

**THE CANON LAW IN MEDIAEVAL  
ENGLAND, AN EXAMINATION OF  
WILLIAM LYNDWOOD'S  
"PROVINCIALE", IN REPLY TO THE  
LATE PROFESSOR F. W. MAITLAND**

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The Canon law in Mediaeval England, an examination of William Lyndwood's "Provinciale", in reply to the late Professor F. W. Maitland by Arthur Ogle

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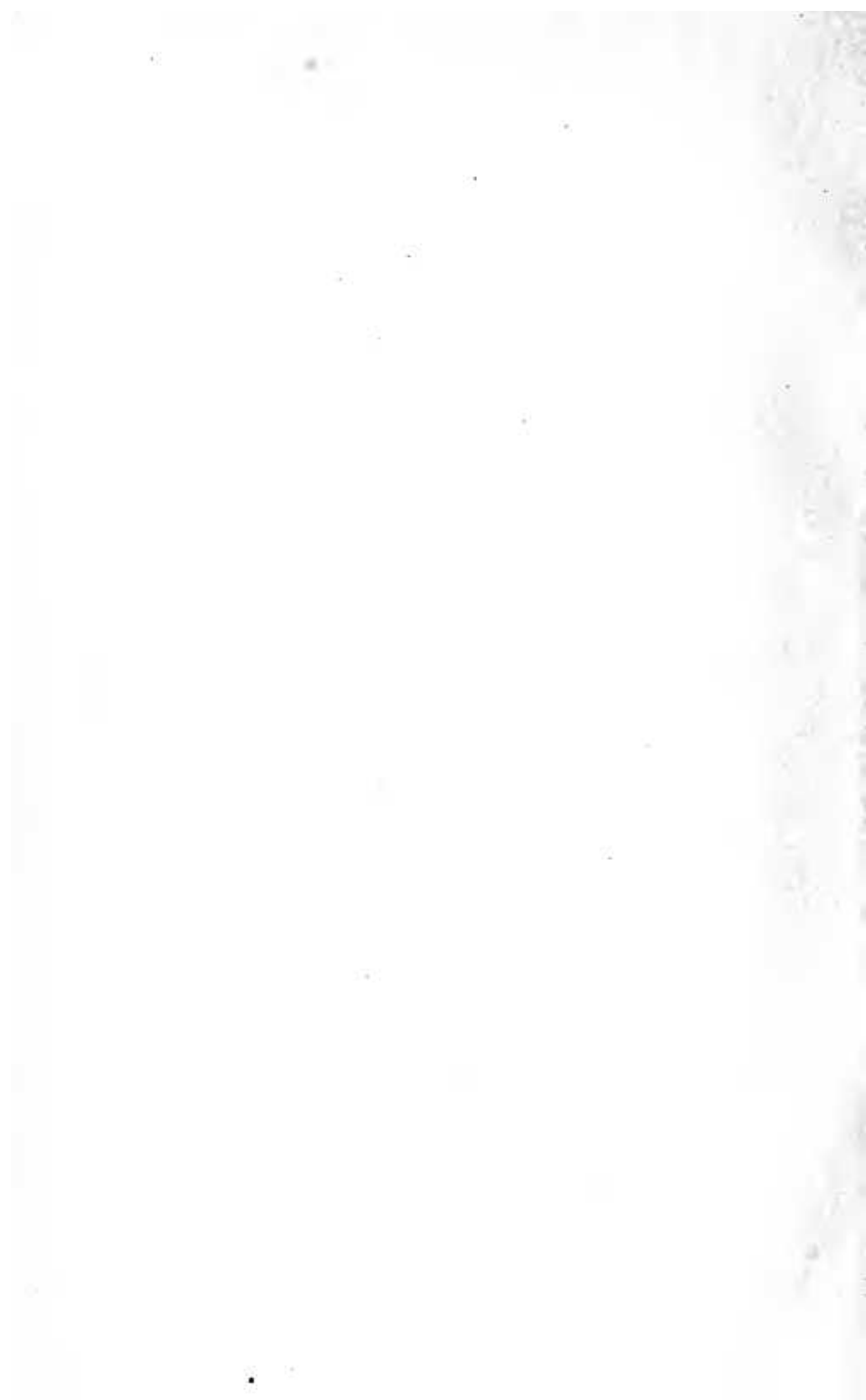
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**ARTHUR OGLE**

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# THE CANON LAW IN MEDIÆVAL ENGLAND

