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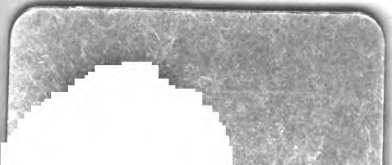




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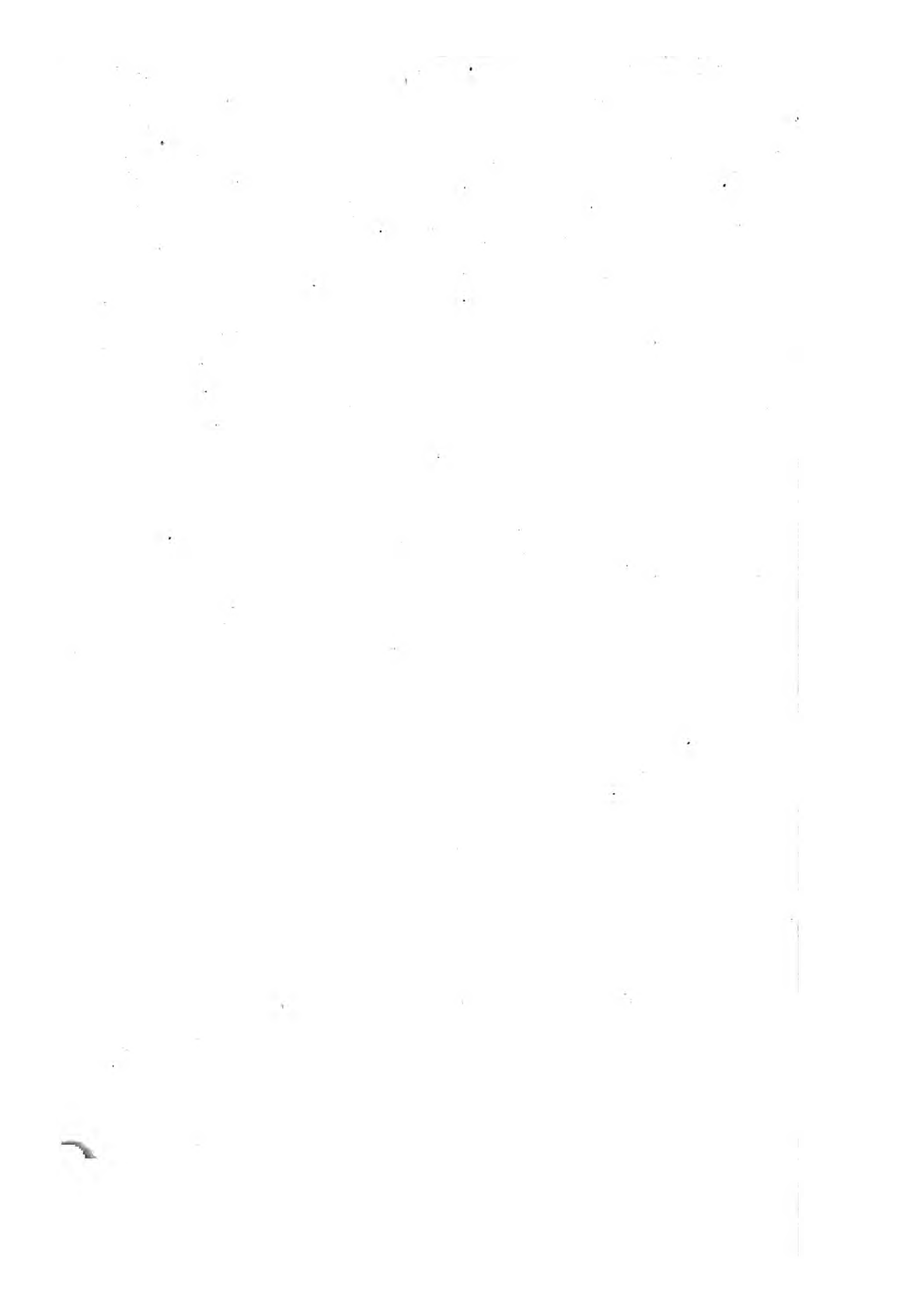
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**THE**  
**INSTITUTION AND ABUSE**  
**OF**  
**ECCLESIASTICAL PROPERTY.**



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G. WOODFALL, ANGEL COURT, SKINNER STREET, LONDON.

THE

*E. J. H. 1831*

INSTITUTION AND ABUSE

OF

ECCLESIASTICAL PROPERTY.

BY THE

REV. EDWARD HULL, M.A.

OF ST. JOHN'S COLLEGE, CAMBRIDGE, AND MINISTER OF ST. MARY'S CHAPEL  
ATTACHED TO THE SCHOOL FOR THE BLIND IN LIVERPOOL.

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LONDON:

PRINTED FOR T. CADELL, STRAND.

1831.

*454.*



## P R E F A C E.

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As the Legislature, whether wisely or unwisely the event must prove, has thought fit to repeal those laws which our ancestors enacted for the support of the Church established in this kingdom, and she must now stand based on her own intrinsic excellence alone ; every one, who wishes to see her prosper, must be anxious to see her maintain that character, on which her prosperity must depend.

That our ecclesiastical polity is in many respects imperfect, few persons will feel inclined to dispute. But there is one evil in it glaring above all others : and, unless it be removed, the Church of England, as an establishment, must ere long cease to exist : I mean the evil of *Pluralities*.

Many good and learned men have bitterly lamented this evil, and have used their best endeavours to eradicate or to modify it. But such has

been the power of those who have had an interest in upholding the corruption, that all their efforts have been unavailing. It may therefore be thought presumptuous in me, to hope that I can do anything towards effecting that, which the virtue and the talents of many "shining lights" have been unable to accomplish. The Church, however, is under different circumstances now from those, which she was under when these illustrious men laboured to overthrow the system of pluralities: and perhaps the fears of those, who are interested in her continuance, may work that reformation, which principle and a regard for the welfare of religion have hitherto failed to achieve. The understandings of the people of this country are much better cultivated than they formerly were, and an inquisitive spirit pervades them. They will soon look into the constitution of our Church Establishment, and will no longer endure the abuses, which for ages have disgraced it.

If the rulers of the Church do not speedily submit to the Legislature the necessity of putting an end to the present shameful misapplication of her revenues, the clamour of the people will soon do it for them. And, if this clamour be once raised and be successful (as in so just a cause it must be) in attaining its object, who shall say when it will

be allayed, or with the attainment of what objects it will be satisfied?

As one, therefore, entertaining a due zeal for the honour of that Church, of which I am a minister, and, as I conceive, a well-grounded apprehension for her safety, I shall endeavour in the following pages to lay open the monstrous evil of plurality of benefices, and to awaken those, whose duty it is to correct it, to a sense of the danger to which, from this cause, our Establishment is exposed.

Some perhaps may think, that an unknown individual, holding the humble station which I hold in the Church, betrays a want of modesty in venturing to make this attempt. To such persons, however, I could offer many excuses. I might tell them, that the dignitaries of our Church are, for the most part, pluralists themselves; and we can, therefore, scarcely expect any of them to engage in such an undertaking: that no great share of talent is requisite for the accomplishment of this work, since the materials are ready and prepared for the workman's hand: that, as an eminent prelate \*, greatly to his honour, has just raised the standard and proclaimed war against pluralities,

\* See the Bishop of London's Charge at his Primary Visitation.

and has been hardly spoken of for doing so, I feel ambitious of carrying an ensign under him, and could wish, were there no vanity in the wish, to partake of the obloquy which may be cast upon him. But I shall make no such excuses as these. I shall only beg them to read the following passage from *Prideaux's* "Reasons for a Bill to Restrain Pluralities", written in the year 1691; and then, I trust, they will think that no excuse is required of me.

Speaking of the evil of pluralities, he says, "It is a great cause of the clergy's losing the esteem and alienating the affection of the laity from them. For they, seeing so many of them grasping at all the benefices they can get, out of a covetous and rapacious mind, only to enjoy the profits without discharging the duty, from hence are apt to think the worse of the whole order, as if they were all a mean and base sort of people, who care not what they do to advance their own by interest. And if those, who inquire into the causes of the contempt and disesteem, which ministers have generally here among us more than in any other Christian state, would lay the main stress hereof on this point only, perchance they would not be much out. And since herein the innocent suffer with the nocent, and the most worthy are the

worst looked on for the sake of those unworthy and covetous persons, who make no conscience thus to sacrifice the interest of souls to that of their purses, I think all good men of the clergy are concerned to do their utmost endeavours, both for their own interest as well as that of the Church, to remove this corruption, which is so injurious to both.”

But since much has been said concerning the *sacred nature* of tithes, as if it would be sacrilege to interfere with them, so as in any respect to alter their present mode of distribution; and as the right of the legislature to change the existing laws with respect to them may possibly be called in question; before I proceed to show what was the origin of pluralities and how incumbent it is upon the legislature to put an end to them, I shall first show what was the origin of tithes.

That tithes are as sacredly the property of the Church, as the lands possessed by private owners or bodies corporate are the property of those, to whom they are appropriated, no good and just man will for a moment dispute. But, as their origin has often been ascribed to an erroneous source, I shall prove from authorities, which I think will not be called in question, that the payment of them was *instituted by the State*, for the



purpose of providing for the religious instruction of the inhabitants of the several districts, by which they were paid; and that the State, therefore, *has a right* so to order the disposition of them, that they may best conduce to the end, for which they were established.

August 10th, 1830.

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THE  
INSTITUTION AND ABUSE  
OF  
ECCLESIASTICAL PROPERTY.

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CHAPTER I.

That the Clergy under the Christian Dispensation  
derive no right to the tithes from Scripture.

MANY writers have maintained that tithes under  
the Christian Dispensation are due to the clergy  
by *divine right*<sup>a</sup>.

*Bingham*\* proves this to have been the doctrine  
of *Origen*, *Jerome*, and *Austin*; the last of whom  
uses the following irresistible argument, in order  
to convince his readers of the truth of it. “The  
Pharisees (says he) gave tithes. And our Lord  
says, *Except your righteousness shall exceed the  
righteousness of the Scribes and Pharisees, ye shall  
not enter into the kingdom of heaven.* But, if he,  
whose righteousness ye are to exceed, give tithes,

<sup>a</sup> The Canonists generally held tithes to be due *jure divino*;  
whilst the School-men held them to be due *jure humano eccle-  
siastico.* *Selden* on Tithes, c. 7.

\* “Antiquities of the Christian Church.” B. V. c. 5. § 1.

and you give not a thousandth part ; how can you be said to exceed him, whom you do not so much as equal ?”

*Bingham*, indeed, tells us that “ it is generally agreed by learned men, that the ancients accounted tithes to be due by divine right ;” although he says that \* “ it is generally believed that tithes were not the original maintenance of ministers under the Gospel :” And he gives some very satisfactory reasons advanced by Bishop *Carleton* why they were not.

*Prideaux*, in his Preface to his excellent work “ On Tithes ” writes thus, “ For some men laying their claim to them (tithes) on such a divine right as requires a divine law to support it, and there being <sup>a</sup> no such law to be found in Scripture, excepting that which was given to the children of Israel, (which is a part of the Mosaic constitution and is expired with it,) this hath led others, from the eviction of this right, to infer the contrary extreme ; that, because there is no such divine right, there is therefore no right to them at all.” And again he says, “ That they are due as to the *quota pars* by a divine law obligatory upon all

<sup>a</sup> The constitutions said to have been made by the Apostles prescribe the payment of Tithes ; but they are spurious. *Selden* on Tithes, c. 4.

\* B. V. c. 5. § 2.

mankind, how much soever it hath been laboured, hath never yet been proved. And for the clergy to claim them by such a wrong right, as can never be made out, it doth not only weaken the true right, which they have unto them, but also exposeth them to scorn and contempt, as baffled claims always do those that make them, and by reason of the many odious consequences, which follow here-upon, must necessarily stir up the hatred and aversion of the laity against them.”

But, although this author denies that tithes are due to the clergy by *divine* right; still he argues that, since the payment of them was of divine original, it is a precedent highly worthy of being followed. The payment of tithes, he says \* “ was not only commanded by God under the Law, but was also practised before the Law, by holy men, who were divinely directed and divinely inspired by him, and therefore cannot be supposed in a thing of this nature to have acted without him.”

*Prideaux* has certainly contended for this point with great ability: but still, I think, his labour has been lost. For in the first place, with regard to the payment of tithes “by holy men before the Law,” this has little, if any, analogy to the payment of them under the Christian Dispensation.

The tithe, which Abraham paid to Melchisedek,

\* C. 2. p. 40.

was not the tenth part of his income annually paid, but a tenth part of the spoil, which he took from Chedorlaomer and the kings that were with him. Bishop *Patricke*, in his commentary upon the words “And he gave him tithe of all,” says, “He doth not say of what all; but that which goes before leads us to think he means<sup>a</sup> tithes of all the spoil, which he had taken from Chedorlaomer, &c.”

He then observes that Josephus thus interprets it: and that the Apostle, in his Epistle to the Hebrews, calls this tithe “a tenth part of the spoils.”

Josephus writes thus\*: “Now this Melchisedek supplied Abram’s army in an hospitable manner with provisions in abundance: and as they were feasting, he began to praise him and to bless God for subduing his enemies under him. And when Abram gave him the tenth of his prey, he accepted of the gift.” It is clear from this passage that Josephus, who was himself a priest, did not consider this tenth as paid by Abram to Melchisedek from any religious motive, but as a compensation

<sup>a</sup> *Hooker* in his *Ecc. Pol.* B. 5. p. 310, says also, “For of the spoils, which Abraham had taken in war, he delivered unto Melchisedek the tithes.” *Chrysostom*, *Sulpitius Severus*, and *Jerome* were all of this opinion. *Selden*, c. 1.

\* *Whiston’s Translation*, B. 1. c. 10. § 2.

for or an acknowledgement of the hospitality, which he had shewn him, and the good will, which he had expressed towards him.

Bishop *Patricke*, however, argues (with what reason I leave the reader to judge) from this payment of a tenth of the spoil taken in war, that it must have been the custom to pay to the priests the tenth of all other things. This act of Abraham together with the story of Jacob, he says, “ shows plainly that the custom of paying tithes was before the Law of Moses ; and that not only of *the spoils of war*, but of their flocks, corn, and other fruit, which Jacob vowed unto God.” Nevertheless he thinks that the tithes were not paid to the priests to be applied to the support of themselves and their families ; but that they were expended in sacrifices and alms deeds. In his commentary on Jacob’s vow, he says that he vowed to pay tithes “ for the maintenance of burnt-offerings and such like pious uses ; and perhaps for the relief of the poor. As for the priests, we do not yet read of any tithe given to them.”

Hence I think it is clear that no argument can be drawn, proving that the clergy in the Christian church have a divine right to tithes as their maintenance, from this payment of tithes “ by holy men before the Law.”

Let us now see whether such an argument can



be drawn from the payment of them having been “commanded by God under the Law.”

I. First we will consider *what persons* partook of the tithes under the Law; and secondly *what portion* was set apart for their maintenance.

With regard to the persons, we must recollect that, when the land of Canaan was divided amongst the tribes of Israel \* no portion was allotted as an inheritance to the tribe of Levi. This tribe was commanded to be dispersed amongst all the other tribes †; forty-eight cities were appointed for the residence of its members; and the whole service of the Tabernacle and afterwards of the Temple was committed to it alone, the family of Aaron, to which the priesthood belonged, being of this tribe.

In lieu, therefore, of a peculiar district of the country, such as was allotted to each of the other tribes, it was ordained that each tribe should provide according to specific directions for the priests and Levites, who should dwell amongst them.

When God commanded Moses to take the number of the men in each tribe ‡ “able to go forth to war in Israel,” i. e. from twenty years old and upward, they amounted to 603,550; and when they

\* Deut. c. 10. v. 9. and c. 18. v. 1. Josh. c. 13. v. 33.

† Num. c. 35. v. 7. Josh. c. 21. v. 41.

‡ Num. c. 1.

were again numbered after the plague \* they amounted to 601,730. The Levites were not numbered after the same manner with the other tribes, but all the males of them from a month old and upward were numbered. On the former occasion, they were 22,000, and on the latter 23,000. Now if we suppose the number of males under twenty years of age to be equal to the number above that age in all the tribes, the males of the tribe of Levi amounted to somewhat less than  $\frac{1}{50}$ th part of the male population of Israel<sup>a</sup>: and therefore we may consider the whole tribe, including both males and females, as amounting to  $\frac{1}{50}$ th part of the whole population.

According to *Mr. Thackeray* † the number of the clergy, who partake of the tithes in this kingdom, is estimated at 14,000; and if we suppose each of them, whether married or single, to maintain four persons besides himself, the *clerical tribe*, as we may call it, in this kingdom amounts to 70,000 persons. This number, if we estimate

<sup>a</sup> On this hypothesis the whole male population of the other tribes would be 1,207,100.

The tribe of Levi must have increased rapidly in after times, if *Whiston* (Vol. III. p. 107.) is correct, when he says that after the captivity, the priests (by whom he must mean the whole tribe of Levi) were “about the tenth of the whole people.”

\* Num. c. 26.

† “Defence of the Clergy”, p. 143.

the population of the kingdom at 12,000,000, is only  $\frac{1}{170}$ th part of the whole population; and hence *the number of persons in proportion to the population, who partook of the tithes under the Law, was more than three times greater than that, which partakes of the tithes in this kingdom.* So far, therefore, there is little analogy between the payment of tithes under the Law, and the payment of them in this kingdom under the Gospel.

Let us in the next place consider *the nature of the duty* performed by the Priests and Levites, in what *manner the tithes were applied* for their maintenance, and *what restrictions* their profession laid upon them.

*Prideaux* says \* that the priests officiated only *in the Temple*, and that only one day in six months, excepting at the great Festivals, when they all attended. He is right in saying that the priests officiated only one day each in six months in the temple, or at least he is nearly right. This was their service in it on the average. They were divided into twenty-four courses †, and each course in turn performed the service weekly. Again, each course was divided according to the houses of the Fathers in it. If a course had seven houses of Fathers in it, it was divided into seven parts,

\* *Prideaux* on *Tithes*, pp. 63 and 66.

† *Lightfoot*. Vol. I. (fol. 1684) p. 915, &c.

and each priest in that course performed one day's service in every twenty-four weeks. But, as some of the courses had more and some less than seven houses of Fathers in them, there was some variation as to the priests' days of service.

The Levites also were divided into \* courses by David : 24,000, i. e. 1000 for each week, were appointed " to set forward the work of the house of the Lord, " and the rest were officers, and judges, and porters, and singers. None but priests and Levites performed the service of the Temple.

But *Prideaux* is wrong, when he says that the priests officiated in the *Temple only*. Their service in the Temple constituted a very small part of their duty<sup>a</sup>. Both they and the Levites officiated in all the synagogues throughout the land of Israel. In every town, in which there were † ten persons of condition, was a synagogue, in which prayers and praises were offered up to the Almighty, and the scriptures were read and expounded to the people three days in each week, independently of

<sup>a</sup> It is strange that *Mr. Thackeray* (p. 71.) should say that " the Levitical priesthood had not a tenth part of the duties to perform, which now devolve on the Christian Clergy." Independently of their ecclesiastical duties, the administration of justice was chiefly committed to the Priests and Levites. See *Spelman*.

\* 1 Chron. c. 23.

† *Lightfoot*, Vol. II. pp. 298 and 610.

holy days. In large towns the synagogues were numerous \*. In Jerusalem there were 460 or 480 ; but † there was only one in the Temple. In every synagogue were ‡ ten men called Elders. Of these ten § three were Rulers of the synagogue, one the public minister of the synagogue, and three Deacons and almoners. The eighth was the interpreter in the synagogue, the ninth *Lightfoot* thinks was the master of the Divinity-school, and the tenth his interpreter. When the people were assembled, the public minister called out seven to take part in the service, the first of whom was a priest, the second a Levite, and the other five Israelites. But these Israelites, who were not of the tribe of Levi ||, were not permitted to officiate, unless they were “ first ordained and had ordination as a state call and commission to their office.” ¶ The settled ministry of Israel consisted of priests and Levites.

Moreover \*\* the 48 cities set apart for the Levites were so many universities, where the ministerial tribe studied the Law and qualified

\* *Lightfoot*, Vol. II. p. 35.

† *Ib.* p. 395.

‡ *Ib.* Vol. I. p. 611.

§ *Ib.* Vol. II. p. 133, &c.

|| *Ib.* Vol. I. p. 612.

¶ *Ib.* Vol. II. p. 86.

\*\* *Ib.* Vol. II. p. 86. and Vol. I. p. 309.

themselves for the exercise of their profession : and the tithes provided for their maintenance, whilst they were thus engaged, as well as during the performance of their duty in the Temple and in the synagogues. So that *the application of the tithes* under the Law was different from their application in this kingdom.

Again, the clergy in this kingdom are not permitted, like other men, to embark in whatever occupation they may choose. But the Jewish priests, when not engaged in religious service, might follow any temporal pursuit and even engage in warfare. *The restrictions placed upon the clergy* in this kingdom, therefore, are very different from those, which were placed upon the Jewish priesthood.

II. Let us now consider *what portion* was set apart for the maintenance of the Levitical priesthood.

The tithes paid to the priests and Levites were not a mere tenth part of the gross produce of the soil. The whole amount of the oblations and tithes exceeded a *sixth part* of the revenue of each person\*. In the first place, the *first-fruits* were offered, of which every one gave what he pleased. Secondly the *heave-offering* was given, which was not to be less than  $\frac{1}{60}$ th of the produce, but might

\* *Selden, c. 2.*

be more. Thirdly the *first tithe* of the remainder was paid to the Levites at Jerusalem <sup>a</sup>, of which the Levites gave  $\frac{1}{10}$ th to the priests <sup>b</sup>. Fourthly, *another tenth* of the remainder was paid *in kind* at Jerusalem, or it might be sold and remitted in money by those, who lived at a great distance from the capital, provided one fifth part of the price were added.

Hence, above a sixth part of the produce of the soil was paid to the Church : and of the cattle also the first-born belonged to the priests, and  $\frac{1}{10}$ th of the increase to the Levites. The tithes, moreover, were delivered fully dressed and prepared for use, the corn fit for grinding, the grapes made into wine, and the olives into oil \*. But, besides these tithes, we must recollect that the Levites had a very large quantity of land given to them around the forty-eight cities allotted for their residence †. Their landed property, according to the calculation of *Comber* ‡, amounted to  $\frac{1}{30}$ th part of the land of Canaan : whereas all the church-

<sup>a</sup> From this example the clergy of Christendom gave  $\frac{1}{10}$ th of their tithes to the Pope, which tenth at the Reformation in this kingdom was transferred to the crown by 26 H. 8. c. 3.

<sup>b</sup> This latter tenth every third year was expended upon the poor.

\* *Prideaux*, p. 77.

† Num. c. 35.

‡ "Vindication of the Divine Right of Tithes" against *Selden*.

lands in England and Wales amount only to  $\frac{1}{130}$ th part of the land in this kingdom\*.

When, therefore, we see that *the number of persons in proportion to the population*, who partook of the tithes under the law, was more than three times as great as that of the clergy in this kingdom: that these persons were *educated in their universities* by means of the tithes: that they might *engage themselves in any secular occupation*, even in warfare: that *the portion paid to them was more than one-sixth part* of each man's revenue: that the tithe was *brought to them ready for use*: and that their *church-lands amounted to five times as much in proportion to the land of the kingdom as the church-lands in this country*:—when we take all these circumstances into consideration (and there are others which might be mentioned) we have certainly no ground for thinking with *Prideaux*, that the institution of tithes under the Law affords *a good precedent* for the institution of them under the Gospel, unless the polity of the Christian Church (which is impossible) were assimilated to that of the Jewish. And it is a matter of astonishment that *Mr. Thackeray*, who was aware of all these circumstances, (with the exception perhaps of the duties of the priests and Levites in the synagogues,) should have stated

\* *Prideaux*, p. 83.



(p. 73,) that the *analogy* between the Mosaic and Christian priesthood is “favourable to an ecclesiastical remuneration by tithes under the Christian dispensation.”

It was perhaps scarcely necessary to occupy so much time, in proving that tithes are not due to the clergy by *divine right*: since, whatever notions may have prevailed on the subject two centuries ago<sup>a</sup>, few writers of modern days will venture to maintain the divine right of tithes<sup>b</sup>, how much soever interested persons may wish to encourage the doctrine. That “a competent portion” (as *Prideaux* says) ought to be set apart out of each person’s annual income for the support of religion in every Christian country, no good man will for a moment dispute. But there is no reason why this portion should *necessarily* be a *tenth*.

“Though hire to the labourer”, says *Chambers*, “be of moral and perpetual right, yet that special kind of hire, the *tenth*, can be of no right or necessity, but to the special labour, for which God or-

<sup>a</sup> *Spotswood*, in his History of the Church of Scotland, states the divine right of tithes to be indisputable, and says, (p. 86,) that “he that will not wilfully shut his eyes against the truth, cannot but know it:” and this notion is far from being exploded.

<sup>b</sup> The *Rev. J. Gate* has lately ventured to maintain this right in print.

dained it. That special labour was the Levitical and ceremonial service of the tabernacle, which was abolished: the right, therefore, to the special hire must be abolished too." And *Hooker* says; "We are now free from the law of Moses, and consequently not thereby bound to the payment of tithes."\*

But even had the payment of tithes been ordained by the Founder of Christianity, so that the *clergy generally*, in every country in Christendom, would have had a divine right to the tenth part of the produce of the soil; still it would by no means follow, that *individuals of the clergy* would have had a right to the tithes of peculiar districts, varying greatly in fertility and extent, and marked out and allotted to them under no divine direction.

And again, supposing that these districts had been allotted by divine direction, nevertheless, if owing to a convulsion in any nation, or to the rapacity of its princes, or to any other cause, the Church should be despoiled of any portion of its tithes, it would by no means follow that the individuals, whose tithes should remain untouched by this cause, would continue to have a right to the full enjoyment of them, when others of their fellow-labourers in the vineyard should have been

\* B. V. p. 312.

deprived by spoliation of the means of subsistence. They would, not only in charity but in equity, be called upon to contribute to the maintenance of their spoliated brethren. And, should they not listen to the voice either of equity or of charity, the *law of tithes*, even though it had been originally of divine authority, *ought to be altered*, so as to compel them to do this act of justice.

I am sure that I am borne out in this assertion by the reasoning of that soundest of logicians, the venerable *Hooker*. “Positive laws,” saith he, “are either permanent or else changeable, according as the matter itself is, concerning which they were first made. Whether God or man be the maker of them, alteration they so far forth admit, as the matter doth exact.”\* And having reasoned upon this position, he says, “Wherefore to end with a general rule concerning all the laws which God hath tied men unto: Those laws divine that belong, whether naturally or supernaturally, either to men as men, or to men as they live in politick society, or to men as they are of that politick society which is the Church, without any further respect had unto any such variable accident, as the estate of men and of societies of men, and of the Church itself in this world, is subject unto,—all laws, that so belong unto men, they belong for

\* B. I. p. 33.

ever, yea, although they be positive laws ; unless, being positive, God himself, which made them, alter them. . . . . On the other side, laws which were made for men or societies or churches, in regard of their being such, as they do not always continue, but may perhaps be clean otherwise awhile after, and so may require to be otherwise ordered than before ; the laws of God himself, which are of this nature, no man endued with common sense will ever deny to be of a different constitution from the former, in respect of the one's constancy and the mutability of the other." \* Again, speaking of " the mutability of the laws, that concern the regiment and polity of the Church," he says, " The nature of every law must be judged of by the end for which it was made, and by the aptness of things therein prescribed unto the same end . . . . . Of this we cannot be ignorant, how sometimes that hath done great good, which afterwards, when time hath changed the ancient course of things, doth grow to be either very hurtful, or not so greatly profitable and necessary. If, therefore, the end for which a law provideth be perpetually necessary, and the way whereby it provideth perpetually be also most apt ; no doubt but that every such law ought for ever to remain unchange-

\* B. III. p. 81.

able. But whether God be the author of laws, by authorizing that power of men, whereby they are made, or by delivering them made immediately from himself, by word only or in writing also, or howsoever; notwithstanding the authority of their maker, the mutability of that end for which they are made maketh them also changeable." Again, he says, "The end wherefore laws were made may be permanent, and those laws nevertheless require some alteration."

Now this reasoning of *Hooker* cannot be more applicable to any ecclesiastical law, than to the law of tithes in this kingdom. The end, for which this law was instituted, was that a suitable provision might be made for all the clergy of the realm. But since "time hath greatly changed the ancient course of things" with respect to tithes in this kingdom, the Church having been spoiled of a large portion of them, the law of tithes now in use is no longer "apt to provide for this end"; and it ought therefore, even had it been of divine authority, and much more as it is only of human authority, to be so altered as to meet the exigences of existing circumstances and to promote the end of its original institution.

The reader must not conceive that I entertain the notion, that the tithes of the kingdom should be put into a common stock and distributed in

equal or nearly equal portions amongst the ministers of the Church. I am fully aware of the great evils with which such a measure would be attended, and am as strong an advocate for different gradations of rank in the church and for an unequal distribution of its revenues as the proudest hierarch or the most rapacious pluralist in the land.

But still I am confident that the great inequality, which at present exists in the distribution of ecclesiastical property, is highly injurious; and that some alteration of the law, which sanctions this inequality, is absolutely necessary, in order to recover the Church from the sickly state, in which she now is, and to give that strength and vigour to her constitution, which every friend of his country must wish to see her enjoy. I do not profess to be capable of pointing out with precision the nature of the enactment, which would most efficaciously forward this end; but I shall shortly suggest to those, who are better qualified to perform this task, what appears to me to be practicable and likely to produce a beneficial result.

## CHAPTER II.

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On the Prevalence of the Notion that Tithes derive their Origin from the spontaneous Liberality of the pious Owners of the Soil.

HAVING shown that the *divine* right of tithes cannot be proved either from their having been paid “by holy men before the Law”, or from their having been “commanded by God under the Law”, I shall now proceed to examine the opinion of those, who maintain that, although tithes may not be due to the clergy by divine right, still they belong to them by the strongest of all human rights; having been set apart for their sacred purpose many ages ago by *the voluntary beneficence of the pious owners of the soil*; and that every incumbent holds his tithes by the same right as, or by a more sacred right than, any landed proprietor holds his estate: so that the Legislature can in justice no more interfere with the proprietors of ecclesiastical benefices with regard to the disposition of the tithes, than it can interfere with landlords as to the disposition of their rents<sup>a</sup>.

<sup>a</sup> “The estates of the Church”, says a modern writer, “are private property, subject as far as all other property is subject and no further to the direction and control of the Legislature.” And

Now, even supposing tithes to have been originally instituted in this country by the spontaneous liberality of the owners of the soil ; still it would by no means follow that the Legislature would have no more right to regulate the distribution of them in succeeding ages, in such manner as it might deem expedient to promote the welfare of religion, than it would have to regulate the distribution of the rent of landlords <sup>a</sup>.

