

**THE HISTORY OF THE LAW OF
TITHES IN ENGLAND: BEING THE
YORKE PRIZE ESSAY OF THE
UNIVERSITY OF CAMBRIDGE FOR
1887**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649529810

The History of the Law of Tithes in England: Being the Yorke Prize Essay of the University of Cambridge for 1887 by William Easterby

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

WILLIAM EASTERBY

**THE HISTORY OF THE LAW OF
TITHES IN ENGLAND: BEING THE
YORKE PRIZE ESSAY OF THE
UNIVERSITY OF
CAMBRIDGE FOR 1887**

THE
HISTORY OF THE LAW OF TITHES
IN ENGLAND.

THE
HISTORY OF THE LAW OF TITHES
IN ENGLAND.

BEING THE YORKE PRIZE ESSAY OF THE UNIVERSITY OF
CAMBRIDGE FOR 1887.

BY

WILLIAM EASTERBY,

B.A., LL.B. ST JOHN'S COLLEGE AND THE MIDDLE TEMPLE.

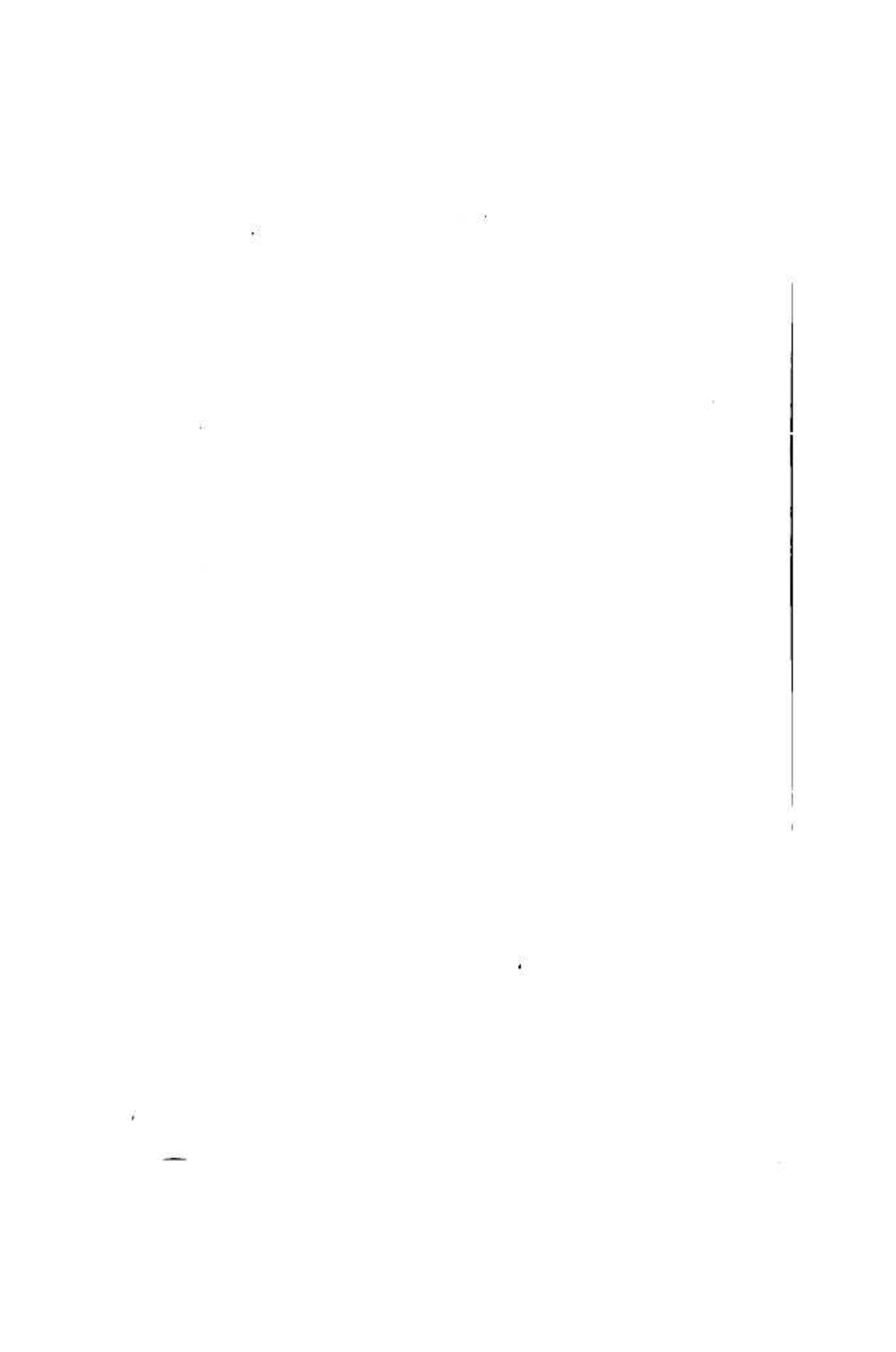
"Est modus in rebus, sunt certi denique fines."