AN EXAMINATION OF WILLIAM LYNDWOOD'S  
"PROVINCIALE," IN REPLY TO THE LATE  
PROFESSOR F. W. MAITLAND

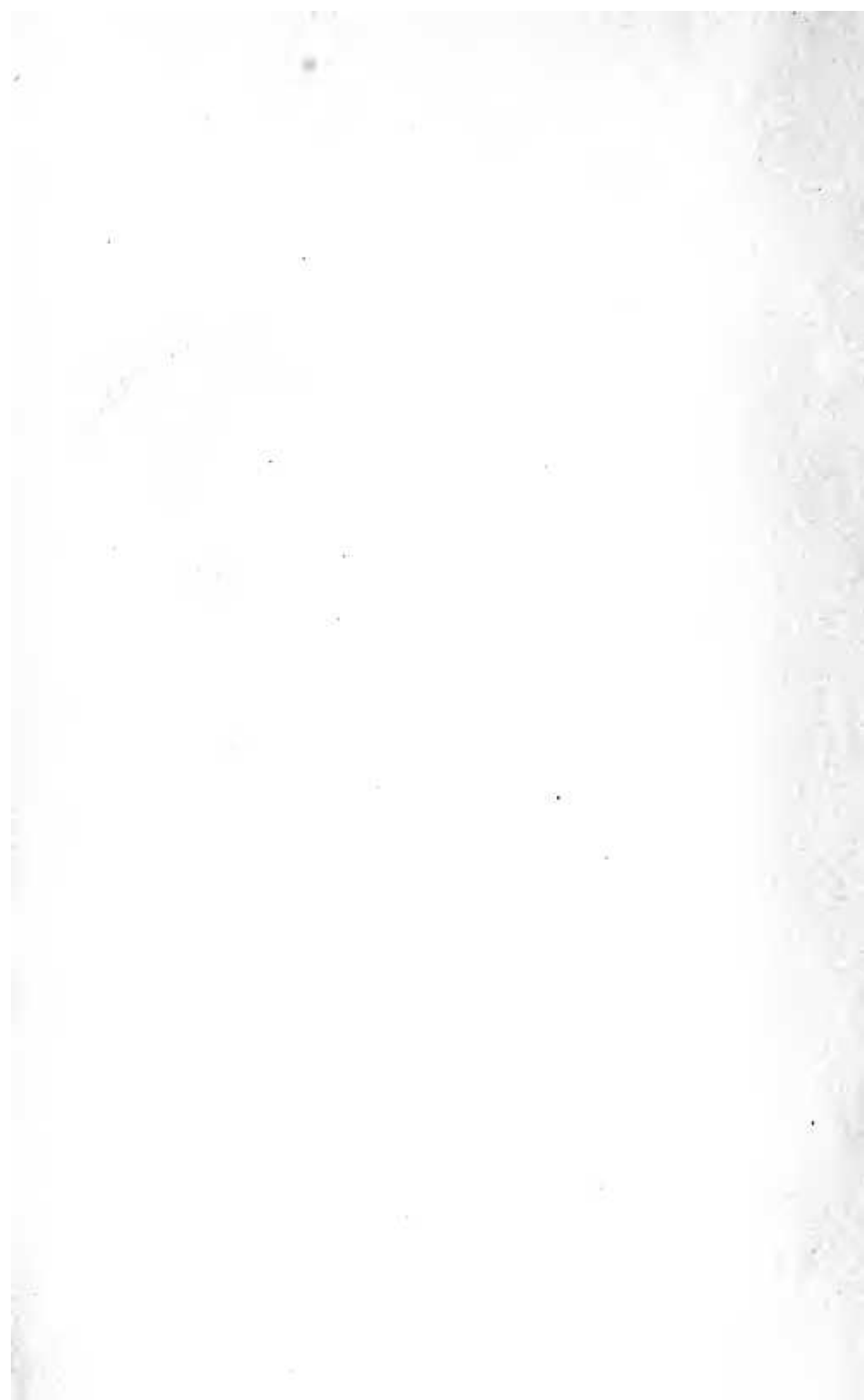
By ARTHUR OGLE, M.A.  
RECTOR OF OTHAM, MAIDSTONE

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TO  
MY OLD COLLEAGUES  
OF THE CHURCH OF WALES  
WITH MANY HAPPY AND INSPIRING  
RECOLLECTIONS OF TEN YEARS' WORK  
AMONG THEM





## PREFACE

It is a mere accident that the historical inquiry with which these pages are concerned has any bearing upon current politics. Its results were reached without any thought that a sudden turn of political controversy might make it expedient to produce them, in however imperfect a form. Only in October last did it become clear, from an important manifesto of Mr. Ellis J. Griffith, K.C., M.P., that the case for the impending "Disendowment" of the Welsh Church was to be based on Professor Maitland's treatise on the Canon Law. Without loss of time I thereupon endeavoured to set down the reasons which had led me to rank Maitland's thesis among the many which, in so far as they are true, are not new, and, in so far as they are new, are not true. I was urged to do so by a very real concern for the cause with which Maitland's name and authority had suddenly become involved. I have had an opportunity, such as can have been given to but few Englishmen, of observing, for a lengthened period and at very close

quarters, the religious life of Wales, and that from the standpoint of one whose sympathies are wholly on the side of Liberalism. That experience has left me in no doubt as to where in this matter, momentous out of all proportion to the material interests involved, the line of duty lies.

While this book has been in preparation, there has also been in preparation a temperate and reasoned statement of the case for Disestablishment by the Secretary of the Liberation Society, Mr. David Caird. It may be heartily commended to the consideration of Churchmen who are anxious, on this question, so to run not as uncertainly, so to fight not as combatants who are beating the air. Nothing is more remarkable in it than the frankness with which the author faces the moral issue involved in Disendowment. That there is a moral issue to be faced he fully admits. "The only property for which provision has to be made is the property which originated by way of endowments prior to 1662; and, as has been said, when moral issues are raised, it is essential to ask whether those for whose benefit this mediæval property has been appropriated have a moral title to its use. Upon the answer to that question depends, in part at least, the answer to the question whether the State has a moral right to disendow as well as disestablish