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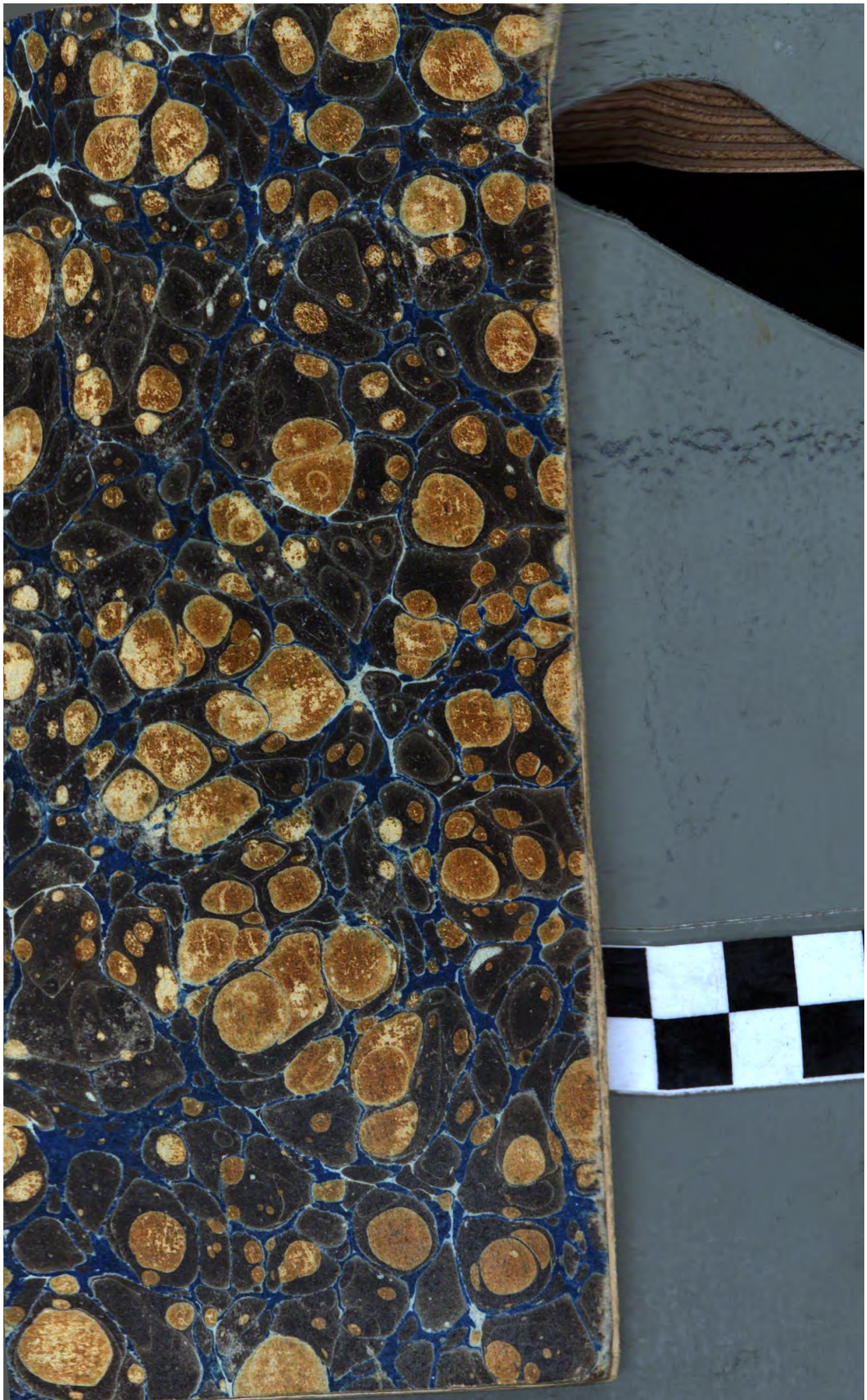
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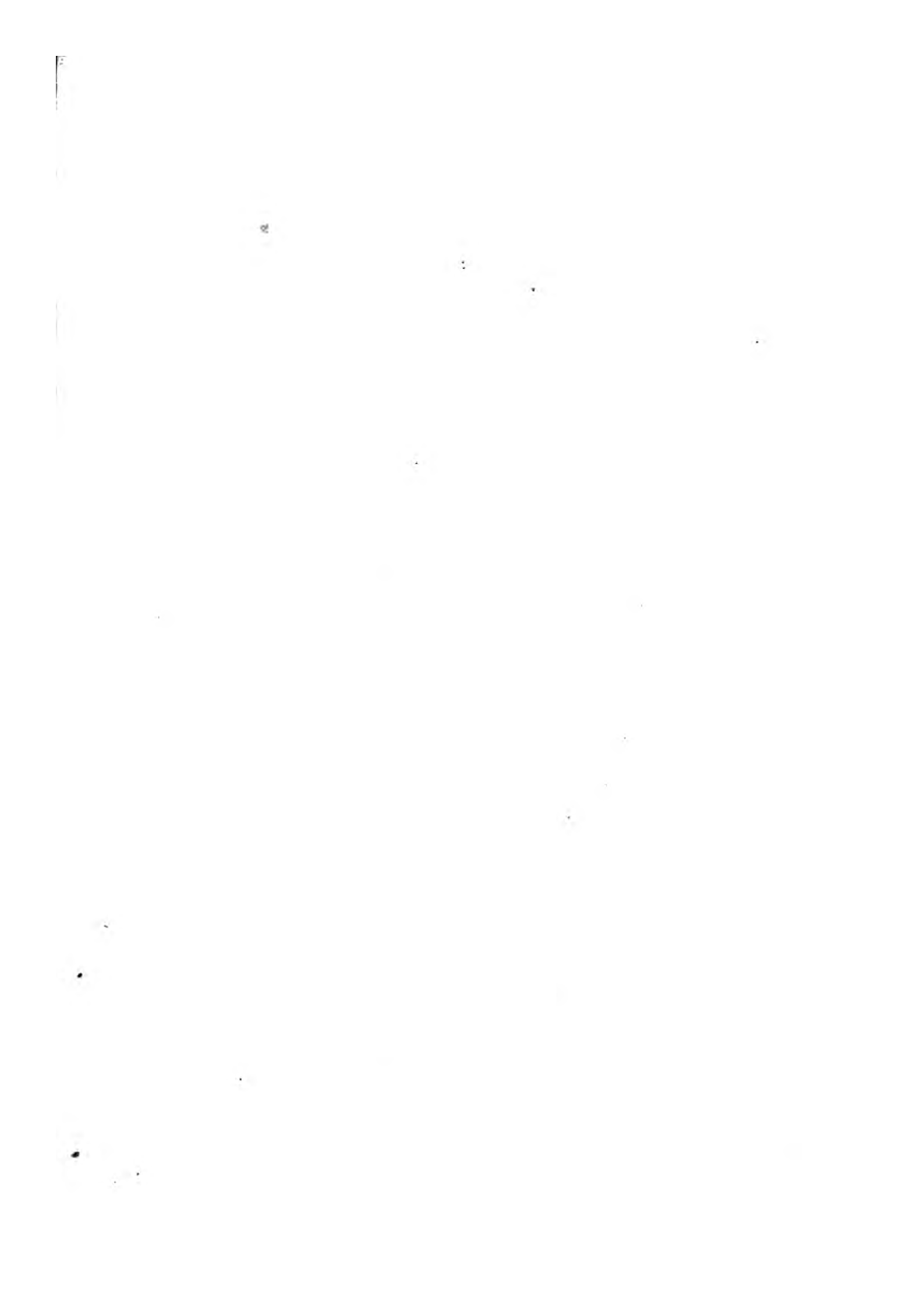


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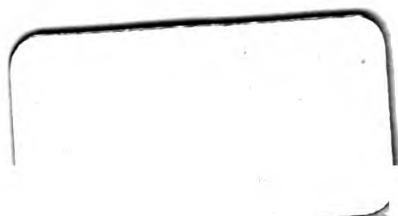




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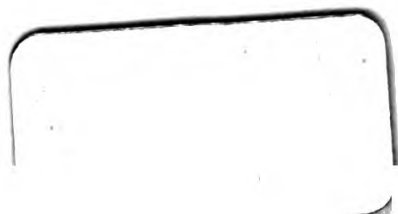
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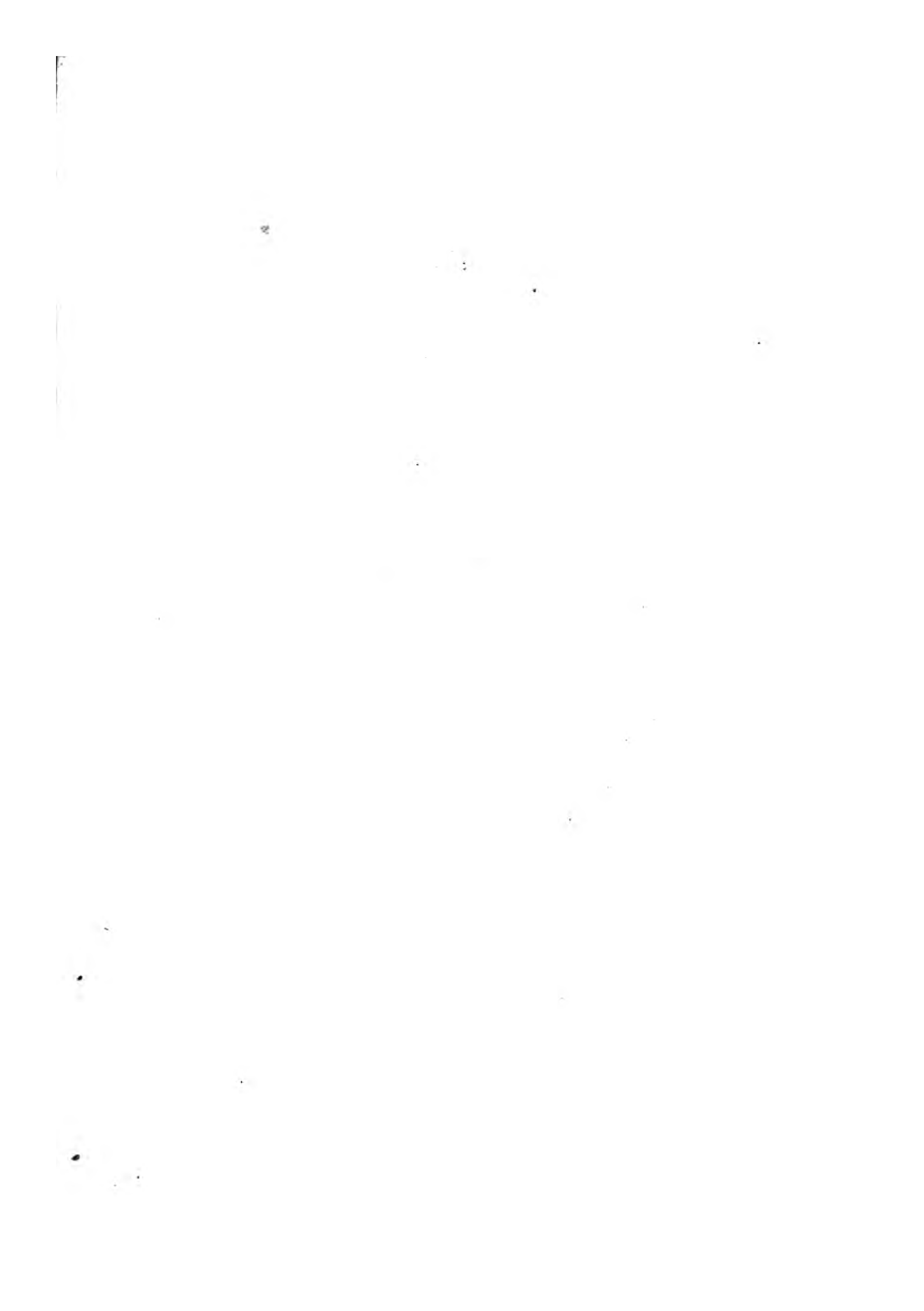


