

CHAPTER 6 Material Disestablishment

Dear Missouri Regional Seminar on Early American History,

Thank you for the opportunity to share a chapter from my book manuscript, *American Reformation: Church, State, and Property in the Revolutionary Chesapeake*.

My project returns to one of the most durable narratives in American history – the separation of church and state after the American Revolution. Scholars tend to frame revolutionary disestablishment as a fight over individual rights, but I argue that disestablishment was also a transfer of property and power. In Maryland and Virginia, the established Anglican Church had been a powerful arm of the state that wielded tremendous social and legal authority. It was also a prosperous institution, and its exclusive legal power was embodied in its material wealth. Dismantling the established church after the Revolution was a fight over property and the power to control it.

The first half of the book (Chapters 1-3) explores the established Anglican Church in colonial Virginia and Maryland, focusing on the civic authority of Anglican parishes, as well as their significant wealth. The second half of the book (Chapters 4-7) compares the divergent paths taken by the two Chesapeake states to disestablish the church after the Revolution. Despite a shared commitment to dismantling the Anglican Church, Marylanders and Virginians diverged sharply in the specific policies they enacted in pursuit of religious freedom. Below you'll find Chapter 6, which focuses on Virginia's confiscation of church property in the early nineteenth century. I introduce Maryland briefly as a foil but then devote the rest of my analysis to events in Virginia.

I welcome your feedback. Thank you for your time and thoughts.

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Sincerely,
Alyssa Penick

In 1832, the Overseers of the Poor of Norfolk County asked the Virginia General Assembly to emancipate, Billy Pugh, an enslaved man who had belonged to the county since disestablishment. These county administrators explained that he had “behaved for nearly thirty year with great propriety and deported himself in the most respectful manner & having paid to the Poor by his heirs &c several thousand dollars.”¹ The petition made its math explicit: the price of Billy Pugh’s emancipation was the continued enslavement of his children along with his previous decades of labor. The Overseers asked the legislature to free Pugh and allow him to remain in Virginia. By law, no manumitted person could stay in the state without legislative permission. Only a year after Nat Turner led one of the largest uprisings of enslaved people in American history, Virginia’s legislature was warier than ever of allowing free black communities to grow in the state. The legislators demurred and granted Pugh his freedom only on the condition that he emigrate to Liberia. A week later, the Norfolk County Overseers of the Poor also won permission from the state to sell more than thirty enslaved individuals who belonged to the county, including the “disorderly” and “impossible family” of Billy Pugh.²

Pugh began life around 1800 as the disputed property of Elizabeth River Parish (see Appendix, Figure 6.1 for a map of locations discussed in Chapter 6). He was likely descended from the three enslaved persons bequeathed to the parish in 1715/6, in addition to 100 acres for “the poor of Norfolk.”³ More than 115 years later, Pugh and dozens of other men, women, and children were still enslaved for the benefit of the poor. After the Revolution, the lives of Pugh and the rest of the parish’s enslaved community were caught in the power struggle between church and state as three parishes, the Borough of Norfolk, and the Norfolk County Overseers of the Poor all laid claim

¹ Overseers of the Poor: Petition, Norfolk County, December 22, 1832, LPDC, LVA.

² Overseers of the Poor: Petition, Norfolk County, December 31, 1832, LPDC, LVA.

³ The Will of Matthew Godfrey from 1715/6 is included in the Overseers’ petition from 1832. The pages are unnumbered, but the discussion of his donation is on p. 7 of the will. See, Citizens: Counter-Petition, Norfolk County, December 31, 1832. LPDC, LVA.

to their bodies and labor.⁴ The enslavement of Billy Pugh, his ancestors, and his descendants provides a new window into the story of disestablishment.

The Anglican establishment had fundamentally been a material project. The church had a mandate to impose taxes, build churches, manage wealth, and distribute patronage, and this power underlay the union of church and state across the Chesapeake. By law, every parish had owned a glebe, a plantation of at least 200 acres, which provided additional income to the minister and was maintained at the public expense. Many parishes owned or hired enslaved laborers who worked and lived at the glebe. Parish rectors legally had freehold rights to the use of the glebe property during their tenure.

Material considerations drove disestablishment in Maryland and Virginia, but the divergent priorities of reformers led the two states to adopt different policies. Maryland's Catholics were more intent on securing their own valuable estates than seizing assets from Episcopalians, and all Christian denominations held onto their colonial-era property in the state. However, in Virginia, evangelical reformers argued that the state was entitled to seize all property of the formerly established Anglican Church. After a thirty-year political campaign, Virginia's legislature passed the Glebe Act in 1802, which empowered counties to seize parish glebes, and the state's highest court upheld the law in *Turpin v. Lockett* (1804). Scholarly narratives of religious freedom often focus on the political struggle to pass legislation without paying close attention to the property at stake or its fate after the Revolution.⁵ This chapter offers a new reading of disestablishment by putting property, including

⁴ The original endowment had been given to Norfolk Parish, which was divided into three parishes: Elizabeth River, Portsmouth, and St. Bride's. Norfolk County and Norfolk Borough made claims to the enslaved people. See Overseers of the Poor: Petition, Norfolk County, November 5, 1789, LPDC, LVA; Mayor, Recorder, & Aldermen: Petition, Norfolk (Borough/City), October 16, 1792, LPDC, LVA; Inhabitants: Petition, Norfolk (Borough/City), November 2, 1789, LPDC, LVA.

⁵ Sarah Barringer Gordon and Thomas Buckley both call attention to the transfer of specific parish glebes in their scholarship. Gordon, "The Landscape of Faith: Religious Property and Confiscation in the Early Republic," in eds., Daniel J. Hulsebosch and R. B. Bernstein *Making Legal History: Essays in Honor of William E. Nelson*, (New York: NYU Press, 2013), 13-48; Buckley, *Establishing Religious Freedom: Jefferson's Statute in Virginia* (Charlottesville: University of Virginia Press, 2013), 116-118. H.J. Eckenrode concluded his study with a brief overview of the glebes. See Eckenrode,

persons held as property like Billy Pugh and his family, at the center of the story. The Glebe Act and the ruling in *Turpin* must be understood as a starting point for a sprawling and localized process of property confiscation, not the conclusion to a decades-long political struggle.

This chapter begins by examining the Episcopal Church in Maryland, where no parish property was seized by the state. Maryland's parishes were able to rely on their glebes to stay afloat financially after losing state funding. Maryland's story exemplifies how disestablishment played out across the rest of the early national U.S and shows just what Episcopalians in Virginia lost. The chapter then explores the seizure of parish property in Virginia under the terms of the 1802 Glebe Act. I outline the process, chronology, and value of glebe confiscation, including both land and enslaved people. The Glebe Act had reserved churches, churchyards, and private donations to parishes, but many counties ignored or contested this exemption. Counties across the state appropriated churches, communion silver, and enslaved persons that had been given to the church before the Revolution. Finally, I consider the extralegal agreements and popular activity that transferred property from the former establishment to other private hands.

The fights over church wealth were inseparable from ideological debates about religious freedom. The established church had exercised the legal power to compel and control public resources; accordingly, the process of dismantling the Anglican establishment took aim at church property in order to unwind the church's traditional authority and primacy in law. Parish glebes were seized and sold, along with scores of enslaved people. Altars were smashed, chapels abandoned, and churches taken apart brick by brick. European religious ruptures – the Henrician Confiscation of the monasteries, the iconoclasm during the English Civil Wars, and the *biens nationaux* of the French

Separation of Church and State in Virginia, 151-155. Episcopalians from the late nineteenth and early twentieth century also emphasized the transfer of wealth. See William Meade, *Old Churches, Ministers and Families of Virginia*, 2 vols. (Philadelphia, Lippincott, 1857); George MacLaren Brydon, *Virginia's Mother Church and the Political Conditions Under Which It Grew*, 2 vols., (Richmond, VA: Virginia Historical Society, 1947-1952), 2:500-509.

Revolution – have long been recognized as material processes. Disestablishment in the early national Chesapeake must be added to this list. The state formally seized the assets of the church while ordinary people assumed, demolished, and renovated other church property. Disestablishment was a fight over property and the power to control it.

However, this revolutionary process of rupture and reform also stands apart from European reformations because Virginia was both a republic and a slave society. The established church amassed its wealth in the traditional currencies through which white Virginians had long made their fortunes – land and enslaved persons. Much of the legal wrangling and drawn-out disputes between church and state after the Revolution concerned this property. Debates about religious freedom employed the republican rhetoric of liberty and property, but neither liberty nor property was ever abstract in Virginia.

Maryland's Glebes

Maryland's parishes retained control of their glebes and other property without ever facing an organized campaign for state confiscation. Events in Maryland provide a revealing corollary to the story of glebe confiscation in Virginia. Maryland's Episcopal parishes struggled to adapt to the loss of public support. Under the established Anglican Church, colonial parishes had built and operated several sites of worship to serve far-flung populations. Not only had parishes lost the ability to raise annual levies in 1776, but two thirds of Maryland's clergy had been loyalists, and more than half of parishes were without ministers in 1780.⁶ After the Revolution, fewer English-born Anglican ministers were willing to settle in the new nation, which left parishes competing over a smaller pool of ordained ministers.⁷ Moreover, evangelical sects were rapidly expanding across the

⁶ Nelson Waite Rightmyer, *Maryland's Established Church* (Baltimore: The Church Historical Society for the Diocese of Maryland, 1956), 119.

⁷ See Sandra Ryan Dresbeck, "The Episcopalian Clergy in Maryland and Virginia, 1765-1805," Ph.D. diss., University of California, Los Angeles, 1976.

Chesapeake in the final third of the eighteenth century. Baptists, Methodists, and Presbyterians all gained numerous converts from the former established church.⁸

Facing these numerous challenges, Maryland's parishes struggled, and numerous churches fell into disrepair between 1776 and 1800. For example, Stepney Parish in Somerset County had three churches and a chapel before the Revolution. By the late 1790s, one brick church was still in good condition, but a second church would require at least some "expence [to] be made comfortable," and its third church stood in ruins.⁹ A visiting clergyman mused that the crumbling sanctuaries illustrated the floundering "state of religion" in the parish and observed that this dilapidation "would be very discouraging to a young man (were they to procure one) who should preach in it: the doors and windows are entirely demolished; it is open to cattle and every abomination under heaven."¹⁰ Widespread material decay underscored Episcopal parishes' struggles to raise funds, retain congregants, and hire ministers in the wake of disestablishment.

