier legislation, requiring conformity to Church of England practice. The punishment for nonconformity -- exile and banishment -- however, was more severe than any previously levied.

This law sounds very similar to a proclamation of Charles I that came a couple of months later, in which he railed against nonconformists. As the war raged in England and parliamentarians took over parts of the country, ministers who preached according to the king's directions and in conformity with the Book of Common Prayer were being expelled from their

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<sup>259</sup> Billings, *Sir William*, 91.

<sup>260</sup> Billings, *Sir William*, 92. The Assembly also voted to tax themselves and pay Berkeley's salary out of their own pockets, since the war had resulted in a cut in the governor's pension. This generous decision is carefully qualified, however, by the legislators noting that such an act did not set a precedent for the future; *Statutes* I: 80-281.

<sup>261</sup> One wonders if Berkeley noticed the trend. Was he simply doing what was politically expedient for the time?

<sup>262</sup> The whole law reads as follows: "It is enacted that all ministers whatsoever which shall reside in the collony are to be conformable to the orders and constitutions of the Church of England, and the laws therein established, and not otherwise to be admitted to teach or preach publickly or privatly, And that the Gov. and Counsel do take care that all nonconformists upon notice of them shall be compelled to depart the collony with all conveniencie"; *Statutes* I: 277.

pulpits. Archbishop Laud's powers had been specifically curtailed by Parliamentary ordinances in May and June of 1643. By this time, the archbishop had been imprisoned in the Tower of London for two year on charges of treason -- he had, Parliament averred, introduced innovations in religion and in so doing had started a war with Scotland. Moreover, he had supposedly set himself above the king in power.<sup>263</sup> Until his trial took place, the Parliament ordered that Laud's powers would be exercised by a vicar general and various assistants; any ecclesiastical vacancies would be turned over to Parliament to fill.<sup>264</sup> This situation was probably what the king had in mind when he issued his summer decree about nonconformists. The outraged monarch insisted that anyone participating in expelling the sort of men Laud had appointed, or any man who was "intruded" upon the pulpit after the true minister was removed, was to be resisted by force of arms by parishioners.<sup>265</sup> Berkeley and the General Assembly appeared to be carrying out the king's wishes in matters of keeping Puritans and other nonconformists out of the pulpit.

The wording of the Virginia law deserves attention, however: it is only upon the governor and Council's "notice" of nonconformists that such people were to be exiled. Governor and Council were unlikely to notice nonconformists unless parishioners brought the people to

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<sup>263</sup> Carlton, *Laud*, 200-202.

<sup>264</sup> *Virginia Colonial Abstracts: The Original 34 Volumes Reprinted in 3*, ed. Beverley Fleet (Baltimore: Genealogical Publishing Company, 1988) I: 157-158, 176.

<sup>265</sup> Charles said that, "Diverse of Our Clergy eminent for their Piety and Learning, because they publish Our lawfull and Just Commands and Declarations, and will not, against the Known Lawes of theLand and their own Consciences, submit to Contributions, nor publicquely pray against Us and Our Assistants, but conforme themselves to the book of Common Prayer established by Law, and Preach Gods Word according to the purity thereof, and in their Sermons will not teach Seditions, nor will publish illegall Commands and Orders for formenting the unnaturall Warre levied against Us, are some of them driven and forced from their Cures and Habitations, some others Silenced and discharged from the Exercise of their Cures, and Persecuted, and their Curates, if Orthodox, displaced, and others who are Factious and Schismaticall intruded and put in . . . . We doe hereby straitly charge and Command all our Subjects as well Ecclesiasticall as Temporall, not to presume to intermeddle in discharging or hindering any of Our said Clergy . . . nor doe presume to intrude or cause any Curates, Lecturers, or others, to be intruded or Put in such Cures. . . . And if any Person or Persons whatsoever shall presume to transgresse this Our Command, We do hereby Declare and Signify, That they assist a Rebellion against Us, for which We shall proceed against them according to Law. And We doe hereby farther straitly command and require, all Church-wardens, Sides-men, and Parishioners Whatsoever, to resist all such Persons as shall be so intruded or put into any of the Cures aforesaid . . . and to resist and repell, by force of Armes, all such as shall oppose this Our Legall command"; *Stuart Royal II*, 897-899.

their attention. If, then, a nonconformist minister served a congregation that had no problem with his nonconformity, the governor would likely never hear of the man. While Berkeley and the Assembly were complying with the king's instructions<sup>266</sup> to ensure doctrinal unity in the Church, earlier laws permitting the vestry to choose the minister could potentially shield lawbreakers from the gaze of Berkeley and the Council. At the same time that the General Assembly passed this notice against nonconforming ministers, they reaffirmed the power of vestry and congregation: "The vestrie of evrie parish with the allowance of the commander & com'rs. of the county living & resideing withn the said parish, or the vestrie alone in case of their non residence shall from henceforward have power, to elect and make choyce of their ministers."<sup>267</sup> Berkeley was not going to take the time to vet every single minister in the colony; this continued delegation of power tracks well with the manner in which Berkeley handled other time-consuming tasks, such as signing probate records, a power he handed to the General Assembly in an effort to reduce paperwork.<sup>268</sup>

Berkeley's, and the General Assembly's pragmatism revealed that priorities in the Virginia ruling class were oriented somewhat differently from the monarch's priorities. Necessity had forced Virginia to grant more power to secular authorities and ultimately to individual churches. Most likely, none of the colonial leaders intended to aid dissenters and foster nonconformity; after all, Virginia was not Massachusetts Bay. In fact, one of the benefits of the meeting of the Assembly in 1642 was, in its own words, "the appropriating and accomodating of parishes with metes and bounds that God Almighty may be the more duly served."<sup>269</sup> Yet as the elite of Virginia tried to ensure conformity of doctrine in their churches, conformity ranked

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<sup>266</sup> Billings, *Sir William*, 93-94.

<sup>267</sup> *Statutes* I: 241-242.

<sup>268</sup> Billings, *Sir William*, 85. In England, ecclesiastical courts had handled probate matters, with bishops signing the records. Governor s handed that matter in Virginia until Berkeley handed the duty to the legislature.

<sup>269</sup> *Burgesses*, 69.

lower on the ladder of priorities than stability. Evidently these men trusted that order and peace could be better maintained by leaving the policing of doctrine to individual vestries. In light of such priorities, historians have long debated just how royalist this supposedly Cavalier colony was. In many ways, it seems that self interest did trump dedication to the Crown. As Carla Pestana points out, however, the colonies were involved in a delicate balancing act during the English Civil War. They had no idea who would finally emerge victorious from the conflict. As a result, Virginia Anglicans had to temper any royalist leanings with the knowledge that Parliamentary forces might triumph.<sup>270</sup> Seemingly the best way to avoid unnecessary conflict was to continue the custom of trusting individual vestries to oversee doctrinal propriety.

England, which was being torn to shreds partly over that very question, might have done well to take a lesson from the colonial backwater. As the king issued his proclamation concerning the punishment of dissenters and the ministers they might try to force into parishes, the war was going badly for Parliament. Pym therefore looked to the Presbyterians of Scotland for an alliance. They entered the war on the understanding that Parliament would introduce and require presbyterianism in England and Ireland. The famous Westminster Assembly, which would produce the Westminster Catechism, was to begin meeting on July 1 to alter the church liturgy and government into a godly form.<sup>271</sup> Parliament thus bound itself to the Solemn League and Covenant.<sup>272</sup> This decision, born of military necessity, would exacerbate the divisions

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<sup>270</sup> See Pestana, *The English Atlantic*.

<sup>271</sup> *Acts and Ordinances of the Interregnum, 1642-1660*, eds. C.H. Firth and S.R. Rait, (London: H.M. Stationery Office, 1911), I: 180-184.

<sup>272</sup> Worden, *English Civil Wars*, 57. Charles reacted promptly both to the calling of the Assembly and to the signing of the Solemn League and Covenant. The Westminster Assembly, he said, was an illegal gathering, one that should not gather. The men called to it were "men of no Reputation or Learning, and eminently disaffected to the government of the Church of England, and very many of them are Persons who have openly Preached Rebellion . . . and so are not like to be proper instruments of Peace in Church or State"; *Stuart Royal II*, 921-923. As for the Covenant, it was contrary to England's laws and traitorous. No one should administer or take such an oath; *ibid.*, 956-957.



already present in Puritanism. The Parliament would prove no better able to choose a form of church government that was pleasing to all than the monarch, and the question of liberty of conscience -- how it was defined, what its practice would like look -- would plague Parliament for the next seventeen years.

While Virginia continued to follow the king's wishes in their own unique manner, the effects of the war were being felt in the colony. Robert, earl of Warwick, had been appointed as head of England's naval forces by Parliament in 1642, and all had been ordered to render due obedience to him.<sup>273</sup> A year later, he was made governor in chief and lord high admiral of the colonies in America and the surrounding islands.<sup>274</sup> An outraged Charles again addressed his subjects by royal decree. Parliament's appointment of Warwick had been an effort to further the disorder and bloodshed they had already caused. The colonists were under no circumstances to recognize Warwick, but were to continue in support of the king. In doing so, "so shall Our Subjects in the said Islands, and Continent of America in particular, find the constant fruits and effects of Our gracious Government and Protection . . . in as full and ample measure as any other Our Subjects whatsoever."<sup>275</sup> The periphery could only shield Virginia so much. At some point, war would come to the colony.

Potential for religious war arose when a group of Virginians contacted Massachusetts and New Haven in search of ministers. Apparently the parishioners of Isle of Wight, Nansemond,

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<sup>273</sup> *Acts and Ordinances* I: 12.

<sup>274</sup> Warwick had the assistance of eighteen men all appointed by Parliament to serve as the Commissioner for Plantations. One of these men was a rising military star by the name of Wilbur Cortez Abbot, ed., *Writings* 2: 268.

<sup>275</sup> *Stuart Royal II*, 977-978. Charles I also claimed that this dedication to the Crown would ensure peace for the colonists. "We doe in like manner require all Our said Subjects, that they persist in their due Allegiance and Obedience unto Us, whereto they are obliged by all Laws Divine and Human; and that they receive not any Governors nor Commanders, or obey any Ordinances contrary to, or without Our Royall consent, but that they pursue and apprehent them as Traytors to Our Royall Person and Dignity; and that as they tender their duty to God, the avoyding of Our High Displeasure, and the preservation of their own Peace and Happiness."

and Lower Norfolk Counties had earlier tried unsuccessfully to obtain ministers from England.<sup>276</sup> These colonists had then written to their brethren in the north, and in 1643, three ministers arrived in the colony with letters of introduction from John Winthrop.<sup>277</sup> Here was a case that was certainly "brought to the attention" of the governor and council.<sup>278</sup> The king had recently reminded Berkeley to "be carefull Almighty God may be duly and daily served according to the forme of Religion Established in the Church of England both by Your self and the people under your charge," and had further commanded him to administer the oath of allegiance to Virginians.<sup>279</sup> Presumably the oath would ensure Virginians' allegiance to the Crown by allowing colonial leaders to identify and expel anyone who refused to take the oath. With nonconformists clearly present in the colony, Berkeley acted according to orders and to the Assembly's law: he exiled the three ministers and ordered the oath to be administered to all.<sup>280</sup> One New Englander commenting on the episode remarked that Virginians apparently desired "'the fellowship of their own drunken companions, and a Preist of their own profession, who could hardly continue so long sober as till he could read them the reliques of mans invention in a common prayer book."<sup>281</sup> Precisely how the Puritan-leaning parishioners of Isle of Wight, Nansemond, and Lower Norfolk Counties felt about the governor's actions is unclear. Warren Billings posits that they and more traditional Anglican Virginians were distracted from their religious disagreements by a bigger problem: the attack of Opechancanough in April 1644.<sup>282</sup>

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<sup>276</sup> Pestana, *English Atlantic*, 65.

<sup>277</sup> Billings, *Sir William*, 104.

<sup>278</sup> I am unclear on how these men drew Berkeley's attention -- if they introduced themselves, or if their arrival was such a news item that he heard about them, or what. Topic for future research!

<sup>279</sup> Billings, *Sir William*, 102-103.

<sup>280</sup> Billings, *Sir William*, 104.

<sup>281</sup> Edward Johnson, quoted in Pestana, *English Atlantic*, 65.

<sup>282</sup> Billings, *Sir William*, 104.

The April 18 attack seems to have been another attempt by Opechancanough to end the English colonization of Virginia. In the early 1640s the colonists had begun expanding their settlements along the Rappahanock and Potomac Rivers, into Powhatan territory. Opechancanough and his men killed some four hundred settlers before retreating into the woods. Though this attack killed more colonists than the 1622 attack, it killed a smaller percentage of the overall population of the colony. While the attack was terrifying, it was less likely to achieve the objective of the expulsion of the English than the earlier attack had been. The assault inaugurated another chapter in the Anglo-Powhatan wars, ending only in 1646 when Opechancanough was captured by Berkeley and a force of his men.<sup>283</sup>

Reactions to the assault highlight again the manner in which the war in England was affecting the colonies. For one thing, the war made it impossible for Berkeley to get the aid he requested from the English government.<sup>284</sup> The king simply did not have the time or the energy to respond to pleas for advice and arms. Once the English press got word of the event, they began to interpret it in the highly polarized manner of the times. Royalists said that the Indians had only attacked after former governor Francis Wyatt and other parliamentarians had told them of the conflict in England, a conflict which would make the colony more vulnerable. Parliamentarians, meanwhile, interpreted the attack as God's vengeance upon the colony for their persecution of the godly New England ministers recently exiled. One London newspaper claimed that a Puritan family had been able to survive the attack by discerning a divine warning in blood

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<sup>283</sup> Opechancanough was brought alive to Jamestown. His captivity lasted two weeks, as an English guard shot him in the back, killing him. His grave location is unknown.

<sup>284</sup> Billings, *Sir William*, 97.

in their laundry water, which led them to fortify their home. This story supposedly impressed one Thomas Harrison, a Virginia minister, so much that he became a Puritan.<sup>285</sup>

Berkeley's actions show a man dedicated to the Crown, determined to follow his monarch's orders. Even more interestingly, most Virginians seem to have gone along with his actions. However they may have interpreted the Powhatan attack, Virginians did not let religious differences spill over into war. Instead, they continued to build the Church of England and generally to support the king. In 1643, one William Burdett of Northampton County, identified in the court records as a gentleman, registered his last will and testament. In the document he bequeathed "£5 to the lower parish of Northampton for a communion cup and plate if it will hold out, otherwise one cup only, or, as the ministers and their church wardens shall think fitt."<sup>286</sup> Here was a man concerned, perhaps, not so much with doctrine as with his church's needs or perhaps with his own legacy.

In 1645, the General Assembly again addressed the issue of multicongregational parishes, ordering that ministers alternate which cure they served each Wednesday night and legitimating the use of lay lecturers in the minister's absence.<sup>287</sup> Lay lecturers were a holdover from the time of Queen Elizabeth I, who ascended the throne in a time of religious turmoil. As she and her councilors began reestablishing the Church of England, they faced a dearth of ministers. As a temporary remedy, while men were trained and ordained, Crown and Parliament authorized the use of lay lecturers and readers, laymen who would direct church worship by leading the congregation through the reading for the day in the Book of Common Prayer. It is easy to imagine the colonists using this past tradition to deal with their own shortage of

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<sup>285</sup> Pestana, *English Atlantic*, 66.

<sup>286</sup> "Northampton County," *William and Mary Quarterly* 1 (1893): 155.

<sup>287</sup> *Statutes* I: 289-290.

ministers. Of course, the best solution to the problem would be attracting more ministers and building more churches. In 1645 one Richard Vaughan, a denizen of Accomack County, wrote a last will and testament bequeathing one thousand pounds of tobacco for constructing a church in the county. The church, functional by 1647, took the name of Nuswattocks, and apparently set about the business of church discipline with some rapidity, as that same year one Richard Buckland found himself standing at the church doors as punishment for slander.<sup>288</sup>

Church discipline continued unabated throughout the colony. In 1645 Northampton County, Robert Wyard was convicted of defaming Alice Traveller, "by which defamation hath taken away the reputation of the syd Alice." Accordingly the county court ordered Wyard to apologize to Alice's husband and to stand in penance at the altar of the church for three Sundays, clad in a white sheet. The church wardens were to supply the sheet, as well as a "white wand" for him to hold, and he would beg forgiveness in whatever manner the minister directed him.<sup>289</sup> It is interesting to note here the continued emphasis on confession, restitution, and reconciliation. The goal, it seems, was to restore Alice Traveller's reputation, make amends to the Traveller family, and ultimately to restore Wyard himself to proper behavior.

This emphasis on confession, penance, and restoration, can even be seen in a case where the offense was decidedly more civil or secular in nature. In 1646 the House of Burgesses addressed the case of Christopher Burroughs, who had apparently attempted to evade taxes and paying his creditors. The Burgesses ordered that "*Christopher Burroughs* shall make a publique

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<sup>288</sup> *Virginia's Eastern Shore* I: 408.

<sup>289</sup> "Whereas Robt Wyard hath in a most disgraceful and barbarous manner blemisht the reputation of Alice Traveller the wife of George Traveller in the most base and ignominious language, by which defamation hath taken away the reputation of the syd Alice. It is therefore thought fitt and requisite and accordingly ordered that the syd Robert Wyard shall stand three several Sundayes in the time of Devyne serviss before the face of the whole congregation in a white sheet with a white wande in his hand which are to be provided by the Church wardens of this County and there shall aske the said Alice forgiveness in form and manner as shall be dictated to him by the minister of this County of Northampton"; *Virginia's Eastern Shore* I: 138.

acknowledgmt of his offence, upon his knees, before this grand Assembly. And Likewyse in the two parish Churches, in the County of Lower *Norfolk*, in the tyme of divine service: And at the County Court. And bee disabled for bearing any publike office, eyther in Church or Commonwealth, for seaven yeares after yett to come: And put in security for his good behaviour at the said County Court."<sup>290</sup> By ordering Burroughs to appear in the county courts, at the assembly, and in both churches in his county, the Burgesses was making certain that everyone affected by Burroughs' actions would have a chance to hear his confession and see his penance; these places all belonged to the public sphere. The case highlights again the lack of modern-day division between sacred and secular. Virginia had woven government and church together in lack of full church hierarchy, and all parts of the colony were colored by religious ritual.