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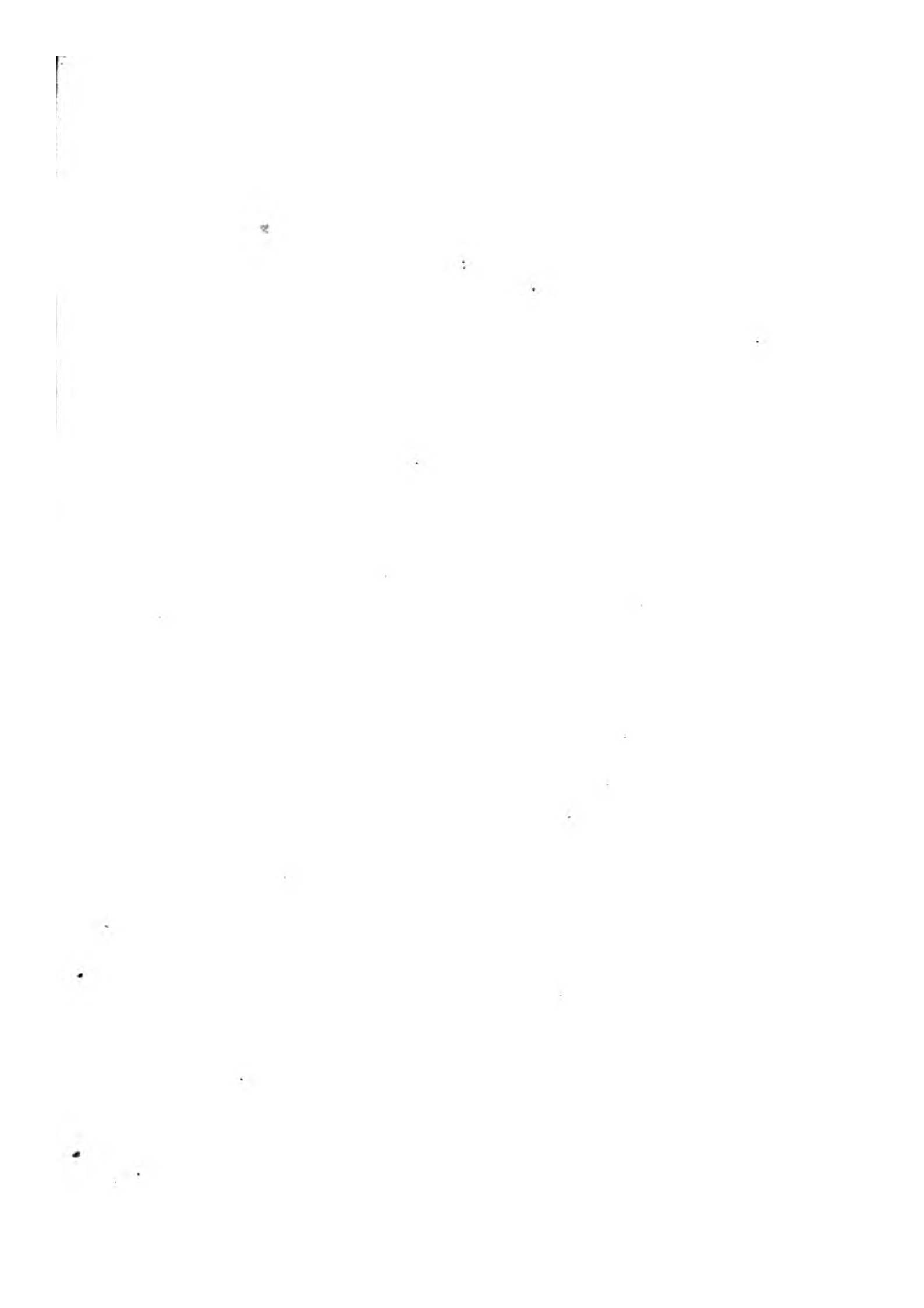


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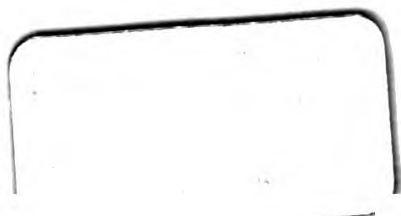


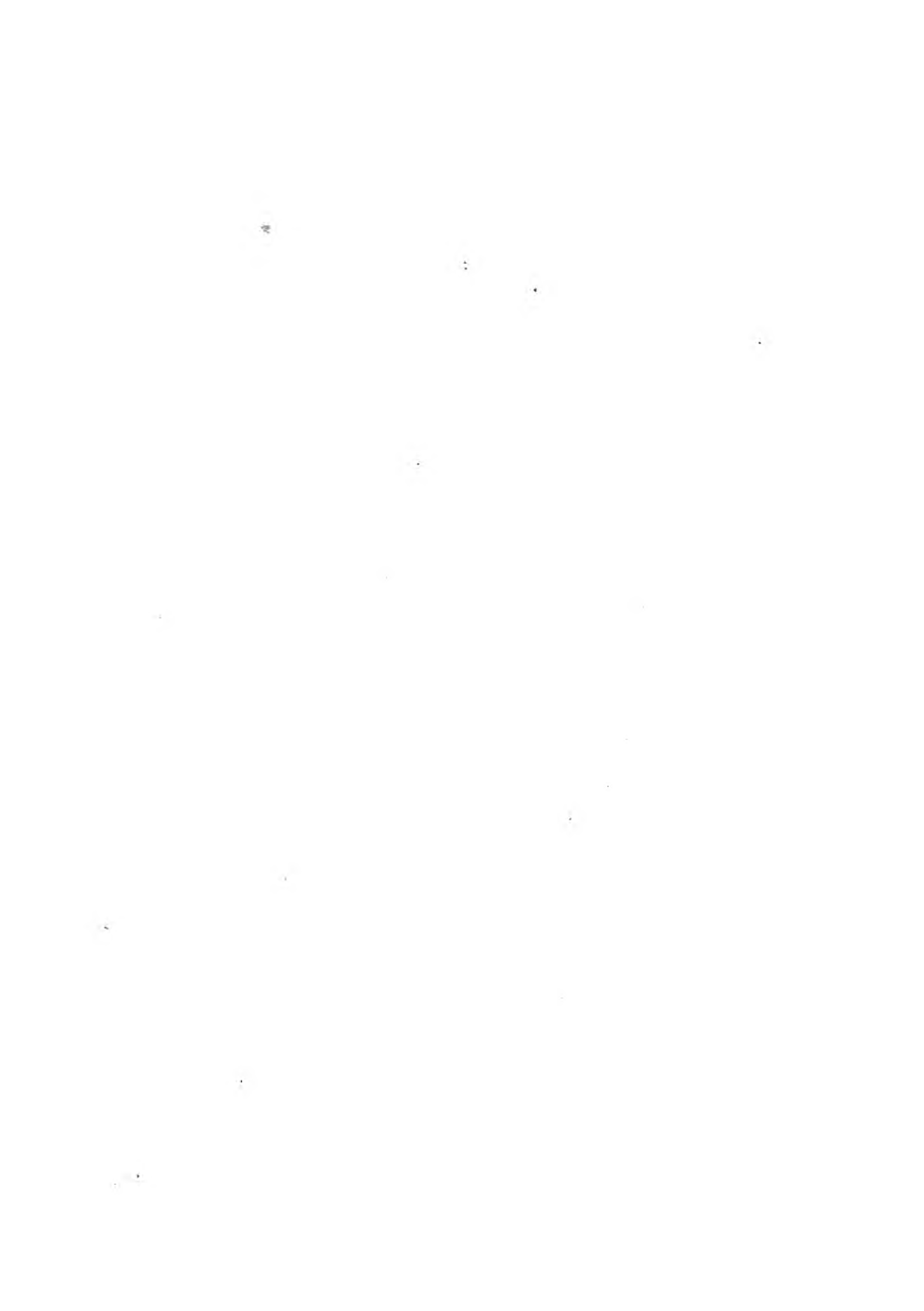


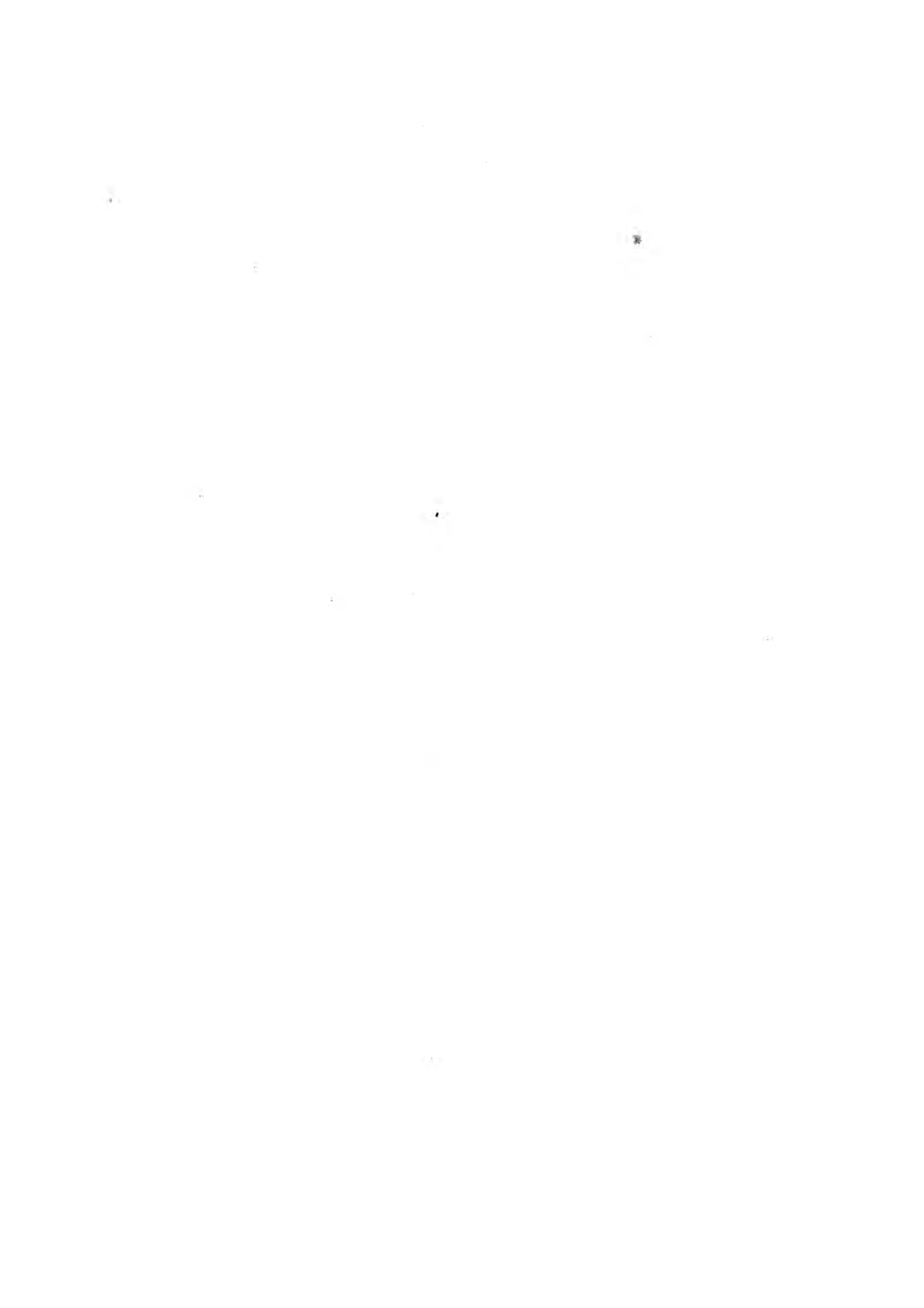
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THE OFFERTORY,
AND THE DUTY OF THE LEGISLATURE
IN THE PRESENT RELATION

BETWEEN

THE POOR AND THE STATE,

BRIEFLY

CONSIDERED IN A LETTER

TO

GEORGE PALMER, ESQ. M.P.

OF NAZING PARK, ESSEX.

BY THE REV.

CHARLES MILLER, M.A.

VICAR OF HARLOW, ESSEX.

“ Habet etiam Ecclesia Pauli Eleemosynarium. Is homo pius et pauperum necessitatibus compatiens sit. Ejus officium est statutis diebus Eleemosynas distribuere egentibus uti voluerint illi qui publicam in Eleemosynam reditus contulerunt; et pauperes si qui sint qui juxta Ecclesiam moriuntur in majori cœmeterio gratis sepelire.”—*Appendix in Hist. Eccles. Cath. S. Pauli; Dugdale.*

“ Then followed the Service of Morning Prayer for that day Provision was made instantly for Alms to the Poor.”—*Ceremonies observed at the Dedication to Christ's honour and service of Lichfield Cathedral, by Bishop Hacket, on Christmas Eve, 1669. See Antiquities, &c. London, 1717.*

“ Church-fasts kept, will accustom men to habits of self-denial, and we may hope that luxury will diminish and alms-giving increase. The Offertory will not then, as now, be almost a mockery of offering; not as now, rarely read, but regularly and largely contributed to.”—*Bishop of Oxford's Charge, 1842.*

LONDON:

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ST. PAUL'S CHURCH YARD, AND WATERLOO PLACE, PALL MALL;

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1842.