When grants of land were first made, landlords held their fees on the condition of their performing certain temporal services to the state, in like manner as the clergy received the tithes on the condition of their performing certain spiritual services \*. When the state derived no revenue from trade or manufactures, it was altogether defended and maintained by the proprietors of the soil ; all again he says, “ Cease, then to consider us as ecclesiastics ” (rather a strange request !)—“ look upon us as proprietors possessing our freeholds by the law of the land, under which you hold your own ! ”—Appeal to the Gentlemen of England, p. 14, by the Rev. Augustus Campbell, M.A. Rector of Wallasey.

<sup>a</sup> Did not the Legislature at the Reformation take the whole of the tithes from the clergy of the Romish Church, to whom they were originally given, and confer them upon the Protestant Clergy ? And I am not aware that any Protestant advocate for the present system of disposing of tithes has ever accused it of rapine or injustice for having done so. Nor was the right of the Legislature called in question, when it fixed the salaries of stipendiary Curates.

\* *Blackstone*, B. II. C. 4. *Robertson's History of Charles V.* §. 1.



the civil establishments in it being supported and the military forces provided by them alone<sup>a</sup>. But owing to the state having been gradually enabled to raise a large revenue by imposts upon articles of trade and manufacture, the landed proprietors have been justly relieved from a great part of the burden, which was originally laid upon them : or, in other words, the condition on which they formerly held their lands has materially altered. Still, however, they hold them liable to certain taxes and charges, which the Legislature imposes in any way which it thinks fit. But the condition, on which tithes were granted to the clergy, namely that they should supply the spiritual necessities of the people, is not at all altered<sup>b</sup> : and the Legislature has not only a right, but is in duty bound to see that the tithes are distributed so as in the best manner to answer this end.

We must also bear in mind another very important distinction between tithes and landed estates. Some peculiar individuals are almost always heirs to the latter, so that on the decease of the existing proprietors they legally belong to

<sup>a</sup> The clergy on great emergencies granted contributions.

<sup>b</sup> It will not be contended that the circumstance of the clergy being taxed by the state instead of taxing themselves makes any difference in this matter.

them. But this is not the case with regard to the tithes of benefices, especially of those which are in the gift of the crown or of any public officer or body corporate: and therefore no peculiar individual could complain of injustice being done to himself by any alteration in the distribution of them.

The notion that tithes in this country were granted by the voluntary beneficence of the owners of the soil seems to be very prevalent at the present day.

“The first converts to the Christian religion,” says the *Quarterly Review*, “gave a tenth part of the produce of their land as a reasonable standard of a voluntary compensation to its ministers. When this religion acquired a surer footing and its converts became more numerous, the provision, which had previously been received as the spontaneous liberality of its professors, began to be regarded as a right established by custom. In the course of the eighth century, the growing force of custom, aided by the operation and influence of the canon law, rendered the payment of tithes an imperative obligation.”\* And again, “It may, perhaps, be urged that, to represent tithes in England as flowing in all cases from a voluntary grant made by

\* No. LVIII. p. 533.

some former proprietor of the land, on which they are now levied, is to assume a fact, which cannot be proved. It must, no doubt, be conceded that it is impossible to prove, by existing documents, that in all the instances where they are now exacted, tithes were conferred upon the Church by an express grant. But the absence of direct proofs, rendered unavoidable by the lapse of time, will by no means invalidate the supposition, that the right to exact them was in most parishes originally acquired in this manner.” \* And in another Number it says, “Every ecclesiastical benefice we consider as a distinct eleemosynary foundation.” †

The *Monthly Magazine* says, “The revenues of the Church have existed by the most natural and intelligible of all rights, the right of private ownership to dispose of its property. This right is more sacred than the right of the nation to dispose of property . . . . The Saxon chiefs erected churches on their own lands and fixed a permanent minister of religion beside the church for the perpetual maintenance of its worship, endowing him generally with a portion of land, and besides, in all instances, with that portion of the products of the estate, which we call tithes. This was the state of Church property before the Conquest.” ‡

\* No. LVIII. p. 538.      † No. LXXXIII. p. 143.

‡ June 1830, page 613.

And again, "It is impossible that any right can be more natural or justifiable than a maintenance derived in this manner. It was not forced from the owner : it was not taken from either the property of the public nor of any unwilling individual ; the lord of the estate felt the necessity for having religious service on his estate : to have that advantage he set apart a regular salary for its provision ; and to continue that advantage to his posterity, he made that provision permanent to all time." \*

*Blackwood's Edinburgh Magazine* says, "Most of the persons who propose to alter the mode in which the clergy of the English Establishment are now provided for, would have us believe that tithes constitute a general tax originally imposed upon the nation by Parliament. But such a representation of the origin of tithes is utterly irreconcilable with the fairest deduction from historical probabilities." † And in the article under review it is stated, that the great landlord "having created a parochial benefice, voluntarily, freely, and expressly endowed it with a certain portion of the gross produce of his estate:" And again, that "there is no pretence for alleging that tithes originated in any act of the legislature. Parliament did

\* *Ib.* p. 614.

† August 1830, p. 277.

not impose this burden." . . . "It is no doubt true," says the Reviewer, "that at various periods the legislature has interfered, either to regulate or enforce the payment of tithes, as already due of common right; but no instance can be adduced, in which it has undertaken to create a right to this species of revenue, where it did not previously exist."

It is needless to quote any other writers on this subject; since the foregoing passages, taken from such respectable periodical publications, sufficiently show how *general* the notion is, that tithes were not imposed by the legislature, but were the gratuitous donation of the proprietors of the soil.

The two last-mentioned writers, however, seem to be somewhat sceptical as to the manner in which tithes were established, and to have no firm confidence in their own doctrine. One of them says, "Whatever *obscurity* may therefore hang over the manner in which the practice of paying tithes was first introduced into this island—whether it originated in a voluntary grant from the owners of the soil, or in the gradual influence of custom acquiesced in by the proprietors of the land now subject to this payment,—still there can be no difficulty in proving that the introduction of tithes cannot be ascribed to an act of the legislature." \*

\* *Blackwood*, p. 282.

And the other says, "If the opponents of ecclesiastical endowments *should be able even* to prove that tithes constitute a tax originally imposed upon land by the authority of the legislature, &c."

Now, although I have no wish to be numbered amongst "the opponents of ecclesiastical endowments," I shall proceed to show that *no* "obscurity hangs over the manner in which the practice of paying tithes was first introduced into this island," and that "tithes *do* constitute a tax originally imposed upon land by the authority of the legislature,"<sup>a</sup> which was actuated partly by superstition and partly by a dread of the power of the Roman Pontiff.

I think it of some importance to show this; because, although the legislature would have had a right and have been bound in duty (as I have already observed) to take care that the tithes should be so applied, as to answer the end for which they were given, *had they been the voluntary donation of individuals*; still its right and its duty to do this may, to many persons, appear in a clearer

<sup>a</sup> "As in matters of faith and morality" says Blackstone, speaking of the English clergy, "they acknowledge no guide but the Scriptures, so in matters of external polity and of private right, they derive all their title from the civil magistrate."

light, when it is proved to them, that the tithes *were imposed by the legislature itself*<sup>a</sup>.

<sup>a</sup> The Quarterly Review (No. LXXXIII, p. 145.) admits this. It erroneously supposes all church property (as we have seen) to have arisen from voluntary beneficence : and yet it says, “ We acknowledge, in its fullest extent, the right of the state, in its capacity of trustee, to enforce the due and effective discharge of the conditions on which this species of property is held, and to introduce any alterations or regulations, which may seem likely to increase the efficiency and utility of the services attached to the enjoyment of church endowments. . . . If it should be proved that these revenues are in many or any cases abused—if the conditions on which they are held, are not strictly and honourably fulfilled—by all means let measures be adopted to remedy the abuse and enforce the faithful performance of the conditions.”

## CHAPTER III.

## On the Establishment of Tithes on the Continent of Europe.

THAT tithes were not paid to the clergy in any part of Christendom during the first three centuries is universally acknowledged <sup>a</sup>.

“What was paid to the Church,” says *Prideaux*, p. 139, “for several of the first ages after Christ, was all brought by way of offerings, made either at the altar or at the collections in the churches or on other occasions, as the charity and devotion of well-disposed persons inclined them.” And, having mentioned the law of *Constantine*, enabling churches to receive lands as donations, he says, “And thus, till towards the fourth age of the Church, all the necessities of it were fully answered by the voluntary offerings of the faithful.” <sup>b</sup>

<sup>a</sup> “For the first three hundred years after Christ,” says *Chambers*, “no mention is made in all ecclesiastical history of any such thing as tithes, though in that time altars and oblations had been recalled and the Church had miserably Judaized in many other things.” And *Selden*, (c. 4.) says that no payment of tithes can be proved till the end of the fourth century.

<sup>b</sup> *Selden*, c. 4. says that these offerings far exceeded a tenth of each man's income.



*Bingham*\* says that the clergy were maintained by the offerings at the altar, consisting of money, bread and wine, fruits, fowls and beasts, and by monthly contributions: and that, besides these sources of revenue, houses and lands were given by individuals to different churches, the Emperor *Constantine*<sup>a</sup>, A.D. 321, having passed a law at Rome, by which persons were permitted to give and bequeath their property to the Church. This law is extant in both the Theodosian and Justinian Codes.

Soon after the passing of this law †, men were very liberal indeed in their gifts and bequests to the Church; and many rapacious priests and monks so gained the affections of widows and orphans, that they were induced to leave them great legacies, and sometimes their whole estates, to the prejudice of the right heirs and next relations. In consequence of this, *Valentinian* made a law, which is also extant in the Theodosian code, forbidding ecclesiastics and monks to frequent the houses of widows or orphans, and disqualifying them from receiving any gift or legacy from them.

<sup>a</sup> *Stillingfleet's* Antiq. of the British Churches, c. 4. According to the legend, he was urged by gratitude, Sylvester the Bishop of Rome having healed him of the leprosy.—*Gibbon*.

\* *Antiquities of the Christian Church*, B. 5. c. 4.

† *Bingham*, B. 5. c. 4.

*Constantine*, moreover, gave largesses to the clergy, and settled upon them a standing allowance out of the public treasury. This allowance was entirely taken away by his nephew, *Julian*, A.D. 361. A third part of it was restored by his successor, *Jovian*, A.D. 363, and was afterwards secured to the clergy by the code of *Justinian*, A.D. 533.

The estates of martyrs, also, whose heirs could not be found, of ecclesiastics, who died without wills and heirs, and of bishops, who had no children or nephews, became, by different laws, the property of the Church.

Some of the heathen temples, likewise, and their revenues, together with the silver and golden statues which were in them, were given to the Church: and the emperor *Honorius*, A.D. 412, made a decree, giving to the Catholic Church all heretical conventicles and their revenues. And, by the *Justinian* code, the temporal estates of clergymen, who forsook the Church and turned seculars again, were forfeited to the Church to which they belonged.

“These,” says *Bingham*, “were the several methods which were anciently taken for augmenting and improving the revenues of the Church.”<sup>a</sup>

<sup>a</sup> *Hooker* (B. v., p. 312,) tells us that recourse was had to the following method of confirming estates to the Church for ever.

“Men,

Towards the end of the fourth century, however, these voluntary offerings, and donations, and legacies, began to fall off. "But then," says *Prideaux* \*, "this zeal beginning to grow cold, and some offering too little and others nothing at all, and a question hereon arising, how much it was that every one was bound to give, it was generally determined among the fathers and doctors of this age, in conformity to what *Irenæus*, *Origen*, and other Fathers<sup>a</sup> had taught before, that according as it was anciently practised, first by God's direction to the patriarchs, and afterwards by his express law to Israel, all those offerings ought to be made in the proportion of a tenth of every man's income for the whole year."

*St. Austin*, who was bishop of Hippo, in Africa, "Men, in former times (says he), when they gave unto holy uses, were wont, at the altar of God, and in the presence of their ghostly superiors, to make their gifts as they thought inviolable by words of fearful execration, saying, 'These things we offer to God; from whom if any man take them away (which we hope no man will attempt to do), but if any shall, let his account be without favour in the last day, when he cometh to receive the doom which is due for sacrilege against that Lord and God, unto whom we dedicate the same.'"

<sup>a</sup> Mr. *Thackeray*, in his "Defence of the Clergy," pp. 76 and 77, cites on this subject passages from *Irenæus*, *Origen*, *Cyprian*, and *Chrysostom*. *Selden* (c. 5,) also quotes *Ambrose* as preaching the payment of tithes from the law of Moses, and attributing barrenness and blasting to the non-payment of them.

\* p. 141.

in the fifth century, endeavoured to coax and to frighten the people into the payment of tithes, by telling them that “their ancestors abounded in wealth, because they gave tithes to God; and that, because their devotion to God was sunk, the taxes of the state were raised upon them: they would not give God his part in tithes, and therefore the whole was taken from them.”<sup>a</sup>

This determination of the Fathers was for some time effective. *Selden* himself acknowledges that “before the end of the fourth century, it became the usual phrase, *to offer tithes*, because they were paid in the offerings of the faithful, who thought themselves obliged, in the making of these offerings, to give every year unto the churches, of which they were members, tithes or greater parts of their annual increase, for the support of God’s worship in them.”\*

In the course of years, however, this doctrine

<sup>a</sup> — “*Quoties vis fallere plebem,  
Finge Deum.*”

Egidius, bishop of Noyon, in the seventh century, told the people, that if they gave tithes, they might go with security in the day of retribution to the tribunal of the eternal Judge, and say, “Give to us, O Lord, for we have given unto thee.”—*Robertson’s Charles V.*, note 11, sec. i.

\* c. 5. This was the case in parts of Italy, in the diocese of Hippo, and in Egypt. Upon some churches tithes were settled by grants before the end of the fourth century: but the instances are very rare.

of the fathers fell into contempt, and the clergy were obliged to have recourse to other means of securing the payment of the tithes. "There being no other obligation to bind them" (says *Prideaux* \*) "to this payment, but what was put home upon their consciences by the sense of their duty, and the received doctrine of the Church, which was then taught all Christians, this duty of offering a tenth for the support of God's worship became neglected; so that there was a necessity of having recourse to synods and councils, and the spiritual sword of their excommunications and anathemas, for the reviving and better enforcing of it in after times."

A canon was made to this effect in the second council of Mascon, in the diocese of Lyons †, A.D. 585 <sup>a</sup>, and all who refused to obey it were excommunicated.

A similar canon was made at a council at Sivil, in Spain, A.D. 590, in which is enjoined the payment of tithes of all cattle, fruits, and labour of men <sup>b</sup>. And every one who should subtract

<sup>a</sup> *Chambers* says that a provincial synod at Cullen is stated to have voted tithes to be God's rent as early as A.D. 356.

<sup>b</sup> *Selden* (c. 5.) doubts whether either of these canons was made. We shall see presently, that when tithes were imposed upon the people of this kingdom, our ecclesiastics were quite as rigid in their exactions as those of Spain.

\* p. 148.

† p. 149.

any of these tithes, is decreed to be “a robber of God, and a thief,” and “the curse which God inflicted upon Cain, who did not divide aright unto God his portion,” is laid upon him.

In the council of Friuli, a canon to the same purpose was made for Italy, A.D. 791<sup>a</sup>; and from this time, as Selden (c. 6.) allows, nothing was more common than decrees of councils concerning this matter all over Christendom.

Now, as it is generally agreed that about this period a sentence of excommunication was passed upon all who refused to pay tithes, the reader should know what was the effect of such a sentence.

If, then, he will consult *Bingham* (b. 16. c. 2), he will find that an excommunicated person<sup>b</sup>, before the council of Mascon, was not only cast

<sup>a</sup> *Selden* (c. 5.) says, “Among the known and certain monuments of truth, till about the end of the second 400 years, no law, pontifical or synodal, saving that of Mascon (which he doubts), determines or commands anything concerning tenths.” What is said of tithes in the council of Friuli, he says, “is rather a declaration by doctrine than a constitution by precept.” And he maintains that no canon for the payment of tithes was received in the Church generally, till towards the end of the eighth century; although “the firmer and devouter Christians” paid them voluntarily; and every one was obliged to offer something under pain of excommunication.

<sup>b</sup> *Synesius*, whose form of excommunication *Bingham* cites, was bishop of Cyrene in the time of Theodosius the younger, who died A.D. 450.

out of all churches, and excluded from all communion with Christians in sacred things, but likewise from all civil commerce and conversation with them. No person was allowed to receive one excommunicated into his house, to eat at the same table with him, to speak to him whilst living, or to perform the usual funeral obsequies for him when dead. The priests were especially enjoined not to converse with him or to attend his funeral; and, in order to compel all persons to obey this sentence, every one, who disobeyed it, was excommunicated himself.

*Mosheim*, in his Ecclesiastical History (B. III. part II. c. 2.) says, "Excommunication received that infernal power, which dissolved all connexions. Under this horrid sentence, the king, the ruler, the husband, the father, nay, even the *man*, forfeited all their rights, all their advantages, the claims of nature, and the privileges of society." And *Southey* (Book of the Church, vol. I. p. 190), speaking of the sentence of excommunication, says, "A Christian minister called upon the Redeemer of mankind to fulfil execrations, which the devil himself might seem to have inspired. In the forms of malediction appointed for this blasphemous service, a curse was pronounced against the obnoxious persons in soul and body, and in all their limbs, joints, and members, every part being

specified with a bitterness, which seemed to delight in dwelling on the sufferings which it imprecated. They were cursed with pleonastic specification at home and abroad, in their goings out and their comings in, in towns and in castles, in fields and in meadows, in streets and in public ways, by land and by water, sleeping and waking, standing and sitting and lying, eating and drinking, in their food and in their excrement, speaking or holding their peace, by day and by night, and every hour, in all places and at all times, every where and always. The heavens were adjured to be as brass to them, and the earth as iron; the one to reject their bodies and the other their souls. God was invoked, in this accursed service, to afflict them with hunger and thirst, with poverty and want, with cold and with fever, with scabs and ulcers and itch, with blindness and madness; to eject them from their homes and consume their substance, to make their wives widows, and their children orphans and beggars. All things belonging to them were cursed, the dog which guarded them, and the cock which wakened them. None was to compassionate their sufferings, nor to relieve or visit them in sickness. Prayers and benedictions, instead of availing them, were to operate as further curses. Finally, their dead bodies were to be cast aside for dogs



and wolves, and their souls to be eternally tormented, with Korah, Dathan, and Abiram, Judas and Pilate, Ananias and Sapphira, Nero and Decius, and Herod and Julian, and Simon Magus, in fire everlasting.”<sup>a</sup>

Let it not be supposed that these horrible imprecations were regarded, as they ought to have been, as the idle and impotent ravings of disappointed and avaricious men. During many dark and superstitious ages, the power of God usurped by the clergy was regarded by the people as delegated to them ; and the bulk of them believed that the curses invoked by the Church upon the excommunicated person would assuredly fall upon him. “ If the individual,” says *Southey*, “ upon whom such curses were imprecated, felt only an apprehension that it was possible they might be efficient, the mere thought of such a possibility might have brought about one of the maledictions by driving him mad. But the reasonable doubt, which the subject himself must have entertained and endeavoured to strengthen, was opposed by the general belief and by the conduct of all about him ; for whosoever associated with one thus marked for perdition, and delivered over ju-

<sup>a</sup> Well might my uncle Toby, when Dr. Slop had read the form of Ernulphus, exclaim, that “ his heart would not let him curse the devil himself with so much bitterness.”

dicially to the devil and his angels, placed himself thereby under the same tremendous penalties.”

It is true that some excommunicated persons, who possessed stronger understandings or made a better use of their reason than the generality of the people, did set at nought the sentence of the Church. The clergy, however, then proceeded a step further, and established the principle that “spiritual penalties not being sufficient to conquer the obstinacy of hardened sinners, it was necessary for the glory of God to make use of temporal punishments to force them to obedience.” \* It was, therefore, ordained in the councils that “If, within forty days after excommunication, the party excommunicated did not sue to be reconciled to the Church, the magistrate, upon the bishop’s complaint, should be obliged to cast him into prison and confiscate his estate.” And this decree was afterwards passed into a law by weak or wicked princes, who partook of the confiscated property.

So great, however, was the opposition of the people of Christendom to the payment of tithes according to the decrees of the councils, that many

\* *Rapin’s History of England*, Vol. I. p. 348, fol. Tindal’s Translation.

of them chose rather to encounter the evils of excommunication, than to submit to what they considered as usurpation and robbery on the part of the clergy. "The payment of tithes, however," says *Prideaux*\*, "was solely left to the consciences of men, as no law for the payment of them was established in any part of Christendom by the civil authority till the eighth century. The censures and anathemas of the Church against those who refused to pay them became despised, and consequently in many places they were lamely paid and in others wholly omitted; and hence there was a necessity of having recourse to the civil authority for the establishment of them." <sup>a</sup>

Accordingly, a law was made by Pepin, King of France, A.D. 764, commanding all his subjects to pay tithes †. In the following year, a like law was made by the Bavarians. Charlemagne, the son of Pepin, confirmed the law of his father, A.D. 779; and, A.D. 789, having conquered the Saxons

<sup>a</sup> *Selden* (c. 6.) says, "Not only from devotion, but through ecclesiastical censure, also aided with secular power, many churches in the Western Empire had the tenth paid as a duty." He then mentions the laws of Charlemagne.

\* p. 155.

† *Prideaux*, p. 155, &c. Pepin had granted tithes (*Selden*, c. 5.) of certain lands to a church, consecrated to St. Monon, as early as A.D. 750.

and compelled them to receive Christianity, he imposed the same law upon them, including the tithe of labour: A.D. 794, at Frankfort, and A.D. 804, at Saltzburg, he made a similar law for Germany. Having extended his dominion into Italy A.D. 800, his laws extended thither also. And shortly afterwards, laws enforcing the payment of tithes were passed in Spain.

CHAPTER IV.

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That the Princes, who founded Tithes on the Continent of Europe, were actuated by Self-interest and a Desire to conciliate the formidable Power of the Church of Rome.

THE reader must not suppose that these powerful princes were instigated to pass these laws by the fervour of piety or the love of virtue, since history gives us ample ground to believe that they were actuated by very different motives\*.

In the beginning of the eighth century, Pepin, Duke of Austrasia, laid the foundation of gaining for his family the kingdom of France. Understanding that Bertarius, the chief minister of Theodoric, king of France, was greatly hated, he led an army thither and defeated the king, who consented to make him mayor of the palace and principal administrator of the kingdom. And, on the death of Theodoric, who was succeeded by his

\* *Daniel's History of France.* *Gifford's Ditto.* *Sismondi Histoire des Français.* *Platina's Lives of the Popes.* *Card's Life of Charlemagne.* *Gibbon's History of the Decline and Fall of the Roman Empire.* *Mosheim's Ecclesiastical History.*

brother Childepert, Pepin caused his son, Charles Martel, to be made mayor of the palace, and died A.D. 714.

On the death of Thierry II. A.D. 737, Charles, as chief minister, continued to govern the kingdom under the title of Duke of the Franks. Charles died A.D. 741, and left his dominions to his two sons, Carloman and Pepin. Carloman, six years afterwards, relinquished his dominions, (which was no uncommon thing in this age of superstition,) <sup>a</sup> and retired to a monastery at Mount Cassino.

Carloman had two sons, one of whom, Drogon, the nobles of Austrasia thought of placing upon the throne when his father retired\*. But Pepin deprived them of the whole of their inheritance.

Although Pepin retained the government of France, as his father and grandfather had done, he did not immediately take upon himself the title of king. A.D. 742 he made a nominal king of Childeric III., who was of the royal family; but, having found himself sufficiently powerful, A.D.

<sup>a</sup> During the seventh and eighth centuries, ten kings and eleven queens in England alone resigned their crowns, turned monks and nuns, and endowed monasteries. *Rapin*, V. I. B. III.

\* *Sismondi*, Vol. II. c. 13.

751, he put Childeric, who was a very weak prince, into the convent of Sithieu, and usurped the crown to the exclusion of the sons of Childeric<sup>a</sup>; Pope Zachary, who was at that time in great fear of the Lombards and anxious for Pepin's protection, having consented to his doing so. And, in order to render his person more venerable in the eyes of the people, he caused himself to be consecrated by Boniface, bishop of Mayence, the pope's legate<sup>b</sup>.

The next year, Astolphus, king of the Lombards, having taken Ravenna, which belonged to the emperor of Constantinople, pretended that Rome also ought to be subject to him and acknowledge him as its king, because the Exarchs of Ravenna had always exercised authority over the city of Rome. In this dilemma, Pope Stephen III., who had succeeded to the chair on the death of Zachary, applied for succour to Constantine Copronymus, emperor of Constantinople. Being disappointed in his application to him, who had enough to do to defend himself against the Sara-

<sup>a</sup> "Some authors" says *Gifford*, "affirm that Childeric voluntarily abdicated the throne."

<sup>b</sup> "This ceremony hitherto unknown in France," says *Gifford*, "was found to be productive of so many advantages, that all the successors of Pepin followed his example, except Lewis the Debonnaire."

cens, he had recourse to Pepin for assistance, and betook himself to his court. When he arrived at Paris, he persuaded Pepin to wage war against the king of Lombardy, by declaring himself the defender and protector of the church of Rome<sup>a</sup>.

Pepin, however, seems to have understood very well what he was about. When he undertook to be the defender of the Church, he took care that the Church should also defend him.

Although Astolphus seems to have been an exception, kings and nobles, as well as the common people, stood in great awe of the popes, and dread of their excommunications<sup>b</sup>.

Since the commencement of this century, Anastasius II. had excommunicated the Emperor Anastasius for favouring Acacius a heretic.

John VI. had threatened Gisulphus, duke of Beneventum, with the vengeance of Almighty God, if he did not leave Terra di Lavoro, give up Sora and Arpino, which he had taken, and return

<sup>a</sup> Astolphus had sent Pepin's brother, Carloman, from the monastery of Mount Cassino to Paris, to dissuade him from going to war in Stephen's cause. But Pepin, instead of listening to him, imprisoned him in the convent of Vienne, where he shortly afterwards died of grief. And, in order that he might have nothing to fear from the sons of Carloman, he forced them into a convent also.—*Sismondi*.

<sup>b</sup> The superstition of the people rendered these sentences dreadful even to those kings, who were free from superstition.



to Abruzzo. And Gisulphus, terrified by this threat, restored the towns, and returned to Beneventum.

Gregory II. had compelled Luithprandus, king of Lombardy, to confirm the donation of lands which his father's predecessor, Arithpertus, was said to have given to the Church of Rome: and Gregory III. had excommunicated and deposed the Emperor Leo, for having rased the pictures of the saints out of the churches, and destroyed their images. Pepin, therefore, although Pope Zachary had consented to his usurpation, and he had been consecrated by the Bishop of Mayence, thought it politic that he should have the sanction of Pope Stephen, and accordingly he determined to be consecrated by him. And, as the efficacy of this consecration would be in proportion to the dignity of the consecrater, he thought it right to exalt his Holiness as much as possible in the eyes of the people.

Pope Constantine had visited the Emperor Justinian at Constantinople, when the emperor sent his son Tiberius with a princely retinue eight miles to meet him; and himself, on his approach, kissed his feet in token of reverence, and confirmed his decrees.

Luithprandus, king of Lombardy, had met Pope Zachary eight miles from Narni, alighted from his

horse, and accompanied him on foot into the city.

And Pepin, in like manner, was resolved not to be deficient in respect to Pope Stephen. He sent his son Charles (Charlemagne) a hundred miles to meet him. He went himself three miles for this purpose; and, alighting from his horse, kissed his feet, led the horse upon which he rode by the bridle into the city, and conducted him to his apartment. In order to secure the throne of France to his family, he prevailed upon the Pope to give the royal unction to his sons Charles and Carloman, as well as to himself: and when the ceremony was over, Stephen harangued the company, and “giving the benediction to the French lords, he exhorted and conjured them by St. Peter, whose authority God had committed to him, to maintain the family of Pepin in the possession of the crown, under pain of interdict and excommunication; for as much as Pepin and his sons had been raised to the throne by the divine mercy<sup>a</sup> and by the intercession of the holy Apostles; as their election had been confirmed, and themselves consecrated by the Vicar of Jesus Christ.” And

<sup>a</sup> Accordingly, *Eginard*, the secretary of Charles, says, that on the death of Pepin, “the succession of the kingdom fell to Charles and Carloman by the will of God, *divino nutu*, which had been declared by the Pope.”

Pepin, on his part, as did also his sons, made a solemn promise to the Pope to protect the Holy See. Pepin accordingly made war upon the king of the Lombards, conquered him, took Ravenna, and gave it, together with sixteen other cities and their dependencies, to the Romish Church<sup>a</sup>. And when the emperor of Constantinople applied to him for Ravenna, he refused to restore it to him; stating that the war, in which he had engaged against the king of Lombardy, was the war of St. Peter<sup>b</sup>; that he had undertaken it for the glory of that saint, who had himself the honour of it, and the popes, his successors, all the benefit. He delivered the cities to the Romish Church, by depositing the keys of them upon the tomb of St. Peter: thus putting him, as it were, and all his successors, in possession of them. And this was the origin of the temporal power of the popes.

With regard, then, to the *motives* of Pepin, the first founder of tithes<sup>c</sup>, it is clear that he was not

<sup>a</sup> “He gave them”, *Gibbon* says, “for the remission of his sins and the salvation of his soul.”

<sup>b</sup> Stephen had addressed a letter to Pepin in the name of St. Peter, threatening him with eternal damnation, if he suffered his tomb, his temple, and his people to fall into the hands of the Lombards.—*Gibbon*.

<sup>c</sup> He assassinated his cousin Theobald, mayor of the palace of Neustria, and was strongly suspected of having murdered his brother Carloman, and his half-brother Grison.—*Gifford*.

influenced by piety. He had usurped the crown of Childeric, after having sworn allegiance to him; and, in order that he might wear it, was willing by any means to purchase the sanction of the popes, who had already claimed the power of making and deposing kings<sup>a</sup>: and the popes, being at that time in dread of the king of the Lombards, sold their sanction to the usurpation; for which the Church was amply remunerated by the liberality of Pepin.

Let us now see, whether his son Charlemagne<sup>b</sup>,

<sup>a</sup> At the council of Calcuith, summoned in this kingdom by the pope's legates on the occasion of erecting Litchfield into an archbishopric, A.D. 785, the 11th canon "exhorts princes to govern their kingdoms by the directions of the bishops, to whom the power of binding and loosing is delivered": the 12th enacts, that "none but legitimate princes should be raised to the throne": and the 17th "urges the payment of tithes from the authority of the law of Moses."—*Spelman*, Vol. I. p. 291.—*Rapin*, Vol. I. B. 3. And *Platina* tells us, that under this Stephen III. (whom he calls Stephen II.), "the jurisdiction of the church was greatly increased."

