

**PRECEDENTS IN CAUSES OF OFFICE AGAINST  
CHURCHWARDENS AND OTHERS:  
EXTRACTED FROM THE ACT BOOKS OF THE  
CONSISTORY COURT OF LONDON IN  
ILLUSTRATION OF THE LAW OF CHURCH-  
RATE, AND THE DUTY OF CHURCHWARDENS**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649499656

Precedents in Causes of Office against Churchwardens and Others: Extracted from the Act Books of the Consistory Court of London in Illustration of the Law of Church-Rate, and the Duty of Churchwardens by William Hale Hale

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd.  
Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

[www.triestepublishing.com](http://www.triestepublishing.com)

**WILLIAM HALE HALE**

**PRECEDENTS IN CAUSES OF OFFICE AGAINST  
CHURCHWARDENS AND OTHERS:  
EXTRACTED FROM THE ACT BOOKS OF THE  
CONSISTORY COURT OF LONDON IN  
ILLUSTRATION OF THE LAW OF CHURCH-  
RATE, AND THE DUTY OF CHURCHWARDENS**



**P R E C E D E N T S**

**IN**

**CAUSES OF OFFICE**

**AGAINST**

**CHURCHWARDENS AND OTHERS.**

LONDON:  
GILBERT AND RIVINGTON, PRINTERS,  
ST. JOHN'S SQUARE.

*Church of England. Diocese of  
London. Consistory Court.*

**P R E C E D E N T S**

IN

**CAUSES OF OFFICE**

AGAINST

**CHURCHWARDENS AND OTHERS,**

EXTRACTED FROM

THE ACT BOOKS OF THE CONSISTORY COURT OF LONDON,

AND THE

ARCHIDIACONAL COURTS OF ST. ALBAN'S, ESSEX,

MIDDLESEX, AND LEWES,

IN ILLUSTRATION OF THE LAW OF CHURCH-RATE,

AND THE

**DUTY OF CHURCHWARDENS.**

BY

**WILLIAM HALE HALE, M.A.**

ARCHDEACON OF MIDDLESEX.

LONDON:

PRINTED FOR J. G. F. & J. RIVINGTON,

ST. PAUL'S CHURCH YARD, AND WATERLOO PLACE, PALL MALL;  
& SAUNDERS & BENNING, 43, FLEET STREET.

1841.

225713✓

STANFORD LIBRARY



## P R E F A C E.

---

THE following work is the result of searches into the records of several Ecclesiastical Courts, commenced nearly two years since, when I had the honour to be appointed to the Archdeaconry of St. Alban's. At that time, what I may be allowed to term the Law of Church Repair was involved in obscurity. It was acknowledged, that it belonged to the Archdeacon's office to give orders to the churchwardens for the repair of parish churches, and the providing ornaments necessary for the performance of public worship; but it was still to be discovered by what legal process an order so made could be enforced, and there were not wanting those who argued, that such an order could not be enforced without the consent of the parishioners. During the whole

of the century last past, and until the last few years, no public opposition had been made to the making of Church-rates: parishioners willingly repaired their churches, and provided all the necessaries for public worship, which the Rubrics of the Common Prayer and the Canons enjoined. The Ecclesiastical Courts had therefore little else to do, in the administration of Church-rate Law, except to take cognizance of suits for subtraction of rate against individuals, who for various reasons refused to pay the sums assessed upon them in rates made by a majority of the parishioners in vestry assembled. When, therefore, a state of things apparently novel took place, and parishioners, by formal votes of vestry, refused to repair their churches, it cannot be denied, that the Ecclesiastical Courts were involved in great difficulty. The traditional knowledge of a century hardly sufficed to meet the emergency, the known precedents applicable to the case being not only too few to allow a decided course of practice to be based upon them, but being in themselves of doubtful, if not of disputed, authority.

The station to which I had been called, made me feel deeply interested in the solution of the question, How could parishioners be compelled to repair their

churches? It occurred to me, that though opposition to Church-rates had never for a whole century taken place, it would be something little short of a miracle in legal history, if it had never been necessary for Bishops and Archdeacons in any case to compel parishioners to do their duty; and I thought it probable, that if the Act-books of the Ecclesiastical Courts, from the time of the Reformation to the eighteenth century, were duly examined, some light would not fail to be thrown by them upon a subject, which a long continuance of religious peace had rendered difficult and obscure. I accordingly undertook to make such a search, and I happily derived, from the Registrars of the Archdeaconries of Lewes and St. Alban's, and from the Deputy Registrar of the Diocese of London, that assistance, without which the attempt would have totally failed.

This work will be found to comprise a series of precedents, from the year 1557 to the year 1736, illustrating in various ways the nature of the office of Churchwarden, and the authority of the Ecclesiastical Courts. I am not aware that any similar proceedings of Ecclesiastical Courts have ever been printed, except the abstract of the Metropolitan Visitation, made by Cardinal Pole, of the Diocese of Lincoln,