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A
L E T T E R,

&c.

MY DEAR SIR,

CORRESPONDENTS, it is said, sometimes reserve their most important communications for a postscript. Adopting the spirit of this rule, I will place my most valuable matter in the Appendix¹. My title-page will also be interesting and instructive, as showing the feelings of our forefathers towards the poor and the needy. The Bishop of this diocese has recently used the offertory, and with good success, for the Colonial Bishopric fund: the Bishop of Oxford connects the offertory with alms-giving, and all churchmen must hope that his Lordship's auspicious foreboding will be realized, and that the Church will resume her parental duties as guardian of the poor. Having begun and ended my letter so well, if the intervening observations should weary you, I must plead the

¹ The Appendix is also published separately.

example of the old warrior, who placed his choice troops in the rear and the van ; but—

κακούς εἰς μέσσον ἔλασσε.

It will be necessary for Mr. Gladstone to remind the people of England, as well as the electors of Newark, that the “general obligation of Ministers now in power is to maintain the institutions of the country upon their ancient foundations,” for by their acts they seem rather wedded to the principle of maintaining the modern commissions upon their modern foundations. I wish we had the courage to throw overboard our modern theories and our quack medicines, and for the removal of our social disorders to submit to such a course of discipline as would be prescribed to us by commissioners of tithes and poor-laws, trained in the school of Archbishop Whitgift. Indeed, it is striking that our Church and our State embarrassments appear to have arisen from those principles or practices which have caused us to neglect the poor. An inquiry into the poor-laws, and the condition of the poor, ought to be preceded by an inquiry into the condition of the nation. Perhaps there may be a connection between the distresses of the poor and the failure of banks, and an undue tendency to speculation ; and these evils again may have arisen from that spirit which, blind to the sin of covetousness and regardless of the just claims of parish and country, has been raising a clamour against usury laws, and tithe laws², and corn laws,

² See Note A at the end.

and all laws which seem to offer any obstruction to the accumulation of wealth. Perhaps we have been thinking too much about eligible investments, and too little about the responsibilities of property. Perhaps we have been converting a useful science into a false philosophy, by an undue extension and erroneous application of its principles. Perhaps we have been forgetting that this very philosophy, by encouraging luxurious habits and covetous principles in the rich, is quite as prejudicial to the best interests of society as any laws which are thought to encourage idle and improvident habits in the poor³.

³ “ The efficacy of human laws may be cast, perhaps, into the following scale : their direct power to inspire men with love of probity, diligence, sobriety, and contentment, is small ; their power to restrain the opposite vices is far greater : their power to discourage or hinder good habits of character by mistaken institutions greatest of all ; *because they here act at an advantage, and the institution and the bad part of human nature go together ;* whereas in the other cases they are opposed, and the enactment has to force its way.”—*Considerations on the Poor Laws, by the late Rev. John Davison, M.A. formerly Fellow of Oriel College, Oxford.* London, 1818.

The Poor Laws certainly did act in this way, though, perhaps, through the fault of those who administered them. I am told, that the most trivial article of dress is sold frequently at shops in the West End of London for *twenty-five guineas!!* Some say, that so long as money circulates it does not signify how it is spent. Whatever may be the influence of philosophy to restrain the opposite vice, the present state of the country may tell us what consequences arise when it (a spurious sort) and the bad part of human nature go together.” “ Even those” (as Archbishop Secker remarks) “ for whom it (luxury) doth provide, it teaches at the same time to ruin themselves by the imitation of it. And in

Perhaps our statesmen have been spending too much time in investigating the causes of wealth, and too little in examining the grounds of moral obligation, and the nature and extent of social duties. Every *possible* care should be taken to preserve the straight line in all parts of the *foundation* of the social fabric. Perhaps, then, our Universities are to blame: the one for dispensing with a portion of its statutes, which requires of all its members some knowledge of moral philosophy as essentially requisite for a degree⁴; the other for initiating its scholars into the

proportion, as it prevails, it destroys every where both virtue and happiness, public and private."—*Sermon on 1 Pet. iv. 10.*

⁴ When the author of this letter resided at the University of Oxford in the year 1814, *some* acquaintance with moral philosophy was required of *all* candidates for the degree of B.A. The practice was gradually discontinued; and, as far as he can recollect, candidates for an ordinary degree had procured an entire exemption from examination in moral philosophy, at the time that the Political Economy Professorship was founded in the university. Here he would direct attention to an article in the *Edinburgh Review* in the year 1839, on "The Philosophy of Bacon." He thinks Bacon's own fall, and the dishonest practices now so unusually prevalent, may be traced to the principles laid down in that article—

" Non aliter quam qui adverso vix flumine lembum
Remigiis subigit; si brachia forte remisit,
Atque illum in præceps prono rapit alveus amni."

"Dolendum est plerosque mortalium, dum rerum mediocriter utilium scientiam anxie venantur, in tam crassa interim conscientiae suae ignoracione versari."—*Prælect. Sanderson. Episcop. Lincoln. Londini, 1661.* The principles of Bishop Sanderson appear to have suffered shipwreck: the writer of the article in question is

principles of a book, which its most distinguished members have not scrupled to condemn. There is the closest connection between the habits of justice and charity⁵, and the poor may be suffering from our Universities' defects. Perhaps also, as Church principles, *properly so called*, are essentially connected with the poor, so they may not have been *sufficiently* considered with reference to these results.

It is quite necessary to investigate the real causes of our existing distress, and to ascertain how far the legislature may be able to remove them. It seems as if some were thinking that the perfection of government was, the discovery of an instrument endowed with a principle of perpetual motion, by which things would regulate themselves, and property and station be released from all responsibility. Some would cure existing evils by initiating the poor into the mysteries of political œconomy. Others, again, are telling us that wages will rise of themselves if we could be rid of all mischievous meddlers, give the commissioners fair play, and not relieve the able-bodied poor except within the walls of a workhouse. Another plea for the poor, professedly grounded upon Scripture, goes upon the principle that we should have plenty of every thing by the repeal of the corn laws. It may be just to ridicule soup tickets, charity

not very likely to construct a diving bell by which they may be recovered.

⁵ They are, I believe, in the Hebrew expressed by the same word. They are in a striking way connected with each other, amongst numberless other texts, in Micah vi. 8. Luke xix. 8.

sermons, and charity balls ; but the Scriptures say nothing about foreign competition, a great deal about provoking one another to the discharge of home and social duties.

A real plea for the poor must have for its basis, not any reform or repeal of the corn laws, but rather the reform of our luxurious habits, and the repeal of our covetous principles. It is the real business of the legislature to consider how far it may aid in the administration of these unpopular remedies. Some good, at least, would be done, if Poor Law Commissioners' Reports would direct attention to the faults of the rich as well as of the poor. Gentlemen of property⁶, who allow their tenants to keep ill-regulated beer shops, deserve, at least, as much blame as the poor who frequent them. Again, as the court adopts the dress, so let the commissioners adopt the language, of ancient times. "Pauper" and "pauperize" are words of modern invention ; the very term, "LORD HIGH ALMONER," and the distinguished office it represents, clearly indicate the feelings of our forefathers respecting "the dignity and claims of the Christian poor⁷."

There are two essentially separate questions in this matter, whether the Poor Law, in existing circumstances, is good as a human statute ; and whe-

⁶ See Poor Law Report, 1833, p. 24. The reporter does not seem to know much of this principle.

⁷ Title of two interesting sermons by the Rev. F. Oakeley, M.A. Fellow of Balliol College, Oxford, Minister of St. Margaret's Chapel.

ther it makes an adequate provision for the poor in a Christian country. The latter of these questions all Englishmen must answer in the negative. No words can express my utter abhorrence of the present bastardy laws, opposed as they are to nature, and therefore to the Gospel; or of the irreverent practice of using a dining-room for a chapel in our modern workhouses; and we may as well think of putting Buckingham Palace and Newgate under one common roof, as of making the same establishment a house of correction for the idle and the dissolute⁸, and an asylum for the orphan, the widow, and the aged. Still we must remember the evils under the old system, or rather under the abuse of it. If we are now running upon Scylla, formerly we were in danger off Charybdis. The vessel may be set afloat, and a rudder provided, but all is unavailing unless *every parish* has a steersman. Nothing effectual can be done where there is a neglect of local duties.

Here I must call your attention to the evidence of an influential individual, given on a former occasion. "I met," observes Mr. Whateley, "a large society of the poor some time ago, not during the late troubles, in a district of the parish a considerable way off, and in a large meeting; I suppose there were fifty persons in the room, when I said there was no person in the parish that need want, for there was no person in the parish that might not have whatever

⁸ The Union workhouse acts most forcibly upon the *in terrorem* principle; but its discipline, I fear, has no beneficial effect upon the moral character of the inmates.

they pleased, in money or goods, if they came to me to ask for it, *unless they were those who had worn out their welcome by fraud. I was enabled to do this by pecuniary assistance from the late Sir W. Pepys, Bart*⁹." Money, when rightly directed, puts fraud to a discount; nay, even the distresses of the poor, when judiciously considered, may tend to the improvement of their moral condition. But the arbiters of relief must not be a board of commissioners, or of guardians, or a district union officer, but some one who is constantly at hand, and who has time and patience to treat the several cases as they arise. There is no cure of our social evils by wholesale. No poor law can be a substitute for the energy of Mr. Whateley, and the munificence of Sir W. Pepys, but it would, indeed, be useful if it could bring such principles into general action.

Great stress was laid upon Mr. Whateley's evidence, as having done so much for the improvement of his parish. This example would of itself authorize a severe censure upon that part of the Poor Law Commissioners' report, which questions the propriety, *even where great care and discrimination is exercised*, of adding small sums to a man's wages¹⁰, to enable him to maintain a large family¹¹.

⁹ Extract from Minutes of Evidence given by the Rev. T. Whateley, Vicar of Cookham, Berks.

¹⁰ " From 1720 to 1750 the labourer earned about a full peck of wheat a day. Since that period, I believe, he has never for five years together earned so much as a peck, hardly so much as

¹¹ Poor Law Report, 1841, p. 222.

Let the legislature, then, at once confess, that evils are in existence which it cannot remedy. Let the bill have a well-digested preamble, embodying the principles of the law of Elizabeth, *both* upon the questions of assessment and of relief; let it recognize the claims of the industrious, and of those who have not worn out their welcome by fraud; let it lament the severe unequal pressure of poor-rates in certain cases, and remind all citizens, that however the law be unable to tax their property, upon the principles of the established religion of the country, they are under the indispensable obligation of giving liberal alms to the poor. Should it seem advisable to Her Most Gracious Majesty, the speech addressed to members of parliament at the conclusion of the session might express similar sentiments, and enter into the detail of social duties.

Such a declaration of principles by the sovereign and the legislature would be of great importance in the present condition of the country. The mere discussion of them would be productive of advantage. A real attention, in *practice*, to the wants and condition of the poor would become more and more the grounds of soliciting the suffrages of electors, and no

five-sixths of a peck.”—*Mr. Malthus' Letter to Mr. Senior. Appendix to Mr. S.'s Lectures on Political Economy.* Now the labourer earns but little more than half a peck per day. So that political economists have not yet done much for the poor. On referring to Mr. Senior's ingenious lectures, I find him observing that saving habits are a sign of virtue in the poor, but I do not find him *ever* condemning saving habits in the rich as a sign of vice.

undue importance would be attached to any opinions on the subject of the Poor Laws. We might then hope that a Sir William Pepys would be found in many parishes. The Poor Law Commissioners' Reports would contain histories differing from that of "The Charity Boy," and that false philosophy would be at a fearful discount, which discourages alms-giving, by representing the mischief which it is supposed to inflict on the community.

There might be also an express enactment, authorizing trustees of the property of minors to expend upon any charitable purpose the tenth of its annual proceeds. Such a clause, as I may speak from my own experience and observation, might be productive of great good in particular places. The death of an influential landlord, where the property is bequeathed to a minor, may put a stop to the charities in a parish. If the trustees continue them, the Court of Chancery, I conclude, will bear them harmless; but the law affords too ready a shelter to trustees of contracted views, and, perhaps, no adequate security to those who are alive to the duties as well as the rights of property. But independently of any local advantage, such a clause, without infringing upon any right, would be another wholesome memorial of social duty. Thus we might establish the principles of the old system, and still preserve the strict provisions of the new. This feeling consideration for those in distress, may be reasonably expected from the legislature in the present relations between the poor and the state.