<sup>b</sup> "The kings of the European nations," says *Mosheim*, "who were employed either in usurpation or self-defence, endeavoured by all means to attach warmly to their interests those whom they considered their friends and clients. Hence it was esteemed by princes a high instance of political prudence to distribute among the bishops and other Christian doctors, the same sort of donations that they had formerly made to their generals and clients: for it is not to be believed that superstition alone was always the principle which drew forth their liberality. .... This is doubtless the true reason why Charlemagne, who was far from

who was the great establisher of tithes in Christendom, was urged by purer motives than his father. King Pepin died A.D. 768, and left his dominions to his two sons, Charles and Carloman. A.D. 769, Charles married the daughter of Desiderius, (whom *Gifford* calls Didier, and *Mosheim* Dideric,) who possessed himself of the throne of Lombardy on the death of Astolphus. Pope Stephen IV. (whom *Platina* calls Stephen III.) bore a strong hatred to Desiderius, because he had opposed his elevation to the popedom, and had espoused the cause of the unfortunate Constantine, brother of Toto, duke of Nepi. Stephen therefore threatened him with eternal flames, if he married the daughter of Desiderius. It is true that his wife Himiltrude was living at the time; but this was but a trifling obstacle in the way of Charles, when he wished to

being a superstitious prince, or a slave to the clergy, augmented so vastly the jurisdiction of the Roman Pontiff. . . . . They hoped to check the seditious and turbulent spirits of their vassals, and maintain them in their obedience by the influence and authority of their bishops, whose commands were highly respected, and whose spiritual thunderbolts, rendered formidable by ignorance, struck terror into the boldest and most resolute hearts."—B. 3. part 2. ch. 2.—And *Card* says, that Charlemagne "seems always to have suspected the attachment of the nobles, and to have thought the clergy most capable of maintaining his absolute authority, by employing in his favour the thunder of the Church, if ever the spirit of anarchy and revolt broke forth. From that consideration he established eight bishoprics in Germany, and raised the bishops to the rank of princes."

form a new matrimonial alliance. He made no scruple in putting her away. "Whoever," says *Card*, "attentively surveys the history of Charlemagne, will soon discover that he frequently exercised that prerogative to the no small scandal of the Church." The daughter of Desiderius did not please him long; so that he put her away also (some say on account of her barrenness; others, on account of some disease<sup>a</sup>;) and married Hildegard, who was descended from a noble Suevian family.

A.D. 771, Carloman died. Charles had previously seized upon a part of his dominions; and his widow, Gerberga, therefore, fearing that he might have some evil design against her sons Pepin and Siagre, fled with them to Lombardy, and asked for the protection of Desiderius. Desiderius, eager to avenge the insult which Charles had offered to his daughter, readily undertook to protect them; and applied to Pope Adrian I., who had succeeded Stephen, to assist him in restoring them to the do-

<sup>a</sup> The parliament convened at Compiègne, A.D. 757, adjudged the *leprosy* to be a sufficient cause for dissolving a marriage. The Church judaized in this matter, and took the Mosaic Law for its guide. "When a man hath taken a wife and married her, and it come to pass that she find no favour in his eyes, because he hath found some uncleanness in her, then let him write her a bill of divorcement, and give it in her hand, and send her out of his house."—Deut. ch. xxiv. v. 1.

minions of their father, which Charles had usurped on their flight into Lombardy. Adrian, however, anxious to secure the friendship of so powerful a prince as Charles, refused to anoint the sons of Carloman, and forbade Desiderius to enter the confines of Rome, under pain of excommunication. So that, as *Platina* says, "fearing lest he might incur the divine displeasure, he presently returned into Lombardy."

Charles led an army against Desiderius, vanquished him and sent him to a convent. He then took possession of his dominions and was crowned king of Lombardy by the archbishop of Milan<sup>a</sup>. He afterwards repaired to Rome; and, on entering the Vatican, kissed each step of the threshold and the pope's feet. The pope and he swore lasting friendship to each other over the tomb of St. Peter, and he conferred upon the pope immense estates and dukedoms, in addition to those which his father Pepin had bestowed. Adrian afterwards crowned his third son Carloman (whom he baptized by the name of Pepin) king of Lombardy, and his fourth son Lewis king of Aquitaine. Leo

<sup>a</sup> He ordered the hands of Paul Warnefrid, the historian of Lombardy, to be cut off, on account of his fidelity to his master Desiderius, but was afterwards persuaded to revoke the order. And he killed with his own hand the Abbot of La Grace, for refusing to restore a mill to the architect's widow.

III., who succeeded Adrian, crowned Charles emperor of the west, A.D. 800, and thus placed him on the pinnacle of his ambition.

The character of this prince no just man can defend or palliate. During his brother's life, he seized upon a part of his dominions; and, at his death, usurped his crown, to the exclusion of his sons. He had no scruple in putting away a wife<sup>a</sup> whenever he had a desire to take a new one; and he is with too much reason suspected of having had criminal intercourse with his own daughter. His cruelty was beyond measure inhuman. He threatened with instant death all the Saxons, whom he conquered, unless they would be baptized: and on one occasion he struck off the heads of 4500 of them who had revolted, in cool blood. *Gifford*, who endeavours to defend him against the charge of incontinence, says that "cruelty too frequently dishonoured the French arms", and that "fatal as a deep flaw to a diamond of the first water is the cruelty of Charlemagne to the general excellence of his character."<sup>b</sup>

Such was the man who established tithes on the

<sup>a</sup> He had five wives and four mistresses.

<sup>b</sup> With regard to the excellence of his character, I refer the reader to *Gibbon*, Vol. IX. c. 49., who has certainly not discovered that it is general.



continent of Europe<sup>a</sup> ; and because he greatly enriched her and wore sackcloth, was enrolled by the Romish Church amongst the number of her saints.

It is clear, then, that tithes on the continent were not the *gratuitous donation* of the pious owners of the soil, but that they were wrung from them by superstition and dread of the anathemas and excommunications of the Romish Church<sup>b</sup>, aided

<sup>a</sup> “ Several writers”, says *Card*, p. 123, “ have wrongly attributed the first legal establishment of tithes to Charlemagne, and amongst them *Montesquieu* and *Gibbon*. (*Montesquieu* says “ tithes were preached before this prince, but not established.”) But *Winifred*, born in England A.D. 670, afterwards well known as *Boniface*, distinctly asserts tithes to have been paid in England in his time.” And *Gifford* says that tithes had been paid for nearly two centuries before Charles Martel. *Card* and *Gifford*, however, are both wrong, if they meant to say that tithes were so early *established by law*. Many Christians, long before this period (as has been already shown) gave *voluntary offerings* to the Church, which were *called* tithes. *Card*, p. 154, acknowledges that Charlemagne established them by law in Saxony, notwithstanding the remonstrance of his favourite *Alcuin*.

<sup>b</sup> In the famous council of Frankfort, A.D. 794, the gross superstition of the times records as an indisputable fact, that in a year of famine the spikes of corn were not found to contain any grain ; and that the voices of invisible demons proclaimed in the air that they were devoured, to punish the people for neglecting the payment of tithes. In consequence of which, it was ordained by Charlemagne, that all who possessed lands should pay the tithes ; and, in order that no opportunity might be afforded

by the power of unprincipled usurpers. These usurpers and the popes entered into a compact of mutual support and accordingly played into each other's hands.

The power which the popes acquired, by having been called upon to consecrate and crown these usurpers and their sons, they took care not to relinquish. They and councils of bishops assembled by their legates claimed the full right of making and unmaking kings.

Accordingly, A.D. 833, Pope Gregory IV. menaced with the thunders of the Church all who should refuse to take up arms against their sovereign Lewis I., when his sons rebelled against him.

The bishop, who presided in the court held at Aix-la-Chapelle, to decide on the fate of Lothaire, the son of Lewis, A.D. 843, thus addressed Lothaire's brothers, Lewis and Charles, "We permit you by divine authority to reign in the place of your brother, to govern his kingdom according to the will of God. We exhort you; we command you so to do."

A council of bishops, A.D. 857, deposed Charles the Bald<sup>a</sup>.

to his great subjects to evade this regulation, he obliged his own demesnes to pay tithes.—*Card*, p. 123. *Gibbon*, Vol. IX. c. 49.

<sup>a</sup> Ethelwolf, who granted tithes in England by a charter A.D. 855, married the daughter of Charles.

Another council, A.D. 859, threatened Lewis the German with excommunication, unless he should repair all the damage which he had done in France, and restore to the clergy their privileges and authority. Lewis begged pardon and complied with their demands.

Pope Nicholas I.<sup>a</sup>, A.D. 867, excommunicated Lothaire, king of Lorraine<sup>b</sup>, for putting away his wife, Theutberga, on a charge of incest and marrying Valdrade.

Adrian II. made Charles the Bald emperor on the death of Lewis II., A.D. 875, in preference to Charles and Carloman, the sons of Lewis.

In a council held at Troyes A.D. 878, at which Pope John VIIIth presided, it was ordained that all secular powers, under the penalty of excommunication, should observe the respect due to bishops; and all persons, however high their rank, were precluded from sitting down in their presence, without their permission.<sup>c</sup>

The Council of Mante, A.D. 879, consisting of archbishops and bishops of France, “assembled

<sup>a</sup> The Emperor Lewis went a mile from Quinto to meet Nicholas, and led his horse by the bridle into the camp.

<sup>b</sup> Lothaire had seduced the Pope's niece.

<sup>c</sup> The reader will see presently that it was during this period that tithes were in the course of being established in this kingdom.

in the name of the Lord and by inspiration of his divine majesty”, elected and crowned duke Boson king of Provence and thus despoiled the two sons of Lewis II. of the fairest parts of their dominions.

A council of prelates at Valence, A.D. 891, elected Lewis, the son of Boson, king of France, although the Parliament assembled at Compiégne had declared Eudes to be the object of their choice.

A.D. 927, the Pope threatened with excommunication all, who should oppose the restoration of Charles IV.

A band of bishops, A.D. 938, accompanied Lewis IV. against his rebellious princes, and excommunicated the duke of Normandy and the count of Vermandois. “This extraordinary interference of the ecclesiastical power”, (says *Gifford*) “and the effect, which it produced, are strongly characteristic of the spirit of the times. The rebels, alarmed at their threats, remained in suspense. The laws of honour, ever sacred; the obligation of an oath, the firmest bond of society; the love of justice; a regard for their duty—all these potent considerations had proved insufficient to deter them from taking up arms against their sovereign; while the fear of excommunication, the motives for

which were probably unjust<sup>a</sup>, checked in a moment the uplifted arm of rebellion.”

When Hugh, duke of France, A.D. 948, was about to seize the crown, Lewis IV. repaired to the council at Ingelheim, which had been convened by the Pope, where he was met by Otho, king of Germany: and, when the two monarchs had taken their seat on the same bench, the Pope's legate read aloud the instructions, which he had received from his master, who delegated to him the power of crowning and of deposing sovereigns. The French king then rose and demanded justice against his daring subject. The assembled fathers excommunicated Hugh; who, alarmed for the consequences of this proceeding, restored the cas-

<sup>a</sup> *Platina*, who would not wantonly vilify the heads of his own Church, (he was an ecclesiastic and was appointed librarian of the Vatican by Pope Sixtus IV.,) thus speaks of the Popes, who at this time, owing to quarrels and depositions, succeeded each other with such rapidity, that between Nicholas I. and John XIV. a period of about eighty years, there were no less than twenty-eight Popes. “The Church of God was now (A.D. 900) grown wanton with its riches, and the clergy quitted severity of manners for lasciviousness; so that, there being now no prince to punish their excesses, such a licentiousness of sinning obtained in the world, as brought forth these monsters, these prodigies of wickedness, by whom the chair of St. Peter was rather seized upon than rightfully possessed.”

tle of Laon, which he had taken, and acknowledged Lewis for his sovereign.

On the death of Lewis V. the last king of the Carlovingian race, Hugh Capet seized the throne A.D. 987, to the exclusion of Charles, duke of Lorraine, the rightful heir. In order to secure to himself the crown, he bought the good will of the clergy, by conferring various abbeys and rich benefices upon the Church. "He thus", (says Gifford) "procured the unanimous votes of the clergy, whose gratitude led them to confirm his usurpation." And, the following year, when Charles endeavoured to regain his crown, the clergy excommunicated him.

Gregory V., A.D. 997, excommunicated king Robert, the son of Hugh Capet, because he would not put away his wife Bertha, to one of whose children by a former husband he had stood godfather. Robert, in consequence of the excommunication, was obliged to dismiss her; and afterwards made a pilgrimage to Rome<sup>a</sup>, to visit the

<sup>a</sup> Pilgrimages had now become common; and large presents testified the pilgrim's reverence for the saints and purchased for him absolution from his sins. The celebrated Robert *the Devil*, duke of Normandy and father of William the Conqueror, soon after this time, died whilst performing a pilgrimage to Jerusalem, in order to obtain remission of his heinous crimes. And we shall soon see that the princes of this country, by whom tithes

tomb of the Apostles. The Pope not only excommunicated the king, but laid the kingdom under an interdict; by which means the celebration of divine service was stopped throughout the realm, the administration of the sacrament suspended, and the burial of the dead in consecrated ground forbidden. "This", says *Gifford*, "was the first instance of a similar sentence being enforced in France; and the nation was so alarmed, and so blinded by a degrading superstition, that the monarch was abandoned by his courtiers and even by his domestics."

This Gregory V., A.D. 1002, made a decree, (says *Platina*,) which continued in force for several centuries, "that it should belong to the Germans alone to choose a prince, who should be Cæsar and king of the Romans, till the Pope should have confirmed him; and that he should then have the titles of Emperor and Augustus." And Benedict VIII. crowned Henry II. of Bavaria according to this decree A.D. 1014.

When the Archbishop of Rheims crowned Philip I. A.D. 1059, he made him swear to protect the clergy and maintain their privileges.

were established, made pilgrimages to Rome, to obtain the pardon of their iniquities.

And when William the Conqueror<sup>a</sup> usurped the crown of England A.D. 1066, he gained over to his interest Pope Alexander II; who sent him a consecrated banner, a golden *agnus Dei*, and one of St. Peter's hairs set in a ring; whilst he attacked his adversary Harold with the artillery of the Church, and denounced excommunication against him and all his adherents.

As we have now got down to the period, when tithes had become established in this kingdom, it is not necessary to shew (since no reader of English history can be ignorant upon the subject) how the minds of the monarchs and their people still continued to be held in thralldom by the Church of Rome; which had already contrived to gain possession, not only of tithes,

<sup>a</sup> The learned *Judge Davies* (in his Reports) speaking of William's Conquest, says "The Conqueror came in with the Pope's banner, and under it won the battle, which got him the garland; and therefore the Pope presumed he might boldly pluck some flowers from it, being partly gained by his countenance and blessing."—And *Blackstone* says "The then reigning Pontiff having favoured Duke William in his projected invasion, by blessing his host and consecrating his banners, he took that opportunity also of establishing his spiritual encroachments." The archbishops of Canterbury and York, together with all the clergy in London, opposed Edgar and espoused the cause of William. And William, to gratify the clergy, built an abbey on the field and called it Battle-Abbey.



but of one-third part of all the lands in England <sup>a</sup>.

I shall, therefore, only mention one more instance of the infatuation of mankind wrought by superstition, and of the omnipotence thus acquired by the Roman Pontiff. The celebrated Gregory VII., A.D. 1075, having deposed Boleslaus, King of Poland, and the Emperor of Constantinople, and having claimed the homage of all princes as the vicar of Jesus Christ, proceeded to absolve the subjects of Henry IV., Emperor of Germany, from their oaths of allegiance, and to excommunicate all, who should serve him as a king. In consequence of this sentence, Henry's subjects rebelled against him; and he was obliged, after three days' fasting, to go clothed in sackcloth, with his feet naked, to kiss the Pope's feet and ask for absolution. His Holiness granted him absolution, on condition that he would pay a perfect submission to his will. Henry afterwards was refractory, when he deposed him

<sup>a</sup> "At the death of Edward the Confessor, (says *Mr. Thackeray*, p. 117,) more than one third of all the lands in England were in the possession of the clergy. And in Domesday Book it is recorded that out of 60,215 knights' fees 28,115 were attached to the Church." And in the reign of Hen. II. *Judge Davies* says "the clergy possessed the moiety of all temporal possessions."

a second time, and commanded the Germans to receive Rodolphus, Duke of Suabia, as their king. When he first deposed him, he made the following address to St. Peter: “ I must needs confess that it was thy goodness and not my deserts that brought me to the care of Christendom, and gave me the power of loosing and binding: and, therefore, in confidence of that, and for the honour and safety of the Church, I do deprive king Henry, son to Henry who was formerly emperor, of all imperial power, in the name of the Father, and of the Son, and of the Holy Ghost; for that he so boldly and rashly laid violent hands on thy Church. And I absolve all his Christian subjects from their oaths, that bind them to allegiance to true and lawful kings. For it is fit that he should lose his honour, who would diminish the honour of the Church.”<sup>a</sup> He then pronounced a curse upon him: and the German princes, fearing lest some misfortune should befall their country in consequence of it, decreed in a public assembly, that if Gregory would come into Germany, Henry should humbly beg his pardon; which he did in the manner above stated. And, on deposing him the second time, he thus addressed St. Peter and St. Paul. “ Go to, ye Princes of the Holy

<sup>a</sup> Henry had made too free with the property and dignities of the Church.

Apostles, and confirm what I have said by your authority; that all men at last may know, that if you can bind and loose in heaven, we also upon earth can take away and give kingdoms, principalities, empires, and whatsoever is in the possession of mortals.”

## CHAPTER V.

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That the Causes of the Establishment of Tithes in England were similar to those of their Establishment on the Continent of Europe.

HAVING shown that tithes were established on the continent of Europe by superstition and ecclesiastical canons, which were enforced first by anathemas and excommunications, and afterwards by the laws of usurpers and princes, who were willing by every means to secure the protection of the Romish Church, I shall now proceed to show that their establishment in this kingdom was owing to similar means, and that it took place about the same time <sup>a</sup>.

How Christianity was first introduced into England, the learned are not agreed. But it is highly probable that it was planted here by St.

<sup>a</sup> *Spotswood*, indeed, says (History of the Church of Scotland) that “*Congallus*, king of Scotland, A.D. 500, declared the tenth of all corn, fruits, herbs, and flocks to appertain properly to the Church.” His authority however is only *Buchanan*, who takes the story from *Hector Boethius*, whom *Selden* calls “that feigning Hector” and whom *Stillingfleet* styles “the *Geffrey* of Scotland”, since he deals in fables as largely as our celebrated *Geoffrey* of Monmouth.

Paul himself; and it is certain, from the testimonies of *Tertullian* and *Origen*, the former of whom wrote, A.D. 200, and the latter, A.D. 230, that it was established in a very early age \*. The writers of the Romish Church would have it believed that the Christian religion was first introduced here in the time of King *Lucius*, and that this king and his subjects were converted by missionaries sent from Rome by Pope *Eleutherius* towards the end of the second century †. But nothing can be more certain than that Christianity was planted in this kingdom long before the time of *Eleutherius*. And as to the conversion of *Lucius* and his subjects, *Gildas*<sup>a</sup>, the oldest of the British historians, does not say a syllable on the subject. *Geffrey* of *Monmouth* ‡ not only tells this tale of King *Lucius*, but adds that “ he gave all the lands, which belonged to the heathen temples, to the churches built by him, and added very much to them with many privileges.”<sup>b</sup> The same thing, *Stillingfleet* observes, is said by most of our monkish historians, whose authority is no better than *Geffrey’s*, and

<sup>a</sup> He wrote, A.D. 564.

<sup>b</sup> He is also said to have created three archbishoprics and twenty-five bishoprics. *Selden*, c. 8, mentions this, but does not believe it.

\* *Stillingfleet’s* Antiq. of the British Churches, c. 1.

† *Stillingfleet*, c. 2.

‡ *Stillingfleet*, c. 4.

whom he accuses of “swallowing Geffrey whole without chewing.”

If so much wealth had been conferred upon the Christian Churches in Britain at this period, how came it to pass that the British bishops, who attended at the council of Ariminum \* a century and a half afterwards, were so poor as to be unable to pay their own expenses, which were defrayed by the Emperor *Constantius*. The churches in this kingdom were in this early age supported in the same manner as those on the Continent, namely, by the voluntary offerings of the faithful. They may perhaps have possessed some lands before the coming of the Saxons into England. But if they did, they were all swept away by this event.

*Vortigern* sent for the Saxons to assist the Britons against the Picts and Scots, A.D. 449. The Saxons soon became the enemies of the Britons, entered into an alliance with the Picts and Scots, desolated the country with continual wars, and at length, having compelled the Britons to take refuge in Wales and Cornwall, established the Heptarchy or seven Saxon kingdoms. As the Saxons were Pagans, Christianity was now quite extirpated in England. Both *Gildas* and *Bede* <sup>a</sup> relate

<sup>a</sup> He wrote, A.D. 730.

\* *Stillingfleet*, c. 4.

that all the churches were burnt to the ground from the eastern to the western ocean. And *Southey* \* says that Christianity, as a public establishment, disappeared from the kingdoms of the Heptarchy for about 150 years.

*Ethelbert*, the King of Kent, was the first English Saxon king who embraced the Christian religion †. He had married *Bertha*, the only daughter of *Carribert*, king of Paris. *Bertha* was a Christian, and it was stipulated that she should enjoy the free exercise of her religion. Her conduct was irreproachable; and, having gained a strong hold upon the affection of her husband, she rendered him well disposed towards the religion which she professed. Accordingly, when Pope *Gregory*, understanding that there was a favourable opportunity, sent *Augustine* to England, A.D. 597, for the purpose of converting the English Saxons, *Ethelbert*, on his arrival in Kent, received him in a friendly manner, supplied him with necessaries, and gave him full liberty to preach the Gospel to his subjects. *Augustine* was so successful, that many of the people of KENT, and at length the king himself, consented to be baptized, and *Augustine* was made Archbishop of Canterbury; although, (as *Rapin* observes,) he had no

\* Book of the Church, Ch. II.

† *Rapin's History of England.* *Hume's ditto.*

bishops in England to govern<sup>a</sup>. On the death of *Ethelbert*, however, A.D. 616, his son *Eadbald* deserted the Christian faith, and, together with his subjects, returned to the idolatrous worship of his ancestors. *Laurentius*, who succeeded to the see of Canterbury on the death of *Augustine*, A.D. 605, re-converted him by a stratagem, and his subjects followed the example of their prince. *Eadbald* died A.D. 640, and his son *Ercomburt*, who succeeded him, utterly abolished idolatry in the kingdom of Kent, which had been tolerated by the two preceding monarchs.

After *Edwin's* succession to the crown of NORTH-UMBERLAND, he married, A.D. 625, *Ethelberga*, daughter of *Ethelbert*, King of Kent, and his Queen *Bertha*. It was stipulated that *Ethelberga* should enjoy the free exercise of her religion, and *Paullinus*, a bishop, accompanied her to Northumberland. By his means and the queen's, *Edwin* and his people were converted to Christianity. On the death of *Edwin*, Northumberland returned

<sup>a</sup> The honour of converting the English to Christianity is not due to *Augustine* alone, who was a weak, trifling, superstitious, and selfish man. He may have been the first (but even this is doubtful) who preached the Gospel in some of the kingdoms of the Heptarchy: but several of these kingdoms relapsed into Paganism, and were effectually re-converted by the Scotch monks of St. Columba. *Diuma*, a Scotch bishop, and his companions have the sole honour of converting Mercia.



to Paganism, but was afterwards restored to Christianity by King Oswald, A.D. 634.

*Earpold*, King of EAST ANGLIA, was induced by *Edwin* to embrace the Christian faith, but afterwards returned to idolatry. His half-brother, *Sigebert*, however, who succeeded him, restored Christianity to the kingdom, A.D. 633.

The kingdom of WESSEX received the Gospel A.D. 635, under the kings *Cinigisil* and *Quicelm*.

*Sebert*, King of ESSEX, was the nephew of *Ethelbert*, King of Kent, and was by him persuaded to receive the Christian religion, A.D. 604. His sons returned to idolatry; but Christianity was restored by *Sigebert*, A.D. 653.

*Peada*, King of MERCIA, married a niece of *Oswald*, King of Northumberland, by whose means he and his subjects were converted to Christianity, A.D. 655.

And lastly, the kingdom of SUSSEX was converted under *Adelwalch*, A.D. 686<sup>a</sup>.

Thus we see that the Christian religion was established all over England long before the union of the seven kingdoms under *Egbert*, A.D. 827. And the Church, in each of these kingdoms, had with some difficulty been brought to acknowledge the authority of the Roman pontiff. It is also certain that many churches and monasteries had

<sup>a</sup> *Selden* says, A.D. 679,—c. 9.

been built and endowed with lands before this period <sup>a</sup>.

But, although the council of Calcuith, A.D. 785 or 787, had urged the payment of tithes from the authority of the Law of Moses <sup>b</sup>, and other canons to the same purpose are said to have been previously passed <sup>c</sup>; still, it is certain that tithes had not yet been legally given to the clergy in any part of this kingdom.

All history assures us that, in this age of ignorance and superstition, liberality to the Church was considered as the chief of virtues and the surest evidence of a true faith: and the Romish Church used her utmost endeavour to encourage this chief of virtues, by teaching that the observance of it made atonement for every species of iniquity. “Bounty to the Church”, says *Hume*, “atoned for every violence against so-

<sup>a</sup> A council held at Cloveshoo, A.D. 800, was convened for the purpose of recovering certain Church-lands, which had been usurped by the kings of Mercia. And *Rapin* says, that “during the seventh and eighth centuries, the bishops, priests, and monks were more intent upon the means of augmenting their revenues than upon the study of divinity.”

<sup>b</sup> *Selden* (c. 8.) does not believe this.

<sup>c</sup> *Prideaux* says, that *Egbert*, Archbishop of York, had passed a canon to this effect in the middle of the eighth century, and that tithes were then paid in the province of Canterbury. But *Selden* doubts this.

ciety: and the remorse for cruelty, murder, treachery, assassination, and the more robust vices were appeased, not by amendment of life, but by penances, servility to the monks, and an abject and illiberal devotion. . . . . Pilgrimages to Rome were represented as the most meritorious acts of devotion. Not only noblemen and ladies of rank undertook this tedious journey, but kings themselves, abdicating their crowns, sought for a secure passport to heaven at the feet of the Roman Pontiff." "An opinion universally prevailed at this time", says *Mosheim*, "that the punishment, which the righteous Judge of the world has reserved for the transgressions of the wicked, was to be prevented and annulled by liberal donations to God, to the saints, to the churches, and clergy. . . . . This new and commodious method of making atonement for iniquity was the principal source of those immense treasures, which from this period began to flow in upon the clergy, the churches, and monasteries, and continued to enrich them through succeeding ages." These donations were said to be offered "for the redemption of the donor's soul", and were called "the price of transgression". And *Southey*, speaking of the Anglo-Saxon Church, says, "Cathedrals and monasteries were built and lands settled upon

them by royal founders and benefactors ; and their estates were augmented by private grants, often given as an atonement for crimes.”

Accordingly, we read that, A.D. 794, *Offa*, the King of Mercia, the most powerful of the Saxon kings, having treacherously murdered *Ethelbert*, the young King of East Anglia, who came to demand his daughter in marriage, and being struck with remorse for his crime, made a pilgrimage to Rome in order to obtain a pardon of the Pope. *Adrian* granted him a pardon on condition that he would be liberal to the churches and monasteries, “ which ”, *Rapin* says, “ was the only way then of atoning for sins ”. *Ina*, King of Wessex, had some years before built a college at Rome for the education of English ecclesiastics<sup>a</sup>, and for the support of it had laid a tax of a penny a-year upon every family in his kingdom<sup>b</sup>. *Offa*, in addition to his other liberalities at Rome, laid this tax of a penny upon all the families of Mercia and East Anglia ; the throne of which he had usurped on the murder of *Ethelbert*.

*Prideaux* (c. 4.) says, that this king, having en-

<sup>a</sup> This king was one of the ten who resigned their crowns and retired to monasteries.

<sup>b</sup> This tax was called Peter's Pence.—The popes afterwards appropriated it to their own use. *Mosheim*, 11th century, P. II. c. 2.

tered into an alliance and friendship with *Charlemagne*, received from him a collection of Synodical Epistles and Decrees, containing the principles of the Catholic faith; and that, in imitation of these, on his return from Rome he passed a law giving the tithes of all his kingdom to the Church. But it is very doubtful whether tithes were granted by this prince\*.

*Ethelwolf*, the son of *Egbert*, under whom the seven kingdoms were united, being a weak and superstitious prince, made a pilgrimage to Rome and took his son *Alfred* with him, who was then only six years of age<sup>a</sup>. On his return, he married *Judith*, the daughter of *Charles the Bald*, King of France, and gave her the title of queen. This title had never before been given to the wife of any of the Saxon kings. The nobility, therefore, urged probably by the jealousy of their ladies, took umbrage at this matter, as also at his having neglected the government of his kingdom during his long absence, whilst the Danes were ravaging the land; and, being headed by *Ælstan*, Bishop of Sherborne, they threatened to depose

<sup>a</sup> When at Rome he bound himself to send thither yearly 300 marks, of which 200 were to be expended in wax tapers for St. Peter's and St. Paul's, and 100 were to be applied to the pope's private use.

\* *Rapin*, Vol. I. B. IV. *Selden*, c. 8.

him and place his son *Ethelbald* upon his throne. In this crisis he called a parliament at Winchester, at which peace was restored and a grant of tithes made to the clergy all over England, a grant for Wessex having been already made at Wilton in the preceding year\*.

As this grant of *Ethelwolf* is generally considered as the legal foundation of tithes in England, I shall lay before the reader a copy of it, having first transcribed the following passage upon it from *Hume*. “The ecclesiastics”, says he, “in those days of ignorance, made rapid advances in the acquisition of power and grandeur: and inculcating the most absurd and most interested doctrines, though they sometimes met, from the contrary *interests* of the laity, with an opposition, which it required time and address to overcome, they found no obstacle in their reason or understanding. Not content with the donations of land, made them by the Saxon princes and nobles, and with temporary oblations from the devotion of the people, they had cast a wishful eye on a vast revenue, which they claimed as belonging to them by a sacred and indefeasible title. However little versed in the Scriptures, they had been able to discover that, under the Jewish Law, a

\* *Prideaux*, c. 4. *Selden*, c. 8.

tenth of all the produce of the land was conferred on the priesthood; and, forgetting what they themselves taught, that the moral part only of that law was obligatory on Christians, they insisted that this donation conveyed a perpetual property, inherent by divine right in those who officiated at the altar. During some centuries, the whole scope of sermons and homilies was directed to this purpose; and one would have imagined, from the general tenor of these discourses, that all the practical parts of Christianity were comprised in the exact and faithful payment of tithes to the clergy.

“ Encouraged by their success in inculcating these doctrines, they ventured further than they were warranted even by the Levitical Law, and pretended to draw the tenth of all industry, merchandise, wages of labourers, and pay of soldiers<sup>a</sup>: nay, some canonists went so far as to affirm that the clergy were entitled to the tithe of the profits made by courtezans in the exercise of their profession.

<sup>a</sup> Even our old friend *Robin Hood*, alias *Locksley*, had conscience enough to pay tithes of the fruits of his labour.—*Ivanhoe*. And “in Abbot Ingilram’s days the freebooters paid tithe of every drove which they brought from the South.”—*Monastery*.

