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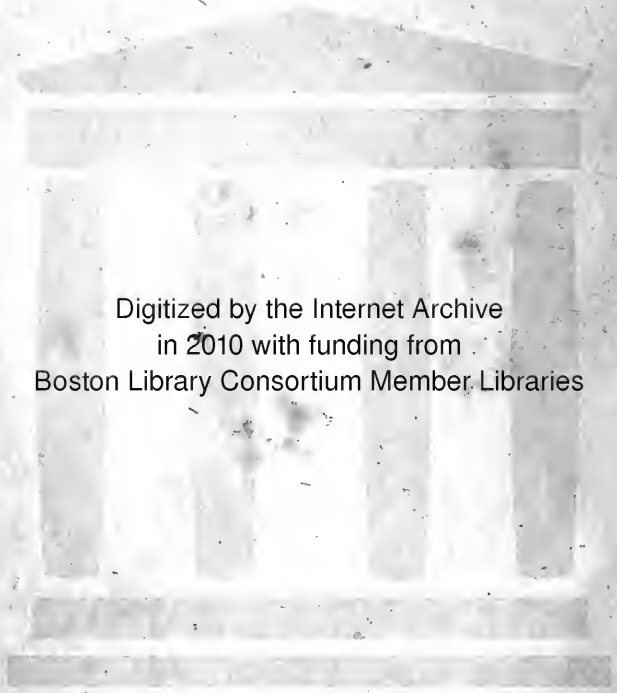
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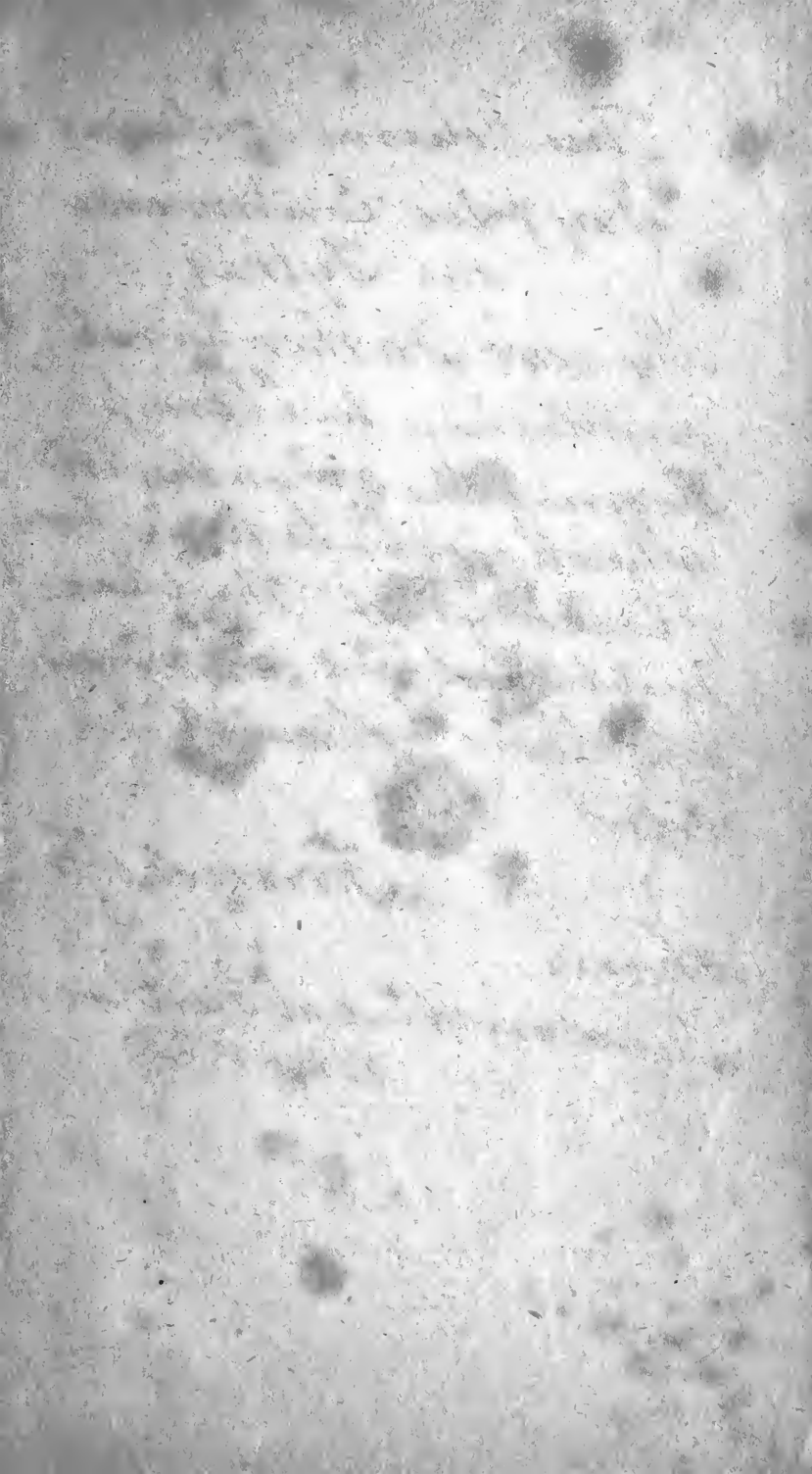
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Francis Fry

1833



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This Volume contains
Fry & Lee Controversy
on Tythes

My dear Father first
published his "Brief
Inquiry the 2nd in the Vol
which ought to have been
placed first Then Lee
published his Brief Inquiry
& the others followed in
order

Francis Fry

Cotham

My father died at Redland
11mo 1835

A

BRIEF INQUIRY

INTO THE QUESTION,

WHETHER A CHRISTIAN CAN REASONABLY AND
CONSCIENTIOUSLY OBJECT

TO THE

PAYMENT OF TITHES;

ADDRESSED IN

A LETTER TO A MEMBER OF THE SOCIETY OF FRIENDS.

BY THE

REV. SAMUEL LEE, B. D.

*Prebendary of Bristol; Vicar of Banwell, Somersetshire; Domestic Chaplain to the Earl
of Munster; and Regius Professor of Hebrew in the University of Cambridge.*

BRISTOL:

PUBLISHED BY W. STRONG 26, CLARE STREET.

MDCCCXXXII.

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AMHERST, MASS.

It may be thought, perhaps, that the document upon which the following remarks are offered is not such as to warrant the inquiry here made into its grounds and spirit. My answer is, I have not been so much concerned about the document itself, as about the questions which it proposes to determine, and above all, about the ground which it professes to take. The question relating to Tithes has of late acquired a considerable interest in this country; but whether it is generally understood, or truly represented, may be matter of doubt. The document in question has, as I have thought, presented not an unfit opportunity for examining this question; and, as it has assumed the strongest possible ground, namely, scriptural authority, it has afforded an opportunity likewise for inquiring, how far that ground has been made good. I have been unwilling too, as a minister of the Established Church, to lie under the imputation of making unreasonable and unscriptural exactions from those whom it is my duty to teach and to befriend. On these accounts I have thought it my duty to put together and to publish the following inquiry: and I beg it to be understood, that, however lightly I may have treated some of the arguments of the document in question, it has not been my intention to detract in the least possible degree from the respect confessedly due to the Body, from which that paper emanated.

To Esq.,

.. .. .

Near Bristol.

DEAR SIR,

THE "Brief Statement" published by the Society of Friends at their last annual meeting, which you have been so good as to place in my hands, I have carefully read and considered; and, I must say that, disposed as I fully am to treat the conscientious scruples of every man with respect and reverence, I cannot bring myself to believe that the payment of Tithes is, as there stated, a thing about which a *conscientious* scruple can be made: I mean, a scruple founded on religious conviction, and taking its stand on some revealed doctrine of holy writ. Scruples may, I know, be termed conscientious on other grounds; but, as the "Brief Statement" alluded to professes to advance no such grounds, I shall not be taxed with unfairness if I pass those over; and, as it is my wish to be short, I shall now proceed to examine

what I believe to be the main points in the Statement before us.

The first position taken is, that our blessed Lord “*introduced a dispensation pure and spiritual in its character.*” To this no good objection can be made. The dispensation is indeed pure, and it is spiritual. Like every other sort of abstract truth, it is perfect in its kind: and it has this peculiarity, that while it teaches what is most valuable to man as a social being, its tendency is purely and entirely spiritual: its main object is to correct and to amend the human heart; and hence to give a vigour, constancy, and consistency, to the actions and the life. But, when we say this, we must be careful to bear in mind, that the system is *one thing*; society on which it is to act is *another*. The system may be pure, but then its teachers will never be equally so; the treasure may be spiritual and heavenly, but then its teachers can be termed nothing better than earthen vessels: and, by parity of reasoning, the means which they employ can lay claim to no higher title. The means, therefore, employed by man, must necessarily have *this* character stamped upon them; they must partake of the earth, and must be earthy. To the perfection, the purity, or the spirituality,

of the system itself, they can never attain: and we must be content, with the very best desires, the very best intentions, and indeed under the very best circumstances which human wisdom can devise, to meet with much of a very imperfect character. I say this, in the outset of our inquiry, not for the purpose of justifying any thing at variance with the purity of this system, much less of recommending any thing in itself wrong, but only to guard against our being too theoretical on questions of a practical character; and to suggest the propriety of giving that only to system which belongs to system, and that to practice which properly belongs to it.

The next position we have to notice is this: "*He* (i. e. our blessed Lord) *taught by his own holy example and divine precepts that the ministry of the gospel is to be without pecuniary remuneration,*" which I must deny; and I proceed to explain what I mean by this denial. I do not mean to say, that he did not leave us an example, *that we should follow his steps*; but I do that his example was intended, or can be cited, for the object had in view in this proposition. The most pointed passage in the New Testament to which we can refer, on this subject, is to be found in the first epistle of St.

Peter (ii. 21—25.) but this is altogether at variance with every question about temporal provisions for the church. The question here is purely on the subject of christian sufferings, forbearance, fortitude, and the like; and we are taught, that when reviled we ought not to revile again, when suffering, we are not to threaten, but to commit ourselves to him that judgeth righteously. The right or the wrong of any secular or temporal appointment whatever, is there kept entirely out of sight; and we are invited to contemplate and to imitate the *example* of our blessed Lord, in an entirely different point of view. Still this Apostle tells us, in this very chapter, (ver. 13.) that we are *to submit ourselves to every ordinance of man for the Lord's sake: whether it be to the king as supreme, &c.*; and St. Paul tells us that we are to do this *for conscience sake*, (Rom. xiii. 5.) Some of these ordinances must have been iniquitous; they were made by heathen rulers, and in some cases made demands to which, I presume, no FRIEND at this day would think of submitting. But let this pass. Our Lord has himself taught us that his kingdom *is not of this world*, (John xviii. 36, &c.): and, if we may take this as a principle, which I suppose we may, then can we see why he

submitted to similar exactions, and expressly taught, that to Cæsar were to be rendered the things that were Cæsar's, and to God the things that were God's. I say we can see why, upon another occasion also, he inculcated that *no offence* should be given in rendering this sort of dues, and actually performed a miracle in order to enable his disciples to comply with their payment. (Matt. xxii. 15—21. xvii. 24—27.) But our Lord's example can be carried much farther. We are taught by the Evangelists, that his personal friends contributed of their substance to his support and to that of his disciples, during the time of his ministry on earth. In the gospel of St. Luke (chap. viii. 3.) we are plainly told, that *Joanna the wife of Chuza Herod's steward, and Susanna, and many others.. ministered unto him* OF THEIR SUBSTANCE. In other places we are told, that one of the disciples carried a bag, (John xii. 6. xiii. 29.) that occasionally they bought, or forgot to buy, victuals (Mark vi. 37. Luke ix. 13. John iv. 8. vi. 5. xiii. 29.) and from this last instance we learn, that it was not unusual to give something to the poor out of this bag. We here find, therefore, that contributions were made: and these appear to have been voluntary. A treasurer was also appointed, and to him this portable

treasury, the bag, was committed to keep. Now, I may ask, Does not our Lord's example sanction the receiving of *pecuniary contributions* for the support of the Ministers of religion? *Pecuniary remunerations* I will not call these, for there appears to be no necessity for introducing this latter term. Pecuniary contributions were certainly made; they were voluntary (and such the grant of Tithes originally was); they were expended for the support of Christ and his disciples, and on some occasions in alms bestowed on the poor. Our Lord's *example*, therefore, may be cited in direct opposition to the doctrines of the "Brief Statement." He manifestly allowed of contributions being made: he appointed a person to take care of them; and he must have eaten and drunk of the bread purchased by them. Both his doctrine, therefore, as publicly taught, and his example, as exhibited to the world, are manifestly opposed to the proposition cited above: and, considering how very brief the gospel narratives are, it is surprising we should have so much, and that so direct and positive, on this subject. Again, our blessed Lord not only thus published and exemplified his sentiments on these questions, but we also find the great Apostle of the gentiles,—a man who, it is expressly

declared, was a chosen vessel to bear the message of christianity to THE GENTILES; to persons who, we may suppose, had no knowledge of Jewish tithing appointments,—preaching, and writing, that “ *Even so hath THE LORD ORDAINED, that they which preach the gospel should live of the gospel.*” (See 1 Cor. ix. 7—14.) And here we ought to observe, the Apostle grounds his doctrine on the observances of the *ceremonial law* and *the usages of the temple*; things which, according to the “ *Brief Statement,*” ought now to be entirely disregarded! and which I should have been disposed to allow, had not the Apostle argued here to the contrary. In the temple, the original grant was voluntary; and so were the contributions of the early Christians. According to the example of our blessed Lord, and the express declarations of his Apostle, pecuniary contributions may be, and *ought to be*, made for the support of the Minister of the gospel: *remunerations*, as before remarked, they need not be termed. The object had in view, in these cases, was his support,—his maintenance,—the reasonable provision for his wants. In our first two positions then, our conclusions drawn from the preaching, writing, and practices, of the earliest times of Christianity, and advanced by its very founders are, that con-

tributions may and ought to be made by Christians for the support of christian Ministers. To say, therefore, that this cannot be conscientiously submitted to, as it is insisted on in the “ Brief Statement,” is to say that which is contrary to this preaching, writing, and example, and publicly to advance, and to endeavour to disseminate, sentiments contrary to those thus taught by Christ and his Apostles; and then to make a point of conscience of that which is directly subversive of that teaching and example: and which, as such, must be liable to suffer the vengeance of Almighty God.

The next position advanced is:—“ *As the gift is free, the exercise of it is to be free also: the office is to be filled by those only who are called of God by the power of the Holy Spirit; who in their preaching, as well as in their circumspect lives and conversation, are giving proof of this call.*” Here, I must confess, I am quite at a loss to discover, in what way these propositions are connected with the question, which treats only on the propriety of supporting christian Ministers. These propositions go, as far as I can see, to questions of a totally different nature; but, as the first speaks on the freeness with which the gospel has been given, apparently intending to intimate

thereby (unless I am greatly mistaken), that the Ministers of this gospel ought not to be maintained at the public expense, I will endeavour to meet it on this ground. I must be allowed to premise, however, that, when the Scripture tells us that the favour intended to be conferred is to be had without money and without price, we are not to understand that those whose business it is to present this, are therefore to remain destitute of public support. No; the contrary was the fact of the case when this doctrine was first uttered; and the refusal to bring the tithes into God's house in those times, is publicly and expressly branded as one of the most common and flagrant sins of the Jewish nation. The meaning of the expressions is manifestly this: God on his part freely gave the boon in question. He bestowed *that* which money could not purchase; which nothing but grace could bestow, and grace too which could come from none but God, whose is the silver and the gold: and with whom, therefore, mortal men could make no such stipulation, as they can with one another. There is no common measure of the value of a soul, and of gold; and, consequently, redemption on any such grounds must be let alone for ever. (Psalm xlix. 7, &c. When we are told, therefore, that freely

we have received and freely we are to give, and that the favour is without money and without price, the meaning is, that we are not to attempt to dole out the inestimable favours of redemption for money or price. No; they cost the precious blood of Christ; and, although the Minister might have claimed to be supported while he preached this, or Christ himself have actually received support while he did so, yet the thing taught was not thereby bought; it was still free and the gift of unmerited mercy and grace. To mix up this doctrine, therefore, with that about supporting christian Ministers, which is a mere temporal arrangement, is to have recourse to methods of confusion; and to propound that for a doctrine on one subject, which belongs to another. Any question of conscience, therefore, grounded upon this is unreasonable, and a mere delusion. But, if it is intended hence to inculcate, that the Ministers of religion ought not to be supported, and consequently, that Tithes ought not to be paid, and that to exact them is to lay a tax upon the freeness of the gospel, then I say, the ground taken is hollow, and the conclusion false. My proof is this:—I suppose it will be allowed that persons may, in any age of the Church, give away as much of their own wealth as they please, for the

support of Christianity, just as the persons spoken of in the Gospels gave their's away for the support of Christ and his disciples.* I suppose, I say, that every Christian, and therefore every one of the Society of Friends, will allow this; it is no more than what they themselves are doing for the support of their own Institutions. I may, in the next place, take for granted, that a christian State has power to sanction this by its laws, just as ours does the charities given to an infirmary, the contributions, or even the bequests, made to schools in general, and among others, to those of the Society of Friends. Now, if we suppose such bequests or

* "What was paid to the Church for several of the first ages after Christ, was all brought to them by way of offerings; and these were made either at the altar, or at the collections, or else occasionally... Afterwards, about the year 794, Offa, king of Mercia (the most potent of all the Saxon kings of his time in this island) made a law, whereby he gave unto the church the tithes of all his kingdom... This law of Offa was that which first gave the church a civil right in them in this land, by way of property and inheritance, and enabled the clergy to gather and recover them as their legal due, by the coercion of the civil power... Yet this establishment of Offa reached no further than to the kingdom of Mercia, over which Offa reigned; until Ethelwulph, about sixty years after, enlarged it for the whole realm of England."—*Burn's Ecclesiastical Law, Vol. III., p. 374, Ed. 1775.*

gifts appointed to be paid out of lands, or the produce of lands, which were once the bequeather's own property, the case will still be the same; the gift was at *first* FREELY *bestowed*, and was appointed to be paid by subsequent occupiers, as a part or portion of the rent, with this difference only, that the rent was to go to one person, the bequest so made to be paid to another, and this other was to be a christian Minister. For the consideration now made, he was to give up his time for the purpose of teaching the christian religion; and, upon his teaching any other doctrine, or teaching this falsely, he was to be brought to his trial, deprived of his interest in these endowments, and publicly censured. Let this be put as a case, and I think it will be allowed, that whatever might be said of the expediency of the original grant, nothing could be said against its justice. Let it now be supposed, that some one occupying the lands so circumstanced objects, and affirms (as it is the case with our "Brief Statement"), that for him to pay out such other reserved rent to any but the landlord, or indeed to pay it all, is a *grievous oppression*,—that it is *contrary to the doctrines of Christianity*,—is what *the conscience of no one ought to submit to*,—is what *no king with his*

council, and what *no legislature, can justly call for*, maintain, or enforce; suppose, I say, it be urged,—where lands have been bequeathed by those who had a right to do so, or sums of money willed by those whose money it was, for the purpose of supporting a christian school, such as the school belonging to the Society of Friends at Sidcot is believed to be,—that the tenant occupying such lands ought not to pay his rent, or portion of rent reserved by such bequest, or that the legislature ought not to allow the nation to be taxed to pay the interest of such sums of money vested in the public funds, because, forsooth, no such things as *rentals*, or *public funds*, are read of in the *New Testament* or recognized in the early times of *Christianity*, or because an opinion had got abroad that the creed of the Society of Friends was not scriptural; What, I ask, ought in justice, in fairness, in conscience, in christian sobriety and meekness, to be said to such a plea? Can any man in his senses lay his hand on his heart and say, that his conscience has a right to refuse to pay a debt, which he engaged to pay when first he occupied such lands, or accepted such money as an investment, and for the use of which interest is now claimed? Can any Christian tolerably read in the Bible stand forth and affirm, that either the precepts

or practice of our blessed Lord or of his Apostles, will justify such refusal, or afford him a pretence for withholding from such institution the rents or interest of monies which the former proprietors of such lands or monies have willed should be paid to it, and which the laws of the realm have from that day to this maintained and sanctioned? Can it with any colour of right be argued, that, because such person has himself taken up some new opinions on religious subjects, one of which is, that he ought to refuse to pay such claims, he ought therefore always and uniformly to resist them? and not only so, but persevere in publishing and disseminating this? What, I ask, would the Society of Friends say to me, if I were solemnly to aver, make it moreover a part of my religious creed, and then a question of conscience, that no rents ought to be paid to them for the occupancy of lands left by will for the support of the Sidcot School, or that no interest ought to be paid by the nation at large for the sums vested in the public funds for the same purpose? I think they would say, either that I was very ill informed as to what Christianity is, or else, that my notions of justice were very different from those which every just man has hitherto held; and yet this is what they are every day doing, when they

refuse to pay the 'Tithes claimed by the Established Church of the lands which they severally hold. Both rest precisely on the same grounds; both were originally granted by the real owners for these several specific purposes; both were *voluntarily* and *freely* given; both have been sanctioned by laws made by the same legislature, and in some instances by the very same laws. The only difference is, the gift was, in the one case, made some years before it was in the other; which can make no difference as to the question of right, to which party soever the consideration be applied. It may indeed be said, that when these grants were made, in the first case, the times were dark and savoured of superstition, and that scriptural knowledge was more scarce than it is now. But what of this? The right to dispose of this wealth originally, and the justice of the laws which have since protected it, will stand unaffected by this consideration. The question will now be, not about the right or the wrong of these grants, but about the expediency or the in expediency of their original intentions. And, if such question be allowed to be mooted in the one case, justice will require that it be mooted in the other; so that it may now be made matter of inquiry, whether the lands, &c.

given to support the institution at Sidcot and the like, ought not to be taken from the Society of Friends, and applied to some other purpose. Because it can now be argued, and perhaps proved, that the persons who made these bequests were unenlightened, or that their views were not scriptural, or that these bequests were made for the manifest purpose of setting up and continuing a system of superstition, and a thousand such things; all of which might be made just as good grounds for scruples of conscience, as those in the "Brief Statement" which we have been considering. But will the Society of Friends be induced to convert these pretences into scruples of conscience? I suppose not; and yet, by parity of reasoning, they ought to do so, and particularly as they have resorted to the very same kind of argument in their "Brief Statement:" for these reasons:—the cases are perfectly parallel, and the reasoning in each rests on precisely the same grounds, namely, on an assumption of right now finally and definitively to determine, that grants formerly made upon lands by those who had a right to make them, ought now to be converted to such purposes, or rather diverted from such purposes, as they shall think proper. But, if they maintain (which undoubtedly

they will) that the bequests made for the purpose of supporting their school at Sidcot, whether made in land, or in any other property, ought *for ever* to be applied to the purposes to which such bequests assign them, particularly as this establishment was, among other things, intended to disseminate the knowledge of the christian religion, and that this is binding on the conscience of every one belonging to their Society; then, I say, it is also binding on the same consciences, with the same force, and for the same reasons, (if justice or religion is to have any thing to do with the question) to hold and to maintain, that the rents, or, which is the same thing here, the Tithes, arising from the produce of certain lands, similarly circumstanced, and which have been similarly disposed of, ought likewise punctually to be rendered, and perpetually applied to the purposes assigned by the original donors or makers of such grants. Conscience is just as much concerned in the one case as it is in the other, because it is placed in the same situation in both. It is therefore firmly bound, in each by the laws of both God and man; and consequently compelled to maintain, that all such property ought scrupulously to be applied to the purposes for which it was originally given; and that he who

irreligiously dares to hold or to promulgate a contrary opinion, will do this at the peril and risk of his soul.