As the colony's churches continued to expand and, with the county courts, to discipline lawbreakers, Parliament and king continued their war of words and ideas. The king had commanded conformity to the Book of Common Prayer and the taking of an oath of allegiance to the Crown. In 1644 Parliament ordered the administration of the oath of the Solemn League and Covenant. Ministers throughout England and Wales would take the oath, then announce and administer it to all male parishioners eighteen and older.<sup>291</sup> Ministers who were "scandalous" -- that is, held to the Book of Common Prayer and support of the Crown -- were subject to ejection from their pulpits and the sequestration of their estates. An entire committee was launched in 1644 to investigate university members and ministers at Cambridge after complaints about ideology reached the ears of Parliament.<sup>292</sup> By fall of that year, Parliament published a list of requirements for ministers and the church hierarchy. Bishops were replaced with presbyters, who

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<sup>290</sup> *Burgesses*, 73.

<sup>291</sup> *Acts and Ordinances* I: 376-378.

<sup>292</sup> *Acts and Ordinances* I: 371-372.

ordained ministers. Ministers were at minimum twenty-four years of age, with a university degree, proficiency in Greek, Hebrew, and Latin, with a good testimony and clear call to ministry. Committees would examine the candidate in foreign languages, philosophy, logic, orthodoxy, and knowledge of the Bible, as well as preaching ability. If the candidate passed the examinations, he would then enter a trial period with a proposed congregation. The congregation would write any complaints and submit them to the committee. If the congregation accepted him, then the body would fast, the minister would take an oath of office, and the church would lay hands on him and consider him their own.<sup>293</sup>

These orders from Parliament would have reached Virginia by 1645. Berkeley and the other Virginia elite were clearly ignoring Parliament and going about their daily affairs in a manner that reflected a modified version of the king's orders. In truth, following the king's proclamations would have been simpler in many ways than trying to follow those of Parliament. "Orthodoxy" to the king entailed conformity to the Book of Common Prayer. "Orthodoxy" to Parliament meant more squabbling.

The process of defining orthodoxy was a huge thorn in the flesh for the legislative body. The Solemn League and Covenant bound them to presbyterianism, but not all Parliamentarians were presbyterian. The religious divisions lurking within Parliament's ranks are vividly apparent in their army, both among the rank and file and in their leadership. By 1644 Oliver Cromwell, son of the second son of a knight from Huntingdon, had emerged as a kind of military genius, serving as second in command to the Earl of Manchester. His cavalry saved the day for Parliament at the Battle of Marston Moor in July, and within a year he was second in command

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<sup>293</sup> *Acts and Ordinances* I: 523-526.

to the famous New Model Army.<sup>294</sup> Like many Puritans, Cromwell wrestled as a young man with melancholy and depression; and like many Puritans, he would date this period in later letters as the period of his conversion.<sup>295</sup> By the time of the Long Parliament, of which he was a member, Cromwell was already considering the divisions latent within Puritanism.<sup>296</sup>

Cromwell sat on a committee that heard complaints about the Bishop of Ely, an enthusiastic Laudian, and supported a bill that vowed to bring more godliness to the running of the Church.<sup>297</sup> He also supported the Root and Branch bill, which was based on an earlier petition of the same name, which attempted to end the system of bishops.<sup>298</sup> Much of Parliament could agree on matters such as these. When it came to the union with the Scots and the Presbyterians, however, Cromwell was clearly concerned about the problems that promoting this form of church government might create. He helped craft a motion which explained the negotiations between Parliament and the Scots, asking that the negotiators "do take into consideration the differences in opinion of the members of the Assembly in point of church government, and to endeavor a union, if it be possible." If an agreement could not be reached, then he asked that the members "endeavour the finding out some way, how far tender consciences, who cannot in all things submit to the common rule which shall be established, may

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<sup>294</sup> Worden, *English Civil Wars*, 59-61.

<sup>295</sup> Antonia Fraser, *Cromwell: The Lord Protector*, 4th ed. (New York: Alfred A. Knopf, 1974), 37-40.

<sup>296</sup> Antonia Fraser describes the two poles of Puritanism, Independence and Presbyterianism, thus: "Independency had originated as 'a form of decentralized Calvinism' as one historian has described it, based on the theory that religious authority rested with the local communities, since Christ had deliberately chosen certain people to 'walk together'. Each particular local group of the Elect was therefore believed to hold within it the autonomous power to decide its own religious destiny. Thus the Independents would of their very nature tolerate many different shades of opinion, as represented by variations in the different communities. Congregationalists, for example, with their 'gathered churches', the assemblies in question being gathered together by the inspiration of Christ, were included among the Independents, although not all Independents were necessarily Congregationalists. Presbyterianism, on the other hand, whose own name sprang from the Greek word *Presbuteros* or elder, implied a central political control of the Church. This role was performed by the Scottish National Assembly whose religious duty it was to impose uniformity of belief. Where Presbyterians and Independents did join together was that bishops obviously had no part in the theocracy of either sect"; *Cromwell*, 68.

<sup>297</sup> Fraser, *Cromwell*, 69.

<sup>298</sup> Fraser, *Cromwell*, 70.



be born with according to the Word, and as may stand with the public peace, that so the proceedings of the Assembly may not be so much retarded."<sup>299</sup> According to biographer Antonia Fraser, at this point in his career Cromwell was not yet a committed Independent, but it is clear from his statement about the "tender consciences" that he was no presbyterian and had leanings that seemed more lenient than many Puritans.

Another episode highlights this toleration as well as his pragmatism in the early 1640s. Rumors were spreading that some under Cromwell's command were Anabaptists. The name Anabaptist translates to "rebaptizer." This Christian sect was famous for its belief that baptism was a sacrament that should be administered only after a profession of faith from the individual. Those who converted to Anabaptism were rebaptized upon profession of faith. In an age when practically everyone was baptized as an infant, be they Catholic, Lutheran, Presbyterian, or Anglican, the baptism of adults seemed exceptionally peculiar. Anabaptists on the Continent also had a reputation for radicalism. The possibility of Anabaptists in Parliament's army, then, was a major cause of concern. In 1643, Cromwell responded to an inquiry from Sir Thomas Barrington about the religious beliefs of the men under his command. "But truly mine (though some have stigmatized them with the name of Anabaptists), are honest men, such as fear God, I am confident the freest from unjust practices of any in England, seek the soldiers where you can. Such imputations are poor requitals to those who have ventured their blood for you. . . . Truly I count not myself worthy to be employed by God; but for my poor men, help them what you can, for they are faithful."<sup>300</sup> For the man who would profess that the rights of Parliament were the

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<sup>299</sup> Abbot, ed., *Writings* 1: 294, a 1644 quotation from Gardiner's *Civil War*, from the original manuscript.

<sup>300</sup> Cromwell to Sir Thomas Barrington, October 1643, in *Writings* 1: 264. This letter was not the only instance in which Cromwell would address the possibility of Anabaptists in his forces. Writing to Oliver St. John in September 1643, he said that "I have a lovely company; you would respect them, did you know them. They are no Anabaptists, they are honest, sober Christians: they expect to be used as men"; *ibid.*, 258. In another instance the following year he addressed a fellow officer who had dismissed an actual Anabaptist colonel from his service. "Ay, but the man is

reason for war, willingness to fight for parliamentary rights was at this stage in the game more important than doctrinal technicalities.<sup>301</sup>

Cromwell's willingness to tolerate various sects in no way indicated a willingness to tolerate Anglicanism.<sup>302</sup> In this respect, he was absolutely on board with Parliament. In January 1645 the body decided to ban the Book of Common Prayer and replace it with the Directory. The Book of Common Prayer had to be abolished, Parliament explained, because its ceremonies barred many faithful, proved an idol to others, and provided a false comfort based on works. It was also too Catholic in its teachings. The early reformers would, no doubt, have supported Parliament's decision to rescind the book.<sup>303</sup> By August, Parliament issued instructions for

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an Anabaptist. Are you sure of that? Admit he be, shall that render him incapable to serve the public. He is indiscreet. It may be so, in some things, we all have human infirmities. I tell you, if you had none but such indiscreet men about you, and would be pleased to use them kindly, you would find as good a fence to you as any you have yet chosen. Sir, the State, in choosing men to serve them, takes no notice of their opinions, if they be willing faithfully to serve them, that satisfies. I advised you formerly to bear with men of different minds from yourself; if you had done it when I advised you to it, I think you would not have had so many stumbling blocks in your way. . . . I desire you would receive this man into your favour and good opinion. I believe, if he follow my counsel, he will deserve no other but respect from you. Take heed of behing sharp, or too easily sharpened by others, against those to whom you can object little but that they square not with you in every opinion concerning matters of religion." Cromwell to Crawford May 1644, in *Writings* 1: 278.

<sup>301</sup> Cromwell to Colonel Walton, September 1644, in *Writings* 1: 292: "I profess I could never satisfy myself of the justness of this War, but from the authority of Parliament to maintain itself in its rights; and in this Cause I hope to approve myself an honest man and single-hearted."

<sup>302</sup> A story appears of an incident in early 1644, when Cromwell encountered a minister in Ely who was apparently refusing to conform to the new regulations passed by Parliament. "Cromwell, with a party of soldiers attended by the rabble, came into the church in time of divine service, with his hat on; and directing himself to Mr. Hitch [the minister], said 'I am a man under authority and am commanded to dismiss this assembly.' Upon which Mr. Hitch made a pause; but Cromwell and the rabble passing up toward the communion table, Mr. Hitch proceeded with the service; at which Cromwell returned; and laying his hand on his sword in a passion, bid Mr. Hitch leave off his fooling and come down, and so drove out the whole congregation"; Abbot, *Writings* 1: 270. This story is difficult to verify, coming as it does from a work called *Sufferings of the Clergy* by Walker. What can be verified is a letter Cromwell wrote to Mr. Hitch in January 1644; whether he wrote it before or after the aforementioned incident is unfortunately unclear. "Mr. Hich, Lest the soldiers should in any tumultuary or disorderly way attempt the reformation of your Cathedral Church, I require you to forbear altogether your choir-service, so unedifying and offensive; and this as you will answer it, if any disorder should arise thereupon. I advise you to catechise, and read and expound the Scriptures to the people, not doubting but the Parliament, with the advice of the Assembly of Divines, will in due time direct you farther. I desire the sermons may be where usually they have been, but more frequent. Your loving friend, Oliver Cromwell"; *ibid.*, 270.

<sup>303</sup> *Acts and Ordinances* I: 582-607. Parliament then goes on to prescribe proper worship: gather at the church, read the Bible, pray before the sermon, preach, pray after the sermon. The manner in which baptism, communion, marriage ceremonies, burials, public fasts, public thanksgivings, singing Psalms, and any special worship days should be conducted is likewise prescribed, as are general rules for keeping the Sabbath.

collecting the Book of Common Prayer from parishioners and putting the Directory into use. Penalties for failing to turn in one's copy of the Book of Common Prayer were to be levied by justices of assize, oyer and terminer, and peace.<sup>304</sup> Predictably King Charles I objected to these actions in the strongest possible language, leaving England and the rest of its empire caught again between two different masters.<sup>305</sup>

Virginia again ignored Parliament's decree and went on in its usual fashion, expanding parishes and punishing religious offenders through the county courts. In 1647 Warwick County churchwarden Thomas Tingnall brought a parishioner to court for cheating an orphan.<sup>306</sup> York County records from the next year list several cases of punishment for religious offenses. New Pawquoson parish presented three men for refusing communion. Daniel Holland, it was suspected, had skipped communion because he disliked his minister. Oliver Segar had missed communion and gone fishing on the Sabbath. George Gillings had done as Segar had, but in addition had refused instruction in the doctrine of the Church. Gillings received thirty lashes and

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<sup>304</sup> *Stuart Royal II*, 1068-1071.

<sup>305</sup> Charles's response is a beautiful defense of the Book of Common Prayer's historicity, as well as a fascinating example of the fact that what is radical in one age -- as the Book of Common Prayer was upon its creation by Cranmer -- can become accepted and venerated by those of a later age. The Book was, Charles says, "Compiled in the times of Reformation by the most Learned and Pious men of that Age, and defended and confirmed with the Martyrdome of many." Since Elizabeth's reign, it has been used continuously "in the best times of Peace and Plenty that ever this Kingdome enjoyed; and that it conteines in it an excellent Forme of Worship and Service of God, grounded upon the Holy Scriptures, and is a singular meanes and help to Devotion in all Congregations." Its replacement, the hideous Directory "is a meanes to open the way, and give liberty to all ignorant Factious, and evill men, to broach their owne fancies and conceits, be they never so wicked or erroneous; and to mislead People into sinne and Rebellion, and to utter those things, even in that which they make for their Prayer in their Congregations as in Gods presence, which no Conscientious man can assent or say Amen to." This lack of a true worship book would especially hit the colonies and rural communities in England hard: "Those many Congregations in this Kingdom, where able and Religious Ministers cannot be maintained, must be left destitute of all help or meanes for their Publique Worship and Service of God." Those using the Directory will be punished -- the king does not specify in this proclamation precisely what that entails, though it is presumably something physical or monetary, for this punishment is "besides that greater losse which they shall sustaine by suffering themselvs thus to be deprived of the use and comfort of the said Book." *Stuart Royal II*, 1068-1071.

<sup>306</sup> *Warwick County, Virginia: Colonial Court Records in Transcription*, ed. Richard Dunn, revised edition. (The Jones House Association, Inc.: Williamsburg, 2002. Revised Edition by Genealogical Publishing Company, Inc.: Baltimore, 2002), 22.

a fine, while Segar was sentenced to building a bridge; Holland's punishment is not recorded.<sup>307</sup> Two other men appeared before the courts at the same time for adultery and fornication; their names were either not recorded or are lost, as is the record of their punishment.<sup>308</sup> Such cases understandably call into question just how well the Church's teachings were penetrating the population, but they also reveal that the Church was strong enough to prosecute the rule breakers.

Misbehaving ministers were also prosecuted, for misdeeds both ecclesiastical and secular. Minister John Phillips of Warwick County had part of his salary taken to pay a debt of 792 pounds of tobacco he owed Thomas Taylor.<sup>309</sup> The Assembly also returned to the thorny issue of nonconforming ministers. In November 1647 it passed a law stating that the problem of ministers refusing to order service according to the rules of the Church had grown. Apparently some Puritan or other nonconforming spirit remained in the colony, in spite of Berkeley's actions to exile the three ministers of 1643.<sup>310</sup> In response to this growing problem, the Assembly ordered that "no parishoner shall be compelled either by distresse or otherwise to pay any manner of tythes or dutyes to any unconformists as aforesaid."<sup>311</sup> Just as the Assembly had given ultimate control of the Church to the hands of individual vestries (and by extension, to individual congregations), so now it relinquished the ferreting out and punishment of nonconforming ministers to individual congregations and parishioners, via control of the purse strings. The

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<sup>307</sup> *York County Court Records, Volumes 24, 25, and 26*, in one volume, ed. Beverley Fleet (Richmond, 1954), 103-104.

<sup>308</sup> *York County Court Records*, 103-104.

<sup>309</sup> *Warwick County*, 24.

<sup>310</sup> This acknowledgment by the Assembly bears out Carla Pestana's assertion that the English Civil Wars threatened to break down any religious toleration the colonies had managed to demonstrate; Pestana, *English Atlantic*, 54.

<sup>311</sup> "Upon divers informations presented to this Assembly against severall ministers for their neglects and refractory refuseing after warning given them to read common prayer or divine service upon the Sabbath dayes contrary to the canons of the church and acts of parliament therein established, for future remedie therof: no parishoner shall be compelled either by distresse or otherwise to pay any manner of tythes or dutyes to any unconformists as aforesaid"; *Statutes I*: 341-342.

legislation was a clever solution to a religious situation that Governor Berkeley and the elites could not entirely control. In effect, the need for the oath of allegiance was removed, and even dissenters would be tolerated, provided they were part of a congregation that shared their sentiments. Again, Berkeley and the Assembly followed the monarch's desires in a manner that fit their immediate needs and unique situation in Virginia.<sup>312</sup> For the most part, the legislation worked, and neither Berkeley nor the Assembly was immediately troubled by any disputes regarding nonconforming ministers. There is one exception: Thomas Harrison, the minister mentioned earlier for having supposedly converted to Puritanism in the wake of the 1644 Powhatan attack. Harrison, unsurprisingly in light of his new religious views, refused to use the Book of Common Prayer. (In this, he was obedient to Parliament.) However, his congregation was apparently displeased with his refusal, and their complaints wended their way to the Council, after the county courts could not settle the dispute. It seems that Harrison agreed to conform, but then he did not. At that point, Berkeley banished Harrison, who made his way to Massachusetts Bay, where he married a Winthrop and continued his ministry. Eventually he

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<sup>312</sup> Both Pestana and Billings note the cleverness of the legislation. According to Pestana, "The prayer book was indeed key to the policing of conformity in Virginia . . . Berkeley's government enforced conformity through it, legislating that any minister who failed to use it forfeited the right to receive tithes. Although disgruntled laity had used tithing strikes to signal their dissatisfaction with a particular minister, this initiative gave official endorsement to what had been an occasional form of lay protest. By contrast, in England, tithing strikes were usually an informal strategy used by the laity to punish ministers who had been 'intruded' into local pulpits as part of the effort to pull down the Church of England; no government entity ordered nonpayment of tithes as a way to have laypeople aid in the enforcement of central policy. . . . The Virginia policy was subtler than driving New England men out of its pulpits. It located the responsibility for enforcement with the individual tithing payer, who could support a puritan minister by continuing to pay, but cleverly exploited any lay anticlericalism by granting the less ardent a legal way to stop paying tithes in certain instances. In many communities the Book of Common Prayer was cherished, so punishing a clergyman who neglected it was an easy way to win widespread support for the enforcement of conformity"; *English Atlantic*, 65-66.

ended up in Ireland as the chaplain to either Cromwell himself or his brother.<sup>313</sup> Harrison's case is rather unique, however, and Virginia managed to remain aloof to much of the conflict swirling in England.<sup>314</sup> That functionality and studied neutrality, however, was abandoned when word arrived in the colony of King Charles I's execution.

