

## What, exactly, is the PCC ?

It is a committee—and the picture many people have of *committees* doesn't exactly give it that “how utterly fascinating I must find out about this!” WOW factor.

Which is a pity. Because in many ways that is precisely what it is: utterly fascinating—that the maintenance and repair of historical, often magnificent and listed buildings, centres of their communities, foci of worship, and the organisation of their form of worship and their financial affairs, should be in the hands of a bunch of—well, *anybody* can be on the Parochial Church Council of their local church if he/she is on the electoral roll, so *amateurs* is probably the correct word! How on earth did all that come about, and how does it work?

### A little history

The origins of the PCC are directly connected with forms of local government existing before the establishment of Parish Councils in 1894, and to understand why the PCC is made up of *amateurs* it is useful to look at a little history.

“The cradle of our liberties was the village ... Centuries before universal suffrage was ever dreamt of, we were governing ourselves... the local community was the only real authority; the parish was the unit of government... Every householder had to serve his year as an administrator of the nation's business. Unpaid, with little option of escape, ... and almost certainly reluctantly, he had to take his turn in one of the parish offices or to provide for an efficient substitute. For a year the mantle of authority rested on his humble and unlettered shoulders. As much as the king on his gilded throne he became for the time being an essential part of the national machinery. During his year in office he may not have shown himself a particularly good administrator—often he must have been a ludicrously bad one—but he learnt a great deal. At the end of his year he went back into the general body of the village community with what he had learnt. He transmitted it to his children.”<sup>1</sup>

This, perhaps slightly rose-tinted view nevertheless gives an idea of how local government was organised at a very much earlier time and the origin of the PCC lies buried here. Let's start with a quick gallop through the late mediaeval feudal landscape and look at the two constituents of local government: the mediaeval manor and the ecclesiastical parish.

### The Manor

The Manor and the population nucleus attached to it are generally seen as the base of the feudal pyramid. Manors were the units of civil administration, electing the constable, enforcing the manor bylaws, settling civil disputes and keeping the peace

---

<sup>1</sup> Arthur Bryant, *Humanity in Politics*, 1937, pp. 86-88

amongst other things. The enforcing of the organisational rules, determination of disputes and punishment of (minor) crimes in this local unit were in the hands of the two manorial courts: the *Court Baron* and the *Court Leet*.

#### **Court Baron**

The Courts Baron exercised what we would call a civil jurisdiction, control over property, inheritance and succession to land, trade, debts below 40 shillings, rights of common and feudal duties, actions for possession, among the myriad other issues that could arise. Tenants made their oaths of fealty here. Although organised by the Manor's steward, the ordinary tenants of the manor acted as the court's judges, and at least two of them had to act together. If two could not be found, as for instance could happen in small Manors, if the only two tenants there also happened to be the plaintiff and defendant in a matter before the court, then a Court Baron could not be held.

#### **Court Leet**

Courts Leet exercised minor criminal jurisdiction at manorial level and oversaw the appointment of officers. This court was presided over by the steward but it had a jury on which anyone over twelve years old within the jurisdiction was obliged to serve. This jury presented the names of officials such as the constable(s), tithing men, aleconners, leather sealers, etc., to be sworn in for their year's duty; reported any failures of officials to carry out their duties in the preceding year; presented felonies to be tried in the king's courts, and lesser common law offences to be tried before the Leet. These latter consisted of such things as assault and contempt of court; eavesdropping—*“such as stand under walls, windows, at doors or other places to carry tales to others, thereby to cause debate or strife amongst their neighbours”*; weights and measures offences; licensing offences—*“if any alehouse keeper shall suffer any persons to sit tipling in his house above the space of one hour, he forfeits 10 shillings and the tipler 5 groats a piece”*; wilfully absenting oneself from church (forfeiture of £20 for every missed month), committing a nuisance, and so forth. It was the jury of lay tenants who had to present such offences to the court upon their oath of impartiality and even-handedness and it was they who decided on the fine or other punishment.

It can be seen from the above that lay people played an important role in the running of this unit of local government—as indeed lay people still do to the present day as local councillors, magistrates and Crown Court juries (though, unlike present day volunteers, many of the participants in medieval local government must have been unlettered peasants).