It is said, a little lower down in the "Brief Statement," "*that to uphold any church establishment by compulsory laws, which oppress the consciences of sincere believers in the Lord Jesus Christ, is at variance with his holy law, and is calculated to retard the universal spreading of his reign.*" We have seen that in the case adduced, the conscience of no one is really oppressed: nothing more is called for, in the payment of Tithes, than a portion of the rent, which a former proprietor of the estate has determined shall be so paid. The occupier, therefore, be he of what creed he may, has no right to complain when he is called upon to pay this rent or portion of rent. Nor can his conscience be affected by this, unless his conscience requires, either that just and lawful debts ought not to be paid, or that persons holding opinions different from his own, ought to claim no protection under the common laws of the land. The first is an unjust, the second an intolerant and bigotted assumption; and as such might each fairly be treated, were it taken up as a plea for the purpose of affecting the interests of

persons of any denomination or character whatsoever. Nor is the sentiment which tells us, “*that to uphold any establishment, &c. by compulsory laws,*” and so on, one whit better. Every sort of establishment, set up in concurrence with the laws of the land, has a right to claim support and protection by compulsion; because it is by this alone that unreasonable and unjust subjects can be controlled, and the rights of individuals or of societies be maintained inviolate. It is for this specific purpose that laws have been enacted; and to talk of laws without allowing that they must be compulsory, would be to talk about that which has no meaning. But, if it be intended to be argued, that no legislature has a right to unite itself with such an establishment as that of the Church of England is, then, I say, the plea is weak and futile, and is plainly directed against that toleration which this church has so abundantly taught and exemplified, and which it should seem is but imperfectly recognized by the authors of the “*Brief Statement*” in question.

But let us suppose for the sake of argument, that the system of Tithe payment complained of were for ever put an end to, and that the lands on which it had been fixed as a sort of rent, were re-

stored to their original tithe-free character; Would the occupier of this land be in any way relieved, as to the sum now to be paid as his rent? The portion which had before gone to the Minister of religion, would now go in full tale to the landlord; and, if any public teacher of religion were now to be supported, for the instruction of his family and of the families of the labouring poor, this must be done by a *further contribution* from his and their purses, and from which they had hitherto been exempt. The public teaching of religion would now call for a tax, which the liberality of our forefathers had happily provided for, but which the short-sightedness, or want of information, or illiberality of what are commonly called enlightened times, has now deprived the public, and particularly the poor, who have neither the means of getting instruction themselves, nor of obtaining it from others. I very well know that the Friend will tell me, that in his society teaching can be had for nothing; but may not a vast majority of the public, and of well-informed men too, reply, Yes, we know this; but then we have our doubts,—*our consciences* tell us, that this instruction is unscriptural? The “*Brief Statement*” itself evinces instances of mistake and error, such as to warn us against

taking those for our guides who appear never to have made the holy scriptures their study, and who are not remarkable for soundness of mind in other respects. Of their good intentions we entertain no doubts; but then we maintain, that in Religion, in which the eternal interests of the soul are concerned, good intentions (though excellent in their place) are not alone sufficient to qualify any one to become a public teacher. In the times of the Jewish commonwealth, in the times of our Lord and his Apostles, in the earliest and best days of Christianity, men were set apart for the purpose of studying and teaching true religion: rightly to divide the word of truth was their first and main business; exemplary lives and conversation was their second. The religious public contributed for their support, and the word of God grew and multiplied. In later times, better and easier arrangements were made by which the public in general, and the poor in particular, were eased of this burden which was now levied upon the land. This, it is to be hoped, the good sense of the public will see and duly appreciate. Whether, indeed, a more efficient and satisfactory method of payment may not be had recourse to than that now in use, I will not take upon me to determine. My opinion

is, that there may, and that it is greatly to be wished such method were soon suggested and adopted. Some parts of the "Brief Statement" I have passed over, because I deemed them to be unimportant, and to contain matter of rare occurrence.

I now remain,

Dear Sir,

Your's faithfully,

SAMUEL LEE.

Banwell Vicarage,

Aug. 3, 1832.

A

BRIEF INQUIRY

INTO THE QUESTION,

WHETHER THE CLERGY OF THE CHURCH OF ENGLAND CAN
REASONABLY AND CONSCIENTIOUSLY CONSENT

TO THE

RECEIVING OF TITHES.

(In answer to a Tract entitled "A Brief Inquiry into the Question, Whether a Christian can reasonably and conscientiously object to the Payment of Tithes; addressed in a Letter to a Member of the Society of Friends.—By the REV. SAMUEL LEE, B.D.; Prebendary of Bristol; Vicar of Banwell, Somersetshire; Domestic Chaplain to the Earl of Munster; and Regius Professor of Hebrew in the University of Cambridge.—Bristol: Published by W. Strong, 26, Clare Street. MDCCCXXXII.")

BY

JOSEPH STORRS FRY,

A MEMBER OF THE SOCIETY OF FRIENDS.

EFFINGHAM WILSON, ROYAL EXCHANGE, LONDON;

GEORGE DAVEY, BROAD STREET, BRISTOL.

1832.

INTRODUCTION.

IT seems requisite that I should apprise the reader of the origin of the present discussion.

Sometime ago, being in conversation with Professor Lee, on the subject of Tithes, I put into his hands a copy of a document published by the Yearly Meeting of the Society of Friends, then recently held in London; as explanatory of the views of the Society on this subject, entitled "A Brief Statement, &c.;"—this produced the Professor's pamphlet, which is a commentary on the "Brief Statement."

As he has addressed his "Brief Inquiry" to me, in which he has made no reserve, in the full and free expression of his sentiments; so, I also avail myself of the like liberty; in which, however, I trust I shall not be found to have trespassed on the rules of decorum and courtesy: and perhaps the reader will be disposed to think that the Professor has been rather inadvertent to these rules, when he says, p. 22, "The Brief Statement itself evinces instances of mistake and error, such as may warn us against taking those for our guides, who appear *never to have made the holy scriptures their study; and who are not remarkable for soundness of mind in other respects.*"

A copy of the "Brief Statement" will be found at the end of this tract.

A BRIEF INQUIRY, &c.

THE great object of Professor Lee's tract is to establish five positions, viz.:—

I. That a maintenance for the Ministers of the Gospel is warranted by Scripture authority.

II. That the Society of FRIENDS are unsound in their doctrines on this point.

III. That Tithes, as now enjoyed by the Clergy of the Church of England, are a charge of the nature of a rent-charge on land, bequeathed to a public charity.

IV. That this charge was freely given or bequeathed by the real owners of the land, and

V. That it was given for the specific purposes to which it is now applied.

As, therefore, I wish to be as concise as possible, I mean to confine myself, pretty much, to these leading points.

Had the Professor made himself acquainted with the doctrine and practice of *Friends*, he would have found that we do not differ very

widely from him in the *principles* he has laid down, on the subject of a maintenance of the Ministers of the Gospel. He objects to the term *Remuneration*, so do we : objecting, of course, to that which the term is intended to represent. He says, “ According to the example of our blessed “ Lord, and the express declarations of his “ Apostles, pecuniary contributions may be, and “ *ought to be* made, for the support of the minis- “ ters of the gospel ; *remuneration*, as before “ remarked, they need not be termed. The “ object had in view, in these cases, was his “ support, his maintenance, the reasonable pro- “ vision for his wants.” All this is in perfect accordance with the views and constant practice of Friends, when their ministers travel from home in the service of the Gospel. When at home, they provide for their own maintenance, following the example of the Apostle Paul, (Acts, xviii. 3.) and should it so happen, that the family of a minister thus abroad, stands in need of assistance during his absence, it is cheerfully provided for ; as all the necessitous in this society are, whether preachers or hearers, without suffering them to become chargeable to other societies, or to the public.

This we conceive to be in true gospel order ; and to be the *extent* of everything that is enjoined

by our Lord and his Apostles on this subject. We entirely accede to the position laid down by the Apostle Paul, that the spiritual labourer is worthy of his hire.* He says, "*If we have sown unto you spiritual things, is it a great thing if we shall reap your carnal things?*" "*They which preach the Gospel should live of the Gospel.*" 1 Cor. ix. 11 and 14. He also says, "*Let him that is taught in the word, communicate unto him that teacheth, in all good things.*" Gal. vi. 6. But he no where says, *to him that teacheth not*; neither does he say that those are to communicate *who are not taught*. Hence it appears that those who faithfully spend their time in preaching the Gospel, are entitled to bodily maintenance from those who "receive them;" yet such was the disinterestedness of this great Apostle, that he did not deem the practice expedient for himself; for he says, "*Nevertheless, WE have not used this power; but suffer all things, lest we should hinder the Gospel of Christ.*" 1 Cor. ix. 12. "*But I have used none of these things, neither have I written these things, that it should be so done unto me: for it were better for me to die, than that any man should make my glorying void.*" v. 15. It is evident that he thought it more

* 1 Cor. ix. - 1 Tim. v. Gal. vi.

consistent with the spirit of Christianity, and more likely to further its interests, to support himself by the labour of his own hands, than to be supported by that of others; and it is plain that his companions in the ministry did the same, for he says, “ *Neither did WE eat any man’s bread for nought, but wrought with labour and travail, night and day, that we might not be chargeable to any of you; not because [says he] we have not power, but to make ourselves an EN-SAMPLE unto you to follow us; for even when we were with you, this we commanded you, that if any would not work, neither should he eat.*” 2 Thess. iii. 8, 9, 10.

“ Should it be objected on this occasion, that the Apostle received relief from the brethren of Philippi as well as from others, when he did not preach, the reply is, that this relief consisted of voluntary and affectionate presents, sent to him when in necessitous circumstances. In this case he states that he never desired these gifts, but that it was pleasant to him to see his religious instruction produce a benevolence of disposition that would abound to their own account.”*

This Apostle, in his address to the elders of the church of Ephesus, thus beautifully describes

* Concise Hist. of Tithes.

his own conduct ; “ I have coveted no man’s
 “ silver, or gold, or apparel. Yea, ye yourselves
 “ know that these hands have ministered unto my
 “ necessities, and to them that were with me.
 “ I have shewed you all things, how that so
 “ *labouring*, ye ought to support the weak ; and
 “ to remember the words of the Lord Jesus, how
 “ he said, It is more blessed to give than to
 “ receive.”*

Consistently with the example of this great
 Apostle, many of our ministers who are of ability,
travel entirely at their own charges, availing
 themselves only of the kind hospitality of their
 friends as they pass along.

We believe that Jesus Christ is the only Lord
 and Head of his own Church ; that human learning
 cannot give the qualification for the ministry ; that
 no man is authorized to appoint and constitute
 any other man to the office of a minister in the
 Church of Christ ; that although human learning
 may be a valuable *accessary*, it has nothing to do
 with the *primary* qualification, properly so called.
 We believe that the ministry of the Gospel is a
Divine Gift ; and that “ the office is to be filled
 “ only by those who are called of God, by the
 “ power of the Holy Spirit.”† The Apostles
 themselves were generally unlearned and ignorant

* Acts xx. 33, 35. † Brief Statement.

men ; but they had this Divine call, which endued them with power and authority to preach the Gospel. Even the Apostle Paul declared that he “ came not with excellency of speech or of “ wisdom declaring the testimony of God. My “ speech, and my preaching was not with enticing “ words of man’s wisdom, but in demonstration “ of the Spirit and of power ; that your faith should “ not stand in the wisdom of men, but in the “ power of God. Now we have received, not the “ spirit of the world, but the spirit which is of “ God ; that we might know the things that are “ freely given to us of God ; which things also “ we speak, not in the words which man’s wisdom “ teacheth, but which the Holy Ghost teacheth ; “ comparing spiritual things with spiritual. But “ the natural man receiveth not the things of “ the Spirit of God ; for they are foolishness unto “ him ; neither can he know them, because they “ are spiritually discerned.” * This we believe is still, even to this day, the state of true Gospel ministry, by whomsoever it is exercised ; for we cannot accede to the position laid down in the “ Brief Inquiry ” (p. 4.) that the “ Teachers (of “ the Gospel) can be termed nothing better than “ earthen vessels ; and by parity of reasoning, the “ means which they employ can lay claim to no

* 1 Cor. chap. ii.

“higher title.” That is, as I understand the position, that the means employed by the ministers of the gospel can lay claim only to an *earthly* title. This we conceive to be at variance with the whole tenor of the doctrine of our Lord and his Apostles, and also at variance with the doctrine of the Church of England, on the subject of the ministry. The Apostle says, “God, who commanded the light to shine out of darkness, hath shined in our hearts, to give the light of the knowledge of the glory of God, in the face of Jesus Christ: but we have this treasure in earthen vessels, that the excellency of the power may be of God, and not of us.”* We cannot therefore admit, that the means employed by a minister, entrusted with the treasure of the Holy Spirit, moving him to preach the Gospel, can lay claim only to an *earthly title*: and without this divine treasure, we cannot conceive any qualification for the ministry.

In the service of the Temple, the priests were all washed and sanctified; they were anointed with the holy consecrating oil; and the High Priest had on his forehead a tablet of gold, with the inscription, **HOLINESS TO THE LORD**, engraved thereon. A beautiful type of the purity and spirituality of the Gospel dispensation, and of its

* 2 Cor. iii. 6, 7.

ministers. What do the ministers of the Church of England mean, when they declare that they believe themselves inwardly moved by the Holy Ghost to preach the gospel? Do they not mean that they perceive this *light shining in their hearts*, pointing out to them the path of their religious duty. Surely, when thus moved by the Holy Ghost, the means which they employ may lay claim to a higher than an earthly title; as they are instructed by the Bishop, at their ordination—“Ye cannot have a mind and will thereto of yourselves; for that will and ability is given of God alone; therefore ye ought, and have need to pray earnestly for his Holy Spirit.”* When thus moved, or called, they must know that verified in their own experience, which I have adduced above as the experience of the Apostle. If under the influence of the Holy Spirit, their preaching would be in the demonstration of the Spirit and of power: they would speak, not in the words which man’s wisdom teacheth, but which the Holy Ghost teacheth. They would have that spiritual discernment, by which they would receive the things of the Spirit of God; which things,

* See the entire office of “Ordering of Priests,” particularly the hymn, “Come, Holy Ghost,” and the authority to forgive and to retain sins, supposed to be conveyed by the imposition of the Bishop’s hands; which must require no small degree of *divine illumination*, as well as *divine authority*, rightly to exercise.

in their natural state, they cannot discern ; for in that state, they are foolishness unto them. They would know the meaning of the very important queries put by the Apostle to the Corinthians ; “ Know ye not that ye are the temple of God ; “ and that the Spirit of God dwelleth in you ?*” “ What ! know ye not that your body is the “ temple of the Holy Ghost, which is in you, “ which ye have of God, and ye are not your “ own ?”†

We believe “ That God raises up his own “ ministers. That these are to give their spiritual “ labours freely ; ‘ *eating such things as are set “ before them,*’ and, ‘ *having food and raiment, to “ be therewith content;*’ (which things they deserve, “ while in the exercise of their calling, as much as “ the labourer his hire) but that no bargains are to “ be made about religion. That ministers of the “ Gospel are not authorized to demand, conse- “ quently not to *force*, a maintenance from others ; “ or to take away any thing from those who are “ unwilling to receive them ; but that in such case “ they are to go their ways, and to shake the dust “ off their feet against those who reject them ; “ or, in other words, to declare that they have done “ their own duty in going with the word of exhor- “ tation, and that the fault lies with those who

* 1 Cor. iii. 16.

† 1 Cor. vi. 19.

“ refuse to hear it. That when they are not
 “ occupied in the work of the ministry, they
 “ are to support themselves, if necessity re-
 “ quire it, by their own industry, using their own
 “ scrips, purses, and clothes. That any con-
 “ strained payment on account of religion, as it is
 “ contrary to the intention of Jesus Christ, is an
 “ infringement of the great Christian tenet, that,
 “ Christ’s kingdom being of a spiritual nature, the
 “ magistrate has no right to dictate a religion to
 “ any one, nor to enforce payment for the same ;
 “ and that therefore any legal interference in these
 “ matters, which are solely between God and man,
 “ is an act of legislation **BEYOND THE BOUNDS OF**
 “ **MAN’S JURISDICTION**, and is neither more nor less
 “ than a **USURPATION OF THE PREROGATIVE OF**
 “ **GOD.**”*

Before we proceed to consider the nature of the
 claim of the clergy to tithes, it may be proper to
 take some notice of a quotation made by the Pro-
 fessor, p. 5, from 1 Peter ii. 21—25, as “the most
 “ pointed passage in the new testament, to which
 “ we can refer ;” and which I think with him has
 very little to do with it. A more pointed passage,
 in my apprehension, may be produced from the
 same Apostle, 1 Pet. iv. 10, 11, “ As every man
 “ hath received the gift, *even* so minister the same

* Concise Hist. of Tithes.

“one to another, as good stewards of the manifold
 “grace of God. If *any* man speak, *let him speak*
 “as the oracles of God; if any man minister, *let*
 “*him do it*, as of the ability which God giveth.”

But let us hear what our Saviour himself says, Matt. x. 8, when sending forth his Apostles to preach, he enjoins them, “Freely ye have received, freely give.” They could not *then* execute their Master’s commission, without his divine assistance and qualification; so neither can his true ministers in the present day, without the immediate assistance of his own “free Spirit” (Ps. li. 12.)

But does my friend seriously mean to assert (p. 6.) still quoting from the Apostle Peter, (ch. ii.) that “We are to submit ourselves to every ordinance
 “of man for the Lord’s sake,” verse 13, and for
 “conscience sake,” (Rom. xiii. 5,) *without any*
reference to the nature of the ordinance! This same Apostle (Acts iv. 19) evidently thought otherwise; “Whether it be right in the sight of
 “God,” says he to the Jewish rulers, “to hearken
 “unto you more than unto God, judge ye.” “Some
 “of these ordinances to which the Apostle enjoins
 “submission,” the Professor says, “must have
 “been iniquitous; they were made by heathen
 “rulers, and in some cases made demands to
 “which, I presume, no FRIEND at this day would
 “think of submitting.” And does the Professor

think that the Apostle enjoined submission to these “*iniquitous ordinances!*” or, that the early Christians, any more than a FRIEND at this day, would think of submitting to them! It is easy to see that the Apostle would restrict his submission to such ordinances, of a civil nature, as did not interfere with conscience: and perhaps this will afford a less objectionable solution of the reason, why our Lord “performed a miracle in order to enable “his disciples to comply with the payment of “tribute,” (Matt. xvii. 24, 27) than to suppose that “he submitted to similar [iniquitous?] ex-“actions” rather than give “offence” to the tax-gatherers. (p. 7.) This is all in accordance with the injunction to render to Cæsar the things that are Cæsar’s, and to God the things that are God’s. And I cannot see that, either on this occasion, nor yet in the acceptance of voluntary contributions, (p. 7.) “our Lord’s example may be cited in “direct opposition to the doctrines of the ‘Brief “Statement.’ ” (p. 8.)

We now come to consider the foundation of the claim of the clergy to tithes; ever keeping in view the ground of *Reason and Conscience*; the ground the Professor himself has taken. He gives us the following extract from Burn’s Ecclesiastical Law; viz. “What was paid to the Church for several

“ of the first ages after Christ, was all brought to
 “ them by way of offerings : and these were made
 “ either at the altar, or at the collections, or else
 “ occasionally. Afterwards, about the year 794,
 “ Offa, King of Mercia, (the most potent of all the
 “ Saxon Kings of his time in this island) made a
 “ law, whereby he gave unto the Church the tithes
 “ of all his kingdom ; [WHICH, THE HISTORIANS
 “ TELL US, WAS DONE TO EXPIATE FOR THE DEATH
 “ OF ETHELBERT, KING OF THE EAST ANGLES, WHOM
 “ IN THE YEAR PRECEDING, HE HAD CAUSED BASELY
 “ TO BE MURDERED.] * This law of Offa was that
 “ which first gave the church a civil right in them
 “ in this land, by way of property and inheritance,
 “ and enabled the clergy to gather and recover
 “ them as their legal due, by the coercion of the
 “ civil power. Yet this establishment of Offa
 “ reached no farther than to the kingdom of
 “ Mercia, over which Offa reigned ; until Ethel-
 “ wulph, about sixty years after, enlarged it for
 “ the whole realm of England.”

These grants of Offa and Ethelwulph the Pro-
 fessor takes as the original title deeds, by which
 the clergy claim the tithe ; and on this he thus
 argues ; “ The gift was at *first* FREELY bestowed,

* The Professor has not given us this passage in Burn, which
 is printed in small capitals. Perhaps he was unwilling to shock his
 readers with such a tale of horror.

“and was appointed to be paid by subsequent
 “occupiers as a part or portion of the rent ; with
 “this difference only, that the rent was to go to
 “one person, the bequest so made, to be paid to
 “another, and this other was to be a Christian
 “Minister.” He then draws a parallel between
 tithes, and lands left by will for the support of a
 public school, and says, “What, I ask, would the
 “Society of Friends say to me, if I were solemnly
 “to aver, make it moreover a part of my religious
 “creed, and then a question of conscience, that
 “no rents ought to be paid to them for the
 “occupancy of lands, left by will for the support
 “of Sidcot School ; or that no interest ought to
 “be paid by the nation at large for the sums vested
 “in the public funds for the same purpose? I
 “think they would say, either that I was very ill
 “informed as to what Christianity is, or else,
 “that my notions of justice were very different
 “from those which every just man has hitherto
 “held ; and yet this is what they are every day
 “doing, when they refuse to pay the tithes claimed
 “by the Established Church, of the lands which
 “they severally hold. Both rest precisely on the
 “the same grounds ; both were originally granted
 “by the real owners for these several specific
 “purposes ; both were *voluntarily* and *freely*
 “given.” (p. 16, 17.) Here then are the grounds

on which, in *Reason* and *Conscience*, the clergy of the present day rest their claim to tithes. That is to say, first, that Offa and Ethelwulph, at the times of their making their respective grants, were the *real owners* of the lands on which they made these grants.

Had the Saxon conquest of England been effected by one great leader, it might reasonably be expected that, after having murdered or expelled the ancient inhabitants, he might have called himself the owner of the whole territory; and might have been so acknowledged by his followers; but this was not the case. The Saxons came over in different parties, each party landing in a different place; some landing on the eastern coast, and others landing on the southern coast; and this continued for a hundred and fifty years, before they became complete masters of the country. Now, as each of these parties of invaders came under separate leaders, it were reasonable to suppose that each party would *conquer for themselves*; and would consider themselves the *real owners* of that portion of the territory they had obtained possession of. How far this was the state of England after the Saxon conquest, let HUME inform us. He says, “The Saxons who subdued Britain, as they enjoyed great liberty in their own country, obstinately retained that invaluable possession

“ in their new settlement ; and they imported into
“ this island the same principles of independence
“ which they had inherited from their ancestors.
“ The King, so far from being entitled to an
“ arbitrary power, was only considered the first
“ among the citizens. It is probable that the
“ Constitution might be somewhat different in the
“ different nations of the Heptarchy ; and that it
“ changed considerably during the course of six
“ centuries, which elapsed from the first invasion
“ of the Saxons till the Norman conquest ; but
“ most of these differences and changes, with their
“ causes and effects, are unknown to us. It only
“ appears that, at all times, and in all the kingdoms,
“ there was a national council, called a Wittenage-
“ mot, or assembly of the wise men, whose consent
“ was requisite for enacting laws, and for ratifying
“ the chief acts of public administration. But who
“ were the constituent members of this Wittenage-
“ mot, has not been determined by antiquarians.
“ It is agreed that the bishops and abbots were
“ an essential part. We may conclude that the
“ more considerable proprietors of land were,
“ without any election, constituent members of the
“ national assembly ; and there is reason to think
“ that forty hydes, or between four and five thou-
“ sand acres, was the estate requisite for entitling
“ the possessor to this honourable privilege. We

“ have hints given us in the historians of the great
 “ power and riches of particular noblemen.”