Charles's execution was made possible by the success of the New Model Army, negotiations with the Scots, and Charles I's own personality. In 1645, the New Model won a stunning victory at Naseby. Henceforth, the New Model swept all before it, and Prince Rupert, the king's nephew and dashing leader of his forces, was forced to flee abroad to avoid charges of treason for surrendering a key port. In his absence, things went even worse for the royalists. By May 1646, Parliamentary forces had captured Oxford. The king, however, managed to escape the capture and fled to the Scottish army in Lincolnshire, upon whose good graces he threw himself.<sup>315</sup> Perhaps he thought to draw upon his familial ties with Scotland. In 1646, regicide was not on much of anyone's mind. Instead, Parliament decided to try to negotiate with the king.

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<sup>313</sup> Billings, *Sir William*, 105. Parliament eventually wrote to Berkeley about the incident, asking that Harrison be reinstated and stating that Berkeley could not possibly be ignorant of the banning of the Book of Common Prayer. Pestana, *English Atlantic*, 64.

<sup>314</sup> While it was common for Virginians to modify the king's proclamations to suit their own particular needs, thus keeping the spirit if not the letter of the law, in one matter the colony did outright disagree with both king and Parliament: trade. Both the monarch and the legislature had forbidden trade between the colonies and the Dutch. When the House of Burgesses got word of the ordinance on April 4, 1647, it responded with disbelief. To disband trade would, the body claimed, violate Virginia's charter. Accordingly, it declared that "wee doe againe invite the *Dutch* Nation and againe publish and declare all ffredome & libertie to them to trade within the Collony." Not only were the Dutch invited to trade in Virginia, but the colony "do oblige ourselves . . . to defend them with our uttermost power & abilitie." Inviting the Dutch to trade with them, and vowing to defend that trade right, was a bold step for the colonists, and a clear contradiction of both king and Parliament's wishes; *Burgesses*, 74. Clearly the royalism of Virginia -- and any parliamentarianism its pockets of dissenters may have felt -- had its limits. Trade was, after all, a lifeline for the colony. However much some of the population might support the monarch, constitutional rights mattered to these people, as did the practical issue of economic security. Living on the edge of the empire allowed Virginians a degree of freedom that their brethren at home in England did not have. They could both support the monarch and defy certain economic policies of his with which they disagreed. Carla Pestana calls such actions a policy of studied neutrality; the colonists did not know how the conflict in England would end, and thus it behooved them to look after their own interests and attempt to keep themselves in such a position that, regardless of the outcome, they could still have a functional relationship with England.

<sup>315</sup> Worden, *English Civil Wars*, 61-62.

Not surprisingly, negotiations revealed the divisions within Parliament. Some wanted the king punished for actions, while others favored a more lenient restoration for him. In addition to debating political power, the question of liberty of conscience again arose. By 1646, Parliament had formally abolished the episcopacy. What was now to replace that system? The Scots, of course, expected a presbyterian system to be enforced, as Parliament had promised in their alliance three years earlier. But many MPs were leaning in the Independent direction, and the negotiations gave them a chance to perhaps wiggle around the bargain with the Scots. Independents and others looking for a harsher peace agreement joined forces, while those seeking lighter recriminations linked up with the Presbyterians.<sup>316</sup>

In addition to religious differences, national differences and the armies played a role in negotiations. The Scottish army returned home in 1647 to a disappointed nation. Presbyterianism had not been established in England, and chaos loomed. Though some Scots were still angry at the monarch's refusal to sign the Solemn League and Covenant, others looked to Charles I as their best bet for stability in an ugly situation.<sup>317</sup> The situation grew worse still as the New Model Army came into play. Some in Parliament were uncomfortable with the army and its power, especially since Cromwell had repeatedly shown himself comfortable with those who were more religiously heterodox. Fearful of the army asserting itself politically, some MPs tried to deploy some of the army to Ireland and parole the rest. The men of the New Model then petitioned Parliament for their pay, which was woefully in arrears. When Parliament refused to hear the petition -- even branding petitioners as enemies of the state -- relations between army and Parliament were permanently damaged. Oliver Cromwell stepped in, exerting his power in Parliament, especially among the Independent faction, seeking to nullify the power of the

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<sup>316</sup> Worden, *English Civil Wars*, 84-85.

<sup>317</sup> Worden, *English Civil Wars*, 86.

Presbyterian faction who rather loathed his army. Eventually a number of Independent MPs fled to the army, seeking protection, which permitted the army to occupy London and "ensure justice" in the Parliament. The many divisions in Parliament were now entwined with actions of Cromwell and his New Model Army.<sup>318</sup>

Charles I, still a prisoner and by 1647 in the hands of the New Model Army, tried to play all actors against one another. The army offered him incredibly generous restoration terms. If he would guarantee the right of dissenters to worship, the Church of England could be restored in all its episcopal glory, as would the Book of Common Prayer. They would repudiate the Solemn League and Covenant, too. The army went on in the document called the Heads of Proposals to address many issues they found grievous, such as imprisonment for debt, limits on parliamentary petitions, tithes, trading monopolies, lawyers. Many of these proposals came from the influence of a group known as the Levellers, men who wanted a more equitable society that included many of the aforementioned goals, as well as an extension of the franchise. The Levellers' influence among some in the army divided the army and caused it to cease negotiations with Charles. In the midst of the muddle, Charles I managed to escape in late 1647, fleeing to the Isle of Wight.

Unfortunately for him, the governor there was a friend of Cromwell and promptly put him under guard once more. In custody, he was visited by negotiators from Scotland. Charles agreed to impose Presbyterianism on England for three years and suppress all other religious groups. Apparently this bargain seemed like the best he could do. Parliament received word of this agreement with no small amount of fury and ceased its own meetings with the monarch. The divisions in the body continued, however, as did the divisions in the nation. The Cavaliers had been defeated in 1646, but now they revived, and as the instability in the nation increased, they

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<sup>318</sup> Worden, *English Civil Wars*, 86-90.



gained new supporters. Eventually they struck -- an army from Scotland, some of the navy, and a force led by Charles's son, also named Charles. In 1648, the second phase of the civil war began.<sup>319</sup>

This part of the war did not last long. Cavalier forces were no match for the New Model Army, which quickly mobilized. The monarch's forces were swiftly defeated, the Presbyterians regained the upper hand in Parliament, and the prince of Wales fled. Parliament decided to try again to negotiate with the king. The army, however, had other ideas. The king, they decided, was now "the man of blood," one who had shed too much of his own people's blood. As such, he must be brought to justice. On December 5, Parliament reached a settlement with the king. [more info on exact terms here] The furious army asserted itself promptly. The following day, led by Colonel Thomas Pride, all members of Parliament who supported the settlement with the king were removed from the body -- an event which came to be known as Pride's Purge. Over half the body was removed in the purge, and another hundred voluntarily ceased attending. Those who did attend became known as the Rump. Their power, they claimed, came from the people. They established the High Court of Justice to try Charles I for his crimes. Over one hundred MPs were to sit as the judges. Only eighty attended the court when it met on January 20, 1649.

Charles's trial for treason was a divisive event. The Presbyterian party certainly opposed the proceedings, as did many Independents and Levellers. Charles I's behavior throughout the ordeal would make him a legend. His divine-rights ideology shone brightest in the Parliamentary chamber as he politely refused to acknowledge the legality of the court, or to enter any sort of plea. Nevertheless, he was convicted, and Oliver Cromwell himself sought the signatures for his death warrant. Only fifty-seven men signed it. On the morning of his execution, Charles dressed

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<sup>319</sup> Worden, *English Civil Wars*, 95-97.

in two shirts; he did not want to shiver in the winter cold and give the impression to the crowds gathered to watch that he was afraid of death. He insisted to the last that monarchs were placed on their thrones by God himself, and that their subjects should have only a limited role in the government. Unflinchingly, Charles I laid his head upon the block on January 30, 1649. When the executioner raised the monarch's severed head to show it to the crowds, eyewitnesses recorded that a groan sounded forth from those assembled. Regicide was a frightening act, even to those who had supported a war against the king. Few could greet the day with smiles. Scotland, who had offered the king generous settlement terms, promptly declared its support of Prince Charles, whom they proclaimed Charles II. This declaration would inaugurate a final phase of the Civil Wars, in which Cromwell would face the armies of Scotland. The king might be dead, but the conflict was far from over; the situation in Scotland, and in Virginia, reflected that fact.

It took months for Virginia to receive news of the king's execution. The first official statement regarding his death came from Virginia's Eastern Shore, specifically Accomack County, in December 1649. The county commissioners declared

WHEREAS, it hath pleased Almighty God to suffer us to be deprived of our Late Dread Sovraigne of blessed memorye, wee the Commdr and Commissioners of Accomacke doe by these presents proclayme Charles the undoubted Heyre of our Late Sovraigne of Blessed memorye to bee King of England, Scotland, Ireland, and Virginia, And all other Remote Provinces and Colloneys, New England and the Caribda Islands. And all other Hereditamts and Indowmts belonging to our Late Sovraigne of blessed memorye. Willing and Requiringe all His Majesty's Lege people to acknowledge their Allegiance And with Generall consent and Applause pray God to bless Charles the Second King of England, Scotland, France, and Ireland, Virginia, New England, and the Caribda Islands, and all Other provinces and subjects to the English Crowne;

and soe God save Kinge Charles the Second. Amen, Amen, Amen.<sup>320</sup>

Accomack County's reaction is indicative of the entire colony's reaction. Governor Berkeley and the rest of the colonial officials stood firmly behind Charles, the slain king's heir. Berkeley expressed his disgust with Parliament before the House of Burgesses in March 1651. Of its pretensions to rule over the colonies, he said

The strength of their argument runs onley thus: we have laid violent hands on your Land-Lord, possess'd his manner house where you used to pay your rents, therefore now tender your respects to the same house you once revered. . . . They talke indeed of money laid out on this Country in its infancy . . . was it theirs?<sup>321</sup>

Parliament, Berkeley insisted, was trying to take over the colonies in an effort "to sustaine their Luxury."<sup>322</sup> To allow Parliament to rule over them would be to forge their own shackles of slavery.<sup>323</sup> Berkeley concluded with a rousing call to oppose Parliament at all costs:

That God hath seperated you from the guilt of the crying bloud of our Pious Souveraigne of ever blessed memory: But mistake not *Gentlemen* part of it will yet staine your garments if you willingly submit to those murtherers hand that shed it. . . . By the Grace of God we will not so tamely part with our king, and all these blessings we enjoy under him; and if they oppose us, do but follow me, I will either lead you to victory, or loose a life which I cannot more gloriously sacrifice then for my loyalty, and your security.<sup>324</sup>

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<sup>320</sup> *Virginia's Eastern Shore* I: 28.

<sup>321</sup> *Burgesses*, 75.

<sup>322</sup> *Burgesses*, 75.

<sup>323</sup> The exact quotation reads "We are more slaves by nature, then their power can make us if we suffer ourselves to be shaken with these paper bullets, and those on my life are the heaviest they either can or will send us." Berkeley would be proved completely incorrect when it came to the kind of bullets Parliament was willing to employ; *Burgesses*, 75.

<sup>324</sup> *Burgesses*, 75-76.

Berkeley's speech must have done the job of inspiring the Burgesses to hold fast to their dedication to Charles II. After his speech, the Burgesses declared that they were intent upon continuing to support the uncrowned monarch. As they had with Charles I, however, they also emphasized their right to continue to trade with anyone who wanted to trade with them, including London.<sup>325</sup> They ended by reaffirming their promise to "allwaies pray for the happy restauration of our King, and repentance in them, who to the hazard of their soules have opposed him."<sup>326</sup>

The Parliament that Virginia vowed to oppose was struggling. No one had truly been prepared for the execution of the king. The parliamentarians had not constructed an ideology to fill in the vacancy that he would leave. What form of government would England have? From whence would it derive its legitimacy? In March 1649 Parliament abolished the office of the monarch, and in May it declared England to be a Commonwealth.

Neither of these declarations completely addressed the two pressing questions, especially that of legitimacy. During the war, the legislature had declared that power and authority derived from the people. That should have solved the question of legitimacy, but neither Parliament nor anyone else had developed the political theory to support the notion of the ultimate authority of the people. Leaving that issue aside, the question of how to represent the people arose. The people were supposedly represented in Parliament. As the MPs had to acknowledge, though, not all the people of England were represented in the body. The army had purged the House of Commons, and the House of Lords had formally been abolished in March 1649. Beyond the

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<sup>325</sup> Specifically, they wrote that "we are solv'd to Continue our Allegeance to our most Gracious King, yet as long as his gracious favour permits us, we will peaceably (as formerly) trade with the Londoners, and all other Nations in amity with our Sovereigne; Protect all forraigne merchants with our utmost force from injury in the rivers; Give letters of Reprissal to any injured within our Capes; *Burgesses*, 77.

<sup>326</sup> *Burgesses*, 78.

question of who served as MPs, voting was also an issue. Most Parliamentarians were reluctant to permit defeated royalists the right to vote, at least for a time. The Leveller movement, which had advocated greater voting rights, died out in 1649. Other factions, however, soon emerged in the unstable political environment. Fifth Monarchists, Diggers, Ranters, and Quakers all emerged in the turbulent 1650s to inspire and trouble the English populace.<sup>327</sup> Even as Parliament struggled to address the religious sects that were springing up, and secure their own legitimacy as the ruling body of England, external troubles enveloped the nation.

In 1649, Ireland erupted into war once more, rebelling against the new government of England. Oliver Cromwell and his troops promptly braved the sea and began fighting. Cromwell's treatment of the Irish is legendary, a byword for brutality. Drogheda in particular stands out in the records. Cromwell offered the town the chance to surrender, but it refused. When Cromwell and his forces took the city, they drove royalist forces into the church and set it ablaze. Any who escaped the conflagration received the sword. The example of Drogheda encouraged the rest of the island to surrender, and the majority of the resistance was over by 1650. In that year, Cromwell turned his attention to Scotland, where Charles, recognized in that land as the rightful monarch, now had a Scottish army. By 1651 Cromwell and his army had subdued that army, and Charles had fled abroad once more. Ireland and Scotland were incorporated into the Commonwealth and given representation in Parliament.

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<sup>327</sup> Fifth Monarchists were those who believed that the next monarchy would be that of Jesus Christ during his millennial reign. Ranters had much in common with earlier antinomian sects, in their claims that the law of the Old Testament no longer applied to believers. Their adversaries claimed that this belief led them to all manner of "perverse" practices, including public nudity. Diggers claimed that the Fall could be reversed and set up their own commune. Historian Christopher Hill finds many of the ideals of Marxists in their stance on property and the ideal life. Quakers were to have the longest-lasting impact of any of the groups. Founded by George Fox, they eschewed formality and hierarchy. They favored listening to the Inner Light over depending on the Bible -- a teaching that Puritans regarded as anathema -- and even permitted women to speak in their Sunday meetings. They would be persecuted everywhere they went.

Though the legislature continued to struggle with questions of legitimacy, representation, and the issue of a religious settlement, it did manage to pass some significant legislation, especially the Navigation Act, which restricted trade with foreign nations, ordering it to be conducted primarily on English ships. This act was aimed primarily at the Dutch, with whom the English were experiencing some disagreements, and was enforceable thanks to a stronger navy. The earl of Warwick had been replaced by a parliamentary committee as head of the navy, and this committee now embarked on ship-building and rooting out any bastions of royalist sympathy. Virginia, which had declared its support of Charles II, thus fell under the gaze of the navy.

In the spring of 1652, as the Scottish situation resolved, Cromwell and Parliament turned their attention to the colonies. Commonwealth commissioners, beginning in the Caribbean, sailed throughout England's North American colonies, offering colonists articles for surrender to the new government. In Virginia, Richard Bennett, the Commonwealth's choice of a governor to replace William Berkeley, disembarked and offered the articles to the Assembly. After examination of the terms, Virginia's government capitulated on March 12.<sup>328</sup> Exactly why the Assembly surrendered remains open to question. Steven Crow suggests that the capitulation was easy because Virginians were concerned primarily with trade. Parliament offered them better trading opportunities than the Crown, especially the Crown-in-exile. Carla Pestana maintains that Berkeley had a force gathered to oppose the fleet when it arrived (word that it was coming had arrived from the Caribbean weeks previously), but that he surrendered to an obviously superior force. Pestana's assessment better reflects the words of the Burgesses, who explained that the

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<sup>328</sup> This date appears debatable. Parliament received a letter from Richard Bennett, detailing Virginia's surrender, that was dated May 14, 1652. Parliament received it on August 31. See *Proceedings and Debates of the British Parliaments Respecting North America, Volume I, 1542-1688*, ed. Leo Francis Stock (Carnegie Institute of Washington, 1924), 230. The House of Burgesses, however, records the date they received the articles and agreed to submit as March 12; *Burgesses*, 79.

governor and an army of men had been waiting for the ships, ready to fight. The Burgesses, however, grew alarmed at the sight of the fleet, which signaled "assured danger . . . of the ruine and destruction of the plantation, for prevention whereof the Burgesses . . . upon long and ferious debate, and in sad contemplation of the greate miseries and certain destruction" decided not to fight.<sup>329</sup> Of course, few seventeenth-century men would admit that cowardice or trade considerations influenced their decision not to fight. It is instructive to remember, however, that Parliament in 1651 had created the Navigation Acts, which limited the colonies' trade. Virginia colonists would have been aware of this proclamation, even though they had yet to capitulate to the Commonwealth. It therefore seems unlikely that Virginians chose to accept the rule of the Commonwealth because the new government secured them trading advantages. More likely is the tale of the Burgesses themselves, that they did not want to engage in a destructive war. Virginians had already experience enough of that in their fights with the Native Americans in the 1640s.

By 1652, then, Virginia was under the control of the Commonwealth. The new regime would bring new rules with it, especially in matters of religion. Yet the colony would find a surprising degree of continuity with its past, and it was that continuity that would permit the Church of England to maintain a foothold in the realm.

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<sup>329</sup> *Burgesses*, 81.

## CHAPTER 4 VIRGINIA, 1652-1660

Virginia's capitulation to the Commonwealth was probably made a little more palatable by the terms of surrender. These included sixteen articles, offering relatively easy terms to the colony. The document of submission stressed that capitulation was voluntary, with those refusing to agree to the terms free to remain in Virginia for one year, at which time they would need to move elsewhere. No one, not even officials who had spoken or written against the Parliament was to be punished. Instead, the government and people were simply to begin supporting the Commonwealth. Trade would continue as before, no land grants would be revoked, and Parliament would pass no laws concerning Virginia without consent of the Assembly. Richard Bennett would replace Berkeley as governor, and Berkeley and his Council would have one year to take the oath of obedience and then leave the colony.