“ Though parishes had been instituted in England by *Honorius*, Archbishop of Canterbury, near two centuries before, A.D. 650 <sup>a</sup>, the ecclesiastics had never yet been able to get possession of the tithes. They, therefore, seized the present favourable opportunity of making that acquisition, when a weak and superstitious prince filled the throne; and when the people, discouraged by their losses from the Danes, and terrified with the fear of future invasions, were susceptible of any impression, which bore the appearance of religion.”

*Ethelwolf's* Grant, according to *Ingulph* <sup>b</sup> runs thus :—

1. “ Our Lord Jesus Christ reigning for ever.—Whereas in our time we have seen the burnings of war, the ravagings of our wealth, as also the cruel depredations of enemies wasting our land, and many tribulations from barbarous and Pagan nations, inflicted upon us for the punishing of us for our sins, even almost to our utter destruction,

<sup>a</sup> *Rapin* says, by *Theodore*, who was Archbishop of Canterbury, A.D. 698. By parishes must be understood Dioceses, or at least districts very different from our present parishes.—*Selden*, C. IV. *Bingham*, B. IX. c. 8.

<sup>b</sup> *Ingulph* was secretary to *William* the Conqueror, and afterwards Abbot of Croyland. The charter is not only in *Ingulph*, but in *Nicholas of Gloucester*, MS. Cot. Lib. It is abbreviated in *Florence of Worcester*, who wrote, A.D. 1119, and in *Roger of Hoveden*, who wrote, A.D. 1200, and other ancient writers.—*Selden*, C. VIII.



and also very perilous times hanging over our heads :

2. “ For this cause, I *Ethelwolf*, King of the West Saxons, by the advice of my bishops and other chief men of my kingdom, have resolved on a wholesome and uniform remedy, that is, that I grant as an offering unto God, and the Blessed Virgin, and all the Saints a certain portion of my kingdom, to be held by perpetual right, that is to say, the tenth part thereof, and that this tenth part be privileged from temporal duties, and free from all secular services and royal tributes, as well the greater as the lesser, or those taxes which we call Witterden, and that it be free from all things else, for the benefit of my soul and the pardon of my sins, to be applied only to the service of God alone, without being charged to any expedition, or to the repair of bridges or the fortifying of castles, to the end that the clergy may with the more diligence pour out their prayers to God for us without ceasing, in which we do in some part receive their service.

3. “ These things were enacted at Winchester in the Church of Saint Peter, before the great altar in the year of the incarnation of our Lord 855, in the third indiction, on the nones of November, for the honour of the Glorious Virgin and Mother

of God, Saint Mary; and of Saint Michael the Archangel, and of the Blessed Peter, Prince of the Apostles, and also of our Blessed Father Pope Gregory, and of all the Saints.

4. "There were present and subscribing hereto all the archbishops and bishops of England, as also Boerred, King of Mercia, and Edmund, King of the East Angles, and also a great multitude of abbots, abbesses, dukes, earls, and noblemen of the whole land, as well as other Christian people, who all approved of the royal charter, but those only, who were persons of dignity, subscribed their names to it.

5. "King Ethelwolf, for the greater firmness of the grant, offered this charter upon the altar of Saint Peter the Apostle, and the bishops, on God's part, received the same of him and afterwards sent it to be published in all the churches throughout their respective dioceses."

By this charter, says *Prideaux*, c. 4. "King *Ethelwolf* granted to the clergy of this land by way of endowment, that legal, hereditary, and perpetual right and property in their tithes, by which they have ever since held them, and whereby they are as fully vested in the tenth part, as the owners themselves are in the other nine." <sup>a</sup>

<sup>a</sup> It may be observed that this charter only gives to the clergy a tenth part of the *land*, not a tenth part of the *produce*, accord-

In the grant made at Wilton, is the following clause, from which we may judge what influence superstition had over the minds of the king and his nobles :—

“ It hath pleased the Bishops, Ælstan of the church of Sherborne and Swithin of the church of Winchester, with their abbots and other servants of God, that all our brothers and sisters shall in every church to which they belong, once every week, that is on Wednesday, sing fifty psalms, and every presbyter shall on the same day sing two masses, one for King Ethelwolf and another for his nobles who have been consenting to this grant, for the redemption and remission of their sins. And they shall say for the king, while he shall live, the prayer *Deus qui justificas*, &c. and for the nobles, while they shall live, the prayer *Prætende, Domine*, &c. But after they shall be dead, they shall pray for the dead king in particular, and for the nobles, being dead, in general. And let this be constituted for all the days of Christianity, as firmly as this grant is constituted, for as long as the Christian faith shall flourish in this nation.”<sup>a</sup>

*Prideaux* allows this clause to have been in the ing to the terms of it: but there can be no doubt that a tenth part of the produce was intended to be given by it, since this tenth was always paid.

<sup>a</sup> I am afraid the rights conferred by this grant have been forfeited long ago.

Wilton charter; but contends that it could not have been in that of Westminster, since it would then have been in the names of all the archbishops and bishops of England, who were all present, whereas the bishops of Sherborne and Winchester, whose names are in it, were the only bishops of Wessex.

About thirty years after the passing of this grant\*, *Alfred*, the son of *Ethelwolf*, published a body of laws for the better government of the realm, in one of which he strictly enjoins the payment of tithes to the clergy. And on the conversion of *Guthrum* the Dane, on whom he conferred the provinces of Northumberland and East Anglia, amongst the laws which *Guthrum* covenanted to observe, was one enjoining the payment of tithes. This law was afterwards renewed between *Guthrum* and *Edward* the *Elder*.

*Athelstan*, the son of *Edward*, succeeded to the kingdom, A.D. 924, and finding the affairs both of

\* A.D. 923, in consequence of tithes not being duly paid, *Odo*, Archbishop of Canterbury, passed certain canons, one of which enjoins the punctual payment of tithes; another threatens all who should injure the property of the Church with excommunication; and a third exhorts princes to be governed by the direction of the bishops, because God had intrusted them with the keys of the kingdom of heaven. This is the wretch who afterwards hamstrung and thereby murdered the beautiful *Elgiva*; excommunicated her husband, king *Edwy*, and drove him from

\* *Prideaux*, c. 4. *Selden*, c. 8.

Church and State in great disorder on account of the Danish war, he made many laws for the government of the realm, and amongst them one for enforcing the payment of tithes. In this law are these words, "And let us also recollect what is threateningly written in the same book, (the Gospel,) *If we will not pay our tithes, the tenth part only shall be left us, and the other nine shall be taken from us.*" This is taken from a sermon of Ambrose. But the bishops, it seems, had no objection to its passing for a Gospel truth. Pious frauds were in vogue.

*Edmund*, the brother of *Athelstan*, made a similar law, A.D. 940 or 944, in which he commanded the people to amend their *cyricsceat* and *alms-money*<sup>a</sup>, and all who should refuse to do so were threatened with excommunication.

*Edgar*, the son of *Edmund*, A.D. 967, passed a his throne, because he had married her contrary to the ecclesiastical canons; or, as *Southey* says, p. 101, "because she was related to him, in what the Romish Church had thought proper in its crooked policy to call a prohibited degree." And A.D. 928, the synod of Graetly by a canon enjoins the payment of tithes. *Rapin*, Vol. I. B. 4. Hence, it seems that the laws for the payment of tithes were so offensive to the people, that they could not be enforced without the spiritual sword of the Church.

<sup>a</sup> "Theodore", says *Southey*, p. 81, "procured the first legislative provision for the clergy in these kingdoms, A.D. 668, in the form of a kirkscot, called then *cyricsceat*, or a tax of one Saxon penny upon every house which was worth thirty pence of

law which was the most effectual of any. If any one neglected to pay tithes, it directed “the king’s reve, and the bishop of the diocese, and the minister of the parish to convene together, and by force cause the tenth part to be paid to the Church<sup>a</sup>, leaving only the ninth part to the owner.” This was done in accordance with the preaching Ambrose, which has been already noticed.

*Ethelred*, A.D. 1008 or 1010, made a law for the payment of all church-dues in a parliament at Enham, and another law to the same purpose, A.D. 1012, at Haba.

*Canute*, an usurper and a murderer, at the latter end of his reign, A.D. 1031, in order to expiate his crimes, made a pilgrimage to Rome, built and endowed monasteries, and was exceedingly profuse in his liberality to the ecclesiastics. On his return from Rome, he re-enacted the above-named severe law of *Edgar* to enforce the payment of

yearly rent.” *Selden*, however, c. 8, says that the *cyricsceat* was the first-fruits of corn, payable on St. Martin’s day; and that the *alms-money* was Peter’s pence, payable on the 1st of August.

<sup>a</sup> “The chief means by which *Edgar* maintained his authority”, says *Hume*, “was the paying of court to *Dunstan* and the monks, who had first placed him on the throne.” They called him to the throne, when his brother *Edwy* was excommunicated: and, so great was the power of the Church, that *Dunstan* compelled him to lay aside his crown for seven years, in consequence of his having violated the person of a nun.—*Burnet* calls him “a most dissolute and lewd prince.”—B. III. p. 187.

tithes, and enjoined the payment of Peter's pence and other church dues under severer penalties.

*Edward the Confessor*, as he has been foolishly called, is universally allowed to have been a prince of very weak understanding<sup>a</sup>. He began to reign A.D. 1041, and died 1066. During his reign he made a digest of all the laws of his predecessors, and in it were contained the laws for the payment of tithes<sup>b</sup>. "This compilation, though now lost, was long", says *Hume*, "the object of affection to the English nation." It was, indeed, the basis of all the future laws of England.

Accordingly, when *William the Conqueror*\* was crowned, A.D. 1066, he swore to protect the Church and its ministers; and in 1070 he enacted and published the laws of *Edward the Confessor*, enjoining and enforcing the payment of all tithes, including the tenths of the profits of trade.

<sup>a</sup> The monks made him believe that chastity was so great a virtue, that he refrained from consummating his marriage. There is another reason given for his conduct in this matter; but, if true, it proves him to have been no good Christian. At the latter end of his reign, he vowed to make a pilgrimage to Rome; but the Pope excused him, on condition that he would build Westminster Abbey.

<sup>b</sup> "It is visible", says *Rapin*, "throughout these laws, that the clergy took care of themselves, when they met with devout and easy princes, or such as stood in need of their interest."

\* See the notes in C. IV. on the increase of the Pope's power in England at the Conquest.

It does not appear what oath *William Rufus* took when he usurped the crown. But as the Archbishop of Canterbury made haste to crown him, and as he was profuse in his gifts to the churches and monasteries immediately after his coronation, it is most likely that he swore to protect the rights and privileges of the Church.

When *Henry I.* usurped the crown, on the death of *William Rufus*, A.D. 1100, in order that it might sit easy on his brow, he passed a charter confirming the laws of *Edward the Confessor*.

*Stephen*<sup>a</sup> seized the crown on the death of *Henry*, A.D. 1135, and having gained over the

<sup>a</sup> At a synod held, A.D. 1139, the Bishop of Winchester, who was *Stephen's* brother, and the Pope's legate, declared that "it principally belonged to the clergy to elect and ordain kings; that he had summoned them together for that purpose; and, having invoked the divine assistance, he now pronounced *Matilda*, the only descendant of *Henry*, their late sovereign, queen of England." The whole assembly, by their acclamations or silence, gave or seemed to give their assent to this declaration. *William of Malmesbury*, who relates this, was present.

"Sir, do not threaten", said the Pope's nuncio to *Henry II.*, "we fear no threats: for we are of a court that has long been accustomed to give laws to emperors and kings."

And not long afterwards the Pope laid this kingdom under an interdict, and compelled king *John* to resign his crown into his hands. I mention these circumstances to show that the power of the Church, during this period, was so great, that the nobility and the people had no option as to the payment of tithes.



Church to his support, swore to maintain these same laws.

*Henry II.*, on the death of *Stephen*, A.D. 1154, took a similar oath. And all the succeeding kings and queens of England, until the Revolution, A.D. 1689, took an oath to the same purpose.

The words of the coronation-oath taken by *Charles I.*, *Charles II.*, and *James II.*, are, "That they would grant and keep, and did by their oath confirm to the people of England, the laws and customs to them granted by the kings of England, their lawful and religious predecessors, and namely, the laws, customs, and franchises granted to the clergy by the glorious King *St. Edward*<sup>a</sup>, their predecessor." The swearing to observe the laws of *St. Edward* was first omitted, when the new coronation-oath was framed for *William and Mary*.

Nothing, then, can be clearer than that tithes were first instituted in this kingdom, as they were on the continent of Europe, by the power of the Church in a superstitious age; and that they were

<sup>a</sup> *Selden* maintains that the laws respecting tithes were not amongst those laws of *Edward*, which the kings and queens of England swore to maintain, because they are not in *Ingulph's* copy of King *Edward's* laws confirmed by the *Conqueror*. *Prideaux*, however, p. 276, &c., clearly proves that the laws which the kings and queens of this realm swore to maintain, were the laws of king *Edward* published by the *Conqueror* in the fourth year of his reign, in which the laws respecting tithes were included.

afterwards legally established by the State, under weak, and wicked, and superstitious princes, when the same power was necessary for the support of their authority.

But, although the payment of tithes did not take its origin from that pure source, to which many have ascribed it, namely, from the pious zeal and spontaneous liberality of individual proprietors of the soil <sup>a</sup>, still the obligation which the

<sup>a</sup> *In some instances* the tithes may be said, in a certain sense, to have been granted to the incumbent of a parish by the *spontaneous liberality* of the owner of the soil. For more than a century after tithes were established by law, every holder of land was allowed to pay his tithes to what church or parish he pleased: and therefore, when a man by an arbitrary consecration dedicated his tithes to a particular church, the incumbent of that church might be said to receive them from the spontaneous liberality of the person who thus appropriated them; although that person was *compelled* to pay tithes to *some church*. This liberty however was found to be productive of evil, as was likely; and therefore, by a law of King Edgar, passed about A.D. 970, every one was compelled to pay his tithes to his parish-church.—*Blackstone's* Introduction.

Arbitrary consecrations of tithes took place again afterwards, and became in general use, till the time of King John.—*Selden*, c. 11.

They were not effectually put a stop to until some time after the reign of John. Innocent III., in the reign of John, wrote to the Archbishop of Canterbury condemning the practice of giving away the tithes from the parish church. But the practice did not cease then. It is doubtful, however, whether 'every man', as Blackstone says, had the liberty of paying his tithes

owners of titheable land are under of paying the tenth part of the produce of it to the clergy, is not in the least degree affected by this consideration. This portion has been set apart by the State for the maintenance of the ministers of religion for a period of nearly a thousand years :

to what spiritual person he pleased. The *patrons of the benefices* claimed and exercised the power of appropriating the tithes to religious houses.—*Gibson's Codex. Tit. 30. c. 3.*

“ This evil of appropriation ”, says Gibson, “ had been growing in the nation chiefly from the time of the Conquest, when the Norman lords withdrew the tithes of their manors from the parochial clergy, (who were English, and as such were hated by them,) and endowed with them the monasteries, which they built for the Norman monks. In other nations the mischief began earlier ; and it was with difficulty that the monks could be compelled to make tolerable provision for those who attended the cures.” Pope Alexander III., who died A.D. 1181, in a decretal epistle ordained that vicars should reside on all appropriated benefices, and should receive such salaries as should enable them “ *hospitalitatem tenere et congruam sustentationem habere.*” A.D. 1200 a canon was passed in the council of London, by which it was ordained, “ *ut vicarius instituat provisione episcopi honestam et sufficientem sustentationem de bonis ecclesiæ percepturus.*” A.D. 1268, Othobon, the Pope's legate commanded that all who had appropriated churches should present vicars within six months with salaries competent to maintain them, and to enable them, “ *alia incumbencia sibi onera supportare.*” And Pope Clement V., who died 1314, also enjoined appropriators to assign to their clerks “ *portionem congruam ;*” and if they omitted to do so, authorized the bishops to assign it. But no redress was found for the grievance, until the passing of the act 15 Rich. II., A.D. 1391, which was obtained upon the earnest petition of the Commons in Parliament.

the lands of the kingdom have been sold, subject to this condition, over and over again during this period : and no present possessor of titheable land can say that his ancestors ever possessed it free from this condition. He therefore can in justice have no claim to be exempted from it.

The power of the legislature, however, over those tithes and church-lands, which are not the property of individuals, is full and unlimited ; and, a due regard being paid to the rights of the present incumbents, it is at liberty, without incurring the charge of injustice, to regulate the disposition of them in any manner which it may deem fit. If it were even to sell the reversion of them and apply the proceeds of the sale to the exigences of the state, what individual could complain that injustice was done to himself, provided that fit means were still adopted to procure religious instruction for the districts by which they are paid ? Such a measure might evince a want of wisdom, but no man can say that it would be a violation of justice. And, if the legislature possess this power over this species of church property, it has surely a right to exercise any power less than this, and to make such alterations and regulations with regard to its distribution, as may appear to it to be most conducive to the interests of religion and the welfare of the state.

CHAPTER VI.

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On the original Distribution of the Ecclesiastical Revenues, and the Abuses which were subsequently introduced with Regard to Ecclesiastical Preferment.

It is universally agreed that the property of the Church in each diocese both before and after the institution of tithes, anciently constituted a common fund, and that the bishop was the receiver general and the distributor of it to the rest of the clergy<sup>a</sup>.

So early as A.D. 226 (which was nearly a century before Constantine legalized such donations) *Platina* tells us, that lands and houses were given by the faithful to the Church, and that Urban I. ordained "that they should not be any one's property, but for the common good be distributed among the whole clergy, to every one his share."

*Bingham*\* says that the revenues of the whole

<sup>a</sup> It is strange that the *Quarterly Review* should speak at all doubtingly on this point. "It is *highly probable* that the tithes of a whole diocese were then received into a common treasury under the control of the bishop." No. LVIII. p. 533.

\* B. V. c. 6.

diocese were at first all in the hands of the bishop, who paid the clergy out of them; Marcian, the guardian of the Church of Constantinople, being the first who ordered the clergy of each church to retain the offerings made in it, A.D. 460. But this was not done in England till A.D. 700.

When \* Christianity was first established in the kingdoms of the Heptarchy, the bishops and their clergy all lived near to the cathedrals in the several dioceses; and the churches, which were gradually built by the landed proprietors in different parts of the country at a distance from the cathedral, were served by ministers sent to them by the bishop. These ministers received the offerings in the several churches, and delivered them to the bishop on their return home <sup>a</sup>.

\* *Bingham*, B. V. c. 6. B. IX. c. 8. *Blackstone's Commentaries*. *Burn's Ecc. Law*. *Rapin*, Vol. I. B. 5. *Selden*, Chapters IV. VI. VIII. IX. *Southey's Book of the Church*, Vol. I. c. 6. *Wharton's Defence of Pluralities*.

<sup>a</sup> It is a very common opinion that the *tithes* in this kingdom were originally divided into four parts, of which the minister had only one. *Blackstone* (B. I. c. 11.) states this. And *Selden* (c. 6.) says, that the general fund of the diocese was in early ages divided into four parts; one for the ministers, one for the poor, the sick, and the strangers, one for the repairs of the churches, and one for the bishop. This, however, (says the *Quarterly Review*, No. LXXXIII. p. 122.) is a mistake. When the Church was supported by the voluntary offerings of the people, which amounted to much more than a tenth part of

As the number of Christians increased in the neighbourhood of these churches, it was expedient that ministers should reside near them. But still they carried the offerings to the bishop and received a salary for their maintenance, which was paid monthly.

The founders of the churches and the people, however, soon became dissatisfied with this course of proceeding. They did not like to see the minister, who performed all the service, receive only a small share of their donations, and their zeal for building churches in the country began to grow cold. When the bishops saw this to be the case, they compounded with those, who were willing to build churches, and agreed to take a third or a fourth part of the offerings and of the tithes, when they were granted, for the common fund, and to allow the resident minister to keep the remainder: and, as soon as the bishopricks were

each man's income, *these offerings* were applied to the purposes above mentioned; but the portions of them applied to each of these purposes were by no means equal. The Reviewer cites no authorities for his assertions. But this is a question on which it is not necessary to enter. Laws have long been enacted for the maintenance of the poor and for the repairs of churches; and the tithes of every parish are rated for these purposes in the same proportion with other property. In most parishes, moreover, the sum raised annually for the support of the poor far exceeds the annual revenue of the incumbent arising from the tithes.

sufficiently endowed with lands by the liberality of princes and nobles, the country ministers received the whole of the tithes.

Churches now became very numerous in the country; almost every landed proprietor building one for the accommodation of his own family and those of his vassals<sup>a</sup>. The district attached to each church was called a *parochia* or parish, and it generally extended over the whole demesnes<sup>b</sup> of the builder of the church; on which account our parishes, which have undergone but little alteration since the days of Canute, and scarcely any since the Conquest, vary in extent as the demesnes of the ancient landed proprietors varied.

This example of the country landlords was followed by the bishops, who divided the towns into different parishes, according to the number of

<sup>a</sup> They also built houses for the ministers, and endowed them with portions of glebe. The *glebe lands* belonging to the Church were all *voluntary donations*, although the tithes were not.

<sup>b</sup> If the demesnes were large, a second church with right of sepulture was frequently built in them and endowed with a third part of the tithes of the parish. This measure was enacted by the laws of king Edgar, A.D. 967, and confirmed by the laws of Canute, A.D. 1032. In some cases, where the demesnes were very extensive, a church was built in each manor; and, in the time of Edward the Confessor, the whole of the tithes of the manors were attached to the churches built in them. But how this was effected, is uncertain. *Wharton.*



churches in them, and appropriated the funds arising in them to their different ministers.

In the early ages of Christianity, when there was a scarcity of ministers, it was sometimes necessary that a presbyter or a deacon should officiate in more churches than one in the same diocese. But at this period, as has been observed, the offerings made in all the churches were put into the common fund of the diocese, and the minister, who thus officiated, derived no more emolument than he would have done had his services been confined to one church.

Some clergymen, however, urged by a desire of gain, contrived to get their names placed on the roll of the clergy in two different dioceses, and thus to partake of the funds of both. To prevent this, the council of Chalcedon, A.D. 451, passed a canon forbidding any clergyman to have his name in the church-roll of two cities or to partake of the revenues of two under the penalty of degradation<sup>a</sup>. This canon was confirmed by the laws of Justinian, by the second council of Nice, and by other later councils. And at a synod, convened in this kingdom at Hertford by Theodore,

<sup>a</sup> The Council decreed that such transgressors should restore all they had got from the Church, which they had left, and should be degraded, if they refused to submit to this regulation. *Burnet's "Life of Bishop Bedell."*

Archbishop of Canterbury, and attended by all the English bishops, in order to prevent the clergy from officiating in two dioceses and receiving emolument from the funds of both, it was decreed, under pain of excommunication, that no clergyman should exercise any part of his function out of his own diocese, but should be contented with a hospitable reception.

As avarice had caused some of the clergy thus to obtain a portion of the funds of two dioceses; so also, after dioceses were divided into parishes, the same passion prompted some of them to obtain possession of two benefices. At what period this abuse first commenced, is not exactly known. But one of the constitutions of Herardus\*, Archbishop of Tours, A.D. 858, forbid pluralities: and they were also condemned in the sixth council of Paris. The abuse, however, through the negligence of the bishops, continued to spread for several ages, till at length, as Wharton says, "such a plurality crept into the Church as ought not to be permitted": and, in consequence of it, a canon was made in the third council of Lateran, A.D. 1179, forbidding any priest to hold two benefices; whereas many of them at this period held six<sup>a</sup>. This

\* *Wharton*, p. 125.

<sup>a</sup> "Quia nonnulli," says Pope Alex. III. "modum avaritiæ non ponentes, dignitates diversas ecclesiasticas et *plures ecclesias*

canon was ineffectual ; and, therefore, at the fourth council of Lateran held by Innocent III. A.D. 1215, it was decreed that whoever should take a second benefice should be deprived of the one, which he had before ; and if he should endeavour to retain it, should be deprived of both<sup>a</sup>.

The first canon which we read of against pluralities in this kingdom was passed at a synod convened at Westminster A.D. 1127, by William Curboil, Archbishop of Canterbury, and the Pope's legate. This only forbade a plurality of arch-deaconries under pain of excommunication. But A.D. 1237, at a national council held in London by Otho the Pope's legate, a canon was passed against a plurality of benefices<sup>b</sup> and another en-

*parochiales, contra sacrorum canonum instituta, nituntur accipere; ut, cum unum officium vix implere sufficiant, stipendia sibi vendicent plurimorum; ne id de cætero fiat, districtiùs inhibemus."* And he not only thus strictly forbade pluralities, but also the non-residence of incumbents. *Gibson's Codex, Tit. 36.*

<sup>a</sup> A dispensing power in certain cases was given by the Council to the Pope in these words, "Circa sublimes tamen et literatas personas, quæ majoribus beneficiis sunt honorandæ, (cum ratio postulaverit,) per sedem apostolicam poterit dispensari."

<sup>b</sup> "No ecclesiastical person," says Judge *Davies* in his Reports, "could by the ancient canons and councils have two benefices with cure of souls *simul et semel*; but the first was void by the taking of the second. And this was the ancient law of the Church used in England long before the statute 21 Henry. VIII." "But," he says "the Pope assumed to himself to interpret, abrogate, and dispense with the canons at his pleasure."

forcing residence upon them in accordance, as it is stated, with the ancient canons. And A.D. 1268, Othobon, the Pope's legate<sup>a</sup>, held a council in London, at which canons were passed enjoining residence, forbidding to alienate any part of the tithes from the parochial clergy<sup>b</sup>, against pluralities and against holding benefices *in commendam*<sup>c</sup>.

All these canons, however, were ineffectual, owing to the dispensing power laid claim to by the popes. A.D. 1046, it was considered a violation of the canons in the pope to grant any dispensation whatever. But in the 13th century the popes claimed the right of granting dispensations enabling the clergy to hold any number of bene-

<sup>a</sup> He designates the evil of non-residence "morbum pestiferum".—*Gibson's Codex*.

<sup>b</sup> The tithes at this period were frequently taken from the parochial clergy, and conferred upon monasteries by an arbitrary conveyance. "The tithes of 70 or 80 parishes (says *Selden*) were sometimes attached to a monastery."

<sup>c</sup> The custom of holding livings *in commendam* was very ancient, and arose from a principle of justice. In times of persecution the clergy were frequently obliged to fly; and in such cases the bishops ordained priests to officiate in the vacant benefices, until the appointed pastors could return and resume the care of their flocks. But this just expedient in course of time degenerated into a gross corruption; and it is one of the "putrifying sores" which still remain unhealed in our ecclesiastical body.

<sup>d</sup> *Gifford's History of France*. Dunstan maintained that the pope could do nothing against the laws of the Church.—*Burnet*, Vol. I. B. II.

fices without restriction. These dispensations were easily purchased of their legates for different sums according to the value of the benefices<sup>a</sup>; and the money thus raised formed a considerable portion of the revenue of the Roman See.

“At the court of Rome,” says *Wharton*, “dispensations were promiscuously granted, without any other design than that of getting money.” And *Blackstone* says, (B. IV. c. 8.) “Non-residence and pluralities among the clergy were strictly forbidden by canon, but dispensations were seldom denied to those who could afford to pay for them.”

All that was left to the bishops was the power of compelling those clergymen who enjoyed pluralities by the Papal dispensation, to reside successively in every one of their parishes, and to maintain curates when and where they did not personally reside. But afterwards the court of Rome usurped to itself the sole power of dispensing with residence also.

<sup>a</sup> *Burn's Ecclesiastical Law*, Vol. III. p. 93. One canonist says, “*Dispensatio est vulnus, quod vulnerat jus commune.*” Another says, that all abuses would be reformed, “*si duo tantum verba, viz. non obstante*, (which gave the dispensing power to the pope) non impedirent.” And *Matthew Paris*, A.D. 1246, having recited certain decrees made in the council of Lyons, which were beneficial for the Church of England, says, “*Sed omnia hæc et alia per hoc repagulum, non obstante, infirmantur.*” — *Davies' Reports*.

And not only was this extensive power usurped and abused by the popes, but they also contrived to gain possession of a very large portion of the patronage of the kingdom. “ By the invention of reserves<sup>a</sup>, provisions<sup>b</sup>, commendams<sup>c</sup>, and other

<sup>a</sup> *Reserves* or reservations, were benefices which became vacant while the incumbents were attending the court of Rome, or were on their journey thither or back again, and also such benefices as became vacant by the promotion of the incumbents to bishoprics or abbeys; the presentation to all of which the pope reserved to himself to the great injury of the rightful patrons.

<sup>b</sup> *Provisions* were the previous nominations to such benefices, by a kind of anticipation, before they became actually vacant: though this term was afterwards indiscriminately applied to any right of patronage exerted or usurped by the pope.

<sup>c</sup> *Commendams*, the origin of which has been mentioned, were benefices with cure, which were committed to clergymen, to be held by them for a period not exceeding six months, in order to allow the patrons time to look out for proper pastors. This practice was greatly abused, the persons to whom the benefices were committed continuing to hold them for indefinite periods, and constitutions were passed to remedy the abuse. If there were no cure, the benefice might be held during life.

*Commendams*, however, are now never granted to any but bishops. When a clergyman takes a bishopric, he vacates, by law, all preferment of which he was previously in possession: and, as the presentation to such preferment was formerly usurped by the pope, by a similar, or rather by a continuation of the same act of injustice by Hen. VIII., it is now usurped by the crown. And as the pope formerly claimed the right of dispensing with the law, and of allowing the new bishop to retain his preferment, provided a dispensation were granted before his consecration, the crown in like manner exercises this right at the present day.

A bishop, moreover, may not only retain preferment, which he possessed before his election to his see, but he may by a like

devices," says *Hume*, "the Pope gradually assumed the right of filling vacant benefices; and the plenitude of his Apostolic power, which was not subject to any limitations, supplied all defects of title in the person on whom he bestowed preferment."—Moreover, by a clause called *non obstante*, (i. e. notwithstanding the right of patrons or any other cause,) which was inserted in all the pope's bulls, he claimed the privilege of disposing of all preferment according to his own will.

Having established his power to dispense with the canons against pluralities and non-residence, he conferred the greater part of the benefices, to which he claimed the right of presentation, on Italians and other foreigners, and especially on the cardinals and their relations, who never even came into England, but farmed out their benefices to persons who hired ministers to perform the service of them at the lowest prices, to the great scandal and injury of the Church.

dispensation hold new benefices, which are either in his own gift or in the gift of other patrons.

This practice of holding livings *in commendam*, Bishop *Watson*, who himself held several, in his letter to the archbishop of Canterbury, justly represents as "bearing hard upon the rest of the clergy; as being disagreeable to the bishops themselves; as exposing them to much obloquy; and as one which had certainly better not subsist in the Church." But the great evil of it is, that it causes many parishes in this kingdom to be deprived of their proper pastors.