Many of Maryland's parishes turned to their glebe properties as a lifeline to escape financial collapse.¹¹ Some communities sold their glebes and used the profits to continue operating.¹² Others carried on the traditional glebe system to support their ministers. For example, when William and Mary Parish in St. Mary's County sought to recruit a new minister in 1807, the vestry touted the

⁸ For more on the rise of non-Anglicans in Maryland after the Revolution, see Werline, *Church and State in Maryland*, 180-192. For a discussion of Methodists in Maryland during and after the Revolution, see Dee E. Andrews, *The Methodists And Revolutionary America, 1760-1800: The Shaping of an Evangelical Culture* (Princeton, NJ: Princeton University Press, 2000), 56-59, 80, 129-133, 138, 160-1, 188-9. For a discussion of the post-revolutionary rise of evangelicalism across the south, see Christine Leigh Heyrman, *Southern Cross: The Beginnings of the Bible Belt* (Chapel Hill, NC: University of North Carolina Press, 1997).

⁹ Reverend Thomas Scot, "Seventh District Report: Stepney Parish," Queries 14-15, 1798, V.F., Episcopal Diocese of Maryland Archives, Baltimore, MD [Hereafter EDMA].

¹⁰ Ibid.

¹¹ The Diocese of Maryland had suggested that parishes raise funds by asking parishioners to rent pews in the churches and chapels. However, most congregations found that the proposal was not particularly effective. All Hallows Parish in Worcester County concluded in 1797 that "we have tried it but with bad success." Rev. John Kemp, "Seventh District Report: All Hallows Parish," Part II, Query 9, 1797, V.F., 1797, EDMA.

¹² For examples of parishes discussing selling real estate to raise funds, see Vestry of St. Margaret's Westminster Parish, Anne Arundel County to Bishop Claggett, Nov. 6, 1809, V.F., Oversize, EDMA; Reverend Thomas Scot, "Seventh District Report: Stepney Parish," Queries 14-15, 1798, V.F., EDMA; Bishop Thomas John Claggett to a Vestry, c. 1809?, V.F., EDMA.

many advantages of their glebe, which was “three hundred acres as good farming land as any in the neighborhood” and could “yield handsome support for a large family, [and] has generally been from £100 to \$300....[an] amount exceeded by very few parishes in the state as remote from wealthy Towns as we are.” Apparently, their campaign worked, and Rev. William Bradley accepted the position.¹³ However, Bradley soon got a better offer from another parish, and the vestry were yet again searching for a new rector. The vestry acknowledged that “the advantages held out to [Bradley] were so flattering that none of his friends could attempt to dissuade him from it.” The parish hoped to find a new minister “with as little delay as possible because “our Glebe is now stocked with everything.” They wrote to the Bishop in March asking for a suitable candidate. If a new clergyman could be hired quickly, a valuable wheat crop could still be raised that year as “the hands and overseer” were already on the glebe. The vestry committed to the traditional glebe system by hiring enslaved labor to raise crops on the parish estate and advertised that a clergyman could expect the lifestyle of a gentleman planter in their parish.¹⁴

The scarcity of ministers stoked competition between parishes hoping to recruit and retain a rector. The disparity between parishes’ wealth engendered a system of trading up as clergymen moved from parish to parish in search of higher-paying offers. Wealthy parishes endowed with valuable real estate were at a significant advantage. As William and Mary’s vestry acknowledged, urban parishes were often able to pay the highest salaries. St. Paul’s Parish in Baltimore, for example, rented out more than a dozen lots in the city, which brought in £127 annually, and raised nearly five times that amount annually from the congregation.¹⁵ The high income a minister could expect in a

¹³ William Hebb to Bishop Thomas John Claggett, May 16, 1807, 1-2, V.F. EDMA.

¹⁴ William Hebb to Bishop Claggett, March 18, 1810, 1, V.F., EDMA.

¹⁵ St. Paul’s Parish, Baltimore, “Account of the Glebe belonging to the Vestry of St. Paul’s Parish in Baltimore County,” June 1789, V.F., EDMA.

booming city made it harder for rural parishes, even those with glebes, to recruit and retain ministers.

The loss of state support proved challenging for the former established church, which found it difficult to maintain all of its property, recruit and retain ministers, and fill the pews every Sunday. But retaining all of their property gave Maryland's parishes an important form of financial security that allowed them to adapt more easily to the challenges of disestablishment. Events in Maryland stood in sharp contrast to disestablishment in Virginia, where the Episcopal Church faced state confiscation, and acrimonious disputes over parish property lasted well into the nineteenth century.

Glebe Confiscation in Virginia: Process, Chronology, and Value

The 1802 Glebe Act came after more than three decades of political battles about disestablishment in Virginia (see Chapters 4 and 5). The statute attempted to broker a compromise by allowing Episcopal parishes to retain some property while empowering counties to seize glebe lands and their appurtenances. The preamble to the 1802 law categorically declared that all parish property devolved on the people after they had declared independence from Great Britain. This sweeping statement echoed arguments made by Baptists between the 1780s and 1800s, asserted by the legislature in 1799, and later adopted by Justice Tucker in his decision in *Turpin v. Lockett* (1804). However, the Act included two significant qualifications. First, the state opted not to interfere with the traditional freehold rights of parish ministers and only sanctioned the seizure of glebes in "vacant" parishes, which lacked an inducted minister. Counties would have to wait for parish ministers to die or resign before taking any parish assets. Second, the Act only authorized the seizure of glebe property; parishes would retain churches, chapels, churchyards, and any private donations left to parishes. While the state asserted its authority to seize all church property, the law nonetheless reserved a significant amount of property to parishes. A compromise crafted to mollify "all of the

good people of the commonwealth,” the law failed to reconcile the incompatible property claims of parishes and the state.¹⁶

On the ground, property confiscation did not always follow the parameters set down in the 1802 law. To begin with, the name of the statute, “An Act concerning the Glebe Lands and Churches within this Commonwealth,” was misleading. Glebe property not only included “lands” but all of the buildings thereon and their contents. Moreover, enslaved people were treated as “appurtenances” to glebe lands; they were legally annexed to the ground on which they worked. All of this material and human property was eligible for seizure under the terms of the Act. Moreover, glebe property represented only part of the actual transfer of wealth from church to state in Virginia. In many counties, Overseers of the Poor seized donations, including enslaved people and liturgical objects, as well as other reserved property like churches and their furnishings. Furthermore, the public appropriated a significant amount of parish property both formally and informally. Harkening back to the days when all colonists were parishioners and everyone paid taxes for the support of the parish, many believed that all parish property was truly public. Churches and their furnishings were dismantled and distributed. The black letter of the Glebe Act statute did not capture the full scale of confiscation.

While the legislature outlined a statewide framework for the transfer of parish property, the process unfolded locally. The Overseers of the Poor in every county were responsible for seizing glebes. The legislature had established these county administrators in 1780 to take over poor relief from parish vestries. By default, the funds from glebe sales would be used at the discretion of the Overseers of the Poor for poor relief; however, the freeholders and housekeepers of a parish could elect to use the proceeds for another public project as long as it did not fund “any religious purpose

¹⁶ *Acts VA* (1801-1802), Ch. 5: “An Act concerning the Glebe Lands and Churches within this Commonwealth,” 9.

whatsoever.”¹⁷ The seizure of the glebes proceeded on a parish-by-parish basis, as did decisions over how to spend these funds.

The timing of confiscation also varied widely and depended on whether there was a resident parish minister or an active vestry in a county. Under the terms of the Glebe Act, a parish with an inducted minister would not surrender its property to the state. The statute initiated a sort of bizarre waiting game as counties anticipated the minister’s resignation or death. On the other hand, parishes were highly motivated to recruit and retain inducted ministers, thereby keeping the Overseers of the Poor at bay.¹⁸ In an ironic twist of fate, after 150 years of Virginian vestries’ resisting the legal induction of ministers, nineteenth-century parishes scrambled to install parish rectors before counties could begin confiscation proceedings.

Fifteen glebes had been sold before passage of the Glebe Act in 1802.¹⁹ After the Glebe Act was upheld in *Turpin* in 1804, Overseers of the Poor assumed the authority to collect the funds from these sales.²⁰ In the decade after *Turpin*, counties appropriated another fifty-two glebes. And, by 1820, 81 glebes had been transferred to counties, leaving just fourteen glebes in the hands of Episcopalians.

Parishes that avoided this initial flurry of confiscation before 1820 either had managed to keep an inducted rector in office or could prove that the glebe property had been acquired through a private donation. Slowly, though, even these glebes were seized and sold. Hungars Parish in Northampton County, King William Parish in Powhatan and Chesterfield Counties, and Henrico Parish in Henrico County had originally held on to their glebes by arguing they had been privately

¹⁷ Ibid.

¹⁸ Landon C. Bell, ed., *Cumberland Parish, Lunenburg County, Virginia, 1746-1816, Vestry Book*, (Richmond, VA: The William Byrd Press, 1930), 497-98.

¹⁹ The legislature had given its permission in these instances either to vestries selling worn-out estates or to counties without active Episcopal vestries or ministers.