But having made these observations upon legislative enactments, I must now proceed to say a few words about the offertory.

Four years and a half I have partially, and one year and a half entirely, observed the rule of the Church. My satisfaction at having recently discharged this part of my duty is only exceeded by the painful recollections that I should for so long have neglected it. One hundred pounds was thus collected during the past year¹, many of the poor contributing considerably more than their proportion. This sum, with a benefaction from a non-resident landlord, has saved several of the poor from the necessity of breaking up their establishments, and being immured within the walls of a workhouse. If compulsory payments, and a legal title to relief, estrange the poor from the rich, giving and receiving charitable gifts cements the bonds of society. The distribution of the alms of the Church, as I can testify from my own experience, may have a very beneficial influence upon the character of the poor. The clergy complain, with justice, of unfair assessments and breach of contracts; the offertory, I believe, would *ultimately* afford a much more substantial remedy than the legislature: but however this may be, all whose property is assessed have a reasonable ground of complaint against the clergy for not putting forward the Church principle, which requires of *all, indiscriminately*, contributions according to their means. The present Poor

¹ The sum formerly collected amounted to about twenty pounds per annum.

Law, perhaps, in existing circumstances, may be good *if we use it lawfully*, but surely the Church does not authorize us to surrender the education of her little children, *or* the care of her poor, to the state. If the Church rule be tried as a mere experiment, probably there may be, as there ought to be, a failure; but if it be *perseveringly* observed, as an essential part of the Church-service, it will prove its wisdom by its results. The habit of reading the offertory sentences has had a most salutary effect upon my own mind, and certainly it must go towards confirming the faith of all in the apostolic character of our Church, by shewing how she inculcates the apostolic precept, REMEMBER THE POOR. Truth will spread by degrees; the responsibilities of property, wherever invested, will be more readily acknowledged; conscience will more frequently levy a proportionate alms-tax; and though many will evade the duty and lose the reward, yet the gracious promises of Scripture to those who consider the poor and the needy, will be more and more seen and felt to have a real and substantial meaning. The Church will appear the real Friendly Society, with the offertory and the poor-box for the treasury, and the curate and churchwardens for the almoners. We shall have the Gospel for the rules, and those who have much must give plenteously; those who have little will still give their little; while the present societies², which virtually

² Most persons would acknowledge *in theory* that the *chief* part of the fund raised for supporting the poor in sickness ought to be provided by the rich. Compare the amount raised in clubs by .

reverse this equitable rule, will by degrees be dissolved, and give way to a purer system.

But the observance of the Church rule will also improve our feelings in all matters relating to the poor. The cottager will always have a garden. The shepherd or the herdsman will be thought to have earned by his lengthened services, not merely a two-guinea premium from an agricultural society, but rather a cottage free of rent for his life, and an annual pension of an adequate amount³. To the amateur agriculturist, not the stall and condition of the ox, but the dwelling of the peasant, and the condition of his family, will be the real lion of the farm. Then we shall have the real village feast, rioting and drunkenness not so much as named amongst us, but landlord, tenant, and labourer in innocent conviviality at the same social board, the fare consisting, not of tea, and bread, butter, gruel, and soup, but rather of Irish potatoes, King Arthur's plum puddings, and the roast beef of Old England, the scene enlivened with the village band; the day commencing with the merry peal of church bells, carried on with the service of the Church, and concluded with the sport on the village green.

the subscriptions of honorary members, with that raised by the payments of the free members, and it will be seen that the practice is the direct reverse of the theory.

³ The late Montague Burgoyne, Esq. of Mark's Hall, in the county of Essex, on changing his residence in the year 1819, settled on the labourers who had worked on his estates, pensions amounting in all to between thirty and forty pounds *a year*.

Fasting for the rich, and feasting for the poor, are now become unfashionable: the one are to observe a perpetual Lent, and the other to celebrate a perpetual Easter. The poor do not share the blessings of our increase⁴.

Our charity, at its highest range, only goes to relieve the necessities of those around us. We make our feasts for our equals, for our associates, for our companions, for those who can repay us in some form or shape. But why do we not give the poor some enjoyment in our hospitality? They have the feelings of human beings; they like good dinners as well as good books; and occasional feastings, so far from doing harm, encourage virtuous habits, *where a good character for honesty and sobriety is necessary for admission*. For the care which we bestow on the poor, partial improvement, both in *ourselves* and them, will be the immediate reward, and the prospect will be still more cheering in the distance. We are, indeed, a degenerate race; so far from treading in the footsteps of our forefathers, we have been abusing those

⁴ See this principle admirably treated in "Hammond's Practical Catechism." See also Bishop's Wilson's practice of laying by certain portions of his income for the poor, in his *Life* prefixed to his works. (*Crutwell's Edition, Bath, 1782.*) No act of the Legislature can enforce this principle; but, as the good Bishop observes, "Every one is bound to help the poor, not as he is assessed by human laws, but according to his ability, *as God has prospered him; and if he will do no more than he can be compelled by law, he will have but a bad account to make.*"—*Sacra Privata (Tithes)*.

charities which they had bequeathed to the poor⁵. But we should do better if we could but shake off the trammels of this modern philosophy, and measure our deeds by an ancient standard. Acts of parliament require the clergy to reside upon their livings, and the law of conscience may again remind non-resident landlords, that they cannot delegate their duties to resident tenants, and that no agents can be the adequate representatives of themselves. On the parochial feeling as a basis, perhaps, we may be enabled to raise attachment to our country as a superstructure. Then there will be not only an annual Spitalfields' ball, but a decided preference to home manufactures, upon the principle that fellow-citizens owe duties to each other in times of peace as well as war. The Church *expressly* speaks of some of the duties we owe to "our neighbour," and, *by implication*, bids us rightly adjust, and acknowledge in practice, the respective claims of parish, neighbourhood, and country.

The Church system also, if I rightly understand it, by reminding us of our close bonds of union, and of our obligations to afford mutual assistance to each other, contains within itself the true principles of colonization. But, assuredly, the Church is furnished with the best storehouse of political wisdom. She is the real "Society for the Diffusion of Useful Know-

⁵ See a pamphlet by James Hine, Esq. Secretary to the late Commissioners for Enquiring into Charities, "Observations on the Necessity of a Legislative Measure for the *Protection* and Superintendence of Endowed Public Charities." London, 1842.

ledge," and stands out in proud and striking contrast with her spurious rivals. For it is her business to inculcate by *training*, as well as teaching, the principles of charity, fidelity, justice, honesty, truth; and she corrects the mistakes of statesmen, by reminding them that "security against fraud is (not) free competition," for we are under the moral government of God, and none but the honest will see that honesty is the best policy, or "discover the preference which, in the long run, the honest trader must gain over the fraudulent dealer⁶." These speculations, coming from an "ecclesiastic," are not likely to meet with any favourable reception, but I wish that statesmen would consider Church principles with reference to *these results*. At all events, as things will never be set right by any theories of free trade, by any alterations in the tariff, or by any continuance of a Poor Law Commission, our very difficulties we may hope will turn thoughtful minds in the right direction; and we may yet learn that there is no cure for our social evils, without an increased attention to our social duties.

I remain, my dear Sir,

With every sentiment of esteem and respect,

Your sincere and obliged friend,

CHARLES MILLER.

Harlow Vicarage,

June 28, 1842.

⁶ Sir Robert Peel's Speech. Debate on Mr. Ferrand's Motion, April 19, 1842.

NOTE A.

In the absence of debates upon this important subject, may I hope that my readers will carefully ponder over the contents of a petition ?

*To the Right Honourable THE LORDS SPIRITUAL AND TEMPORAL
in Parliament assembled.*

THE HUMBLE PETITION OF CHARLES MILLER, M.A., CLERK,
Sheweth,

1. That your Petitioner is Incumbent of the living of Harlow, in the Diocese of London.

2. That your Petitioner desires to call the attention of your Right Honourable House to an Act called "An Act for the Comutation of Tithes in England and Wales," 6 and 7 William IV. c. 71.

3. That your Petitioner regards the provisions of this Act as injurious to the best interests of the Church and the country.

4. That Bishop Andrews has observed, that "two Patriarchs, — as many Prophets, — CHRIST, — His Apostles, — the whole Church, — Fathers, — Councils, — history, — both laws civil and canon, — Reason, — the imperfect pieces and fragments of the heathen, — and finally, experience itself, have brought in their evidence for Tithes." (*De Decimis*, 1629.)

5. That in accordance with these authorities, your Petitioner believes the payment of Tithes to be obligatory upon all, as an essential part of Christian worship, and as the appropriate practical thanksgiving for that Divine blessing through which "the earth brings forth her increase."

6. That Lord Coke, in commenting upon the provision of Magna Charta, observes, "When anything is granted *for* God, it is deemed in law to be granted *to* God; and whatsoever is granted to His Church, for His honour and the maintenance of His religion, is granted for and to God." *Quod datum est Ecclesiæ, datum est Deo.* But tithes have in this country been given to His Church, and therefore are due on grounds doubly sacred.

7. That the present rights of the Clergy to the Tithes have been secured almost from time immemorial by successive Acts of Parliament.

8. That our ancient statutes prohibit all permanent commutation of Tithe, and that the wisdom of this prohibition may be seen from the disastrous effects of commutations effected in certain parishes under local Acts.

9. That there is no precedent in the history of the country for any commutation of Tithes, (much less for any commutation upon the terms provided for in the Tithe Act,) without the free consent of the Bishop of the Diocese, the Incumbent, and the Patron of the Living.

10. That your Petitioner cannot enter into any such voluntary agreement as is provided for in the Tithe Act; that a compulsory agreement is a contradiction in terms; and that your Petitioner, being deeply impressed with the sacred principles of the Tithe system, could not, without much distress of mind, and perplexity of conscience, avail himself of any award made by the Commissioners.

11. That to subject your Petitioner to an Act of Parliament opposed both in letter and spirit to all the ancient statutes of this realm relating to Tithes, and also directly at variance with principles esteemed sacred by the highest authorities, ecclesiastical and civil, is, in the judgment of your Petitioner, to deprive him of his constitutional privileges, and especially of the rights secured to him and his Church in the oath of the Sovereign.

Your Petitioner therefore most earnestly intreats your Right Honourable House to take these grievances into your *serious* consideration, and either by the repeal of the Tithe Act, by the discontinuance of the Tithe Commission, or by such other way as may seem advisable to your Right Honourable House, to afford him that redress to which, in his judgment, he has a most sacred, equitable, and constitutional claim.

And your Petitioner will ever pray.

**** Presented to the House of Lords by the Lord Bishop of London, on Tuesday, June 28, 1842.*

THE END.

A

DISSERTATION UPON TITHES,

BY

LANCELOT ANDREWS,

LATE LORD BISHOP OF WINCHESTER:

AN OLD TRACT FOR NEW TIMES.

EDITED BY A LAYMAN.



“ Having made (Tithes) His whose they are, let us be warned by other men’s example what it is to wash or clip that coin which hath on it the mark of God.”