Here we find no paramount lord of the soil ; but we find that our Saxon ancestors had at this time laid the foundation of the present British Constitution ; they had a *Limited Monarchy*, and a national assembly, or *Parliament*, whose consent was requisite for enacting laws ; nor do I find that the landowners paid any acknowledgment, or service to the crown, for their lands ; each one deriving his title only from his own sword.

Therefore, Offa and Ethelwulph *were not the real owners* of the lands over which they are said to have granted the tithes.

We next examine the circumstances under which these grants are said to have been made. It appears that Offa had a daughter named Elfrida or Etheldrida, and that Ethelbert, King of the East Angles, who made suit to this princess, was invited with all his retinue, by Offa, to Hereford, in order to solemnize the nuptials ; when, instead of marrying the daughter, he was murdered by the father ; who seized his kingdom, and added it to his own. Hume says, “ He gave a tenth of all his
 “ goods to the Church ; he bestowed rich dona-
 “ tions on the Cathedral of Hereford ; and the
 “ better to ingratiate himself with the Sovereign

“ Pontiff, he engaged to pay him a yearly donation
 “ for the support of an English College at Rome ;
 “ and in order to raise the sum, he imposed the tax
 “ (called Rome-scot) of a penny on each house,
 “ possessed of thirty pence a year. This imposi-
 “ tion, being afterwards levied on all England,
 “ was commonly denominated Peter’s Pence ; and
 “ though conferred at first as a gift, was afterwards
 “ claimed as a tribute by the Roman Pontiff.”*

Here we find that “ Offa gave a tenth of all his
 “ goods to the Church ;” that is a tenth of all *his*
own goods ; that he added to the endowments of
 Hereford Cathedral ; and that he granted or con-
 firmed this tax of Rome-scot to the Pope. Rapin
 mentions the Rome-scot, and the donations to
 the Church at Hereford ; but he makes no allu-
 sion to any tenths or tithes as having been
 granted by this prince.

“ Ethelwulph, who succeeded his father, had

* “ Offa went to Rome before his death, and extended to his
 own dominions the liberality of Ina, called Rome-scot.”—
Turner’s History of the Anglo Saxons.

“ Rome-scot was first granted by Offa, as some say, or by Ina,
 king of the West Saxons, as others say. Our ancestors did
 frequently complain of this mark of slavery to the Church of
 Rome, as a burden and scandal to the English nation. And in
 the time of King Edward III. it was forbidden to be paid. King
 Henry VIII. abrogated it ; but it was servilely restored by Queen
 Mary ; but at last utterly abolished by Queen Elizabeth.”—
Bailey’s Dict. Article, Rome-scot.

“ been a monk : but, on the unexpected death of
 “ his elder brother, the Papal dispensation was
 “ obtained to release him from his sacred obliga-
 “ tions. His mind was indolent and weak. His
 “ minister, Alstan, Bishop of Sherborne, ably sup-
 “ plied his master’s deficiencies.”* His character
 was that of a severe ecclesiastic through life ; giv-
 ing himself up to monastic devotions, except when
 roused by the incursions of the Danes. We can-
 not therefore wonder that when the king was a
 monk, surrounded by monks, and aided by a
 council of which “ bishops and abbots were an
 “ essential part,” and a bishop his prime minister,
 I say, that with such a king, and such a council, it
 is not to be wondered at, that tithes, which before
 had been only at the will of the donor, should be
 fixed as a permanent tax on the country, and
 which he consented to, under the notion that he
 should thus avert the judgments of God, which
 his ghostly counsellors represented as visible in
 the frequent ravages of the Danes.

Could we trace a title to national tithes to King
 Offa, we should so far fix a disgrace on our coun-
 try, for having suffered a tax, imposed by a
 murderer, to avert the just judgment of God from
 his own guilty head, to be patiently borne and
 paid for **A THOUSAND AND THIRTY-EIGHT YEARS!**

* Turner’s Hist. of the Anglo Saxons. 2nd edit. Vol. 1. p. 183.

And the title derived from Ethelwulph is, in my opinion, a very sorry title indeed to be brought forward by the ministers of the English Church: it being nothing but a JOB, got up by a junto of ecclesiastics in the very darkest ages of Papal usurpation, superstition, and bigotry. And I think I have *proved*, as far as historical records can be brought in proof, that neither Offa nor Ethelwulph, were the *real owners* of the lands of their respective kingdoms; but that the lands were divided out among a *large body* of absolute and independent proprietors; consequently, the similarity, if any, between tithes and a rent-charge, is extremely small. A rent-charge is an absolute charge on the land, authorising the claimant, in case of default, not only to levy distress, but even to enter and take possession: whereas the tithe claimant has his demand only on the crop or produce; which he cannot touch until it be cut or severed from the freehold, and converted into *personal* property; and in case of default, his only remedy is against the occupier: and if he runs away, leaving his tithe unpaid, the claimant may *run after him*. Tithe is, in fact, not a tax on the *land*, but a tax on the skill, capital, and industry of the occupier: consequently, tithes may be said to bear no resemblance to a rent-charge.

We next proceed to notice the Professor's position, that tithes were originally granted for the "specific purposes" to which they are now applied. It appears by Ethelwulph's grant, that they were given only "Sanctæ Ecclesiæ,* (to Holy Church;) of course they were to be applied to the *general purposes* to which tithes were *then* applied; which were, one-fourth to the bishop, one-fourth to the clergy, one-fourth for the support of buildings, and one-fourth to the poor; or, the bishops being otherwise provided for, into three parts only, for the other three purposes.† But *who* and *what* were the clergy, for whose benefit the royal monk Ethelwulph, with his monkish brethren, aided by a council, of which Popish "bishops and abbots were an essential part;" who, I say, were the clergy, for whose benefit these men taxed the country? Not for a *Protestant* clergy: not for men who protest against the errors of the Church of Rome, and who have renounced her communion. Not certainly for these; but for *Popish* priests and monks for ever! And the poor, who were to partake of these tithes, were such only as attended divine worship accord-

* Selden.

† At what period this alteration in the division of tithes took place, does not seem to be ascertained.

ing to “ canonical order ;” * that is, according to the canons of the Church of Rome. If, therefore, the poor of the present day had a third of the tithe, this third would be completely diverted from the purpose assigned in the original grant. Tithes, therefore, are not applied to *any one* of the purposes for which they were *originally* granted. Were we to admit the ground of the grant of tithes to be valid, still they are not now applied agreeably to the will of the donor : they do not go to any Popish bishop ; they go to no Romish priests or monks ; they are not applied to the support of any Popish ecclesiastical buildings ; nor are they applied to the poor !

Now, when we consider all these facts ; that tithes, as a Christian institution, are altogether of Popish origin ; granted too by a weak Romish ecclesiastic, converted into a king ! influenced as he was, by others of the monkish fraternity ; granted too, under a notion that he should thereby prevent the future ravages of the Danes, in which expectation he was entirely disappointed ; that this grant of tithes was confirmed and ratified by the Pope ; that they were granted to “ Holy Church,” that is, to the *Church of Rome* ; that, among other uses, they were granted for the support of the *Romish* system of worship, with all its pomp and cere-

* Selden.

monies; and, without doubt, for *masses* for the souls of the donors, so long as the tithes granted by them should continue to be paid; that the Church of England is *a church dissenting* from the Church of Rome; that it has not only renounced all spiritual allegiance towards the head of that church, but that it does, in its homilies, denominate the Popes “most greedy Romish wolves,—“wicked, usurping bishops and tyrants,—special “instruments and ministers of the devil!” and by many other opprobrious epithets. When, I say, we consider *by whom* tithes were first made a permanent tax in this country; the *false pretences* under which a weak, monkish king, was induced to grant them; the *purposes* for which they were granted; and that they are not *now* applied to *any one* of the said purposes; it may well be a question with the clergy of the Church of England, how far they are entitled in REASON and CONSCIENCE to persist in *receiving* them. But if tithes must be paid to ministers who are *dissenters from the Church of Rome*, I ask, what claim, in *reason* and *conscience*, can the ministers of the Episcopal sect set up for these tithes, that may not be brought forward by *other dissenting* ministers? I conceive that the Independents, who, at one period, enjoyed the tithes, almost exclusively, Episcopalians, Baptists, Methodists

and others, who are all *equally dissenters*, have, in reason and conscience, an equal claim to tithes, share and share alike. But I should say that, in reason and conscience, they have none of them any claim at all !

I think that those of the clergy who hold fast by their Act of Parliament, are the more discreet ; for when they let that go, as their *only anchor*, they run adrift. As a magistrate, with whom I was once in conversation on the subject of tithes, and happening to mention the name of Moses, quickly replied, “ My dear Sir, we have nothing to do with Moses, we look only to our Act of Parliament ! ”

It may not, however, be amiss to remind the clergy of the Church of England, that as they derive their authority for enriching themselves with the spoils of the Church of Rome entirely from an act of the British Parliament ; so, an act of the same Parliament, may, at any time, entirely deprive them of these spoils ; or, whenever the Parliament, considering tithes as an expiation for Offa’s crime, for which they are *supposed* to have been established ; or, considering the *Popish uses*, for which they are *known* to have been established, and from which they have long since been diverted, may think that they have been paid *long enough*, and may think proper to rid the nation

of this degrading vestige of Popish usurpation, they may perhaps suffer them to lapse into the lands from which they are derived, as has been done elsewhere.

Seeing then that tithes are applied to none of the purposes for which they were originally granted, in what a sad state are the clergy of the Church of England, if the Professor is correct in his judgment, that tithes ought “*punctually to be rendered, and perpetually applied to the purposes assigned by the original donors or makers of such grants.*” And that in this case, “*Conscience is firmly bound by the laws of both God and man; and consequently compelled to maintain, that all such property ought scrupulously to be applied to the purposes for which it was originally given; and that he who irreligiously dares to hold or to promulgate a contrary opinion, will do this at the peril and risk of his soul.*” pp. 19. 20.

Here the Professor has reduced the subject to a pure question of “*Conscience:*” and he has stated it in such broad, clear, and plain language, as scarcely to admit the possibility of perversion. Here the Act of Parliament is *laid aside*; and we have before us a simple question of Conscience.—Are the English tithes then, applied to the pur-

poses assigned by the original donors or makers of the grants? This question is rendered so important by the awful consequences attached to it by the Professor, as to require our once more adverting to it.—The tithes, as we have stated, were granted to “Holy Church,” that is, to the Church of Rome; and they were to be disposed of as the Church directed. The Church, then, directed that these tithes should be divided into certain portions, and each portion for a separate purpose; but whether the laws of the Church directed that they should be divided into four parts, or only into three parts, is not quite clear: we will therefore take the three parts only, leaving the bishops out of the question, excepting when they themselves become rectors and vicars, by the ingenious process of *commendams*. I have shown that the portion allotted to the poor was to be paid only to those who went to church, according to *canonical order*. Knowing then, as we do, the stern inflexibility of the Church of Rome, it would be a perversion of all reason and common sense, to suppose that tithes, established by a *monk* with a crown on his head, were intended by him, at the time the grant was made, ever to be enjoyed by any other than by *canonical*, that is to say, by Romish clergy: as well might we say that, if we paid the tithes to Indian Bramins, that they were “applied to the

“ purposes for which they were originally given,” as when they are paid to Protestant “ heretics.” Are the tithes then divided into three equal portions? Is one of these portions appropriated to the clergy of the Church of Rome? Is one other of these portions applied for the support of Romish religious houses? And is the other third portion appropriated to the support of the poor who go to church, according to canonical order; that is, according to the order of the Church of Rome? these being the purposes to which the tithes were assigned by the original grant. The answer is, as every body knows, as plain and simple as the question itself. **NO**, they are **NOT** applied to any one of the three purposes stated in the question! Here then is a dilemma! My friend, the Professor, must therefore either forthwith abandon his tithes in toto; or, if he “ *irre-* “ *ligiously dares to hold or to promulgate an* “ *opinion that tithes should not punctually be ren-* “ *dered, and perpetually applied to the purposes* “ *assigned by the original donors or makers of* “ *such grants,*” he thereby violates “ *the laws of* “ *both God and man; and does this at the peril* “ *and risk of his soul.*”

REDLAND, near BRISTOL,
11th Month, 1832.

A BRIEF STATEMENT of the reasons why the Religious Society of FRIENDS object to the payment of Tithes, and other demands of an Ecclesiastical nature: issued by the Yearly Meeting of the said Society, held in London in the Fifth Month, 1832.

THE Religious Society of Friends has now existed in this country for nearly two centuries as a distinct Christian community. Amongst other circumstances by which we have been distinguished from our fellow-professors of the Christian name, has been an objection, founded on a scruple of conscience, to the payment of Tithes, and other demands of an Ecclesiastical character. Apprehending that the motives of our conduct herein are not generally well understood, and anxiously desiring also that our own members may be encouraged and strengthened to act consistently with our Christian profession, we think it right, at the present time, briefly to set forth the reasons for our testimony on this important subject.

We have uniformly entertained the belief, on the authority of Holy Scripture, that when in the fulness of time, according to the allwise purposes of God, our blessed Lord and Saviour appeared personally upon earth, He introduced a dispensation, pure and spiritual in its character. He taught by his own holy example and divine precepts, that the ministry of the Gospel is to be without pecuniary remuneration. As the gift is free, the exercise of it is to be free also: the office is to be filled by those only who are called of God by the power of

the Holy Spirit ; who, in their preaching, as well as in their circumspect lives and conversation, are giving proof of this call. The forced maintenance of the ministers of Religion is, in our view, a violation of those great privileges which God, in his wisdom and goodness, bestowed upon the human race, when He sent his Son to redeem the world, and, by the power of the Holy Spirit, to lead and guide mankind into all truth.

Our blessed Lord put an end to that priesthood, and to all those ceremonial usages connected therewith, which were before divinely ordained under the Law of Moses. The present system of Tithes was not in any way instituted by Him, our Holy Head, and High Priest, the great Christian Law-giver. It had no existence in the purest and earliest ages of his Church, but was gradually introduced, as superstition and apostacy spread over professing Christendom, and was subsequently enforced by legal authority. And it further appears to us, that in thus enforcing as due* “to God and Holy Church,” a tithe upon the produce of the earth, and upon the increase of the herds of the field, an attempt was made to uphold and perpetuate a divine institution, appointed only for a time, but which was abrogated by the coming in the flesh of the Lord Jesus Christ. The vesting of power by the laws of the land in the king, assisted by his council, whereby articles of belief have been framed for the adoption of his subjects, and under which the support of the teachers of these articles is enforced, is, in our judgment, a procedure at variance with the whole scope and design of the Gospel ; and as it violates the rights of private

* 27 Henry viii. c. 20.

judgment, so it interferes with that responsibility by which man is bound to his Creator.

In accordance with what has been already stated, we of course conscientiously object also to all demands made upon us in lieu of Tithes. We likewise object to what are termed Easter-dues; demands originally made by the priests of the Church of Rome, but continued in the Protestant Church of England, for services which we cannot receive. We also object to Mortuaries, sums applied for and still enforced in some places, as due to the incumbent of a parish on the death of the head of a family. Neither do we find, in the example or precepts of our blessed Lord and his Apostles, any authority for these claims, or others of a kindred nature, which all had their origin in times of the darkness and corruption of the Christian Church. And we further consider, that to be compelled to unite in the support of buildings, where a mode of religious worship is observed in which we cannot conscientiously unite, and in paying for appurtenances attached to that mode of worship, from which we alike dissent, is subversive of that freedom which the Gospel of Christ has conferred upon all.

Deeply impressed with a conviction of the truth of these considerations, we have felt it to be a religious duty to refuse active compliance with all Ecclesiastical demands which have been made upon us; or to be parties to any compromise whereby the payment of them is to be insured. That this conduct has not arisen from a contumacious spirit, we trust the

general character of our proceedings will amply testify. And we trust, also, that it will be readily admitted, that political considerations have not governed our Religious Society, but that we have been actuated by a sincere desire to maintain, in the sight of God and man, a conscientious testimony to the freedom and spirituality of the Gospel of Christ, and thus to promote the enlargement of his kingdom upon earth.

In their support of these views, our pious predecessors underwent many and grievous sufferings, which they bore with Christian meekness and patience. Their loss of property was often excessive; they were subjected to cruel and vexatious prosecutions; they endured long and painful imprisonments; and not a few, who were thus deprived of their liberty, manifested the sincerity of their faith by patiently suffering this imprisonment unto death. Soon after the accession of William III. to the throne of this kingdom, more lenient laws were made by the government for the recovery of these demands, imprisonment became less frequent, and the execution of the law less severe. Subsequent legislative enactments, under the mild sway of the present reigning family, have still further mitigated its force. We are sensible that our grateful acknowledgments are due for these things, and we thus publicly express them. At the same time, we feel that there are laws still unrepealed, by which we might, in the support of these our Christian principles, be subjected to great loss of property, and to imprisonment for life; and in the execution of the law, as it now exists,

much pecuniary suffering, and many oppressive proceedings, may be and are inflicted. And here we would observe, that each individual amongst us wholly sustains the amount of the restraint made upon him, and of all the consequent expenses : we have no fund out of which a reimbursement takes place, as some have erroneously supposed.

Seeing that we have, as a Religious Society, invariably made, on this subject, an open confession before men, we earnestly desire that we may all steadfastly adhere to the original grounds of our testimony ; not allow ourselves to be led away by any feelings of a party spirit, or suffer any motives of an inferior character to take the place of those which are purely Christian. May none amongst us shrink from the faithful and upright support of our Christian belief ; but, through the Grace of our Lord Jesus Christ, seek after that meek disposition, in which our Society has uniformly thought it right to maintain this testimony, and which we desire may ever characterize us as a body. It becomes us all, when thus conscientiously refusing a compliance with the law of the land, to do it in that peaceable spirit of which our Lord has left us so blessed an example. May we all be concerned, in accordance with the advice of this Meeting, given forth in the year 1759, ‘to demonstrate, by our whole conduct and conversation, that we really suffer for conscience-sake, and keep close to the guidance of that good Spirit, which will preserve in meekness and quiet resignation under every trial. For if resentment should arise against those whom we may look upon as the instruments of

our sufferings, it will deprive us of the reward of faithfulness, give just occasion of offence, and bring dishonour to the cause of Truth. Cavilling or casting reflections upon any, because of our sufferings, doth not become the servants of Christ, whose holy example and footsteps we ought in all things faithfully to follow.'

It is the duty of the Christian, in patience and meekness, and innocent boldness, to follow the convictions of religious duty, openly to avow his views, and humbly to confide in the ever blessed Head of the church. And we are persuaded that nothing will so effectually promote the increase of genuine Christianity, as for all who profess faith in Christ, to manifest by their humble and peaceable demeanour, and by the accordance of their whole lives with the precepts of the Gospel, that their trust is in God; and that they are seeking to imitate Him who was holy, harmless, undefiled, and separate from sinners.

We desire that the existing evils may, under the Divine blessing, be remedied by the increase of Christian light and knowledge, and that it may please our Heavenly Father in the ordering of his Providence, so to influence all the legislative proceedings of our Government, on this deeply important subject, as that they may tend to the furtherance of the Church of Christ, and the increase of Godliness in the Nation. And it is our firm conviction, that in proportion as the heavenly precepts and the blessed example of the Son of God, who is given of the Father to be Lord of all, spread and prevail, and effectually rule in the hearts and consciences

of men,—in proportion as the pure doctrines of the Gospel gain the ascendancy,—it will be seen, that to uphold any church establishment by compulsory laws, which oppress the consciences of sincere believers in the Lord Jesus, is at variance with his holy law, and is calculated to retard the universal spreading of his reign.

In conclusion, it is our earnest prayer, that it may please the Supreme Ruler of the Universe to hasten the coming of that period when the light of the glorious Gospel of Christ shall shine forth with unclouded brightness; when Righteousness shall cover the earth as the waters cover the sea, and when the kingdoms of this world shall become the kingdoms of our Lord and of his Christ.

Signed, in and on behalf of the Yearly Meeting, by

SAMUEL TUKE,

Clerk to the Meeting this Year.

A

CONCISE HISTORY

OF

TITHES,

with an Inquiry how far a

FORCED MAINTENANCE

FOR THE

MINISTERS OF RELIGION

is warranted by the Example and Precepts of

JESUS CHRIST AND HIS APOSTLES.

BY

JOSEPH STORRS FRY.

SIXTH EDITION.

PUBLISHED BY EDMUND FRY, 73, HOUNDSDITCH, LONDON ;
AND
P. ROSE, BROADMEAD, BRISTOL.

1831.

The object of the following Essay is to present the Reader with a concise account of the introduction of Tithes into the Christian Church, with such arguments and conclusions as appear fairly to arise therefrom; and such as, in the opinion of the Writer, are of general interest to the Professors of Christianity.

In order to effect this object, the Writer has necessarily had recourse to several Authors; to one of whom, especially, who treated on this subject in a work he published a few years ago, he is greatly indebted; that Author having left the writer at full liberty to make such extracts as he might think proper: of which liberty he has accordingly availed himself.

BRISTOL, 1819.

A CONCISE

HISTORY OF TITHES, &c.



CHAPTER I.

Tithes given by Abram to Melchizedek, Priest of the Most High God. Scripture account of Melchizedek.

THE first mention of Tithes that we find in the Sacred Records, is in the relation of the return of Abram from the slaughter of the four kings, where it is said, that "*Melchizedek, King of Salem, brought forth bread and wine : and he was the Priest of the most high God. And he blessed him, and said, Blessed be Abram of the most high God, possessor of heaven and earth : And blessed be the most high God, which hath delivered thine enemies into thine hand. And he gave him tithes of all.*" Gen. xiv. 18. This is the only notice of this occurrence ; nor is there any further account of Melchizedek in the Old Testament, excepting by the Psalmist, where he is supposed to be speaking prophetically of our Saviour ; "*Thou art a priest for ever after the order of Melchizedek.*" Ps. cx. 4. The above event appears to have taken place about 400 years before the giving of the Law.

Here is a simple narration of a circumstance, totally unconnected, in an historical point of view, with any other. It appears that Melchizedek met Abram and blessed him ; and that Abram gave him tithes of all. But there does not appear to have been any divine command, nor any precedent, for this gift ; nor is there any reason assigned why the tithes were given : we are therefore at liberty to conjecture for ourselves. It appears to me that the motive which influenced Abram, was gratitude to God, for having enabled him to overcome his enemies, and to rescue his kinsman Lot and his household ; and for the blessing which it pleased God to convey to him by Melchizedek ; and that, in the fulness of his gratitude, he gave a tenth of the spoil to Melchizedek, as the messenger of peace from God to him.

There is nothing in this occurrence that can by any force of language be construed into an *Institution*, as some commentators have attempted ; unless it be to oblige the payment of the tenth of the spoil of war : for it does not appear that Abram paid the tenth of his own increase ; nor does it appear that he gave the tenth part at any other time. But the character or description given of Melchizedek by the author of the Epistle to the Hebrews, is such as surely no man of the present day will presume to claim for himself. He describes him as "*King of*

Righteousness ; also King of Salem, which is, King of Peace ; without Father, without Mother, without Descent ;" which latter expressions some suppose to mean only, without a known pedigree ; but I think the description is too plain to be misunderstood. It proceeds thus : "*Having neither beginning of days, nor end of life ; but made like unto the Son of God, abideth a Priest continually.*" Heb. vii. 3. "*And here men that die receive tithes ; but there he receiveth them of whom it is witnessed that he liveth.*" v. 8. It appears also that his priesthood was of the same order as that of our Saviour. "*The Lord sware and will not repent, Thou art a Priest for ever after the order of Melchizedek.*" Heb. vii. 21. *What that order was appears in the sequel. "By so much was Jesus made a surety of a better testament. And they truly were many Priests, because they were not suffered to continue, by reason of death : But this man, because he continueth ever, hath an unchangeable priesthood. Wherefore he is able also to save them to the uttermost that come unto God by him, seeing he ever liveth to make intercession for them. For such an high Priest became us, who is holy, harmless, undefiled, separate from sinners, and made higher than the heavens."* Heb. vii. 22. Such was the order of the priesthood of Christ, and such appears to have been the order of the priesthood of Melchizedek. Whether or not they were different appearances of the same divine personage, is not for me to determine.