²⁰ Inhabitants of St. Anne’s Parish, Albemarle County, December 7, 1803, LPDC, LVA.

donated and were therefore exempt from confiscation. However, these claims faced increasing scrutiny as time passed.²¹ The vestry of Hungars Parish fought a bitter, decades-long case against Northampton's Overseers of the Poor, but eventually lost their lawsuit and forfeited the glebe in 1859. The vestry of Henrico Parish, on the other hand, decided not to continue fighting their case "because of the discord and unhappiness which would certainly attend it."²² There was a strong sense of inevitability to glebe confiscation, and many parishes were resigned to losing their glebes, even if their property ought to have been exempt under state law. The only glebe remaining in a parish's possession after the Civil War was the glebe of the Lower Parish in Nansemond County.²³

The uneventful sale of the Raleigh Parish glebe in 1805 by the Amelia County Overseers of the Poor exemplified the process of glebe confiscation in vacant parishes. There had been significant hostility in the county over disestablishment in the 1780s and 90s. These public debates in Amelia mirrored those found across Virginia: evangelicals actively petitioned the legislature in favor of glebe confiscation while Episcopalians hotly objected. Both camps invoked the legacy of Revolution and made the ownership of glebe property a test of their republican rights. The parish vestry insisted the legislature protect their private property as citizens. Proponents of confiscation meanwhile argued that glebes had been purchased through oppressive taxes imposed by the British Government and the reservation of the glebe property infringed upon their religious liberty by perpetuating a form of favoritism toward the Anglican Church. Once the Amelia Overseers of the Poor actually took possession of the vacant glebe under the Glebe Act, the process of selling the property proved unremarkable. County records show that the Overseers sold the property for £711 in 1805, though

²¹ Freeholders, Housekeepers, & Inhabitants of King William Parish: Petition, Powhatan County, December 13, 1834; Sarah Barringer Gordon, "The Landscape of Faith: Religious Property and Confiscation in the Early Republic," in eds., Daniel J. Hulsebosch and R. B. Bernstein *Making Legal History: Essays in Honor of William E. Nelson*, (New York: NYU Press, 2013), 34; Meade, 1:144.

²² Meade, 1:144.

²³ Eckenrode, *Separation of Church and State in Virginia*, 153; Brydon, *Virginia's Mother Church*, 2:511-12n30.

it took “some years before the money was collected.”²⁴ An 1830 report noted it was “probable” that the county had used the proceeds from the sale of the glebe to cover the cost of poor relief in several years between 1805 and 1819.

Amelia’s extant records favor the ideological over the material; they overwhelmingly focus on the political controversy before the passage of the Glebe Act, rather than the process of confiscation afterward. Their arguments rested on the revolutionary language of rights and invoked materiality only in the abstract – oppressive taxes, common property, free churches. Historical scholarship about religious liberty has largely followed suit and emphasized the ideological stakes of this debate. This dematerialized framework, adopted by contemporaries and historians alike, omits concrete details about glebes – their worth, their size, and their contents. This silence suggests that these petitioners did not wish to admit their pecuniary motives or ambitions. But parish property itself had immense value and represented not only an ideological goal but a material incentive for confiscation.

There are multiple ways to quantify the property transferred under the Glebe Act. One method is to consider the total area of land seized from the Episcopal Church. The average glebe farm was roughly 380 acres, so the seizure of Virginia’s 95 glebes amounted to approximately 36,100 acres of land.²⁵ While this calculation serves as a useful baseline of the minimum amount of property seized, acreage alone doesn’t convey the value of glebe property. Glebes were not vast stretches of wilderness like the claims held by western speculators but cleared farms with finished homes, kitchens, slave quarters, timber, and orchards. They were often centrally located near the county seat and had access to water. Moreover, this figure underestimates the total land seized from parishes

²⁴ Amelia County: Report, 1829, Box 1, Folder 7, OP Annual Reports, APA, LVA

²⁵ Nelson, *A Blessed Company*, 51.

during the course of disestablishment. Counties also seized other parish real estate, including churchyards, farms attached to poorhouses, and acreage donated as part of charitable endowments.

Second, we can also calculate the number of enslaved people seized by the state from parishes. At least half of Virginia's 95 colonial parishes held enslaved people, but it is difficult to gauge how this population changed between 1776-1804.²⁶ However, we can still reach a minimum figure of the number of people transferred from church to state ownership. Antrim Parish owned a family of five in 1802, and it would seem likely they all survived until 1820 when the Overseers took possession of the glebe.²⁷ Twelve enslaved people belonged to Hungars Parish, who were all sold after the rector's death.²⁸ The Glebe of Elizabeth City Parish, sold in 1806 by the Elizabeth City County Overseers of the Poor, had included 24 enslaved men and women in the late 1780s.²⁹ Several enslaved persons who had belonged to Abingdon, Gloucester, and Ware parishes in Gloucester County were sold in 1814.³⁰ The Norfolk County Overseers of the Poor claimed the enslaved people who had belonged to three parishes, and sought permission to sell thirty of these men, women, and

²⁶ This figure is based on extant records. There is no evidence in extant of the fifteen following parishes owning enslaved persons: Albemarle (Surry/Sussex Counties), Augusta (Augusta), Blisland (New Kent/James City Counties), Bristol (Prince George County), Fredericksville (Albemarle), Henrico (Henrico), St. George (Accomack), St. George's (Spotsylvania), St. Patrick's (Prince Edward), St. Peter's (New Kent), Stratton Major (King and Queen), Upper Parish (Nansemond), Ware (Gloucester), and Wicomico (Northumberland County). Records demonstrate the following parishes' owned enslaved persons: Antrim (Halifax), Bruton (James City/York), Christ Church (Middlesex County), Cumberland (Lunenburg), Elizabeth River (Elizabeth River), Hungars (Northampton), Kingston (Mathews), Lower Parish (Nansemond), Lynnhaven (Princess Anne), Petsworth (Gloucester), St. Bride's (Norfolk), Portsmouth (Norfolk), Abingdon (Gloucester), and St. Paul's (Hanover). My findings accord with those of Jennifer Oast. See Oast, *Institutional Slaveholding: Slaveholding Churches, Schools, Colleges, and Businesses in Virginia, 1680-1860* (Cambridge, UK: Cambridge University Press, 2016).

²⁷ Halifax County: 1829 Report, Box 5, Folder 7, OP Annual Reports, APA, LVA.

²⁸ Buckley, *Establishing Religious Freedom: Jefferson's Statute in Virginia* (Charlottesville: University of Virginia Press, 2013), 118.

²⁹ A description of the glebe appears in the *Virginia Independent Chronicle* (Richmond), September 17, 1788 cited in Buckley, "Evangelicals Triumphant," *William and Mary Quarterly*, 3rd ser., 45 (1988): 34. The sale of the parish property by the Overseers of the Poor appears in Jacob Hellefing, *Kecoughtan Old and New, or, Three Hundred Years of Elizabeth City Parish* (Hampton, VA: 1910), 28.

³⁰ Freeholders and Housekeepers, Gloucester County, Dec. 16, 1813, LPDC, LVA; Gloucester County: 1829 report, Box 5, Folder 1, OP Annual Reports, APA, LVA; *Acts VA* (1813-1814), Ch. 56, "An Act appropriating the proceeds of the Glebe Lands, and other Property, belonging to the parishes of Abingdon, Ware, and Petsworth the County of Gloucester," 117-119.

children.³¹ Together, this data shows that Virginia's counties seized at least seventy-five enslaved persons from nine of Virginia's 95 parishes. These records should not lead us to extrapolate any sort of average, but they do provide a base minimum of the number of enslaved people seized by the state from parishes during disestablishment. In the same period, the value of enslaved people rose dramatically.³² The confiscation of enslaved people provided not only a source of labor to counties but increasingly valuable capital with an average sale price between \$500 and \$750 per person.

A third approach is to consider the money raised by counties from the sale of parish property. Called glebe funds, these accounts were managed by Overseers of the Poor. Based on records from fourteen counties, the average glebe fund amounted to \$3,401, which was enough to cover the cost of poor relief for several years (see Appendix, Figure 6.2).³³ But this figure still underestimates the total value of property seized. Overseers of the Poor did not necessarily offload all church property. For example, Norfolk County retained dozens of enslaved persons. Shenandoah County held onto the glebe farm and house while Nansemond County kept numerous tracts of parish land that it would later rent to tenants.³⁴ These glebe funds only reflected the capital raised from the sale of parish property but left out any assets that counties retained. Moreover, generalized averages obscure the great variety from one county to the next. Counties that seized dozens of enslaved people or 1,000 acres of land came into twenty times as much wealth as did counties that

³¹Overseers of the Poor: Petition, Norfolk County, December 31, 1832, LPDC, LVA.

³² For a recent discussion on the increasing value of enslaved persons in Virginia, see Steven Deyle, "An 'Abominable' New Trade: The Closing of the African Slave Trade and the Changing Patterns of U.S. Political Power, 1808-60," *William and Mary Quarterly*, 2nd ser., 66 (2009): 840-41.

³³ Eckenrode and Brydon claimed that glebes were roughly worth \$8,000-10,000. They relied on an estimate from a petition sent by the Presbyterian General Committee in 1783 that the total value of the glebes was roughly £300,000. The reliability of this figure, though, is dubious. The Presbyterians had an incentive to emphasize the high value of this land in making their case for its seizure as a public asset. Clergy of the Presbyterian Church: Petition, May 26, 1784, LPDC, LVA; Eckenrode, 77; George MacLaren Brydon, *Virginia's Mother Church and the Political Conditions Under Which It Grew*, 2 vols., (Richmond, VA: Virginia Historical Society, 1947-1952), 2:501, 509.

³⁴ Fred P. Painter, *The Alms House of Shenandoah County: A brief history* (Stephens City, Va.: Commercial Press, 1979).

claimed only a small farm.³⁵ It is essential to examine how the process of confiscation unfolded locally to understand how much property was seized, what kind, and what happened to it.

“Part of the Glebe Property”: Enslaved People and Glebe Confiscation

When the state appropriated glebes, it not only seized acres of land but also wrested control over numerous enslaved people. These lives are often left out of the historical sources and narratives of disestablishment. A newspaper advertisement placed in the summer of 1807 is the only record of two enslaved men, Jemmy and Jeffy, who were sold “as part of the Glebe property” of Middlesex Parish. The young men had escaped their bondage and were suspected to be hiding in Norfolk. Their lives and labor are mentioned in none of the extant parish sources, nor in the records of the Overseers of the Poor. The notice ran for several months, which suggests they managed to evade capture. The seizure of parish glebes like Middlesex’s threatened longstanding enslaved communities who lived and labored on these estates.