HOOKE, *ECC. POL. Book v. 79.*

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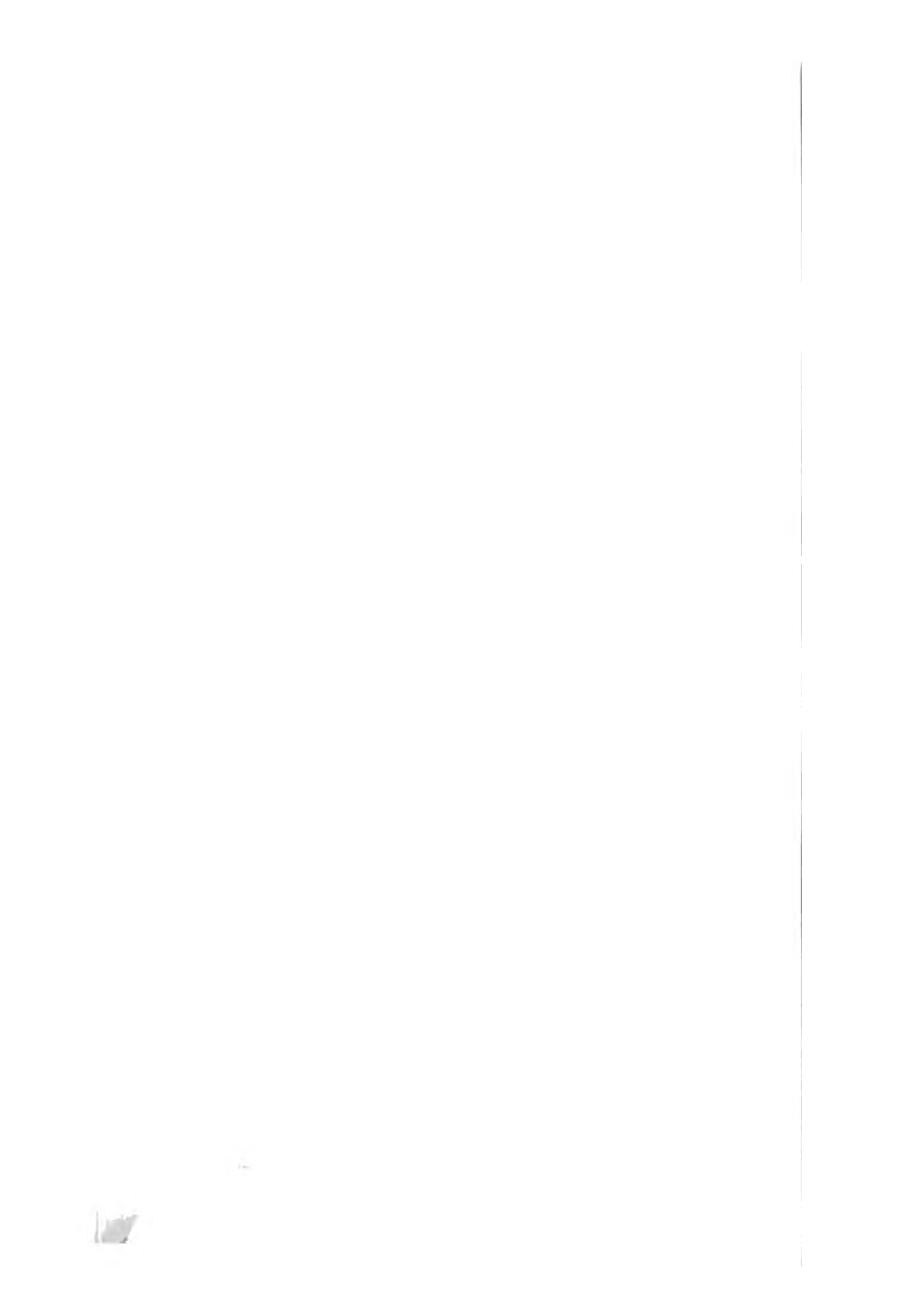
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1842.

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TO THE
ARCHBISHOPS AND BISHOPS
OF THE
CHURCH CATHOLIC IN ENGLAND AND IRELAND,
IN THE HOPE THAT, THROUGH THEIR INFLUENCE,
THE SACRED PRINCIPLE OF TITHES MAY STILL BE RESPECTED
BY THE LEGISLATURE,
AND REMAIN INCORPORATED IN OUR CONSTITUTION,
THIS NEW EDITION OF THE TREATISE
OF THE PIOUS AND LEARNED LANCELOT ANDREWS,
LATE LORD BISHOP OF WINCHESTER,
IS DEDICATED,
BY THEIR MOST OBEDIENT HUMBLE SERVANT,
THE EDITOR.

BLOOMSBURY,
JUNE 20, 1842.



OF THE
RIGHT of TITHES.

A

*Divinity Determination in the Publike Divinity
Schools of the University of
CAMBRIDG.*

By the Right Reverend Father in God
LANCELOT ANDREWS:
Late Lord Bishop of Winchester.
When he proceeded Doctor in Divinity.

Translated for the benefit of the Publike.

1 COR. ix. 13. “ Do ye not know that they which minister about
holy things, live of the things of the Temple? And they which
wait at the Altar, are partakers with the Altar?

Vers. 14. Even so hath the Lord ordained, that they which preach
the Gospel, should live of the Gospel.”

LONDON,
Printed for *Andrew Hebb*, at the *Bell*, in *St. Paul's
Church-Yard*.

MDCXLVII.



The ensuing Tract, originally written in Latin, and entitled "De Decimis," was first printed in the posthumous Opuscula of Bishop Andrews, and dedicated by the Bishops of London and Ely to Charles I. 1629.

This translation, now reprinted, was published 1647.

TITHES

OUGHT NOT TO BE ABROGATED.

THAT such anciently were the manners of men, and such the times, wherein the condition of the priesthood was sumptuous and most flourishing, not only with those truly excellent ornaments of learning, but also with those of riches and preferments, history, the witness of truth, is a sufficient evidence.

Among the heathen, Theophrastus is my author, that instead of the tithe, wherein notwithstanding we take ourselves to be very bountiful, the thirds were paid. Among the Jews, Philo reporteth, that the wealth of the corban was oftentimes the object of envy to the neighbouring kings. Among the Christians, as in other nations, so truly in this our, it is certain that the desire to increase the revenue of the clergy proceeded to such a height, that it was greatly to be feared lest the church should swallow up the commonwealth; that therefore it was seasonably taken into consideration then, and so is now, when there is little need of caution, that no lands should be bequeathed in mortmain, *i. e.* to sacred uses, without the royal patent. Such anciently were the manners of men, and such the times. While men's manners and the times were such, a disputation touching the right of tithes was not doubtful, nor necessary; but at length in this our age, when, as commonly old men, so the world, growing old, is wholly set upon money: there is a general chiragra, an epidemical gout

in the hand. There are no improvements to the clergy : would that were all ! there are frequent impairings. I say, frequent impairings ; and I wish it might only be said " there are," and that there might never be cause of using the future tense ! But to this humour of the present age, wherein, what for that unholy hunger after gold, there is nothing esteemed holy, we may add another error :—that those worthies, not to be named without all honourable respect, whose help God made use of for the reformation of religion, were very solicitous for the reformation of doctrine, but less attended the church's patrimony ; and almost said what the king of Sodom did to Abram, " Give us the souls, and take the rest to you¹." But as they who thought they should find the Baptist in kings' courts², so they who thought they should find Abram there, were both deceived ! Which error, though a small one, and a small one indeed it is if we compare it with those great and famous acts performed by them, yet we may justly fear will lie heavy upon succeeding ages ; in which, true-hearted honest men, from that of Solomon, " Where no oxen are, the crib is clean," presage barbarism, or somewhat worse, which I will not speak of : falsely, perchance, and I pray God it prove so ; but not rashly, I am sure ; not without cause. And indeed they ought to have withstood the beginnings, as we say ; and have snatched this sweet bit from this eating and drinking age, which perverts all to a detestable use ; and have taken care not only of increasing the light, but also of allowing oil : which, because not done, this evil spreads daily more and more, and the devourers of church revenues whisper up and down in corners, as most an end the manner is, that the church may be impleaded and sued for the remainder of tithes ; and thereupon find out new quirks to put her in a worse condition ; then, talk of a stipend ; finally, so turn themselves on all sides, that the clergy may at last say it to their sorrow, Their sowing and their mowing is nothing to us !

To pass by other things, as lost and gone by prescription, I shall make bold to plead for Tithes ; and shall thereupon chal-

¹ Gen. xiv. 21.

² Luke vii. 25.

lenge them who are otherwise minded, and prove that the tithes of the yearly comings in are by the highest equity due to the clergy; and that no parliaments, no lords or commons, can settle that affair more wisely than it was of old provided for by the sacred law; than God, the Lawyer himself (so absolute, that Justinian is nobody to Him) had proclaimed many ages since.

I am to treat of a hard point; nor is there any by whose candle I shall light mine: wherefore it will be your part, Reverend Brethren, if I shall fail or come short of it, to vouchsafe your pardon, as is meet, to me the first that make experiment.

TITHES OUGHT NOT TO BE ABROGATED.

I need not explain terms. Who knows not what the tithe is?—one part of ten. Or who doubts what it is to abrogate?—either to unsettle what is settled by law, or, instead thereof, to appoint a stipend. Let us, therefore, set about the business.

What CHRIST did in the cause of divorce I conceive to be of great concernment; first of all, to inquire how any matter stood in the beginning! In the flux of time many things are changed: the beginning is the most certain rule and judge.

ARG. I.—I demand, therefore, who was the first that received tithe? That great man Melchisedek, “to whom Abram gave the tithe of all³.” Melchisedek received tithe from Abram: but were they free, or due? voluntary, or by law? If free and voluntary, the argument is of no force, and the Apostle puts a trick upon the Hebrews when he compares the Levites with him. For the reason is not alike: the Levites require their tithe by law, for they have a commandment to take tithe of the people⁴: Melchisedek his, because Abram would, not because he ought. Again, if this service were voluntary and free, Melchisedek were no whit better than Abram. For what hindereth but that I may

³ Gen. xiv. 20.

⁴ Heb. vii. 2. *ὧ καὶ δεκάτην ἀπὸ πάντων ἐμέρισεν Ἀβραάμ.* Verse 5, *ἐντολὴν ἔχουσιν.*

debase myself, and do voluntary honour, if I please, even to my inferior? my civility indeed would be more commended. But if, upon both these considerations, this were absurd, it follows, that he paid tithe, not as a volunteer, but as they were due by law. Concerning the law then, I demand again, by what law? Not of sacrifice, for he offered none; of blessing, then, it is clear. For there is a coherence betwixt the two; Melchisedek blessed, and Abram paid tithe.

Now, I assume tithes are due to Melchisedek blessing. The same right remaineth under Christ. How can that be made to appear? Out of the 12th verse of the 7th chapter to the Hebrews. There is no change of the law but by the change of the priesthood. But there is the same priesthood of Christ and of Melchisedek; for which, if need be, God himself will give us his oath⁵. Therefore, there is the same right under both. Tithes, therefore, are due to CHRIST, in whom, and from whom, and by whom we are all blessed: HE himself blessed for ever. Which, it is but equal that they should receive in the name of Christ, who bless us in the name of Christ. For even Melchisedek's blessing was but from man, though in the person and name of Christ. Therefore, the right of tithes remaineth under Christ.

I had not thought there had been any born with so unfortunate a genius, as to say "that tithes were paid to Melchisedek as a king." But I have found one that saith so; see you, how without all reason: 1. The Levites have right to tithes: they have, as God's vicars: 'tis true, they are. But are they God's vicars, as God is a king? O what a multitude of kings should we have! 2. Moses saith not that tithes were paid to him as making a royal banquet, but as blessing; which, notwithstanding, should have been said, if they had been paid to him under that notion, as symbols of that power. 3. The apostle, upon that payment of tithes, grounds not his kingdom, but his priesthood. 4. Lastly, there are as many adversaries to that opinion, as interpreters: even the Rabbins themselves, whose that gloss is, "because he was

⁵ Ps. cx. 4.

a priest," therefore Abraham gave him tithe⁶. You see the force of the argument; and this you likewise see, that, whatever is brought against it, comes miserably short. I shall pass from Abraham, and yet not far.

ARG. II.—My next reason shall be from Jacob, who was also the father of the faithful; from whom we received the surname of the Israel of God; and of whom, I doubt not, but, what St. Peter⁷ concerning Sara ("as she obeyed,") the like will you conclude. He, therefore, vows a vow, "If God will be with me, and will keep me, and will give me bread to eat, and raiment to put on: then, of all that he shall give me I will freely give the tithe to him⁸." You will grant, I know, that this was no will-worship: for then Jacob should have vowed, what the Lord had disavowed. Therefore, doubtless, he relied upon the Divine will; the command is the interpreter of that will. Moreover, the reason of the command must necessarily be this: on whom the Lord shall bestow such favours, as he did on Jacob, he must be bound to the Lord by the same law. For, unless it were so, the reason of the command would be uncertain, and so the command; and so the consequence; and so, finally, the vow itself. But if this reason be full of reason, and the equity thereof, as is meet, extend itself to all; is there any man will deny the law was made for him, who shall confess both that he received all from God, and ought to return them to God again?

And this reason may satisfy any private man, why he should pay; and that assigned by God, why the clergy should receive tithes, "Ye shall eat it in every place, ye and your household, because it is your reward for your service⁹;" as also that of King Hezekiah, "That they might be encouraged in the law of the Lord¹⁰." The conclusion in both places is this, let them receive tithe; which in both places would be weak, if the major proposition be not universal. Tithe is the reward of service; tithe belongs to them who attend the explication of the law. Otherwise the patriarch Jacob's "if," and the prophet Moses's "be-

⁶ Decimas dedit hoc ipso nomine, quod sacerdos esset.

⁷ 1 Pet. iii. 6.

⁸ Gen. xxviii. 20—22.

⁹ Num. xviii. 31.

¹⁰ 2 Chron. xxxi. 4.

cause," and King Hezekiah's "that," would all totter. But if they do not, then, doubtless, tithes are the reward of the priesthood. Let all, that give themselves to the exposition of the law, receive tithes. The reason is evident.

