

**TITLE-DEEDS OF THE
CHURCH OF ENGLAND TO
HER PAROCHIAL
ENDOWMENTS**

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Title-Deeds of the Church of England to Her Parochial Endowments by Edward Miall

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EDWARD MIALL

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TITLE-DEEDS
OF THE
CHURCH OF ENGLAND
TO HER
PAROCHIAL ENDOWMENTS.

BY
EDWARD MIALL.

SIXTH EDITION.

London:

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PREFACE
TO THE
FIRST EDITION.

THE principal aim of the writer, in collecting and putting together the information contained in the following pages, has been to clear away certain factitious and mischievous obstructions to the free course of dispassionate discussion of one of the gravest questions of the present day—the religious propriety and political expediency of maintaining a national Church Establishment. It has been found almost impossible to argue the negative view of that question, but especially to base upon that view any direct political action, without being indignantly assailed as making an attempt to subvert the rights of property. Cries of “spoliation,” “robbery,” “sacrilege,” and the like, have been instantly raised to cut short the argument, or to bury political effort beneath an overwhelming weight of scornful vituperation. Men anxious, above all things, to see in these realms a free Church, self-governed and self-sustaining, and

taking such practical steps towards the realisation of their desire as might best commend themselves to their judgment, have been charged, almost as a matter of course, with wishing to wrest from the Church of England—meaning, by the term, the prelates, clergy, and professed members of that Church—endowments which are as much her or their property as the best titled estates of any landowner in the kingdom. These endowments are always assumed to rest upon the same foundation as those in the possession of the various denominations of Dissenters, and all proposals to deal with them with the same freedom as other national property may be dealt with, are eagerly denounced as confiscation.

The immediate purpose of the writer of the following Treatise has been to remove the misconception upon which this demurrer to all calm and fair discussion of the great question at issue is based. Those who urge the dissolution of the union between Church and State may have embraced erroneous principles, or may be utterly mistaken in their anticipation of the religious effect that would result from their universal adoption; and if so, the more dispassionate the controversy, the sooner and the more completely will their error be exposed. But as long as they are treated as would-be spoliators, greedy of what belongs to others, and tenacious of what they claim as their own, the contest will remain simply one of power, not of reason nor of faith. It is hoped that the following pages, by giving a clear view both of the facts and

PREFACE TO THE FIRST EDITION. ▼

of the law relating to parochial tithe endowments, may help to shift the argument between the supporters and opponents of the State Church to a much higher ground; and that, at no very remote period from the present, the question will be, not as to who may be the rightful owner of the property, but as to how it may be best applied to the service of man and the glory of God.

THE FIRS, UPPER NORWOOD,
Dec. 5th, 1861.

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PREFACE
TO THE
SECOND EDITION.

WHEN the first edition of this work appeared, one of my critics remarked that a great deal of labour had been bestowed to prove what no one disputed ; others proceeded to impugn many of the statements which it contained, and wholly to deny the soundness of its doctrine. Amongst the latter class, Mr. J. H. Pulman, Barrister-at-Law of the Middle Temple, took the trouble to write a volume about three times the size of this work, in which a certainly studious if unsuccessful endeavour was made to establish the total and complete inaccuracy of everything which I had advanced. This writer's production was characterised by such vehemence of assertion, intolerance of spirit, and coarseness of style, that I have felt it to be almost inconsistent with a proper self-respect to touch it in any manner or for any purpose. His assertions, however, having been repeated, no doubt in full faith in their accuracy, by other opponents, I have thought

it desirable to indicate, in this second edition, as far as has seemed to me to be needful for the purpose, the untrustworthiness of that gentleman's passionate literary performance.

The general drift of the criticism that has been bestowed upon this work, may, I think, be stated in two propositions: First, that nearly all the "learning" which the author exhibits, or appears to exhibit, has been obtained at second-hand; and secondly, that all its statements are false. The first charge is made especially with reference to quotations from old Chartularies and similar documents, all of which, I am candidly told, I have borrowed from Selden's work. The reply is easy. But for the aid offered by Selden it is probable that I should not have undertaken my task, or, rather, not have dealt with the subject in precisely the manner that I did. I joyfully and openly accepted the results of the immense and unequalled learning of that author. His own remarks were without exception acknowledged. Such of his references, moreover, as I had occasion to use, were newly authenticated. The task of authentication, as every one who knows anything of Selden must be aware, was useless, but I thought it proper that it should be performed. I could not, unfortunately, invent documents that Selden could not find and did not use. There are none. As Mr. Eagle remarks, he "appears to have left no record or memorial of the early history of tithes unexplored." Any one, however, who will examine this work, will see that my indebtedness to Selden does not cover very