Some of the most hostile and drawn-out disputes during disestablishment concerned enslaved people. The level of public rancor about enslaved men and women reflected the tremendous value of human property, as well as the intrinsic liability of holding people as property. In Halifax County, near the North Carolina border, a long-simmering conflict over the Antrim Parish glebe lands grew even more acrimonious after the passage of the Glebe Act. Since the Revolution, the residents of Halifax had engaged in a petitioning war for control of the glebe. The county Overseers of the Poor and their evangelical supporters implored the legislature for permission to seize the glebe while the Episcopalian minister, Rev. Alexander Hay, and the parish vestry, appealed to the state to protect their private property rights. At stake was a valuable glebe

³⁵There was significant variety between the value of different glebes. For example, Goochland’s glebe sold for just \$601.92 while Halifax’s glebe, which included least five enslaved people, sold for \$6,618. Some counties also had multiple parishes in their bounds whereas other counties only had one. Goochland County: Report, 1829, Box 5, Folder 2, OP Annual Reports, APA, LVA; Halifax County: 1829 Report, Box 5, Folder 7, OP Annual Reports, APA, LVA.

property that included a family of five enslaved people: a couple and their three children. The 1802 Glebe Act certainly did not end the controversy in Halifax. Initially, the Halifax County Overseers of the Poor had expressed their “great satisfaction” with the law in December of 1802.³⁶ However, Antrim Parish still had an inducted minister, Hay, whose freehold rights to the glebe would extinguish only upon his death or resignation. Until then, the county could not seize any parish property.

The Halifax Overseers of the Poor were not about to give up, though. The only legal route left was to argue that the minister, Alexander Hay, was no longer the legal rector of the parish and thus lost his tenured rights to the glebe property.³⁷ Parish rectors maintained their freehold rights under the traditional logic of establishmentarian laws, which left the door open to using these same laws to dispossess them of those rights. The Overseers attempted to use the apparent failure of Hay to perform required religious duties under canon law as the legal basis for disqualifying his parochial title. The county officials accused Hay of not conducting divine services at all of the parish chapels and “abandon[ing] their interests both temporal and spiritual.” He had not met with “full and complete satisfaction” as a “preacher of the gospel.” In short, Hay had “so far prostituted his holy calling” that he had surrendered his legal claim as rector of the parish. This petition asked the legislature to judge who truly counted as a Christian minister and what standards one had to meet to fulfill a spiritual calling. Their petition certainly did not respect any firm boundary between church and state but called on the state to police the clergy.³⁸

³⁶ Overseers of the Poor & Others: Petition, Halifax County, December 21, 1802, LPDC, LVA.

³⁷ The Overseers in Halifax were not alone in trying to use canon law to dispossess a rector of the glebe. Overseers of the Poor in Northumberland and Norfolk tried the same tack See *Young v. Pollock* (1806) in *Reports of Cases Argued and Determined in the Supreme Court of Appeals of Virginia*, 2:517-8; *Cloughton v. MacNaughton* (1811) in *Reports of Cases Argued and Determined in the Supreme Court of Appeals of Virginia*, (New York: Joseph Gold, 1814), 2: 513-517.

³⁸ Thomas Buckley argued that dissenters rejected legislative “intervention” but that church and state remained nonetheless “entangled.” However, these invitations for direct disqualification of a minister’s freehold based on his poor spiritual performance evidence a call for more direct oversight, at least of the Anglican Church. Buckley, *Church and State in Virginia*, 182; Buckley, *Establishing Religious Freedom*, 141-143.

The Overseers argued their case in the language of abstract rights, but their petition revealed a fixation with the enslaved people who belonged to Antrim Parish. They accused Hay of leaving the glebe and “conveying the slaves along with him,” of “vainly pretending he acquired title to” the enslaved family, and claiming he owned them “independent of all control.” They complained of “abuses, to which said property may be liable” on the minister’s watch. The alarm with which the Overseers of the Poor reported that Hay had left the glebe with the enslaved family showed their anxiety about the possibility of the family leaving the area. The county officials suggested that Hay had proved himself to be an untrustworthy guardian of a public asset and thus ought to be dispossessed of the glebe immediately before the public lost its valuable investment.³⁹ The Overseers sought to remind the legislature of the risk of enslaved people escaping or leaving, a message likely to resonate with the white legislators hearing their petition.

The rebuttal sent by the Antrim vestry and minister was something of a sermon on the sanctity of property rights and reasserted the parish’s claim to the enslaved family. Hay was insistent that he had never moved the family off the glebe, let alone out of the county. He admitted that his claim extended only to “the use and benefit of them while he continues minister of Antrim Parish” but insisted that “he cannot be dispossesse[d] [of the glebe] without a violation of the rights of property and the common rights of a citizen.” Hay and the vestry fired back at the Overseers of the Poor for attempting to “violate the most sacred of all rights and to commence the most unjustifiable of all persecutions” in the guise of a “respect for right.” When invoking the most “sacred of all rights,” Hay and the vestry were, of course, referring to their property rights. The Episcopalians flipped the familiar script on evangelicals and now claimed the mantle of persecuted Christians for themselves. Hay admitted that “an immense majority” in Halifax had left the Episcopal Church and

³⁹ The parish’s 1802 petition mentions an enslaved “man and a woman,” as well as their three children. Minister & Members of Antrim Parish: Remonstrance, Halifax County, December 21, 1802, LPDC, LVA.

stood “against them.” But he insisted that the parish “will never concede that any majority can trample on the constitutional rights of the minority.” For Hay, the struggle over Halifax’s glebe became a test of whether the legislature would bow to “the capricious and arbitrary will” of the majority rather than defend the most essential right of a citizen, private property.⁴⁰ The parish declared that the legislature was bound by “the gospel of Jesus Christ” and “the purest morality... never [to] remove that rock on which the church so founded; but that it will regard as sacred and inviolable those rights which are ours by the laws of the land, by the original laws of society, and by the equal laws of God.” This statement intertwined republicanism and Christianity and made the absolute protection of private property an expression of divine, natural, and civil law. And, of course, this invocation of natural and divine rights was made in order to bolster a claim to own five enslaved people.⁴¹

Halifax’s ugly fight over the enslaved family reflected that while the law treated slaves as “appurtenances” to glebe lands, their very humanity undermined this legal framework. Both sides focused on people held as property by the parish and barely mentioned the glebe plantation. This attention reflected not only the high monetary value of enslaved people but the inherent vulnerability of treating persons as property. The dehumanizing language of use, possession, acquisition, and benefit was undermined at every turn by the reality that enslaved people were, in fact, people. The community’s preoccupation with the enslaved family who belonged to the parish revealed the absurdity of theoretically “attaching” people to land; land cannot escape or depart, but people can. The dueling petitions contained no concern for the well-being or experience of this family but only debated the ability to control them as a material asset.

⁴⁰ Ibid.

⁴¹ Minister & Members of Antrim Parish: Remonstrance, Halifax County, December 21, 1802, LPDC, LVA.

Hay and the vestry were also indignant that a county or a state would attempt to evaluate his performance as minister. Hay's clerical "conduct... is amenable only to his own church," and did not "come under the cognizance of the General assembly of Virginia, or of the petitioners, the mass of whom, in what relates to church affairs, are in the interests of the Baptists." Hay refuted the right of the Overseers of the Poor, the community, or the legislature to stand in judgment of a minister and defended the institutional independence of the Episcopal Church from state oversight. Hay's impassioned argument did not reflect a strict separation of religion and government.⁴² In the same petition, he had implored the legislature to be guided as much by the Gospels as by statutory law in respecting his property rights. But he differentiated between the legislature enforcing Christian principles and superintending ecclesiastical institutions; he extolled the former and rejected the latter.⁴³

The state did not intervene. Hay lived until 1819, when he apparently died while on a voyage for his health to St. Croix.⁴⁴ One can easily imagine the fury of Halifax's Baptists as the glebe sat unattended while the ailing rector traveled abroad. One can likewise recognize, as none of the petitioners at the time did, the vulnerability and plight of the enslaved family left behind in Halifax and surrounded by neighbors eagerly awaiting their chance to seize them and their home. In 1820, the Overseers of the Poor swiftly sold the family and land for the sum of \$6,682.25 There are no records of what happened to the enslaved family or whether any of them managed to stay together after being sold.

⁴² Hay exemplified the expectation that the legislature would uphold Christian values without governing its churches. See, Carl H. Esbeck, "Dissent and Disestablishment: The Church-State Settlement in the Early American Republic," *Brigham Young University Law Review* [2004]: 1579-80.

⁴³ Minister & Members of Antrim Parish: Remonstrance, Halifax County, December 21, 1802, LPDC, LVA.

⁴⁴ This information comes from the obituaries in a denominational publication, See "Miscellaneous," *The Christian Journal, and Literary Register*, 4 (New York, 1820), 64.

The dispute over five enslaved people who had belonged to Antrim Parish not only reminds us of the plight of those people treated as the spoils of disestablishment but also shows how disputes over property shaped the church-state relationship. The two sides in Halifax County framed this dispute as a test of their constitutional rights. Only state appropriation of the glebe would uphold the “true meaning of the Constitution” for the Baptists and deliver true religious liberty; to Hay, the protection of the glebe would guarantee that his rights did not “exist only in name” but were secured under the state constitution. Both sides painted the fate of glebe property as a litmus test of their fundamental rights, but their lofty claims cannot be disassociated from the property over which they fought. In fact, it was the high value of parish property that prolonged these debates. Local administrators prioritized securing parish property, which they viewed as the ill-gotten gains of the establishment, above an ideological commitment to a strict separation between church and state. Their strategy of using canon law to dispossess ministers requested government oversight of religious affairs. But Virginia's legislature did not intercede to divest Hay or other incumbent ministers of their glebes after the passage of the Glebe Act. This precedent of non-interference mattered. The state's refusal to pass judgment on the spiritual fitness of ministers is an important legacy of the fights over parish property in the early nineteenth century.