CHAPTER II.

Tithes instituted by Divine Command, as a Heave-Offering, under the Ceremonial Law of Moses. To continue until the coming of Shiloh, i. e. The Messiah ; by whose Sacrifice, once for all, ended all the Types and Shadows of that Dispensation.

THE only command from God, that we read of in Holy Writ, for the payment of Tithes, was given by *Moses* to the people of *Israel* in the time of the *Levitical Law*. Then God first reserved to himself the tithe of the land of *Canaan* ;* for this reason, that, intending to take the tribe of *Levi* more peculiarly into his service, (as he did† instead of, or in exchange for, all the first-born of *Israel*,‡ having before reserved and appropriated the

* "And all the tithe of the land, whether of the seed of the land, or the fruit of the tree, is the Lord's: it is holy unto the Lord." Leviticus xxvii. 30.

† "Bring the tribe of *Levi* near, and present them before *Aaron* the priest, that they may minister unto him." Numbers iii. 6.

‡ "And I, behold, I have taken the *Levites* from among the children of *Israel*, instead of all the first-born—among the children of *Israel* ; therefore the *Levites* shall be mine ; because all the first-born are mine ; for on the

first-born to himself,*) he might bestow those Tithes on the Levites, for the maintenance of that whole tribe, as a reward of their services in the tabernacle of the congregation,† and in lieu of their share of the land of *Canaan*, from which thereupon they were expressly excluded.‡

Now, although it was grounded on a principle of moral justice and equity, that the *Levites*, thus engaged in a continual attendance on a public service; and excluded from their share in the inheritance of the promised land, should receive a sufficient maintenance from those for whom they performed that service, and who enjoyed their part of the land; yet the ascertaining the *quota* of that maintenance, to the exact proportion of a *tenth part* of the increase of the land, was not grounded on moral justice, but had its dependence on the ceremonial law, adapted and limited to the polity of that dispensation and people only. And, that it might not be extended beyond its appointed time and bounds, it pleased Divine Wisdom to subject it to such ceremonial circumstances as plainly rank it among those carnal ordinances, (rites and ceremonies,) which were imposed but till the time of reformation. § For as God appointed the *Levites* to be offered for a *Wave-Offering* by *Moses*, in the name and on the behalf of the children of *Israel*, when he said to *Moses* : *Thou shalt bring the Levites to the*

day that I smote all the first-born in the land of Egypt, I hallowed unto me all the first-born in Israel, both man and beast: mine they shall be: I am the Lord." Numbers iii. 12, 13.

"And I have taken the Levites for all the first-born of the children of Israel." Numbers viii. 18.

* "Sanctify unto me all the first-born — among the children of Israel, both of man and of beast: it is mine." Exodus xiii. 2.

† "And, behold, I have given the children of Levi all the tenth in Israel, for an inheritance, for their service which they serve, even the service of the tabernacle of the congregation. And ye shall eat it in every place, ye and your households; for it is your reward for your service in the tabernacle of the congregation." Numbers xviii. 21., 31.

‡ "And the Lord spake unto Aaron, Thou shalt have no inheritance in their land, neither shalt thou have any part among them: I am thy part, and thine inheritance, among the children of Israel. But the Levites shall do the service of the tabernacle of the congregation, and they shall bear their iniquity; it shall be a statute for ever throughout your generations, that among the children of Israel they have no inheritance. But the tithes of the children of Israel, which they offer as a heave-offering unto the Lord, I have given to the Levites to inherit; therefore I have said unto them, Among the children of Israel they shall have no inheritance." Numbers xviii. 20, 23, 24.

§ "Then verily the first covenant had also ordinances of divine service and a worldly sanctuary; which stood only in meats and drinks, and divers washings, and carnal ordinances, imposed on them until the time of reformation." Hebrews ix. 1, 10.

*Tabernacle of the Congregation, and thou shalt gather the whole assembly of the children of Israel together; and thou shalt bring the Levites before the Lord, and the children of Israel shall put their hands upon the Levites; and Aaron shall offer [in the margin, wave] the Levites before the Lord for an Offering [in the margin, Wave Offering] of the children of Israel, that they may execute the service of the Lord: Num. viii. 9, 10, 11. So the tithes, which were assigned for the maintenance of the Levites, were to be first offered, by the people, as a Heave-Offering unto the Lord. (The Tithes of the children of Israel, which they offer as a Heave-Offering unto the Lord, I have given to the Levites, &c. Num. xviii. 24.) And even the Tithe of those Tithes, which the Levites were to yield unto the priests, was to be offered by the Levites as a Heave-Offering to the Lord, before the priests might have them. Thus speak unto the Levites, [said God to Moses,] and say unto them, When ye take of the children of Israel the Tithes which I have given you from them for your inheritance, then ye shall offer up a Heave-Offering of it for the Lord; even a tenth part of the Tithe. And this your Heave-Offering shall be reckoned unto you, as though it were the corn of the threshing-floor, and as the fulness of the wine-press. Thus ye also shall offer a Heave-Offering unto the Lord, of all your Tithes which ye receive of the children of Israel; and ye shall give thereof the Lord's Heave-Offering to Aaron the priest." v. 26. 27. 28. This makes it evident, beyond doubt, that the tithes which were given by the people to the Levites, and by the Levites to the priests, under the Law, had their dependence on the ceremonial law, as that priesthood had; and were to stand no longer than that law and that priesthood stood, which was but till *Shiloh*, (i. e. the Messiah,) came, and, by the offering of himself once for all, put an end to all the shadowy offerings under that law.*

This the author of the epistle to the *Hebrews* so well understood, that he positively declared that, *the priesthood being changed, there is made of necessity a change also of the Law.* Hebrews vii. 12.

CHAPTER III.

The Introduction of the Gospel. The Precepts of Jesus Christ. The Examples and Precepts of the Apostles Paul and Peter. Practice of the Primitive Christians.

Our blessed Saviour declared, that "All the Prophets and the Law prophesied until John; Matt. xi. 13, whom he calls not

merely a Prophet, but *more than a Prophet*. For this, (says he,) *is he of whom it is written, 'Behold I send my messenger before thy face which shall prepare thy way before thee.'*" Matt. xi. 9, and Mal. iii. 1. This was the forerunner of the Messiah, spoken of in prophecy, as the "*Voice of one crying in the wilderness, Prepare ye the way of the Lord, make his paths straight.*" Matt. iii. 3, and Isaiah xl. 3. He it was, who was sent to bear witness of the True Light, which lighteth every man that cometh into the world; and who cried, saying, "*The Law was given by Moses, but Grace and Truth came by Jesus Christ.*" John i. 17.

And that the apostles were satisfied that the dispensation of the law was of no force among Christians, is also evident from the following Scripture. "*But there rose up certain of the sect of the Pharisees, which believed, saying, That it was needful to circumcise them, and to command them to keep the Law of Moses.*" Acts xv. 5. "*Then pleased it the Apostles and Elders, with the whole Church, to send chosen men of their own company to Antioch, with Paul and Barnabas; namely, Judas surnamed Barsabas, and Silas, chief men among the brethren: and they wrote letters by them after this manner.*

The Apostles and Elders and Brethren send greeting unto the Brethren which are of the Gentiles in Antioch and Syria and Cilicia.

Forasmuch as we have heard, that certain which went out from us have troubled you with words, subverting your souls, saying ye must be circumcised, and keep the law; to whom we gave no such commandment: it seemed good unto us, being assembled with one accord, to send chosen men unto you, with our beloved Barnabas and Paul, men that have hazarded their lives for the name of our Lord Jesus Christ. We have sent therefore Judas and Silas, who shall also tell you the same things by mouth. For it seemed good to the Holy Ghost, and to us, to lay upon you no greater burden than these necessary things; that ye abstain from meats offered to idols, and from blood, and from things strangled, and from fornication: from which, if ye keep yourselves, ye shall do well. Fare ye well." Acts xv. 22—29. It appears then, on this evidence, that the dispensation of the Gospel was now introduced; a dispensation spoken of 700 years before, by the Evangelical Prophet, in the following beautiful strain. "*Ho, every one that thirsteth, come ye to the waters; and he that hath no money, come ye, buy and eat; yea, come, buy wine and milk without money and without price. Wherefore do ye spend money for that which is not bread? and your labour for that which satisfieth*

not? *Hearken diligently unto me, and eat ye that which is good, and let your soul delight itself in fatness. Incline your ear, and come unto me: hear, and your soul shall live: and I will make an everlasting covenant with you, even the sure mercies of David. Behold, I have given him for a witness to the people, a leader and commander to the people.*" Isaiah lv.

This LEADER and COMMANDER, on the erection of this free Gospel-Ministry, gave rules to his disciples how they were to conduct themselves in the case before us. He enjoined the twelve, before he sent them on this errand, as we collect from the Apostles Matthew and Luke, that, *as they had received freely, so they were to give freely: that they were to provide neither gold, nor silver, nor brass in their purses; nor scrip, nor other things, for their journey; for that the workman was worthy of his meat.* Matt. x. 9, Luke ix. 3. And he afterwards asked them, "*When I sent you without purse, and scrip, and shoes, lacked ye any thing? and they said, Nothing. Then said he unto them, But now he that hath a purse, let him take it, and likewise his scrip.*" Luke xxii. 35.

In a little time afterwards, Jesus Christ sent out "other seventy" of his disciples, to whom he gave instructions similar to the former, that they should not take scrip, clothes, or money with them. But to these he said additionally, *Into whatsoever city ye enter, and they receive you, eat such things as are set before you: but into whatsoever city ye enter, and they receive you not, go your ways, and say, Even the very dust of your city, which cleaveth on us, we do wipe off against you.* Luke x. And, as on that occasion he compared the ministers of the Gospel to the labourers whom a man sends to the harvest, he told them they were at liberty to eat what was set before them, because the labourer was worthy of his hire.

This appears to be the substance of all that our Lord taught upon this subject. We therefore refer, next, to the Apostle Paul, for a further elucidation of it.

This Apostle, in his Epistles to Timothy, and to the Corinthians and Galatians,* acknowledges the position, that the spiritual labourer is worthy of his hire.

He says, "*If we have sown unto you spiritual things, is it a great thing if we shall reap your carnal things?*" "*They which preach the Gospel should live of the Gospel.*" 1 Cor. ix. 11 and 14. He also says, "*Let him that is taught in the word, communicate unto him that teacheth, in all good things.*" Gal. vi. 6. But he nowhere says, *to him that*

* 1 Tim. v. 1 Cor. ix. Gal. vi.

teacheth not; neither does he say that those are to communicate, *who are not taught*. Hence it appears that those who faithfully spend their time in preaching the Gospel, are entitled to bodily maintenance from those who "receive them;" yet such was the disinterestedness of this great Apostle, that he did not deem the practice expedient for himself; for he says, "*Nevertheless we have not used this power; but suffer all things, lest we should hinder the Gospel of Christ.*" 1 Cor. ix. 12. "*But I have used none of these things, neither have I written these things, that it should be so done unto me: for it were better for me to die, than that any man should make my glorying void.*" v. 15. It is evident that he thought it more consistent with the spirit of Christianity, and more likely to further its interests, to support himself by the labour of his own hands, than to be supported by that of others; and it is plain that his companions in the Ministry did the same, for he says, "*Neither did we eat any man's bread for nought, but wrought, with labour and travail, night and day, that we might not be chargeable to any of you; not because, [says he] we have not power, but to make ourselves an ENSAMPLE unto you to follow us; for even when we were with you, this we commanded you, that if any would not work, neither should he eat.*" 2 Thess. iii. 8, 9, 10.

It is objected on this occasion, that the Apostle received relief from the brethren of Philippi as well as from others, when he did not preach. The reply is, that this relief consisted of voluntary and affectionate presents, sent to him when in necessitous circumstances. In this case he states that he never desired these gifts, but that it was pleasant to him to see his religious instruction produce a benevolence of disposition that would abound to their own account.*

The Apostle Peter is the only other person that we find in the New Testament as speaking on this subject. Writing to those who had been called to the spiritual oversight of the churches, he advises as follows: "*Feed the flock of God which is among you, taking the oversight thereof, not of constraint, but willingly; not for filthy lucre, but of a ready mind; neither as being lords over God's heritage, but being ensamples to the flock; and when the chief Shepherd shall appear, ye shall receive a crown of glory that fadeth not away.*" 1 Peter v. 2. And he makes it a characteristic of false teachers, that, "*through covetousness shall they with feigned words make*

* Phil. ix. 14, 16.

merchandize of you. 2 Peter ii. 3. Upon which words of these Apostles three observations arise; — That Ministers should not make a gain of the Gospel: — That they should look to God only, for their reward, viz. *an incorruptible Crown of Glory*; — and that Peter himself must have preached, like Paul, without fee or reward, or he could not consistently have recommended such a practice to others.

In the very early times of the Gospel, many Christians, both at Jerusalem, and Alexandria in Egypt, sold their possessions, and lived together on the produce of their common stock. Others, in Antioch, Galatia, and Pontus, retained their estates in their possession, but established a fund, consisting of weekly or monthly offerings for the support of the Brethren. This fund continued in after times: but it was principally for the relief of the poor and distressed, in which the Ministers of the Gospel, if in that situation, might also share. Tertullian, in speaking of such funds, gives the following account: “Whatsoever we have,” says he, “in the treasury of our churches, is not raised by taxation, as though we put men to ransom their religion; but every man, once a month, or when it pleaseth him, bestoweth what he thinks proper: but not except he be willing. For no man is compelled, but left free to his own discretion. And that which is thus given is not bestowed in vanity, but in relieving the poor; and upon children destitute of parents; and in the maintenance of aged and feeble persons; and of men wrecked by sea; and of such as have been condemned to metallic mines; or have been banished to islands; or have been cast into prison, professing the Christian faith.”*

In process of time, towards the close of the third century, some lands were first given to the Church.† The revenue from these was thrown into the general treasury or fund; and was distributed, as other offerings were, by the deacons and elders: but neither bishops nor ministers of the Gospel were allowed to have any concern with it. It appears from Origen, Cyprian, Urban, Prosper, and others, that if in those times such Ministers were able to support themselves, they were to have nothing from this fund. The fund was not for the benefit of any particular persons. But if such ministers stood in need of sustenance, they might receive from it; but they were to be satisfied with simple diet, and necessary apparel. And so sacred was this fund held to the purposes of its institution, that the first Christian emperors, who did as the bishops advised

* Selden, ch. iv. § 1.

† Ibid.

them, had no recourse to it, but supplied the wants of ministers of the Gospel from their own revenues; as Eusebius, Theodoret, and Sozomen relate.

The Council of Antioch, in the year 340, finding fault with the deacons relative to the management of the funds of the Churches, ordained that the bishops might distribute them; but that they should take no part of them to themselves; or for the use of the priests and brethren who lived with them, unless necessity required it; using the words of the Apostle, "Having food and raiment, be therewith content."

In looking at other instances which have been cited, I shall mention one which throws light for a few years further upon this subject. In the year 359, Constantius, the emperor, having summoned a general council of bishops to Ariminum in Italy, and provided for their subsistence there, the British and French Bishops judging it not decent to live on the public, chose rather to live at their own expense. Three only, out of Britain, compelled by want, but yet refusing assistance offered to them by the rest, accepted the Emperor's provision; judging it more proper to subsist by public, than by private support. This delicate conduct of the bishops is brought to show, that where ministers of the gospel had the power of maintaining themselves, they had no notion of looking up to the public. In short, in those early times, ministers were maintained only where their necessities required it, and this out of the fund of the poor. Those who took from this fund had the particular appellation given them of "Sportularii," or "Basket-Clerks," because, according to Origen, Tertullian, Cyprian, and others, they had their portion of sustenance given them in baskets. These portions consisted but of a small pittance, sufficient only for their livelihood; and were given them on the principle laid down by Matthew, that the ministers of Jesus Christ were to eat and drink only such things as were set before them.

In process of time new doctrines were advanced relative to the maintenance of the ministers, which will be hereafter explained. But as these were the inventions of men, and introduced during the apostasy, no reason appears why these should be held in preference to those of Jesus Christ and of his apostles; and to the practice of Christians in the purest periods of the Church. On the other hand, it appears that the latter only are to be relied on as the true doctrines. These were founded in Divine wisdom, on the erection of the Gospel-Ministry, and were unmixed with the inventions of men. They were founded on the genius and spirit of Christianity; and not on the genius or spirit of the world.

CHAPTER IV.

History of Tithes from the Fourth Century to the reign of Henry VIII. when they were definitely consolidated into the Laws of the Land.

It has already appeared that, between the middle and the close of the fourth century, such ministers of the Gospel as were able, supported themselves; but that those who were not able, were supported out of the fund for the poor. The latter, however, had no fixed or determined proportion of this fund allotted them; but had only a bare livelihood from it, consisting of victuals served out to them in baskets, as before explained. This fund, too, consisted of voluntary offerings; or of revenues from land voluntarily bequeathed. And the principle, on which these gifts or voluntary offerings were made, was the duty of charity to the poor. One material innovation, however, had been introduced, as I remarked before, since its institution; namely, that the bishops, and not the deacons, had now the management of this fund.

At the latter end of the fourth century, and from this period to the eighth, other changes took place in the system of which I have been speaking. Ministers of the Gospel began to be supported, all of them without distinction, from the funds of the poor. This circumstance occasioned a greater number of persons to be provided for than before. The people, therefore, were solicited for greater contributions than had been ordinarily given. Jerome and Chrysostom, from good and pious motives, as it appears, in turn exhorted them to give bountifully to the poor, and double honour to those who laboured in the Lord's work.* And though they left the people at liberty to bestow what they pleased, they gave it as their opinion that they ought not to be less liberal than the ancient Jews, who, under the Levitical law, gave a tenth of their property to the priesthood and to the poor.† Ambrose, in like manner, recommended tenths as now necessary, and as only a suitable donation for these purposes.

The same line of conduct continued to be pursued by those who succeeded in the government of the Church; by Augustine Bishop of Hippo, by Pope Leo, by Gregory, by Severin among the Christians of Pannonia, ‡ and by others. Their exhortations, however, on this subject, were now mixed with promises and

* Selden, ch. v. § 4.

† Ibid.

‡ Ibid. ch. 5. § 1.

threats. Pardon of sins, and future rewards, were held out on the one hand ; and it was suggested, on the other, that the people themselves would be reduced to a tenth ; and the blood of all the poor who died would be upon their heads,* if they gave less than a tenth of their income to holy uses. By exhortations of this sort, reiterated for three centuries, it began at length to be expected of the people, that they would not give less than tenths of what they possessed. No right, however, was alleged to such a proportion of their income, nor was coercion ever spoken of. These tenths also were for holy uses, of which the claims of the poor formed the principal part. They were called the Lord's Goods, in consequence ; and were also denominated the Patrimony of the Poor.

Another change took place within the period assigned, which must now be mentioned as of great concern. Ministers of the Gospel now living wholly out of this fund (which was constituted of the tenths and of legacies) a determined portion of it, contrary to all former usage, was set apart for their use. Of this fund, one-fourth was generally given to the poor ; one-fourth to the repairs of monasteries, abbeys, and other ecclesiastical buildings ; one-fourth to officiating ministers ; and one-fourth to the bishops† with whom they lived. Hence the maintenance of the ministers, as consisting of these two orders, the repairs of monasteries, &c. took now the greatest part of it ; so that the face of things began to be materially altered, for whereas formerly this fund went chiefly to the poor, yielding at the same time some provision for the ministers of the Gospel, it now went principally to the ministers of the Gospel, yielding at the same time some provision for the poor. Another change must be noticed with respect to the principle on which the gifts towards this fund were offered. For whereas tenths were formerly solicited, on the christian duty of charity to the poor ; they were now solicited on the principle that, by the law of Moses, they ought to be given for holy uses ; in which the benefit of the fatherless, the stranger, and the widow, was included. From this time I shall use the word tithes for tenths, and the word Clergy instead of Ministers of the Gospel.

In the eighth century, matters were as I have now represented them. The people had been brought into a notion that they were to give no less than a tenth of their income to holy uses. Bishops, generally, at this time, and, indeed, long previous to this,

* Selden. ch. v. § 4.

† Selden. ch. ix. § 2. In process of time, as the Bishops became otherwise provided for, the fund was divided into three parts, for the other three purposes just mentioned.

lived in monasteries.* Their clergy also lived with them in these monasteries; and went from thence to preach in the country within the diocese. It must also be noticed, that there were at this time other monasteries, under abbots or priors; consisting mostly of lay-persons, distinct from those mentioned; and supported by offerings and legacies in the same manner. The latter, however, not having numerous ecclesiastics to support, laid out more of their funds than the former were enabled to do, towards the entertainment of strangers, and towards the support of the poor. Now it must be observed, that when monasteries of these two different kinds existed, the people were at liberty to pay their tithes to either of them, as they pleased; and that having this permission, they generally favoured the latter.† To these they not only paid their tithes, but gave their donations by legacy. This preference of the lay-abbey to the ecclesiastical, arose from the knowledge that the poor, for whose benefit tithes had been originally preached up, would be thereby more materially served. Other circumstances, too, occurred, which induced the people to continue the same preference. For the bishops in many places began to abuse their trust, as the deacons had done before, by attaching the bequeathed lands to their sees; so that the inferior clergy and the poor became in a manner dependent upon them for their daily bread. In other places the clergy had seized all to their own use. The people, therefore, so thoroughly favoured the lay-abbey in preference to those of the church, that the former became daily richer; while the latter did little more than maintain their ground. This preference, however, which made such a difference in the funds of the ecclesiastical and of the lay monasteries, was viewed with a jealous eye by the clergy of those times; and measures were at length taken to remove it. In a council under Pope Alexander the Third, in the year 1180, it was determined that the liberty of the people should be restrained with respect to their tithes. They were accordingly forbidden to make appropriations to religious houses, without the consent of the bishop in whose diocese they lived.‡ But even this prohibition did not succeed. The people still favoured the lay-abbey, paying their tithes there; till Pope Innocent the Third, in the year 1200, ordained, and he enforced it by ecclesiastical censures, that every one should pay his tithes to those who administered to him spiritual things, in his own parish.§ In a general council, held at Lyons, in the year 1274, it was further decreed, that it was no longer lawful for men to pay their tithes where they pleased,

* Selden, ch. 4. § 1.

† Ibid. ch. vi. § 7.

‡ Ibid. ch. x. § 2.

§ Ibid. ch. vii. § 1.

as before; but that they should pay them to Mother-Church.* And the principle on which they had now been long demanded, that they were due by Divine right,† was confirmed by the Council of Trent under Pope Pius the Fourth, in the year 1560. In the course of forty years after the payment of tithes had been thus forced by ecclesiastical censures and excommunications, *prescription* was set up. Thus the very principle in which tithes had originated was changed: thus, free-will offerings became dues to be exacted by compulsion: and thus, the fund of the poor was converted almost wholly into a fund for the maintenance of the clergy.