I add this further: since God's blessing of his goods is the medium that Jacob, the reward of the priest's service the medium that Moses, the study of the law the medium that Hezekiah useth; and these three are perpetual, nor circumscribed by place, nor defined by time, but belonging as well to Christians as to Jews; there will be the same condition of the precept, for it is truly and wisely determined by the lawyer, as is the reason of the precept, such is the precept itself.

ARG. III.—The third reason is taken from the prophet Malachi, iii. 9, 10, where the observation of this precept is established with a solemn blessing, and the violation with a severe and bitter curse. And, indeed, if tithes were ceremonial, as some are very earnest to have them, the prophets would cast them away; would never urge them so carefully; they would suffer them to wax cold; would never speak of them so highly. This is not their usual manner: but, if the ceremonies were never so carefully looked to, not to promise so great happiness; nor, if neglected, to threaten so sore judgments. And lest any should think this reason to no purpose, the fathers used no other in the council of Tribur¹—Tithes are to be paid, that God, being appeased by this our devotion, may more plenteously bestow those things that are necessary. The fathers in the synod of Mentz no other²—Tithes are to be paid; for it is to be feared, that if any take away what is due to God, God will, for his sin, take away necessaries from him. Saint Augustine³, a substantial author, no other—Our forefathers abounded with wealth (and it is not perfunctorily to be passed by that he saith, our forefathers. Tithes, therefore, are ancients than St. Augustine's time,) because they paid their tithes to God: but now, because our devotion to God is decreased, the comings in to the exchequer are increased: we could not part with the tithe to God, therefore, now all is

¹ Cap. xiii.

² Cap. xi.

³ Hom. lib. 50, c. 48.

taken away : the exchequer takes away that which Christ doth not receive.

I pass by St. Jerome, as too prolix, who yet was the first who prosecuted this argument in his annotations on the Prophet. But, because it is an easy matter to find tithes under the law, and the credit of the Old Testament is in this point suspected, go to, let us seek in the New, and set our foot on that ground which seems most slippery to contest on.

ARG. IV.—And first of all I object that place of St. Matthew, the words of CHRIST himself, “ These ought ye to have done, and not to leave the other undone⁴.” This place I do not, (for why should I assume that to myself, which is not mine?) the ancient Church urgeth thus : Tithes, which Christ himself hath commanded not to leave undone, the decrees of princes ought not to give order to leave undone. Now who knows not the assumption? But this reason hath the greater strength, because, when, in some places before, the discourse first, and afterward the practice of washing of hands, of rubbing the ears of corn, and other ceremonies had been fallen upon, Christ, not unwarily, omitteth those particulars, defendeth their omission of them, and, which is more to be wondered at, doth himself authorise the people to omit them. But, concerning this of tithe, his words are express, “ Ye ought not to leave them undone.”

Nay, which is of more weight yet, when the discourse was of matters of greatest importance, of mercy and judgment, and that in the same paragraph (as I may say) he makes a law, as for the doing of the one, so for the non-omission of the other. What seek ye more? No man can easily imagine in how great esteem this argument was with the Primitive Church. I shall give you two of many; one whereof shall speak for the Greek Church, the other for the Latin. St. Chrysostom, his words are these:— “ Worthy doth our Saviour add, ‘ These things ought ye to do;’ for alms is a tithe⁵. Now alms cannot hurt possibly. For we ought not to do them as observers of the law, neither doth he say we ought, but ‘ these things ought ye to do;’ for when formerly

⁴ Matt. xxiii. 23.

⁵ Hom. lxxiii. in Matt. v.

He disputed of clean and unclean, He added not there, 'these things ought ye to do,' but manifestly He overthrew them. Wherefore, brethren, He speaketh of tithe—'these things ought ye to do;' but concerning their washings He speaketh not so. The words, as you see, are a little differing, the sense is not differing,"

Now hear St. Augustine, in his Enchiridion to Laurentius, c. 76. "Woe be to you, Pharisees, who tithe every herb: as if He would say, Indeed I exhorted you to give alms, by which all things would be clean unto you; but woe to you who tithe herbs. For these I knew to be your alms; think not that I admonished you concerning them." And a little after, for it would be troublesome to put in all, "But lest he should seem to refuse those alms, which are given of the fruits of the earth, these (saith He) ye ought to do; that is, judgment and charity; and yet, nevertheless, not to omit the other, that is, alms of the fruits of the earth." I need add no gloss.

I study brevity; and put you in mind of one thing (though there be no need—I know ye observed it), that tithes, both by St. Chrysostom and St. Augustine are referred to the common place of alms. Some are of another opinion. I will not greatly contend; for I had rather it should be accounted a sacred tribute than alms. But this place is safe enough: and by it they gain thus much, that tithes ought not to be abrogated.

ARG. V.—I proceed now to the fifth: and, or I am much deceived, it may be concluded from St. Paul, that tithes are to be retained even under Christ.

In the 6th chap. of Galatians, ver. 6. "Let him that is taught in the word, communicate to him that teacheth in all good things⁶." Which words seem to me to sound like those in the 7th chap. to the Hebrews, ver. 2. "He gave the tenth of all⁷;" like those Gen. xiv. 20., of all, in all—What difference? that it may be no light conceit that the Apostle doth allude to that of Genesis; and that he doth covertly insinuate that communication which was used by Abraham, who is to be imitated in all things, as much as may

⁶ ἐν πᾶσιν ἀγαθοῖς.

⁷ ἀπὸ πάντων.

be, by the children of his faith. But what if so? That precept which doth best provide for communication in all good things is not to be antiquated; and there is no question to be made but that was a law for tithes. For by that there is a true, and if by your leave I may, I will say, a real communication of all good things, both of fruits, and of all other productions of the earth, of plants, of beasts: you may by yourselves make up the rest of the induction. Substitute in place thereof a stipend, payment by the poll, or a rate upon houses, there will be many errors; part will be concealed, part will be subtracted: I dare say, there will be no communication in all good things. Lastly, though all possible caution be used, the communication of a pension will be only analogical. But I have learned long since, and nature, law, and reason, persuade thus much, that where we may have the thing itself, we should not trouble ourselves about the analogy; wherefore, in the communication betwixt the pastor and his flock, if the truth itself of the thing, of the communication, may be had in all good things, (and it may be had,) those stipendiary proportions are not to be sought after, or rather, (for that is too little a great deal,) are utterly to be rejected.

ARG. VI.—Further, let this be a sixth argument,—That political law concerning tithes did sometime bind the Church, it cannot be denied. But it was never made void; therefore it binds now too. What things were abolished, the Apostle showeth Eph. ii. 14. “Those things which were the middle partition-wall; first, betwixt God and man; secondly, betwixt man and man;” i. e. the Jews and Gentiles. We are excluded from the first member of the division: for God commanded tithes; therefore, they do not displease Him. And also from the latter; for there was peace on all hands, in the point of tithes, which the heathen did pay annually to their, (as I shall show anon,) as well as the Jews to their priests. But that the other part of the political law was excepted, this may be an argument, because it is esteemed by King David ⁸ a great blessing. And I shall hardly be brought to believe, that the death of Christ deprived us of any blessing.

⁸ Ps. cxlvii. 19, 20.

Besides, if it were wholly cancelled, St. Paul offended against the rules of law, when in the 1st of Cor. ix. 13, he brought a testimony from Deut. xviii. 1, that is, from an antiquated law. But that controversy runs into another: I will not prosecute it.

ARG. VII.—But this I will, out of the 7th to the Hebrews, ver. 18, which will be my seventh argument. And it is, if I mistake not, as a most fair place, so most apposite to this controversy: “There is verily a disannulling of the commandment going before, for the weakness and unprofitableness thereof.” So that no law is to be antiquated or disannulled, which is not either weak or unprofitable. The law concerning tithes is a law going before, an ancient law; let any man show me either the weakness or unprofitableness thereof, I will join hands and grant the cause: let this thesis pass the sponge for me. But this law hath strength, as much as any law ever had, is like to have, can possibly have, from the Author; consent, multitude, custom; and that, lastly, not the mute or silent, but the express and clear approbation of all ages. And its use too; for it hath a long time been employed, without complaint of any, to that use to which it was appointed; and, unless the sinews of it had been cut by certain improper proprietaries, it had been better employed, neither would the Church have ever complained in that point.

ARG. VIII.—On the other side, which shall be my eighth argument, with how unhappy success hath it been changed in some places? And where stipends are substituted in lieu of tithes, how many deceits, difficulties, complaints? How many “weaknesses and unprofitablenesses?” This, where tithes are yet entire, may easily induce us to this opinion, that they ought not to be repealed; and where they are repealed, that they ought (unless it be wholly impossible) to be revoked. Geneva payeth forty pounds—a poor matter, God knows!—yet it is Calvin’s complaint in many places of his Commentaries (modest enough, as became him, but loud enough—that the stipends were but niggardly paid) in the sixth to the Galatians, and the forty-seventh of Genesis.

Scotland also hath exempted itself from tithes. There is in print a Complaint of John Knox exhibited in the name of the ministers

to the parliament at Edinburgh, A. D. 1565, Dec. 25. When I read the eighth leaf of it, it pities me for them: I say no more but what the boys use to sing, *Felix quem faciunt, &c.*, Happy they, whom other men's harms make to beware!

ARG. IX. Those fathers, whom I lately named, provided much wiser in this point, both for themselves and us. I come to them. We have had arguments enough from holy Scriptures; and there is none of you, I hope, but will willingly admit the practice of the Whole Church for an argument. I touched it lightly before; now, I apply myself wholly to that. I say, of the WHOLE CHURCH; I change not a word. And first, of the African: for which let St. Augustine, the glory of Africa, speak, in his 219th Sermon, "De Tempore;" which is wholly, and professedly, upon the point of paying tithes. He begins thus: "By the favour of Christ, Christian brethren, the days are now at hand in which we ought to gather in the harvest; and, therefore, let us give thanks to God who gave all, and think of offering, or rather paying, our tithes." And, a little after, "For we offer tithes of duty; and he that will not pay them, takes by force that which belongs to another."

You shall have at once both the practice of the church and the opinion of the fathers, touching this matter.

Of the Italian church: but for that let St. Ambrose, the bishop of Milan, speak, in his sermon of Lent (as it is quoted in the Decrees): "Whoever shall call to mind by himself, that he hath not paid his tithes faithfully; let him now amend what he did amiss. But what is it to pay faithfully, but not to offer either worse or less than is due, of your corn, wine, fruits, cattle, garden, trade, hunting? For he that will not pay to God the tithes which he holdeth, nor restore to man what he hath unjustly taken away, doth not, as yet, fear God, and is ignorant what true repentance is⁹." Let this suffice for the Western church.

And St. Chrysostom, for the Eastern. "If this were the manner under the Old Testament, how much more under the New! For what did not they do? They paid tithes, again and again,

⁹ P. 2. C. 1. Q. 2. 7.

to the orphans, to the widows, to the proselytes. But some haply may wonder and say, 'Such a man paid tithe: what a shame is this! If that which was no wonder among the Jews, should be a wonder among Christians.' If there were danger in it, to leave tithes unpaid then; consider what it is to leave them unpaid now¹."

For St. Jerome I am in suspense, which church to attribute him to, but will not exclude him though: for he will be a most full witness, as being one who had seen most men's manners, and most places. Thus he, on the third of the prophet Malachi (for I pass by his Epistle to Nepotian; where he saith, that he lives of tithes): the words are these: "What we said concerning tithes, which anciently were paid to the priests and Levites; understand, that the same ought to be done by the people living in the church under the Gospel, to whom it is commanded, not only to pay tithe, but also to sell all, and follow the Lord. Which, if we will not do, let us at least imitate the Jews in this, to give part of all, and give that which is due unto the priests. Which, whosoever shall not do, is sufficiently convicted to defraud and supplant God, and is cursed with scarcity and want of all things."

Very well, all this is true, they say: But the church was now in peace, and began to set her mind too much on riches. But what say you of that other, under the cross? Of that, which was so full of glorious martyrs? Although it be an unjust demand, that the church should be in no better condition when flourishing, than when afflicted; yet they shall not 'scape so: to that I apply myself. The same did the church ever think concerning tithes, both when she suffered persecution, and when she was free from it.

For the Western church, let St. Cyprian speak. "Which very reason and form is now held among the clergy, that they who by clerical ordination are promoted in the church of God, should not depart from the altar and the sacrifices, but receive tithes of the fruits of the earth under the honourable name of 'The brethren who live of the sportula;' i. e. of the oblations of the church²."

For the Eastern, let Origen, who was ancients than St. Cyprian:

¹ 1 Hom. 4, in Epis. ad Ephes.

² Epis. 66, ad Firmit.