To such a pitch did this abuse at length arrive, that Grostest, Bishop of Lincoln, was so scandalized at it, that he refused to institute Italians<sup>a</sup>: and in his letter to Pope Innocent IV. A.D. 1253, he says, “It is evident that those are guilty of this sin (of destroying souls) who undertake the sacerdotal function and receive the profits without discharging the duty.” The Pope, in the first instance, suspended him; and afterwards, a short time before his death, excommunicated him. But the good man, without regarding the censure, appealed *to the court of Heaven*.

In order to put a stop to these abuses, A.D. 1352, the *Statute of Provisors* was passed<sup>b</sup>; by which it was enacted that whoever should disturb any patron in the presentation of a living by virtue of any papal provision or reservation, such provisor should pay fine and ransom to the king at his will, and be imprisoned until he should renounce such provision.

This statute, however, did not put an end to

<sup>a</sup> A.D. 1245, the barons had remonstrated with Henry III. for suffering the kingdom to be impoverished by the sending of large sums of money out of it to these Italians, as the revenues of their benefices. Sixty thousand marks were annually sent for this purpose, a sum greater than the revenue of the crown at that period.

<sup>b</sup> The first statute against papal provisions was made A.D. 1307, and was the foundation of all the subsequent statutes on this subject. But it related only to monasteries and abbeys.



provisions; and therefore it was enacted by various subsequent statutes in the reign of Richard II. the first of which was passed A.D. 1379, and the last A.D. 1390,—1st. That no alien should be allowed to let his benefice to farm; in order that all, who had already obtained preferment in England, might be compelled to reside upon their benefices. 2dly. That no alien should be presented to any ecclesiastical preferment, under penalty of the statute of *Provisors*. 3dly. That all liegemen of the king accepting a living by any foreign provision should be put out of the king's protection, and the benefice be void. Lastly, banishment and forfeiture of goods were added to the foregoing penalties; and any person bringing over a citation or excommunication from beyond sea, on account of the execution of these statutes, should be imprisoned, forfeit his goods and lands, and moreover suffer pain of life and member.

And shortly afterwards, A.D. 1392, for the purpose of abolishing altogether the pope's claim to present to preferment in this kingdom, the *Statute of Præmunire* was passed<sup>a</sup>. By this statute it was

<sup>a</sup> Not only this statute, but the offences punishable by it were called *Præmunire*; because the writ for the execution of it, as well as of all the statutes of *Provisors*, commenced with the words "præmunire (i. e. præmonere) facias A. B." cause A. B. to be forewarned that he appear to answer the contempt with which he stands charged.

enacted that whosoever should procure “in the court of Rome or elsewhere any translation, process, sentence of excommunication, bull, instrument or any other thing whatsoever, which should touch the king, &c. . . . should be put out of the king’s protection, &c. . . . and dealt with according to the *Statute of Provisors*.”

One would have thought that this statute would have been effectual ; but, like all which had preceded it, it failed of accomplishing its object. “Notwithstanding,” says Rapin, Vol. I. B. IV, “all the complaints frequently carried to the court of Rome, concerning her continual encroachments, and the precautions taken by several parliaments to screen themselves from the same, the popes did not abate their pretensions. The acts of parliament were to them like thunders without execution which reached not their rights. Upon every occasion they made no scruple to act contrary to these statutes, as if they had not been made ; and to assert their apostolic power, without troubling themselves whether they prejudiced the king or his subjects.”

A.D. 1400, parliament passed an act against other abuses arising from the pope’s dispensations, and subjected all who should encourage them to the penalties comprised in the *Statute of Præmunire*. This statute to a certain extent was effec-

tual ; since Pope Martin V., who calls it *execrabile statutum*, wrote a violent letter to Chichely, Archbishop of Canterbury, A.D. 1426, upbraiding him for his remissness, and enjoining him, under pain of excommunication, to use his utmost endeavour to get it repealed. And he afterwards wrote to the king and the parliament, and told them that, unless they should repeal that statute, they could not be saved. But the parliament, although Chichely and several of the bishops went to the House of Commons and endeavoured to persuade them to do it<sup>a</sup>, refused to repeal it.

All these statutes, however, were still evaded<sup>b</sup>, and Martin bestowed the best preferments in the kingdom upon foreigners. This was also done by the successors of Martin. The evil indeed gained ground<sup>c</sup>. Not only parochial benefices, but bishoprics were conferred upon them, whilst they were allowed to reside abroad ; for which indulgence they were glad to compound, by yielding a considerable share of their income. Wolsey, A.D. 1515, got possession on easy leases of the revenues

<sup>a</sup> The archbishop put the parliament in mind of the danger of an interdict, unless they should repeal it. All the pope's letters are in *Burnet's* Collection of Records.

<sup>b</sup> They were often revived, but to little purpose.

<sup>c</sup> "Never" says *Rapin*, "were the *gratiæ expectativæ* (or bulls for church preferments before they became void) more frequent than whilst he (Paul II. A.D. 1464,) sat in the papal chair."

of Bath, Worcester, and Hereford, which sees were filled by Italians. He was allowed to unite with the see of York, which he held, first that of Durham and next that of Winchester; and, besides these bishoprics, he held the abbey of St. Albans, and many other preferments *in commendam*.

The *Statute of Provisors* had, in fact, entirely fallen into disuse during the period of darkness and superstition which distinguished the fifteenth century<sup>a</sup>. And it was not until Wolsey fell into disgrace with his master, that this statute was recalled to the minds of men. His enemies, A.D. 1529, together with other charges, which they brought against him, accused him of having violated the *Statute of Provisors*. Sentence was pronounced against him, that he was out of the king's protection, his lands and goods forfeited, and that his person might be committed to custody<sup>b</sup>.

<sup>a</sup> "The Christian Church," says *Rapin*, "had never been in so deplorable a state as in the fifteenth century. Most peoples' religion consisted in pilgrimages, and the worship of the Blessed Virgin, saints and relics. . . . The papal power had strangely increased every century, each pope having made it his business to enlarge it as much as possible. They were come at length to dispose of all the church preferments in Christendom, and to be the supreme judges in all causes ecclesiastical."

*Rapin* is wrong in saying that "the papal power had increased every century;" since in the fourteenth it received many checks.

<sup>b</sup> The clergy of the province of Canterbury were also fined £100,000, and those of York £18,840, for having violated this statute.

This statute having been thus called into notice, gave occasion to an inquiry into the abuses which existed in the Church, "Henry", as Lord Herbert says\*, "permitting the redress thereof to the lower house of Parliament." "The resultance whereof", he says, p. 324, "finally was that a reformation was prayed, as far as might be, in religion; as it was manifest that in plurality of benefices and divers other ways the clergy had encroached and usurped both upon each other and the laity for many ages, so they would now omit no longer to give a redress to these gross faults." <sup>a</sup>

Accordingly some Acts of Parliament were soon after passed for the purpose of correcting the abuses complained of, which had so long brought scandal and injury upon religion and the Church.

As these Acts are for the most part still in force, I shall presently consider the nature and the design of them, in order that we may judge whether they are suitable to the present age, and sufficient to ensure the utility and efficacy of our church-establishment.

But I shall first show how great was the anxiety of our ancestors to put an end to ecclesiastical abuses, until the darkness of ignorance and super-

<sup>a</sup> "The people", says *Rapin*, "passionately wished for a reformation of sundry abuses crept into the Church."

\* *Herbert's Life of Henry VIII.*

stitution overwhelmed them in the fifteenth century; and shall prove that their great object in passing the *Statute of Præmunire*, and all the *Statutes of Provisors*, and of their frequent petitions to the crown, was to ensure *the residence of the clergy among the flocks committed to their peculiar care*<sup>a</sup>; in order that they might *keep hospitality among them and superintend their moral and religious state*; although the sending of large sums of money out of the kingdom to foreign ecclesiastics and other causes also were instrumental in instigating them to enact these laws.

<sup>a</sup> Some incumbents were for certain reasons exempted from residence. "In our ecclesiastical records", says *Gibson*, "we find abundance of licences for non-residence granted by ordinaries, on account of attendance upon bishops, abbots, earls, barons, &c. And instances of such licences to persons residing for study in universities are without number." But it was ordained by a canon, A.D. 1281, 9 Edward I., that all such non-resident incumbents should have resident curates, and should allow them such salaries as should enable them to *keep hospitality and give alms to the poor*. It had before been ordained, as we have seen, that *vicars* should reside on *appropriated* benefices. But there was a certain class of appropriated benefices for which no vicars were appointed, namely, those which were given to monasteries "ad mensam monachorum." These were served by the monks themselves, who were removable at the pleasure of the abbot. "And this", says *Gibson*, "was the foundation of stipendiary curacies, where the minister is not instituted, but only licensed by the bishop."

## CHAPTER VII.

That the People of England felt themselves sorely aggrieved by these Abuses, and that the Commons used their utmost Endeavours, by means of numerous Petitions to the Crown, to put an End to them ; but that their Endeavours were long frustrated by the Kings and the Clergy.

DURING the minority of Edward III., he and his nobility wrote thus to the Pope <sup>a</sup>: “ We and our ancestors have richly endowed the Church of England, and have founded abbeys and other religious houses for the jurisdiction of our people, for the maintenance of hospitality, and for the advancement of our countrymen and kinsmen. Now you provide and place strangers in our benefices, that come not to keep residence thereupon ; by reason whereof our people are not instructed, hospitality is not kept, our scholars are unpreferred, and the treasure of the realm is exported.”

A.D. 1340<sup>b</sup>, 13 Edw. III. “ The Commons ordered that every archbishop and bishop do before

<sup>a</sup> *Davies's Reports*. The king and the nobles sometimes united with the commons in endeavouring to get rid of these abuses.

<sup>b</sup> “ At a synod convened in London by the Archbishop of Canterbury A.D. 1342, a canon was passed enjoining the monks who

the next Parliament certifie all benefices in every alien's hands, of the value thereof, and of the residence thereof." \*

A.D. 1343, 17 Edw. III. "The Commons found great default of provisions coming from Rome, whereby strangers were enabled within this realm to enjoy ecclesiastical dignities, and showed divers inconveniences ensuing thereby, viz. the decay of hospitality, the transporting of the treasure to nourish the king's mortal enemies<sup>a</sup>, the discovering of the secrets of the realm, and the disabling and impoverishing the clerks within this realm. They therefore required the king and nobles to find some remedy, for that they neither could nor would any longer bear those strange oppressions; or else to help them to expell out of this realm the Pope's power by force."<sup>b</sup> †

To this remonstrance, the following was the re-

had any appropriated livings to relieve the poor in proportion to the value of their benefices; and, in case of their failure, to do this, the bishops were empowered to compel them to do so by sequestering the profits."—*Gibson's Codex*, tit. 30. c. 13.

<sup>a</sup> Edward was engaged in war with France, and the Court of Rome showed partiality towards his antagonists; and therefore the Commons regarded the Italian ecclesiastics as the king's enemies.

<sup>b</sup> It is doubtful whether this last sentence was in their remonstrance.

\* *Cotton's Abridgement of the Records.*

† *Ib.*



ply. "The King understanding of these mischiefs, willeth that between the Lords and Commons some remedy may be had." Accordingly the "King, Lords, and Commons sent for an Act made at Carlisle, 35 Edw. I.<sup>a</sup>, upon the like complaint, forbidding that anything should be attempted or brought into the realm which should tend to the blemishment of the King's prerogative or in prejudice of his Lords and Commons. And so at this time the Act called the *Act of Provision*<sup>b</sup> was made by common consent, which generally forbiddeth the bringing in of any bull or such trinkets from the Court of Rome, or the using, allowing, or enjoying of any such bull, process, instrument, or such ware, as thereby at large doth appear."

And in the following year, 18 Edw. III. "The Commons by their petition recite the *Act of Provision* made in the last Parliament: and, for that no punishment was provided therefore, That such as incur the breach of the same shall lie in perpetual prison or be forejudged the land: That the *Act of Provision* may continue for ever: That, if any archbishop or other person religious or other

<sup>a</sup> This Act has been mentioned before as the first passed against Papal encroachment.

<sup>b</sup> I do not find this Act in the Statute Book. There is in the *Parliamentary History* a translation of a letter written at this time to the Pope by the nobles and commons, which is well worth perusing.

do not present within four months some able clerk to any dignity, whereof any person hath obtained from Rome any provision but surceased the same, that then the king may present some able clerk : That the king shall dispose of all such benefices and dignities of such aliens, his enemies, and employ the profits thereof to the defence of the realm.”

To all which petitions answer was made in the form following. “ It is agreed by the King, Earls, Barons, Justices, and other wise men of the realm that the petitions aforesaid be made in sufficient form of law.”<sup>a</sup>

A.D. 1346, 20 Edw. III. “ The Commons on Monday after Christmas petition, That all alien monks do avoid the realm by Michaelmas, and that their livings be disposed of to yong English schollars : That the king may take the profits of all other strangers’ livings, as cardinals and others during their lives. Answer : The king taketh the profits, and the councel hath sent their petition to the king.”

In the same year they petitioned “ That aliens

<sup>a</sup> “ The bishops and clergy”, says the *Parliamentary History*, “ seemed resolved to protest againt this measure, till the king peremptorily commanded them to surcease such presumption.”

“ Most of the bishops”, says *Rapin*, “ were promoted to the episcopacy purely for having rendered themselves commendable by their attachment to the interests of the Court of Rome.”

buying provisions or provisors do avoid the realm, as before, or be out of the law.” To which petition the reply was, “ That the statute heretofore made shall be observed, and the King shall signifie to the Pope thereof.” “ That no Englishman do take anything in farm of any alien religious, nor buy any of their goods, nor be of their counsel, on pain of perpetual imprisonment.” The answer was, “ These are against the king’s profit, who lacketh such profits of the farmers.”

The same year “ It is ordered in full Parliament at the request of the Commons, that the benefices of all aliens should be seized into the king’s hands, and that he should take the profits of the same ; and that all bishops should before the next convocation certifie into the Chancery the names of all aliens, their benefices and values.”

The following year “ The Commons complain that, in violation of the statutes, cardinals and other aliens daily accept benefices within this realm.”

“ Whereupon it seemed to the counsel good to be done ”, that the Commons should advise the King upon the subject. The Commons accordingly advised the King upon the subject in the form of a bill \*, in which they recommend him to send a

\* The original in French is in *Cotton’s Abridgment*.

letter to the Pope, "showing and insisting that he ought to will and decree that all holders of benefices in holy Church should do the utmost of their power to apply the profits of their livings to the benefit and salvation of the souls of their parishioners", and to state to him that "the foreign incumbents neither know nor understand the country-speech of England, nor do the common people of England understand theirs: so that they can make themselves of no use in affording aid or counsel to the king's subjects, by exhortation, confession, or in any other intelligible manner; and that these defects are probably a general cause of the loss and damnation of Christian souls: for in those places, where the incumbents of churches ought to make their common residence and dispense the wealth of their churches amongst their poor parishioners, the foreign incumbents carry off all the profits without residence and without distributing any advantages or improvements from the profits of their benefices."

A.D. 1350 (25 Edw. III.) the statute of *Provisors* was passed, by which, as has been already observed, ecclesiastics were forbidden to avail themselves of the *provisions* and reservations of the pope, and the presentation to vacant benefices was secured to the rightful patrons; in order that

they might bestow them upon English ecclesiastics who should reside upon them<sup>a</sup>.

The object of the framers of this act is sufficiently clear from the preamble of it, which sets forth, "That the holy Church of England was founded in the state of prelacy within the realm of England to inform the people of the law of God, and to make hospitality and other works of charity in the places where the churches were founded; and certain possessions were assigned by the founders to sustain the same charge." And in the following session in the same year the Commons petitioned, "That the Act passed in the last parliament may be executed." The answer returned to them was, "The king will have the same newly read and amended, where need shall be, and do thereafter."

A.D. 1362 (36 Edw. III.) one of the causes for summoning the parliament is declared to be "for redress of matters touching the Church." And

<sup>a</sup> Pope Innocent VIII. who succeeded to the papal chair this year, was so impressed with the evil of *commendams*, on account of the non-residence of incumbents occasioned by them, that he wrote thus:—"Experientia docet, occasione commendarum, cultum divinum minui, curam animarum negligi, hospitalitatem consuetam et debitam non servari, ruinis ædificia supponi, &c." And one honest bishop, when offered a living to hold *in commendam*, exclaimed, "Absit ut cum sponsâ habeam concubinam!"

two years afterwards, "the king declared to the whole estate", how means were still used for procuring from the pope "provision for ecclesiastical dignities to the great defacing of the ancient laws, to the despoiling of his crown, to the daily conveying away of the treasure, to the wasting of ecclesiastical livings, to the withdrawing of divine service, alms, hospitality and other acceptable works, and to the daily encrease of all mischiefs. And the king requires that due remedy may be provided by the enforcement of the statute of *Provisors*." Accordingly, a statute was made this year (38 Edw. III. stat. 2.) enforcing the statute of *Provisors*, and in it it is stated, that by means of impetrations and provisions made in the court of Rome, "the benefices of the Church are wasted and destroyed, and that divine service, hospitalities, alms-deeds, and other works of charity are withdrawn."

A.D. 1371 (45 Edw. III.) the Commons again petition for remedy against reservation of benefices from Rome. They complain that "aliens, enemies to this land, who never saw nor care for to see their parishioners have those livings, whereby they despise God's service and convey away the treasure, and are worse than Jews or Saracens", . . . . and declare, that all the plagues which they name "have justly fallen upon this

realm for suffering the Church to be so defaced". And two letters, one in Latin under the broad seal and one in French under the seals of the nobles, were sent to the pope.

The next year, the Commons pray, "That all provisors of things from Rome and their ministers may be out of the king's protection." The answer returned to them is, that "the pope has promised redress, the which if he do not the laws therein shall stand." And, in the same year, they again pray, "that the statute of *Provisors* may be executed;" and their prayer is granted.

A.D. 1377 (1 Richard II.) the Commons petition, "That no man do procure any benefice by provision from Rome, upon pain of being put out of the king's protection: and that no Englishman do take to farm of any alien any benefice on the like pain."

A.D. 1379 an act of parliament was passed, in the preamble of which it is set forth, that the churches in this kingdom were endowed "to the intent that the same benefices should be given to honest and meet persons of the realm, to serve and honour God diligently, and also to keep hospitality, and to inform and teach the people, and to do other things pertaining to the care of souls, after the estate and quality of the said benefices. And so was it done in all times past after the

foundation of the same ; till now of late the same benefices have been given against the will of the founders to divers people of another language, who never make residence in the same, nor cannot, may not, nor will not, bear and perform the charges of the same benefices, as in hearing confessions, preaching nor teaching the people, keeping hospitality nor accomplishing the other things necessary to the governance of the same benefices, but only thereof have and take the emoluments and temporal profits, not having regard to the spiritual care nor to other charges to the same benefices pertaining or belonging, whereby the divine service is greatly minished, the cure of souls neglected and left, the clergy enfeebled<sup>a</sup>, the treasure of the realm carried to the hands of aliens, and all the estate of holy Church brought to less reverence than before it was wont to be.” This act ordains that no person “ shall take or receive procuracy, letter of attorney, or other administration of any person in the world of any benefice within the realm, but only of the king’s liege people : that, if any had received such instruments, they should utterly leave them within forty days after publication of this ordinance : and that, if any do the contrary in any point contained in this ordinance, he

<sup>a</sup> These benefices were committed to curates with small salaries.



shall incur the pain and punishment contained in the statute of *Provisors*.”<sup>a</sup>

A.D. 1381, and again A.D. 1382, the parliament petitioned the king for remedy against aliens holding benefices; and A.D. 1383, since there were some non-resident incumbents in England, the Commons prayed “that the like provisions might be made against such beneficed clerks, and not keeping upon the same within England, as late was made against such clerks in Ireland.”<sup>b</sup>

A.D. 1391. The statute of *Provisors* was again directed to be enforced by an Act\*, which makes it high treason to bring into the kingdom provisions from the Court of Rome *without the king's knowledge*. Hence it appears that provisions might now be brought from Rome with the approbation of the king. This, therefore, was a great relaxation of the law on this subject. The

<sup>a</sup> The spiritual lords did not assent to this act, which is a proof that they cared little for the interest of religion or the honour of the Church, and manifests in a stronger light the zeal of the lay nobility and gentry of the land for the spiritual welfare of the people. The bishops, and those of the clergy who enriched themselves by obtaining pluralities through the pope's provisions, were no friends to the statute of *Provisors*. And I fear that any attempt to reform the law with respect to pluralities at the present day will be strenuously opposed by the richer part of the clergy.

<sup>b</sup> I have no opportunity of referring to the statutes of Ireland.

\* *Rapin*, Vol. I. B. 10.

history of this period is very imperfect, and no grounds are afforded us of knowing why such a relaxation should have been allowed. But whatever may have been the cause of this Act being passed, it seems that the Commons gave a very cautious and reluctant assent to it<sup>a</sup>. They agreed “that the king might make such toleration touching the statute of *provisions* as to him should seem good, until the next parliament, so as the statute be repealed in no article thereof; so also as they may disagree thereunto at the next parliament, with this protestation, That this their assent, being in very deed a noveltie, be had or taken for no example.”\*

The next year<sup>b</sup>, one of the two causes alleged for calling the parliament is declared to be “to provide some remedy touching the statute of *Provisors*, for eschewing debate between the pope and the king and his realms :” and the Commons grant that the king, “by the advice of his Lords and Commons, should have the power to moderate the statute of *provisions* to the honour of God,

<sup>a</sup> Richard was at this time so low both in credit and in purse, that he applied in vain to the city of London to lend him 1000*l*. Perhaps he induced the parliament to grant him this privilege, with a view of raising money by it.

<sup>b</sup> The statute of *Præmunire* was passed this year.

\* *Cotton's Abridgment*.

and saving the rights of the crown, and to put the same in execution, so as the same be declared in the next parliament, to the end the Commons may then agree to or no." Here again the Commons were exceedingly cautious, lest they should sanction any measure, which might be injurious to the Church and State. It is clear that they never intended to suffer parochial benefices to be bestowed upon aliens, who should not reside upon them: since in the following year (A.D. 1393,) they petition, "that sufficient persons be presented to benefices, who may dwell on the same, so as their flocks for want thereof do not perish." And the answer returned to them is as follows: "the king willeth that the bishops, to whose office the same belongeth, do their duties."

The power to moderate the statute of *Provisors*, which they gave to the king, seems to have related to the nomination of bishops: for in the same year it was enacted by the Lords and Commons, "that Tydeman, late abbot of Beaulewi, and elect of Llandaffe by the pope's provision, should enjoy the same bishoprick, notwithstanding any act, so alwaies as this be taken for no example." And three years afterwards, "the Commons again grant to the king power to moderate the statute of *Provisors*, as in 16 Rich. II., saving the right of the king's crown."

Richard was now very unpopular, and in great fear from the designs of his uncle, the duke of Gloucester; and perhaps he was anxious, by moderating this statute, to secure the support of the Church<sup>a</sup>. Whether this was the case or not, the clergy seem to have considered this a favourable opportunity for them to make an effort to increase the power of the pope, to the diminution of which we have seen that they had always been strongly opposed. Accordingly the archbishops of Canterbury and York for themselves and their clergy declared to the king in open parliament, “that forasmuch as they were sworn to the pope and sea of Rome, if anything were in parliament attempted in restraint of the same, they would in no wise assent thereunto, but utterly withstand the same: the which, their protestations, they required to be enrolled.”<sup>b</sup>

<sup>a</sup> There seems to have been a strange inconsistency in the conduct of this weak prince. The next year he banished Arundel, archbishop of Canterbury, and confiscated his estate; and the following year he paid such court to the Church, as to cause the pope’s bull, confirming many of his irregular proceedings, to be published in all the counties of England. This, on his deposition, was one of the articles of accusation against him.

<sup>b</sup> The power of the clergy had been on the wane for a century; and *Hume* says, “there was a sensible decay of ecclesiastical authority at this period; and the kingdom was much weaned from superstition.” But unhappily both superstition and the power of the Church soon revived, and increased in strength.

A. D. 1399 (1 Hen. IV.) The Commons granted the king liberty, by the advice of such wise men as he should call to him, to moderate or to repeal the statute of *Provisors* at any time made<sup>a</sup>: and the next year, the Commons in a new parliament, “agreed to the power granted to the king, for the moderation of the statute touching *Provisors* in the last parliament, beseeching the king that the same may not licence any cardinall or stranger to enjoy any benefice within the realm.” At the same time they petitioned “that all such as procure from Rome any plurality or non-residence, do incur the pain of *Provisors*, except the chaplains of the king, of the archbishops or bishops, and except schollers.” To which the king answered, “that he would provide remedy therefore.” “That no appropriation of benefices be on like pain.” Answer, “the king will be advised thereof.” “Upon request of the Commons the king promiseth that he will not from henceforth dispence with the statute of provision to benefices.”

<sup>a</sup> From the conduct of the Commons in the following year, it is evident that they never intended that this liberty, granted to the king, should authorize him to repeal the whole of the statute. It probably related only to the appointment of bishops by the pope's provisions. The king, had he been authorized, would have done anything to gratify the clergy, in order by their means to support himself on the throne.

A.D. 1402. (4 Hen. IV.) “The Commons petition that every parson may dwel and keep hospitality on his benefice, or else incurre the pain of the statute of Provisors.” “The king charged the bishops to take order therein by the next parliament.”

A.D. 1406. (8 Hen. IV.) “The Commons petition that the king may enjoy half the profits of any parson’s benefice, who is not resident therein.” Answer, “If the ordinaries do not their duties, the king will write to the pope generally to stay the grant of any pluralities.”

The Commons, however, seem not to have relished the notion of the king’s writing to the pope on this subject. For they immediately petitioned “that all persons, that shall procure or sue to the Court of Rome any process touching any benefice, collation, or presentation of the same, shall incur the pain of the statute of *Provisors*.” And in the year following they again petition, “that the half profits of their benefices, who be not resident thereupon, may be employed to the king’s use.” Answer, “there was a remedy provided in the last convocation heretofore.”

A.D. 1413. (1 Hen. V.) “It is enacted that all statutes made against provisions from Rome shall be observed.”

A.D. 1425. (3 Hen. VI.) The Commons pe-

tion "that all parsons and vicars, and others, having cures and not resident thereupon, may forfeit their benefices, the one half to the king and the other half to the patron." Answer, "the king hath charged the archbishops of Canterbury and York to provide remedy therein."

The next year the Commons petition "that no man do make advowson, presentation, collation, or induction to any alien of any benefice or ecclesiastical dignity, on pain of the *Præmunire*." Answer, "the king will be advised." They also petitioned, "that every patron may newly present for the non-residence of the incumbent." Answer, "The bishops have promised to take order therein."

A.D. 1482. (10 Hen. VI.) The Commons petition "that all parsonages appropriated not endowing of vicars upon the same within six moneths, shall be disappropriated." <sup>a</sup> Answer, "the king will be advised."

Hence it clearly appears that the Commons of England were so sensible of the evils arising from pluralities, and the non-residence of incumbents

<sup>a</sup> By 15 Rich. II., confirmed by 4 Hen. IV. it was enacted, "that a convenient sum of money be paid and distributed yearly to the poor parishioners of appropriated churches, and also that the vicars be well and sufficiently endowed," in order that they might reside upon the benefices, to "inform the people, and keep hospitality there."

amongst their parishioners, that reign after reign for upwards of a hundred years, they incessantly petitioned the crown for redress. Encouraging replies were frequently returned to their petitions; but it is evident that little redress was granted. The statute of *Provisors* was revived over and over again, from the reign of Edw. III. to that of Hen. VI., inclusive; but it was almost powerless in operation: and after the reign of Hen. VI. it seems to have become altogether a dead letter, until the enemies of Wolsey recalled it from oblivion, and used it as one of the instruments of his destruction.

During the fifteenth century vice, ignorance, and superstition reigned triumphant throughout the nations of Christendom, and the people derived little benefit from the establishment of a Christian ministry. "Corruption was now," says *Rapin*, "so great in the Church, that God seemed to have abandoned men to a reprobate sense; so blind and insensible were they grown. All Europe wished that the Church were reformed; but the popes, the cardinals, and the principal clergy opposed to their utmost the projected reformation, because they were sensible that it would prove prejudicial to their temporal interests."

As to the kings of England, whose duty it was at all times to co-operate with the parliament, in



taking care that the clergy should reside on their benefices and render to their flocks those services for which they were so amply remunerated, they appear to have been totally regardless of the spiritual welfare of their people, and to have been guided altogether by their own selfish views. Whenever they wished to secure the goodwill of the clergy, the petitions of the Commons for a redress of ecclesiastical abuses were always frustrated by some species of evasion.

We have seen that Richard II., desirous in his falling state, of supporting his cause by the power of the Church, contrived to moderate the *Statute of Provisors*, and that the archbishops of Canterbury and York were so emboldened by this measure, that they protested in open parliament for themselves and their clergy against any restraint being imposed upon the power of the Roman pontiff.

Henry IV. anxious to strengthen his invalid title to the crown by the same power, also contrived in the first year of his reign to moderate the same statute, and to evade all the subsequent petitions for reform in the Church, which the Commons repeatedly presented to him.

Henry V. in the beginning of his reign, assented to an act enjoining that all the statutes against provisions from Rome should be observed: but

afterwards, turning his thoughts to the conquest of France<sup>a</sup>, he endeavoured to conciliate the court of Rome by conniving at all ecclesiastical abuses.

Henry VI. also endeavoured to ingratiate himself with the clergy by similar means<sup>b</sup>. “The parliaments in this reign,” says Hume, “instead of relaxing their vigilance against the usurpations of the court of Rome, endeavoured to enforce the former statutes enacted for that purpose. The Commons petitioned that no foreigner should be capable of any church preferment, and that the patron might be allowed to present anew upon the non-residence of any incumbent. But the king eluded these petitions.”

Edward IV. fearing an insurrection of the Lancastrian party, “used great care,” says *Rapin*,

<sup>a</sup> The bishops and clergy excited him to go to war in order to divert him from turning his attention to ecclesiastical affairs. The Archbishop of Canterbury made a speech in parliament, in which he declared that he ought to wear the crown of France.—*Parliamentary History*.

<sup>b</sup> Although he refused to allow the Cardinal of Luxemburg to take the profits of the bishopric of Ely, by virtue of an administration granted to him by the pope, in violation of the statute of *Provisors*; he nevertheless granted him a fresh administration.

A convocation of the clergy was summoned to consider of the pope's granting this bishopric *in commendam* to the cardinal; when the archbishop said that he had called them together to consult on this matter, “quia res erat antehac invisita et mali exempli, ac posset cedere in Ecclesiæ Anglicanæ magnum detrimentum et jacturam.”—*Gibson's Codex*, Tit. III. c. 1.

“to gain the clergy to his interests, by granting them a favour which none of his predecessors had ever willingly granted ; namely, that for the future all ecclesiastical persons indicted for any crime should be tried in the ecclesiastical court, without the interposition of the king’s judges upon any pretence whatsoever. By this same patent, he screened the clergy from the penalties of the statutes of *Provisors* and *Præmunire*, passed in the 16th of Richard II. He pretended that he was induced to this concession by his great zeal for religion, his dread of the excommunications decreed by the holy canons, and his belief that all the calamities, with which England had been for some time afflicted, were the just judgments of God for the disregard shown to his ministers. But very probably he was led by quite another motive to break so many statutes, which the parliament had deemed necessary to check the growth of the clergy’s power.”

