

THE GLEBE ACT OF 1802

An Act concerning the Glebe Lands and Churches Within this Commonwealth

(Passed January 17, 1802)

Whereas the General Assembly, on the twenty-fourth day of January, one thousand seven hundred and ninety-nine, by their act of that date repealed all the laws relative to the late Protestant Episcopal Church, and declared a true exposition of the principles of the bill of rights and constitution respecting the same, to be contained in the act intituled “An act for establishing religious freedom,” **thereby recognizing the principle, that all property formerly belonging to the said church, of every description devolved on the good people of this commonwealth, on the dissolution of the British government here,** in the same degree in which the right and interest of the said church was derived therein from them. **And although the general assembly possesses the right of authorizing a sale of all such property indiscriminately, yet being desirous to reconcile all the good people of this commonwealth, it is deemed inexpedient at this time to disturb the possession of the present incumbents:**

2. Be it therefore enacted by the General Assembly. That the overseers of the poor and their successors, or a majority of them, within each county of this commonwealth, wherein any glebe land is vacant or shall become so, by the death or removal of any incumbent, shall have full power and authority, and they, or a majority of them, are hereby directed, on giving at least thirty days public notice, at the front door of the court house of their county, **to sell such land and appurtenances, and every other species of property incident thereto, on the premises,** to the highest bidder, on twelve months credit, taking bond with good security for the amount thereof, payable to themselves and their successors.

Provided, That no sale of any such property shall take place where any person is in possession thereof, under a lease from any person or persons in behalf of the said church, whether called trustees or not, prior to the passing of this act, until the said lease shall expire; And all sums of money, or tobacco due thereon, or to become due, shall be recovered by action in the names of the said overseers of the poor, or their successors, in any court of record within this commonwealth: That the said overseers of the poor, or a majority of them conducting every such sale, or their successors, on receiving satisfactory security for the amount thereof, be, and they

are hereby, authorized and directed to convey all such property sold by them as aforesaid, to the purchaser or purchasers thereof by good and sufficient deeds for that purpose; that in all cases where any person or persons may have received any sum or sums of money, or tobacco, for the use of the Episcopal Church as established under the former government, and shall not have paid the same as directed by law, the said overseers of the poor and their successors, or a majority of them, shall be entitled to receive the same, and on non-payment thereof, to recover it by action in any court of record within this commonwealth: That, when any person or persons, other than an incumbent or his tenant, shall have had the use of any glebe land or other property incident thereto, and may not regularly have accounted for the profits of the same, they shall hereafter account to the said overseers of the poor, or a majority of them, of the county in which such property lies, and in case any such person or persons, their executors or administrators refuse to account accordingly, the said overseers of the poor or their successors may sue for and recover the same in any court of record, within this commonwealth.

That in all cases where such property is in possession of any incumbent, or his tenant, either or both of them shall be restrained from the commission of waste, in like manner as other tenants for life or years may be by the said overseers or their successors, in whom the right of action for that and the purpose of carrying this act into effect, is hereby vested. That in every case where the overseers of the poor, or anyone or more of them in any county shall have good reason to believe that the incumbent therein shall be about to remove any or the whole of the personal estate, which he holds as formerly belonging to the Episcopal Church, from such county, they, or anyone or more of them shall upon application to any magistrate therein, obtain from him as attachment which he is hereby authorized to grant, against the estate as about to be removed; upon the execution of which, and the return thereof being made to the next court may compel the said incumbent on due proof thereof, to give bond with sufficient security, not to remove the said property or any part thereof, from the premises, and in case of refusal, the said court may order the said property to be delivered to the said overseers of the poor, and their successors or a majority of them, to be by them disposed of as in other cases.

That in all cases where there shall be any just demand unpaid by any parish, the said overseers of the poor and their successors, or a majority of them, in every county comprehending such parish, or the greater part thereof, shall from any of the funds aforesaid, before they are otherwise

applied, pay the same; and shall then be entitled to a credit with the overseers of the poor of the county comprehending the residue of such parish, for their proportion thereof. That in cases where a glebe shall be in, or a parish run into, more counties than one, the overseers as aforesaid of the county wherein the glebe, or the greater part thereof, shall be, shall sell the same as aforesaid: And in all cases the said overseers and their successors, or a majority of them, shall appropriate the money arising therefrom either to the poor of such parish, or to any other objects, which a majority of the freeholders and housekeepers therein may direct, by a writing from under their hands, directed to the said overseers. And in all other cases, the money arising therefrom as aforesaid, shall be by the said overseers of the poor, or a majority of them, in the counties respectively, applied in like manner, unless directed otherwise as aforesaid.

Provided, That nothing herein contained shall authorize an appropriation to any religious purpose whatsoever. That the said overseers of the poor, or a majority of them, or their successors, shall meet as often as they may deem it necessary, for the purposes of carrying this act into effect. That the overseers of the poor and their successors in each county where any such property remains, shall perform all the duties required of them respectively by this act, under the penalty of two hundred dollars each, to be recovered in any court of record, by anyone who will sue for the same. That the said overseers and their successors, or a majority of them, who shall perform the duties hereby required, shall be entitled to receive for advertising, selling, and conveying any of the said property, a commission of three per cent and for collecting and appropriating any of the funds by them received, three per cent more, and shall be accountable to their successors as in other cases.

That nothing herein contained shall authorize a sale of the churches, and the property therein contained, or the church yards, nor in any manner affect any private donation made prior to the first day of January, one thousand seven hundred and seventy-seven, for church and other purposes, where there is any person in being entitled to take the same under any private donor: Nor to affect the property of any kind which may have been acquired by private donations or subscriptions by the said church since the date last mentioned.

3. This act shall commence and be in force from and after the passing thereof.

“In the years after 1786, the General Assembly gradually yielded to the petitions and lobbyists, and in 1802 it passed the Glebe Act. This act directed that groups in each county, called the Overseers of the Poor, seize all farms that Episcopal parishes had purchased prior to 1777 upon the death or resignation of the parish’s present rector. The affected property involved all but a handful of the Episcopal Church’s glebes. The act also directed the overseers to sell the glebes and use the proceeds for the public benefit. **The Glebe Act further allowed Virginians to view all Episcopal churches erected to 1777 (again, the overwhelming majority of Virginia’s Episcopal churches) as public property whenever any Episcopal parish could not maintain regular services in them.**” [This would not apply to privately donated churches, as the Glebe Act made clear.] (p.24)

“...the former established church of Virginia had been steadily declining since the start of the Revolution. Following the Glebe Act, it utterly collapsed....Consequently, having lost their only assured support for a rector and lacking experience in supporting a church through voluntary contributions, many vestries gave up the struggle and dissolved. **At that point their parish churches, now viewed as public property, were left to the plunder of neighboring landowners or turned over to any denomination that could supply a minister and congregation.** In parish after parish throughout Virginia, the Episcopal Church died out.” (p.26)

“The effect of the Glebe Act is amply displayed by the fact that out of approximately two hundred fifty churches belonging to the established Church of Virginia at the beginning of the Revolutionary War, fewer than thirty-five (or only about thirteen percent) remain in use today as Episcopal churches.” (p.26)