CAMBRIDGE:
AT THE UNIVERSITY PRESS.

1888

[All rights reserved.]

TO MY FATHER,
WILLIAM EASTERBY, LL.D.
I DEDICATE THIS BOOK,
AS
A TRIBUTE OF AFFECTION
AND AS
A TOKEN OF MY GRATITUDE.



PREFACE.

IN the following pages an attempt has been made to deal with the History of the Law of Tithes, as far as concerns the arrangement, upon a plan which if somewhat novel has still the slight merit of being both scientific and peculiarly adapted to carry out one of the objects for which the work was written. That is, to present to the reader a short and clear history of the rise and growth of the Tithing System in this country, free from technical and other difficulties. The plan adopted is first to treat of the history of the Substantive, and then of that of the Adjective Law of Tithe. The first six chapters are devoted to the former, and thus in a succinct form what may be called the more popular and to the general reader the more interesting part of the subject is comprised. The seventh chapter has an intermediate position, and deals with the history of Titheable matters; the eighth, ninth and tenth are occupied with the Adjective Law or Procedure, the tenth being devoted entirely to the consideration of Discharges and Exemptions. The law as regards the City and Liberties of London is shortly dealt with, apart from the other portions of the work, in the last chapter. The working-out of such a plan as the above necessitates a certain amount of overlapping and repetition, but this, it is hoped, does not constitute a formidable disadvantage.

The Author has avoided any political treatment of his subject. He has touched very lightly on the alleged tripartite division of tithes upon which the claim of the poor to a share is based, as the existence of such a division is not revealed in the impartial history of the law, and the statute of Richard II., which compelled the monasteries to give as alms a part of the revenues of an appropriated benefice after suitable provision for the vicar had been made, imposed a new charge on the monasteries, and did not refer to parochial tithes.

The references to Selden will all be found in his great work on the *Historie of Tithes* (A.D. 1618), to which the Author is greatly indebted. He has also extensively used Mr Haddan and Bishop Stubbs' *Collection of Councils and Ecclesiastical Documents*, which for brevity are referred to as "H. and S."

ST ASAPH, N. WALES,
30 November, 1887.

CONTENTS.

INTRODUCTION.

	PAGE
Tithe <i>s</i> in Ancient History	1, 2
Tithe <i>s</i> after the introduction of Christianity	2
Clergy supported by Voluntary Contributions till A. D. 400	2
Claim to Tithe <i>s</i> as of moral right made A. D. 400	2
Payment of them enforced by Councils of Tours and Maçon	3
Enforced by law on the Continent, A. D. 779	3
The British Church	4
Diocesan Episcopacy	4
After Saxon Invasion	5
Church and State	5
Final subjection to Canterbury, A. D. 1200	6

CHAPTER I.

THE SAXON PERIOD.

Reduction of England to Christianity	7
The Saxon Church	7
Its organisation	8
Growth of Parishes	8
Moral obligation to pay Tithe	9
Saxon Tithe Laws	9
(i) Egbert's Excerptiones	9
(ii) Councils of Pinchafa and Gelchyth	10
(iii) Grants of Offa and Ethelwulph	11
(iv) Laws of Alfred, Athelstan, and Edward	12, 13
(v) Edgar's Laws	13
(vi) Laws of Edward the Confessor	14
Saxon Parishes	14
Parochial Tithe <i>s</i>	14, 15
Saxon Abbeyes	15
Secular and Regular Clergy	16