Silver, Bells, and Books: Confiscation Beyond the Glebes

While the Glebe Act authorized Overseers of the Poor to claim glebe property, including land and enslaved men and women, the law expressly reserved any private donations, as well as “churches, and the property therein contained, [and] the church-yards” to parishes.⁴⁵ This exemption was not always heeded in practice. The ruins of the old Berkley Parish Church in Spotsylvania, VA, for example, had been sold by the parish vestry for \$120 in 1819. The buyer demolished the church

⁴⁵ *Acts VA* (1801-1802), Ch. 5: “An Act concerning the Glebe Lands and Churches within this Commonwealth,” 9.

and carted off “every part of it that was of any use.”⁴⁶ Before the parish could invest the funds in building a new sanctuary, county officials successfully petitioned the legislature and were authorized to collect the proceeds from the sale. The Overseers’ actions certainly contravened the terms of the Glebe Act and fell outside the rationale of bestowing parish property on the county only in the absence of an active vestry. The legislature had crafted the Glebe Act as a compromise meant to quell political fights over glebes. However, once the issue had lost its notoriety, the state was willing to authorize counties to seize reserved property. The legislature’s acquiescence to such a demand reinforced the popular belief that all parish property was, in fact, public. Given the legislature’s stamp of approval for the confiscation of reserved property, it should come as no surprise that many Virginians remained convinced that all parish property had devolved on the people after American independence.

The seizure of church silver in particular was a lingering source of bitterness among Episcopalians. Silver chalices and plates were liturgical objects used in the sacrament of communion. They were essential to the worship practices of Episcopalians but derided by many evangelicals who saw them as idolatrous holdovers of Catholicism. William Meade, who served as Bishop of the Episcopal Diocese of Virginia from 1841-1862, wrote “there is no part of the conduct of the opponents of the Episcopal Church which appears so unamiable and unjustifiable as that in regard to the Church plate... the framers and supporters of the [Glebe Act] would have felt themselves insulted, if that insinuation have been made at the time of its passage.”⁴⁷ Meade was wrong though. In fact, the legislature gave express permission to ten counties to seize and sell communion silver and other valuable objects only a few years after the passage of the Glebe Act.⁴⁸ For example, in

⁴⁶ School Commissioners: Petition, Spotsylvania County, 1819-12-31, LPDC, LVA.

⁴⁷ Meade, 1:422.

⁴⁸ *Acts VA* (1805-1806), Ch. 74, 43-45; *Acts VA* (1809-1810), Chapter 33, 33-4 (Plate in Surry County); *Acts VA* (1811-1812) (Essex County and King and Queen County authorized to sell plate), Ch. 65, 100; *Acts VA* (1812-1813), Ch. 58, 89-90 (Overseers in County Richmond to sell plate); *Acts VA* (1813-1814), Ch. 55, 117 (Bell and Plate of St. Peter’s

Amelia County, not long after the sale of the glebe in 1805, the Overseers began looking for a way to lower the cost of poor relief yet again and thereby reduce annual taxes. In 1814, they sent an appeal to the legislature asking for permission to sell the “Plate, Bells, Books and other ornaments... [which] for a considerable number of years have not been applied to any use at all.”⁴⁹ The sale of the parish silver would “be of great relief to the inhabitants of this county if the proceeds thereof was to be applied toward lessening the county levy or poor rates.”⁵⁰ The legislature approved Amelia’s petition, and the county advertised the parish property in the *Virginia Gazette*.⁵¹ The following year, the county Overseers established a poorhouse, largely paid for using the £119.18.6 raised from the sale of parish silver.⁵²

In some counties, congregants challenged public efforts to confiscate parish silver. One famous anecdote recalled the defiance of an elderly widow, Frances Burwell Page Nelson Berkeley, who moved the communion plate to her home for safekeeping after the death of the parish minister in 1804. The silver had been a donation to the parish and bore an inscription from its benefactor; thus, it clearly should have been reserved under the terms of the Glebe Act. The Hanover County Overseers of the Poor, apparently not wanting to confront Mrs. Berkley themselves, sent deputies to her home who ordered her to turn over the parish silver. The Old Lady of Hanover, as she was fondly called, flatly refused. Instead, she sent a note back to the Overseers, which declared, “Tell the Gentlemen to come and take it.” Her challenge went unmet.⁵³ This episode of resistance is not only a colorful story but also underscores that Overseers of the Poor often contravened the terms of the

Parish in New Kent County); Ch. 63, 126. (Books, Ornaments, and Plate of St. Margaret’s Parish in Caroline); *Acts VA* (1814-1815), Ch. 78, 137 (Bell, plate, books, and ornaments belonging to parish in Amelia County); Ch. 65, 130 (Church plate and bells belonging to several parishes in Middlesex, Mathews, and Warwick Counties).

⁴⁹ *Ibid.*

⁵⁰ *Ibid.*

⁵¹ *Acts VA* (1814-1815), Ch. 78, “An Act Authorizing the sale of the Plate and other property belonging to the Several Churches in the County of Amelia,” 137.

⁵² Amelia County: Report: 1829, Box 1, Folder 7, OP Annual Reports, APA, LVA.

⁵³ Meade, 1:422.

Glebe Act in seizing church assets. The Act protected churches and private donations from confiscation but counties often tried to take this property anyway. Even after the passage of the Glebe Act, communities continued to dispute the extent of disestablishment. In parishes without ministers or vestries, could congregants lose their property to the state? Could the public claim any and all parish property? The Glebe Act failed to settle competing claims to parish property and thus left many disagreements unresolved.

“A worthless and impossible family of slaves”

Billy Pugh and his family were yet another target for county Overseers. It was not only communion silver that had been donated to colonial parishes; parishioners also bequeathed enslaved men, women, and children to parishes. These gifts were framed as expressions of piety and charity as donors anticipated that enslaved people would labor on the glebe in support of the minister and offset the cost of poor relief, which would otherwise have to be raised through taxes. Donors' wills frequently prohibited the vestry from ever selling any of the enslaved persons or their descendants; instead, patrons expected that enslaved communities would grow naturally and thus endow future white parishioners with generations of Black labor.

During disestablishment, Overseers of the Poor fought for control of enslaved people whom parishes had acquired through charitable bequests. Overseers negated the language in the Glebe Act reserving private donations to parishes by successfully arguing that once counties took over the administration of welfare services, they had a claim to any bequests made for the benefit of the poor. However, by the second decade of the nineteenth century, Overseers turned away from institutional slaveholding. Instead, they aimed to contravene the terms of parochial bequests and sell off enslaved people. The ultimate prize for counties was not simply wresting control of enslaved people from parishes but establishing the absolute property right to dispose of them.

Parochial poor relief had long relied on enslaved labor, and this practice continued in the early decades of the nineteenth century. Amidst the institutional turmoil of disestablishment, one constant in the equation was race; the poor were still understood to be white, and their welfare was served through the institutional enslavement of African Americans, regardless of whether church or state was at the helm. Gloucester County's three parishes – Ware, Abingdon, and Petsworth – had received land and enslaved men and women through several charitable bequests in the late seventeenth and early eighteenth centuries. The original donors specified that their gifts should support parish poor relief and a free school under the direction of the vestries. None of the enslaved people were ever to be sold, and the parishes only had the right to hire out enslaved laborers for a “term of years.”⁵⁴ The colonial assembly overhauled the terms of these gifts in 1756, but this revised statute was careful to uphold all of the original conditions imposed by the donors.

As a result of disestablishment, the Gloucester County Overseers of the Poor came into possession of three parishes' property, including a large, enslaved community.⁵⁵ In 1813, the Freeholders and Housekeepers of Gloucester petitioned the legislature for permission to sell these enslaved men and women. The community justified their request with an opaque reference to the “particular situation of slaves in the lower country at the present time.” The event to which they referred, known as the German Coast Uprising, was a revolt of enslaved people in Louisiana two years earlier.⁵⁶ News of this insurrection had convinced at least some of Gloucester's white residents that it would be “more advantageous” for the Overseers to sell the “several slaves” and use “the

⁵⁴ Freeholders and Housekeepers, Gloucester County, Dec. 16, 1813, LPDC, LVA; Gloucester County: 1829 report, Box 5, Folder 1, OP Annual Reports, APA, LVA; *Acts VA* (1813-1814), Ch. 56, “An Act appropriating the proceeds of the Glebe Lands, and other Property, belonging to the parishes of Abingdon, Ware, and Petsworth the County of Gloucester,” 117-119.

⁵⁵ Freeholders and Housekeepers, Gloucester County, Dec. 16, 1813, LPDC, LVA.

⁵⁶ For more on the 1811 German Coast Insurrection, see Nathan A. Buman, “Historiographical Examinations of the 1811 Slave Insurrection,” *Louisiana History: The Journal of the Louisiana Historical Association* 53 (2012): 318-337. For a discussion of how the event shaped popular opinion, see Brian Gabriel, *The Press and Slavery in America, 1791-1859: The Melancholy Effect of Popular Excitement*, (Columbia, SC: University of South Carolina Press, 2016), 17-28.

monies arising from the sales” to support the “benevolent intentions” of the original donors.⁵⁷ The petitioners claimed that the overarching goal of the original donations had been to support the “happiness” of the “community.”⁵⁸ The petitioners read the terms benevolence and happiness in the original endowments in their broadest possible terms to pursue their agenda of exerting greater control over people of color and lowering the taxes to fund poor relief. They argued that it was not only lawful but just for the county to ignore the specific terms of the donations in order to promote their definition of the public good.

The Assembly passed a law authorizing the sale and readily adopted the logic of the petitioners. Whites’ fears of insurrection changed their attitudes toward public entities holding enslaved people in perpetual trusts. While Virginia’s colonial assembly had bent over backwards to adhere to the conditions set forth by the seventeenth-century donors, the republican legislature was willing to ignore the specific terms of the colonial bequests and grant the Gloucester Overseers absolute rights over this community of enslaved men and women. The legal rupture of disestablishment had already upended the terms of these donations, so the legislature determined they were no longer bound by their instructions in any strict sense. The state accepted the petitioners’ rationale that the overriding goal of the original donors was to benefit the public and that a new plan provided the best means of doing so. This shift away from public institutional slaveholding reflected increased anxieties about slave uprisings, as did the willingness of the legislature to acquiesce to these requests.