Having now traced the origin of tithes, as far as a part of the continent of Europe is concerned, I shall trace it as far as they have reference to our own country. And here it may be observed, in few words, that the same system and the same changes are conspicuous. Free-will offerings and donations of land constituted a fund for the poor, out of which the clergy were maintained. In process of time, tithes or tenths followed. Of these, certain proportions were allowed to the clergy, the repairs of ecclesiastical buildings, and the poor. This was the state of things in the time of Offa, king of Mercia, towards the close of the eighth century, when that prince, having caused Ethelbert, king of the East Angles, to be treacherously murdered, fled to the Pope for pardon; to please whom, and to expiate his own sin, he caused those tithes to become dues in his own dominions, which were before only at the will of the donor.‡

About sixty years afterwards, (anno 855,) Ethelwolf, a weak and superstitious prince, was worked upon by the clergy to extend tithes as dues, to the whole kingdom: and he consented to do it, under a notion that he was thus to avert the judgments of God, which they represented as visible in the frequent ravages of the Danes.§ Poor laymen, however, were still to be supported out of these tithes; and the people were still at liberty to pay them to whichever religious persons they pleased.

About the close of the tenth century, Edgar took from the people the right of disposing of their tithes at their own discretion; and directed that they should be paid to the parish churches. But the other monasteries or lay-houses resisting, his orders became useless for a time. At this period the lay monasteries were rich; but the parochial clergy were poor. Pope Innocent, however, by sending out to King John his famous decree, before mentioned, which was to be observed in England

* Selden, ch. vii. § 1. † Ibid. ch. vii. § 1. ‡ Ibid. p. 201.

§ Ibid. ch. viii. § 4.

as well as in other places under his jurisdiction, and by which it was enacted that every man was to pay his tithes to those only who administered spiritual help to him in his own parish, settled the affair; for he set up ecclesiastical courts; thundered out his interdicts; and frightened both king and people.*

Richard the Second confirmed these tithes to the parishes, as thus settled by this Pope: but it was directed by an Act, that, in all appropriations to churches, the bishop of the diocese should ordain a convenient sum of money to be distributed, out of the fruit and profit of every living, among the poor parishioners annually, in aid of their living and sustenance. "Thus, it seems," says Judge Blackstone, "the people were frequently sufferers by the withholding those alms, for which, among other purposes, the payment of tithes was originally imposed." At length tithes were fully confirmed, and in a more explicit manner, by the famous Act of Henry the Eighth, on this subject. And here it may be just observed, that whereas, from the eighth century to this reign, tithes, whenever the reason of them was expressed, were said to be due by Divine right, as under the Levitical Law; so, in the preamble to the act of Henry the Eighth, they are founded on the same principle; being described therein, as "due unto God and holy Church;" which Act has not only never been repealed; but it is frequently referred to in subsequent Acts on the subject.

Thus, in our own country, as well as on the continent of Europe, were those changes brought about, which have been described: and they were brought about by the same means; for they were made, partly by the exhortations and sermons of

* To show the principles on which princes acted with respect to tithes, in these times, the following translation of a preamble to an Act of King Stephen, may be produced. "Because through the providence of Divine mercy we know it to be ordered, and by the Church's publishing it far and near, every body has heard, that by the distribution of alms persons may be absolved from the bonds of sin, and acquire the rewards of heavenly joy,—I, Stephen, by the grace of God, king of England, being willing to have a share with those who, by a happy kind of commerce, exchange heavenly things for earthly, and smitten with the love of God, and for the salvation of my own soul, and the souls of my father and mother, and all my forefathers and ancestors,—do give unto God and to the Church of Saint Peter," &c. Selden, ch. xi. § 1.

Indeed, the history of Tithes, as exhibited by the learned Selden, is a melancholy history of the artifices and priestcraft of Rome, exerted against the ignorance and superstition of mankind; containing a series, first of persuasions, then of demands, accompanied with benedictions both for this life and for that which is to come, on the faithful, and with curses on the unfaithful; still, however, under pretence of pleading the cause of the poor. Thus, says Augustine, "Decimæ tributa sunt egentium animarum; redde ergo tributa pauperibus;" and many others to the same purpose.

Monks, partly by the decrees of Popes, partly by the edicts of Popish Kings, and partly by the determinations of Popish Councils.

It is not necessary to trace this subject further. I shall, therefore, proceed to state such conclusions as in my opinion result from the History of Tithes, and which are of general application to professors of Christianity.

CHAPTER V.

Conclusions deducible from the foregoing historical facts. 1. That the conduct of Abram, in the affair of Melchizedek, cannot consistently be urged in favour of a forced maintenance for Ministers of the Gospel. 2. That Tithes, as a part of the Ceremonial Law, were abolished by Jesus Christ, and consequently form no part of the Christian dispensation. 3. That God raises up his own ministers; who, in imitation of Christ and his Apostles, are to preach the Gospel freely. 4. That Tithes were introduced among Christians by the spirit of Antichrist. 5. That they are not in equity due to the Clergy. 6. That the payment of them, being compulsory, is an acknowledgment of human authority in matters of religion. 7. That being claimed upon an Act of Parliament, which holds them forth as of Divine right, the payment of them is, virtually, an acknowledgment of the Jewish Religion, and a denial of the Coming of Christ.

THE following conclusions, according to my apprehension, naturally arise from the preceding historical narrative.

First. That by the account recorded of the affair of Abram and Melchizedek, the gift on the part of Abram was of spoil and not of increase; and that, purely gratuitous: that it does not appear to have had any connexion with the appointment even of the Levitical Tithes, as the occurrence took place more than four centuries before the giving of the Law; and is not upon that occasion, once alluded to by Moses, either by way of precedent, or in any other way: it is, therefore, preposterous to bring forward this act of the patriarch as a plea for tithes under the Gospel; and still more so, for the compulsory payment of them.

Secondly. That the Levitical priesthood, with all its ceremonial institutions, ceased, on the coming of Jesus Christ. But tithes were a part of these ceremonial institutions: they, therefore, form no part of the Christian dispensation. That if tithes are now due, as the Levitical tithes were, they must be subject

to the same conditions. Now the Levites, who had a right to tithes, previously gave up to the community their own right to a share of the land: but the clergy claim a tenth of the produce of the lands of others, having given up none of their own. Tithes, by the Levitical law, were for the strangers, the fatherless, and the widows, as well as for the Levites; but the Clergy, by taking tithes, have taken that which was for the maintenance of the poor; and have appropriated it solely to their own use: thus leaving the Poor a *second* burthen upon the land.

But, if it is true that the Levitical priesthood, to whom alone tithes appertained, ceased on the coming of Jesus Christ: it becomes *Christians* to make a serious pause; for, by acquiescing in the notion that the Jewish priesthood extends to them, they virtually acknowledge that the priesthood of Aaron still exists, and that Christ has not actually come.

This latter argument, by which it was insisted that tithes cease with the Jewish dispensation; and that those who acknowledge them, acknowledge the Jewish religion for themselves, has been admitted by many serious Christians. The celebrated John Milton, in a treatise which he wrote on tithes, did not hesitate to use it. He says, "Although hire to the labourer be of moral and perpetual right; yet that special kind of hire, the tenth, can be of no right or necessity but to that special labour to which God ordained it. That special labour was the Levitical and ceremonial service of the tabernacle, which is now abolished: the right, therefore, of that special hire, must needs be withal abolished, as being also ceremonial. That tithes were ceremonial is plain, not being given to the Levites till they had been first offered a heave-offering to the Lord. He, then, who by that law brings tithes into the Gospel, of necessity brings in withal a sacrifice and an altar; without which, tithes by that law were unsanctified and polluted, and therefore never thought of in the first Christian times; nor till ceremonies, altars, and oblations, had been brought back. And the Jews, ever since their temple was destroyed, though they have rabbies and teachers of their law, yet pay no tithes; as having no Levites to whom, no temple where to pay them, nor altar whereon to hallow them: which argues that the Jews themselves never thought tithes moral, but ceremonial only. That Christians, therefore, should take them up, when Jews have laid them down, must needs be very absurd and preposterous."

Thirdly. That God raises up his own ministers. That these are to give their spiritual labours freely; "*eating such things as are set before them,*" and "*having food and raiment, to be therewith content;*" (which things they deserve, while in the

exercise of their calling, as much as the labourer his hire) but that no bargains are to be made about religion. That ministers of the Gospel are not authorised to demand, consequently not to *force*, a maintenance from others ; or to take away any thing from those who are unwilling to receive them ; but that in such case they are to go their ways, and to shake the dust off their feet against those who reject them ; or, in other words, to declare that they have done their own duty in going with the word of exhortation, and that the fault lies with those who refuse to hear it. That when they are not occupied in the work of the ministry, they are not to receive any thing ; but that they are to support themselves, if necessity require it, by their own industry, using their own srips, purses, and clothes. That any constrained payment on account of religion, as it is contrary to the intention of Jesus Christ, is an infringement of the great Christian tenet, that Christ's kingdom being of a spiritual nature, the magistrate has no right to dictate a religion to any one, nor to enforce payment for the same : and that, therefore, any legal interference in these matters, which are solely between God and man, is an act of legislation **BEYOND THE BOUNDS OF MAN'S JURISDICTION**, and is neither more nor less than a **USURPATION OF THE PREROGATIVE OF GOD**.

Fourthly. That neither tithes, nor any other impost, were ever demanded for the support of the ministers of the Gospel in the earliest and purest periods of the Christian Church ; nor until nearly 400 years after Christ : after which time those charities, which before had been solicited as **ALMS FOR THE USE OF THE POOR**, were, by the craft and avarice of Romish Ecclesiastics, converted to their own use ; and demanded, as due to *them* by Divine right, under the revived appellation of tithes.

Fifthly. That if tithes are due at all, they are due to the poor ; from whose use they have been forcibly diverted ; and to whom, in equity, they would still belong ; as no prince can alter the nature of right and wrong : that they are not justly due to the church or clergy, because Offa wished them to be so, to expiate his own crimes ; nor because Ethelwolf wished them to be so, from a superstitious notion that he might thus prevent the incursions of the Danes ; nor because Stephen wished them to be so, as his own grant expresses ; on the principle, " that the bonds of sin might be dissolved, and that he might have a part with those who, by a happy kind of commerce, exchange heavenly things for earthly ;" nor because the Popes wished them to be so, from whose jurisdiction all the subjects of England are discharged by law.

Sixthly. That the followers of Jesus Christ are not to be lords

over God's heritage. But an acknowledgment of human authority in matters of religion is a defence of the conduct of the High Priest and his kindred, when they commanded Peter and John "not to speak at all, nor teach in the name of Jesus;" and consequently it is a reprobation of the conduct of these Apostles for their resolute reply, viz., "Whether it be right in the sight of God, to hearken unto you more than unto God, judge ye." Acts iv. 18, 19. It is also a defence of persons in authority, in every other act of opposition, not only to the Apostles, but also to Jesus Christ himself. Nor is there any point at which such an acknowledgment can stop, short of advocating, not only the cause of Mahomet, but also every species of idolatry that ever was established, from the Golden Image of Nebuchadnezzar, down to Juggernaut of the present day. It is therefore impossible for Christians, *as such*, to comply with any demand for the support of the ministers of religion. By every such payment THEY ACKNOWLEDGE THE AUTHORITY OF MAN, AS A LEGISLATOR, WITHIN THE PECULIAR AND SACRED PROVINCE OF GOD.

Seventhly. That all the more modern Acts of Parliament upon this subject take the act of Henry the Eighth, as the great ground-work, or legal foundation of tithes; in the preamble of which it is inserted, that they are "*due unto God and holy Church.*" Now this preamble has never been done away; nor has any other principle been acknowledged, instead of that mentioned in this preamble, why tithes have been established by law. It appears, therefore, that tithes are still collected on the foundation of an assumed divine right.

But Christians, by receiving or paying tithes on this plea, do virtually renounce their Christianity; and, so far, not only acknowledge the Jewish religion for themselves; but are conceding to the modern Jews, that Jesus Christ has not yet made his appearance upon earth: or they are denying his authority, as Supreme Legislator in his own kingdom.

I MEAN to conclude with a few observations on the doctrine that is frequently urged, that Tithes are as really the *estate of the Clergy*, as the other nine-tenths are the property of the Occupier of the Land.

If the Tithe-claimant had any interest or title whatsoever in the Land, he would necessarily be a party in any deed of sale or conveyance; which is not the case. Nor can he controul the occupier of any estate in the cultivation of his land; whether to break it up or to lay it down, whether to sow wheat, or barley, or turnips, or vetches; although in most cases the interest of the

claimant is materially affected thereby. The only claim he has is on the increase, or rather on the *produce*, whether of corn, or grass, or cattle; but he can make no claim on account of any crops, until they are *cut*, or *severed from the freehold*; and thereby converted into *personal property*. It is a charge solely on the skill, capital, and industry of the farmer: and as one man may possess these in a greater proportion than his neighbour, in that proportion does he contribute more than his neighbour, to the revenue of the clergy. Besides, the owner of an estate may, if he please, either plant his land with timber, or let it lie wholly neglected and unproductive; in either of which cases there would be no tithe to claim. — Tithe, therefore, is not a charge on the Land; but it is purely and entirely, a charge on the *personal estate of the occupier*; nor has the claimant, in case of default, any remedy in law, against the Land; but his remedy lies solely against the property of the occupier.

It is frequently advanced as a proof of the property or estate of the Clergy in the Land, that a man purchasing an estate, subject to a tithe-charge, buys it at a rate proportionably lower than he would if exonerated therefrom. Certainly he is aware of the demand to which he is liable; and as he has no means of avoiding it, the estate is by so much the less valuable. So also an estate subject to incursions of wolves would be less valuable than one not subject to such a contingency; but it by no means follows, as a *necessary consequence*, that the purchaser, because he buys at a proportionably low price, acknowledges the title of the sharer of the fruits of his industry, in one case, any more than he would in the other.*

Generally speaking, however, Tithes attached to a living, are no freehold nor estate, either of the clergy or of the patron. They are neither more nor less than a salary or stipend, originally established by papal authority, and since acknowledged by the legislature, for certain services performed, or supposed to be performed, viz. the "*Cure of Souls*." They are a *quid pro quo*. They are enjoyed by the incumbent, as a supposed equivalent, so long only as he is supposed to be in the performance of the service. Neither can Tithes be considered a property or freehold of the patron, even though he is said to *purchase* the living. In

* Should any startle at this parallel, I beg such to be assured that it is advanced purely by way of illustration, without intending the slightest reflection upon any person living; yet we do not forget the epithets bestowed by the Church of England in her Homilies, on those, by whose craft tithes were first introduced among Christians; "*These special instruments and ministers of the Devil.—The miserable tyranny, ravenny, and spoil of the most greedy Romish wolves.—God doth curse the blessings, and bless the cursings, of such wicked usurping Bishops and Tyrants.*" 5th and 6th parts of the 33d Homily.

fact he does not, nor can he, strictly speaking, purchase either the living or the tithes. He buys only the *right of presentation* : that is to say, the liberty to *nominate* a person legally qualified to undertake the "*Cure of Souls* ;" who, if his *character* be acceptable to the bishop, is thereupon inducted to the living ; but if his character or qualifications be exceptionable, the bishop may refuse his consent ; and if, in such case, the patron neglect within a limited time to nominate another person of approved character and qualifications, the bishop himself not only may, but he is legally bound and required to, appoint a suitable person to supply the vacancy. And that tithes are an income, of the nature only of a salary for certain services, has been proved in the course of the present year, (1819,) by a clergyman having been deprived of his gown, and consequently of the living, *by his bishop*, on a charge of preaching or promulgating blasphemous doctrines. In other words, the parson, failing to fulfil his duty, for the performance of which the salary was assigned, was degraded and turned out of his office. Nothing can be more remote from the nature of a freehold estate than such an income. With this view of the subject, it is obviously most unreasonable that persons should be called upon for tithes, that is to say, for salary or wages, for whom no service is performed ; as is the case with the great body of dissenters from the Church of England.

Nor can I discover any reason, why the legislature are not now at liberty to remunerate the clergy in some other way in lieu of tithes ; should they in their wisdom judge fit so to do : or should they discover, that in interfering with the business of religion they have infringed on the divine prerogative, and should in consequence annul all their acts on this subject ; tithes, as existing by virtue of these acts, would necessarily cease : the religion, for which they are now collected, being no longer a *National Establishment* : as the poor's rates would cease to be collected, when they might not be wanted for the purpose to which they are now applied. Nor can I conceive that a claim of property could be set up to one of these taxes, any more than to the other, after the causes for which they are respectively collected, had ceased to operate.

I am aware that to the preceding questions, respecting the right or title of the clergy, as well as to the further questions, whether the practice of taking a tenth of *Produce*, instead of a tenth of *Increase*, be or be not a departure from ancient practice ; whether the present system does or does not operate to the discouragement of agriculture ; as well as to many other collateral considerations, a ready answer may be given ; and that is, *the laws of the Land*. It was no part of my professed intention to

enquire whether our Ecclesiastical System is or is not consistent with these laws ; but whether it is or is not consistent with the example and precepts of the Founder of Christianity, and of his Apostles. If it be admitted that the negative has been satisfactorily proved in the foregoing pages, it becomes a question for the serious consideration of the Professors and Teachers of Christianity, for Christian Legislators, and for Christian Magistrates, whether they are authorised to enforce any laws that stand opposed to the laws and injunctions of Jesus Christ ; whether they can answer, in the great day of account, for being instrumental in perpetuating a system of usurpation, instituted in the darkest ages of ignorance and superstition ; and, whether the laws of man will, in that day, be a valid plea, in the face of the precepts and examples of Jesus Christ, whose disciples they profess to be.

FINIS.



A
SECOND LETTER

To a Member of the Society of Friends, viz.

MR. J. STORRS FRY,

OF REDLAND, NEAR BRISTOL,

CONTAINING SOME FURTHER INQUIRIES INTO THE QUESTION,
WHETHER A CHRISTIAN CAN REASONABLY AND
CONSCIENTIOUSLY OBJECT TO THE

PAYMENT OF TITHES :

IN ANSWER TO A TRACT BY HIM ON THE SAME SUBJECT, AND IN
REFUTATION OF CERTAIN STATEMENTS FOUND IN HIS
"CONCISE HISTORY OF TITHES,"

BY THE

REV. SAMUEL LEE, B. D.

*Prebendary of Bristol; Vicar of Banwell, Somersetshire; Domestic Chaplain to the Earl
of Munster; and Regius Professor of Hebrew in the University of Cambridge.*

BRISTOL:

PUBLISHED BY W. STRONG, 26, CLARE STREET.

MDCCCXXXIII.



ADVERTISEMENT.

*Having deemed it necessary, a few months ago, to publish a few remarks on a document issued by the Society of Friends against the payment of tithes, containing, as it then appeared to me, some very erroneous statements; and having been favoured, since that period, with a tract written by MR. JOS. STORRS FRY, a member of that society, purporting to be a refutation of those remarks, I have thought it my duty now to enter a little more particularly into that question; and the following pages are the result of my inquiries. Whether I have succeeded or not, in shewing that my first impressions were just on the questions at issue, it is the business of others to determine. I will only say for myself, that my sole object has been to arrive at the truth. No subject, perhaps, has called forth so much animadversion of late as that of the tithes; nor has any one ever elicited more vituperative or sarcastic remark.—About a year ago, Mr. Fry put his “*Concise History of Tithes*” into my hands, and some time after the “*Brief Statement, &c.*” on which my former letter was written. I thought it was now time to shew, why I could not fall in with the doctrines advanced in the last of these documents. I accordingly published my letter; and, this producing the reply alluded to, I have now published a second. The consideration which I have thus been enabled to give this subject has convinced me, that the complaints and censures just*

mentioned, are altogether groundless. I did expect, indeed, that the Society of Friends, a Body of the highest respectability in this country, would have shewn that the complaints and charges which they have so long been making, and circulating, were better founded than Mr. Fry has been able to make it appear in his tract. I am afraid, however, that political feelings have had more to do in raising these objections and complaints, than any real desire for the advancement of truth, either religious or moral. I do not, indeed, charge either that Body or Mr. Fry, with the deliberate intention of doing this; but I do fear, that what originated first only in mistake has inadvertently been allowed to grow into belief, next into conviction, and lastly to assume the settled form of party aversion and political distrust. If, however, it can be shewn, that I still labour under mistake and misapprehension, I now say, that upon this being done, I will immediately confess my fault, and give up every claim which I have to tithes.

TO

MR. JOSEPH STORRS FRY,

REDLAND, NEAR BRISTOL.

Dear Sir,

Your tract, entitled "*A Brief Inquiry, &c.*" written in answer to my former letter to you on the subject of tithes, I have carefully read and considered; and, allow me to say that, notwithstanding all you have hitherto been able to advance on the questions in dispute, my opinions still remain unchanged. Whether I can be justified in remaining thus inflexible will appear in the sequel, when I shall have advanced my reasons for doing so. I will now only say, what I trust you and those who think with you will give me credit for, namely, that the sole object which I have in view, in this discussion, is the discovery of truth. If indeed I have, in my former letter, said any thing calculated to give you or your friends pain, believe me, I am heartily sorry for it. The investigation of truth certainly

stands in need of no expression of unkind or angry feelings: and, from such it is my intention most carefully to abstain. But, when I say this, you must not suppose that I shall shew any thing like courtesy to what I believe to be erroneous statements or false conclusions. These I must, of course, deal openly and honestly with: and I have to beseech you that, if I should appear to evince any ungentleness in this respect, you will not transfer to yourself, what really belongs to matter which you, inadvertently perhaps, have misstated and misrepresented.—To proceed, then, without further preamble or preface:—

The object of my former letter was to shew you, in opposition to the assertions found in a paper of yours, entitled “a Brief Statement, &c.” that neither the example of our blessed Lord, nor the writings of his apostles, could be adduced to shew that the payment of tithes, as claimed by the ministers of the Church of England, could be reasonably or conscientiously objected to. The reason was this: the payment of tithes, as claimed by the ministers of the Established Church, was originally fixed as a sort of rent charge upon the lands of this country, by one to whom these lands did of right belong. The grant was voluntarily and freely made by the same personage, for the purpose

of promoting the service of God: and, therefore, it was argued that, to object to their payment was much the same thing as to object to the payment of rent for the same lands. The reply with which you have since favoured me is to this effect: first, that it was not in the power of King Ethelwulph, from whom this grant is said to have been derived, to make it: and secondly, that if it was, still, neither are the tithes now paid to the identical church, viz. the Church of Rome, to which they were so granted; nor, again, are they distributed in that tripartite, or quadripartite manner, which it was at first appointed they should be. This I take to contain the sum and substance of the questions in dispute between us: and as you have deemed it expedient, occasionally to cite certain passages from a tract formerly published by yourself on this subject, intitled “a Concise History of Tithes, &c.” I shall not be going out of my way, perhaps, if I notice a few of the leading positions laid down in it also.

The first point, then, which we have now to touch upon, will be found in pages 4—7 of your reply to me. Here you allow that St. Paul is explicit in declaring, that the ministers of the gospel ought to be provided for, while they are labouring for the spiritual good of others; and in proof of this, you cite

1 Cor. ix. 11—14. Gal. vi. 6. and add, “ But he no where says, *to him that teacheth not*; neither does he say that those are to communicate *who are not taught*. To the first of these remarks, I certainly have no objection to offer; because, if it is said that the labourer is worthy of his hire, it surely is implied that he who expects to receive such hire, ought to labour. But when you say in your second remark, that those are not to communicate *who are not taught*; I am at a loss to know what your meaning is. Do you mean to assert, that Pagans, who may be said not to be taught, should not contribute towards the support of Christian ministers? Or, do you mean, that persons who receive their Christian instructions from one minister, ought not to contribute to the support of another? Were I allowed to offer a conjecture, I should say, the last is probably your meaning: but be this as it may, I can say at once, that I have not, and I never had, the least intention either to propose or to maintain the proposition, that persons instructed by one minister ought to contribute to the support of another; or (which will, perhaps, meet your meaning still more directly), that persons of one denomination of Christians ought to contribute towards the support of ministers of another. The questions now before me, make

it by no means necessary that I should hold any such thing : nor does the Church of England require any such thing : all it asks for in the payment of tithes is,* as I have formerly shewn, and shall here prove beyond all possible doubt, *the payment of legal and just debts*, and not the charitable contributions of Christians of any creed or denomination whatsoever.