“How then doth our righteousness exceed the righteousness of the Scribes and Pharisees, if they dare not taste of the fruits before the tithes be set apart for the Levites; and I, doing no such thing, so abuse the fruits of the earth, that the priest knoweth not, the Levite is ignorant, and the holy altar partaketh not of any such performance?” And then he concludes: “This we have spoke to this end, affirming that this command,” concerning tithes, “ought to stand even according to the letter³.” And before Origen, St. Clement of Alexandria (who was nearer to Christ’s time, and almost touched upon the first century) speaks full to this: “The paying tithes of our fruits, and of our cattle, teacheth us piety to God, and not to be altogether in love with gain, but to make the priests partakers of our loving affection and charity⁴.”

Now I think these passages may satisfy the desires of the most unreasonable, to show the intent and custom of the church.

But if any shall object, and say, private men thought so indeed; the sentence of particular men is oftentimes sudden, and, what the heat of their brain shall suggest to them, that they set down in writing: no news of any deliberation, disputation, determination all this while: all these are, indeed, in councils: show it there, if you can. I will take them at this challenge; and only wish they would be bound to stand to them.

ARG. X.—And to begin with a council in England, in the year 670 and 673, under Theodore, archbishop of Canterbury. In the second canon thereof, provision is made concerning parishes; now parishes and tithes, if we may believe the canonists, are reciprocal. But this is more yet, that they wholly subscribe to the council of Chalcedon, in which tithes are confirmed. Which two things do sufficiently prove, that both the payment of tithes and the division of parishes were anciently among us; and that they are not such upstarts, as some fondly have imagined. About the same time also was a council summoned at Mentz, in the seventh chapter whereof we read thus: “We admonish and commend, that tithes which God hath appointed to be paid to Him,

³ Hom. xi. in 18. Numer.

⁴ Stromat. 2, edit. Veronens. fol. 155.

be in no case omitted to be paid." And they add this penalty: "Whosoever shall, after one admonition, neglect to pay tithes, let them be excommunicated."

The second, at Matiscon, almost 200 years before that, cap. 5: "The Divine laws have commanded tithes to be paid; which laws, all Christians have a long time kept inviolate." And it concludes thus:—"We do therefore ordain, that the ancient custom of the faithful be restored [reparetur]. But if any shall be obstinate, let them be for ever separated from the members of the church." Before that, the first at Aurange, cap. 17: "Concerning tithes, thus we ordain, that every year the fourths, or every fourth year the whole tithe be paid to the bishop." I pass by the second, at Toledo; and the third, at Arles: I come to that at Chalcedon, one of the four first and principal. Touching which, we read thus, in the 14th chap. of the council at Tribur: "It hath pleased this council, that tithes and all other their possessions be preserved to the ancient churches, as was decreed in the holy council at Chalcedon, cap. 17."

You have heard the councils speak: and that upon mature deliberation, disputation, determination; that they did establish, not define; confirm, not appoint, tithes; that they were formerly granted by private consent, and suffrage of the fact, as they speak, before they went to the councils. For subscription in the first council, admonition in the second, prescription of long time in the third, conservation and penalties in the fourth, do import rather an approving and ratification, than an indiction or appointment of them.

ARG. XI.—But now, forsooth, all the question is about the *jus*, or law; and thence we must derive either the institution or the abrogation of them. Thither, therefore, they betake themselves: and truly I will not balk the law nor the policy of either body, canonical or civil.

For even from thence I have collected a few passages to this purpose: sparingly, indeed, as becomes a divine; yet abundantly enough to our purpose. Nor indeed shall ye need to fear that we will take any from the Decretals; we shall be very scrupulous how we meddle with those dregs. Only some few passages we

shall make use of from the more sound decrees ; and those, too, before the year 400. The decree of Symmachus the First : “ Whosoever shall dispose of the tithes without the consent of the bishop, let him be anathema ⁵.” Again, of Anastatius the First : “ Whosoever shall detain his tithes, let him be suspended from the communion.” In the 29th chap. of the decrees of Gelasius : “ It is meet that there be four parts made, as well of the revenues of tithes, as of the oblations of the faithful ; as was long since decreed with great reason.” But if parishes and tithes, bishops’ stipends and tithes, clergy and tithes, be reciprocal, as the experienced in those laws are of opinion, then we may carry up this point a great deal higher, even to the second epistle of Calixtus the First, to the first epistle of Urban the First, up to the very times of Justin Martyr. Although, were there none of all these, yet the canon which is Dist. 12, (“ Let that custom which is not known to usurp any thing against the Catholic faith stand firm,”) especially being supported with the judgment of Saint Augustine ⁶, and Saint Jerome ⁷, (whose opinion it is, That as the prevaricators of the Divine laws, so the contemners of ecclesiastical customs, are to be curbed,) may be strong enough against the abrogation of tithes.

ARG. XII.—As for the civil law, (that we may satisfy our politicians,) That is so far from the opinion that they may be abrogated, that it frees them from all injury by prescription ; which, nevertheless, by itself alone, in other cases, cancels laws. For so we have it in the seventh book of the Code ⁸ : “ Tithes, by the command of God, are set apart for the priests, that they who are accounted of the Lord’s inheritance should live of his inheritance.”

They cannot, therefore, by privilege of any, be granted to laymen, lest the authority of the supreme magistrate should prejudice the Divine command. And also, in the Authenticks, in the same Title. Thus Justinian : “ But if any private man shall possess tithes, either without title or with title, he cannot be

⁵ Cap. xvi. q. I.

⁶ Ad Casulan.

⁷ Ad Lucia.

⁸ Tit. de præscriptione lege Anastasis.

secure by any prescription of time. For those things cannot be strengthened by tract of time, which, by right, could be of no effect at the beginning." I have other testimonies at hand; but I promised brevity. The emperors, as you have heard, are of opinion, that the things which belong to God may not be abdicated.

ARG. XIII.—The Scriptures, the Fathers, the Councils, both Laws, are with and for us. Now, unless Reason be against us, we are safe. To that, therefore, we come in the thirteenth place. But there, to proceed distinctly, I shall divide this one question into three members. First, Whether reason will, that there be a certain allowance to the ministers of the Gospel? Secondly, Whether this, out of the yearly profits? Thirdly, Out of what part?

I. For the first. The business is long since brought to this pass by Saint Paul⁹. The ministers of the Gospel have a power to eat and drink, and not to work: the reason; "Every labourer is worthy of his hire; whether he cut his own vine or feed his own flock: and the ox must not be muzzled, that treadeth out the corn." This is one degree. Secondly, But if any labourer, much more labourers in the commonwealth, "Every soldier warreth at the public charge; not at his own." They that assist the commonwealth, are to be assisted by the commonwealth. But a minister of the Gospel is a labourer and assistant of the commonwealth. This a second degree. Thirdly, But if he must be maintained, who is any way profitable to the commonwealth; he, whose help she useth in spiritual and eternal things, much more; and, if it might be, with such additions of fortune, as they used to be honoured with, who have deserved well of the republic¹. For all reward is beneath the merit of this, and there is no comparison betwixt spiritual sowing and carnal reaping. Wherefore, without doubt, carnal things are due to them who sow spiritual.

II. I come to the second member; Whether out of the yearly profits? Postellus, a man of great learning, is of opinion², that this is a common principle engrafted in all nature; viz. That a

⁹ 1 Cor. ix.

¹ In Prytanæo.

² De Orbis Concordia, l. iii. c. 10.

certain portion of the yearly profits be paid to the ministers of the holy things. For it is just, and agreeable to reason, that there be a yearly sacred tribute, wherewith we should sacrifice to God, for the increase of our estate, as we use to keep anniversary solemnities in thankfulness. And there is all the reason in the world for it : but whether should this be out of the profits of the ground, or by a pecuniary reward ? Reason would the former. For in all created things there is the image, and, as I may so speak, the superscription of God, as there is in coins of the king. The tribute is distinguished by the inscription. Wherefore the king's fifteens and subsidies, as they call them, have the royal impression. The divine tribute is not silver or brass, stamp'd with the image of man, but of God himself ; as there is in all creatures a character of the Divine power, wisdom, and mercy. Of that, therefore, let the sacred tribute be.

Would you have another ? Reason will, that the minister of the Gospel should receive his reward that way, wherein there may be equality of fortune, wherein the mutual participation of plenty and want, of joy and grief, in common with the people, may redound to him. It is expedient it be so. For is he sustained with the annual profits ? Is it fair weather ? He is glad, he rejoiceth, he sings praise to God no less willingly than any husbandman ; for he hath his share in that fair weather. Is it tempestuous ? He sighs, he groans, he falls to his prayers, no less fervently than any husbandman ; for he hath his share, too, in that tempestuous weather. Sympathy and communion, that great bond of nature, of the commonwealth and of the Church, is conserved and maintained. On the contrary : Is he sustained by a yearly stipend ? Be there seasonable showers ? the people rejoice ; he rejoiceth not : for, as we said in the beginning,—Their sowing or their mowing is nothing to him ! Comes there an unseasonable drought ? The people mourn ; he mourneth not : for—Their sowing or their mowing is nothing to him ! Sympathy, that great bond of nature,—of the commonwealth,—of the Church,—is dissolved. This ought not to be so : wherefore that reason is the better which pleadeth for the fruits of the earth.

III. I proceed to the third : What part ? The tenth. They say

that the positive law—for that is their expression—is the determination of the law of nature. The law of nature determineth the death of a murderer ; but the positive law, the kind of death. Again they say, the law of nature determineth a stipend to him that ministereth about holy things ; but the positive law, the measure of the tax. Yes, haply in things pertaining to the commonwealth there is a limitation by the positive law ; but in Divine, in taxing for the Church, we grant it not. God is as careful for our sustenance as He was for the Levites'. There was nothing then reserved to the positive law ; nor, therefore, now. This whole point may be dispatched by reason. The Levites had right to tithes ; but the ministry of the Gospel, as it is more excellent in nature³, and more eminent in dignity, so is more profitable in use, than was theirs. Our people receive more and greater benefits from us ; therefore they ought to pay more : reason presently insinuates, What a shame is it, that Christians, who owe more, should not pay as much ! If, therefore, men would hearken to reason, we might possibly receive more ample fruits ; not likely, less. For tithe hath all the points of equity in it. It was chosen by God, and so not without great reason ; and therefore not, without great reason, to be rejected. What is alleged to the contrary ? One or two, I know not what, scarce worth the name of reasons ; not so much as a shadow of what we may call great reasons ; nay, indeed, not of any poor and mean.

Most equal and reasonable it is in respect of the constitution. Excellently St. Augustine : “ For what if God should say, ‘ Thou art mine, O man ! this earth, which thou tillest, is mine ; these seeds, which thou sowest, are mine ; these beasts, which thou employest, are mine ; the rain and showers, mine ; the sun and heat, mine ; all mine ; thou which lendest only thy hand, deservest only the tithe ; but I grant nine to thee, give me the tithe. If thou wilt not give me the tithe, I will take away the nine ; if thou wilt give me the tithe, I will multiply the nine.’ Could a more reasonable speech possibly be made ? ”

³ 2 Cor. iii. 8, 9.

Most equal and reasonable in respect of the payment. Out of the 2d to the Corinthians, the 8th chapter, 13th verse. For then is any thing most equally disposed, when one is not eased, and another burdened; when it is not too loose for one, too strait for another. By this, there is a most exact equality; the rich are not spared, the poor are not oppressed; which is the common complaint of the edicts of princes; the crow there, better than the dove.

Most equal and reasonable, even by the very light of nature: I say, by the very light of nature, such as the very Gentiles had; that is, by that lost, rased, deformed not renewed, law. By what law did Abraham pay? Surely no politic constitution: (who can possibly persuade that?) no, nor by any ceremonial law. For there is no congruity betwixt a ceremony and the eternal priesthood, such as was Melchisedek's; therefore, by the law of nature. But to return to the Gentiles.

Votive tithes are frequent in their histories. Not only by prime men in their several commonwealths—Pausanias the Athenian, Agesilaus the Spartan, as Xenophon reports⁴; Cartalon the Carthaginian, Camillus the Roman, as Plutarch. But also every commoner—Stichus, in Plautus: by every householder, as we read in Plutarch. How so? Who declared to them the measure of the Divine portion? Who was his accountant—who so exactly registered it in his notes, that eight parts belonged to the family, six whereof were to be employed, two to be laid up, that the ninth was for seed against the next year, and the tenth was (Θείων τέλος) the Divine tribute⁵?

But, indeed, they did not only vow them, neither was their tribute only by vow, or but ever and anon; but it was their annual solemn rite and custom. Alexander ab Alexandro, no contemptible author, reports, that the ancient Romans were wont to pay tithes of corn out of their fields and new broken up grounds⁶.