Another enslaved community broken apart by disestablishment was in Norfolk, which brings us back to the story of Billy Pugh. He was descended from one of the three persons deeded to Elizabeth River Parish in 1715/16. The original grantor, Matthew Godfrey, had willed a couple

⁵⁷ *Acts VA* “An Act appropriating the proceeds of the Glebe Lands, and other Property, belonging to the parishes of Abingdon, Ware, and Petsworth the County of Gloucester,” 118.

⁵⁸ Freeholders and Housekeepers, Gloucester County, Dec. 16, 1813, LPDC, LVA.

named Prince and Nell and a girl, presumably their daughter, Nance, to the parish. Godfrey provided detailed instructions for the future management of his estate. None of the land, nor “any of the said Negroes [n]or any of their increase be sold.” Godfrey sought to keep Prince, Nell, Nance, and any other of the couple’s children together on parish land, but this provision extended only to the first generation of the family.⁵⁹ His will then instructed that the “increase,” the word he used to refer to the descendants of Prince and Nell, “be let out from year to year for the good of the poor... as the vestry... shall see good and most profitable.”⁶⁰ Godfrey anticipated that bequeathing black women to the parish would endow the parish with future generations of enslaved labor.

Three decades later, Norfolk Parish was profiting from a new generation of enslaved persons, just as Godfrey had planned. The vestry recorded the proceeds from hiring out five enslaved persons: Davy, Soll, Ishmaell, Sarah, and Nell.⁶¹ A few years later, in 1756, one of the women bore another child, which meant that at least six men and women belonged to the parish.⁶² This system of hired labor separated family members year in and year out but also insulated them from sale. The enslaved community of Norfolk Parish were held in bondage as a perpetual investment for the benefit of white parishioners.

In 1761, the Assembly divided the Norfolk Parish into three separate parishes: St. Bride’s, Elizabeth River, and Portsmouth. The law scrupulously adhered to the terms of Godfrey’s bequest by transferring the oversight of the enslaved persons belonging to Norfolk Parish to the Justices of Norfolk County, who would distribute the annual profits from their labor between all three parishes.⁶³ However, this plan was abandoned after only a few years. The ministers and parishioners

⁵⁹ Citizens: Counter-Petition, Norfolk County, December 31, 1832, LPDC, LVA.

⁶⁰ Ibid.

⁶¹ Alice Granbery Walter, ed., *Vestry Book of Elizabeth River Parish, 1749-1761*, (New York: Alice Granbery Walter, 1969), 6.

⁶² Walter, ed., *Vestry Book of Elizabeth River Parish*, 20.

⁶³ Hening, 7, 418.

of the three parishes sent a petition informing the Assembly of “many inconveniences” and even “some losses have already happened in the hiring out of the said slaves, the persons to whom they have been hired not taking proper care of them when they have been sick.” These “losses” were, of course, the deaths of multiple enslaved people. The petitioners framed these fatalities as the failure of the county’s negligent administration, but it also revealed the particular vulnerability of enslaved persons owned by an institution and hired out on an annual basis. Institutional slaveholding removed people from the bonds of community and forced them to endure frequent discontinuity. Even the self-interest of slaveowners whose financial investment might incentivize medical care for enslaved persons was absent in this system. In response to the complaint, the Assembly issued a new plan in 1765: a group of commissioners would “make a fair, just, and equal division of all the said slaves, and their increase,” and the land would be vested in Elizabeth River Parish.⁶⁴ The complexity of this revised proposal reflected the assembly’s commitment to honoring the donor’s specific instructions never to sell any of Nell and Prince’s descendants half a century later.

After the Revolution, the Norfolk County Overseers of the Poor claimed ownership of the enslaved persons under the terms of Godfrey’s will. They argued that his gift had been made for the “benefit of the Poor of Norfolk County,” and therefore it belonged to whichever institution had jurisdiction over poor relief. This transfer of parish property from church to state was initiated nearly a decade before the Glebe Act, although the Overseers’ notes suggested that it was not until after 1802 that their title to the property was secured.⁶⁵ Billy Pugh was born around 1800 amidst the upheaval of disestablishment. Ultimately, no matter the outcome of *Turpin*, Pugh, his family, and the rest of the enslaved community who once belonged to Norfolk Parish would have remained in bondage for the benefit of Norfolk County’s poor white residents.

⁶⁴ Hening, 8: 154-156.

⁶⁵ Overseers of the Poor: Petition, Norfolk County, December 31, 1832, LPDC, LVA.

The restrictive terms of Godfrey’s original donation made the enslaved community ineligible for sale. But, in 1823, a group of Norfolk’s citizens sought permission to contravene the terms of the donation, more than a century after Godfrey had originally made his bequest. The descendants of Prince, Nell, and Nance, “now amount to about 30” but “their annual product has at all times fallen short of the sum, which their price, if converted into money would procure in interest.” The easy “conversion” of currency imagined here – from people to cash – underscored the driving motivation of some community-members to break the terms of Godfrey’s donation. The petitioners reasoned that due to “the frequent changes of the overseers of the poor and the inability of numerous individuals acting in an official capacity to regulate and direct such property, the slaves themselves acquire habits of indolence and insubordination Alike fatal to the interests of their owners, to the good order of the community and their own contentment.” The petitioners argued that the reality of corporate ownership was fundamentally incongruous with benevolent paternalism. They suggested that direct, personal oversight was needed to ensure those held in bondage were obedient, industrious, and, purportedly, content. The “natural augmentation of numbers” would “only aggregate” the problem. Unabated and unmastered, the enslaved community threatened public order and the safety of white citizens.⁶⁶ However, the legislature did not act.

Nine years later, another request arrived from Norfolk requesting the sale of the enslaved community, this time from the county Overseers of the Poor. Their appeal came on the heels of Nat Turner’s Rebellion, a slave revolt in Southampton Virginia in 1831 that shook the white South to its core.⁶⁷ Turner was a messianic figure who led a dozen enslaved men to rebel against their bondage,

⁶⁶ Citizens: Petition, Norfolk County, December 12, 1823, LPDC, LVA.

⁶⁷ For more on Nat Turner’s Rebellion and its legacy, see Randolph Ferguson Scully, *Religion and the Making of Nat Turner’s Virginia: Baptist Community and Conflict, 1740–1840* (Charlottesville: University of Virginia Press, 2008); Patrick H. Breen, *The Land Shall Be Deluged in Blood: A New History of the Nat Turner Revolt* (New York: Oxford University Press, 2015); David F. Allmendinger Jr., *Nat Turner and the Rising in Southampton County* (Baltimore: Johns Hopkins University Press, 2014); *Nat Turner: A Slave Rebellion in History and Memory*, ed. by Kenneth S. Greenberg (New York: Oxford University Press, 2003).

which left numerous white individuals dead in the process. White slaveholders killed scores of innocent people of color in retaliation. The revolt was a turning point for slavery in Virginia. White Virginians would go on to sell tens of thousands of enslaved people to the Lower South and imposed even more drastic restrictions on the bodies, rights, and movement of free people of color. The Norfolk Overseers again implored the legislature for permission to sell the men and women whom they had inherited from the parish. The Overseers of the Poor contended that the descendants “of the original stock now amount to about thirty and for the most part are a worthless and impossible family of slaves.”⁶⁸ Of course, terming this community worthless while seeking permission to sell them was a patently self-interested argument. These individuals were only worthless so far as they could not be sold by the Overseers.

Nor, it seems, could the enslaved community be easily controlled without the threat of sale. The Overseers made their case, explaining, that “difficulty arises in the management of a set of disorderly slaves, even when controlled by a single person, possessed of absolute power to dispose of them and that the difficulties are much increased when their governance is under the direction of a body so numerous as the board of overseers of the poor, with no other power then to hire them out from year to year.”⁶⁹ The absence of absolute power – the ability to sell, or even make the threat of sale – denied the Overseers their most important method of controlling the enslaved community.⁷⁰ The Overseers claimed their limited power deprived them of the ability to truly master these men and women. Enslaved people who were safe from the threat of sale were less productive and therefore, they argued, did not fulfill the objectives of the donors. Only by breaking the terms of

⁶⁸ Overseers of the Poor: Petition, Norfolk County, December 31, 1832, LPDC, LVA.

⁶⁹ Ibid.

⁷⁰ For a discussion of slave owners threatening sale, see Walter Johnson, *Soul by Soul: Life Inside the Antebellum Slave Market*, (Harvard University Press, 1999), 22-29

the colonial endowment could the county come into full power over the former enslaved people of the parish.

In the wake of Nat Turner's rebellion, the presence of a large community of "disorderly" black men and women persuaded the legislature to break the terms of Godfrey's will. The legislature acquiesced and passed a law allowing the Overseers to "dispose of any negroes" belonging to the county.⁷¹ This time, the legislature made no mention of the original terms of Godfrey's will and gave no justification for amending the terms of the endowment. But the motivation was clear. This group of enslaved people could not be controlled using the threat or deed of sale, nor could they be carefully supervised under a single authoritative gaze. The institutional nature of the county's ownership effaced the pretense of benevolent paternalism to which white Virginians clung.

Billy Pugh was not among those "disorderly" persons facing sale. A few weeks earlier, the Norfolk Overseers had petitioned the legislature asking that he be manumitted. The legislature agreed, but only on the condition that Pugh leave the state and emigrate to Liberia. Starting in the mid-1820s, the work of the American Colonization Society had convinced many white Virginians that the forced migration of free people of color to Liberia was the only solution for maintaining order and safety in the state.⁷² The sources only include a brief glimpse of Pugh's perspective in these proceedings: "Billy Pue not having time to see all the overseers of the poor I certify that it was their wish & desire to have signd it." This suggestive line does not furnish straightforward answers. It does not convey how Pugh viewed his conditional emancipation, but hints at a hasty process and Pugh's limited role.

⁷¹ Overseers of the Poor: Petition, Norfolk County, December 31, 1832, LPDC, LVA.

⁷² For discussions of how Americans and Virginians specifically imagined Liberia and encouraged the manumission of enslaved men and women on the condition that they emigrate there, see Jane Ailes and Marie Tyler-McGraw, "Leaving Virginia for Liberia: Western Virginia Emigrants and Emancipators," *West Virginia History*, New series, 6 (2012): 1-34; Marie Stango, "Vine and Palm Tree: African American Families in Liberia, 1820-1860," Ph.D Dissertation, University of Michigan, 2016; Brandon Mills, "'The United States of Africa': Liberian Independence and the Contested Meaning of a Black Republic," *The Journal of the Early Republic* 34 (2014): 79-107; Marie Tyler McGraw, "Richmond Free Blacks and African Colonization, 1816-1832," *Journal of American Studies* 21 (1987): 207-22.