It is scarcely necessary to notice the short and turbulent reigns of Edward V. and Richard III. But it is evident that the latter monarch would use every means of gaining the favour of the clergy ; since he contemplated the obtaining of a papal dispensation to enable him to marry his niece the princess Elizabeth, in order that through this alliance he might secure to himself the possession of the throne.

And Henry VII., it is well known, had recourse to the most disgraceful means of establishing himself on the throne by the authority of the Roman Pontiff. "He was so little satisfied with his own title", says *Hume*, "that in the following year (1486) he applied to Papal authority for a confirmation of it: and, as the court of Rome laid hold of all opportunities which the imprudence, weakness, or necessities of princes afforded it to extend its influence, Innocent VIII., the reigning pope, granted a bull in whatever terms the king was pleased to desire; and excommunication was denounced against every one, who should either disturb him in the present possession or the heirs of his body in the future succession of the crown."

This worldly-minded and unprincipled monarch, indeed, throughout the whole of his reign was specially careful to secure the good will of the clergy and the Pope. Morton and Fox, the former of whom he made Archbishop of Canterbury and the latter Privy Seal, and successively Bishop of Bath and Wells, Durham, and Winchester, were the two persons "to whom he chiefly confided his affairs and secret counsels". And, A.D. 1500, he promised Pope Alexander VI. his utmost assistance, by means of aids and contributions, to recover the Holy Land: and even agreed

to attend him in person, rather than he should set forth on the expedition unattended by a monarch. Two years afterwards he called upon his holiness to repay the favour, by granting a dispensation to allow his son Henry to marry the widow of his brother Arthur, in order that he might secure the continuance of an alliance with Spain and be allowed to retain the dowry, which he had received on Arthur's marriage with the Infanta.

The *reasons*, therefore, which prevented the correction of the scandalous abuses which disgraced the Church for so many ages, are sufficiently evident.

I shall now proceed to consider the nature of the statutes enacted to remedy these abuses in the reign of Henry VIII. and in subsequent reigns, that we may see whether they are suited to the present age, and sufficiently efficacious in furthering the end for which they were enacted.

## CHAPTER VIII.

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That the Statutes at length passed in the Reign of Henry VIII., and the Statutes passed since that Reign, have not been sufficiently efficacious in providing a Remedy for ecclesiastical Abuses and promoting the Utility of a Church Establishment.

WE have seen that, in addition to the acts of parliament which were passed, and the petitions which were presented to the crown, to prevent foreigners from holding ecclesiastical preferment in this kingdom, various petitions were also presented by the Commons with respect to the *residence* of the English incumbents. In the reign of Richard II. they prayed the king to compel the English incumbents, who were non-resident, to reside upon their benefices. In the reign of Henry IV. they petitioned that every parson should dwell and keep hospitality on his benefice under pain of the Statute of *Provisors*: and again, in the same reign, that half the profits of every non-resident incumbent should be forfeited to the crown. In the reign of Henry VI. they petitioned that all clergymen not residing upon their cures should

forfeit the whole of the profits of their benefices, one half to the king and the other to the patron : and again, in the same reign, that the patron might be permitted to present anew on the non-residence of the incumbent.

But we do not find that any *legislative enactments* were passed during any of these reigns, for the purpose of compelling the incumbents to reside, or of enforcing the ecclesiastical canons with regard to plurality of benefices. This great work remained to be commenced (so often does it please Providence to cause good to arise out of evil) when the courage of a brutal king, aroused by the obstruction caused by the Pope to the gratification of his lust, threw off the papal yoke and enabled the parliament to legislate without restriction for the welfare of the Church and the nation.

Parliament, therefore, A.D. 1529, (21 Hen. VIII.,) passed an " Act concerning Pluralities of Benefices, taking of Farms by spiritual men, and for Residence," which for the most part remains in force to the present day <sup>a</sup>.

When the Commons, A.D. 1400, (2 Hen. IV.,) petitioned, that all who should procure a dispensation from Rome for pluralities or non-residence

<sup>a</sup> The whole of it nearly was repealed by 1 Philip and Mary, c. 8, and re-enacted by 1 Eliz. c. 1.

should be subject to the penalties of the Act of *Provisors*; with a view of encouraging literature, they excepted “the chaplains of the king, of the archbishops and bishops, and likewise schollers.”<sup>a</sup> In like manner, parliament with the same view, when passing 21 Hen. VIII. c. 13, not only made an exception with regard to scholars and the chaplains of the king and the spiritual lords, but also with regard to the chaplains of the lay nobility and many other persons of rank in the state<sup>b</sup>.

The act, after reciting the benefits which were expected to ensue from it, and forbidding spiritual persons to engage in those occupations which were likely to draw them aside from their professional pursuits, proceeds, in the ninth clause, to enact, that if any person, having one benefice with cure of souls of the yearly value of £8 or above, accept any other with cure of souls, the first benefice shall in law be void. The tenth clause au-

<sup>a</sup> It is stated, in a book written more than twenty years after the passing of the 21 Hen. VIII., that even then “the greatest part of the country clergy were so ignorant, that they could do little more than read.”—*Burnet*, Vol. II. P. 2. B. I. p. 202. On the ignorance of the clergy at this time the reader is referred to *Hooker*, p. 321.

<sup>b</sup> The number of temporal peers in the parliament summoned A.D. 1509 was thirty-six, and in that summoned A.D. 1540 was forty-nine. Hence the number of lay nobility, when this act was passed, was not much more than forty.



thorizes the patron to present to it anew, and the presentee to have the benefit of it, notwithstanding any dispensation to the contrary. The eleventh clause enacts, that any person who shall procure at the court of Rome, or elsewhere, any licence or dispensation to take any benefice or benefices contrary to this act, shall pay a fine of £20, and lose all the profits of such benefice or benefices. The twelfth clause allows pluralists already in possession of benefices to keep four of them<sup>a</sup>, and compels them to resign the rest. The following clauses permit spiritual persons of the king's council to purchase dispensations to hold three benefices with cure of souls; and all other persons being chaplains of the king, of the queen, of the members of the royal family, of spiritual and temporal peers, and of other persons of rank specified in the act<sup>b</sup>, as well as all doctors and bachelors of divinity or law, to purchase dispensations to hold two benefices with cure of souls, and state the number of chaplains which each person may have. The 26th clause enacts, that every spiritual person, promoted to any dignity together with an-

<sup>a</sup> We may judge from this clause of the scandalous extent to which the system of pluralities was carried. Nothing is said as to the value of these four livings.

<sup>b</sup> The judges, the Chancellor of the Duchy of Lancaster, and some other high officers, were allowed to have chaplains by subsequent acts.

other benefice, or to more benefices than one, shall reside upon one of them; and if he do not keep residence upon one of them, but absent himself one month together, or two months at several times in one year, he shall forfeit for every such default the sum of £10<sup>a</sup>. The 27th clause enacts, that every one procuring a dispensation to be non-resident contrary to this act, shall incur a penalty of £20. The 28th clause exempts from this penalty all spiritual persons being in the king's service beyond sea, or on a pilgrimage, all scholars abiding for study, without fraud or covin, in any university, all chaplains before specified, during the time that they shall abide, without fraud or covin, in the households to which they may be attached, and certain other spiritual persons, who shall be engaged in the performance of their respective duties, or shall be enjoined to any daily attendance to answer to the law. The 29th clause allows the king's chaplains to hold any number of benefices or promotions spiritual, which the king may be pleased to give them; and the king to grant them licence for non-residence: and

<sup>a</sup> This is altered by 43 Geo. III. c. 84. and by 57 Geo. III. c. 99, by which an incumbent, non-resident more than three months in one year without a licence, forfeits one-third of the revenue of his benefice; more than six months, one-half; more than eight months, two-thirds; the whole year, three-fourths.

the 31st clause provides, that no deanery, archdeaconry, chancellorship, treasurership, chanter-ship, or prebend in any cathedral or collegiate church, nor parsonage that hath a vicar indued, nor any benefice perpetually appropriate, be comprehended under the name of benefice having the cure of souls.

A.D. 1533 (25 Hen. VIII.) it was further enacted, that neither the king nor any of his subjects should sue to the court of Rome, or to any persons pretending authority by the same, for any dispensation or instrument whatever; but that the Archbishop of Canterbury should have power to grant to the king such dispensations and instruments for causes not repugnant to the Holy Scriptures and the laws of God, as were used to be had at the see of Rome, and were not contrary to the act of 21 Hen. VIII. above mentioned: and, that if any person should sue to the court of Rome for any dispensation or other thing contrary to this act, he should incur the penalty of the act of *Præmunire*.

An unfair advantage was taken of the 28th clause of the 21 Hen. VIII., with respect to the non-residence of scholars residing for study in the universities, many, under pretence of studying there, spending their time in idleness and pleasure; and therefore an act was passed in 28 Hen.

VIII., enjoining all incumbents above the age of forty years (certain university officers being excepted) to reside upon their benefices: and that no incumbents under forty years of age<sup>a</sup>, residing in any universities, should enjoy the privilege of non-residence, unless they should attend the ordinary lectures and keep the ordinary exercises, according to the statutes of such universities<sup>b</sup>.

Such was the reformation with regard to non-residence and pluralities effected in the reign of Henry VIII. And the law on this subject, with some trifling alterations made by subsequent acts, and finally by 57 Geo. III. c. 99, still remains the same.

When we consider the very corrupt state of the Church with respect to pluralities and non-residence at this period, we must admit that a great deal of good was done by the passing of these acts. It is lamentable, however, to reflect, (since it evinces in the strongest manner how self-interest overcomes sound principles, even in those

<sup>a</sup> This age is reduced to thirty years by 57 Geo. III. c. 99.

<sup>b</sup> In the preceding year (A.D. 1536) the king had published an injunction, that all incumbents, who were exempted from residence, "should leave their cure, not to a rude and unlearned person, but to an honest, well-learned, and expert curate:" and, "if able to spend £20 a year, should give annually to the poor the fortieth part of the revenue of their benefices."—*Burnet's Collection of Records*.

who are especially bound to maintain sound principles,) that this reformation was entirely effected by the laity, whilst the clergy arrayed themselves against it.

The Bishop of Rochester, in a speech made in the House of Lords, when the bills for reforming abuses in the Church were sent up from the Commons, said, that the desire of alteration "flowed from lack of faith": and on a complaint of the Commons he was obliged to retract his words. "In the House of Peers", says *Burnet*, "great opposition was made to the bills, and the clergy, both within and without doors, did defame them. The spiritual lords did generally oppose them, the temporal lords being no less earnest to have them passed. But the clergy lost much by this means. . . . . Their opposing of this and all other motions for reformation did very much encrease the prejudices that were conceived against them: whereas, if such motions had either risen from themselves or had at least been cherished by them, their adversaries had not perhaps been so favourably heard: so fatally did they mistake their true interest, when they thought they were concerned to link with it all abuses and corruptions."

May our present spiritual lords regard this as a warning, and be the first to carry forward that reformation which was then only begun. That

some one will soon take the work in hand, if they shall neglect to do so, they may rest assured. Be theirs, therefore, the honour of the righteous undertaking.

That this can only be considered as the *commencement* of a reformation, every reflecting man must allow.

A.D. 1547. (1 Edw. VI.) “The Commons”, says *Burnet*, “sent up some bills which the lords did not agree to<sup>a</sup>. One was about benefices with cure and residence. It was committed, but never reported.” And, in 1550, *Bucer*, in his “Book concerning the Kingdom of Christ”, written by desire of the king, “complains much of pluralities and non-residence, as a remainder of popery very hurtful to the Church. But he thought that much was not to be expected from the greatest part of the clergy, unless the king would set himself vigorously to reform these things.”

The young king, therefore, immediately entertained the design of effecting this reformation. For in one of the papers written at this time with his own hand, and still extant, are these words, “This commonwealth may not bear one man to have more than one benefice”\*. And accordingly

<sup>a</sup> He intimates that “the great bishops” threw them out.—Vol. II. B. I. p. 47.

\* *Burnet's* “King Edward's Remains”. No. II.

the task of reforming the ecclesiastical laws was forthwith committed to eight persons, namely two bishops, two divines, two civilians, and two common lawyers. They prepared a work and arranged it under fifty-one titles, and submitted it to twenty-four other persons, namely, six bishops, six divines, six civilians, and six common lawyers. This commission, now consisting of thirty-two persons, revised, corrected, and perfected the work. But, before it received the royal assent, the king died: and the work, says *Burnet*, “has never since that time been taken up or prosecuted with the care that a thing of such consequence deserves.” \* In the eleventh title of this work it was enjoined, “that no clergyman should be admitted to more cures than one; that all privileges for pluralities should for ever cease; and that no one should be absent from his cure, except for a time and a just cause, of which he was to satisfy his ordinary.”

Efforts, however, were afterwards made to remedy the evil of pluralities and non-residence, and for a time were effectual. The convocation summoned by Cardinal Pole, A.D. 1555, passed a canon, to which the queen agreed, condemning all pluralities of benefices with cure, and enjoining those who had more benefices to resign all but

\* Vol. II. p. 2. B. I. p. 197.

one within two months\*. The lower house of convocation, indeed, in their address to the upper house, recommending the repeal of 21 Hen. VIII., state, as one of their reasons for so doing, that “a larger liberty is given to a great multitude of priests and chaplains to be absent from their benefices with cure, than was ever permitted by the canon laws.”†

Again, A.D. 1571, (13 Eliz.) there was a debate in the Commons on the abuses in religion ‡; one of which was “that one man was allowed to have too many several livings”: and a committee was appointed “for redress of sundry defections.” And the same year there were other debates on Church affairs; but they were managed with caution, because “the queen always showed a dislike that the Commons should meddle in ecclesiastical matters.” On the 22d May 1572, “a bill for rites and ceremonies in the Church” having been read three times in the Commons, the speaker declared to the house that it was the queen’s pleasure, “that from henceforth no bills concerning religion should be preferred or re-

\* *Burnet*, Vol. II. p. 2. B. II. p. 325. This canon was overthrown when the 21 Hen. VIII. was re-enacted by the 1 Eliz.

† *Burnet’s* Collection of Records, B. II. p. 268.

‡ Parliamentary History.



ceived in that house, unless the same should first be considered and approved by the clergy.”<sup>a</sup>

The Commons, however, a few years afterwards resumed the task of correcting ecclesiastical abuses; for we read that at the close of the session A.D. 1581, “the speaker yielded unto the queen most humble thanks, in the name of the whole house, for her majesty’s most gracious acceptance of their most humble petition unto her highness for reformation of some abuses yet remaining in the Church.”

But, although the queen graciously accepted their petition, it does not appear that any redress was granted. And therefore, A.D. 1588, Mr. Cope offered to the house “a bill for the amendment of things amiss in the ecclesiastical estate”; when the speaker said, “that her majesty before this time had commanded the house not to meddle with this matter”: and he desired that it would please them to spare the reading of it. Accordingly the bill was not read.

A.D. 1592, Mr. Morrice proposed “a bill to reform the abuses in the ecclesiastical courts”; when several members objected to entertain it

<sup>a</sup> The clergy, of which the houses of convocation consisted, were, no doubt, for the most part pluralists, and were therefore not very likely to approve of a bill against pluralities.

because her majesty had straitly charged them “not to meddle with things concerning the reformation of the Church and State.” The bill<sup>a</sup> was given to the speaker, whom the queen immediately sent for, and commanded to inform the house that it was her pleasure, “that no bill touching reformation in causes ecclesiastical be exhibited”; and at the same time she enjoined him on his allegiance not to read such bill.

Another debate, however, took place A.D. 1601, on “a bill for redressing certain inconveniences in 21 Hen. VIII. concerning pluralities of benefices”; when Serjeant Harris spoke thus, “Mr. Speaker, the last parliament may be a warning to us, when the like bill was by us preferred, and the same not only rejected, but also her majesty commanded the lord keeper to tell us, that she hoped we would not hereafter meddle in cases of this nature, so nearly touching her prerogative royal.” Elizabeth, unfortunately, was exceedingly jealous of her prerogative in this respect; and this was the chief reason why these glaring abuses were not corrected in her prosperous reign. “Bills”, says *Burnet*\*, “were brought into parliament

<sup>a</sup> It is evident, from Serjeant Harris’s address to the Speaker in the next parliament, that this bill embraced the subject of pluralities.

\* Preface to Vol. II.

against the abuses of pluralities and non-residences. But the queen, being persuaded with this, that the parliament's meddling with these matters tended to the lessening of her authority, of which she was extremely sensible, got all these bills to be thrown out."

In the next reign, A.D. 1604, 2 Jam. I., a conference was appointed between nine members of the House of Lords and twenty of the Commons for the reformation of ecclesiastical matters<sup>a</sup>. Amongst the articles to be debated was this, "Item, that from henceforth no dispensation or toleration shall be allowed to any, to have or retain two or more benefices with cure of souls, or to be non-resident: and that such as now have double benefices or be non-resident shall give sufficient allowance yearly to maintain a preacher in their absence." What was the result of this conference does not appear. The next year another conference was held; but this was not one of the articles debated.

A.D. 1625, (1Ch. I.,) in a petition of both houses

<sup>a</sup> By 3 Jac. I. c. 5. popish recusants convict are disabled from presenting to benefices, and the presentation given to the two universities, "provided that neither of the saide chancellors and schollers of either the said universities shall present or nominate to any benefice with cure, prebend or other ecclesiastical living any such person as shall then have any other benefice with care of soules."

to the king, they pray, "That care may be taken to enlarge the word of God throughout all parts of his majesty's dominions . . . and that non-residency, pluralities, and commendams may be moderated": and they thank the king for having diminished the number of his chaplains. The king's reply to the petition runs thus: "For pluralities and non-residences, they are now so moderated, that the archbishops affirm there be no dispensations for pluralities granted; nor no man is allowed above two benefices, and those not above thirty miles distant: and for avoiding non-residence, the canon in that case provided shall be duly put in execution<sup>a</sup>. For commendams, they shall be sparingly granted, only in such case, where the exility

<sup>a</sup> By the 41st canon, passed A.D. 1603, it is ordained that every non-resident incumbent shall have a resident curate. And the faculty of dispensation of plurality, having made provision for a residing curate, adds, "*Eidemque ministro competens sufficiensque salarium a loci illius episcopo, sanâ suâ discretione assignandum, bonâ fide præstetur et persolvetur.*" But this canon might as well never have been passed. It has been little more than a dead letter. And the pitiful attempts which have been made from time to time to provide "*competens sufficiensque salarium*" for the officiating curate, are a disgrace at once to our Church and our Legislature. Even 57 G. III. which has effected more for curates than any preceding act, is a scandal to the statute-book. This act appoints only 150*l.* a year, as the salary of the *locum tenens* of a non-resident rector of Stanhope, Winwick or Dodington, but gives the bishop the power of adding 50*l.* more, if the population exceed 500 persons.

and smallness of the bishopric requireth." And his majesty recommended to the houses of Parliament that care should be taken, that every parish should allow a competent maintenance for an able minister.

A.D. 1628, Sir Benjamin Rudyard moved for a bill for the better maintenance of the inferior clergy, and made an excellent speech upon the subject. And, in the same year, among the heads of articles for religion agreed upon in the Commons, were, "That clergymen may reside upon their charge", and "That some course may be considered of for providing competent means for maintaining an able minister in every parish." But nothing seems to have been done. The next year the king dissolved the Parliament, and no other was called until A.D. 1640.

On June 15, A.D. 1641, "a bill against pluralities and non-residence" was read a third time in the Commons and sent to the Lords<sup>a</sup>. It provided that every one having two livings should resign one before the 21st of September; and that any clergyman absent sixty days at one time should

<sup>a</sup> It is stated in *Rushworth's* Collection, Vol. IV. p. 207, that on March 9, 1640, "It was moved in the house that there be a bill drawn against such as have pluralities of livings, or are non-resident; and that no minister have more than one living; and, if he that hath a living, absent himself forty days, he shall lose it."

forfeit his benefice. The Lords, it appears, refused to pass it; for Pym afterwards complained of its not being passed.

In the king's first answer to the Proposition for the Church, sent September 30, 1648, he promises to give his royal assent to "an act against enjoying pluralities of benefices by spiritual persons and non-residency."

During the Commonwealth pluralities were entirely abolished. August 28, 1654, an act\* was passed by which all non-resident incumbents were ejected from their benefices: and this act was confirmed by another passed 1656, c. 10.

At the Restoration also, A.D. 1660, Parliament showed its abhorrence of pluralities in the strongest light. Many incumbents had been ejected from their livings during Cromwell's usurpation, and by the act restoring them to their benefices, 12 Car. II. c. 17., it is provided that every minister duly qualified, who had been "ejected out of two or more ecclesiastical benefices with cure of souls, shall be restored to one of them and no more."

By 1 W. and M. c. 26., A.D. 1689, all persons refusing to sign the declaration of 30 Car. II. are disabled from presenting to benefices and the presentation given to the universities, which, as by 3 Jac. I., are precluded from presenting any person

\* *Scobell's Collection.*

already possessing a benefice with cure. And the same restriction is also made in 12 An. c. 14.

Hence it appears, that *plurality of benefices* and *the non-residence of incumbents* are contrary to all the ancient canons of the Church—that they were contrary to the law of England, until the passing of the 21 Hen. VIII. (which was enacted with a view of restraining rather than allowing them)—that the Commons, for many ages prior to this period, used their utmost efforts to abolish them—that various attempts were made, after the passing of this act, in the reigns of Edward VI., Elizabeth, James I., Charles I., and Charles II. to effect this object—that they were totally abolished during the reign of Mary and during the Commonwealth—and that the legislature by three several acts, in the reigns of James I., William and Mary, and Anne, restricted the universities from presenting any clergyman already in possession of a benefice with cure to another such benefice, which under certain circumstances might be placed at their disposal.

How palpable and how grievous, therefore, must be the evils arising from these abuses, that they should from generation to generation have presented themselves so forcibly to the minds of men: and yet they are still permitted to exist, and the facility of perpetrating them is suffered daily to

become more glaring. For, with the increase of the peerage, the number of persons qualified to hold pluralities increases : and the number of the lay peers of Parliament (to say nothing of the nobility who are not peers of Parliament, but still are allowed the same number of chaplains with them) is nearly ten times as great now as it was when the chaplains of the lay nobility were permitted to hold pluralities by the 21 Hen. VIII.



## CHAPTER IX.

## On the Evil of Pluralities.

It is not necessary that I should endeavour to demonstrate to the reader the lamentable consequences of pluralities, in order to convince him of the evil of them. If he have ever resided, even for a short period, in any part of the country, in which, owing to pluralities, some of the parishes have been without resident incumbents, whilst others have enjoyed the benefit arising from the residence of their proper pastors, his own observation must have convinced him of this evil<sup>a</sup>. But, in case he should not be already convinced on the subject, I shall endeavour to beget this conviction in him, not by any statement of facts or by any reasoning of my own, but by citing what has been written and said upon it by men, whose opinions are of much greater weight.

<sup>a</sup> The author resided from the year 1812 to the year 1819 as curate of Whatfield in the county of Suffolk. During a great part of that period, the ten following parishes, Lindsey, Kersey, Whatfield, Aldham, Elmsett, Naughton, Bricet, Wattisham, Little Finborough, and Kettlebaston, the first nine of which join

And first I shall lay before him the sentiments of the excellent and deep-reasoning Hooker, who was not altogether an enemy to pluralities, but on the contrary the defender both of pluralities and of non-residence under certain circumstances as conducive to the advancement of learning and religion. “Now,” saith he \*, “there being general laws and rules, whereby it cannot be denied that the Church of God standeth bound to provide that the ministry may be learned, that they which have charge may reside upon it, and that it may not be free for them in scandalous manner to multiply ecclesiastical livings; it remaineth in the next place to be examined what the laws of the Church of England do admit, which may be thought repugnant to any thing hitherto alledged, and in what special consideration they seem to admit the same.” He then argues, with regard to the Church admitting ministers of small learning, that,

each other and the last is separated by one parish, were all without resident incumbents, and eight of them without resident curates: and the difference between the parishes which were without resident ministers, and those which possessed that advantage, was lamentably evident. Five of the above parishes are impropriations belonging to King’s College, Cambridge; and in one of them, namely Little Finborough, (to the shame of that society be it spoken,) the service of the Church was performed only once in a month.

\* Ecc. Polity, p. 321, &c.

in consequence of the great number of parishes and the small number of learned men in his time, the Church was under a necessity either of admitting ministers of little learning or of leaving the parishes without any ministers at all. "In this point therefore," saith he, "we obey necessity and of two evils we take the less."

With respect to the non-residence of incumbents upon their benefices, he observes in the first place, that the law allows this "to such as will live in Universities, if they faithfully there labour to grow in knowledge, that so they may afterwards the more edifie and the better instruct their congregations. . . . The time of their absence is, in the intendment of law, bestowed to the Churches great advantage and benefit: those necessary helps are procured by it, which turn by many degrees more to the people's comfort in time to come, than if their pastours had continually abidden with them. So that the law doth hereby provide in some part to remedy and help that evil (namely the admitting of ministers of little learning into the Church) which the former necessity hath imposed upon the Church."

Secondly, he says, that "as much may be said touching absence granted to them, that attend in the families of bishops", which he calls "schools of gravity, discretion, and wisdom," and "the fit-

test places, which any ingenious mind can wish to enter into, between departure from private study and access to a more publick charge of souls.”

Thirdly, he says “Employment in the families of noblemen or in princes’ courts hath another end, for which the self-same leave is given, not without great respect to the good of the whole Church.” This end he states to be, that the ministers may constantly attend upon “those greater orbes”, perform religious service to their households, and be ready to assist them with their counsel: since it was “repugnant to the majesty and greatness of English nobility” that they should attend parish churches, and it was quite improbable and unlikely that they would maintain fit persons at their own charge.

“It appeareth, therefore,” saith he, “in what respect the laws of this realm have given liberty of non-residence to some; that their knowledge may be increased and their labours by that means be made afterwards more profitable to others; and lest the houses of great men should want that daily exercise of religion, wherein their example availeth as much, yea many times peradventure more than the laws themselves, with the common sort.”

With regard to pluralities, he states the object of their being allowed to be “a meer both just and

conscionable regard that, as men are in quality and as their services are in weight for the public good, so likewise their rewards and encouragements by special privilege of law might somewhat declare how the state itself doth accept their pains." He then specifies the persons, to whom he thinks dispensations for pluralities may fitly be granted, and the reasons why he thinks that they may be fitly granted.

He first mentions "readers in the Universities", on account of the great expence, to which they are put in providing paper and books, an expence which, he says, "their stipends do either not or hardly sustain." Secondly, "Governors of Colleges", on account of the great expence of supporting their state and the inadequate emoluments of their office. Thirdly, ministers called from their cures and employed in weighty business either of the Church or commonwealth, and residents in Cathedral churches or upon dignities ecclesiastical, on account of such men being of the best quality and therefore deserving<sup>a</sup> "for their

<sup>a</sup> The following is a part of the form of a Dispensation. "The greater progress men make in sacred learning, the greater encouragement they merit; and the more their necessities are in daily life, the more necessary supports of life they require. Upon which considerations we do by these presents graciously dispense with you; that together with the rectory of \_\_\_\_\_ you may freely and lawfully hold the rectory of \_\_\_\_\_."

qualities-sake to be favoured above others." . . .  
 "And in like consideration partly, (saith he) partly also by way of honour to learning, nobility and authority permitteth that men who have taken theological degrees in Schools, the suffragans of bishops, the house-hold chaplains of men of honour or in great offices, the brethren and sons of lords temporal or of knights, if God shall move the hearts of such to enter at any time into holy orders, may obtain to themselves a faculty or licence to hold two ecclesiastical livings, though having cure ; any spiritual person of the Queen's council, three such livings ; her chaplains what number of promotions herself, in her own princely wisdom, thinketh good to bestow upon them."

Now I have no doubt but that the view taken of this subject by this great and good man was perfectly correct, considering the state and manners of the age, in which he lived ; when it was necessary either to place ignoramuses in country benefices or to leave the parishes without ministers ; and when it was "repugnant to the majesty and greatness" of an English nobleman to attend the service of God in a parish-church.

The pluralist is bound by this form to preach thirteen sermons and to keep hospitality two months yearly, and, as much as in him lieth, to support and relieve the poor and needy in the parish, in which his second benefice is situated. How often are these conditions performed ?

When learning was at so low an ebb, that fit persons could not be found to occupy ecclesiastical benefices, it was doubtless politic to encourage the cultivation of learning even by the bribery of pluralities. And if an ignorant nobility were too proud to frequent their parish-churches and too mean to pay domestic chaplains out of their own pockets, doubtless it was better that the Church should pay with pluralities learned ministers, who should reside in their houses and instil into them the principles of religion, than that they should remain as destitute of religion as they were of learning.

But these are not "the golden days of Good Queen Bess." There are now in this kingdom thousands of clergymen without benefices, who are perfectly qualified by learning to undertake the charge of them; and our nobility, at the present day, do not think it necessary that the Church should provide them with spiritual instructors in their own houses, on the ground of its being a degradation to them to attend the service of God in the public house of prayer. These arguments, therefore, in favour of non-residence and pluralities, are no longer of any force.

With respect to pluralities "declaring how the State doth accept the pains of men, according as their services are in weight for the public good," no man, I believe, will now contend that the

weight of services, performed by a pluralist for the public benefit, has anything whatever to do with the number of livings which he holds for his own. This argument, therefore, also falls to the ground.

With regard to theological degrees taken in the schools, these have long ceased to designate superior learning, and may be easily procured by any man of ordinary acquirements. The degree of doctor of divinity is now seldom taken by any (with the exception of deans of cathedrals, heads of houses, and divinity professors in the universities, who generally take them as a matter of course), but by schoolmasters, and persons who are ambitious of the privileges which were given to those, who took that degree at a time when it was really a mark of superior learning.

As to the brethren and sons of lords temporal (I am sorry that I cannot include those of knights), who enter into holy orders, there is no doubt but that their entering into the ministry does confer an outward respectability upon the clerical profession; and there is also little doubt but that many of them who now enter into it, would not do so if pluralities were abolished. But still I think that the Church had better dispense with the honour thus conferred upon her by the younger sons of the nobility, than continue to purchase it at so great a cost. There are many



high prizes in the Church, which they have a much better chance of obtaining than other men, if they are duly qualified to receive them.

All *Hooker's* arguments, therefore, how good soever they may have been when he urged them, are good for nothing now ; and were he alive at this moment, he would be foremost amongst the opposers of pluralities. This we may gather from his strong censure of the abuse of the law respecting them in his time ; whereas now, since the ancient arguments for them on the ground of necessity can be no longer maintained, the law itself is nothing more than an abuse. “ Neither have many laws (says Lord *Herbert*\*,) other ground than the constitution of the times ; which yet afterwards changing, leave their interpretation doubtful : insomuch that posterity might justly abrogate them, when the causes thereof ceased.”