You proceed : “ Yet such was the disinterestedness of this great apostle,” (Paul) “ that he did not deem the practice expedient for himself : for he says, *Nevertheless, WE have not used this power ; but suffer all things, lest we should hinder the gospel of Christ.*” 1 Cor. ix. 12. To this you add, v. 15, and then remark ; “ It is evident that he thought it more consistent with the spirit of Christianity, and more likely to further its interests, to support himself by the labour of his own hands, than to be supported by that of others ; and it is plain that his companions in the ministry did the

* Hearne tells us, in the notes to his edition of Sir J. Spelman’s *Life of Alfred*, (p. 99.) “ that Alfred with his first accord with the *Dane* tyed him to the payment of tythes, and keeping the peace and rights of the church.” This extraordinary and truly pious king, therefore, thought that one who was *not taught*, ought to pay his just and legal debts, although the payment went to the support of a church of which he was not a member.

same, for he says, *Neither did WE eat any man's bread for nought, but wrought with labour and travail, night and day, that we might not be chargeable to any of you ; not because (says he) we have not power, but to make ourselves an ENSAM-
 PLE unto you to follow us ; for even when we were with you, this we commanded you, that if any would not work, neither should he eat."* 2 Thess. iii. 8, 9, 10. If I understand you here, you cite this passage to shew, that St. Paul wrought with his own hands for the purpose of being *an en-
 sample*, not to Christians generally, and to recom- mend the duty of daily labouring to support them- selves and their families ; but an ensample *to
 Christian ministers*, and to inculcate the duty that they ought *so to labour as to be chargeable to
 none*. If this is your meaning, I have no hesita- tion in saying that it differs very widely from that of the apostle ; and that you are here citing him for a purpose, for which he never intended to be cited. If you will give yourself the trouble to go back to the 6th verse you will find, that the Thes- salonians are warned to withdraw themselves from certain disorderly brethren. At ver. 7 it is said, "*For yourselves know how ye ought to follow us : for we behaved not ourselves disorderly among you.*" Then follow the verses which you have

cited, after which we have: “*For we hear that there are some which walk among you disorderly, WORKING NOT AT ALL, but are busybodies,*” and so on. Now, let me ask you, Is St. Paul here speaking about a provision for the ministry, or is he only giving directions, as to what the general conduct of Christians ought to be? I leave you to answer for yourself. A similar passage you have cited, viz. Acts xx. 33—35. and this you have similarly misapplied, although the last verse of it ought to have suggested to you the true interpretation of the whole. “*I have shewed you all things,*” says the apostle, “*how THAT SO LABOURING YE OUGHT TO SUPPORT THE WEAK, and to remember the words of the Lord Jesus, how he said, it is more blessed to give than to receive.*” Is it likely, let me again ask, that St. Paul is here inculcating on the rulers of the Ephesian church, the particular manner in which the ministry is to provide for itself and others; or, generally, how the whole Church, considered in the aggregate, is to conduct itself? I think the latter.

But, suppose this not to be the case, and that St. Paul is urging on the Ephesian ministry, the necessity of labouring with their own hands. Are we now to understand this as intended to inculcate something contrary to the doctrines taught

in 1 Cor. ix. 11, 12—14, already noticed? For there we find that the apostle has expressly declared, that provision ought to be made for the ministers of the gospel. Let us turn to that chapter and see, whether St. Paul is, or is not, thus inconsistent, and whether he is not sufficiently explicit and clear in his statements. At ver. 4, 5, he asks, “*Have we not power to eat and to drink? Have we not power to lead about a sister, a wife, as well as other apostles, and as the brethren of the Lord and Cephas?*” Then, at ver. 6, “*Or I only and Barnabas, have not we power to forbear working?*” If I understand the apostle aright, he means strongly to affirm, that he and Barnabas had the power, given generally by our Lord to his disciples, to eat and to drink such things as were set before them: each to marry a sister, that is a believing woman, and to carry her about with them, just as the other apostles and Cephas were in the habit of doing; and that they might, by virtue of their commission, forbear working; because, he goes on to say, not only had the law formerly provided for this, but even our Lord himself had ordained it. Why then, let it be asked, did St. Paul and Barnabas here forego these privileges? Was it, because the commandment of our Lord was not pure and “disinterested” enough for them?

Had they now, for the first time, discovered something more holy than the precepts which he had given them? I trow not. I suppose there must be some other reason for all this; and, I believe, St. Paul himself will supply us with it. If you will turn to 1 Cor. vii. 26, where he is speaking of the expediency or in expediency of marrying, a subject also introduced in the passage just cited, you will find him saying, "*I suppose therefore, that it is good FOR THE PRESENT DISTRESS, I say, that it is good for a man so to be, i. e. unmarried.*" This, I think, will solve the whole difficulty. The apostle appears to have been unwilling to afford to a body such as the infant church of Corinth was, any occasion whatever by which the sectarians, who formed a part of it, might thwart the objects of his ministry. The *pressure of the times* made it, among other things, extremely inexpedient to marry; but neither this nor any other particular now adverted to was intended to be binding on Christians generally. But, take the other view, and argue for the necessity of following the example of the apostle, in the one case; consistency will now require that you do so in the other: because both emanate from the same authority, and both were had recourse to under the very same circumstances. When you say, there-

fore, that “ *Consistently with the example of this great apostle*, many of our ministers who are of ability, *travel* entirely at their own charges,” &c. I ask, Do they also, consistently with the example of the same apostle, deem it expedient and binding to remain unmarried? I believe they do not: and, under that impression, I must charge them at once with inconsistency and partiality, in the views they take of the apostle’s practices and doctrines, and by which they then judge of the conduct of others. I must also tell you, that you have here mistaken general doctrines for particular ones; and *vice versâ*, particular doctrines for general ones: that you make St. Paul’s precepts to be at variance with his practices, and that you then set up the one in direct opposition to the other. You acknowledge too in one instance, that even *the example* of Paul is against you, viz. in Philip. iv. 14—16, for here you grant that he did receive the contributions of his converts, even when he was not actually employed in preaching. But then you say, “This relief consisted of voluntary and affectionate presents, sent to him when in necessitous circumstances.” But, will this so alter the state of the case, as to justify you in maintaining that Paul’s example is binding in the one case, and not in the other? All that can be made out here

certainly is, St. Paul is acting in strict conformity with his own doctrines. The causes which suggested a different conduct among the Corinthians, do not exist here: an appeal to expediency would therefore be now out of place. The affectionate character of the presents, in conjunction with the necessitous circumstances under which they were bestowed, can have nothing whatever to do with the doctrines in question about example, because, charitable contributions are never called for, except in circumstances of necessity, and if then bestowed they may be termed affectionate. In our main question, however, we talk not about charity, but about right.

The English Clergy never ask for these contributions for themselves: they only say with St. Paul, and which you allow, that provision ought to be made for the ministry. They further say, and this I now maintain, that such provision has been *affectionately* and *voluntarily made*,* and

* So says Sir Henry Spelman: "*The possessions, tythes, and rights of the clergy being thus settled, they may doubtless be enjoyed, HAVING BEEN FREELY COLLATED, (according as was foretold by the prophets Esay. and others, Isai. xlix.23.) by kings, nobles, and many good men, fully confirmed by law and parliament, established by the possession of many years,*" &c. Pref. to larger work on Tithes, p. iv. and again in a note, ib. "If these things had not

that it was made when the church of Christ was in "*necessitous circumstances.*" They will further say, unless I greatly mistake a very large number of them (and in this I can most cordially join them) that if necessity should require it, they are as willing to work with their own hands, or to travel at their own particular charges, as any one of your respected Body can be.

I may now, therefore, conclude on this head, that, as you have urged nothing on the example of our Lord, which the "Brief Statement" took for granted was all in your favour, so must you now give up that of St. Paul, whose doctrines you have misunderstood and misapplied. I must also admonish you, that your arguments have been misdirected; as you have taken for granted that the ministers of the Church of England actually solicit contributions from their hearers and others, for their support. When the fact of the case is, the tithe payments which they expect, are not favours but debts, and to the discharge of which they have as good a claim, as the landlords of the several estates, on which they are collected, have to their rents. The example, therefore, of our Lord, or of
 been primarily due unto God by the rule of his word, yet are they now his, and separate from us, by *voluntary gift and dedication* of our ancient kings and predecessors."

his apostle St. Paul, has no more to do with this question, beyond *the original grant* of these tithes, than it has to do with any question whatever of profit and loss, which may arise between yourself and any other tradesman, in the city of Bristol or elsewhere.

The next question you moot, (p. 7) is on the inadequacy of human learning alone, to qualify a man for the ministry of the gospel. This I fully allow; and I agree with you in saying, that still it is "*a valuable accessory*:" because, without it the scriptures may be wrested to a man's own destruction. You say, that the apostles were "generally unlearned and ignorant men." To a certain extent this is true, if we except St. Paul: but then, they had a power given them from above, which was to bring all things to their remembrance, and to give them a wisdom which their adversaries should not be able to gainsay. This enabled them to indite the scriptures; for these, we are told, were all given by inspiration of God; and also to converse and preach in tongues, of which they never had before the least knowledge: qualifications which, I think you will grant, are not bestowed upon the Church now. Still, an attention to reading was recommended even in those days; and apparently for this purpose, that as ministers

they might be enabled rightly to divide the word of truth. That the gift of the Holy Ghost is still necessary to make this word effectual, I believe as sincerely and cordially as you do. When I say, therefore, that this treasure is hidden in *earthen vessels*, (i. e. when deposited with ministers) I only mean, that they, as men, cannot boast that in their flesh dwelleth any good thing; but, that the power is solely of God: and, as to the human means which are employed, whether consisting of tithe or other such temporal appointments, they can lay claim to no title better than earthly. You have, therefore, totally mistaken my meaning; which I am the more surprised at, because the connection ought to have shewn you, that I could not have been speaking against the renewing influences of the Holy Spirit. But, when you follow this up, by a quotation from your “*Concise History*,” and tell us, that “*Ministers of the gospel are not authorized to demand, consequently not to force, a maintenance from others; that any constrained payment on account of religion, as it is contrary to the intention of Jesus Christ, is an infringement of the great Christian tenet, that Christ’s kingdom being of a spiritual nature, the magistrate has no right to dictate a religion to any one, nor to enforce payment for the same, &c. &c.*”

you talk as wildly, as far from the point in debate, and as unconnectedly with it, as it is possible for you to do. You might just as well say, that because you are a Christian, and because Christianity is free, no magistrate, legislature, nor king, whatsoever, has any right either natural or divine to force you to pay a rent for the lands which you occupy, and for which you have engaged to pay such rent: or, that every Christian in Bristol, Christianity being free, has as good a right to the produce of your own manufactory, as you yourself have: nothing being more certain, than that the payment of tithes at which all this is aimed, is as much a matter of temporal appointment and right, as is the rent of any land in the kingdom, or, as is your claim to the manufacture produced by the combined operation of your own ingenuity and vested capital. I must here notice another and a similar instance, in which you have confused things, in themselves, perfectly distinct and different (p.13.) I had quoted the passage from St. Peter, "submit yourselves to every ordinance of man *for the Lord's sake,*" (1 Pet. ii. 13.) and from St. Paul, "*for conscience sake,*" (Rom. xiii. 5.) and I am asked, Do I seriously mean to assert, that we are to submit ourselves to every ordinance of man for the Lord's sake, &c. *without any reference to the nature of*

the ordinance. “This same apostle,” it is added, “evidently thought otherwise: whether it be right in the sight of God,” says he to the Jewish rulers, “to hearken unto you more than unto God, judge ye.” (Acts iv. 19.) I answer, The apostle is here speaking of the ordinances *of God*; I was speaking of those, and those only, which are of a temporal and legal nature, and are *of man*. St. Peter’s answer, quoted by you, was therefore right and in its place: it had respect to divine things only; and to those which had, beyond all doubt, been matter of revelation. The appointments of which I was speaking, and now speak, were, and are, of a totally different character, and of a purely temporal arrangement. They come properly, therefore, under those ordinances of man, of which St. Peter manifestly spoke in his epistle; and which St. Paul had in view in the passage cited by me from the Romans, and which is followed by these words, “*For this cause pay ye tribute also,*” i. e. pay the debts which the state has laid upon you, and do this *for conscience sake*. When I say *ordinances of man*, therefore, I do not mean *ordinances of God*. Allow me further to suggest, that if you persist, in thus confounding together things which ought to be kept distinct and separate, *reason*, whatever may be said of *conscience*, had better be

put professedly and entirely out of the question. You conclude this article by saying. "This is all in accordance with the injunction to render to Cæsar the things that are Cæsar's, and to God the things that are God's." I answer, true; it is so: but I must add, it will be in vain to recognize this doctrine, unless you are willing duly to discriminate between the things of Cæsar and of God. If you go on, taking the one for the other, as you here have done, at the truth you never can expect to arrive. And I shall now conclude, on this part of our subject, that the example of our Lord, as shewn in my former letter, and that both the example and doctrine of the apostle Paul, establish the position beyond all doubt, that Christians ought to support those ministers who labour for their edification: and I affirm, that although I do not think this conclusion at all necessary to establish the claim which ministers of the Church of England make to the tithes, I do think it important in justifying the characters of those who first granted these tithes of their own free will,—who dedicated them to the service of Almighty God, and whom you have deemed it expedient to load with reproaches. I must add, that your endeavour to bring over St. Paul's example to the support of a cause contrary to that of his doctrine, has altogether failed you in this instance.

Having, then, thus far settled these preliminary questions, let us now approach another; (and one which must connect these with our conclusion,) it is this: *the tithes, as now claimed by the clergy of the Church of England, consisted originally of free will offerings, which were made to God for the support of the ministers of the Christian religion by those whose lawful property they were, and who therefore had a good and just right thus to dispose of them.*

In my former letter to you, I cited a passage (p. 13) from Burn's Ecclesiastical Law, stating the facts that Offa, king of the Mercians, first gave to the church the tithes of all his kingdom, and that Ethelwulph, about sixty years after, extended this law to the whole realm of England. I omitted a passage, I own, which went to state that Offa made this grant to expiate the death of Ethelbert, king of the East Angles, whom in the year preceding, he had caused basely to be murdered. This omission you seem to have considered as a discovery of some importance, for you insert the words at length printed in capitals, and then admonish the reader, in a note at the foot of the page, that I was perhaps unwilling to shock my readers with such a tale of horror. Allow me, my dear sir, to answer for myself. First, then, I had

no doubt you would make the discovery alluded to ; and, as you will presently see, I provided for it accordingly. In the next place, it was my wish to be short : and, therefore, it was important to me to cite nothing more than the facts of the case in question. With the goodness or badness, the right or the wrong of the motives in making these grants, I had nothing whatever to do. The legal right to dispose of this wealth, and the voluntary character of the grants when made, comprehended all with which I was concerned. ‘ It may indeed be said,’ I allowed (p. 17.) “ that when these grants were made, in the first case, the times were dark and savoured of superstition, and that scriptural knowledge was more scarce than it is now. But what of this ? The right to dispose of this wealth originally, and the justice of the laws which have since protected it, will stand unaffected by this consideration. The question will now be, not about the right or the wrong of these grants, but about the expediency or in expediency of their original intentions. And if such question be allowed to be mooted in the one case, justice will require that it be mooted in the other : so that it may now be made matter of inquiry, whether the lands, &c. given to support the institution at Sidcot, ought not to be taken

from the Society of Friends and applied to some other purpose. Because it can now be argued, and perhaps proved, that the persons who made these bequests were (also) unenlightened," &c. I had, therefore, abundantly provided for the omission of these few words; but all this you have deemed it unnecessary to notice. The little declamatory flourish, therefore, in which you have indulged on this occasion, I shall allow you to enjoy; believing, as I do, that it is not worth contending about.

"Here then," you continue (p. 16) "are the grounds on which, in *Reason and Conscience*, the Clergy of the present day rest their claim to tithes. That is to say, first, that Offa and Ethelwulph, at the times of their making their respective grants, were the *real owners* of the lands on which they made these grants." And, again, in page 19, after offering some inconclusive arguments, and after making a few extracts from Hume, you conclude, "Therefore, Offa and Ethelwulph *were not the real owners* of the lands over which they are said to have granted the tithes." I shall now shew you, that your reasoning on this subject is inconclusive; that what Hume has told you is false; and lastly, that your conclusion is untenable. To begin then with your own reasoning:

“The Saxons,” you say, “came over in different parties, each party landing in a different place ; some landing on the eastern coast, and others landing on the southern coast ; and this continued for a hundred and fifty years, before they became complete masters of the country. Now, as each of these parties of invaders came under separate leaders, it were reasonable to suppose that each party would *conquer for themselves* ; and would consider themselves the *real owners* of that portion of the territory they had obtained possession of.” Here, I think, I find you stating explicitly, that each of these Saxon parties would consider themselves *the real owners, &c.* So far you allow, that conquest would give *an indisputable right* to the land. This concession I deem important, because it will have the effect of shortening our inquiry.—Suppose, then, each party would conquer for themselves, and hence become the real owners for the time being ; To whom, I ask, would the whole of this property devolve, should some one person become lord paramount of the country ? Conquest, you allow, would give a good claim to the land : and if one king, among the many set up by the Saxons, should, by any chance, get the ascendancy, then, by your own shewing, he would become the *real owner*, or

lord paramount of the soil. Now, the historians do tell us, that, although there was a heptarchy at one time, and a tetrarchy at another, yet that some one king was always considered as the sovereign of the whole estate of England. But whether this is generally true or not, certain it is, that Ethelwulph was lord paramount of all England when he made the grant in question. He was, therefore, the *real owner* of the land, upon your own principles. Unless you suppose, that every individual soldier had made and established a claim to the land, which would be absurd and false. Let us now see, what we can make of your extract from Hume.

After stating that the Saxons obstinately retained the *principles of independence*, which they had inherited from their ancestors (which I shall not dispute, because that independence was merely feudal) he says, “the king, so far from being entitled to an arbitrary power, was only considered *the first among the citizens.*” This, indeed, seems to afford the earnest of a speedy victory: but let us see how Mr. Hume himself softens it down. “It is probable,” continues he, “that the constitution might be *somewhat different* in the different nations of the heptarchy: and that *it changed considerably* during the course of six centuries,

which elapsed from the first invasion of the Saxons till the Norman conquest; but *most of these differences and changes, with their causes AND EFFECTS, ARE UNKNOWN TO US.*" He then goes on, gradually diluting his first assertion thus: "It *only appears* that, at all times and in all the kingdoms, there was a national council, called a Wittenagemot, or assembly of the wise men, whose consent was requisite for enacting laws, and for ratifying the chief acts of public administration. But *who were the members of this Wittenagemot, has not been determined by antiquarians.*" ... "We may conclude that the more considerable proprietors of land were, without any election, constituent members of the national assembly." ... "We have hints given us in the historians of the great power and riches of particular noblemen."

One would have thought, that, allowing you the most that could be made of Mr. Hume's citizen king, you could hardly have seized upon any thing else out of his almost evanescent quantities, from which you could have formed any conclusion: yet I find you affirming most positively, and without further inquiry or proof, that "here we find no paramount lord of the soil; but we find that our Saxon ancestors had at this

time laid the foundation of the present British constitution ;* they had a *limited monarchy*, and a national assembly, or *Parliament*, whose consent *was requisite for enacting laws* ; nor do I find that the landowners *paid any acknowledgment, or service* to the crown, for their lands ; *each one deriving his title only from his own sword*. Therefore," &c. Let us now see, how all this will bear the test of examination.

In the first place, *this limited citizen king* is a pure creation of Mr. Hume's brain : the ancient Saxons of Germany, as well as those who settled in this island, having never heard of such thing, nor of any thing bearing the most distant resemblance to it. No one, perhaps, has examined this question more closely than the worthy knight Sir Henry Spelman ; and, as he was a very learned and pious *layman*, no authority, perhaps, could be more acceptable to you.† The following ex-

* With one remarkable exception, at least ; for the laws of the enlightened Alfred were remarkably severe.—See his life by Sir J. Spelman, p. 101, &c.

† It should be borne in mind, in perusing Spelman's work, that his principal object was to shew, that although the Saxons inherited from their ancestors a system which was in fact altogether feudal, yet that, in their days, it had not assumed that regular and established form, which it afterwards did in this island among the Normans. If, then, he can be supposed

tracts, on this subject, are taken from his very valuable work on the Original, &c. of Feuds in England. (Ed. 1723)....“In another place,” says he “(Cæsar) calleth them” (*i. e.* the nobler persons) among the Germans, *Comites et familiares*, as accounting them (like Abraham’s 318 soldiers) to be all *their Lord’s followers and of his family*. “Tacitus,” he continues, “likewise nameth them *Comites*, as companions and followers; *quod bello sequi Dominum COGUNTUR*,” saith *Cujacius*. But *Tacitas* further saith, *Gradus quinetiam ipse comitatus habet judicio ejus quem sectantur*; that there were degrees in those companions, as *he whom they followed did appoint*,” (p. 3.) Again (p. 4.) “If we understand them to be feuds* among the Saxons, or of that nature, then are we sure they were no more *than for life, and not inheritable, nor stretching further, without further grace obtained from the Lord, &c.*” Again, (p. 5) “He (*i. e.* the conqueror) “presently transfer’d his country-customs into England (as the black book of the chequer witnesseth) and amongst them (as after shall be made perspicuous) this new French custom of making feuds hereditary,

to give any colouring to his narratives, it will most likely be found on your side of the question.