### The Ecclesiastical Parish

The other constituent of mediaeval local government was the ecclesiastical parish. Ecclesiastical jurisdiction over the inhabitants was a given: all lawful men were supposedly Christian, and important areas of their lives were subject to the law of the church and to no other. Probate, marriage and divorce, perjury, tithes, defamation, and disciplinary prosecutions involving the laity, as well as the 'spiritual' crimes of fornication, sorcery and simony<sup>2</sup>, were all dealt with by the ecclesiastical courts. It is estimated that between the years 1300 and 1800, up to nine million cases involving up to ten per cent of the adult population, were heard in the ecclesiastical courts.

Twice a year, at the Archdeacon's visitation, the churchwardens presented any misdemeanours (transgressions of canon law relating to morality) by parishioners and clergy alike, to be answered in the ecclesiastical courts under a system of Roman law that was far more sophisticated than the law applied in the manorial courts.

#### Manorial or Ecclesiastical court: a clear-cut division?

The boundary between what were exclusively secular and exclusively ecclesiastical matters was far from clear and difficulties could and did arise. Questions about the fact and the validity of marriage were clearly for the church, and therefore questions of legitimacy; but were its determinations to bind a secular court in deciding upon an inheritance? Ordinary contracts were plainly for the lay courts, but to break a promise, at least if it had been supported by some form of oath, was also a sin. To speak ill of one's neighbour might at first be a matter either for lay courts as an ordinary wrong, or for the ecclesiastical court as a sin, particularly if the ill spoken alleged a 'spiritual' crime.

So far as possible, different kinds of questions were allocated to one or the other side and at local level this meant that accommodations had to be made between the parish on the one side, and the manorial courts on the other regarding the presentment of misdemeanours and offences. It seems that compromise and mutual toleration kept the system workable; and it might fairly be supposed that this habit of accommodation made later developments possible.

We are not therefore looking at two parallel but entirely separate systems; rather, at grass roots level at least, there was a degree of overlap between the two systems.

---

<sup>2</sup>the buying and selling of ecclesiastical preferment; named for Simon, see Acts of the Apostles 8:18 passim.

### The Vestry

Those conducting church parish business met in a room next to the nave of the church where the sacred vessels and vestments were kept, called the vestry; hence this group of functionaries came themselves to be known as the Vestry. The Vestry appointed the churchwardens, levied the church rates, collected the tithes, and undertook a measure of poor relief.

Over a period from Tudor times onwards, the transition of the Vestry (or parish meeting, as it was also called) into the local government unit responsible for both ecclesiastical and civil administrative affairs of the parish gradually happened. From 1485 civil disputes and criminal matters were increasingly removed from the manorial jurisdiction to that of the common law and King's own courts and consequently and over time, the importance of Courts Leet and Baron waned into insignificance.

At the same time one of the most important duties placed on parishes by the Tudor reforms was the care of their own paupers. Since there was no social security of any kind, this was the only way the sick, disabled and elderly could survive. As the powers of the manorial courts had declined owing to the above mentioned factors, the Vestry eventually emerged as the body to discharge those local duties.

The Vestry consisted of the parish officers—the parish constable, the surveyor of the highways and the overseers of the poor, the church wardens, the parish clerk and the sexton. Its membership also included a number of the principal householders or rate payers of the parish. By the Vestry Act of 1819 the local incumbent became its ex officio chair.

The Vestry met at Easter to appoint churchwardens and the meeting was open to all householders of the parish. If there was a disagreement about the appointment of churchwardens, the usual solution was that the incumbent appointed one, and the parish meeting appointed the other. **This is the historical foundation of every Wivenhovians right to this day, to vote on the appointment of churchwardens at the Annual General Meeting of St. Mary's Church in April, whether or not they are on the electoral roll of the church...! (as long as they are on the local government register of electors). It is the one remaining manifestation of the Vestry and links us right back to our ancient history.**

## The Churchwardens

One of the oldest parish offices was that of churchwarden—it was known to exist in the fourteenth century. For this principal office in the parish hierarchy there was no property qualification—unlike for those of overseer or constable. In earlier times the office was not infrequently combined with that of parish constable or overseer of the poor, either at one time or in two successive years of service. It was a demanding office: the churchwardens were responsible for the maintenance of the parish church, for the fabric and furnishings of the building, for the upkeep of the cemetery, for keeping the accounts relating to the income of the parish church and the expenditure on anything: repair of the church bells, fixtures and fittings, bibles, prayer books and buying candles and new copies of registers for the parish records, repairs to the fabric, the cleaning of the church, washing of garments, payments to the parish clerk, to the sexton, the bell ringers and other officials.