This oath, administered on the county level, read something like the following: "The Engagm't tendered to the Inhabitants of Northampton County, Eleaventh of March, 1651 [1652]. Wee whose Names are subscribed [116 total]: doe herebey Engage and promise to bee true and faithful to the Commonwealth of England as it is nowe Established without Kinge or House of Lords."<sup>330</sup> During the year that officials had to consider the oath, they would not "be censured for praying for or speaking well of the king . . . in their private houses or neighbouring

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<sup>330</sup> *Virginia's Eastern Shore I*: 28-29.



conference."<sup>331</sup> Only one article of surrender, the eleventh, dealt directly with religion. This article stated

That the use of the booke of common prayer shall be permitted for one yeare ensueinge with referrence to the consent for the major part of the parishes, Provided that those things which relate to kingship or that government not be used publicquely; and the continuance of ministers in their places, they not demeaning themselves; And the payment of their accustomed dues and agreements made with them respectively shall be left as they now stand dureing this ensueing yeare.<sup>332</sup>

It is interesting that this article allowed the use of the Book of Common Prayer to continue for a full year after the surrender. Virginia's capitulation to the Commonwealth suggests, on first glance, that the colonists did not care much about religion. After all, surely serious Anglicans could not submit to a Puritan government that had abolished the episcopacy. That Virginians did not want a bloody, futile confrontation is a fact to which they attested. Avoiding their own destruction was certainly uppermost in the minds of most men.<sup>333</sup> That does not mean, however, that religion had no place in the lives or consideration for the people. The fact that the Parliament gave these colonists a year in which to relinquish their Book of Common Prayer suggests that England at least thought some Virginians were attached to Anglicanism and would find the prayer book a difficult item with which to dispense. Furthermore, given the rather

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<sup>331</sup> *Burgesses*, 80.

<sup>332</sup> *Burgesses*, 79-80.

<sup>333</sup> One historian points out that the transition between regimes in Virginia was easier than in England simply because Virginians had not built up the anger and desire for vengeance that many Englishmen felt after years of war. "The whole early history of Virginia loses its meaning unless we believe in the existence of two parties whose antecedents and interests led them to side, the one with the crown, the other with the Parliament. The easy and bloodless character of each change is explained, if we suppose that there was an intermediate body comparatively indifferent to the struggle of parties in England, anxious only to save Virginia from spoliation and bloodshed, and, for that end, willing to throw in their lot with the side whose success held out the speediest hopes of peace. There, too, is another consideration which helps to explain the moderation of the combatants. In England each party was exasperated by grievous wrongs, and hence its hour of triumph was also its hour of revenge. The struggle in Virginia was embittered by no such recollections"; Lyon G. Tyler, "Virginia under the Commonwealth," *William and Mary Quarterly* 1(1893): 189.

light monarchical rule colonists had experienced, the Virginians probably assumed that the Commonwealth would also rule in this vein, if for no other reason than distance made close, direct supervision difficult. In assuming that Parliament and Cromwell would mostly adopt a policy of non-interference, colonists would prove correct.

The period of Commonwealth rule in Virginia is difficult to describe, in no small part because many records are missing, and those that do remain are often much less descriptive than one would prefer. Charting the course of an illegal church in such circumstances is a hazy and sometimes unsatisfying business. It is nigh-onto impossible to make definitive assertions about the state of the Church and hard to ascertain more than a broad overview of religious sentiment and practice in the colony. The year-by-year narrative heretofore pursued breaks down in 1650s Virginia, as fewer sources require a more thematic approach. Even drawing parallels to the mother country is a messy process, for England from 1649-1660 presents a welter of contradicting ideologies and constantly shifting power balance. Those in power constantly use terms such as "liberty of conscience," without ever defining them. In fact, even their actions do not suffice to provide a definition. One is left with the uneasy feeling that the leaders of Commonwealth England had very little idea what they were doing. The unexpected regicide created a powerful ideological vacuum, raising serious questions about the nature of sovereignty, legitimacy, and the role of the state in assuring morality. While men like Hobbes and Milton tried to address these issues, no one could provide a compelling vision of how the state should function. England was flying blind. Small wonder, then, that they had little time to spare for

colonial management.<sup>334</sup> Cromwell himself acknowledged this lack of attention in 1655, in response to some requests from colonists in Providence Plantation (Rhode Island):

Your agent here hath presented unto us some particulars concerning your Government, which you judge necessary to be settled by us here. But by reason of the other great and weighty affairs of this Commonwealth, we have been necessitated to defer the consideration of them to a further opportunity.<sup>335</sup>

In the rest of his missive, Cromwell instructed the colonists to continue operating according to their charter and keep the peace as much as possible.<sup>336</sup> Cromwell could well have written such directives to Virginians, for in that colony, too, the Commonwealth ultimately took little direct action.<sup>337</sup>

Continuity was to be the name of the game in Commonwealth Virginia. William Berkeley's story during these years is an excellent example of this. Part of his conditions of surrender had been the stipulation that he or someone he chose should sail to Europe and apologize to Charles II for relinquishing the last of his domains. This action was permitted, and

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<sup>334</sup> The lack of clear definition of terms is a source of perpetual frustration for me. If the account of affairs in England often sounds vague or muddled, it is because the sources reveal far less than I would prefer, and I lack the cleverness to deduce more.

<sup>335</sup> Cromwell to Rhode Island, in *Writings* 3: 681.

<sup>336</sup> "In the meantime we were willing to let you know, that you are to proceed in your Government according to the tenor of your Charter formerly granted on that behalf; taking care of the peace and safety of those Plantations, that neither through any intestine commotions, or foreign invasions, there do arise any detriment or dishonour to this Commonwealth or yourselves, as far as you by your care and diligence can prevent. And as for the things which are before us, they shall, as soon as other occasions will permit, receive a just and fit determination"; Cromwell to Rhode Island, in *Writings* 3: 681.

<sup>337</sup> A Mr. Wheelright, a pastor in Hampton, Massachusetts, met Cromwell in 1658. His description of the meeting provides some idea as to some of how Cromwell spent his time. "I have lately been at London about five weeks, My Lord Protector was pleased to send one of his guard for me, with whom I had discourse, in private, about the space of an hour. All his speeches seemed to me very orthodox and gracious, no way favouring sectaries. He spake very experimentally to my apprehension of the work of God's grace, and knowing what opposition I met withal from some whom I shall not name, exhorted me to perseverance, in these words as I remember, 'Mr. Wheelright stand fast in the Lord, and you shall see that these notions will vanish into nothing,' or to that effect. Many men, especially sectaries, exclaim against him with open mouths, but I hope he is a gracious man. I saw the lord mayor and sheriff with their officers carry sundry of the fifth monarchy men to prison, as Mr. Can, Mr. Day with other who used to meet together in Colman Street to preach and pray against the Lord Protector and the present power." Abbot, ed., quoting Hutchinson's *History of the Colony of Massachusetts Bay* (1765), in *Writings* 4: 776-777.

one Colonel Francis Lovelace promptly embarked. Doubtless he also gave the exiled king-to-be an account of the situation in Virginia.<sup>338</sup> After the meeting, Berkeley retired to his home in Jamestown and stayed out of the public eye. As Pestana says, Berkeley acted much like other royalists in England, and simply accepted that he owed the new government passive obedience but not active support.<sup>339</sup> Though he was supposed to leave the colony by 1653, he did not, and Commonwealth officials simply ignored his continued presence. Their willingness to ignore him probably stemmed partly from the fact that the "new" officials were not new to the colony at all, and thus they knew Berkeley well. In fact, Virginia's Commonwealth officials are often a good example of continuity within the colony across regime changes.

For instance, the Parliament-approved new governor of Virginia was Richard Bennett, born in England in 1609, the son of a well-to-do merchant. His uncle was involved with the Virginia Company, and patented a land claim in the colony named Bennett's Welcome. Richard Bennett traveled to Virginia to oversee that land claim around 1628. Like most colonists, he lost several family members to the harsh conditions. However, Bennett prospered materially, adding thousands more acres to the family holdings. As was typical for large landholders, he ended up in the House of Burgesses in 1629 and then became a commissioner for his region. In 1642, he was appointed to Berkeley's Council.<sup>340</sup> Unlike Berkeley, though, Bennett was of the Puritan persuasion. Apparently he was involved in the attempt to bring Puritan ministers to Virginia, and he sent armed forces to Maryland to try to help restore order in the colony as it descended into a civil war of its own. As expected, Bennett was also heavily involved in trade, especially with London. In fall 1651, Parliament commissioned him and several others to oversee negotiations

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<sup>338</sup> Pestana, *English Atlantic*, 116.

<sup>339</sup> Pestana, *English Atlantic*, 119.

<sup>340</sup> Lyon G. Tyler, "Virginia under the Commonwealth," 194-195.

for the surrender of Virginia. Bennett did as asked, received the surrender in March 1652, and was then chosen by the General Assembly to replace William Berkeley as governor. Though a Puritan and now an active servant of the Commonwealth, Bennett was a familiar face in Virginia. Parliament could trust him thanks to his religious leanings, while the colonists could trust him because they knew him and had watched him in power for a decade already. Bennett, for the time he was in office, proved very interested in the financial success of Virginia and, much like Parliament, was tolerant of dissent and differences, as long as they did not create any disruption in the public sphere.<sup>341</sup>

The system of unofficial toleration worked out in Virginia in the days after its surrender was aided by Parliament's continued preoccupation with affairs at home, which left the body little time to supervise affairs in a backwater colony. The Rump was in power until 1653, but it came increasingly under attack, by both the army, for its refusal to back all of the army's desires, and by the general populace, who doubted the body's representativeness. As ever, there were endless debates about a new religious settlement. Anglicanism was outlawed, but MPs could not form a plan to replace the Church in a manner that satisfied the majority of those who had supported Parliament during the war. The army, which had come to house various sectarians such as Anabaptists, pressed for toleration of "godly" places of worship, and not just for the creation of a new state Church. Cromwell's chaplain, John Owen, attempted to define orthodoxy and godliness in crafting a plan for a church settlement. His toleration of dissenters was fairly limited, at least in the eyes of more radical groups like Quakers, but it was still too lenient for

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<sup>341</sup> J. Frederick Fausz, "Richard Bennett," *Encyclopedia Virginia*, Accessed July 5, 2017, [https://www.encyclopediavirginia.org/Bennett\\_Richard\\_bap\\_1609-ca\\_1675#start\\_entry](https://www.encyclopediavirginia.org/Bennett_Richard_bap_1609-ca_1675#start_entry). Perry, *Formation*.

many in Parliament.<sup>342</sup> Parliament could come to no conclusion about a definitive religious settlement.<sup>343</sup>

In foreign affairs, the Parliament acted more decisively, creating the Navigation Acts and drawing a hard line between English trade and Dutch trade, which helped lead to the first Anglo-Dutch War. Foreign affairs occupied the legislature so thoroughly that it further alienated the army. It had refused the army's reform program and insisted that the army was the servant of Parliament. It also had not held an election since the purge in 1648 and had not addressed outstanding war debts of soldiers and private citizens. In Spring 1653 Parliament finally decided to hold elections to try to solve these problems of legitimacy and too much political power in the hands of the army. In preparation, MPs prepared to pass a bill that would bar royalists from voting, but would allow the Presbyterians, whose MPs had been subject to the 1648 purge, to vote. Cromwell sprang into action upon hearing of this decision; after all, he was no fonder of the Presbyterian hierarchy than of the Anglican one. On April 20, 1653, he and twenty musketeers marched into Parliament. After ranting about the moral failings of the members, Cromwell declared the body formally dissolved.<sup>344</sup>

In the wake of the purge, Cromwell had some difficult decisions to make. He justified himself in making them by arguing that the Parliament had appointed him as leader of the army, and thus he was as close to a representative of the people as could be found. In July he

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<sup>342</sup> The messy issue of defining "godliness" and granting "liberty of conscience" is well explained in a quote from Cortez about Cromwell's own religious sympathies in 1652. "He was not concerned with theology, forms of service or church government, sae that he disapproved of bishops and had not love even for presbyters. His simple principle seems to have been that a man might believe what he pleased, so long as he did not interfere with the public peace or the elementary principles of morality. He was opposed to ecclesiasticism of whatever sort, and his opposition to Presbyterians, Anglicans, and Roman Catholics in an ascending order of progress, expressed his dislike of any man being the keeper of another's conscience. He was thus at once tolerant and intolerant, depending on which side of the shield one viewed. . . . But on one thing he was bent -- in religion as in politics, he would not tolerate disorder"; Abbot, ed., *Writings* 2: 518-519.

<sup>343</sup> Worden, *English Civil Wars*, 109-122.

<sup>344</sup> Worden, *English Civil Wars*, 122-125.

summoned 140 men, nominated by the army, to sit as Parliament, the so-called Barebone's Parliament. Unsurprisingly, this body managed to disagree with and therefore upset the army. The MPs sat for only five months before they too were dissolved by Cromwell, who officially became head of state in December 1653, with the title "lord protector." The manner in which the government should function was laid out in a document called the Instruments of Government. Cromwell's power was limited -- though he had been and would be offered again the office of king -- and the system for a Parliament and a Council was clearly described. The position of lord protector was not heritable; it passed to a successor by election of council. As with almost everything else in the 1650s, Cromwell's new position and the new government stoked the flames of controversy. In seeking a happy medium between monarchy and pure parliamentary rule, Cromwell pleased almost no one.<sup>345</sup>

In typical fashion, Lord Protector Cromwell attempted to incorporate a number of perspectives into his rule. Parliamentary elections were held in 1654 and in 1656, and he appointed even some former royalists to government positions. He also continued to mull the question of liberty of conscience and a state church. Cromwell had never been as hardline as the Presbyterians wished. He did, however, have pretty clear ideas about the promotion of "godliness" in the land. A key part of that plan involved the employment of godly ministers. To that end, Cromwell led the creation of the "triers" and the "ejectors." This system built on legislation passed by Parliament during the war, in which ministerial qualifications were described and a body of men named to examine all current and would-be ministers according to these qualifications. In the protectorate period, triers were the men who examined candidates, while the ejectors were precisely what they sounded like, men who ejected unsatisfactory

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<sup>345</sup> Worden, *English Civil Wars*, 126-130.

ministers from their pulpits. Of course local resistance prevented the triers and ejectors from fully accomplishing their goals, but a number of hardline Anglican ministers were thrown out of their pulpits.<sup>346</sup> Nor was Cromwell satisfied with simply examining ministerial graduates and those already in the pulpit. Men like Laud had taught the Puritans an important lesson -- that minds and hearts are shaped by education, and that in order for true godliness to prevail in society, it must prevail in the universities too. To that end, Cromwell and the protectorate Parliaments promptly involved themselves with England's leading universities, Oxford and Cambridge.

Oxford's saga is detailed in Nicholas Tyacke's *Seventeenth-Century Oxford*. As mentioned in previous chapters, for a time William Laud oversaw the university, and when the war broke out, the town of Oxford became the king's capital. The university was actively involved in the material support of the king until 1646, when the first part of the civil war ended, and Charles I surrendered himself to the Scots. Parliament stepped in to subject the university to the same rules governing the rest of the nation, such as the Directory, taxes, loyalty oaths, and the ejection of "scandalous" ministers.<sup>347</sup> Parliament planned a prompt visitation of the university, but the political and martial drama of 1647 delayed their plans, as did the recalcitrance of dedicated royalist faculty members. In 1648, however, Parliament fully asserted itself, and "the commanding heights of the academic establishment were henceforward occupied by those placed in office by the visitors."<sup>348</sup> Oxford experienced the same uncertainties and instabilities of the rest of the country as Parliament fell victim to internecine squabbles among religious factions. Unsurprisingly, given his role in government, Oliver Cromwell became

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<sup>346</sup> Worden, *English Civil Wars*, 130-132.

<sup>347</sup> Ian Roy and Dietrich Reinhart, "Oxford and the Civil Wars," in *Seventeenth-Century Oxford*, 721.

<sup>348</sup> Roy and Reinhart, "Oxford and the Civil Wars," 731.



chancellor of Oxford in 1651, with hardline Puritan and Independent John Owen as his vice-chancellor. Cromwell struggled at Oxford the same way he struggled as lord protector: he wanted to reform the university, make it godly and thereby supply England with a godly clergy, but at the same time he hoped to achieve this godliness through the purification of traditional academic subjects and rituals. Radical reform and tradition made strange bedfellows.<sup>349</sup>

Oxford became a microcosm of the problems that continued to plague England under the protectorate. The new academics Cromwell and Owen placed in Oxford were not united; their personal beliefs ran the gamut of the Puritan spectrum, and thus they sometimes fought among themselves. Moreover, the parliamentary visitations stirred up strife between Parliament and the academics. Professors and students felt that the visitors did not understand them or their culture, and that they had too much power over the university.<sup>350</sup> John Owen resigned as vice-chancellor of Oxford in 1657. His replacement was a Presbyterian. Richard Cromwell, Oliver's eldest surviving son, was ushered in as the new chancellor. In a foretaste of things to come, he proved more traditional than his father.<sup>351</sup> As Blair Worden summarizes when writing of the Puritans' attempts to reform the universities, it was in personal relationships, not institutions, that Puritans had the most lasting impact.<sup>352</sup>

Cromwell's and Parliament's constant struggle against the divisions within their own religious movement and against disgruntled Anglicans, Scots, sects, and various foreign nations, kept them too busy to spare much more than a cursory glance at affairs in North America. On the

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<sup>349</sup> Blair Worden, "Cromwellian Oxford," in *Seventeenth-Century Oxford*, 740.

<sup>350</sup> One big point of controversy in 1655 was the wearing of caps and robes. Owen thought the practice should be formally eliminated, that it hearkened back to the days of Catholicism. Professors told him official elimination was unnecessary, since students were not required to wear caps and gowns. Those who wanted to do so, did, and those who did not, refrained. Owen would not let the issue drop, however, creating official college legislation to try to abolish the practice. To his frustration, more students than ever purchased and wore the garb in the wake of his attempts; Worden, "Cromwellian Oxford," 745.

