

Quakers as Churchwardens and Vestrymen

UNDER the Act 1st William and Mary, commonly called the Act of Toleration, provision was made “whereby those who scruple to undertake the office [of churchwarden] are allowed to appoint a deputy”. Some Friends felt that it did not afford the relief they asked for, they argued that the principal is responsible for the acts of his agent. Some, however, were willing to serve by deputy, others paid a fine, while some Friends felt able to serve in person.

By the Act 43rd Elizabeth, “the church warden, and two, three or four householders are to be the Overseers of the Poor”. It was this duty of caring for the poor that appealed to those Friends who did serve. A strong point made by objecting Friends was that the Society of Friends in general was a great relief to parishes in point of expense, for the Society did not suffer its poor, young or old, to become chargeable to the parish. Possibly this argument weighed with those church authorities who refrained from calling on Friends to serve.

A document dated 1751¹ shows that a Quaker could make a special declaration. It reads:

I, John Cator, one of the churchwardens elect of the parish of St Saviours Southwark, do sincerely, solemnly and truly profess, testify and declare that I am one of the Dissenters from the Church of England, commonly called a Quaker, and that I will faithfully execute the office of church warden of the said parish for the present year, and I shall present all such matters and things as I know to be presentable by the Ecclesiastical Laws of this realm.

Between 1806 and 1809 Meeting for Sufferings devoted some consideration to the matter. The minutes record:

In one [or] two districts a Friend is thought to have served the office [of churchwarden] many years ago & in London the practice of choosing Friends is well known not to be uncommon. A

¹ Greater London Council, Members Library & Archives, “Commissioners of Surrey”.

Friend cannot consistently comply with such a practice, and this Meeting thinks it will be useful for the Monthly Meetings to put their members on their guard in this respect, and informs them that if anyone should be called upon to serve the office or provide a substitute he may have a copy of some reasons shewing the inconsistency of compliance by applying to the Clerk of this Meeting.¹

In March, 1836, Samuel Theobald of No. 1, Bishopsgate, London, was elected under-churchwarden for the parish of All Hallows, London Wall.² He asserted that he could not perform the duties of the office, stating his reasons. His objections were over-ruled. A month later he was re-elected, and was instructed to attend the Visitation on 14th May, 1836. He then appealed to the Archdeacon of London, and received the following reply:

Sir, I beg to inform you that the circumstances of your being a Dissenter from the Church of England does not exonerate you from being liable to being elected churchwarden, and if so elected you must either serve personally or by deputy, this is the only exception made in the Act of Toleration in favour of lay members of dissenting congregations. It will therefore be necessary for you either to attend on Saturday next, to take the Affirmation faithfully to execute the office or appoint a deputy to act in your stead.

A Vestry was held on 19th May, 1836, at which was recorded:

Samuel Theobald this day attended the Vestry, and having refused to take upon himself the office of churchwarden of this parish, to which he had been duly elected, it is resolved that Richard Webb Jupp, the solicitor of this parish, be instructed to attend the Ordinary and inform him thereof, that measures may be taken by him accordingly.

As a result, Samuel Theobald was cited to appear personally before Joseph Phillimore,³ Judge of the Ecclesiastical Court of the archdeaconry of London at the Hall of Doctors Commons in the parish of Saint Benet, near Paul's Wharf, London.

¹ First sentence abridged from report of Committee to Meeting for Sufferings 2.v.1806; remainder of text from minute of Meeting for Sufferings 3.ii.1809 (MS minutes vol. 41, pp. 117, 250-1).

² Document printed by order of Meeting for Sufferings, 1837. See Joseph Smith, *Catalogue of Friends' Books*, ii. 732.

³ Joseph Phillimore (1775-1855), regius professor of civil law, Oxford, 1809-55. *Dict. Nat. Biog.*

On the 25th November, 1836, Samuel Theobald attended, accompanied by Samuel Gurney. As Samuel Theobald was unwell, Samuel Gurney was allowed to read the document prepared by Samuel Theobald, but was not allowed to state the case, as only an Advocate of the Court could do that. He submitted that as a member of the Religious Society of Friends, he declined to undertake the office on conscientious grounds, at the same time expressing his entire willingness to perform such parts of the duties as did not involve a violation of the well-known scruples of the Religious Society of which he was a member with reference to ecclesiastical matters. His objection was grounded on the very nature and essence of the office itself, as absolutely an ecclesiastical one, having for its object to take care of the goods, repairs and ornaments of the church, to present offenders to the ecclesiastical court, to levy the rate, and to see that the parishioners attend duly during the service, with other duties relating to the church.

Dr. Burnaby¹ appeared for the parish, and argued that it was not the function of that court to try scruples of conscience or questions of casuistry. It was not in the power of the court to dispense with an Act of Parliament. In justice to the other parishioners the parish was compelled to enforce the provisions of the law. In regard to scruples of conscience there was another authority which was binding, it said "Render to Caesar the things that are Caesar's".

Dr. Phillimore, in delivering judgement, expressed the opinion that it was extremely injudicious in members of the Established Church to compel persons whose religious principles were well known, to discharge duties which would be incompetent for a Quaker to perform, such as preserving order during divine service and being present at the administration of the sacrament. There was a case where a churchwarden was tried for assault for pulling off the hat of a person during divine service. It was held that as Guardian of the Church his action was permissible, but a churchwarden who was a Quaker would not only not take off the hat of another person, but it is part of the formal discipline to which he adheres to wear his own. By the duties of his

¹ Sherrard (Sherard) Beaumont Burnaby, LL.D., died 1848. Venn, *Alumni Cantabrigienses*, II, vol. I, p. 436.

office he would be obliged to be present on Sundays, and to present any parishioners who did not attend. It had been held that if a parish was to elect to the office of churchwarden a Jew or a Papist he could not serve.