They were charged with collecting the rates from the parishioners (i.e. all of them—not just church goers!). Before the Elizabethan poor laws they were also the parish officials primarily responsible for offering aid and assistance to the poor and to destitute travellers.

Nationally, their accounts provide a fascinating insight in local history. In relation to church business they record payments for the destruction of vermin, monies paid out to children (and not just to children) for collecting sparrows heads; the churchwardens were paying for sparrows heads to reduce the nuisance the birds caused in the church.

In relation to their various duties, entries are found such as:<sup>3</sup>

1690	Payd to Widow Dickin towards the keeping of her cow	00.15.00
	Given to a travelling woman yt had small pox	00.01.06
1691	pd Thomas Stokes in hard weather	00.01.06
1694	Payd Widow Tyrer in her want & sicknesse	00.11.06
1697	Pd Mr. Samuel Fowke for fetching Thomas Lightwood to Church from Knightley he being dead in the snow	00.01.06

Payment are shown for the placement of apprentices; fund-raising events, things like church ales—which were a particular fund raising event before the Reformation,

<sup>3</sup>Churchwarden Accounts, Gnosall, Staffs, from W.E. Tate, *The Parish Chest*, 1983 Phillimore ed., The Camelot Press, Southampton, p 86.

I have avoided the use of footnotes because the whole article is based on information gleaned from the material named in the bibliography and the proliferation of notes would have made it unattractive to read. However, I have made an exception for this direct citation.

when ale brewed for the occasion aided the collection of church dues—perhaps a revival of the feast should be considered!

### **From Vestry to Parish Council**

The Local Government Act 1894 transferred the powers, duties, and liabilities of the Vestry and of the churchwardens (except so far as they related to the affairs of the church) to the Parish Councils created by the Act.

So the churchwardens remained responsible for most of the things enumerated above in relation to the upkeep of the church. This responsibility devolved to the PCC by the Parochial Church Councils (Powers) Measure 1921, which created the Parochial Church Council and transferred to it

*The like powers duties and liabilities as, immediately before the relevant date, the churchwardens of such parish had with respect to—*

- (a) The financial affairs of the church including the collection and administration of all moneys raised for church purposes and the keeping of accounts in relation to such affairs and moneys;*
- (b) The care maintenance preservation and insurance of the fabric of the church and the goods and ornaments thereof;*
- (c) The care and maintenance of any churchyard (open or closed)*

Under the provisions of the Local Government Act 1972 the obligation to maintain a closed churchyard could be transferred to the local Council. In Wivenhoe the PCC's legal duties are therefore now restricted to (a) and (b) above.

*Marika Footring*

### Bibliography

Talk by Mark Pearsall, Family historian, given on 7 November 2008 for the National Archives. Accessed on 6 December 2009 at

<http://www.nationalarchives.gov.uk/podcasts/parish-admin-records.htm>

Essex Pauper Letters 1731-1837, Records of Social and Economic History, New Series, vol. 30. Oxford: Oxford University Press, 2001. xix.

Sturges-Bourne Acts 1818-1819, accessed 6 December 2009.

<http://www.victorianweb.org/history/poorlaw/sturgesb.html>

*The Parish Chest*, W.E. Tate, (1983 Phillimore edition), The Camelot Press, Southampton, Hampshire (1946).

Peter M Smith, "Churchwardens: An Introduction to the Nature of the Office", Churchman 114/2 2000

J.H. Baker, *An Introduction to English Legal History*, 2<sup>nd</sup> ed., Butterworths (1979).

S.F.C. Milsom, *Historical Foundations of the Common Law*, 2<sup>nd</sup> ed., Butterworths (1981).

Scriven, J., *A Treatise on Copyholds, Customary Freeholds, Ancient Demesne and the Jurisdiction of Courts Baron and Courts Leet*, 1823, Part III, Chapter XVIII.

York Diocesan Archives, : Records of the Archbishop: Ecclesiastical Courts, GB193EC, available on-line: <http://www.archiveshub.ac.uk/news/05090101.html>

R.H. Helmholz, *Roman Canon Law in Reformation England*, Cambridge University Press (1990).