*Hooker*, having defended pluralities on the ground of necessity, goes on to say, “ but, as it fareth in such cases, the gap, which for just considerations we open unto some, letteth in others through corrupt practices, to whom such favours were neither meant, nor should be communicated. . . . . It is not obscure how incommodious the Church hath found the abuse of that favour which law affordeth touching residence, and plurality of

\* *Life of Hen. VIII.* p. 637.

spiritual livings. Now that which is practised corruptly to the detriment and hurt of the Church, against the purpose of those very laws, which notwithstanding are pretended in defence and justification thereof, we must acknowledge no less repugnant to the grounds and principles of common right, than the fraudulent proceedings of tyrants to the principles of just sovereignty."

He then proceeds to inquire "what course were the best and safest, whereby to remedy such evils, as the Church of God may sustain, where the present liberty of law is turned to great abuse:" and he solemnly calls upon those, to whom the granting of dispensations is committed and who have the disposition of preferments, to "bethink themselves what it is to respect anything either above or besides merit." He calls upon the nobility and others, who have the privilege of qualifying the clergy to receive dispensations, not "to suffer their names to be abused, contrary to the true intent and meaning of wholesome laws, by men in whom there is nothing notable besides covetousness and ambition." He calls upon the rulers of the universities to be careful not to violate the trust reposed in them, by conferring "those degrees of schools, which are a testimony given to the Church and commonwealth concerning men's sufficiency for manners and knowledge," upon

any persons, but such as are highly deserving of them: and lastly, he calls upon the pluralists themselves, to reflect whether or not they are taking an undue advantage of the laws: and, if they should be doing so, he tells them to “be well assured, that the honey which they eat with fraud shall turn in the end into true gall; for as much as laws are the sacred image of His wisdom, who most severely punisheth those colourable and subtile crimes, that seldom are taken within the walk of human justice:” and he concludes by stating, that since “the laws of God and nature are violated through the effects of abused privileges, there must be redress”; and that “for the remedy of such evils, the most to be desired were a voluntary reformation thereof on all hands, which may give passage unto any abuse.”

I think I may now fairly ask the reader, whether he believes, had *Hooker* lived at the present day, that he would have advanced one syllable in favour of pluralities, excepting in those cases where unions are desirable and practicable<sup>a</sup>. He would

<sup>a</sup> An act was passed in the 37th of Hen. VIII. for uniting contiguous parishes, where the churches were not more than a mile asunder and one of the benefices not above the yearly value of six pounds. Another, for uniting churches in towns corporate in 27th of Chas. II. Great good would be effected by following these examples now, wherever it is practicable and desirable to unite two churches. An act was also passed during the Com-

undoubtedly have said, “tempora mutantur”, and the law of pluralities ought to be changed also.

Bishop *Bedell*, in his Letter to the Primate Usher, writes thus, “Plainly I do thus think, that of all the diseases of the Church in these times, next to that of the corruption of our courts, this of pluralities is the most deadly and pestilent.”\* He thought it “a vain and indeed an impudent thing, for a man to pretend that he answered the obligation of so sacred a trust and so holy a vow, by hiring some mercenary curate to perform offices, since the obligation was personal.” And he mentions the severe reflection, which this practice drew from a witty man. “When”, said he, “such betrayers and abandoners of that trust, which Christ purchased with His own blood, found good and faithful curates, that performed worthily the obligations of the pastoral care, the incumbent should be saved by proxy, but be damned in person.” Accordingly he called together the clergy of his diocese and exhorted them “to reform that intolerable abuse, which, as it brought a heavy scandal on the Church and gave their adversaries

monwealth, A.D. 1654, for uniting two or more parishes, which did not singly furnish sufficient maintenance for a minister. *Scobell*, p. 353, P. II.

\* *Burnet's Life of Bedell.*

great advantages against them, so it must very much endanger both their own souls and the souls of their flocks." And, in order to prove that he was sincere in his declarations with regard to pluralities, he resigned the see of Ardagh, which had long been united with his bishoprick of Kilmore, and remains united to it to this day. Such was the effect of his exhortation, that all the clergy of his diocese, with the exception of the dean, immediately relinquished their pluralities.

Bishop *Burnet's* opinion on the subject of pluralities must be so commonly known, that it is scarcely necessary that I should cite his language. "There are", saith he, "besides this, (namely, the abuse committed by depriving the Church of the great tithes at the dissolution of the monasteries,) a great many other abuses, brought in in the worst times, and now purged out of some of the Churches of the Roman communion, which yet continue and are too much in use among us; such as pluralities, non-residencies, and other things of that nature: so that it may be said, that some of the manifest corruptions of Popery, where they are recommended by the advantages that accompany them, are not yet thoroughly purged out; notwithstanding all the noise we have made about reformation in matters much more disputable and of far less consequence."

Again, he says, "If men had a just notion of this holy function and a right sense of it before they were initiated into it, those scandalous abuses of plurality of benefices with cure, (except where they are so poor and contiguous, that both can scarce maintain one incumbent, and one man can discharge the duty of both very well,) non-residencies, and the hiring out that trust to pitiful mercenaries at the cheapest rate would soon fall off<sup>a</sup>. These are things of so crying a nature, that no wonder if the wrath of God is ready to break out upon us. These are abuses that even the Church of Rome is ashamed of, and are at this day generally discountenanced all France over. Queen Mary, here in England, in the time of Popery, set herself effectually to root them out. And that they should be still found among Protestants, and in so reformed a Church, is a scandal that may justly make us blush. . . . . They, who are guilty of these disorders, who cloath

<sup>a</sup> Few pluralists, I imagine, at the present day pay their curates more than they are compelled to pay them by act of parliament. When the Author first went into orders, he served two churches, Whatfield and Kettlebaston, which were six miles asunder, for sixty-five pounds a-year, when the value of the two livings was nearly a thousand pounds a-year. Curates are better paid now, since the passing of the "Stipendiary Curates Bill" and the "Clergy-Residence Bill"; but still their salaries are shamefully illiberal.

themselves with the wool but have not fed the flock, have much to answer for both to God, for the neglect of those souls for which they are to give an account, and to the world, for the reproach they have brought on this Church and on the sacred functions.”

*Burnet* also gave ample proof of his sincerity in condemning plurality of benefices. For when he was out of favour at Court and without preferment, excepting the Chaplainship at the Rolls and the Lectureship at St. Clement's, a large living was offered to him by the Earl of Essex, on condition that he would reside in London: but he refused the living, and said, that “in case he was presented to a cure of souls, he must think himself under such an obligation to residence, as no other considerations could dispense with.”\*

*Prideaux*, in the Preface to his “Draft of a Bill to Restrain Pluralities”, made in 1691, writes as follows:—“Among several designs, which were set on foot for the bettering of the state of the Church, on Archbishop Tillotson's first promotion to the see of Canterbury, one was to remove the scandal of pluralities, which hath given so large an handle for our adversaries to clamour against us.” . . . . “I press not for the minister's maintenance, without having a thorough respect to the

\* *Life of Burnet*, p. 32.

end for which it is ordained, i. e. the support of God's worship and the promoting of his honour among us. For, as I think that an honourable and sufficient maintenance for the minister is absolutely necessary for the successful carrying on of the ministerial work, so I heartily wish and do as earnestly press, that where there is such a maintenance all care may be taken to make the minister faithfully discharge all those duties in order hereto, for which that maintenance was given. The severest laws in this case cannot give us any just cause to repine hereat. For since the assignment of the maintenance is from the state, they have a right to exact the service and make such laws for it as they shall judge will best enforce the due performance of it. And such laws, as shall most fully exact the labours of those herein, to whose care the ministry of religion is committed, will best provide for the true interest of both Church and State."

And amongst his "Reasons for the Bill," he says, "The practice of holding pluralities of benefices with cure of souls, hath been complained of as one of the greatest grievances of the Church of England, ever since it hath been reformed." He did not think it prudent in his day to abolish pluralities all at once. "Till a way," saith he, "be found out to endow every parish in England



with a sufficient competency to maintain a minister, it is absolutely necessary in some limited manner still to permit pluralities of cures, and wholly to prohibit them till this be done, will be in effect to prohibit so great a number of parishes, which have not a sufficient maintenance for a minister, to have any at all to serve them.”<sup>a</sup> This argument can only hold good when the pluralist himself does the duty of both parishes, and not when he keeps a curate. This must be *Prideaux's* meaning, for he afterwards says, “That living, which can maintain a curate, may better maintain a minister; since no one in this case will take a living to keep a curate on, who doth not get something to himself thereby. And therefore, if the living be small, the more is the pity that a pluralist should be allowed to take any thing from it.”

Pluralities, however, did not generally consist of two poor livings in his time any more than they do now; although probably there was a much

<sup>a</sup> The Bishop of *London*, in his charge, delivered in July, 1830, says, “I would not be understood to declare against all pluralities: on the contrary, I am convinced that under the present circumstances of our Church, they are in many cases necessary, and in some highly useful.” I conceive that his Lordship can only mean that they are necessary and useful in the cases of poor contiguous parishes, as also thought Bishop *Burnet*, of both of which one man can perform the duty. With all due deference to his great judgment, I think that, if he go further in maintaining pluralities, he will find it difficult to know where to stop.

smaller number of rich pluralists then. “But the great mischief of pluralities,” saith he, “doth not proceed from holding a small living with another in the neighbourhood, but from holding two great ones. . . . This evil, as now tolerated in this Church, by reason of the non-residence which necessarily attends it, is a most sacrilegious robbing of God Almighty. For all the endowments of churches, whether in tithes or glebes, were by their original grant devoted to God and his Church; and therefore the property of them is immediately vested in God himself, and the ministers are only the usufructuaries to receive the annual income, as their hire from him for the service they do him in his Church. And, therefore, to receive God’s hire, and not to do that work for it for which it is intended, as all pluralists do in the parishes where they are non-resident, is the taking of that which belongs to God without acquiring any right to it, which is notorious and wicked sacrilege; and it is a great sin as well as a great shame to any government where it is permitted.”

Even supposing an able and exemplary curate to reside on the benefice of a non-resident incumbent, “Yet still,” saith he, “the service of God will be liable to that damage by the absence of the proper minister, as no curate will be able to remedy. For in order to make the ministry to be

any way effectual with the people, there are two things mainly requisite ; the first, that they esteem and respect him ; and the second, that they have an affection for him founded thereon. But the means whereby to attain this, not being so much the inward worth of the minister, of which the populacy are most an end very insufficient judges, as the outward good appearance which he makes in his way of living among them, which most affects the minds of such, unless he lives decently and hospitably on the place<sup>a</sup>, and is able to do offices of charity and kindness among them on all occasions that offer, he will never be able to gain this influence over them ; and for want hereof, whatever his other merits may be, the benefit of his ministry will be in a great part, if not wholly, lost among them. And therefore curates, who have not the benefice, but only some mean salary out of it whereby barely to subsist, not being able to do this, are generally without regard or authority wherever they officiate. . . . . If we truly estimate the thing, what can be more unjust and

<sup>a</sup> There is more in this argument than some persons may perhaps be aware of. In country parishes the incumbent's house ought to be, and I believe generally is, the poor man's refuge in time of sickness and distress. It was always intended to be so ; and hence we read so much in our statutes from the earliest times, of the clergy being bound "to keep hospitality" on their benefices.

cruel than this evil practice, whereby to serve the temporal interest and satiate the unreasonable cravings of ravenous pluralists with the revenues of the best livings, the spiritual and everlasting interest of the souls of the people must be sacrificed thereto? . . . . . It gives the adversaries of our Church, on all hands of us, a great advantage against us, in furnishing them with an objection, from so manifest a corruption tolerated therein, as can never be answered. And they are not a few, who have been drawn to desert our communion on this account only. . . . . It becomes an argument in the mouths of wicked and atheistical men against Christianity itself. For when they see clergymen, whose business it is to promote this holy religion, so frequently sacrifice it to their gain, as all pluralists do, they argue from hence, that ministers do not themselves believe the religion which they teach, but that the whole of it is only a trick to get money, an artifice contrived and kept up only to support that order of men that is maintained by it. And the late Earl of Rochester acknowledged on his death, as we have it publicly attested, that this was one of the main causes that made him an atheist. . . . . It is a practice against the law both of Church and State. For our ancestors ever had that ill opinion of it, that

from time to time very severe canons have been made against it in the Church, as well as statutes in the state. But these having been all frustrated by papal dispensations, and the papal power, on the Reformation, being, as much of it as was thought fit not to be totally abolished, transferred partly on the king and partly on the archbishop, the power of continuing this corruption was included therein. But the state having already so much declared against dispensations, which frustrate good laws, it is to be hoped they will not let those remain, which continue a practice among us, that is so prejudicial to the honour of God, the salvation of men, and the good of the state in which we live. And it being wholly Popish in its original, our reformation from Popery cannot be called perfect as long as so pernicious a relict of it is still permitted to continue among us. . . . If there be any in the Church that deserve to be rewarded above others, it must be upon the account of the greater services that they have done to it. But what can be more preposterous and absurd than to reward the services which men have done the Church by a way which doth so much disserve it? For it may boldly be said, that there is no pluralist in England, who hath ever done the Church so much good by his learning and labour, as he doth it mis-

chief by his nonresidence. And the more eminent and worthy he is, the more still he adds to the mischief; because the more he is such, the greater countenance he gives by his example to so ill a practice. I can compare it to nothing else than, that if a man, for saving the life of one citizen, should have a licence to kill two. . . . . There are many other ways whereby it, (namely, the rewarding of the services which men have done the Church,) may be done, which do much better consist both with the interest of the Church and also of them who merit from it. If a worthy man be in a mean living, he may be advanced to a better. And if this be not enough, there are deaneries, archdeaconries, prebendships, masterships of hospitals, and other such preferments without cure of souls in the Church, to the number of seven or eight hundred through all England, to which they may be promoted; and if none but such had them, I am apt to believe the Church would have no need to make use of pluralities of cures to give rewards to all such as shall from time to time merit them from her."

I have quoted so largely from this excellent writer, because I think his reasoning unanswerable; and I sincerely hope that when the Archbishop of Canterbury shall bring forward his bill

for more effectually enforcing the residence of the clergy<sup>a</sup>, that the arguments of Dean *Prideaux* will not be lost upon the legislature.

Such, then, were the sentiments of these great and learned men, who have long been gathered unto their fathers. Let not the reader, however, suppose that they are antiquated notions, and that there are none now, who lament the evil of pluralities. All the modern defenders of tithes against the attempts of the weak or wicked men, who are anxious to abolish them, make the *main ground* of their defence of them *the utility of resident incumbents* in the various parishes of the kingdom ; and some of them inveigh as strenuously against pluralities, and pray as fervently for their abolition, as those illustrious divines, who so long prayed and inveighed against them in vain.

“ It appears to us”, says the *Quarterly Review*\*, “ that the bitterest antagonist of the English Church-establishment, if he gave himself a moment for reflection, would be forced to acknowledge it to be, in every respect, infinitely more advantageous to the community, that a portion, at least, of the surplus revenue or rent of every pa-

<sup>a</sup> The most reverend Prelate gave notice of his intention to do this on the 7th of February.

\* No. LVIII. p. 548. published in December 1823.

rish should be received by an ecclesiastic *residing on his benefice*, conversant with the wants and attentive to the wishes of his parishioners, and diffusing among them religious and moral instruction, than that it should be added to the rent-roll of the lay owner, who is under no obligation to reside among them." Again it says, "Laying the interests of religion out of the question, we must still contend, that it would be infinitely more beneficial to the public, that the sum now paid by the occupiers of land, in lieu of tithes, should be received by a well educated and well informed ecclesiastic *residing and spending his income among them*, than that it should be added, as in fact it is, to the revenues of the lay impropiator, who seldom or perhaps never sees them." Again, "In those parishes, where, in addition to the absence of the principal land owners, no provision exists, which can secure *the residence of an ecclesiastic possessing a respectable income*, the labouring population will be found strikingly contrasted in their manners and appearance, with the inhabitants of districts, where the landlord or incumbent or both are resident." Again, "It (namely, the ecclesiastical establishment) is the means of spreading over the whole surface of England an intelligent body of country gentlemen, possessing moderate incomes, who must, in almost every in-



stance, *reside in the district from which their revenue is derived.*"<sup>a</sup>

Again, in No. LXXXIII., published in January 1830, p. 116, this Review says "We really must be allowed to think that, with respect to the community at large, and more especially with respect to the inhabitants of the district whence this revenue is derived, the *necessarily resident ecclesiastic* would dispose of this surplus income as beneficially as the generally absent, or even as the generally resident layman."

And again, p. 139. "But if, as is generally, and always ought to be, the case (for we do not argue the question on the abuse, but the proper use, of ecclesiastical endowments) *the incumbent should*

<sup>a</sup> The Reviewer states in another place, p. 548, that the incumbents of parishes hold their benefices on the condition, "dispensed with but in few instances, that they be constantly resident in the district from which their incomes are derived." This writer of course was not aware that, according to the last return made to the Privy Council for the year 1811, out of 10,801 parishes, 6311 were without resident incumbents; and nearly half of these were without resident curates. For Mr. Fellowes, on April 25, 1806, stated in the House of Commons, that there were 3200 parishes without a resident clergyman, whilst Lord Porchester thought there were only 2423. I hope the *Quarterly* is not afraid of speaking truth. Although the origin of tithes was not what it is stated to have been in the *Quarterly*, they are nevertheless in no danger, except from their misapplication. And did incumbents generally reside upon their benefices, the cry against tithes would soon grow faint.

*reside upon his benefice*, should expend his income among his parishioners, and devote his time and talent to their instruction and improvement, it must surely be more advantageous, not only to the inhabitants of each parish, but also to the public, that an ecclesiastic, so discharging the functions of his office, should receive the value of the tithes, than that it should be added to the rental of the land-owners.”

And again “The real question is, whether it be best for the public at large that this portion, whatever may be its amount, should be received by those, *who constantly live*, and who, by the tenure on which they hold this property, constantly must live, in the midst of the occupiers of the land from which it accrues—or by those, who always may, and frequently will and do live, at a great distance from their estates, and draw away the revenues accruing from them to be spent elsewhere.”

And another writer<sup>a</sup>, to whom the Church is greatly indebted for the bold and independent manner in which he has expressed his sentiments, defends the institution of tithes on the same ground, being doubtless well aware, that it is the

<sup>a</sup> The Rev. Augustus Campbell, M.A., once Rector of Wallacey in Cheshire, and now Rector of the Parochial Chapel of Our Lady and St. Nicholas in Liverpool.

only ground on which their defender can get a sound footing. "To give a composition", says he, "for the tenth of the produce of every parish to an ecclesiastic, and to compel him to spend it in that parish of which he is pastor, for the purpose of communicating religious and moral instruction to the inhabitants, would be an invaluable benefit to any people, and is an institution worthy of imitation in every nascent state." \*

Again he says "The evils which, according to the above eminent economist (Mr. Ricardo) still remain as a burden upon the landlord, are more than counterbalanced, I think, by the good which arises from a parochial clergy spending where it is drawn part of the revenue of the land." †

That this is the only ground, on which tithes can be effectually defended, the *Quarterly Review* most readily admits. "The ecclesiastic", says the Reviewer‡, "is taught to regard what he receives as the reward of his services; and the parishioner to look upon the payment of tithes as entitling him to exact from the minister a faithful and diligent performance of his ecclesiastical functions . . . . . His professional emoluments constitute a compensation for the due discharge of his

\* "Appeal to the Gentlemen of England", p. 45.

† *Ib.* 48.

‡ No. LXXXIII. p. 112.

professional functions ; and, without the strict fulfilment of this condition, he has neither, in equity nor in honour, any title to the profits of his benefice.”

And Mr. *Campbell* says “ The property of the Church was given by its owners for the service of religion, to communicate religious instruction to the people, and provide, not for the decency merely, but the majesty of public worship : and if by the want of churches and resident ministers, the poor are not instructed ; if the revenues, instead of providing for the splendour of the national religion, are devoted to foment the luxury<sup>a</sup> of indolent ecclesiastics, they no doubt notably deviate from their sacred purpose, and the legislature is bound to give them a direction agreeably to the purposes of their first institution.” \*

Lamentable, therefore, it is to see these conditions so often unfulfilled. In consequence of the non-fulfilment of these conditions, the Church of England has lost, and deservedly lost, much of the affection and veneration of the people. “ The minds of the common people”, says Mr. *Campbell*, “ are in a great measure estranged from the

<sup>a</sup> If the revenues of a benefice be “ devoted to foment the luxury” or to swell the coffers of any non-resident incumbent, they equally “ deviate from their sacred purpose.”

\* Appeal, p. 56.

Church, and their affections are rapidly passing to other modes of worship. If to this estrangement of the lower orders be added the indifference of the higher, it requires no prophet's wisdom to prognosticate her fall."

Unless the evil of pluralities, which are the great cause of non-residence, be put a stop to, this prognostication must be fulfilled. "Lord Harrowby", (says Mr. *Campbell*, in another excellent publication\*,) "has pointed out the real source of our evils: poverty, non-residence, pluralities,—great and terrible mischiefs; the two latter not proceeding, I admit it, merely from the first, but from causes, which I perhaps cannot, and at any rate would not wish to name<sup>a</sup>;—defects which never ought to have been permitted; and which, greatly as they have been diminished, *must* and ought to be more so."

Again, saith he †, "Unwise facility in granting orders, want of discipline over those that are ordained, non-residence upon benefices, which are

<sup>a</sup> From what other cause can they proceed than "auri sacra fames"?

\* Reply to the Edinburgh Review, p. 40.

I wish Mr. Campbell would suffer himself to be prevailed upon to republish these excellent productions of his: they would be eminently useful at the present period.

† Appeal, p. 56.

sufficiently endowed to maintain a minister . . . . great inequality of benefices and the consequent poverty of some, the accumulation of pluralities upon young men, who have nothing but connexion to recommend them <sup>a</sup>, a practice permitted by the temporal law, but manifestly condemned by the laws of God <sup>b</sup> . . . . are considered, I believe, the principal evils of the Church. It does not become so humble an individual as myself to deliver an opinion upon the reality of such grievances ; but the meanest understanding may take upon it to decide, that, if they exist, they ought to be reformed.”

<sup>a</sup> It matters not, I conceive, what recommends a clergyman, so as to procure for him a plurality ; the evil is the same whatever it may be.

<sup>b</sup> Let us hope that pluralists in general do not believe pluralities to be “ manifestly condemned by the laws of God”, even when bestowed upon those who have nothing but connexion to recommend them. The holding of a plurality of benefices is one of those evils, the enormity of which is obscured by the general prevalence of the practice : and I firmly believe that few pluralists regard it as an evil at all. It is lawful, “ jure fori ” ; and they consider not whether it be lawful “ jure poli.” They have not reflected upon the subject as deeply as Mr. *Campbell* has. For, did they entertain his sentiments upon it, I am sure that the generality of them would refuse to hold more benefices than one ; that they would, as he says, be “ willing to pass their days in the tranquil obscurity of an honourable poverty, rather than rise to eminence or wealth by any sacrifice of religious principle.” If there be any pluralists, who believe pluralities to be

And again he says, p. 53, " But the Church is corrupt, it is said, and needs to be reformed. I would to God it were! I would that every real reproach and every imaginary grievance, if that was possible, were taken away!"

As for " imaginary grievances " in the Church, (—there are thousands who foolishly, as I think, imagine tithes themselves to be a grievance,—) I would not call upon the Legislature to busy itself with endeavouring to find a remedy for them. I would leave them to the operation of time, which, together with all other things, frequently changes the foolish imaginations of men's hearts. I would even,—and I know that I say it at the risk of being thought rash and fool-hardy,—I would even, notwithstanding the clamour raised against the taking of tithes, refrain from calling upon the Legislature to pass any act to *compel* the clergy to enter into a composition for them with the occupiers of the soil<sup>a</sup>. They cannot do this without setting a

condemned by the laws of God, I solemnly adjure them to hold communion with their own hearts, and to reflect upon the dreadful reckoning to which, convicted by their own conscience, they will hereafter be called by the great Head of the Church of God.

<sup>a</sup> Perhaps I may be wrong in supposing that the Archbishop of Canterbury's bill will be of a compulsory nature. But the persons who inveigh against the taking of tithes certainly look for such a bill.

value upon all the benefices of the kingdom<sup>a</sup>: and with equal sense and with equal justice, in my humble judgment, might they pass an act to compel every land-owner in the nation to lease his estates, according to a valuation, at a certain rent, and for a certain time. If such a compulsory law with regard to tithes be enacted, it will be enacted at the sacrifice of a part of the property of a Church, which is certainly not too rich.

This measure would not have been contemplated, had the Church of England enjoyed the respect and affection of the people. It is an expedient suggested by timidity arising from a consciousness of her weakness; and her weakness arises from the badness of her polity<sup>b</sup>. Had her polity been good, the purity of her doctrine, the excellence of her liturgy<sup>c</sup>, and the learning and

<sup>a</sup> First-fruits and tenths are paid at the present day, according to the valuation put upon benefices in the reign of Henry VIII. And who can say, when he looks at the eventful times in which we live, that, if a valuation of benefices be now made, in order to fix a composition for tithes, the land-owners of this kingdom will ever allow it to be altered, whatever may hereafter be the alteration in the value of money?

<sup>b</sup> I could mention other evils besides pluralities. One bishop has as many thousands a year as another has hundreds. I have been only eleven years in this great diocese, and have been under three bishops, owing to translations. But I shall not enter into this subject.

<sup>c</sup> I do not mean to say that her liturgy is in all respects perfect.



integrity of the great body of her clergy, would have been amply sufficient to secure the good will and the respect of the people of the land; and the few discontented spirits, who might have separated themselves from her communion, would have railed against tithes and all other "imaginary grievances" to little purpose.

But as to the "real reproaches" of our Church, I heartily join with this able writer in his fervent supplication, that they may be taken away: and as I agree with him, that pluralities, non-residence, and the poverty of many of her ministers are amongst the greatest of these real reproaches, I earnestly implore the powerful members of the Legislature to use their utmost exertions to abolish them. Should they succeed in this object, and I believe it to be as practicable as it is desirable, our Sion may perhaps again stand upon a hill, and all the people of the land may flow unto her.

## CHAPTER X.

On the Right and the Duty of the Legislature to remedy the Evils, which arise from Pluralities and the Non-residence of the Clergy.

THAT the evil of pluralities, then, (to use the language of the good bishop *Bedell*) “is the most pestilent and deadly,” that any Church in Christendom can possibly labour under, will, I trust, be admitted on all hands: and that the law, which allows them, however expedient it may have been in the ignorant age, in which it was enacted, is quite the reverse of expedient now, no one will, I think, for a moment dispute. It is a law, which, as Lord Herbert says, “had no other ground than the constitution of the times,” which have so changed that “posterity may justly abrogate it, since the causes thereof have ceased.”

It is true that there have been persons, who have defended pluralities on grounds independent of the causes alleged for the permission of them by the 21 Hen. VIII.<sup>a</sup> But I think there is no

<sup>a</sup> *Wharton*, who was chaplain to archbishop Sancroft, defends pluralities on general principles. And as *Birch* in his “*Life of Tillotson*” twice speaks of him as a learned man, I will just give the reader a specimen of the arguments, which this learned

one, who will venture upon such a defence at the present day.

I am perfectly aware that the *right* of the Legislature to abrogate this law (however urgent may be the expediency of its doing so) will be called in question by some. For many years traffick has been carried on as commonly in eccle-

man used in his "Defence of Pluralities." "If," says he, p. 30, "they will allow that the incumbent may sometimes be absent, suppose for two months in every year; then during that time his office must be supplied by a substitute. . . . And, if for two months, why not for three or four or more?" An ingenious conversion this for a learned man of the "*caudæque pilos ut equinæ, &c.*" Again (he says p. 35.) "No man doubts that a parish priest in the city of London, holding one benefice there and residing continually upon it, may be able fully and conscientiously to discharge his duty. Now the number of souls in the parishes of London, one with another, may be reasonably computed to be about 5000. Scarce any parish in England possessed by a pluralist, who is non-resident, includes 500 souls. It is manifest that in a particular application of the labour and care of the incumbent to his parishioners, three months will effect as much in relation to 500, as thirty months, and much more than twelve months will do in relation to these 5000. So that, if we grant the people of London to be sufficiently provided for in their spiritual concerns, by the constant residence of their parish priests, much more will the three months' residence of any rector, added to the constant attendance of his curate, supply the necessities of any such country parish." It grieves me to think that he was taught to chop this logic at Cambridge. His arithmetic however is unexceptionable. These are the two best arguments, on this subject, which I have been able to select out of his book, for he was evidently as bold as he was learned, and uses many.

siastical as in lay property. Many persons probably have expended their money in the purchase of ecclesiastical benefices, on the ground that the law sanctions pluralities: and it may be contended that it would be exceedingly unjust towards these persons to alter the law, and to prevent them from so disposing of these benefices as to make a son or a brother a pluralist. I confess, however, that I cannot allow such an argument to have any weight. In the first place, great injustice is done to the inhabitants of those parishes, which pay tithes to a non-resident incumbent, owing to their being deprived of the advantages, which these tithes were established for the purpose of procuring for them. They are thus robbed in things both spiritual and temporal: and the evils arising from this injustice are tenfold greater than would arise from the injustice (should there be any injustice in the measure) of preventing patrons from making pluralists. In the next place, every purchaser of ecclesiastical property must have known that pluralities are considered as an evil in the Church; if he were not aware that, during the last two centuries and a half, they have been repeatedly discountenanced by the Legislature and that various attempts have been made to abolish them. He purchased this property, therefore, subject to the risk of the aboli-

tion of pluralities ; and this was a measure, which he ought to have contemplated. In the third place, the Legislature could be accused of injustice for abolishing pluralities, on no better ground than it has heretofore been accused of injustice, for interfering between the incumbent and his curate, and for increasing the fine inflicted for the non-residence of the former<sup>a</sup>. It has interfered so as to raise the salaries of curates to at least double the amount of them twenty years ago ; and it has increased the fine for non-residence, according to this same Act of Hen. VIII. from 10*l.* to one third, one half, two thirds or

<sup>a</sup> In the debate upon the "Stipendiary Curates' Bill" on June 19th, 1812, Lord Holland objected to it, on the ground that "it was a delicate thing to interfere in contracts between man and man:" when Lord Harrowby observed that "the property of the Church was held on the condition of providing for the service of the Church." Lord Redesdale made the same observation, and the House fully concurred in it. And on April 30th, 1805, Mr. Perceval moved for leave to bring in a Bill compelling rectors, whose livings exceeded 400*l.* per annum to give their curates 200*l.* On May 6th, that great man Sir William Scott (now Lord Stowell) expressed himself favourable to the Bill. Mr. Pitt also "denied that the property of a beneficed clergyman in his living was of the same nature as his landed estate. A living was a freehold tenure held on certain conditions of service." And Bishop Porteus contended that the Bill would not involve an invasion of private property, as "that species to which it referred, was not as a freehold property, but including serious and important duties, which the incumbent was bound to perform, or to provide a substitute at an adequate salary."

three fourths of the value of the benefice, according to the period of the non-residence of the incumbent.