* The term occurs, however, in Alfred’s will.

not regarding the former use of our Saxon ancestors ; who, like all other nations, save the French, continued till that time their *feuds* and *tenures*, either arbitrary or in some definite limitation, according to the ancient manners of the *Germans*, received generally throughout *Europe*. (ib. p. 8.) “The first charter....or writing touching lands and privileges, was (as a MS. of *Canterbury* reporteth) made by *Withredus* king of *Kent* in the year 694, and (as that charter itself witnesseth) was appointed to be kept in the church of our Saviour at *Canterbury*, as a precedent for posterity to imitate.” These grants, it seems, were termed in the Latin charters, *beneficia* or BENEFICIA REGIS ; and received not the name of *feuds*, until they were granted under the conqueror, or after his times, IN PERPETUITY.“ They were called *beneficia* when they were granted only for life of the grantee ; but were called *feuds* when they began to be granted in perpetuity, and NOT BEFORE.” (p. 9.) Hence the origin of our term *benefice*. (ib. p. 10.) “Tenure *in capite*, tenure by *knight-service*, tenure *in socage*, or *frank-almoign* ;” (were much less in use among them) “ though the like services were performed to the Saxon lordships, by their *thanes* and *theodens*, their *socmen* or husbandmen, and their *beads-men* or clergymen, by way of contract

for the lands received from them” (i. e. from the kings in the first place; and, in the second, from those who had received such lands from him) *ib.* “Tho’ there were....amongst the Saxons....*Lord and Thane*, or *SERVITOUR*, whom beyond the seas they called *Seigneur* and *VASSALL**;....yet grew not the words of *tenure* into use till that feuds became descendable to posterities, &c.”... “Thirdly, to hold *in capite* is of two sorts, the one general, which is *of the king*....the fountain whence all **FEUDS AND TENURES HAVE THEIR MAIN ORIGINAL, &c.**” Again, in p. ii. the degrees and distinctions of persons are thus laid down: “The *earl* and the *husbandman*, the *thane* of the greater sort called the *king’s thane*, and the thane of the lesser sort called the *theoden*, or *under thane*. More degrees the Saxons had not in their laity.... As for their **BONDMEN** (whom they called *theowes* and *esnes*) they were not counted members of that common-wealth, *but parcels of their master’s goods and substance.*” We are next told, that the lands were considered as of two sorts; *bocland*, or charter-lands; and *folkländ*, or land of the vulgar people. The first of these was held free of all *menial* services, *liberum et immune a servitiis* **VULGARIBUS et SERVILIBUS**; and

* Yet we have in Asser, “*cum nobilibus vasallis.*” p. 33. Ed. 1722.

it invested its possessors with the power of devising it by will. Sir Henry Spelman also tells us that it was *free from all services*, and was *not holden of any lord* ;* yet every charter cited by him provides, that all such land-holders shall be subject to the *expedition* ; i. e. to attend the king in his wars, to the *repairing of highways, bridges, and of citadels and walls of towns*. If the possessions so granted happened to be large, they were further chargeable with *church-scot* and *shot*, as we shall presently see. And, as to the power of devising them by will, it appears by

* i. e. Not holden in a feudal sense. See p. 18. Judge Blackstone seems to have been led into a mistake, by this very passage in Spelman, and confirmed in it by his explanation of the term *allodium*, or *allodial*. (See Gloss) “For whereas,” says he (Com. book 2. chap. iv.) “before, the possessions of their subjects were perfectly *allodial* (i. e. wholly independent, and held of no superior at all.”) Because, I suppose, Spelman had told him that *allodial* signified *not loaded*, or the like : although nothing can be more certain, than that the precise force of this word is still unknown. Yet he adds, in the very next paragraph, “Not but that it is reasonable to believe, that *even in the times of the Saxons, something similar to this* (i. e. feudal tenure) “*was in use.*” In the times of Alfred certainly, the whole kingdom was little more than a camp ; every farmer, artificer, &c. being professedly a soldier, and governed by the very persons appointed to take the lead in the field, should circumstances make that necessary. See also a very valuable note, in refutation of Blackstone, appended to the edition of 1830.

two remarkable instances cited by him, that the king's licence was occasionally required to give effect to such wills.* And, it further appears, that upon any refusal to comply with the services so stipulated for, these estates reverted to the crown. In aggravated cases, too, the thane lost his life.† The *theoden* or under *thane*, was a sort of *thane* or servitor to the greater or king's *thane*; just as this latter was to the king. The husbandman or churl, was of free condition, and might rise, if he so prospered in his circumstances as to be able to hold five hides of land, to the condition of *thane*. This class of men

* "One Brictrick, in the time of king Ethelred, . . . bequeathed legacies of good value unto his Lord's wife, to intreat her husband that this Brictrick's will . . . might stand. And *Thola* the widow of *Urke*, a thane, . . . obtained licence from the same king Edward, (ib. p. 18.) that she might devise both her lands, and goods, &c." The truth seems to be, these charters were nothing more than the lease-deeds of the present day, which may likewise be devised by will, without at all affecting the real property of the grantor, in the lands so leased out and willed.—Spelman on feuds and tenures, p. 34.

† This is natural enough from the nature of the case; and accordingly we find one instance, as given by Hearne, in which a nobleman having determined to rebel against the king, goes, in the first place, and resigns his lands.—Sir J. Spelman's life of Ælfred, pp. 32, 33. See Sir H. Spelman on Feuds and Tenures, pp. 18—37, and "of Parliaments," p. 59.

cultivated the lands holden either by the king, or his thanes, rendering to their lords work and produce, rather than rent (pp. 14, 15). Some of these cultivated the lands which were afterwards termed *demesne lands*, but by the Saxons *inlands*; the other lands of their estates they termed *outlands*. “True, it is,” says Sir Henry, “that both they (the thanes) and it (the land held by them) were subject to military service, called in latin *expeditio*.... And it appeareth by an ancient MS. of Saxon laws in the king’s library, *that the thanes were not only tyed to this, but to many other services to be done unto the king, and that in respect of their land*.... Thus in English, the law touching a *thane* is; that he have power to make a will, and that in respect of his land he shall do three things, viz. *military expedition, repairing of castles, and mending of bridges*, and for more lands to do more *land-duties*. To go forth upon the king’s summons, to the enclosing of his park and mansion-house, and to into the enemies lands, and to defend the sea, his own head, and the peace, to pay *alms-monies, church-seeds, church-shots*, and other things” “ALL THE LAND OF THE KINGDOM was wholly tied to three services, as appeareth in the council of Eanham,....where they are commanded to be

yearly done Also by the law of King Ethelred, who....ordained that every eight hides* or plough land through THE WHOLE KINGDOM, shall find a man with a croslet and helmet to the *naval expedition*. And every three hundred and ten plough-lands, an ordinary ship. For these purposes was *the whole land* formerly divided, either by *Alfred* the Great or some other precedent king, into 243,600 hides or plough-lands; and according to this division were the military and other charges of the kingdom imposed and proportioned.†....Hence it rose that the *Saxon*

* Each according to some 96 acres, to others 100. It appears to be equal in quantity to a carucate, and to contain as much land as will support one team of oxen.—See Spelman's Glossary, sub voce *hida*.

† We are told however in another place, that “the Saxons themselves termed these taxations *land rights* not *services*.”—(Sir H. Spelman on Feuds and Tenures, p. 40) But surely if these were *land-rights*, they were the *rights of the lords*, not of *the tenants*. Hence we may see, how we are to receive the statement of Judge Blackstone, who tells us, (Com. book 2. chap. iv.) that the fundamental maxim, taking the king as “the universal lord and original proprietor of all” the lands in his kingdom: and that no man doth or can possess any part of it, but what has mediately or immediately been derived from him, &c.” is “*in reality a mere fiction*.” The maxim has evidently been founded in fact.—See also Ingram's edition of the Saxon Chronicle, ann. 534, 560, 648, p. 42; ann. 669, p. 52;

kings in granting of lands, liberties, and privileges, unto ecclesiastical persons and others, were usually so careful in reserving EXPEDITION, BURGHOTE, and BRIGBOTE, (i. e. repairing castles and bridges) as you may see in the charters of king *Withred, Ina, Æthelbald, Æthelwulph, Edgar, &c.* in the Britain councils, as also in the charters here following, and in a multitude of others elsewhere besides." (p. 18.) "It further appears from Domesday book, that the thane-lands might be charged with a rent in addition to the services imposed, and also be restrained from alienation by will." (p. 23.)

I need not, perhaps, add any thing to this, to convince you that the Saxon kings were really recognised, in their times, as lords paramount of all the soil in this country; that their nobles actually did *pay acknowledgment, or service to the crown, for their lands*, although you had not hitherto been able to find this; that the monarchy

ann. 686, 688, 694, p. 71; ann. 945, p. 154; ann. 1008, 1020, 1031, 1035, p. 220, 252, 289, 292; ann. 1088. From which it must appear, that whatever Mr. Hume and you may think of it, the Saxon kings, and after them the Danish, believed that they had a right to dispose of the lands in this country; and that they actually disposed of them, either by gift, or sale, or else held them in their own hands, just as they pleased.

was *not limited*, except at the will of the prince himself for the time being; that there existed no national assembly or *Parliament*,* in any thing like the sense now ascribed to this latter term; and that each *one did not derive his title only from his own sword*, as you have adventurously asserted (p. 19). It is true, a national assembly was occasionally called together by the king, consisting of his thanes, earls, aldermen, the bishops and abbots; but this must have constituted a house of Lords only: for a house of Commons we shall look in vain. Nor was this body ever asked for pecuniary grants, as far as my information goes; nor does their consent or assent to any project of the king's appear to have been at all necessary; nor were they always consulted in the making of laws.† Their advice was taken in

* See the Glossary of Sir R. Spelman under the word *Parlamentum*, and his Tract "Of Parliaments," and "Of the Ancient Government of England."

† Hence the expressions with which we so often meet in the Saxon charters and laws: "*Decrevit tum porro Aluredus*," &c. "*Ego Eadwigh Monarchiam totius Britannie . . . obtinens*," &c. "*Ego Eadgarus Rex Anglorum*," &c. "*Si quis vero hominum hanc meam donationem cum stultitiæ temeritate jactando infringere tentaverit*," &c. "*Ego Ethelredus totius Albionis Basileus*," &c. "*Ego Cnute Rex*," &c. So Edward the Confessor . . . "*Hanc meam regalem Donationem*," &c. "*Ego Edgar totius Britannie*

most cases of emergency ; and, in others, when any remarkable grant was to be made, their presence and signatures seem to have been necessary ; not so much, perhaps, to ratify the proceeding, as to bind themselves to its future observance. This, as far as I have hitherto been able to discover, is a just outline of the prerogatives, powers, and practices, of the Saxon kings, and of their councils or wittenmots : and, from this it appears, that their kings had the power to assign any portion or portions of the land, over which they exercised these prerogatives, to any persons and at any times they may have thought proper ; just as much as you have, at the present day, to give your money or food to any object of charity, which may be presented to your notice. But I must give one extract more, and this shall be from the life of Alfred the Great by Sir John Spelman, a worthy son of the above-mentioned Sir Henry, and likewise a layman ; and, as this finds the Saxons farther advanced in their institutions and laws, than they were in the times of Ethelwulf, it must be more favourable to your view of this question. (p. 158, ed. 1719)....“ This....

Basileus,” &c. Sir H. Spelman on Feuds, chap. ix. And his Tract “Of Parliaments, page 61, and Glossarium under the word *Lex,*

was an assembling of the representative body of the state, *settled by Ælfred in a formal and constant course: not that it was of one and the same form and solemnity of our later parliaments; but, as the whole kingdom was then entirely either in the hands of the king, or of his earls and thanes; and all that held lands under them, held them in such subjection and dependence, as that they were wholly at their lord's disposal; so that what was then ordained by the king, his earls, and thanes, was a binding law to the whole kingdom: for that it was the act of those that held the absolute interest, and did involve the right of the residue as of such as were but their LIEGE-MEN and VASSALS.* As for the bishops that were ever members of those grand councils, and parties in the sanctions of them; besides, that in respect of their temporal possessions, they had the interest of thanes or barons, the sacred esteem of their persons and function, together with their predominance of understanding, did not only make their votes equivalent to those of the nobles, but even the whole act to have the more reverend esteem and acceptance." A little farther on, we are informed of the magnificent endowments he made; which should go to prove, that he believed he was justified in disposing of the lands of the state. Of

these may be mentioned, "his endowment of the bishoprick of Durham, with the gift of *all the country* betwixt *Tine* and *Tise*:" not to dwell on the many monasteries which he likewise built and endowed.

This, I think, my dear Sir, will suffice to shew you what the opinions and practices of the Saxons were, as far as our question is concerned, and, that very little reliance is to be placed on the statement of Mr. Hume, cited by you.—Having, then, so far settled this point, I shall now, by your leave, examine your "examination, as far as it shall appear necessary, of the circumstances under which these grants are said to have been made." Your account of Offa, (p. 19.) I shall pass over; not because I believe what I have already cited from Burn to be inaccurate, but because I wish to be short, and because his history, be it what it may, is unimportant to our question. We come, therefore, directly to Ethelwulph. "Ethelwulph," you say,...."had been a monk.....His mind was indolent and weak. His minister, Alstan, bishop of Sherborne, ably supplied his master's deficiencies."* "His character," you add, "was that of a severe ecclesiastic through life; giving himself

* From Turner's History of the Anglo Saxons, 2nd. edition, vol. i. page 183.

up to monastic devotions, except when roused by the incursions of the Danes.* We cannot therefore wonder that when the king was a monk, surrounded by monks, and aided by a council † of which “bishops and abbots were an essential part,” and a bishop his prime minister; I say, that with such a king, and such a council, it is not to be wondered at that tithes, which before had been only at the will of the donor, should be fixed as a permanent tax on the country, and which he consented to, under the notion that he should thus avert the judgments of God, which his ghostly counsellors represented as visible in the frequent ravages of the Danes.” (pp. 20, 21.)

* Sir J. Spelman, who does not appear to have thought it necessary to the truth of his narrative, to give highly coloured statements, speaks thus of this king: “Æthelwolf,” says he, ...“became a most zealous professor; and having in his father’s life time entered into sacred orders, he was at first made bishop of Winchester; but afterwards, upon his father’s death, and failance (perhaps) of other issues, he was *necessitate cogente* (saith Huntington) deraigned and made king of the West Saxons.” Hearne tells us here, in a note, that “he was only *subdean* not *bishop*.”—Life of Ælfred, p. 16.

† But yet this very council, is neither more or less than the *Parliament*, the *free constitution* of which you have elsewhere deemed it necessary to extol!—A more elaborately and highly coloured passage than the whole of this, or one pregnant with more invidious and pungent remark, I must confess, I have never before seen in any written production.

I answer, This endeavour to vilify the character of Ethelwulph, his parliament, his nobles, &c. can stand you in no stead whatsoever; because, as I have already remarked, the expediency or inexpediency, the wisdom or the folly, of the grant in question, is out of the sphere of our inquiry. The only question we have to do with is, whether Ethelwulph had, or had not, a right to dispose of the lands of which he was at that time lord paramount, and of which he held the sovereign and undivided possession. I have shewn from writers of far greater credit than Hume, that the Saxon kings were thus circumstanced. They had, therefore, an undoubted right to dispose of these lands in any way they pleased; and this they did in cases innumerable, even without the advice or consent of the national assembly. The grant in question, however, was not made without the advice and consent of this assembly; and further, it was willingly acceded to by the people, who had no voice in that assembly.*

Still it may be doubted, whether Ethelwulph was of a character so weak and indolent, as he has been represented in your tract; and whether there

* So, as cited by Spelman "of Parliaments" (Ed. 1727. p. 61.) "*Hæc concessa sunt à Rege, Baronibus, et Populo.*"

is any good reason for supposing, that *the ghostly council*, with which he was, according to your statement surrounded, would or could prevail upon him to lay any permanent and oppressive tax upon the people of England, under the notion that he should by this means be able to avert the wrath of Almighty God, as visible then in the ravages of the Danes.* To the first of these positions I must

* Ethelwulph does not appear to have been singular in holding this sort of *notion*. The following are the remarks of Hearne, the very learned editor of Sir J. Spelman's *Life of Alfred*: "the Saxons," says he, "had now arrived at the very height of wickedness; which *so far provoked the wrath of God as to bring so dreadful a judgment upon this nation, that above two hundred years this barbarous people hardly ever ceased to come over in whole swarms, and to destroy all before them.*". . . "That this decay of religion and piety, and indulging all manner of vice, was the cause of so severe punishment, is generally asserted by our historians," &c. p. 8. Nor is such recognition of the interference of Divine Providence unusual with the sacred writers.

Jacob, too, who does not seem to have been beset by a *ghostly council of bishops, abbots, and the like*, made a vow that he would found a religious house at Bethel, and consecrate *the tithes* of all he should possess, if God would only accompany and protect him. (Gen. xxviii. 20—22.) David, in like manner, (2 Sam. xxiv. 16, &c.) by the ghostly council of Gad his seer, purchased the floor, oxen, &c. of Araunah the Jebusite, and offered a sacrifice which cost him something, with the view of averting the plague which then raged in Jerusalem. Let me ask you, did all this proceed from *notions*, sufficiently marking those who

say, it is much easier to affirm than it is to prove, that Ethelwulph was of so weak and indolent a character as you will have him to be. You will perhaps allow, that any king might be attached to religion, and be constant in his devotions, without necessarily being a fool: and yet this is all, if we except the term *monk*, which you have to bring against him: and, as to that, I should say, *we ought to judge of a man according to what he hath, and not according to what he hath not.* Nor is it, perhaps, unreasonable or irreligious to suppose, that any person possessed of wealth, might, if he thought proper, dedicate a part of this to the service of Almighty God, and for the good of his fellow men, without evincing at the same time that he must have laboured under superstitious notions, or have been led by a council of corrupt men. And yet this is all the crime, which you can lay to his charge. You say that Ethelwulph had been *a monk*. Well: and what then? Was every monk necessarily a fool or a madman? Some writers, however, tell us, that he was Bishop of Winchester, others that he was the Subdean; that is, he held a dignified station in the Church, held them as weak and indolent? Insinuations of this sort might have been tolerated in Hume, but they strike me as very unseemly in the mouth of a believer in revelation.

just as a son of the king, or of any nobleman may at this day among us, which will by no means prove that he is either weak, indolent, or superstitious. But, if his having been religiously disposed, and having received his education among ecclesiastics, and having moreover liberally endowed the then existing establishment, were sufficient to convict him of weakness and superstition, the same must be said of his son Alfred, whom the historians represent as exceedingly unwilling to quit his seclusion, and to engage in the affairs of state,—as being most constant in his devotions,—very much attached to *his ghostly counsellors*, and no less liberal in the bestowment of his wealth on the Church. But this, perhaps, you will not be bold enough to assert. Nor were the Clergy of those times quite so ignorant and corrupt as you seem disposed to make them. Men much better read in the histories of those times than either you or myself, and who were quite as capable of forming and pronouncing a just opinion on these persons, have asserted, that they were *men of great ability and integrity*.* It was not till the times of Edgar, the

* See some account of them in Sir J. Spelman's *Life of Ælfred*, pp. 133—143 and 157. "These were those....bishops, the abbot, and the monks, that we before have mentioned, all of them clergy-men, who being of singular note and eminence for

grandson of Alfred, that the spiritual usurpation and superstitions of Rome grew to any considerable extent in this island.† And to this I must adhere, until I shall have seen better reasons to the contrary, than any that have yet come before me. We have grounds for believing, therefore, that Ethelwulph was not quite so weak a prince as you would have him to be; and that his ghostly counsellors were neither so depraved nor superstitious as you have represented them. We have, moreover, some *positive* reasons for believing that this prince was neither *indolent*, *weak*, nor *superstitious*, as far as the grant in question is concerned. The anticipations he had of his son Alfred's future greatness,—the victories he obtained over the Danes and the Welsh,—and the power which he retained undiminished, in times of the greatest difficulty, over the whole realm of England, constitute good proofs that he was neither *weak* nor *indolent*. And if, in his latter years, he allowed his reckless son

wisdom, learning, and integrity of life, were therefore (like *Hushai* with *David*) assumed into the friendship and familiarity of the king.”

† *Ib.* p. 104. At this time the celibacy of the Clergy, sale of indulgences, the power of the Pope to appoint Bishops, and a thousand other such superstitions and usurpations, were unheard of in this country.

Ethelbald to usurp a part ; still, this was no proof of weakness which is usually pertinacious, especially as the whole state might have been endangered by a family quarrel.* Nor were his hopes, that Divine Providence would arrest the progress of the Danes, frustrated. For this very son Alfred, from whom he anticipated so much, actually lived to achieve all, and more than all, he had expected. And, will you tell me, (I do not ask Mr. Hume or his admirers the question) that this prince could have effected what he did, had not a special Providence assisted him? So far, then, the superstitious notions of Ethelwulph turned out

* Asser, Alfred's biographer and friend, seems to have been of the same opinion, his words are ; (Ed. 1722, p. 9.) "*Nam, ne irremedicabile Saxoniae periculum belligerante patre et filio ; quin immo tota cum gente ambobus rebellante, atrocius et crudelius per dies singulos quasi clades intestina augetur : ineffabili patris clementia, et omnium astipulatione nobilium, adunatum antea regnum inter patrem et filium dividitur.*" And a little lower down : "*Tota illa gens, ut dignum erat, in adventu senioris*" (i. e. Æthelwulfi) "*ita gavisata est, ut, si ille permitteret, pertinacem filium suum Æthelbaldum cum omnibus suis consiliariis a totius regni sorte expellere vellent. Sed ille, ut diximus, nimia clementia, et prudenti consilio usus, ne ad regni periculum perveniret, ita fieri voluit.*" It was not, therefore, because the king wanted either power, friends, or intelligence, that he permitted this ; but because he was no friend to agitation, war, and bloodshed. Providence, too, soon cut off this rebel son.

to be well founded. The Danes were vanquished; the country recovered its strength and its wealth: good and salutary laws were enacted: religion and learning flourished: and, in short, the improvement witnessed was scarcely less than miraculous.

I must also object to the terms *permanent tax*, as applied by you to the grant of tithes by Ethelwulph. By a *permanent tax*, I understand you to mean *an oppressive permanent tax*; because your context will admit of no other construction. Allow me to say, you here labour under considerable misapprehension, or else you are wilfully misrepresenting what you know. I have shewn that Ethelwulph had, as lord paramount of the soil of all England, a perfect right to make the grant in question;—that he cannot be charged with having been either a fool or enthusiast for doing so;—and also, that the grant was freely made. So far there was neither villany, fraud, nor deceit, had recourse to in the transaction.—Let me now put a case or two for the purpose of shewing you, that the terms you have here used are overcharged and unjust. I may suppose, then, that you have lately taken into your occupation a certain piece of land, for which you have agreed to pay a rent of ten pounds a year: and this I shall suppose the land to be worth, or at least that

you supposed it to be so. You will perhaps allow, that the landlord cannot be fairly charged with injustice or oppression, if he expect you to pay this rent regularly to him, so long as you continue to occupy the land in question. All is, I think, fair and just here. Let us now suppose another case, in which you have also agreed to pay a rent of ten pounds a year for a piece of land equally valuable with the former ; but here, you are required to pay *nine* pounds of this to one person, and *one* pound to another. Now, will this slight variety in the circumstances of the last case, so alter the character of the transaction, as to make the rent here claimed *a vexatious and oppressive tax*, while no such character can be ascribed to the other? What, I ask, can it signify to the occupier, whether he pay his ten pounds all in one sum, or in two? Or, In what way can it affect the justice of the case, whether the person receiving either of these sums be a minister of the Church of England, a manufacturer, a farmer, or of any other profession or avocation whatsoever? If there be oppression in receiving this sum of ten pounds, it must be as great and vexatious in the one case as it is in the other. The introduction of a minister of religion, cannot, as far as I can see, add or diminish, in the least, to the justice or injustice of the proceeding :

—but let us see what you have still to produce on this subject.

In page 22 of your tract, you have an elaborate article to shew, that “the similiarity, if any, between tithes and a rent-charge is extremely small” because,” you add, “a rent-charge is an absolute charge on the land, authorising the claimant, in case of default, not only to levy distress, but even to enter and take possession : whereas the tithe claimant has his demand only on the crop or produce : which he cannot touch until it be cut or severed from the freehold, and converted into personal property ; and in case of default, his only remedy is against the occupier : and if he runs away, leaving his tithe unpaid, the claimant may *run after him.*” When you say “an absolute charge on the land,” I suppose I am to understand, *an absolute charge on the occupier of the land* ; for on no other can a charge be made in any case. But this is true also of the tithe claimant. Nor has the tithe claimant his demand on the crop or produce : this he may take, indeed, if he prefers it : but his demand is on the occupier of the land. That the demand is made in consideration of the crop or produce, is beyond all doubt : and so, in fact, is that of the landlord ; for, although he lets his lands for a stipulated rent, yet, it must be remembered, he lets them out *to farm*, and reserves an actual

control over the farmer as to what course of husbandry he is to pursue. And again, the tithe claimant, ninety-nine times in every hundred, receives from the farmer *a money payment*, termed a composition, in lieu of such produce or crop as may fall to his share: which crop or produce, must, as you know, grow out of the land so cultivated. Both tithe claimant and landlord do, therefore, actually receive money payments in consideration of the use and occupation of such lands: and whether you term these a *rent* or a *composition*, the thing is still virtually the same. And, as to your facetious run-away case, What remedy, will the landlord have, if the occupier should happen not to pay his rent, and to run away, except *to run after him*? Will his deserted lands supply the needful pounds, shillings, and pence? He may, indeed, enter upon his lands, as you truly observe, which the tithe claimant could not do: but this only shews, that the laws of seizure and recovery, as it respects the tithe claimant and landlord, slightly differ: while the thing sought in each case is virtually the same.