<sup>351</sup> Worden, "Cromwellian Oxford," 747.

<sup>352</sup> Worden, "Cromwellian Oxford," 733-773.

surface, Virginia seemed to have complied with the 1652 articles of surrender. Bennett was in power as governor, Berkeley was keeping a low profile at his estate, and the Assembly and courts continued to meet with their accustomed regularity. With the Church no longer officially in existence, the course of Anglicanism in Virginia becomes difficult to chart. Expression of Anglicanism no longer appeared in official sources, such as the proclamations of the governor or the Assembly. Rather, they appeared indirectly, often in county court records, where the courts tried men and women for speaking slanderously of the Commonwealth or refusing to conform to the new religious requirements. Vestry records, meanwhile, reveal that the churchwardens and vestrymen of the 1640s often continued in their positions throughout the 1650s, further attesting to an adherence to the old ways of church governance and, probably, worship.<sup>353</sup> What evidence exists strongly suggests that continuity, more than change, characterized Virginia religion under the Commonwealth. The smoothness of the transition, and the lack of English oversight, meant that Virginia could continue to function much as it had in the past, with a veneer of republicanism over officials. The colony was mostly peaceful. Occasional outbursts, however, revealed that political and religious sentiments were unlikely to change substantially any time soon.

The first protests against Parliament's rule began soon after its ostensible acceptance. In Northampton County, one Stephen Horsey listened to the latest orders of the court -- precisely what they were remains unspecified -- and then called the courts "a company of asses and villyans."<sup>354</sup> Possibly Horsey had a complaint simply with the local magistrates, but considering he defamed all the courts, not simply his own, his complaint seems larger than that. Likewise, in Northumberland County, Mrs. Mary Calvert "hath confessed in Court that shee hath called ye

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<sup>353</sup> Virginia would not experience the removal of ministers from the pulpits as England did.

<sup>354</sup> Lyon G. Tyler, "Virginia under the Commonwealth," 192.

states and ye keepers of ye liberty of England Rogues, traytors, and Rebels."<sup>355</sup> The court subsequently sentenced her to thirty lashes, though she claimed that she had only slandered officials so she would be taken away from her abusive husband. The court seemed to think this explanation unlikely -- her husband did, after all, plead for her sentence to be lightened if not altogether remitted. Whether or not Mrs. Calvert meant what she said remains debatable, but certainly the local court took her words seriously. As in Cromwell's England, dissent was not tolerated, at least if it were public.

In that context, it is interesting to read a 1653 law passed by the Assembly. The law barred ministers from serving as burgesses, explaining that the presence of ministers as burgesses would be "unpresidentiall, and may produce bad consequence."<sup>356</sup> The presence of such a law in Virginia is intriguing. In England, the law would make immediate sense. English Puritans well remembered the outrage of the 1630s, when Canons continued to sit though Parliament did not. Men who opposed the entire system of bishops felt no happiness at a system that permitted such creatures to vote in Lords. In more recent years, as various religious sects emerged, many Englishmen expressed dismay at the thought of Quakers, Diggers, or other groups wielding political power, and thus Cromwell at times limited who could vote, and regularly dismissed Parliament when he felt the body was too divided and ungodly. Since Virginia had not experienced such bitter and public divisions, one wonders if the law concerning ministers came at the direction of Cromwell and Parliament, who feared that the ministers, most of whom had been in place before the takeover, would be likely to oppose the new government, or to express religious dissent. Perhaps Bennett himself thought that these ministers would oppose him. In the absence of any other contextual clues, two other possibilities to explain the law exist: that

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<sup>355</sup> Tyler, "Virginia under the Commonwealth," 192.

<sup>356</sup> *Statutes* I: 378.

Bennett, who would go on to serve as an official after the Restoration, and was, by all accounts, no radical, was trying to shelter religious dissenters by keeping them out of the spotlight of political office. After all, only public dissent seemed to attract attention. Finally, it is equally possible that the Burgesses simply did not want ministers to have both religious and political power; struggles for political power were always a part of life for elite Virginians, and the Burgesses may have felt threatened.

Any and all of these concerns may have influenced the passing of the law barring ministers from serving as burgesses. At the very least, the fact that ministers were not barred from serving in the House of Burgesses until the Commonwealth strongly suggests that religion played a role in the decision. Religious beliefs do not die because they are no longer officially sanctioned. It is reasonable to assume that Virginia ministers did not change their theology to suit the new government. It is also reasonable to assume that they would therefore be more likely to disagree with the government and to form a dissident group if allowed to hold political office.

If the Assembly, especially the governor and council, feared that the ministers might prove recalcitrant, they had good reason to feel concerned. Most ministers under the Commonwealth were not new to the colony; they were the same clerics who had been in their posts during the reign of Charles I. An example of this comes from Charles City County. In 1655, the vestry of Westover in that county paid twenty-five pounds of tobacco and one bushel of corn to their minister, John Dibdall, the same man who had been minister before 1652.<sup>357</sup> Ardent supporters of the Commonwealth lamented the lack of "proper" ministers. John Hammond, author of "Rachel and Leah," a description of Virginia and Maryland in 1656, decried the lack of "good" doctrine in Virginia. He wrote,

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<sup>357</sup> *Virginia Colonial Abstracts* 3: 147.

And oh that God would stir, up the hearts of more to go over, such as would teach good doctrine, and not paddle in faction, or state matters; they could not want maintenance, they would find an assisting, an imbracing, a conforming people.<sup>358</sup>

Clearly the author saw a dearth of true religion in Virginia, suggesting that the people had either abandoned the Christian religion entirely or were continuing to worship as they had before the rule of the Commonwealth. Since church affairs continued apace -- as will be demonstrated later -- the latter case is more likely. Hammond thought the Virginians would be easy to convert to the true faith, if only ministers would willingly come from England to instruct the colonists. That attitude seems to have characterized most religious factions during this period in England. Interestingly, "Rachel and Leah" also indicates that ministers in Virginia were cared for well. As court records indicate, that had not always been the case; doubtless Hammon is engaging in some propaganda here, attempting to make the colony more appealing to English ministers. Certainly, however, ministers could be well paid, if the parishioners liked them. Some colonists were quite dedicated to their church. Hammond indirectly attested to the significance of Anglicanism in Virginia by noting this dedication.

Despite Hammond's concerns, evidence suggests that Virginians were continuing with their religious practices in their accustomed manner, both Puritan and Anglican alike. Certainly the courts continued their prosecution of religious offenses. In 1652 one James Pyland, a burgess for Isle of Wight County, was sentenced to removal from the House and to stand trial to explain his involvement with troublemaker Thomas Woodward, who had made a "mutinous and rebellious declaration" and to explain "the said *Mr Pyland* blasphemous catechisme."<sup>359</sup> Since

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<sup>358</sup> Force, *Tracts* 3: 20.

<sup>359</sup> The entire text reads: "Wee conceive it fitt, that *Mr James Pyland*, returned Burgesses for the upper parish of the *Isle of Wight*, be removed out of the house, And that he stand committed to answer such things as shall be objected

the court record is dated November 25, 1652, James Pyland's rebelliousness flared after Virginia's surrender to the Commonwealth. Though the record contains no description of his catechism or what sort of statement he and Woodward made, the date makes it likely that Pyland and Woodward were voicing some kind of dissent related to the new government. Virginians had a year in which they could relinquish the Book of Common Prayer, so it is less likely that Pyland's blasphemy consisted in an adherence to the Anglican ways. Perhaps he expressed disdain for tenets Anglicans and Puritans alike held in common. Or perhaps he was using the Book of Common Prayer in a manner that disturbed the public peace; neither the government in England nor the one in Virginia had much tolerance for such displays. Either way, Pyland's activities and his sentencing are an example of continuity in the colony.

Some Virginians seem to have continued to worry about the state of religion and a lack of ministers in the colony, a concern dating back to the founding days of Jamestown. A colonist named Charleton left a last will and testament in 1654 that demonstrates this concern. He wrote,

I do hereby give & bequeath said dwelling house, mill, outhousing, orchard, gardens, and all my whole devident of Land with the appurtenances to bee employed wholly unto the use of an orthodoxe Divyne, being of good life & conversacon that he may have full use & disposinge of it for his Laboure in the preaching of the lord's word unto the inhabitants of this parrish, provided that hee preach once on the Lorde's daye, And oftener if required, upon penalty of forfeitinge this priviledge, the which beinge duly observed is to continue to this pious use for ever.<sup>360</sup>

Charleton further left one thousand pounds of tobacco to fund the "reparacon of this parrish Church."<sup>361</sup> Charleton must have felt a great deal of concern for his church, and perhaps for his

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against him, as an abettor of *Mr Thomas Woodward* in his mutinous and rebellious declaration, And concerning this the said Mr Pyland blasphemous catechisme"; *Burgesses*, 84.

<sup>360</sup> *Virginia's Eastern Shore* I: 425.

own soul, to leave such a generous bequest.<sup>362</sup> Unfortunately, not enough information remains about him to define what he considered "orthodoxe." He could have leaned either Puritan or episcopal. Regardless, he was not alone in his efforts to care for ministers and churches. That same year, York County resident William Hawkins gave directions in his will to his chief heir, Argoll Blackstone. Blackstone, upon the death of Hawkins' wife, was to give to the parish churchwardens 1,500 pounds of tobacco for "a Silver Flaggon bought with the produce, which Flaggon to be and remaine to and for the use of the Inhabitants of York Parrish in the Church belonging there to att Sacrament and other necessarie times and occasions."<sup>363</sup> The use of such an expensive item for communion heavily suggests that Mr. Hawkins was a high-church Anglican. Such bequests demonstrate that some of the population continued to feel concerned with the state of the church and to try to provide the material goods that churches in England had. They are also an example of continuity, since past Virginians had expressed many of the same sentiments. A new government, even a Puritan one, does not seem to have noticeably changed the religious atmosphere in Virginia; the records contain no more and no fewer religious concerns during the time of the Commonwealth than they did before its advent.

Assembly records demonstrate its concerns for ministers as well. In December 1656 it crafted an ordinance announcing that anyone who would pay to transport a minister to the colony would be recompensed twenty pounds sterling or two thousand pounds of tobacco, plus the cost of the transportation.<sup>364</sup> Two years later, they again addressed the issue of a ministerial shortage. The legislature ordered that all counties not divided into parishes immediately do so. Tithes were

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<sup>361</sup> *Virginia's Eastern Shore* I: 409.

<sup>362</sup> Perhaps cases like these were what Hammond had in mind when he claimed that ministers were well-treated in Virginia.

<sup>363</sup> *York County Records*, 123.

<sup>364</sup> *Statutes* I: 418.

to be collected to build churches and glebes and thereby support more ministers.<sup>365</sup> While such legislation rightly raises questions about the extent of religious teaching and belief in Virginia, it also shows a continuity with the past. Colonial elites had been worried about the state of the church since the venture's early days. Though the Puritans were in charge during the 1650s, Virginians from the 1610s would have probably spotted a surprising degree of continuity between their era and that of forty years later.

The sparse amount of available evidence suggests that Anglicanism had not been suppressed. The churches seem to have continued in much the same vein as they had in the days before the Commonwealth, perpetual understaffing and all. Local counties and churches continued to elect the same vestrymen and burgesses, men who seem to have represented local interests more than any overall concern with affairs in England.<sup>366</sup> Ministers remained in their posts as well. Parliament, as noted earlier, went to great lengths in the 1650s to vet ministers, ejecting those whose theology was not in keeping with mainstream Puritanism. A number of ministers found themselves without pulpits as a result. In Virginia, a similar system was attempted, with typical results. In 1656 the Assembly ordered minister to be exempt from levies if they were certified by Philip Mallory and John Green.<sup>367</sup> By all accounts, most ministers were accordingly exempted, and Philip Mallory was certainly no creature of the Commonwealth. He had appeared in Assembly records before 1652, by which one may assume that either he cared nothing for religion and switched his political allegiances with ease, or that the Commonwealth exhibited more continuity with the past than appeared at first blush. As a further example of this

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<sup>365</sup> *Statutes* I: 478-479.

<sup>366</sup> Northumberland County, for instance, elected Peter Knight in 1658 as their burgess. He shows up in the records as being reelected in 1685. Perhaps he had served in the body in the intervening years, too; "Northumberland County," 179. Frustratingly, I have yet to locate a precise example of someone who predated the Commonwealth and was subsequently reelected during the Commonwealth period. However, I am certain I have not searched every record in existence, and an example well may exist, lurking in a Virginia archive.

<sup>367</sup> *Statutes* I: 424.



continuity, the Assembly confirmed the same holy days that had been celebrated under Charles I, namely March 23 and April 18.<sup>368</sup> Each holy day marked Virginia's deliverance from an Indian massacre. The former date had been celebrated since 1624, the latter since 1645. The Assembly's instructions repeated the previous ordinances of 1624 and 1645.<sup>369</sup> Religious life clearly continued, even though various men worried that ministers were too few and doctrine incorrect. For instance, in 1659 Surry County, the parish church confirmed the legitimacy and baptism of one congregant when that legitimacy and baptism was questioned by a relative in England.<sup>370</sup> Virginians were still worshipping, usually in the same manner in which they had always been accustomed.

Two examples illustrate most clearly the continuity between the religious state of affairs in Caroline Virginia and Commonwealth Virginia. They also demonstrate the Commonwealth's lack of religious control or dedication to ensuring religious control in the colonies. In March 1658, the Assembly reinstated vestry control over ministers and other congregational matters. The proclamation reads as follows:

All matters concerning the vestrey, their agreements with their ministers, touching the church-wardens, the poore and other things concerninge the parishes or parishoners respectively be referred to their owne ordering and disposing from time to time as they shall think fitt.<sup>371</sup>

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<sup>368</sup> *Statutes I*: 459.

<sup>369</sup> The 1658 law reads, "*Bee it enacted and confirmed by the authoritie of this present Grand Assembly, That the two and twentieth day of March and the eighteenth day of Aprill be yearly kept holie in commemoration of our deliverance from the Indians at the bloody massacres the 22d day of March 1621 [Julian calendar, therefore 1622] and the eighteenth day of Aprill, 1644, And that the ministers of everie parish give notice thereof to the parishoners the Sabboth day next before; Statutes I: 459-460. The original 1645 ordinance reads, "That the eighteenth day of April be yearly celebrated with thanksgivinge for our deliverance from the hands of the Salvages"; ibid., 290. The 1624 law reads, "That the 22d of March be yeerly solemnized as a holliday"; *Statutes I*: 123.*

<sup>370</sup> *Virginia Colonial Abstracts* 3:32.

<sup>371</sup> *Statutes I*: 433.

This law gave virtually unlimited autonomy to each individual congregation's vestry. While it was still illegal to order services according to the Book of Common Prayer or to pray for the king, vestry control meant that, as long as the vestry and parishioners had no objection to such activities, churches and ministers could choose to perpetuate the Anglican doctrine without reprisal. It is interesting that the Commonwealth gave the vestries such power. Just as the colonies had been spared the horrors of the civil war, thanks to their physical distance from England, so they were spared close religious ministrations by Cromwell and his parliaments. The Assembly's law relinquishing church control to the vestries, coupled with Phillip Mallory's willingness to certify basically all existing ministers in the colony, permitted Anglicanism to flourish illegally, and, as the next example demonstrates, seems to be a simple recognition of the fact that at least some churches were acting much as they had in the Caroline era.

On April 22, 1655, three years before the Assembly permitted vestry control, Nicholas Merriweather, clerk of Surry County, entered the following into the record book:

These are to lycense and authorize you to celebrate  
the Act of Matrimony between Thomas alias Sackford  
Hall in the County of Suffolk, Gent., on the one part  
& Elizabeth Watkins on the other part being noe  
known Impediment to the contrarie providedd  
it be done between the hours of eight and twelve  
in the forenoon according to the Orders of the Church  
of England for which doeing this shall be sufficient  
Warrt.  
Given this 22 of April 1655  
To ye well beloved in Christ Mr. Thomas Luke,  
Minister.<sup>372</sup>

The next day, another clerk, Robert Stanton, noted that the wedding had been performed.<sup>373</sup> That minister Thomas Luke performed a wedding organized according to the orders of the repressed

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<sup>372</sup> *Virginia Colonial Abstracts* 3: 12.

Church of England is intriguing. Not only was the wedding organized thus, but it is recorded in the county court record book. While this item is not complete proof, of course, that churches were continuing to celebrate services according to the customs of the disestablished Church of England, it is certainly an evocative statement. This church, at least, cited the Church of England in its organization of a wedding. Moreover, the county court clerks recorded this decision to follow custom, though such custom was illegal. We cannot know if the minister read the Book of Common Prayer marriage ceremony or if he simply insisted that the ceremony take place between eight and twelve in the morning because that had been the custom for Church of England weddings. It is clear that at the very least he chose the hours according to tradition, and he was unafraid to cite the disestablished church as his justification for doing so.

That the county court clerks did not prosecute him for following such an illegal tradition is also provocative. It suggests that they did not find anything wrong with the minister's actions. Possibly they were apathetic, but religious apathy was rather unusual in the seventeenth century.<sup>374</sup> Men had fought and died for questions not just of religion but of doctrine, only a few years earlier in England. In the colonies, Protestants regularly opposed Quakers and Catholics, deeming both groups heretical. Thus it seems highly probable that Nicholas Merriweather, Robert Stanton, and the couple to be married, all supported Minister Luke's decision to follow the custom of the Church of England. The Commonwealth had not killed Anglicanism in Virginia, and as the proclamation three years later reveals, the government eventually ceased trying to do so. An interesting parallel to this situation came from within Oliver Cromwell's own household. In 1657, his daughter Mary married Lord Falconbridge, in a ceremony described as "quiet" at Hampton Court. Falconbridge, as his title might suggest, had been a royalist during the

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<sup>373</sup> *Virginia Colonial Abstracts* 3: 12.

<sup>374</sup> See the last wills and testaments previously mentioned, as well as the recent course of events in England.

war. The two were married, not by a justice of the peace, as Puritans were, but by a Reverend Doctor Hewitt, "an ordained minister, according to the forms of the Book of Common Prayer."<sup>375</sup> That such a minister had remained in the pulpit despite the trier and ejector system is intriguing, if not altogether surprising. This event shows Cromwell's willingness to ignore religious differences so long as they created no public disturbances or threats, as well as the lingering nature of English Anglicanism. The Church was not dead, either in England or in Virginia.