Theophrastus saith as much of the Egyptians, that they had the

⁴ L. 3. Rerum Græcarum.

⁵ ἐν κεφαλαίων καταγραφῆ. Q. 18.

⁶ Genial. Dierum, lib. iv. cap. 10.

like usage⁷. Diodorus Siculus, as much of Sicilia, when she was her own mistress, and not a province. And that this was the very manner of the Athenians we may be convinced from this, because the poorest citizens were called Thetes, and that from the letter Theta, the note of the number nine; because having, by estimation, but nine parts only, they were exempted from paying tithes.

Finally, it may be collected from the same authors, that those tithes were never employed to discharge their wages who executed any temporal or lay office in the commonwealth; that, at first, and as long as any thing was held religious or holy, they were so too; but afterward were swallowed up in the stomach of the commonwealth.

Of what credit it is I know not, but I remember that Musculus relates⁸, that in the first beginnings of the Church, the right and use of tithes was taken away from the idol-priests, and instated on the Presbyters of the Church. But this is most certain, that the places of payment, and the account of tithes, though in declining times they fell into the power and possession of kings and princes, did at first belong to the priests. For when, in the beginning, the same men were both kings and priests (as Plato reports of the kings of Egypt; and Virgil of Anius—King Anius, king of men, Apollo's priest); the priesthood being afterward, as too hard and troublesome a companion, transferred from themselves to others, they did notwithstanding retain the tithe as a dowry to themselves. But that rather by custom than law, and that a corrupt custom too. For that in the Prophet Samuel⁹ is no description of a good king, but a tyrant: which makes me wonder the more at them, who would have the Levites' table to be part of the king's inheritance; and that kings did part with their own right when tithes were conferred upon the Church. But this falls to the ground by the example of Melchisedek, who surpasseth the antiquity and faith of all histories; who both persons, of king and priest, meeting in him, did not receive tithes by right of his kingdom, but his priesthood.

⁷ De Plantis 8. sub init.

⁸ In Gen. c. 14.

⁹ 1 Sam. viii. 15.

I should offend against the time, and against you, if I should produce any more of these men's trifles in this presence; nor would any pleasure accrue from thence to you, nor advantage to the cause. Nor do I allege any new writers, because they for the most part do rather touch upon some heads, and not apply themselves home and strongly to the cause. Any, even the most learned author, is otherwise to be esteemed of, when he doth but salute a question, and touch it lightly; otherwise, when he takes it to task, and thoroughly discusseth it. And, in truth, if I would never so fain bring them forth, yet the scales would hang even, in suspense. For, to my thinking, Luther, Melancthon, Brentius, would be for us; Calvin, Martyr, Bucer, go another way. Wherefore, I will dismiss and leave you to yourselves. Here shall be an end.

Two Patriarchs,—as many Prophets,—Christ,—his Apostles,—the whole Church,—Fathers,—Councils,—History,—both laws (civil and canon),—Reason,—the imperfect pieces and fragments of the Heathen,—and finally, Experience itself, have brought in their evidence for Tithes. Which if they seem to you to deserve your vote and suffrage, and to have spoken home and good reason, be you, if you please, with me, of the same mind and judgment—That Tithes ought not to be ABROGATED!

[ST. MATT. xxiii. 23. “Wo unto you, Scribes and Pharisees, hypocrites! for ye pay tithe of mint, and anise and cummin, and have omitted the weightier matters of the law, judgment, mercy, and faith; these ought ye to have done, and not to leave the other undone.”] This text is not in the Latin copy.

FINIS.

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5

PROSPECTUS OF A PUBLICATION

ENTITLED A

CATALOGUE OF AUTHORITIES,

ECCLESIASTICAL AND CIVIL,

TAKEN

FROM THE WRITINGS OF THE ANCIENT FATHERS,

FROM THE LAWS OF ENGLAND, AND FROM OTHER SOURCES,

BEARING UNIFORM WITNESS TO THE

SYSTEM OF TITHES,

AS A DIVINE INSTITUTION OF PERPETUAL OBLIGATION:

WITH

Introductory Observations.

BY THE

REV. CHARLES MILLER, M.A.

VICAR OF HARLOW, ESSEX.



“Cum decimas dando et terrena et coelestia possis munera promereri, quare per avaritiam duplici benedictione te fraudas?”—D. AURELI AUGUSTINI *Sermo de tempore*, ccxix.

“Truth will always support itself by its native vigour; it will never die while heaven and earth last, but be handed down from saint to saint till the end of all things.”—CHURCH OF THE FATHERS.

“The general obligation of the Ministers now in power has been declared, by Sir Robert Peel, to maintain, upon their *ancient foundations*, the institutions of this country in Church and State.”—MR. GLADSTONE'S ADDRESS to the Electors of Newark, Sept. 4, 1841.

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INTRODUCTORY OBSERVATIONS.

It is happily becoming now, as it was formerly, an axiom in theology, "that what point soever the Fathers do harmonically, and with consent of all agreeingly maintain, that point, when rightly understood according unto their true meaning, is ever certainly orthodoxal truth¹." It is the design of this publication to apply this principle to a practical truth, which was uniformly maintained by our ancient laws, and which the present exigences of the Church seem to force upon our notice. There is an unbroken

¹ *The Revenue of the Gospel is Tithes* (p. 65), by Foulke Robarts, B.D. Cambridge, 1613. The same principle is applied to the same subject in a work which has recently received the *imprimatur* of the University of Oxford. "In this they (St. Augustin, &c.) all agreed, and those of the ages following did hold the same doctrine (that Tithes were due to the Christian clergy *jure divino*). So that, according to that old and approved rule, 'that which was held always, in all places and by all, must needs be true, and come from the Apostles at first.' Nor is there any better way to know the sense of Scripture or the doctrine of the Catholic Church, than by the concurrent suffrages of these holy men."—*Dialogue concerning Tithes, in Dean Comber's Works* (vol. vii. p. 493), Oxford, at the University Press, 1841.

chain of evidence, one may say, from the beginning of the world to the middle of the eighteenth century of the Christian era, proving that the system of Tithes is a divine institution of perpetual obligation. Since that time we have what may be called negative evidence; visible proofs that this latter age has been stumbling at the Cross and stripping the Gospel of an essential principle; for surely we cannot but observe that something is wanting, if we compare the census of our population with the census of our churches and clergymen for the last century. Our ancient villages and the ancient districts of our towns are studded with churches, and this outward appearance of things harmonizes with our ancient laws and our ancient principles. On the other hand, the deficiency of churches in our new towns and in the new districts of our old towns, harmonizes with our new laws and our new philosophy. This state of things is the witness which this age produces. It shows the imperfection of our principles, the unhappy results of removing offensive duties, and of softening down the Gospel to please the world.

But it is also most important to consider the influence of these imperfect views on the social condition of the nation. When so little is thought of the sacred principle on which Tithes should be paid, Church revenues will never be considered as in any sense the patrimony of the poor, except by those who have some mischievous designs in their head.

But when the peculiar claims upon Church property were felt, this wholesome leaven would spread through the whole community, and the responsibilities attached to property in general would be practically acknowledged. Moreover, when Christians were *trained* to offer the first-fruits of their substance and of their increase in the service of religion as a *positive duty*, they would adopt the golden rule of proportioning their alms to their annual gains or receipts, as well as understand the responsibilities attached to their station in society. Things are now left to find their own level; all sense of our social duties has vanished; the tie between master and servant is virtually dissolved; the amount of wages depends *entirely* upon the scarcity or abundance of labour, not at all upon the profits of the farm, the loom, or the mill. We are so completely immersed in the love of money, and so enamoured with our modern philosophy, that all endeavours to regulate these matters by a religious principle are as if one would substitute ptolemaic for the present system of astronomy, alchymy for chemistry, or expel gunpowder and revive the ancient mode of warfare. But meanwhile symptoms of a just retribution are discoverable. The sacred tribute is regarded as a vexatious impost; but the land is burthened with poor-rates, and the incomes of the Clergy are unfairly assessed, for conscience now levies no alms-tax. Again, on the other hand, trade is paralyzed, the condition of the poor is deteriorated, and crime is

increasing. The whole system is breaking up, from its inherent vices; the watch is stopping because we have been bartering away the mainspring. It is difficult to distinguish between cause and effect; yet the present state of things has obviously a simultaneous existence, and it has also a *latent* connection, with the imperfect views of those who should pay Tithes, and an inadequate sense of *social responsibilities attached to those who should receive them.*

But, beyond all these things, seed-time and harvest are failing us, and a murrain afflicts our cattle. Our ancient laws will convict us of scepticism, if we do not look upon these calamities as divine punishments for our pride in our agricultural skill, for our covetousness in grudging the payment of the *Sacred Tribute*, and for our withholding from the poor their share in the first-fruits of our increase. Independently of any other witnesses, the condition of the Church and the poor, both at home and in our colonies, must, one would think, lead the Clergy to investigate and uphold the sacred principle on which their income should be paid; and from thence to consider whether they have any sufficient grounds to promise the blessings of the Gospel to any, except to those who give the tenth of their income for its support; whether the due operation of this principle be not a divinely-appointed mean for "preaching the Gospel to every creature." Whether, on the other hand, the patrimony of the Clergy be not also the inheritance of the poor; whether such an acknow-

ledgment, in practice, by those who receive Tithes, might not remove prejudices from the minds of those who pay them ; whether under the influence of such a principle, in conjunction with the charitable bequests of our forefathers and the collections prescribed by the Rubric, the Church might not resume her parental duties as the guardian of the poor, and effectually regain the affections of the people by exhibiting this “ note ” of her divine origin.

It is hoped, also, that the laity may be convinced, by the following authorities, that the payment of the sacred tribute is an essential part of Christian WORSHIP, and that the *apparent* severity of the duty is more than counterbalanced by the blessing promised to those who discharge it faithfully. May we observe the warning signs of the times. May the Tithes be paid cheerfully and spent carefully, that the windows of heaven, now closing upon us, may again be opened. Amidst all discouragements, whether arising from ignorance, prejudice, or apathy, may we look at truth with a stedfast and single eye. May we treasure up every “ jot ” and every “ tittle ” of the sacred deposit as “ a pearl of great price,” for which the whole world has no equivalent. May we take for our guide that interpretation of the Scriptures which has been handed down to us by the ancient Fathers, which has been adopted by our standard divines, and which the piety of our ancestors has incorporated into the constitution of our country.

But whatever be the results of the present publication, no statesman who is pledged to maintain the institutions of the country upon their ancient foundation, can sanction any legislative enactment at variance with the authorities here adduced.

The Clergy, if not yet convinced of the unsound principle of all commutation of Tithes, must see their altered position as owners of mere rent-charges; while statesmen who uphold the *ancient* relations between Church and state, must soon repent of their temerity, for having consented to sacrifice an ancient institution to a false philosophy and a popular outcry. Happily the circumstances of the country are such as must compel and enable the Clergy to retrace their steps. Long before the expiration of twenty years the Tithe Commutation Act will cease to be the law of the land; or, if this be not the case, the Church must cease to be the established religion of the country.

But it is still more remarkable that the subject has not attracted notice in another quarter. The payment of Tithes *for conscience sake* was an essential element in THE CHURCH OF THE FATHERS. Why are we then in this matter to "shut up our teachers in a corner?" In Tithes and alms and offerings we are teaching another gospel than that which we have received, and following another rule than that which the Church has prescribed; our unhappy divisions therefore may be another curse upon us for thus depriving the poor of their inheritance, for

giving a sanction to imperfect views of duty, and for throwing aside a most effectual instrument for the propagation of the Christian faith. It is then suggested, that a call to union should be made by an appeal to the principles of the ancient *Charter*¹, which was based upon the pure Catholic faith; for it was anterior² in date to those innovations, whether papal or puritan³, to which we have so just an abhorrence; and it was dedicated at the altar with the sacred motto, *Sempiterno graphio in cruce Christi*.

C. M.

HARLOW VICARAGE,
March 3rd, 1842.

¹ See Part II. of this publication. ² Comber on Tithes.
³ Bp. Ken's Will.

* * PART I. containing extracts from Dr. Tillesley's *Animadversions on Selden's History of Tithes*, is already published.

* * PART II. will be published in the course of the Summer. Any communications or suggestions relating to the subject will be thankfully received by the Editor.

Harlow Vicarage,
 1842.



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from the LAWS of ENGLAND, and from other Sources, bearing uniform
witness to the SYSTEM of TITHES, as a Divine Institution
of Perpetual Obligation :**
With INTRODUCTORY OBSERVATIONS.

