

A HISTORY OF TITHES

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A History of Tithes by Henry William Clarke

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HENRY WILLIAM CLARKE

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OF TITHES**

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HISTORY OF TITHES

BY THE
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"The Public Landed Endowments of the Church in Anglo-Saxon Times."*

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PREFACE.

IN my former¹ as also in my present work, I have taken Selden's "History of Tithes," ed. 1618, as my chief authority. I adopted his views on the interpretation of King Ethelwulf's charter as having been the first legal title deeds of granting tithes to the clergy.

After carefully consulting the best authorities, especially Mr. Kemble, Mr. Haddan, and Bishop Stubbs, I have in my present work adopted their views, that Ethelwulf granted a tenth part of his lands and not the tithes of the lands of his kingdom.

I have also considered Archbishop Egbert's alleged canon for the tripartite division of tithes as an anachronism.

In preparing my former work, I laboured under the great disadvantage of residing too far away from a good public library, where I could consult the best and most recent authorities on the subject.

Just as the sheets of my former work passed through the press, a third edition of Lord Selborne's work, "A Defence of the Church of England against Disestablishment," was published. And in the following year, 1888, appeared his "Ancient Facts and Fictions concerning Churches and Tithes."

I could only then refer in the briefest manner in my former book to his first work. But his two works contain so many erroneous and fallacious statements, that I thought it a public duty to expose and refute them.

With this view and in order to prepare materials, I had taken

¹ "The History of Tithes from Abraham to Queen Victoria," 1887.

steps to have access to the Library and to the manuscripts in the Manuscript Department of the British Museum.

I had not gone far with my work when I found it absolutely necessary to *rewrite* the whole of my "History of Tithes," and to make the present work, as it really is, *quite a new one*.

I had not only to deal with Lord Selborne's works, but also with historians, who wrote private letters to parsons against the threefold division of tithes, which letters contradicted statements made in their own histories which favoured the tripartite division of tithes, and the Church Grith law of A.D. 1014.

The tithe disputes in Wales brought forward crude, erroneous, misleading and ill-digested statements about the origin and history of tithes in this country. "Our Title Deeds," by the Rev. M. Fuller, is a most remarkable specimen of that class.

Directly and indirectly, I have dealt with all these matters in my present work. I mention these facts in order to indicate the absolute necessity I was under of *rewriting* the whole of my history.

And now in reference to Lord Selborne's works, which, owing to his high position, have influenced the opinions of many, one unsound mode of reasoning runs through many parts of them, especially his "Ancient Facts and Fictions." I mean his *inferences from negative evidence*. And these inferences are so cleverly and shrewdly expressed, in the special pleading style, that although I knew they were wrong, yet I found it extremely difficult to prove *how* they were wrong, because they were based on *negative evidence*. This mode of reasoning in the hands of a shrewd, clever lawyer is most powerful, misleading and embarrassing; and is at the same time most difficult to answer from the nature of the evidence. In order to elucidate my meaning, I shall give one out of many examples. He wants, in support of a certain cause, to sweep away the Church Grith law (A.D. 1014) which enacts the tripartite division of tithes, and this is his mode of reasoning:—"Selden and Spelman were well acquainted with the Worcester (Cottonian) manuscript [he calls it "The Worcester Volume" on the same page]; and, as neither

of them made mention of this Church Grith document, *it may be inferred that they did not regard it as having the character or the authority of a law.*"¹ The reader of the book would naturally suppose that Selden and Spelman *had seen* the "document," although it is an unquestionable fact that *they had never seen it*, simply because it was never in Sir Robert Cotton's library during his lifetime for them to see. I could not have proved this point if I were not aided by the official catalogue of 1632.

I have often thought that Lord Selborne's error arose in his assuming that all the manuscripts which are now in the Worcester volume, Nero, A. 1, were in the same volume when Selden and Spelman consulted it during the life of Sir Robert. If I am right, it is a clear proof how unsound it is to draw inferences from negative evidence, and how careless he must have been in not having made himself *quite certain* that the "document" was in the volume for them to see. As this is a vital point in the discussion, I have devoted the whole of chapter x. in defence of this Church Grith law. But the *most unfair* part adopted by the opponents of this law is, that whilst they parade, with a great flourish of trumpets, the opinions of Price and Wilkins against the law, they carefully omit *material evidence* furnished by Archdeacon Hale, which is dead against their opinions (see pp. 107, 108).

Since my former work was published, there appeared in July, 1887, the Parliamentary Return of the Tithes Commutation of 1836. I have dealt with this important information in Chapter XIX., and also in the Appendices.

In Chapter XVII., I have given a very full account of the enormous revenues received from tithes and house rentals by the incumbents of parishes in the City and Liberties of London for the spiritual work of small populations, and which revenues have become a public scandal because valuable endowments are thus wasted.

The "Redemption" of tithes is dealt with in Chapter XVIII.

¹ "Facts and Fictions," pp. 280, 281.

I have inserted in Chapter XX. the Tithe Act of 1891.

Appendix F contains a summary by counties of the rent charges of England and Wales, taken from the return of 1887.

Appendix G is an analysis of the Tithe Commutation Return as regards (1) the number of old parishes; (2) parishes appropriated and their vicars; (3) parishes which had not been appropriated. Nearly one-half (or 3,864) in England were appropriated. It was worse in Wales, for of 834 old parishes, 468 were appropriated. When we add the sinecure rectories, pluralities and non-residence of incumbents, we can form a correct conclusion as regards the cause of the present position of the Church of England in Wales.

In addition to the above, I have also given the number of parishes in receipt of lands and money payments in lieu of tithes by numerous Inclosure Acts.

But the most important statistics are given at page 257 as regards the gross aggregate amount of the "Revenues of the Church of England." Hitherto, very small and misleading amounts of these revenues have been given. But the Parliamentary Return, made up in the office of the Ecclesiastical Commissioners and just published, has now given the public, for the first time, a generally correct idea of the gross annual amount, from *permanent sources*, of these revenues, and also the number of benefices and parsonage houses with their *rateable* value, which is *much less* than their *actual* value.

The Return is defective; (1) because it is framed on values in 1886, and (2) it omits the large fluctuating income—about a million a year—from fees, pew-rents, and Easter offerings. Correctly, the gross income in 1890, was £6,825,730. But the permanent income capitalized equals £140,000,000.

My best thanks are due to Walter de Gray Birch, Esq., of the MSS. Department of the British Museum, for his kind assistance and courtesy; also to the officials connected with the Library.

HENRY WILLIAM CLARKE.

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