What might have happened to the Church had the ban on it continued for decades is an intriguing question, and one that has no certain answer, in large part due to the fate of Oliver Cromwell. In 1658, the unexpected occurred: he died. In his years as protector, Cromwell had grown increasingly frustrated with Parliament, which could never resolve its questions about liberty of conscience or fully sort out the ideological justification for a protectorate instead of a monarchy. (Indeed, Parliament had offered the crown to Cromwell, who had refused.) In 1658, he dissolved Parliament and then ruled with his council. In August, personal tragedy hit, as his youngest daughter died, likely of stomach or ovarian cancer. Cromwell then collapsed with his own, unnamed, illness.<sup>376</sup> On September 3, the anniversary of two of his great military victories, Cromwell breathed his last.

The death of such a strong personality and the bane of so many was a shock to England. On the night of September 3, privy councilors went to the home of Richard Cromwell to make him the next Protector, on the conviction that his father had desired this course of action. There was no fuss.<sup>377</sup> Cromwell's funeral highlighted the strange status he had occupied in his last years, not the monarch but not a "first among equals" republican leader either. He was given a

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<sup>375</sup> Abbot, ed., *Writings* 4:664.

<sup>376</sup> Fraser, *Cromwell*, 665. Fraser speculates that the illness was malaria.

<sup>377</sup> Fraser, *Cromwell*, 678.

state funeral, complete with a procession of a wax effigy through the crowds, just as previous monarchs of England had received. In addition, the effigy wore a crown.<sup>378</sup> Precisely when the body was interred is difficult to say, as the record book of Westminster has no date for the event; all one can say for certain is that he was buried before the funeral itself, an act dictated by the state of the corpse, which decayed rather rapidly after the long illness. The Protector was dead. Long live the Protector! Richard Cromwell's time on throne proved even less easy than his father's tenure.

Richard Cromwell was, by all accounts, a pleasant, unimposing man, not exactly the sort one imagined for the office of lord protector. The army, it seemed, did not care for him. Still owed back pay, the soldiers began protesting, demanding what they saw as their due. The situation was not helped by the summoning of Parliament in January 1659. Like their counterparts of earlier decades, these members of Parliament thought the army should stay out of political affairs. Richard dissolved Parliament at the insistence of the army in April, but he could not control the situation. In May he abdicated and all of England held its breath as it pondered what was next.<sup>379</sup>

More conflict followed. The army restored the Rump, but again, Parliament could not decide what to do. Some members debated creating an upper house that would be nominated -- by whom is unclear -- while others insisted Commons, now restored to its former Commonwealth glory could rule alone. Clearly this latter course of action would not suit the army. A royalist rising occurred and was crushed by the army in the summer of 1659. The army then expelled the Rump and proceeded to rule England through a Committee of Safety. The

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<sup>378</sup> Fraser, *Cromwell*, 682.

<sup>379</sup> Worden, *English Civil Wars*, 146-147.

Committee was a disaster. It became clear that neither Parliament nor the army could rule, and that neither one knew how to solve the present problems, including an economic depression and civil unrest. Most people knew that, if a fresh Parliament could be called, the body would restore the monarchy. Londoners were protesting for just such a Parliament.

The Rump was restored a third time at the end of 1659. By this point, the commander of the Scottish armies, George Monck, was thoroughly weary of the government instability. He proceeded to march his army to London, supposedly to support the Rump. Once in London, he brought in other living members of the Long Parliament -- men who had not been in Parliament since Pride's Purge in 1648 -- and had the body deliberate. The Long Parliament at last voted to dissolve itself and for England to have new Parliamentary elections, with the House of Lords restored. The new Parliament met on April 25, 1660. Monck had already sent a message to Charles, Prince of Wales, who was in Holland. Charles's response was generous, offering liberty of conscience to all Englishmen, the payment of the army's arrears, and a general pardon for insurrectionists, to be limited as Parliament saw fit. Parliament voted to restore the monarchy and a government ruled by the king, with Commons and Lords. On May 1, Charles sailed for England. He was greeted as Charles II with bonfires and much celebration. The monarchy had been restored.<sup>380</sup>

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<sup>380</sup> Worden, *English Civil Wars*, 148-152.

## CHAPTER 5 1660-1663

While the monarchy had been restored in May 1660, restoration was a process, not a single act. Much had been disavowed and destroyed by Parliament. It was not just the institution of the monarchy that had to be recreated; so too did the Church of England. A number of questions hung over England and, to some extent, Virginia. Many wondered about the fate of those who had convicted and killed the king. Charles had issued a pardon for those who fought for Parliament, but not for those who indicted his father. Some of the men, like Cromwell, were dead. What would become of those who remained? Liberty of conscience continued to cloud the air, as well. Charles's proclamation at Breda offered a broad swath of toleration. With the Church of England reconstituted, how would that toleration be implemented? The Commonwealth had failed to resolve the issue of religious factionalism. It remained to be seen if the new monarch could do any better.

Virginia began the process of restoration fairly quickly. Despite the inevitable delay in news, by March 1660 Virginia's Assembly realized that changes were afoot in the English government. In response, the body passed a law declaring itself to be the ultimate power in the colony until "such a comand and comission come out of England as shall be by the Assembly

adjudged lawfull.”<sup>381</sup> The pragmatism of the statement is clear; once again, the colony preferred to remain on the sidelines until the power struggle was complete and Virginians could know to whom they owed obeisance. The independence in the statement is also clear and staggering. Here Virginian elites assumed the right to declare a government of England legitimate. Of course, the independence must be balanced with Virginia's pattern of practicality and conflict avoidance. The principle of the right to make such a decision, however, is significant and alludes to the looseness of Commonwealth rule. The first Stuart monarchs had proven unable to keep a close eye on Virginian affairs. The Commonwealth had been similarly unable to overcome the distance and the problems at home to keep a tight watch on the colony. Virginia thus assumed the power to govern itself and wait for peace in England.

To further the Assembly's assumption of power, previous laws that contradicted the present form of government were to be repealed.<sup>382</sup> Presumably that meant that references to the lord protector and his councils were to be removed, their power declared null and void. The Assembly's next steps would emphasize their ability to choose their rulers.

Immediately after announcing itself the supreme power of the land, the Assembly chose William Berkeley to serve as the governor. Again, the legislature emphasized its power. Berkeley was to "gouverne according to the ancient lawes of England and the established lawes of

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<sup>381</sup> The whole law reads, “Whereas by reason of the late frequent distractions (which God in his mercy putt a suddaine period to) there being in England noe resident absolute and gen’l. confessed power; Be it enacted and confirmed, That the supream power of the government of this country shall be resident in the Assembly, And Grand Assembly of Virginia, until such a comand and comission come out of England as shall be by the Assembly adjudged lawfull”; *Statutes* I: 530.

<sup>382</sup> The act reads as follows: "Whereas by the frequent reviewes and alterations of the lawes of this countrey there may be some contrarieties happen, and some of the precedent lawes be adverse to the lawes enacted this Assembly and especially to the power now established, Bee it therefore enacted, That all precedent lawes and clauses in lawes, contrarie to the lawes, power, and fforme of government now established be reversed, repeale, made void and null"; *Statutes* I: 531.



this country" and to issue any writs "in the name of the Grand Assembly of Virginia."<sup>383</sup> Perhaps as a nod to the unpleasant events of recent years, Berkeley was also required to call the Assembly at least twice a year and not dissolve the body without the agreement of most of its members.<sup>384</sup> In yet another seeming nod to the past, the Assembly also took steps to quash any rumors or complaints about its assumption of power. The burgesses, it seemed, were especially sensitive to the possibility of idle talk: "Many disaffected persons may be apt and forward by their idle words and actions to say or do such things as may be prejudicial to the authority and government for the present settled or established."<sup>385</sup> To prevent the ill effects of such activities, those engaged in derogating the government by word or deed were to be called enemies of the peace and to be "proceeded against" as such.<sup>386</sup>

William Berkeley's return to power was fairly uncontroversial in 1660. He clearly ruled at the command of the Assembly. Moreover, he immediately demonstrated the tendency in Virginia for continuity rather than wholesale change. Just as officials had continued in their offices from Charles I's time to that of the Commonwealth, so Berkeley retained various officials who had been in place during the Commonwealth period. William Claiborne, who had served as deputy governor in 1653, became secretary of state in 1660 at Berkeley's request.<sup>387</sup> Richard Bennett, a governor prior to Berkeley, the man who took over the governance of Virginia at Virginia's surrender to the Commonwealth in 1652, was retained as one of Berkeley's councilors.<sup>388</sup> In addition, ministers were retained. Phillip Mallory, who had served in the Assembly himself before 1652, and who had been in charge of certifying ministers after the

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<sup>383</sup> *Statutes I*: 530.

<sup>384</sup> *Statutes I*: 530-531.

<sup>385</sup> *Statutes I*: 531.

<sup>386</sup> *Statutes I*: 532.

<sup>387</sup> "ORDERED, That according to the desire of the honourable Sir William Berkeley, Coll. William Claiborne bee confirmed in the office of Secretarie of State"; *Statutes I*: 547.

<sup>388</sup> *Statutes I*: 526.

Commonwealth takeover, continued to have a role to play. He had preached at the last two Assemblies, and in 1660 he was paid for his services and asked to preach again at the next Assembly meeting.<sup>389</sup>

It was not just the officials who remained the same across yet another regime change in Virginia. The central issues facing the colonists, especially issues they found irksome, were in many instances unchanged. The Assembly's March 1660 records reveal that as well. Twenty years prior, Virginians had struggled with the regulation of trade, especially laws from England which forbade their trade with the Dutch. Berkeley had protested such rules, as had many others. With the Assembly in control, free trade was encouraged: "The Dutch and all strangers of what Xpian [Christian] nation soever in amity with the people of England shall have free liberty to trade with us, for all allowable commodities." These traders would also receive just dealings from Virginia. They "receive protection from us to our utmost powers while they are in our jurisdiction, and shall have equall right and justice with our own nation in all courts of judicature."<sup>390</sup> To ensure just relations and regulate trade, the colony established its own court of admiralty.<sup>391</sup> Again, the independence of the Assembly is interesting. The body was determined

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<sup>389</sup> "ORDERED, That two thousand pounds of tobacco be paid unto Mr. Phillip Mallary for his officiateing at the two last Assemblies out of the levy in Yorke county"; *Statutes* I: 549. "ORDERED, that Mr. Peter Lansdale and Mr. Phillip Mallory be desired to preach at James towne the next Assembly"; *Statutes* I: 549. See also chapter 4, 137.

<sup>390</sup> *Statutes* I: 540. The full text reads, "Whereas the restriction of trade hath appeared to be the greatest impediment to the advance of the estimation and value of our present only commodity tobacco, Bee it enacted and confirmed, That the Dutch and all strangers of what Xpian nation soever in amity with the people of England shall have free liberty to trade with us, for all allowable comodities. And receive protection from us to our utmost powers while they are in our jurisdiction, and shall have equall right and justice with our own nation in all courts of judicature, Provided they giver one and pay the impost of teen shillings pwer hogshead laid upon all tobacco exported to any fforeign dominions and give bond according to act. Allwaies provided, That if the said Dutch or other foreiners shall import any negro slaves, They the said Dutch or others shall, for the tobacco really produced by the sale of the said negro, pay only the impost of two shillings per hogshead, the like being paid by our owne nation."

<sup>391</sup> "Whereas by daily experience wee find the inconveniencies that happen to the inhabitants of and traders into this country for want of a court of admiralty, Bee it enacted and ordained by this present Assembly, That the Governour and Council shall have full power and authority of a court of admiralty to cognoss, determine and administer justice in all things pertaining to seafairing, that shall appertaine, happen or fall out (within the jurisdiction of this collonie) either between mariner and merchant, or mariner and master as likewise all complaints, contracts, offences, pleas, exchanges, assecurations, debts, counts, charter-parties, covenants and all other writings concerning lading and

that it would sort out the problems plaguing the colony. One wonders if many elite Virginians did not, on some level, however secret, enjoy the fact that the instability in government in England gave Virginians an opportunity to wield more power.

The Assembly controlled Virginia for about a year. By 1661, all counties had been ordered to recognize Charles II as king. Surry County acknowledged him and pledged an oath of loyalty to the new monarch in November.<sup>392</sup> Virginia had become a Crown colony once more. Now the colony would try to address their all-too-familiar problems with a monarch once more on the throne.

Probably the biggest problem facing Virginia in 1661 was one of the problems that had plagued the colony since its earliest days: a dearth of ministers. The Assembly acknowledged the problem in March 1661, as it set about legislating the official reconstruction of the Church. Because ministers were few, the body ordered that magistrates and county clerks sign marriage licenses, a task that had been the purview of the clerics in the years before the Commonwealth.<sup>393</sup> The new rule revealed an important reason the governor himself could not take on the task: it was expected that the issuer of the license should know the persons obtaining the license, and it

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unlading of shippes, freights, hyres and all other buisness whatsoever among sea-affaires done on the water, and where within the limitts and the jurisdictions of Virginia or the lawes and cognizance thereof, with the cognition of writts, the causes and actions of reprisalls, of letters of marque to take stipulations, congnitions and insinuations, And to do all other things without which the jurisdictions of the admiralty cannot stand or bear out, To make clerkes, marshalls and other officers, for the exercising of the said jurisdictions to arrest and putt in execution, and to enquire by the oathes of twelve men upon all offences, (vizt.) Against pyrats, their assistors or abettors, out-traidors or receptors against breakers of the admirall's arrestments and attachments against goods forbidden, merchandizes not customed and yet shipt and transported, against the resisters of the admirall's officers in executing precepts against all sorts of transgressions committed by seamen or any others any way touching the jurisdiction of the admiralty court." *Statutes I*: 537-538.

<sup>392</sup> *Virginia Colonial Abstracts* 3: 35.

<sup>393</sup> *Statutes II*: 28. "Whereas the scarcity of ministers renders the legall publications of banes (att present) impossible and thereby necessitateth the more frequent granting of licenses which issueing only from the governor whose knowledge of persons cannot possibly extend over the whole country, that the first in commision of every county court shall (ex officio) signe the lycences and take able and knowne security and in every September court the clarke remit the names of the persons married the security and tenor of the bonds to the secretarie's office there to be recorded, that the governor may have accompt of his fees (which the sherriffe with their leave shall collect) and the legall graunt of the lycenses be made evident."

would be impossible for the governor to know every couple throughout the colony. However much individuality the situation in Virginia bred among the colonists -- a point of contention among historians -- the government at least wanted and expected close connections in communities.<sup>394</sup>

In addition to working out a system for marriages in the absence of clerical support, the Assembly ordered that churches without ministers use lay readers for services each Sunday. In so doing, the Assembly drew a parallel between Virginia's current situation and the years immediately after Elizabeth I's accession to the throne, calling the Book of Common Prayer "that excellent forme," especially useful in times such as their own and the days of Elizabeth I, "when there was a scarcity of orthodoxe reformed ministers."<sup>395</sup> These readers were also to hold catechism lessons for servants and children, according to the Book of Common Prayer. The Assembly ordered vestrymen to swear allegiance to the Crown and to the doctrine of the Church of England, "and if any person elected shall deny to take the said oaths or make such subscription he shall not be admitted."<sup>396</sup>

The need for an orthodox vestry was especially important, given the power of the vestry. Throughout the 1640s and 1650s the vestries had chosen ministers. That power was not specifically revoked in the March 1661 meeting, but reference was made to the Assembly

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<sup>394</sup> For an excellent example of the individuality argument see Timothy Breen's "Looking Out for Number One."

<sup>395</sup> *Statutes II*: 29-30. "Bee it enacted that in all parrishes destitute of incumbents there may be for the present necessity readers appointed of sufficient abilities to reade the prayers and homilies of the church (where they can be procured) and to catechise children and servants according to that excellent forme presenting the church of England as hath beene used in the times of queen Elizabeth when there was a scarcity of orthodoxe reformed ministers to supply the congregations and that those readers bee chosen by the advice, and with the approbation of the next adjacent ministers." This is an interesting acknowledgment of the dearth of physical objects Commonwealth rule had created, in this instance a lack of sufficient copies of the Book of Common Prayer.

<sup>396</sup> *Statutes II*: 25. "For the more orderly managing the prochiall affaires Bee itt enacted that noe vestry shall consist of more than twelve persons to be chosen by the major part of the parrish and that those soe elected shall take the oaths of allegiance and supremacy and subscribe to be conformable to the doctrine and discipline of the church of England, and if any person elected shall deny to take the said oaths or make such subscription he shall not be admitted."

choosing ministers for parishes which were without one. However, some power of the vestry was acknowledged in that the Assembly specifically permitted the vestries to determine ministerial salaries for new candidates for parish minister, and to confirm salary agreements already in effect in parishes that already had a minister.<sup>397</sup> The Assembly was apparently not planning on turning any ministers out of their churches.<sup>398</sup> Ministers who stayed in their positions could expect some physical changes to their surroundings. The legislature ordered each church to have a “great church bible,” two copies of the Book of Common Prayer, a communion plate, and a pulpit cloth and cushion.<sup>399</sup>

After working through the practical actions that would enable churches to function until the number of ministers in the colony grew, the Assembly turned to a plan for attracting more clerics. Parishes were ordered to provide well-stocked glebes specifically for the purpose of encouraging the immigration of clergy. Parishes which were too small and poor to provide such a glebe were ordered to join with the adjacent parish and, through pooled resources, provide properly for a minister.<sup>400</sup> The legislators did not simply instruct Virginians on what they could

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<sup>397</sup> "Bee it enacted that the parrishes which are destitute of present incoumbents or their respective vestries over all the countrey bee enjoyned forthwith to conveene and agree what maintenance they can and will allow unto ministers when they shall be supplied with them and to testify there [sic] agreement therein by subscription to be conveyed unto such person or persons as the assembly shall appoint: which subscriptions to bee obligatory and pleadable in any court and that not only for a yeare but for as long as the minister shall agree with them, and that the agreements already made betwixt rector now resident and their severall parrishes may be confirmed by act or order of assembly for as long time as the present incumbent shall bee willing to continue in the said parrish"; *Statutes* II: 29.

