

HISTORY OF THE LAW OF TITHES IN ENGLAND

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History of the Law of Tithes in England by G. Edwardes Jones

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G. EDWARDES JONES

**HISTORY OF THE
LAW OF TITHES IN
ENGLAND**

T. T. Bucknill

HISTORY

*from the author's
Seigniorial*

OF

THE LAW OF TITHES

IN ENGLAND.

*5
1888*
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PREFACE.

THE following pages are extracted from an essay which was commended by the Examiners appointed by the University of Cambridge to adjudge the York prize for the year 1887. They have been printed in the hope that even so bare a statement of facts may prove useful in the present vexed state of the subject. I have refrained from setting out the more modern enactments at length in the firm faith that the statutes themselves are, if not in the mind, at least on the shelves of any possible reader. It is perhaps right to mention that this essay was necessarily sent in before the appearance of Lord Selborne's book on tithes, for otherwise I should not have ventured to write on so much of the subject as is treated in that work.

G. E. J.

11, *King's Bench Walk.*

The following table shows the results of the experiment. The first column shows the number of trials, the second column shows the number of correct responses, and the third column shows the percentage of correct responses. The data shows that the number of correct responses increases as the number of trials increases, and that the percentage of correct responses remains relatively constant around 75%.

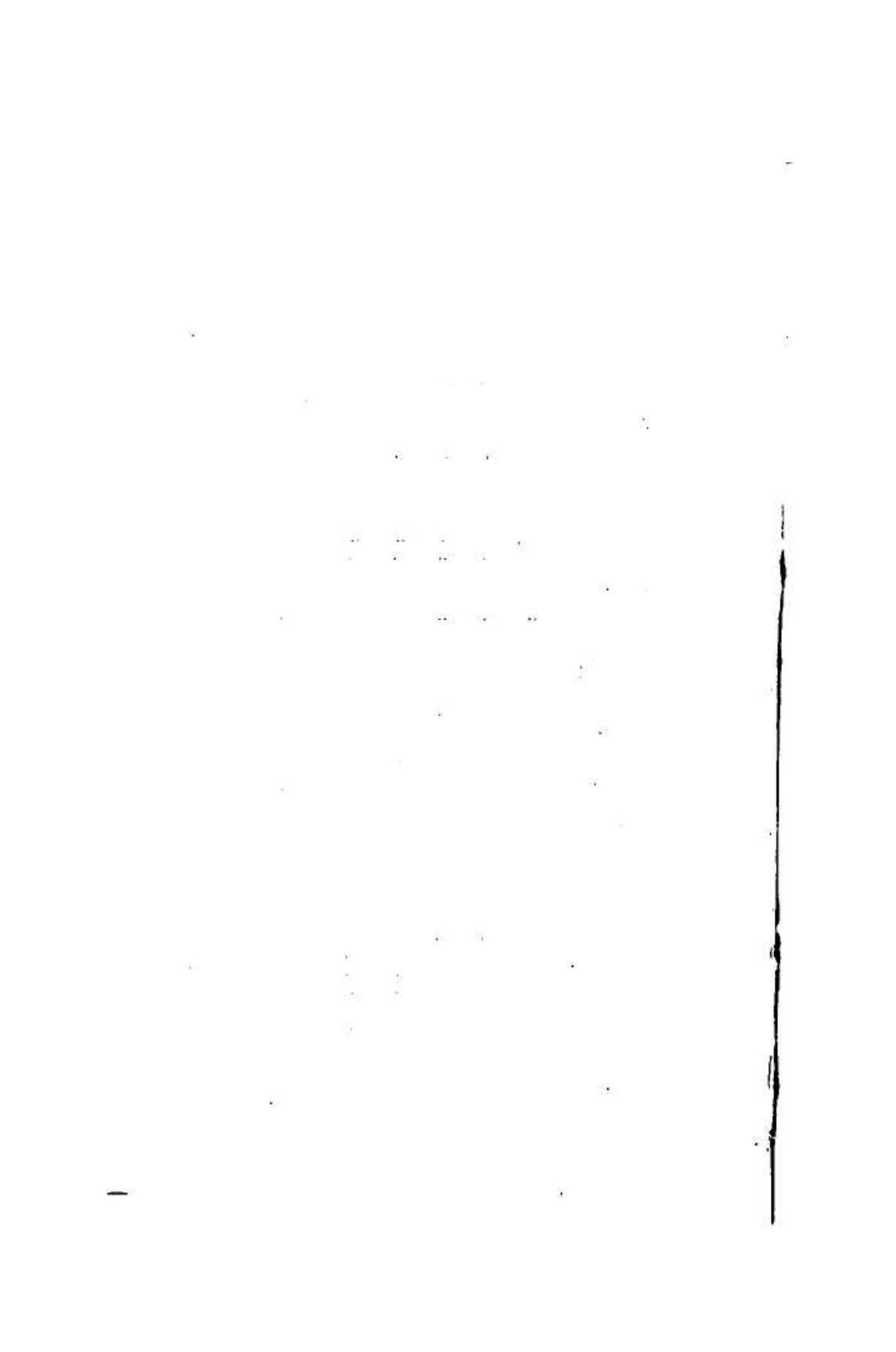
Number of Trials	Number of Correct Responses	Percentage of Correct Responses
10	7	70%
20	15	75%
30	22	73%
40	30	75%
50	38	76%
60	45	75%
70	52	74%
80	60	75%
90	68	76%
100	75	75%

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LIST OF AUTHORITIES.

	Abbreviations.
Ancient Laws and Institutes—Thorpe	A. L. & I.
Bede's "History"	Bede.
Bede's Works.	
Blackstone's "Commentaries."	
Bracton (Record Office).	
Carte's "History of England"	Carte.
Coke's "Institutes"	Inst.
Degge.	
Eagle & Young	E. & Y.
Elderfield.	
Godolphin.	
Gwillim's "Tithe Cases," 4 vols.	G.
Haddon & Stubbs. 3 vols.	H. & S.
Hobart.	
Kemble's "Saxons in England"	Kemble.
Lingard's "Anglo-Saxon Church"	Lingard.
Lyndwood's "Provinciale."	
Mirehouse.	
Rayner's "Tithe Cases."	
Rowe.	
Selborne, Lord, "Ancient Facts and Fictions concerning Tithes"	L. Selborne's Tithes.
Selborne, Lord, "Case for the Church," 1887	L. Selborne.
Selden's "History of Tithes"	Selden.
Soames' "Anglo-Saxon Church"	Soames.
Spelman's "Concilia"	Spelman's Conc.
Spelman's "Larger Work on Tithes"	Spelman.
Tilsley's "Answer to Selden"	Tils.
Wilkins' "Concilia"	Wilkins.



HISTORY
OF
THE LAW OF TITHES
IN
ENGLAND.

CHAPTER I.

ESTABLISHMENT OF THE LAW OF TITHES.

THE history of the law of tithes in England in the earliest 550 A.D. period which it is necessary to consider, *i.e.*, in the three centuries preceding the Legatine Synod of 786 A.D., is a history of adaptation. This adaptation was directed throughout by ecclesiastics, on this point not differing from Rome. It is therefore unnecessary to enter on the question, so often disputed, whether tithes were in fact due by divine right, or only by human law; sufficient it is to notice that those whose operations we have to follow believed, and had the authority of the Church for believing, that tithes were due *jure divino*.

The property of the ancient priesthood with which it was possible for the Christian missionaries to deal, and with some of which we know that they did deal, consisted probably of:—

I. Temples, in almost all cases built of wood, but in a few places of stone.