The heartbreaking plea of Mary Watkins, a woman of color who was freed under similar constraints in 1827, might provide some insight into how Pugh felt. Watkins had been manumitted in the will of her former master on the condition that she emigrate to Liberia. However, her husband and son were still enslaved and would have to remain in Virginia. She appealed to the legislature for permission to stay in the state, explaining that her family were more “near & dear to her than almost her own existence and to leave her husband (who is now a slave) would be like suffering death.”⁷³ Pugh faced a similarly excruciating choice; accepting his freedom meant leaving behind his enslaved children, their mother, and his home. To remain in Virginia, however, risked re-enslavement. The legislature gave neither Mary Watkins, nor Billy Pugh the chance to live in Virginia as free people.

While white Southerners may have been eager to sell off people held as property by corporate bodies, disestablishment was an essential context for this opportunity. Separating church and state was a legally destabilizing process that threw long-standing property arrangements into question. Like common-law incorporation, primogeniture, and royal charters, charitable bequests of property to parishes came under attack in republican Virginia. Removing parishes from a position of public authority and transferring traditional welfare services from church to state called into question the terms of colonial donations. A radical legal rupture, disestablishment handed Overseers of the Poor and other public institutions the opportunity to assert absolute property rights over those enslaved people who had previously belonged to parishes.

“From Spirit to Matter”

Not all parish property was formally appropriated by the state. There was iconoclasm and plunder, as well as neglect and overhaul as parish property passed into private hands. The authority

⁷³ Mary Watkins: Petition, Powhatan County, December 12, 1828, LPDC, LVA.

of the established church had been reinforced by its grand, elegant spaces. Popular destruction of, renovation of, or disregard for parish property expressed the establishment's fall from grace better than any single law or court decision. All of this popular material activity underscored that many Virginians viewed parish property as theirs for the taking, no matter what the law said.

While the Episcopal Church had won the right to retain some of its property in 1802 – its churches, religious ornaments, and private donations – the denomination simply could not support or use all of its parish churches and chapels. As in Maryland, the multi-congregational system left Virginia's parishes saddled with too much property and inadequate funds to maintain it all. Hungars Parish Church in coastal Northampton County lost its organ to fisherman who melted down its pipes into weights for fishing nets.⁷⁴ The gilded altar of the St. Thomas Parish Church was torn down and turned into furniture, and its gravestones were removed and used as mill grindstones.⁷⁵ The grand Wicomico Parish Church had been stripped for parts, its windows, communion table, doors, bricks, and marble were long gone. The Bishop of Virginia had tried to hold a revival service there in the 1830s. While he was preaching, a large piece of plaster fell from the ceiling and hit him squarely on the head – a story that might seem like an overwrought bit of pathetic fallacy had it not actually happened.⁷⁶

St. Margaret's Parish Church in Caroline County had been abandoned after the Revolution. Its doors had fallen off, and the old building stood exposed to the elements. It was rumored that the building was haunted by the Devil himself. After leaving a militia muster one night, two boys decided to confront Satan and drive him out of the old church. Both drunk, they hatched a plan for one of them to stand guard by the entrance while the other entered the sanctuary brandishing a pole.

⁷⁴ Writers Program of the WPA, comp., *Virginia: A Guide to the Old Dominion* (New York: Oxford University Press, 1941), 382.

⁷⁵ Meade, 1:391.

⁷⁶ Meade, 2:133.

After sneaking inside, the boys did in fact find a horned beast: an old bull who had taken up residence in the building. Provoked by the inebriated intruders, the animal charged at the boys and carried the unlucky guard out of the door. From then on, St. Margaret's was known as Old Bull Church. This former hub of communal life and seat of local authority became best known as the home of a formidable wild animal. The rumor that the devil himself lived in the abandoned edifice evoked the community's fears that their own fall from godliness showed in their decaying houses of worship.

Some Virginians hoped to convert old parish buildings into new public institutions. Many communities felt they had a righteous claim to any parish property, no matter the terms of the Glebe Act. Rather than letting parish churches be destroyed, evangelicals thought to use old parish buildings in the "service" of the public good.⁷⁷ They argued that anyone who objected to using consecrated ground for secular purposes fell into the "idolatrous" and "Popish" trap of "transforming our veneration from spirit to matter." Counties established schools, poorhouses, and other public institutions in former churches and glebe houses. This spatial conversion of parish property will be explored in Chapter 7.

Frequently, growing evangelical congregations took over old parish churches, often without formal permission. Tillotson Parish Church in Buckingham County, VA, for example, was unoccupied after the Revolution. A Baptist congregation began using the church in the early nineteenth century and still worships there today.⁷⁸ Likewise, Mattaponi Baptist Church in King and Queen County, VA was originally the lower church of St. Stephen's parish in King and Queen County. Baptists from the Dover Association began using "the little brick church" in 1828 and eventually claimed ownership. In these cases, there was no formal transfer of deed or title; rather,

⁷⁷ Inhabitants of St. Mary's Parish: Petition, Caroline County, December 11, 1810, LPDC, LVA.

⁷⁸ Williams, "Survey Report: Buckingham Baptist Church: 1937 May 12," *Virginia Historical Inventory Project*, available online through the Library of Virginia, <https://www.lva.virginia.gov/public/guides/opac/vhiabout.htm> - rhp.

squatter's rights eventually prevailed. Because these arrangements did not rely on an act of legislature, they sidestepped the legal question of appropriating parish property for religious purposes.

Former parish spaces often underwent significant renovation when evangelicals began worshipping there. Baptists had long criticized the Anglican Church for its finery and pomp as an expression of covetousness. One account referred to Episcopalians “votaries of Mammon and of Belial” who worshiped “idols.”⁷⁹ This disdain inspired iconoclastic treatment of formerly Anglican spaces. Evangelicals removed velvet, gilded altars, and other pieces of material finery. For example, the lower church of Christ Church parish in Middlesex County was taken over by Baptists, who removed the sounding board, pulpit, and desk in an “[effort] to destroy every vestige of Episcopal taste and usage.”⁸⁰ The removal of these objects sanctified the space in the eyes of its new occupants. This material conversion of former parish spaces manifested evangelical antipathy toward Episcopalian finery.

Numerous parish churches also became “free churches,” which were used by multiple denominations.⁸¹ These informal arrangements could spark hostile conflict. In Westmoreland County, Methodists and Episcopalians battled over the Yeocomico Church decades into sharing the space. The Methodists begged “the interposition” of the General Assembly to secure their right to worship in the church and secure “the spot on which we have inte[r]red our Children, and our fathers.”⁸² They were still convinced that all parish property belonged to the state, not just the glebe

⁷⁹ Semple, *Rise and Progress*, 179.

⁸⁰ Meade, 1:372.

⁸¹ Dell Upton identified three formerly Anglican colonial churches taken over by Baptists following the Revolution: Mangohick Church, Stratton Major Parish Church, and Mattaponi Church. Upton, *Holy Things and Profane*, 235n5. For additional examples of parish churches which were used by other denominations in the nineteenth century, see Rosa G. Williams, “Survey Report: Buckingham Baptist Church: 1937 May 12,” Dorothy Diffenderfer, “Survey Report, Denbigh Baptist Church: 1937 May 18,” Louise Macon, “Survey report, Millfield Church: 1938 Apr. 1,” *Virginia Historical Inventory Project*, LVA.

⁸² Both petitions are filed together in a single document. Ward, William Norvell: Petition, Westmoreland County, January 3, 1844, 9, LPDC, LVA.

lands. They claimed the Glebe Act had sought to deliver “the greatest good to the greatest number” and argued that that the Assembly ought to secure their right to the church in that spirit.⁸³ The Episcopalians countered with many of the same arguments made by their forbearers. If the church became common property, “what tremendous consequences must result! Universal Confiscation must follow... [along with] common desecration.”⁸⁴ Episcopalians appealed to the fundamental law of private property and argued that seizure of their church would destabilize every legal claim of parishes and violate their religious liberty. The legislature rejected the Methodists’ petition. Sharing sacred spaces without a legal agreement made congregations vulnerable to displacement.

The disputes over Yeocomico Church underscored that disestablishment remained an ongoing negotiation well into the nineteenth century. The same ideological disagreements from decades before reappeared and again pitted public good against private rights. Whenever property was at stake, both sides argued that their religious liberty was under attack. These enduring disagreements highlighted the ideological inconsistency of confiscation in which the state laid claim to all parish property but only appropriated some of it. There was no coherent justification to explain why the state authorized the seizure of glebes but not churchyards, silver, and libraries. Rather, the legislature readily admitted this provision was an expedient compromise when the topic garnered political heat but acquiesced to the seizure of additional parish property in the absence of political controversy. The widespread dismantling of the established church’s worship spaces reflected a popular understanding of disestablishment that went beyond the legal terms carved out by the legislature and the courts.

⁸³ Ward, William Norvell: Petition, Westmoreland County, January 3, 1844, 11, LPDC, LVA.

⁸⁴ Ward, William Norvell: Petition, Westmoreland County, January 3, 1844, 7, LPDC, LVA.

After the Glebe Act

The dismantling of the legal relationship between church and state was not achieved just through the expansion of rights or the repeal of laws but wrought in the transfer and reappropriation of parish property. In Maryland, the 1776 Constitution had afforded an important protection to parishes by expressly granting them all parish property. Maryland's parishes retained their glebes, and this property proved a valuable nest egg once the Episcopal Church lost its monopoly status and could compel neither taxes nor attendance. In Maryland, the cultural and legal rupture of disestablishment appeared in parishes abandoning churches and selling off glebes.