<sup>398</sup> This decision not to remove any existing ministers was no doubt a practical one. Why get rid of staff you already have, when you are woefully understaffed? One wonders what apparatus, if any, was in place for ministers who refused to conform to the Book of Common Prayer. Was an honor system expected, whereby ministers who disagreed would acknowledge their disagreement and vacate the pulpit? Obviously such a system could be exploited, since the vestry might simply turn a blind eye to a nonconforming minister they liked.

<sup>399</sup> "Bee it enacted that the parrishes be enjoyned to provide att their one cost a great church bible and two bookes of common prayer in folio for the minister and clarke according to the act of parliament before the common prayer booke; as also communion plate, pulpitt cloth and cushion that all things may be done orderly and decently in the church"; *Statutes* II: 30.

<sup>400</sup> "Bee it ordered that the encouragement of ministers to come into the countrey and there better accomodation[sic] when come there be glebes provided for every parrishe (according to the king's instruction for seating this countrey) with convenient houseing and stockes upon the same: and that such parrishes which by reason of the paucity of

do to address the ministerial lack; they also turned their attention to England, and what the mother country might do for the colony. They planned a petition to the king, asking for schools and colleges to be established in the colony, and for ministerial students at Oxford and Cambridge to be encouraged to come to Virginia.<sup>401</sup> The elite of Virginia were clearly determined to move right along with restoration, and perhaps do better than ever as a colony by addressing the problems that had plagued them since their inception.

In another nod to the past, the legislators addressed the establishment of "holy days." In years before, the colony had honored March 22, commemorating the colony's survival of an attack by the Native Americans. In 1661, two new dates were to be solemnized: January 30 and May 29. The former was to be a fasting day in remembrance of King Charles I's beheading. The latter was to be "kept holy" in thanksgiving for Charles II's restoration to the throne.<sup>402</sup> The commemoration of these days signaled more than just a return to past holy days, however. These chosen dates were also a conscious effort on the part of the legislature to break with the recent past -- the days of the Commonwealth. Virginians were encouraged to mourn for the king and for the manner in which he had been not merely executed but murdered. In so doing they might atone for their part in such "crimes." Similarly, the dual celebration of Charles II's birthday and

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tithable persons are not able to afford a competent maintenance for the ministers, bee united and annexed unto the next adjoined parrish or parishes, which are of more abilitye and greater number"; *Statutes II*: 30.

<sup>401</sup> "Bee it enacted that there bee a petition drawn up by this grand assembly to the king's most excellent majestie for his letters pattents to collect and gather the charity of well disposed people in England for the erecting of colledges and schooles in this cuntrye and alsoe for his majesties letters to both universities of Oxford and Cambridge to furnish the church here with ministers for the present and this petition to be recommended to the right honorable governor Sir William Berkeley"; *Statutes II*: 30-31.

<sup>402</sup> Of January 30, the Assembly wrote, "Whereas, our late surrender and submission to that execrable power that soe bloodyly massacred the late king Charles the first of ever blessed and glorious memory hath made us by acknowledging them guilty of their crimes to shew our serious and hearty repentance and detestation of that barbarous act, Bee itt enacted, that the 30th day of January the day the said king was beheaded be annually solemnized with fasting and prayers that our sorrowes may expiate our crime and our teares wash away our guilt"; *Statutes II*: 24. Of May 29, the Assembly commanded, "Since God of his mercy hath been pleased to restore our late distracted kingdomes to peace and unity and his late distressed majesty to the throne of his royall ancestors, bee itt enacted that in testimony of our thankfulness and joy the 29th of May the day of his majestie birth and happy restitution be annually celebrated as an holy day"; *Statutes II*: 25.

restoration was a chance for Virginians to signal their support of and gratitude for the new regime. The colony's legislature was consciously choosing which past they wanted to remember and claim. No doubt, as had been the case with the sea change from monarchy to republic, some colonists lamented this new government. The fact that ideas do not die supports the notion of maintenance of Puritanism after the Restoration, just as it supports the persistence of royalism and Anglicanism after the Commonwealth takeover. As many politicians have noted, it is impossible to please all people at once. Given the reluctant nature of Virginia's surrender to the Commonwealth and the manner in which the colony had maintained many of its old customs, especially religious ones, probably most colonists were pleased with the return of the monarch and the decision to honor him and his father in the keeping of these holy days. One imagines too, given the pragmatic approach of many colonists, that those who were unhappy likely understood the need to make concessions, if they wanted to prosper.

The Assembly of the next year, March 1662, reissued much the same laws as those of the previous year.<sup>403</sup> The reason for the repetition was, interestingly, a repudiation of the past: The Assembly noted that, during the years of the Commonwealth, constant change "produced soe many alterations in the lawes, that the people knew not well what to obey nor the judge what to punish."<sup>404</sup> To restore justice, and thus honor God, the king, and England, the legislators decided to review all previous laws. Any acts not in accordance with the monarch's wishes, or out of sync with the common law of England, were to be repealed; good laws would be repeated, with any modifications necessary to bring them in line with English practice.<sup>405</sup> The Assembly did not simply decide to follow English custom slavishly, however. They acknowledged that some

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<sup>403</sup> Virginia's religious situation troubled the minds of some Englishmen as well. The Bishop of London in 1662 fussed that religion in the colony was in a sorry state because the people there were too spread out, their churches were in disrepair, and the Church itself was woefully understaffed. Force, *Tracts* 3: 1-18.

<sup>404</sup> *Statutes* II: 41.

<sup>405</sup> *Statutes* II: 42-43.

situations in Virginia were unique to the colony, and thus the laws would at times look a bit different from English law, though at least in the same spirit as the mother country's practices. Religious rulings were to be of special interest, as the "equall care of church and state" were necessary tasks of government, and Virginia's religious situation was one of the unique ones that would require a slight difference in law.<sup>406</sup>

The first set of religious legislation sounds quite familiar, though occasionally modified from former legislation. January 30 and May 29 were ruled special days by the Church.<sup>407</sup> In hopes of providing a native ministry, the colony set aside land for a college to train ministers.<sup>408</sup> Each parish was to have a church, or, if its population was too small and poor for a full church,

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<sup>406</sup> The entire text, listed as a preamble to the acts of the March 1662 Assembly, reads as follows: "Whereas the late unhappy distractions caused frequent changes in the government of this country, & those produced soe many alterations in the lawes, that the people knew not well what to obey nor the judge what to punish, by which meanes injustice was hardly to to [sic] bee avoyded, and the just freedome of the people hardly to be preserved, This assembly takeing the same into their serious consideration, and gravely weighing the obligations they are under to discharge to God, the king and the country, have by settling the laws, diligently endeavored to prevent the like inconveniencies, by causing the whole body of the laws to be reviewed all unnecessary acts & cheifly such as might keep in memory, our inforced deviation from his majesties obedience, to be repealed, and expunged, and those that are in force to be brought into one volume, and least any prejudice might arise by the ignorance of the times from whence those acts were in force, they have added the dates of every act, to the end that courts might rightly administer justice and give sentence according to law for any thing happening at any time since any law was in force, and have also endeavoured in all things (as neere as the capacity and constitution of this country would admitt) to adhere to those excellent and often refined laws of England, to which we profess and acknowledge all due obedience and reverence, And that the laws made by us are intended by us, but as breife memorialls of that which the capacity of our courts it utterly unable to collect out of such vast volumes, though sometimes perhaps for the difference of our and their condition, varying in small things, but far from the presumption of contradicting any thing therein conteyned, And because it is impossible to honour the king as we should unlesse wee serve and feare God, as wee ought, and that they might shew their equall care of church and state they hae sett downe certaine rules to be observed in the government of the church, until God shall please to turne his majesties pious thoughts towards us, and provide a better supply of ministers among us"; *Statutes II*: 41-43 The note about gathering Virginia's laws all into one place, and what a difficult task that was, given the extreme number of volumes of local rulings had to be collected, is enough to make a modern-day historian of the period weep -- oh, for the volumes that war, circumstances, and time have destroyed.

<sup>407</sup> *Statutes II*: 44-45.

<sup>408</sup> "Whereas the want of able and faithful ministers in this countrey deprives us of those great blessings and mercies that always attend upon the service of God; which want, by reason of our great distance from our native country, cannot in probability be always supplied from thence: Bee it enacted, that for the advance of learning, education of youth, supply of the ministry, and promotion of piety, there be land taken up or purchased for a colledge and free school: And that there be with as much speed as may be convenient houseing, erected thereon, for entertainment of students and scholars"; *Statutes II*: 56.



then it was to join with the next parish and build a chapel.<sup>409</sup> Vestrymen, twelve in number for each church, and two churchwardens for each church, must take oaths of allegiance and supremacy, and conform to the doctrine of the Church. These men were to oversee the physical maintenance of the church, provisions for the poor and for the minister, and generally supervise all parish affairs.<sup>410</sup> Churchwardens, as in years past, were responsible for presenting those who committed "misdemeanors" to the county courts. Such misdemeanors included everything from regularly missing church to swearing to adultery.<sup>411</sup> Lay readers were lawful for churches that either lacked a minister or for those Sundays when the minister had to travel to an adjoining church in the parish to hold services there.<sup>412</sup> Only the Book of Common Prayer was to be used.<sup>413</sup>

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<sup>409</sup> Precisely how many people composed a church versus a chapel is not specified in the records. The legislation simply reads, "Bee it enacted for the advancement of Gods glory, and the more decent celebration of his devine ordinances, [that] there be a church decently built in each parish of [this]country, unles any parish as now settled by reason of the fewnes or poverty of the inhabitants be incapable of susteyning soe greate a charge, in which case it is enacted that such parishes shall be joyned to the [next]greate parish, of the [same] county, and that a chappell of ease be built, in such [places] at the particular charge of that place." Brackets indicate textual differences in manuscripts, as some contain the bracketed works, but not all of them do, or some use synonyms for those words; *Statutes* II: 44.

<sup>410</sup> "That for the makeing and [proportioning] the levyes and assessment for building and repaying the churches, and chappells, provision for the poore, maintenance of the minister, and such other necessary [duties], for the more orderly manageing all parociaall affaires, Be it enacted that twelve of the most able men of each parish be by the major part of the [said] parish [chosen] to be vestry-men out of which number the minister and vestry to make choice of two churchwardens yearly, as [alsoe] in the case of the death of any vestry man, or his departure out of the parish, that the said minister and vestry make choice of another to supply his roome, and be it further enacted that none shall be admitted to be of the vestry that [doe] not take the oath of allegiance and supremacy to his majesty and subscribe to be conformable to the doctrine and discipline of the church of England." For use of brackets, see previous footnote; *Statutes* II: 44-45.

<sup>411</sup> "That the churchwardens shall twice every yeare in December court and Aprill court deliver a true presentment in writing of such misdemeanors as to their knowledge, or by comon fame have beene comitted whilst they have beene churchwardens, namely swearing, profaneing Gods holy name, or sabbath abuseing or contemning his holy word or sacraments or absenting themselves from the exercises thereof, As alsoe those foule and abominable sins of drunkennesse fornication and adultery, and of all malitious and envious slandering and backbiting for the better manifestation whereof the said churchwardens are impowered to cause all such persons upon whose reports they ground their presentments to appeare at the next county courts to which the presentments are made to give their evidences concerning the same"; *Statutes* II: 51-52.

<sup>412</sup> The precise date for the specification of lay readers is a matter of some debate. Some manuscripts and editors date the legislation concerning lay readers to the 1661 session of the Assembly, while others date it to the 1662 session. I have chosen to follow Hening's date, though he notes the disagreement among historians and sources. The legislation itself reads, "That every parish not haveing a minister to officiate every sunday doe make choice of a

Each minister was to perform a weekly sermon, though he only had to preach once a month at chapels.<sup>414</sup> Ministers could expect to be supported by glebes that provided at least £80 a year.<sup>415</sup> In an effort to promote conformity to the restored Church of England and the Book of Common Prayer, ministers also needed to be certified as doctrinally sound by a bishop in England.<sup>416</sup> Communion should be celebrated at least twice a year.<sup>417</sup> Ministers were also responsible for reading the banns and performing marriage ceremonies; in fact, only ministers were permitted to marry couples. Any couples not married according to the Book of Common Prayer would be accused of fornication.<sup>418</sup>

Punishment for those who failed to keep the new regulations was readily elucidated. As mentioned earlier, ministers who were not confirmed by an English bishop could not hold their offices and would be asked to leave the colony. Those not married by a minister would be tried

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grave and sober person of good life and conversation to read divine service every intervening sunday at the parish church, when the minister preacheth at any other place"; *Statutes II: 46-47.*

<sup>413</sup> "That the canons sett downe in the liturgie of the church of England for celebrating divine service and administration of the sacraments be duly observed and kept and that the whole liturgie according to the said injunctions be by the minister or reader at church and chappell every sunday thoroughly read"; *Statutes II: 47.*

<sup>414</sup> *Statutes II: 47.*

<sup>415</sup> *Statutes II: 45.*

<sup>416</sup> The Bishop of London is not mentioned specifically, a break from the past that is probably an acknowledgment of the fact that the attempt to require London certification had failed. The 1662 legislation reads as follows: "That the preservation of the purity and unity of doctrine, and discipline in the church, and the right administration of the sacraments noe minister be admitted to officiate in this country but such as shall produce to the governour a testimoniall that he hath received his ordination from some Bishopp in England and shall then subscribe to be conformable to the orders and constitutions of the church of England, and the laws there established, upon which the governour is hereby requested, to induct the said minister, into any parish that shall make presentation of him, and in any other person pretending himselfe a minister shall contrary to this act presume to teach or preach publicly or privately, the governour and councill are hereby desired and impowered, to suspend and silence the person soe offending and upon his obstinate persistance to compell him to depart the country with the first conveniency"; *Statutes II: 46.*

<sup>417</sup> *Statutes II: 47.*

<sup>418</sup> "That noe marriage be solemnized nore reputed valid in law but such as is made by the ministers according to the laws of England, and that noe ministers marry any persons without lycence from the governour or his deputy, or thrice publication of banes according to the prescription of the rubrick in the comon prayer booke, which injoynes tht if the persons to be married dwell in severall parishes the banes must be asked in both parishes, and that the curate of one parish shall not solemnize the matrimony untill he have a certificate from the curate of the other parish, that the banes have been there thrice published, and noe objection made against the joyning the parties together, And if any minster shall contrary to this act marry any persons, he shall be fined tenn thousand pounds of tobacco, and any pretended marriage hereafter made by any other than a minister be reputed null, and the children borne out of such marriage of the parents, be esteemed illegitimate and the parents suffer such punishment as by the laws prohibiting ffornication ought to be inflicted"; *Statutes II: 50-51.*

for fornication. Those who failed to attend church were fined fifty pounds, though the fine was more for those deemed Quakers, recusants, and nonconformists.<sup>419</sup> At the end of 1662, the Assembly ruled that baptism of infants be enforced, or else a two thousand pound fine would be levied, as a response to the refusal of certain colonists to baptize their children.<sup>420</sup> Clearly not everyone obeyed the laws of the previous two years. Frustratingly, no record remains of the total number of colonists avoiding baptism, making it impossible to measure dissent within the colony.

The question of enforcement of and compliance with these policies remains impossible to answer completely. Just because the Assembly mandated the reconstruction of churches and conformity to the doctrine of the Church of England does not necessarily mean those laws were implemented. After all, the Commonwealth's disestablishment of the Church had largely been ignored. Yet at least one example reveals that Surry County was following Assembly regulations. In May 1661, the court records reveal that Southwarke Parish and Lawnes Creek

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<sup>419</sup> Precisely how Anglicans distinguished these groups again remains unclear. Any number of men and women could be lumped in the category of "nonconformist," though evidently Quakers and Catholics were singled out into their own categories. Colonists seem much less precise in their definitions of "nonconformity" than modern historians. Nonconformists were particularly addressed under regulations for keeping the Sabbath holy. "That the Lords day be kept holy, and that one journeys be made on that day except in case of emergent necessity, And that one other thing, be used or done, that may tend to the prophanation of that day, But that all and every person and persons inhabiting this country haveing noe lawfull excuse to be absent shall upon every sunday and the fower holy days hereafter mentioned, diligently resort to their parish church or chappell accustomed then and there to abide orderly and sobertly during the time of common prayers preaching or other service of God, upon penalty of being fined fifty pounds of tobacco by the county court upon presentment made by the churchwardens who are to collect the same with the parish levies, Provided alwayes that this act include not Quakers or other recusants who out of nonconformitie to the church totally absent themselves but that they shall be lyable to such fines and punishments as by the statute of 23d of Elizabeth are imposed on them, being for every months absence twenty pounds sterling and if they forbear a twelve month then to give good security for their good behaviour besides their payment for their monthly absences, according to the tenor of the said statute, And that all Quakers for assembling in unlawfull assemblies and conventicles be fined and pay each of them there taken, two hundred pounds of tobacco for each time they shall be for such unlawfull meeting taken or presented by the church wardens to the county court and in case of the insolvency of any person amonge them, the more able then taken to pay for them, on halfe to the informer and the other halfe to the publique"; *Statutes* II: 48.

<sup>420</sup> Reads the law, "Whereas many scismaticall persons out of their aversenesse to the orthodox established or out of the new fangled conceits of their own heretically invention, refuse to have their children baptised"; *Statutes* II: 165-166.

Parish vestrymen and churchwardens joined together to build some kind of house – the original manuscript’s ink is smudged, making exactly what kind of edifice they built indecipherable – according to the Assembly’s orders.<sup>421</sup> Since the Assembly that year had mandated the construction of chapels for parishes that were too small to maintain a church, it is not unlikely that these men were constructing just such an edifice.<sup>422</sup> What is clear is that the records reference an Assembly law that these churchmen were following. The churchwardens and vestrymen whose names are listed were the same men who had been in charge of the church during the Commonwealth. Surry County’s example is not conclusive, of course, but it at least suggests that one county implemented the Assembly’s orders, and it speaks again to the theme of continuity as a method of survival for Anglicans in Virginia.