As the Legislature has already taken these measures, in order to secure a respectable and efficient ministry in the several parishes of the kingdom, in God's name let it proceed in this good work, and suffer no ecclesiastic "to clothe himself with the wool, who does not feed the flock" of a parish;—to wallow in luxury through the revenues of a plurality, whilst the real shepherds of the parishes, of which he is falsely called the incumbent, (*incubus* would be a better term,) are existing upon a miserable pittance and scarcely procuring the necessaries of life<sup>a</sup>—objects in many instances of the pity rather than of the respect of their parishioners. "When they that serve at God's altar" said Archbishop Whitgift to Queen Elizabeth, "are exposed to poverty, then religion itself will be exposed to scorn and will become contemptible."\* And Sir Benjamin Rudyard, whom Southey † calls one of the most upright and able men of his age, said in the House of Commons in the reign of Charles I. "Scandalous li-

<sup>a</sup> The usual salaries do not exceed 100*l.* even of those curates who reside on the best benefices.

\* *Walton's Life of Hooker.*

† *Book of the Church, Vol. II. p. 369.*

vings cannot but have scandalous ministers : and poverty must needs bring contempt upon the clergy, among those who measure men by the acre and weigh them by the pound, which indeed is the greatest part of men.”

Next to the evil of non-residence, undoubtedly the poverty of a resident minister is the greatest evil : for there can be no question that, independently of its disabling him from doing acts of charity and kindness in his parish, it causes respect to be withheld both from himself and from the religion which he teaches. Is it not, therefore, scandalous in the utmost degree, that the ministers of our Church should be subject to the evil of poverty, not only in those parishes, in which, owing to spoliation, no adequate maintenance is appropriated for a minister's support, but in those likewise, in which ample funds are provided for the fit maintenance of an ecclesiastic? And, owing to the shameful system of pluralities, this evil is permitted to exist in many of the richest benefices in the kingdom. On the 18th of June 1810\* Lord Harrowby, having stated that out of 11,164 parishes 6124 were without resident incumbents, says “That the non-residence of incumbents, existing to so enormous an extent, was a serious evil, he would not stop to argue : the

\* Debate on the “ Poor Clergy Bill.”

main question was, whether it was an evil, which the liberality of Parliament, without a revision of the existing laws respecting non-residence and pluralities, could alone expect to remedy." He maintains that it could not; since upon 7167 of the richer benefices there were only 3556 resident incumbents, whilst upon the 3997 poorer ones there were 1494<sup>a</sup>. He justly denies, therefore, that the *poverty* of the Church, as has been so often alleged, is the cause of the non-residence of incumbents; when more than one half of the richer benefices were left to the care of curates. He ridicules this notion altogether. "If", says he, "non-residence be an evil, and if it be true that it arises from the poverty of the Church, it seems a strange remedy for that evil to load, in so many instances, with the burden of supporting two persons that income, which is not sufficient for one." And as to the necessity of allowing pluralities, in consequence of the poverty of the Church, he says "The existence of the system of pluralities to its present extent is also stated to be necessary, on account of the poverty of the Church. If this were true, we should expect to find the greatest number of pluralists amongst the poorer classes of in-

<sup>a</sup> He states that 3500 parishes were served by non-resident ministers, which, he says was "next to not being served at all."



cumbents :” but as this was not the case, he says, “ It seems clear, therefore, either that pluralities to their present extent are not necessary, as a remedy for the poverty of the Church, or that they are not so applied as to afford that remedy. . . . . Unless prompt and efficacious remedies be applied, we are tending towards that most alarming of all situations, in which the religion of the Established Church will not be the religion of the majority of the people. It is, therefore, one of the most pressing duties of the Legislature, to give this important subject full and deliberate consideration.” Lord Grenville also declared that “ If Parliament, early in the ensuing session, did not carefully enter into the examination of the subject, they would omit one of the most important of their duties.”

After a most excellent speech on the danger to which the Church was exposed, through the abuses which were suffered to exist in her polity, Lord Harrowby said, “ he believed that by applying only a practical cure to a practical disease, adopting no principles but what were recognized in our canons and our statute-book, much good might be gradually accomplished<sup>a</sup>. He said

<sup>a</sup> June 27th, 1808, the Bishop of London and Lord Harrowby said, that the right by which all incumbents held their livings was conditional ; and that, by the ecclesiastical law, the bishops had a right to take away a living from an incumbent, who neglected to perform the duty, and to give it to another.

‘ gradually ’, because he was of opinion, that any new regulations or restrictions ought not to affect the interests of the present possessors.” He accordingly proposed the consolidation of contiguous small livings, and a revision of the Acts of Henry VIII. respecting pluralities; observing that “the law upon that subject was not only absurd as it now stood, but inapplicable to the present times :”<sup>a</sup> and he is reported to have concluded in these words : “where practical evils exist to a great extent, to an extent which, in my opinion, endangers the safety of the establishment,—where practical remedies can be applied, grounded in every instance upon existing law<sup>b</sup>, and making only such alterations as are suggested by the change of circumstances, and by the actual experience both of the increase of those evils, and of the insufficiency of the existing remedies,—it is not the fear of being called a reformer, which shall deter me from delivering my opinion.”

<sup>a</sup> I beg to refer the reader to the citations from *Hooker* on this point, contained in Chapter I.

<sup>b</sup> I wonder Lord Harrowby should have said “existing law,” because both the canon law and the common law, with respect to pluralities, were superseded by the laws of Hen. VIII. Had he said, “upon the spirit of existing law,” which perhaps he did say, he would have been right : since, as I have before observed, the very laws, which now sanction pluralities, were enacted for the express purpose of restraining them.

Nothing, however, was at this time effected, excepting the annual grant of 100,000*l.* for eleven years, to assist the governors of Queen Anne's Bounty in the augmentation of small livings.

Is it not lamentable to reflect, that notwithstanding the most eminent men in this kingdom have long been unanimous in their opinion, that the public labour under the greatest evil, and the Church is threatened with the greatest danger, in consequence of the non-residence of the clergy; and notwithstanding the means of averting this danger, and of remedying this evil are so palpable and manifest, as to be hidden from no one,—is it not lamentable to reflect, that these means have never yet been adopted?

In the debate in the Commons, on the "Clergy Non-residence Bill," June 9th, 1801, Sir W<sup>m</sup>. Scott said, "that everything, which could tend to enforce the residence of the clergy, ought to meet with the countenance of the House." Mr. Addington said, "that the law (21 Hen. VIII., which inflicted a fine for non-residence,) appeared to him good in its principle, as tending to promote the residence of the clergy." Mr. Sheridan said, "the State had a right to expect every assistance from an establishment, instituted, paid, and protected by the Constitution. If the penalties enacted for

non-residence<sup>a</sup> were rigorously enforced, the infallible consequence would be, that the clergy would reside in their respective parishes, and the public would reap the most essential benefit with respect to moral improvement.”

On April 25th, 1806, Mr. Fox recommended the House at once to take the bull by the horns. “Every man,” he said, “wished that clergymen should reside on their livings; but as long as pluralities existed, that could never be done. The evil complained of could not be removed without attacking pluralities. He wished the abolition of pluralities; and if any gentleman, who was more competent than himself, would consider it, he thought it a most laudable, spirited, and practicable undertaking.”

But, however practicable and laudable this measure may be, no ministry has had the virtue and the courage to undertake it. When Lord Harrowby brought forward the “Stipendiary Curates’ Bill,”<sup>b</sup> Lord Eldon opposed it, because he considered it altogether ineffectual. On

<sup>a</sup> Mr. Sheridan was evidently wrong on this point. The great evil is *legal* non-residence.

<sup>b</sup> This Bill has certainly done some good, and Lord Harrowby is entitled to the thanks of all good men for his exertion in getting it passed. But still the manner in which it specifies the wages to be paid by the master-incumbent to the labouring curate, is at once pitiful and ludicrous.

May 21st, 1813, he said, "If residence were the intention of this measure, why not enforce the residence of the incumbent, by declaring, that if he did not reside, he should forfeit the living. That there should be a resident clergyman in every parish, was most desirable." And Lord Ellenborough said, "he thought that the residence of the clergy was most desirable, but he did not think that this Bill was the proper means of enforcing it."

The proper means of enforcing it were well known to these great men, but still they did not think fit to propose them to the Cabinet, of which they were members; or, if they did, the Cabinet refused to listen to them. We are now, however, rapidly approaching, if we have not already reached, "that most alarming of all situations, in which the religion of the Established Church is not the religion of the majority of the people;" and we are placed in this situation, as Lord Harrowby himself declares, in consequence of the non-residence of the clergy.

Since, then, it is agreed on all sides,—by the greatest statesmen of all parties,—that it would be highly advantageous to the State, and that it is absolutely necessary to the welfare, nay, to the very existence, of the Church, that the incumbents of benefices should keep residence upon them;

and since this reformation cannot be effected, so long as any incumbent is permitted to hold more benefices than one,—I solemnly call upon the sovereign of these realms, as the earthly head of our Church, and upon the ministers selected by him to consult for the welfare of the State, not to suffer another year to roll over their heads, without endeavouring to put an end to that “most pestilent and deadly evil,” the system of pluralities<sup>a</sup>.

That any government, which may venture upon this attempt, will meet with strong opposition, every reflecting man must be fully aware. All the great patrons of ecclesiastical livings regard them in the light of private property, and bestow them as a patrimony upon their younger children: and, as the revenue of a single benefice, together with the fortune of a younger son, may, in many instances, not be sufficient to support such son in the state in which he may wish to live, these patrons will, for the most part, I fear, oppose their influence to the abolition of the law which sanctions a plurality of benefices. I therefore solemnly

<sup>a</sup> Perhaps it would not be politic to attempt to deprive the present possessors of pluralities of any of their benefices, but only to put a stop to them in future. I would *utterly* abolish them. For, although I have a great respect for the talents and the character of the Earl of Harrowby, I cannot see the wisdom of allowing a plurality of benefices within ten miles of each other.

call upon these patrons also, a large portion of whom possess seats in the legislature, to reflect seriously upon the *nature* of ecclesiastical property ; to consider that such property is set apart for the furtherance of the Christian religion : that they, as the patrons of it, are stewards in things temporal of the Founder of this religion ; and that they, as well as the stewards in spiritual things, will one day be called upon to give an account of their stewardship. There are, as Dean *Prideaux* observes, between 700 and 800 deaneries, arch-deaconries, prebends, and other preferments, without cure of souls, one of which a man may hold, together with a benefice, without doing any injury to the Church, or violence to his own conscience. These offices, it must be granted, are now almost useless in themselves <sup>a</sup>, but they are of great

<sup>a</sup> Deans and Chapters were abolished during the Commonwealth, and the lands belonging to them exposed for sale, (*Scobell*, p. 134, P. 2.) And some unthinking writers of the present day have recommended the same measure, and proposed that the proceeds of the sale should be added to the fund for the augmentation of small livings. This, according to my judgment, would be the most unwise step which could be taken. If some means could be adopted for the better disposition of the sinecure preferments in the Church, so that they could really be given as the rewards of merit, great good, I think, would be effected. These preferments now, like benefices with cure, are in great measure bestowed, by those who have the disposal of them, upon their own relatives : but I confess that I know not how this can be prevented by any legislative enactment. I am sorry to see

utility, as far as they afford encouragement to the cultivation of learning. Let the sons of these great patrons, therefore, who possess the best means of acquiring learning, only exercise common diligence in the pursuit of literature, and let their diligence be rewarded by the sinecure offices of dignity in the Church.

that the Archbishop of Canterbury has it in contemplation to deprive the Church of some of her offices of dignity, by attaching them to, and thus causing them to merge in, the poorer bishoprics. I hope his Grace will pause, before he ventures upon this step. In as much as it will diminish the dignity, it will be injurious to the interest, of the Establishment. It is true that some of our bishoprics are too poor to support the prelates in the state in which it is fit that they should live; and it is better that the income of a poor bishop should be increased by the revenue of a deanery, or a prebendal stall, as is the case in several dioceses now, than by the tithes of benefices with cure held *in commendam*. But it is not necessary to have recourse to either of these evils, for the purpose of augmenting the incomes of the poorer bishops. The total revenues of our episcopal sees, according to the statement contained in the *Quarterly Review*, No. LVIII., amount to 150,000*l.* This sum would furnish an annual income of 16,000*l.* for the archbishop of Canterbury, 12,000*l.* each for the archbishop of York and the bishop of London, 5,500*l.* each for the bishops of Lincoln and Chester, and 4,700*l.* each for all the other bishops. I am perfectly aware that many persons think this scheme impracticable, unjust, and dangerous. The execution of it would doubtless be attended with some difficulty, and must be proceeded in gradually; but I must deny that any of the above epithets would be applicable to it. This is a subject, however, on which I shall not enlarge. I refer the reader to the excellent letter of Bishop Watson to the Archbishop of Canterbury, published in 1783.



If the evil of non-residence, arising from pluralities, were once got rid of, the Church of England would soon upraise her drooping head; and, I verily believe, ere another generation should pass away, would again “gather her children together, as a hen gathereth her chickens under her wings.”

One evil, however, would still remain,—the poverty of the incumbents of the poorer benefices;—and means ought to be adopted for the remedy of this evil much more speedy in their operation, than those which are at present made use of.

As I am writing for the information of the laity, as well as of the clergy, I shall briefly state the cause of the poorness of so many of our benefices, and the means to which recourse has hitherto been had, for the purpose of augmenting their revenues.

Our poor livings consist for the most part of vicarages, of which, in England and Wales, there are no fewer than 5516. The following is the origin of vicarages. In the eighth, ninth, and tenth centuries, the superstition and devotion of princes and great men were generally exercised in building and endowing monasteries, to which they gave large possessions, together with the advowsons of the parochial churches, of which they were the patrons. Such of these churches as were near

to the monasteries, the monks themselves served by turns or by lot, and the whole revenues of them belonged to the monastery. At the end of the tenth century, the rule of St. Benedict being introduced into the monasteries, the monks could no longer supply any parochial cures ; since they were not allowed to leave the cloisters for the necessary period. They were therefore obliged to employ the secular clergy, and to present them to the churches : but at the same time they reserved to themselves a small pension out of the revenue of each church.

After the Conquest, the Norman abbots, on whom the monasteries were bestowed, began to exact large and exorbitant pensions of these incumbents. They at length became so oppressive, that it was decreed in the Council of London, A.D. 1102, that the monks should not exact such pensions of these incumbents, as should cause them to feel poverty\*.

Most of the prebends also, founded in the cathedral churches, were endowed with the tithes of benefices, which were in the gift of the bishops, or of some other founder of the prebends. In this case, it was lawful for the prebendary to serve the benefice in person, if his duty at the cathedral

\* See *Wharton*, p. 107.

were not interfered with by his doing so ; or he might appoint a curate or vicar, himself reserving a pension, appointed by the bishop, and the vicar taking the remainder of the revenue.

The covetousness and oppression of the monks, however, notwithstanding the decrees made against them, still continued ; till at length a canon was made in the council held at Auranches in Normandy, which obliged all the subjects of the king of England, by the pope's legates, A.D. 1173, decreeing that, besides the oblations, at least a third part of the tithes should be appropriated to the priest who should serve the church. And in the Council of Lateran, A.D. 1179, Pope Alexander III. passed a canon to the same effect, in order that the parish priests might be able to keep hospitality. But the monks, by bribing the court of Rome, contrived that the revenues of the churches, of which the advowson belonged to them<sup>a</sup>, should be appropriated to themselves and their successors for ever. The curates or vicars who were appointed to serve these churches had at first fixed salaries. Five marks was the sum fixed by the Council of Oxford A.D. 1222. But

<sup>a</sup> The value of the benefices in the hands of the monks was greater than that of all the other benefices in England. *Burnet*, Vol. II. P. II. p. 24.

these salaries were afterwards commuted for certain portions of the tithes ; and the curates or vicars received institution and induction to their vicarages, in the same manner as rectors did to their benefices.

“ The parochial clergy ”, says *Southey* \*, “ had been well provided for by the institution of tithes, till the monastic orders in their cupidity deranged the system. They obtained advowsons among other grants from their devotees ; and the convent, to which the living was annexed, received the tithes and supplied the parish with one of its own members, or with a stipendiary curate. Less hospitality could be kept up, and the influence of the resident ministers must thus have been diminished : but the property remained in ecclesiastical hands. . . . At the Reformation it was lost to the Church.”

When the monasteries were dissolved by Hen. VIII.†, instead of founding eighteen new bishoprics with the lands belonging to them, as he originally intended, and of restoring to the parochial churches the tithes, which had been appropriated to these monasteries ; he either sold at low rates or gave away to his courtiers the greater portion both of the tithes and of the lands, and applied the chief

\* Book of the Church, Vol. II. p. 352.

† *Burnet*, Vol. I. B. III. p. 269.

part of the money to secular purposes<sup>a</sup>. And hence a very large number of the benefices in this kingdom, being thus robbed of the great tithes, which justly belonged to them, were left in such a state of poverty as to be unable to maintain a minister in comfort and respectability.

No efficient means have hitherto been taken to remedy this evil. At the request of Archbishop Laud\*, King Charles I. restored to the Church of Ireland all the impropriations which were in the hands of the crown: and, had the government continued undisturbed, there is no doubt but that he would have entered into the archbishop's plans for improving the condition of the poor clergy in this kingdom. He left, indeed, in the care of Archbishop Sheldon†, "a written vow, that if it should please God to reestablish him on his throne, he would wholly give back to the Church all those impropriations which were held by the crown."

<sup>a</sup> He did, indeed, found six new bishoprics, namely, Westminster, (afterwards converted into a deanery by Queen Elizabeth,) Chester, Gloucester, Peterborough, Oxford, and Bristol. Cardinal Wolsey had previously founded Christ Church at Oxford, and a college at Ipswich, by means of funds obtained from the same source. This is all the benefit, which religion and learning derived from the seizure of such immense wealth. Nearly half of the lands of the whole kingdom were attached to the monasteries.

\* Book of the Church, Vol. II. p. 369.

† *Ib.* Vol. II. p. 471.

This unfortunate prince, however, was deprived of the power of fulfilling his good intention; and no means were adopted for the relief of the poor clergy until the reign of Queen Anne; when the first-fruits and tenths were given up by the crown, and placed in the hands of a corporation, to be applied towards the augmentation of small livings.

First-fruits and tenths were taxes imposed by the popes upon all ecclesiastical benefices. “Boniface”, says *Platina*, “about A.D. 1400”, first imposed first-fruits upon ecclesiastical benefices, viz. that he, who obtained a benefice, should pay half the first year’s revenue to the pope’s treasury.” This sum however was afterwards increased, and the popes became exorbitant in their demands. “Parliament”, says *Gibson*\*, “frequently complained of the excessive demands made by the court of Rome for first-fruits; and 6 Hen. IV. c. 1. enacted that no man should pay a greater sum than had been paid in old time passed.”

Tenths†, or a tithe of all ecclesiastical property, were first imposed by Gregory IX. A.D. 1228. The

\* They were imposed long before this period. *Burn’s Ecc. Law.*

\* *Codex*, Tit. 35.

† *Rapin*, Vol. I. B. III. p. 304.

*Burn* says “This portion or tribute was by ordinance yielded to the Pope in the 20 Ed. I.” which was A.D. 1292. And he

pretext for imposing both these taxes was, that the money was required for the purpose of carrying on war against the infidels. *Gibson* says that the Pope wrote to King Edward I. offering that he should have one moiety of the tenths and the king the other: and that the kings of England frequently obtained leave of the popes to receive the tenth part of all spiritual promotions, for a certain term of years, especially to support the wars of the holy land. And Lord *Herbert* mentions\* that among the "*centum gravamina*" offered to Pope Adrian by the Germans in 1522 is the following: "That whereas annats were paid to the pope by ecclesiastics, and whereas the princes of Germany did also pay them for divers years, upon condition that the money might be employed in war against the Turk. Now, because they understood the money was otherwise disposed of, they desired henceforth to be eased of this great burden."

These first-fruits and tenths, then, were taken away from the Pope by 25 Hen. VIII. c. 20.† and

states, as has been before observed, that the pope claimed it as due by divine right, after the example of the high priest among the Jews, who had of the Levites a tenth part of the tithes.

\* Life of Hen. VIII. p. 127.

He also says, p. 358, that he finds in the Records, that the first use and grant of them in this kingdom was for maintaining arms against infidels.

† *Gibson*.

by 26 Hen. VIII. c. 3. they were annexed to the crown, and were to consist of the first year's profits and the tenth of each succeeding year's profits of all benefices<sup>a</sup>; and commissioners were appointed to fix the value of them. By 32 Hen. VIII. c. 45. the court of first-fruits and tenths was erected, the officers of which had power given them to compound for and receive the same.

By 2 and 3 Philip and Mary, c. 4. first-fruits and tenths were renounced by the crown, with certain reservations of the tenths of impropriations for the payment of some pensions, with which the first-fruits and tenths were charged; and the surplus was to go to the augmentation of poor benefices, for the finding of preachers, or the exhibition of scholars.

By 1 Eliz. c. 4. this act was repealed, and the first-fruits and tenths were again annexed to the crown; and they continued to form a part of its revenue, until, through the great exertion of Bishop *Burnet*\*, they were, by 2 and 3 Ann. c. 11. appropriated, as has been stated, to the augmentation of small livings, after the example set by Philip and Mary.

<sup>a</sup> It is evident that the Commissioners did not estimate the first-fruits and tenths according to the full value of the benefices; since the former were valued at only 5,000*l.* and the latter at only 11,000*l.*

\* *History of his own Time*, Vol. IV. p. 41.



But, as the tenths and first-fruits continue to be paid according to the valuation of benefices made A.D. 1535, and as the sum arising from this payment amounts only to 16,000*l. per annum*, little good was effected by means of this fund alone; and therefore, in the year 1810, the Earl of Harrowby, actuated by that zeal for the welfare of the establishment, which has so much distinguished him, obtained from Parliament the annual grant already mentioned of 100,000*l.* to the Governors of Queen Anne's Bounty, to be applied to the increasing of small livings. But even with the aid of this grant, the continuance of which has now ceased, it is calculated that this corporation will not be able to raise the value of the small livings in this kingdom to the sum of 150*l. per annum*, in less than ninety years from the present period\*.

Surely, if the poverty of the parochial clergy be so injurious to the cause of religion, as it is generally represented to be, it is most unjustifiable to suffer this evil to remain so long unremoved. Some step ought to be taken to remedy more speedily the injustice, which was inflicted upon those parishes, which have been robbed of their ecclesiastical property. I fear, in the present temper of the times, that Parliament would be applied to in vain to renew the grant, which it has

\* *Quarterly Review*, No. LVIII. p. 559.

already made for this purpose. And yet I have so much reliance upon the virtue and liberality of our houses of legislature, that I cannot think that they would refuse to do this, if they could be convinced that the welfare of religion demands it of them. The Commons of England would, I firmly believe, show themselves ready to support the Church of England, if they saw the Church herself willing to purify herself from her corruptions, to “purge away her dross and to take away all her tin.” And I feel great confidence that, *on the condition of the abolition of pluralities*, they would take upon themselves to provide for the decent maintenance of the ministers of the spoliated parishes.

But should I unfortunately be in error upon this point, still the fund for the augmentation of small livings ought to be speedily increased from another source, by means of a portion of the revenues of the richer benefices <sup>a</sup>.

A certain *per centage*, varying according to the value of the benefices <sup>b</sup>, ought both in charity and in equity to be paid by the richer clergy, to pro-

<sup>a</sup> I beg to refer the reader to what was said upon this subject at the conclusion of the first chapter.

<sup>b</sup> It would not, I conceive, be necessary that commissioners should be appointed to take a valuation of benefices for this purpose. The incumbents of these livings might make an annual return upon oath to their diocesans.

vide for the comfort and to support the respectability of their poorer brethren. By commencing with one *per cent.* on livings of 150*l.* a year, and raising the *per centage* gradually up to ten or twelve *per cent.* *with the consent of the patrons*, a considerable sum would annually be added to the fund of Queen Anne's Bounty.

This might be done without any injustice whatever with regard to all those benefices, the patronage of which is in the hands of the crown, the lord chancellor, the bishops, bodies corporate, and public officers, which I believe amount to about two-fifths of the benefices of the kingdom.

With respect to the livings in private patronage, as many of them have been purchased subject only to the payment of tenths and first-fruits fixed in the reign of Hen. VIII., it would be unjust to lay this *per centage* upon them, without the consent of the patrons. But this consent, I have no doubt, would readily be given by many of our nobility and other great patrons of ecclesiastical livings.

Let not the reader suppose that this is a new notion. In the debate on the Mortmain Bill in the year 1736\*, one of the speakers (who, I believe, was no less a man than the great Lord Hardwicke) thus expressed himself: "With respect, my lords,

\* Parliamentary Debates. The speakers' names are not given.

to the clergy of the Established Church, I am really sorry to hear there are so many of them so poorly provided for. It gives me a most afflicting concern, to think that there are so many pious and worthy clergymen of the Established Church struggling with poverty and want, at the same time that they are rendering such services to their country : and I must think it a blemish in our constitution, at least in that part of it which is called the Established Church, to have so many of its members living in the greatest penury and distress, whilst a great number of others are wallowing in the greatest affluence and ease : for, since they are all the servants of the public, and are paid by the public, every man ought to have a proper share of the public rewards . . . . Every man admits our poorer clergy ought to be better provided for." And, having spoken of the inadequacy of Queen Anne's Bounty to do this, he says, " I am not, my lords, of any levelling principles ; I am for keeping up the same orders and distinctions, and the same form of government we now have in our Established Church ; but I am not of opinion that it is necessary, or that any man ought to have or can deserve half a dozen rich benefices at once : and a few scrapings might in my opinion be taken from many of our great livings, after the deaths of the present incumbents,

which would be sufficient for establishing a proper maintenance for every clergyman in England.”

And in the debate on the “Clergy Non-residence Bill” in 1801, Mr. Whitbread “agreed as to the necessity of doing something to remedy the evil arising from the smallness of many of the livings, as no doubt this formed the great source of pluralities and non-residence” . . . . He was convinced that the revenues of the Church, if properly distributed, were perfectly adequate to the sufficient payment of all its officers.”

Again, in the debate on the “Poor Clergy Bill” in 1810, Lord Holland “thought that the relief of the poor clergy might be effected in a manner much less objectionable than by adding to the burdens of the people, by means of the richer benefices, either by taxing them in certain proportions, or in some other mode.”

I do not agree with Lord Holland that this mode of relieving the poor clergy would be “less objectionable than adding to the burdens of the people.” If we are to have a church-establishment at all, it is the duty of the state to provide a decent maintenance for the minister of every parish in the kingdom, if such maintenance be not already provided

<sup>a</sup> Mr. Whitbread was wrong in this matter. I do not wish to be understood as approving of all Mr. Whitbread's notions with regard to ecclesiastical affairs.

for him. And, as the state, at the Reformation, robbed the church of immense revenues, and applied a considerable part of them to the secular purposes of the state \*, I maintain that the Church has a just claim upon the state for the relief of the necessity which this spoliation has brought upon her. But, if the state shall refuse to do this act of justice, then I contend that the richer clergy are bound by every principle of honour, of equity, of charity, of religion, and that they ought likewise to be bound by law, to contribute towards the support of their poor fellow-labourers in the Lord's vineyard.

Mr. Rose, also, on July 5th, 1813, said, "that he deprecated any attempt to touch the property of the Church; but he contended that the legislature ought to take care that that property was well applied to secure those objects for which the Church was established."

Lord Harrowby, it is true, objected to this tax upon the larger livings for the purpose of increasing the smaller ones, and called it "an approach towards the principle of levelling." It might perhaps be wise in Lord Harrowby to add this to his other arguments, in order to prevail upon the legislature to pass the bill which he so powerfully

\* *Rapin*, Vol. I. B. XV. p. 821.

advocated. But had the question been, not whether the state or the richer clergy should relieve the necessities of the poorer clergy, but plainly whether the richer clergy should be compelled to relieve their poorer brethren, or these poor brethren should be left to pine in their poverty, the Earl of Harrowby would have used no such argument as this. Where is the principle of *levelling* in putting a tax of four or five *per cent.* upon the benefices of 500*l.* a year, in order to raise the revenue of the poor vicarages in the kingdom to the sum of 150*l.*?

This excellent nobleman very properly, I think, objected to the tax being laid upon livings in private patronage, as an invasion of private property: and "If," said he, "it were confined to livings in the gift of the crown or of the bishops, in order to avoid the injustice of an attack upon private property, it would be applied to that very class of livings in which its operation would be most injurious:" since "these livings formed the chief fund for the incitement and reward of the clergy."

No doubt these livings do form such a fund. But notwithstanding all the respect which I feel for the prime ministers, the great lord chancellor and the bench of bishops, who have had the patronage of these benefices of late years, I cannot think that they have altogether regarded them as

a “fund for the incitement and reward of the clergy.” I rather incline to believe that a much larger portion of this fund has been given away through parliamentary interest and private favour, than has been bestowed upon clergymen as a reward of their merit. And I am constrained to think that, so long as human nature shall remain what it is, the same motives will continue to sway the persons to whom the distribution of this patronage shall be committed. I cannot, therefore, agree with Lord Harrowby, that the taxing of these livings, in order to increase the comfort and the respectability of the poor vicars, would so operate as to discourage the cultivation of piety and learning amongst the great body of the clergy.

That the Church of England has, in great measure through her corruption, lost the veneration of the people; that she is now tottering to her foundation through the ill will which exists against her; and that she cannot long survive the machinations of her enemies, unless some mode be adopted of regaining their esteem and of converting their hostility into friendship,—no man, who seriously reflects upon the spirit of the times, can for a moment entertain a doubt. The method of effecting this conversion is, in my humble opinion, manifest, simple, practicable and just. Let the ecclesiastical property in every parish be applied to



the purpose for which it was originally set apart—the maintenance of a resident minister to instruct and edify the people—and the people will, ere long, turn again and be edified and instructed by the ministers of their national Church. Only let that “most pestilent and deadly evil,” the system of pluralities, be abolished; let the consolidation of contiguous small livings, wherever it is practicable, be effected<sup>a</sup>; and let the richer benefices, in case the state shall refuse to contribute further for this end, be taxed in certain proportions, in order to supply the necessities of the ministers of the spoliated parishes:—and then, the Church, nourished by the returning love of her children, cured of her corroding cankers, and freed from the incumbrance of her rotten branches, will again become strong in her roots and rich in her foliage, and will flourish “as a tree of lign aloes, which the Lord hath planted.”

<sup>a</sup> Lord Harrowby, in 1810, recommended the union of small livings.

Sept. 2d, 1654, an act was passed for uniting two or more parishes, which did not singly furnish sufficient maintenance for a minister: and the patrons of the parishes, before they were united, were to present to the united parishes by turns; or one of them was to have two presentations to the other's one, according to the value of the parishes before their union. But this measure seems not to have been persevered in at the Restoration.—*Scobell*.