"I should like to know the distinction between a Jew and a Quaker. It has been contended that I am bound by the Toleration Act to compel a Dissenter to serve. Such a conclusion would be wholly irreconcilable with respect to Papists and Jews. I infer from this that there may be cases in which there is a discretion of the Court. The Society of Friends is known; they are privileged even to their exemption from the forms of marriage enjoined by the legislature. A Judge of an Ecclesiastical Court ought not to attempt to violate the religious scruples of this class of person. The Parish must proceed to the election of some other person. Mr. Samuel Theobald is dismissed from this cause."

But what duties would a Friend have had to perform should he have chosen to serve?

In the Churchwardens Book of the Parish of St. Benet, Gracechurch Street,¹ are recorded the names of two Quakers who did serve as churchwardens, the one for two years, and the other for one year and thereafter for over forty years as assistants to the churchwardens in the office of "Overseers of the Poor". Peter and James Collinson traded as woollen merchants in Gracechurch Street.² Peter Collinson was elected churchwarden on 11th April, 1727. Before he gave up the office, he had the Minute book, which had been in use for more than one hundred years, rebound. Inside the cover he wrote: "This Book was New Bound 1729 p[er]P. Collinson, Thos. Foster, Churchwardens of St. Bennetts Gracechurch".³

James Collinson, who served also on the London Friends' Six Weeks Meeting, was elected churchwarden by eleven votes on 21st April, 1731. He served for one year. The names of those attending the meetings of the Vestry were recorded

¹ Guildhall Library, City of London: MS. 4214.

² The property was demolished in 1831 when the approach to the new London Bridge was made.

³ This church stood on the east side of Gracechurch Street, at the junction with Fenchurch Street. It had been rebuilt by Sir Christopher Wren to replace the one destroyed in 1666. Collinson entered the cost of the rebuilding as "£3983-9-5. P. Collinson".

at each meeting. Generally only one of the Collinson brothers was present. We can assume that the other one was attending to their own business. Neither were present when the business was solely ecclesiastical.

The parish owned a fire engine. £2 5s. was paid for "Looking after the Engine". In 1728 a Mr. Falconer was employed to repair the engine. Peter Collinson was present when it was agreed to levy a rate of 1s. 3d. for the relief of the poor; he also concurred in the distraint on Mr. Wood of Grace Court for non-payment of the rate.

In 1730 considerable feeling was aroused by "The Clerk of Thames Water Company demanding of the Church-Wardens ten shillings per annum for water to wash ye Church with at Christmas, Easter &c. it was thought by this Vestry to be an Imposition, nothing of that nature having ever been demanded before". However, it was referred to Mr Wm. Newland & the Churchwardens to agree the matter with the Water Company. The well in the churchyard was "stopped up" and a pump installed—this may have been in answer to the demand for payment of a water rate.

In the same year Peter Collinson was appointed auditor. A resolution was adopted as follows: "The Sending of Wine into ye Vestry hath been found a great unnecessary Expense to ye Parish. It is ordered that no Wine be sent into ye Vestry at the Parish charge for ye future."

In July, 1733, Peter Collinson was appointed one of eight trustees for property left to the parish, and a few years later he was engaged in inquiring about the Stock belonging to the parish:

An account of Stock in the South Sea Companys Books in the name of Lord Onslow in trust for the gift of Sir Thomas Foot to two Parishes [St Benet & St Leonard].¹ Taken by order of this Parish with ye consent of the Directors.

¹ St. Benet, Gracechurch Street was amalgamated with St. Leonard Eastcheap, destroyed in the Great Fire and not rebuilt.

Sir Thomas Foot(e), baronet, lord mayor 1649–60, died 1688. See G.E.C., *Complete baronetage*, III, 129 (1903).

Sir Arthur Onslow, baronet, married Mary, 2nd daughter and co-heir of Sir Thomas Foot. The barony of Onslow was created in 1716 for their son Richard; Richard died 1717, and was succeeded by his son Thomas Onslow, the second baron (1679–1740). See G.E.C., *Complete peerage*.

May 15. 1737.

P. Collinson

In South Sea Stock	20	2	10
In old Annuity	80	9	3
In new Annuity	54	18	7
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	155	10	8

The Particulars of this Stock with all the Dividends & Annihilations was here inserted but taken out by Richd. King when he settled with Lord Onslow but not returned & Replaced. Query if Leave of this Parish was had for so Doing.

Query if the Annihilated Stock was Ever Repurchased by Lord Onslow or paid by King.

Replaced 30 November 1744 by P. Collinson.

The church clock was a constant source of expense. A contract for winding it at £2 per annum for seven years was agreed. A new "Dyale" was purchased; 15s. paid for new ropes for the clock; the clapper of the Great Bell was repaired; and a smith was paid 7s. 6d. for his labour. An apothecary's bill on behalf of a parishioner was settled; allowances were made to help a widow. Bread and wine were purchased for the Sacrament at a cost of £1 8s. A resolution was adopted: "That no person shall be Buried in the Church in Lead for the future unless previous to Making the Grave an Extra Charge of Ten Guineas is paid."

It is clear that the parish appreciated the service of these Quakers. A note of record against their names in 1759 reads: "Peter Collinson, James Collinson, Mercers and Haberdashers, Lived at the Sign of the Red Lion, being the first house in the parish on the West side from Fische Street Hill, have served this parish above Fifty Years."

GEORGE W. EDWARDS