In Virginia, on the other hand, counties confiscated glebe property in the early nineteenth century, as part of the state's effort to dismantle the Anglican establishment. When the state appropriated glebe property, parishes handed over tens of thousands of acres and scores of enslaved people. Local authorities went further and seized silver, libraries, churches, and other people, well beyond the original terms of the 1802 Glebe Act. In addition to state confiscation, private groups also readily appropriated parish property. Some churches were stripped for parts while others were remade by non-Anglican congregations. The debates over material property sharpened the terms of disestablishment. Disputes forced communities and the state to confront the meaning of religious freedom in concrete terms.

Appendix

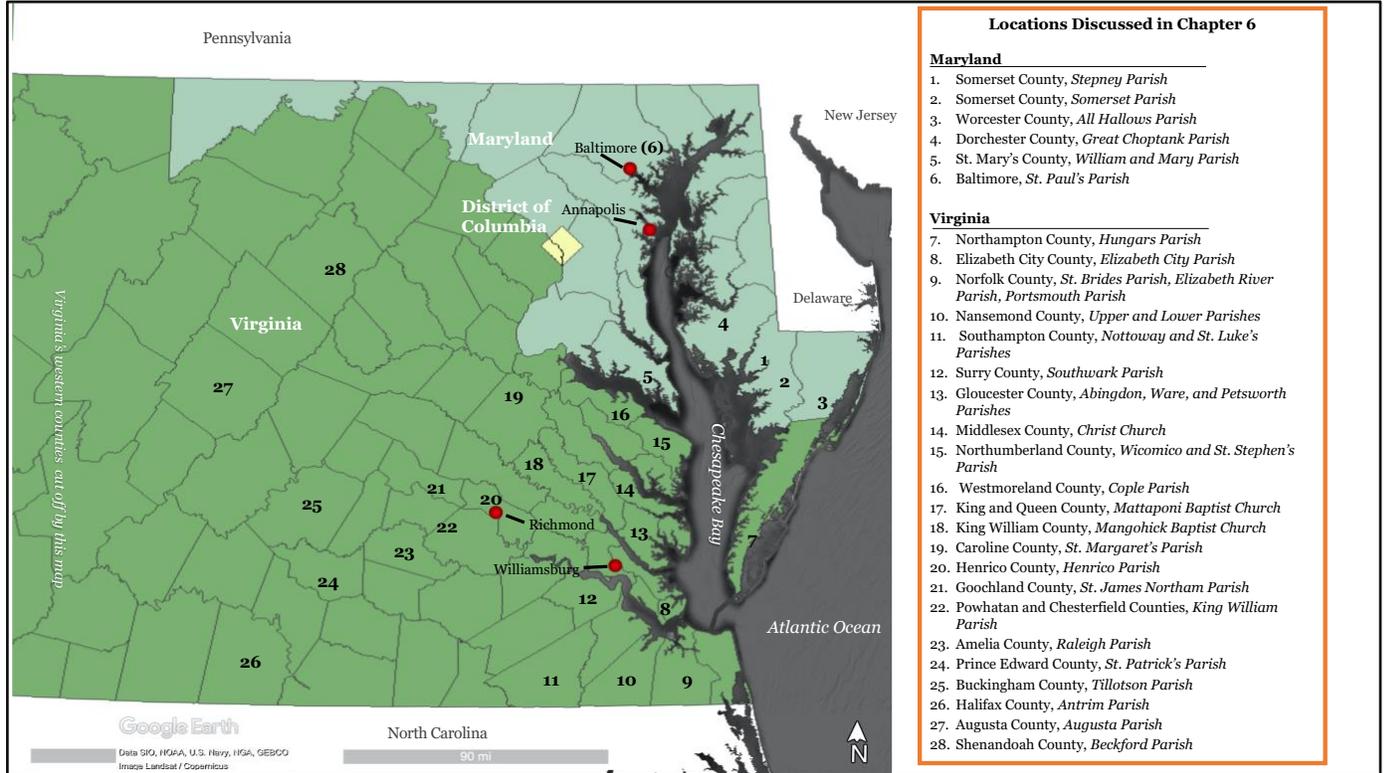


Figure 6.1. Map of locations discussed in Chapter 6. Map created by Alyssa Penick using data from the *Atlas of Historical County Boundaries*, The Newberry Library, last accessed May 15, 2020, <https://publications.newberry.org/ahcbp/index.html>.

The Value of Selected Glebe Funds in Virginia

County	Number of Glebes	Sale Price per Glebe(\$)
Albemarle	2	3,200
Amelia	1	2,816
Augusta	1	3,552
Caroline	1	8,000
Charlotte	1	2,326
Gloucester	3	12,802
Goochland	1	602
Halifax	1	6,682
King George	1	4,249
Nansemond	1	1,102
Norfolk	1	4,889
Prince William	1	1,106
Princess Anne	1	1,110
Surry	1	5,382
Total	17	57,819
Average		3,401

Figure 6.2. These figures reflect the value of glebe funds in selected counties as reported between 1813-1829. Amelia County's figure also includes the proceeds from the sale of a plate because the Overseers included that money in their glebe fund. Data from Albemarle, Augusta, and Surry reflect the value after several years of investment. The Nansemond Overseers continued to rent out ten additional tracts of land for \$265 annually, so their glebe fund represented only some of the total property seized. **Sources:** Amelia, Charlotte, Gloucester, Goochland, Nansemond, Norfolk, Prince William, Princess Anne, and Surry Counties, Overseer of the Poor Annual Reports and Checklists, 1800-1909, Accession APA 739, Auditor of Public Accounts (1776-1928), State government records collection, The Library of Virginia, Richmond. For Albemarle County, see January 6, 1818, *Journal of the House of Delegates of the Commonwealth of Virginia*; Augusta: William Patrick, "To the Citizens of Augusta Count," (Staunton, VA: Printed by L. Collett, at the Rep. Farmer Office, 1812), Broadside Collections, LVA. For Caroline County, see Rappahannock Academy, *Record Book of the Trustees of Rappahannock Academy, 1810-1822*, 46, Accession 24654c, Organization records collection, LVA.

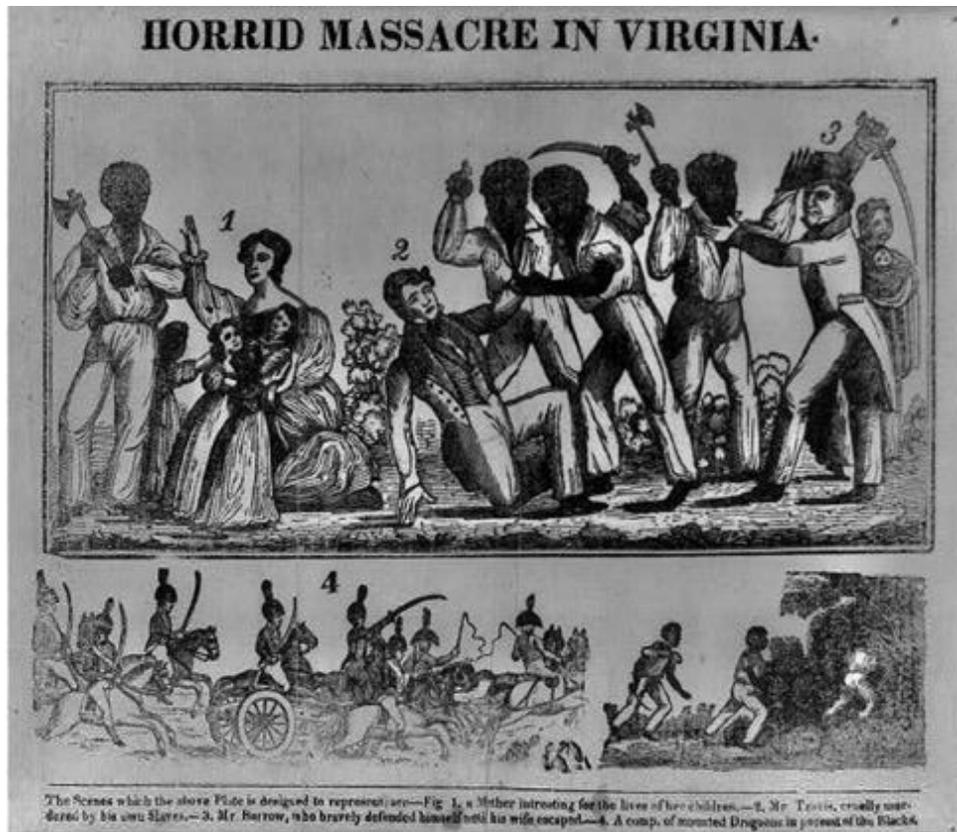


Figure 6.3. This woodcut of Nat Turner’s rebellion was a popular piece of propaganda that emphasized of the violence of the revolt. **Source:** “Horrid massacre in Virginia,” Southampton County Virginia, 1831, <https://www.loc.gov/item/98510363/>.

NOTICE.
WILL BE SOLD,
ACCORDABLE TO LAW, AT NEXT OCTOBER
AMELIA COURT. ALL THE
PLATE, BOOKS, &c.
WHAT belonged to the different Episcopal
 Churches in the said County—Amongst
 which there is a number of
PURE SILVER VESSELS,
Very large and of considerable value.
TERMS made known on that day, (the 4th
 Thursday in the month,) by
The Overseers of the Poor }
for the said County. }
 September 2. w:dw

Figure 6.4. An advertisement announcing the sale of Raleigh Parish plate, library, and bell by the Amelia County Overseers of the Poor in 1815. **Source:** September 9, 1815 *Virginia Argus* (Richmond, Virginia), America’s Historical Newspapers.



Figure 6.5 The overgrown Blandford Church depicted in 1880. Bristol Parish had built Blandford church in 1736, but the building was abandoned in 1806. **Source:** "Blandford Church, Virginia," (1880) The Miriam and Ira D. Wallach Division of Art, Prints and Photographs: Print Collection, New York Public Library Digital Collections, The New York Public Library, accessed Feb 22, 2020, <http://digitalcollections.nypl.org/items/510d47da-fc3c-a3d9-e040-e00a18064a99>.



Figure 6.6. Mangohick Baptist Church in King William County was built as a chapel of ease around 1730 and was taken over by a Baptist congregation in the nineteenth century. Photograph by Alyssa Penick.