One story that survives from the period addresses the issue of both continuity and a level of discomfort with the new regulations. At least one man who objected to the oath of supremacy nonetheless expressed a desire maintain his position, apparently as a captain, a title that accompanied his position in the government. In September 1661, Peter Green of Surry County wrote:

To the Hon. Coll Brown the Humble Remonstrance  
of Peter Green in protest of the oath administered,  
especially upon the Commanders of the Colony  
of which I was then one of the number, in behalf of  
my Kinge & Countrye the which oath seems soe  
Detestable & soe irreligious to me that I not only  
refuse to take it but do utterly detest the thoughts  
of it, being the most Damnable-imposition  
contrary to the fundamental laws of the Kingdom,  
etc. I desire a Capt pleace according to succession  
but that you would be pleased to Consider ye  
Endeavours & loyalty of the King’s antient friends

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<sup>421</sup> The editor notes this smudging.

<sup>422</sup> *Virginia Colonial Abstracts* 3: 38.

and acquaintance not that it is my desire to displace any man but that my loyalty may be considered by some Encouragement according to my desarts which is the hartly & loyall desire of him yt is our would wish to be accounted your loyall friend & servant.<sup>423</sup>

Of course Green's request again raises the question of which mattered more to colonists, power or religion. Apparently Green wanted to have his religious scruples but maintain his government office. Whether or not Green's request was granted is not mentioned in the records, but certainly it would not be unusual if it were. As historian Lyon Tyler explains, many of these officials, regardless of personal religious affiliation, valued Virginia as their home, and if they were willing to take the oath and govern Virginia wisely, then their past affiliations did not matter.<sup>424</sup> Continuity ruled the day.

Restoration Virginia featured plenty of continuity with the past, and some of that extended even to the sort of colonists who were likely to be less devoted to the Church of England than the new regime might wish. Puritans continued to be present in Virginia even after King Charles II came to the throne. Perhaps they absented themselves from church from time to time or found a church whose vestry leaned Puritan and therefore employed a minister who utilized the Book of Common Prayer, but read it through a Calvinist lens. Or perhaps they conformed but read Puritan literature at home. Regardless, they did not simply disappear from

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<sup>423</sup>Presented in Lyon G. Tyler's "Papers from the Records of Surry County," *William and Mary Quarterly* 3 (1894): 122. Tyler's reproduction of this request conflicts with that of Beverley Fleet, who edited the Surry County Court Records, among other colonial Virginia papers. Fleet cuts off his account after Green calls the oath a "damnable imposition." Thus in Fleet's account Green's request looks like a protest, not an example of continuity; see *Virginia Colonial Abstracts* 3:39. This decision by the editor to cut off the information raises a number of questions. By the time Fleet was editing, some fifty years after Tyler, was the manuscript so faded that he could discern no further markings? Or was Fleet editing the account to suit his own fancy? Given Fleet's habit of inserting personal comments into the margins of his transcriptions, the latter seems likely, and speaks again to the problem of using only edited and transcribed collections, not the manuscript items.

<sup>424</sup> See Tyler's "Virginia under the Commonwealth."

the landscape.<sup>425</sup> The religiously apathetic also remained. After all, the Assembly felt compelled to create consequences for those who failed to send their children to catechism classes or present their infants for baptism. No doubt some of those people who were not presenting their children did so simply because they did not see any particular need to do so. The seventeenth century was a religious age, but all ages feature men and women who are somewhat indifferent to religious matters. Virginia had been home to the religiously apathetic English since the day the first Englishmen arrived in the colony. However, not all dissenters and nonconformists in Restoration England were the familiar variety. Some looked a bit more sinister: Quakers.

The Society of Friends first appeared in England in the 1650s, as part of the larger religious upheaval. Derisively nicknamed Quakers, their sect spread throughout the country and found its way to the English colonies of North America. The county court of York County, Virginia, complained in 1659 that a sect of Quakers had appeared in their region. To address the issue, they ordered that the sheriff and his deputies "prevent all private and other meetings of 'these turbulent people called Quakers.'"<sup>426</sup> Their first efforts at preventing such conventicles were unsuccessful, however, since the issue presented itself to the court again just one month after the order. At the court meeting, Reverend Philip Mallory presented a letter from one Thomas Bushrod, a Quaker who hoped to meet and talk with him. (Interestingly, Bushrod was a burgess for his county in 1659/1660.)<sup>427</sup> The court thought the possible meeting was too important for them to make a ruling, so they referred it to the governor and his council. The ultimate fate of the proposed meeting is lost, however. Lyon Tyler points out that the next

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<sup>425</sup> Connections between New England and Virginia remained. Minister William Thompson bought land in Virginia in 1664 from a New Englander; *Surry County Records: Surry County, Virginia, 1652-1684*, ed. Eliza Timberlake (Baltimore: Genealogical Publishing Company, 1980), 50-51. John Lord, son of Hartford, Connecticut, proprietor Thomas Lord, found his way to Westmoreland County, Virginia, where he ended up a justice of the peace in the late 1660s and early 1670s; "Notes and Queries," *Virginia Magazine of History and Biography* 1(1893): 200-201.

<sup>426</sup> Lyon G. Tyler, "Maj. Edmund Chisman, Jr.," *William and Mary Quarterly* 1 (1892): 91.

<sup>427</sup> Tyler, "Virginia under the Commonwealth," 195.

session of the Assembly had a larger problem to deal with -- the abdication of Richard Cromwell -- and thus the matter was likely pushed to the back burner.<sup>428</sup> The Quakers themselves did not disappear. The Chisman family, who had connections with Thomas Bushrod, were linked with the sect. Mrs. Chisman apparently "attended meetings" accompanied by some of her slaves.<sup>429</sup> Women seemed particularly attracted to the movement. William Berkeley, after returning to the governorship, ordered that "all women who should continue their said unlawful meetings and broach their schismatically and heretically doctrines and opinions should by the adjoining magistrate be tendered the oaths of Supremacy and Allegiance and the refusers to be Imprisoned according to the Law."<sup>430</sup> While the court records for 1660-1663 do not reveal much in the way of prosecutions for Quakerism, it seems clear that Quakers did not magically disappear from the landscape. Richard Russell, a resident of Norfolk County who bequeathed part of his estate for the education of "six of the poorest mens Children" in Elizabeth River was fined for being a Quaker in 1663.<sup>431</sup> Regardless of how many Quakers were actually present in the colony, the fear of them remained an issue for Virginians, and would return in the 1680s to be an issue in the aftermath of the Glorious Revolution.<sup>432</sup>

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<sup>428</sup> Tyler, "Maj. Edmund Chisman, Jr.," 91-92.

<sup>429</sup> Tyler, "Maj. Edmund Chisman, Jr.," 93-94.

<sup>430</sup> Tyler, "Maj. Edmund Chisman, Jr.," 92.

<sup>431</sup> "Historical Notes and Queries," *Virginia Magazine of History and Biography* 1 (1894): 326.

<sup>432</sup> One wonders if nonconformists other than Puritans and Quakers were troubling the colony in the early 1660s. In the late 1650s, Virginia had dealt with a couple of witchcraft accusations. In 1656, one William Harding was accused by the minister of Northumberland County of witchcraft and sorcery and taken to court. Some of the articles of accusation were "proved by several depositions," though the records do not indicate what precisely those articles contained. Harding was given ten lashes across his bare back and then exiled from the colony; "Witchcraft in Virginia," *William and Mary Quarterly* 1 (1893): 127. Norfolk County featured a similar case in 1655: several women had been the subject of rumors claiming they were witches, rumors which "much impaired" their reputations and lives. The court evidently found such rumors to be nothing more than slander, and therefore ruled that anyone found spreading such lies should be fined; "Witchcraft in Virginia," *William and Mary Quarterly* 2 (1893): 58. Later that year, one Ann Godby appeared before the court for breaking the previous court order and calling Nicholas Robinson's wife a "witch." Godby was subsequently fined three hundred pounds of tobacco, as well as the cost of the lawsuit; *ibid.*, 59. Did all such cases disappear in Virginia in the 1660s? Probably not. Witchcraft accusations returned to Norfolk County in 1679 and 1705. The former case resulted in the court searching the accused, Alice Cartwright, for "Suspicious marks whereby they can Judge here to be a witch," marks which she did not possess, at

While dissent against the religious legislation of 1662 was present in the Virginia colony, such dissent seemed fairly muted. By 1663, the Assembly felt comfortable enough to turn their attention to legislating about other concerns of Restoration Virginia, especially indentured servants. Their concern with the state of indentured servitude would turn out to be well founded: Nathaniel Bacon would harness the discontent of many former indentured servants in 1676 and lead a rebellion that burned the capital and forced Berkeley to flee. While the rebellion would ultimately collapse after Bacon's death, it had important ramifications for the colony, especially in terms of the colony's commitment to African slavery.

The lack of legislation about the Church from 1663-1676 is intriguing, with several possible explanations. Perhaps colonial leaders simply no longer cared about the Church. That seems unlikely, however, given their earlier dedication to the institution as a means of social control if nothing else. More likely, some legislation was lost in the various upheavals that struck Virginia. Also likely is the fact that the lawmakers felt secure enough by 1663 to move their attention to other matters.

Life in Virginia in 1663 was the most stable the colony had yet experienced. The situation was far from perfect, of course; Bacon's Rebellion did not spring out of the ether. The colony was comparatively stable, however: conflict with Native Americans was less frequent; more women and more families were present in the colony; tobacco was bringing in money; a monarch was back on the throne; and the Church of England was clearly ascendant. In such an

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which the woman was given back to her husband and the accusations were dropped; "Witchcraft in Virginia," *William and Mary Quarterly* 1 (1893): 128. The latter case involved a water test, as Grace Sherwood was searched for marks and then thrown in the river, where she swam, though "' bound contrary to custom.'" The county court decided it did not know what to do with Sherwood, and sent her case to the governor's Council, who referred her to the colony's attorney general. The attorney general released Sherwood, who lived until 1741 and bequeathed her estate to three sons; "Witchcraft in Virginia," *ibid.*, 128-129. The colony would also shudder in 1687 at the presence of a Catholic priest who married a couple according to the rites of the Catholic church and apparently celebrated mass, claiming James II's proclamation of liberty of conscience as justification for his right to do so, contrary to the law of the colony. "A First Roman Catholic Priest," *William and Mary Quarterly* 1 (1892): 47.



atmosphere, less legislation makes sense. In addition, in Virginia, the Church of England had never truly disappeared. Because the foundation of the Church had not been destroyed by the Cromwell years, the colony had less rebuilding to do than England did. In England, Parliament had to deal with Puritans so committed to the cause that they had signed the king's death warrant, and would be thrown out of their pulpits before conforming. Virginia did not face those same problems. Not only had the Church there never disappeared, but the colony had a system that accommodated a large variety of believers: congregational Anglicanism. What had begun as a way to accommodate the weakness of the Church in the colony -- its lack of ministers -- had ended up proving a strength, since giving so much power to individual vestries meant that church congregations had survived the many regime changes fairly unscathed, and with parishioners who were mostly satisfied. By 1663, Virginia's church was satisfactorily restored.

## CONCLUSION

The colony of Virginia has been rather maligned almost since its inception. Its early days, characterized by greed, illness, and Native American attacks, left an unpleasant impression upon the minds of many English men and women. Later decades, which brought still more Indian attacks, the mistreatment of indentured servants, and the turn to African slavery as the main workforce of the colonial elite, have left impressions on modern historians that were little better than those early days did upon English contemporaries. Indeed, much about Virginia was ugly, and historians have rightly recorded the tales that point to this fact.<sup>433</sup> However, modern historians have often neglected one important aspect of the colony: its religion

Virginia was not founded for a religious purpose. Early settlers of Virginia primarily sought economic opportunities; indeed, the first settlers were not really settlers at all, but men looking to strike it rich and defend English claims in the New World against the Spanish. The colony's first charter did declare that part of its purpose was to carry the Gospel to Native Americans, but no significant actions to do so followed the establishment of Jamestown. That Virginia was not Massachusetts Bay, however, does not mean that the colony was irreligious.

When the first colonists created Jamestown, they also constructed a church. This church was Anglican, and the Church of England was, according to the charter, the official church of the new colony. One of the men aboard that first ship to Virginia was Reverend Hunt. The problems that troubled the colony, however, also troubled the Church. Disease hit hard, carrying away

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<sup>433</sup> Timothy Breen and Edmund Morgan are two such historians.

Hunt and making replacement ministers reluctant to immigrate. The colony grew mostly through the arrival of indentured servants, men and women so desperate to better their circumstances that they would risk dying in the New World. English ministers generally were not that desperate. Understaffing plagued the Church for the next six decades. Virginians had to learn to do without many of the things they had had at home in England: church decorations, a full complement of ministers, church courts, the hierarchy itself. The Bishop of London was supposed to be in charge of overseeing Virginia's Church, yet records reveal that his power was nominal. No ministers between 1607 and 1663 arrived with the supposedly mandatory certification of the Bishop of London or indeed of any other English bishop. Hierarchy was an important part of the Anglican church, and to be episcopal was to be ruled by bishops. Rule by elders or by congregation was an option some in England secretly pursued, including those embracing Presbyterianism and Independence/Congregationalism. Virginia, however, was officially Anglican. How could the colony belong to the Church of England without the necessary hierarchy?

The colony answered the question very practically. It began to practice congregational Anglicanism. Individual vestries were granted the power to choose their own ministers. As long as the minister satisfied the congregation, he could expect to keep his job. The governor and Assembly, of course, expected the minister to use the Book of Common Prayer, and the Assembly regularly ordered ministers to offer catechism classes and conform to the doctrine of the Church of England. By placing ultimate power in the hands of the vestries, however, colonial elites left Virginia open to a variety of Protestant teachings. While the term is seldom defined, Puritans were, by the assertions of Virginians, present in Virginia. Congregational Anglicanism created a broad aegis under which many Protestants could shelter. In that manner, the Virginia

system mimicked the situation in late Elizabethan and early Jacobean England, when the Church had been a home to Calvinists and Arminians.

In addition to crafting a blend of congregational control and the Book of Common Prayer, the colony addressed their lack of church courts. Ecclesiastical courts were a staple of the sixteenth and seventeenth centuries in England, prosecuting everything from lack of church attendance to slander to sexual impropriety. Sparsely populated and deadly Virginia lacked such a court system for the same reason it lacked a sufficient number of ministers. Ever practical, leaders granted the county courts jurisdiction over matters that were under the purview of church courts in the homeland. Vestrymen were ordered to present those who sinned against the Church to the county courts for judgment. Sometimes vestrymen were also justices of the peace or court officers. The line between secular and sacred did not exist in seventeenth-century Virginia. The lack of distinction between the two realms also highlights the tenuous nature of arguing that Virginia was not a religious colony because it was founded for economic and political reasons. In the seventeenth century, politics and economics were religious.

These practical accommodations seem to have troubled some Virginians. Wills often bequeathed money to the local church, with the specification that it should be spent on a communion plate or be used to attract another much-needed minister to the area. The Assembly frequently passed legislation attempting to address the religious dearth of Virginia. The frequent legislation, as well as the county court prosecutions, raise the question of whether or not Virginians were truly religious. Perhaps, if they were, the Assembly would not have to regulate the situation so often, nor the courts prosecute with such frequency, especially for lack of church attendance. Sadly, the records do not permit historians to answer fully the question of what individual colonists felt about the Church of England or indeed about religion itself. However, it

is clear that the elites at least were very interested in the Church of England, as a method of social control if nothing else. If legislation does indicate difficulties, such difficulties are perhaps no more than might be expected in a colony that, for the first three decades, was struggling simply to survive and that, in the fourth, found itself part of a bigger struggle in England, one that hinged in part on the nature of the Church of England itself.

The manner in which Virginia weathered the English Civil Wars and Commonwealth suggests that the Church of England had a hold on more than just the minds of the elite. Though the colony initially defied Cromwell, in 1652 it surrendered to his forces without firing a shot. Though the move appears a bit less than glorious on paper, it was, again, a practical solution to an ugly situation -- few Virginians wanted civil war to come to their shores. With the rule of the Commonwealth came a ban on the Church of England and the Book of Common Prayer. Virginia responded in a very intriguing manner: vestry control of ministers was confirmed, and certification by the Commonwealth of ministers submitted by happy vestries was basically a guarantee. Though the records are sparse, evidence suggests that the Church of England continued to operate in Virginia, though perhaps in a less conspicuous manner. One couple was even married according to Book of Common Prayer. The Church, much like the colony, simply carried on as always.

That the Church continued suggests that more people than the elites were attached to the Church. Perhaps the attachment was nothing more than the attachment one feels to the routine and familiar; nonetheless, the attachment is real. That the Church survived so easily also suggests that something more than attachment is responsible. Congregational Anglicanism, seen by early colonists as a grievous weakness, and used by modern historians to bolster the argument that early Virginians were religiously apathetic, ultimately became the Church's greatest strength. It

was congregational control that allowed the Church to survive eight years of being illegal and without a monarch. In a colony where change often seemed the order of the day -- death by illness, a new political regime in England, fear of attack -- continuity ended up ruling the day.

The process of Restoration in Virginia highlights the fact that the Church had survived the Commonwealth fairly well. The Assembly lamented, as usual, the dearth of ministers and voiced fears about a new group of nonconformists, the Quakers. By 1663, however, the Assembly was largely done legislating Church affairs, at least for the next ten years or so. While part of the lack is no doubt explained by the fact that a new concern was looming -- the growing population of indentured servants and slaves -- part of the lack seems also explicable due to the Church never really disappearing in Virginia. Many ministers who had been present during the 1640s had weathered the 1650s and remained in the 1660s. Continuity was even the order of the day for political officials. While such continuity leads one to wonder just how committed any of these people were to any ideology, a different explanation is also possible: Virginia had always housed a large number of Protestant perspectives, and the colony's distance from England -- its place on the periphery in contrast to the center -- simply allowed those differences to flourish. Virginia's strange Congregational-Anglican hybrid created a stability that other colonies and that England itself lacked.

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## VITA

### Education

Doctor of Philosophy, History, University of Mississippi, May 2018

Master of Arts, History, University of Mississippi, May 2011

Bachelor of Arts, History, Tennessee Technological University, May 2009

### Teaching Experience

Upper School History Teacher, 2017-present

Regents School of Oxford

Courses: ancient history, medieval history, modern history, ancient literature, senior thesis

Fifth Grade Teacher, Upper School History Teacher, 2016-2017

Regents School of Oxford

Courses: Bible, literature, spelling, history, Latin, medieval history

Instructor, 2014-2016

University of Mississippi Department of History

Course: American history survey I

Teaching Assistant, 2009-2014

University of Mississippi Department of History

Courses: American history survey I, European history surveys I and II