

**WHAT ARE TEINDS? AN
ACCOUNT OF
THE HISTORY OF
TITHES IN SCOTLAND**

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What are Teinds? An Account of the History of Tithes in Scotland by William George Black

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BY

WILLIAM GEORGE BLACK

AUTHOR OF 'THE PAROCHIAL ECCLESIASTICAL LAW OF SCOTLAND'

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P R E F A C E

IN the following chapters an attempt has been made to indicate the historical development of the law of tithes in Scotland. On this subject there has been a good deal of misunderstanding, at which no one can be surprised who has attempted to grapple with the intricacies and anomalies of parochial ecclesiastical law. By tracing the law of tithe-paying from its first civic enactment under Charlemagne, through English practice, down to the time of its introduction into Scotland by King David, an opportunity is afforded of gaining a clearer idea of the history of the matter; and so far as was possible I have avoided the use of the technical expressions with which this subject is superabundantly supplied, and which go far to make any account of Teind Court procedure unintelligible to all but practitioners in that court.

The words Teind and Tithe have the same meaning, and describe the tenth part of the annual produce of the soil cultivated by man, or of the profits of his industry, set aside for the maintenance of teachers of

religion, but 'Teind' is used in Scotland more frequently than 'Tithe.'

I am indebted to Mr. Wm. C. Bishop, W.S., for courteously perusing the proofs of the summary, in Chapter V., of the present position of Teinds in Scotland. The responsibility for the book as a whole, however, is entirely upon myself.

WILLIAM GEORGE BLACK.

88 WEST REGENT STREET,
GLASGOW, *May* 1893.

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CHAPTER I

THE CIVIL INSTITUTION OF TITHES IN EUROPE

THE theory of the legal devotion of one-tenth of the produce of man's cultivation of the soil to the maintenance of religion and of its servants owes its origin to the Jews, but for its recognition in the Christian civil law we must look to the reign of Charlemagne. There is scarcely any other subject which more effectually illustrates the rise of the Church of Rome, or which can be less understood without recourse to the pages of history, than tithes. From 476, when the Western Empire ended, and Constantinople, instead of Rome, became the nominal capital of the nominal successors of Augustus, the Church steadily became more and more a political as well as a religious power. Her progress was irregular, for the character of her Popes varied; but it never ceased. In the absence of Cæsar, the heir of St. Peter became with every century more markedly the chief man in Rome. The Church,