Upon turning to your "Concise History of Tithes,"* (p. 22, ed. 5.) I find you saying, "that a

* This is a cheap little work, which was undertaken, apparently, for the information of the lower orders. It sells at 2*d.* or 1*s.* 6*d.* per dozen." It appears to have gone through five or six editions.

man purchasing an estate, subject to a tithe-charge, buys it at a rate proportionably lower than he

The arguments which it brings forward universally proceed under one false assumption or another; arguing, either that the tithes are claimed by divine right, and under the sanctions of the Levitical law; or, that they are charitable contributions only, and therefore properly at the will of the donors: or, that they are an unjust tax, imposed by Papal authority, or by weak princes, and continued by unjust legal exactions. I need not shew, after what is advanced in this inquiry, that the whole of this is perfectly groundless; that the vituperative language, in which a great portion of it is couched, is ungenerous and highly unbecoming; or that a very considerable part of it is applicable with much greater force against christianity itself, than it is against any one of its temporal appointments. Of the tone and accuracy of this little manual, take the following as specimens: "In process of time, tithes or tenths followed" (i. e. in this country.) "Of these, *certain proportions* were allowed to the clergy, the repairs of ecclesiastical buildings, and the poor." (not one trace of which is to be found in any history) Then follows Offa's story. "About sixty years afterwards (anno 855) Ethelwulf, *a weak and superstitious prince, was worked upon by the clergy* (a term here used in an invidious sense) to extend *tithes as dues to the whole kingdom,*" (i. e. he fixed them as rents upon his own lands); "and he consented to do it, *under a notion* that he was thus to avert the judgments of God, &c. *Poor laymen,* however, were still to be supported out of these tithes;" (altogether imaginary!) "and the people were still at liberty" (i. e. as far as as *their conscience* would let them be so,) "to pay them to whatever religious persons they pleased." "About the close of the tenth century, Eðgar took from the people the right of disposing of their tithes at their own discre-

would if exonerated therefrom." Here, I think, you allow that such land, is actually affected by a tithe charge. And, I think, you must also allow, that the rent claimed by the landlord, for such land, will likewise be "proportionably lower" than it otherwise would be. The tithes are, therefore, virtually a rent charge. There is still another consideration which will put this matter beyond all doubt. When the grant of tithes was made, and indeed for a long time after, the landlord was not paid by the occupier of the soil so much in money as *in produce*; for the purpose, as it is said, of providing hospitality for the use of his lord.* Both the landlord, therefore, and the tithe claimant were, in all such cases, paid precisely in the same way: and hence it probably was, that the grant which was originally made in land, as will presently be shewn, was restricted by the laws of Edward the Confessor to a tenth of all the increase; and directed that they should be paid to the parish churches." (p. 16.) In other words, Edgar, perceiving the disposition of many of his subjects to rob the parish churches and ministers of the revenues, which his predecessor Ethelwulph had generously devoted to the use of both, and to carry them to the monasteries which were now becoming too rich and too numerous, ordained that henceforth these tithes should be applied to their original and legitimate purposes.

* And the produce of every tenth ploughed acre was carried to the clergyman.—Seld. Hist.

and produce.* Disputes may have arisen, either between the clergy and the landlords, or the clergy and the farmers, which made such law necessary to the peace of the realm.

The *negative* arguments adduced in your "Concise History," in opposition to what has now been said, are not worth the trouble of answering. Arguments of this sort are, indeed, never worth much; and, when they are opposed by others which are positive, they may fairly be left to shift for themselves. But, when you affirm that tithe payments are a charge upon capital, industry, and so on; you say nothing more than may be said of any rent charge, or indeed of any other impost whatsoever. The only question is, whether they are an *oppres-*

* "King Edward the Confessor," says Spelman, (larger work on Tythes, p. 128.) about the year 1042, made all certain; namely, that tythe was due unto God, and should be paid, the tenth sheaf, the tenth foal, . . . the *tenth cheese, where cheese was made, or the tenth day's milk, where there was no cheese made; the tenth lamb, the tenth fleece, the tenth part of butter, &c.*" Similar specifications of titheable articles will be found in vol. II. Concil. Mag. Brit. et Hib. ed. 1737, pp. 28, 29, 159, 178. I mention this particularly with regard to the tithe of cheese and butter: an opinion having got abroad, which even the courts of law have not generally rectified, that *in every case* the tenth of milk alone can be claimed in kind, notwithstanding two cases were decided in the Court of Exchequer, as cited in Spelman's Glossary, sub voce *altaragium*, to the contrary.

sive or *vexatious* charge: and, as you have allowed that the land is always purchased proportionably lower when subject to such payment, and cannot but allow that the rent is diminished in the same proportion, it is quite out of your power to shew that these payments are either vexatious or oppressive.

From what has been said, you will be enabled to judge, with how much justice or regard to truth the following statement, found in your tract, has been made. “Could we trace a title to national tithes to King Offa, we should so far fix a disgrace on our country, for having suffered a tax imposed by a murderer, to avert the just judgment of God from his own guilty head, to be patiently borne and paid for A THOUSAND AND THIRTY-EIGHT YEARS! &c.” Allow me to suggest,—you might have spared yourself the trouble of putting forth this vigorous specimen of agitation oratory; because no one has attempted to trace to King Offa the *national* grant of tithes to the English clergy. The thing which you have here conjured up has no real existence: it is altogether a false creation, upon which, as a sort of stalking horse, you have taken the opportunity to hang certain large words printed in capital letters!

“And the title derived from Ethelwulph,” you

add, "is, in my opinion, a very sorry title indeed to be brought forward by the ministers of the English church : it being nothing but a JOB, got up by a junto of ecclesiastics in the very darkest ages of papal usurpation, superstition, and bigotry." (p. 22). It may be worth while to examine this. The title derived from Ethelwulph is, you say, "a very sorry title." Will you, then, be so good as to tell me what will constitute a good one? And, whether the possessor of any one acre of land, in all England, is vested with a better? I know, my dear sir, and I am tempted to believe you also know, that you can do no such thing. The tenure of every estate in this country was, in the times of which we are speaking, at the will of the sovereign only : afterwards it was extended to terms of a year, years, or for life, with certain services attached. In the next place it was allowed to run on indefinitely, as to time ; and last of all, it was confirmed by act of parliament to the several holders. But the national claim to tithes commenced in a positive grant, made in perpetuity at once ; and this has been confirmed by every subsequent sovereign, and every subsequent parliament. Now, if this does not constitute a real and good title, I should like to be told what does. As to your assertions that the whole was a JOB, &c.

&c. I must tell you, I have neither time nor inclination at present to reply to any such matter.

You tell me a little farther on, (p. 26.) “that those of the clergy who hold fast by their act of parliament, are most discreet; for when they let that go, as their *only anchor*, they run adrift.” I think I may say, that hitherto you have not been able to shew this. But let us hear what you have still to say on this matter....“So,” it is added a little lower down, “an act of the same parliament, may, at any time, entirely deprive them of these spoils, &c.” After all, then, an act of parliament is only a moveable point: and it must follow, that those of the clergy who hold fast by this alone, cannot be very remarkable for their discretion. Yes; I am aware that any act of parliament may be repealed: there need no ghost come from the grave to tell me that. I must remind you, however, that I have not undertaken to argue either against the *potency* or the *instability* of an act of parliament. All I have professed to do has been, to inquire, whether the claim now made by the clergy of the established church is, or is not, a good one; and whether every reasonable and conscientious Christian man is, or is not, bound to accede to it. This, I had thought, afforded matter proper enough for inquiry. Here, however, an

end is attempted to be put to all inquiry by the assertion that, after all, an act of parliament will most effectually settle the question, and carry the tithes, which you here designate “spoils,” into a totally different channel. Every question about the right or wrong of tithes is, therefore, now at an end; threatening is had recourse to; and this is to be followed up by a power which is irresistible! Pray tell me, Has either reason or conscience any thing whatever to do with this? If it has, it is that sort of reason and conscience, to which I shall not hesitate to confess myself a stranger.

Come we now to consider the statements you have made (p.23,) as to the grant of tithes by King Ethelwulph in general, and as to the purposes to which they were to be applied in particular: and here, I think, we shall find you full as unhappy as in any of the preceding articles. “It appears,” you say, “by Ethelwulph’s grant, that they” (the tithes) “were given only Sanctæ Ecclesiæ, (to holy church :) of course,” you continue, “they were to be applied to the *general purposes* to which tithes were *then* applied: which were, one fourth to the bishop, one fourth to the clergy, one fourth for the support of the buildings, and one fourth to the poor.” By *sancta ecclesia, holy*

church, you here understand the church of Rome exclusively. With this qualification, then, I must now affirm, that the whole of these statements is any thing but true.

With regard to the terms of the grant, in the first place, the following extracts, taken from the best authorities now accessible, will perhaps be sufficient and satisfactory. The Saxon Chronicle, under ann. 854, speaks of the transaction in this manner: "The same year king Ethelwulf registered a TENTH OF HIS LAND OVER ALL HIS KINGDOM for THE HONOUR OF GOD and for his own everlasting salvation." (Ingram's Ed. p. 94.) Asser, the biographer of Alfred and one of his illustrious friends and advisers, delivers himself in these words: "Eodem anno (i. e. 855.) Æthelwulpus præfatus venerabilis rex DECIMAM TOTIUS REGNI SUI PARTEM ab omni regali servitio, et tributo liberavit, in sempiternoque graphio in cruce Christi pro redemptione animæ suæ, et antecessorum suorum, UNI ET TRINO DEO * IMMOLAVIT." (Annales Ælfridi Ed. Wise. p. 8). Matthew of Westminster states the matter thus: "Magnificus rex Æthelulfus, *de-*

* So in Magna Charta, as cited by Spelman, (p. lxxv. Ed. 1727.) "CONCESSIMUS DEO." Other editions of this grant may be seen in Selden.

cimam regni sui partem DEO et beatæ Mariæ, et omnibus sanctis contulit, liberam ab omnibus servitiis secularibus, exactionibus, et tributis." And the words of the grant itself thus: "Ego Æthelulfus rex Occidentalium Saxonum, cum consilio Episcoporum ac Principum meorum aliquam PORTIONEM TERRÆ MEÆ, DEO et beatæ Mariæ, et omnibus sanctis, *jure perpetuo* possidendam concedam, DECIMAM SCILICET PARTEM TERRÆ MEÆ, &c....ad SERVIENDUM SOLI DEO sine expeditione, &c." (Matt. West. ed. 1601, page 158.) Now it is curious enough to observe, that in these three authorities the terms *sanctæ ecclesiæ* nowhere occur; and in another, namely, Ingulfus, as cited by Spelman and Selden, although these terms do occur, yet they are so qualified as to restrict them to the *English church*. "Cum consilio Episcoporum ac Principum meorum consensimus, ut aliquam portionem terrarum in libertatem perpetuam donari sanctæ Ecclesiæ dijudicavi ad serviendum DEO SOLI. gratuito consensu," adds Ingulfus, "tunc primo cum *decimis omnium terrarum, ac bonorum aliorum sive catallorum*, UNIVERSAM DOTAVERAT ECCLESIAM ANGLICANAM per suum Regium chirographum confectum." (Sir J. Spelman's History of Alfred, pages 21,

22.* Selden's History of Tythes, page 205.) Here, then, the original authors, who have favoured us with all the knowledge we have respecting this grant, conspire to refute your gloss, that the grant was made *to the Church of Rome* (p. 28.). They also tell us, that a *tithe or tenth of the land was actually given*,† which may suffice to shew you, among other things already adverted to, that the tithes are now, as they ever were, a sort of *rent charge* laid on the land. And the last, Ingulfus, tells us, that personal property was also made subject to a similar demand.

* From this place it also appears, that not only *Offa*, king of Mercia, but *Ethelbert* still earlier, and *Ælfwold* king of Northumberland, had made grants of tithes in their several kingdoms before the times of Ethelwulph. If so, and I see no reason to doubt it, Ethelwulph's grant made that general throughout the kingdom, which had only prevailed before in particular districts. Hence, we may see, how extremely defective Blackstone's sketch of the history of Tithes is. (Com. Book II. chap. III.)

† It is curious enough to remark, that the Lord Bishop of Bath and Wells in his admirable little pamphlet on the tithes lately published, has, in recommending land to be apportioned to the clergy, recommended just what Ethelwulph actually granted. Ethelwulph, however, thought it sufficient to take care that produce was rendered in this proportion, instead of assigning the land in parcels.

Let us now consider the remaining part of your Statement: "of course," you say, "they were to be applied to the *general purposes* to which tithes were *then* applied." If by *general purposes* you mean *the service of God generally*, I shall not object; because I am of opinion that this was the *general* purpose for which they were given. But, when you say that *one fourth* was to go to the bishop, *one fourth* to the clergy, and so on, I must object; because there is not one syllable of truth in the statement. If king Ethelwulph and his nobles intended that this quadripartite division of the tithes should be for ever made, How does it happen, that not so much as one word on the subject occurs in the authors above mentioned? But this you will say is a negative argument. Be it so; still as it is backed by positive history, it has its weight. The positive state of the case is this. It appears from Bede and other writers, that in times considerably earlier than those of Ethelwulph, some of the popes recommended that such quadripartite or tripartite division of tithes, as that mentioned by you, should be made; and it is not improbable that it actually did obtain in the monasteries of Italy, France, and Spain: while it is as far certain as history can make it, that *no such division ever obtained in England*,

*either before or after the times of Ethelwulph.** If this then be the case, there is a complete end to your favourite division of tithes; and consequently, to one of the most grievous charges which you have been in the habit of making against the clergy of the Established Church. The case now resolves itself into one, not unlike that of the primitive church, in which Christians had all things in common: a state of things, to which I believe neither yourself nor any wealthy Friend whatever would now consent, should it be proposed on the general levelling system. One of the limbs of the dilemma, therefore, on which you had so ingeniously placed me, turns out to be less substantial than the shadow of a shade; which indeed a little inquiry would have been sufficient to shew you.

* Let me here recommend to your notice “An Essay on the supposed existence of a quadripartite and tripartite division of tithes in England, &c. by the Rev. William Hale Hale, M. A. . . . London, 1832.” In which you will find the particulars respecting this question ably laid down and discussed, so as perhaps to satisfy your *reason*. Judge Blackstone has often been cited to shew, that the law of the case still is, this four-fold division of the tithes. But Judge Blackstone says no such thing. He only says that “Charlemagne established the payment of them (i. e. tithes) in France, and made that famous division of them into four parts, &c.” Com. book II. chap. III.

You will, perhaps, return to the charge and tell me that, Still the grant in question was made when the Church of England was subject to the jurisdiction of the Pope ; and that the mention of the blessed virgin, with other things occurring in the grant, is sufficient to shew that the protestant church, as now by law established, can lay no good claim to the wealth so granted. “ Not for a *protestant* clergy,” you say.....“ but for *popish* priests and monks for ever !” I answer, I trust I am not unwilling to give you the full advantage of any and every light in which you can place this question. And, perhaps, the best way to do this will be, to put an extreme case. Suppose then, that before this country became Christian, a considerable quantity of property in land, &c. had been dedicated to the ceremonies of heathen worship, and to the use of heathen priests. Suppose in the next place, that the Christian religion has now been established throughout the island. What, I ask, is now to become of the property so dedicated ?—The lawyers will tell you, that in all cases of this sort, in which it is impossible to comply with the express words of the donor, reason requires that you follow the analogy of the case as nearly as you can. In the case in question, then, the wealth dedicated to the *service of God* under heathen

rule, ought now to be applied to the *service of God* likewise: because this will be to comply with the will of the donor, as nearly as the circumstances of the different cases will allow. And let me tell you, this is just what was done in innumerable instances, in the earliest, best, and purest, times of Christianity. The heathen temples were converted into churches of Christ, as soon as those who formerly frequented them, had become converts to his religion. Hence, we are told that the church of St. Paul, in London, now stands on ground formerly occupied by a temple of Diana; and that of St. Peter, in Westminster, on a site covered by another dedicated to Apollo.* Now, according to your doctrine, these edifices still are, and for ever must be, the sole property of heathen priests, and dedicated to the worship of heathen deities! Do you see the absurdity of this? I shall take for granted you do. And, if so, you will be compelled to allow, that since the times of the Reformation, all the property which had been dedicated, as that in the grant of Ethelwulph had, to the *service of God*, ought religiously so to be applied in conformity with the tenour of his holy word, and not according to the traditions of Romish

* Sir R. Baker's Chronicle, p. 8.

priests. Besides, as not one word occurs in the whole grant, nor in any edition of it, restricting this property either to the Church of Rome, or to popish monks and priests; it would be to travel considerably out of the record, to consign a thing to them to which they can prefer no real claim. I think I may now affirm, that a second limb of your ingenious dilemma has been demolished.—And, as to the dissenters generally, who you think have as good a claim, as the clergy of the Church of England have, to these tithes, I must say, That when it can be shewn, that the doctrines and government of the established church are unscriptural, and theirs scriptural; then, and not till then, will the claim of the clergy cease to be valid, and theirs be made good. This, I think, you will allow, is the true and proper ground of claim: and, on this I am most willing to rest all the weight of the question.

I must notice one article more, and then I shall proceed to my conclusion. “They,” you say, i. e. the parliament, “may perhaps suffer them” (the tithes) “to lapse into the lands from which they are derived, as has been done elsewhere” (p. 27). “By suffering them to lapse into the lands, &c.” I suppose you mean, that they should hence cease to be paid *as a sort of rent charge*; the whole

value of them going into the possession of the landlord. Why this transfer of property is to be made, you have yet to shew ; I say, you have yet to tell us, upon what principle of *reason* or *justice* this is to be done : for, as yet, you have not so much as attempted this. No, dear sir, you have only complained about the murder committed by Offa, the weakness, &c. of Ethelwulph, the jobbing disposition of the monks, the misappropriated spoils by which the clergy enrich themselves, &c. *id genus* ; but no where have you shewn, that any one of these complaints is well founded : and now, as on another occasion, you run on in imagination to some catastrophe, which is, as it has *elsewhere* done, for ever to sink the tithes in the lands from which they have been derived. But what do you mean when you say *elsewhere* ? Do you mean, those lands, in this country, which were made tithe free by certain bulls and ordinances obtained from the popes, and by which the working clergy were deprived of their dues, for the purpose of more daintily feeding the four privileged orders of monks ? I can hardly suspect you of having intended this ; because it was manifestly a popish job, and as such must be matter for your indignation rather than for your approval. What was it then ? Was it the French revolution which *elsewhere* caused

these tithes so to lapse? I am exceedingly unwilling to suppose, you could ever have entertained any such thought as this; and yet, I do not see what else you could possibly have meant. That you could threaten the clergy of the Established Church, by shaking a revolutionary act of parliament at them, is easy enough to imagine; but, that you should think it necessary to conjure up a revolution, such as that was which ended with the battle of Waterloo, is to me almost incredible.

Still, I must remind you, that although an act of parliament or an infuriated populace may be irresistible, the legislature is nevertheless bound to observe justice. "The throne," we know, "is established by righteousness;" and, that it is neither a safe nor a wise thing to cause the people to err, and then to put one's trust in their violence. But, suppose we allow all to be done, that you are so anxious to bring about; What, I ask, will the tithe payer, the person supposed to be oppressed now, have gained? This I leave for you to shew: it will be enough for me to tell you what he will lose: and, in order to put this matter in the clearest light, I will take a case as before. Suppose, then, a farmer to rent an estate, which if tithe free, is worth £200 a year; but which subject to tithe is worth £180: £20 at least being the sum to be paid for

tithes.* In the first case, I think I may say, the farmer will pay £200 a year in full tale; it being unusual with landlords to make any considerable deduction from the real annual value of their lands. In the second case, it is pretty well known that no clergyman ever gets more, as a composition in lieu of tithes, than *two thirds*, in most cases *one half*, and in many *less than a half*, of their real value. Under the tithe system, therefore, the farmer will pay, in both rent and tithe, from £190 or less, to about £193 a year; under the tithe free scheme £200 at the very least. Now, without saying one word more on the manifest injustice of robbing one person to enrich another, What are we to say of the delectable scheme, which is *to relieve the tithe payer, by raising his annual rent payments?* Does not this strike you as enlightened, reasonable, and liberal, in the extreme? Again, how

* I put a tenth of the rental here, as in the former case, not because this is the real value of the tithes, but only for the sake of argument. Every body knows, that the farmer ought to make two rents and a half, at least, on his land to enable him to live. One tenth of this, making due deductions for the labour of turning the produce into money, will be the value of the tithes: say *one tenth* of twice the rental. In this case, a sum not less than £40, will be the tithe charge of a farm, worth in the whole £200 a year, which will make the loss or gain of the tithe payer just twice the sums I have stated above.

will the poor fare under this Utopia of yours? Will they be better taught or fed? Oh no. They must now pay for their religious instruction, if they will have any, and this will not always be the most scriptural; not to insist on the various advantages now lost in the departed charities of their once resident and kind pastors. Besides, to have raised the amount of the farmer's outgoings, must eventually affect the poor: it must diminish their means of employment, and make their condition, which is now bad enough, considerably worse. As far as I can see, therefore, your scheme has neither truth, reason, nor justice, for its foundation; nor public advantage or good for its end. It might, indeed, enrich the landed proprietors; but on the farmer, the mechanic, and the labourer, it would lay new and heavy burdens. And, although you will find me as willing as any of your own preachers, to make sacrifices for the furtherance of the gospel of Christ, nothing will induce me to give in to the project, which you have here so anxiously, but so feebly and inconsiderately, advocated.

My reasons for coming to this conclusion are briefly these: You have failed to shew that either the example of our Lord, or that of the apostle Paul, can be adduced in support of the positions laid down in the "Brief Statement" which you

took upon you to defend. In the next place, the passage chosen from Hume is a most unhappy one; it being in one case false, and in all the rest, inadequate to the purposes for which you cited it. Your conclusions, therefore, not only as grounded on this faulty document, but as opposed by authority of the highest order, are wrong and untenable. In the next place, the charges you have advanced against the abilities of Ethelwulph, the integrity of his advisers, and the general character of the clergy of his times, you are unable to substantiate. All these, therefore, must be put down for vain and groundless declamation. Your attempt, in the next place, to make it credible that the clergy of England are bound to observe a *four-fold*, or else a *three-fold*, division of their tithes, rests on mistake and error; and can be recommended with no better grace, than the custom of having all things in common, adopted in the first ages of the church, can now as binding on every one professing Christianity. Nor are you able to shew that tithes, granted as they were to the church in catholic times, are now of right the property of Romanists, and not of a protestant clergy. As well might you attempt to maintain, as already intimated, that the churches of St. Paul, in London, and of St. Peter, in Westminster, are now the sole

property of idolaters and pagans. I am compelled, therefore, both by my *reason* and *conscience* to conclude, as in my former letter to you, that conscience is here fairly bound, both by the laws of God and man, to render to Cæsar the things which are Cæsar's, and to God the things which are God's; to render *to all their dues, custom to whom custom* is due, and fear to whom fear. What those dues are, it is the province of the minister of justice now, as it was in the days of the apostle, to decide. When you can shew, that these interfere with the ordinances of God, I shall agree with you in saying, that they ought not to be rendered. In the present instance, however, this you have failed to do; and, I think I may say, that what you have now so palpably failed in, after so many years' attention to the subject, you are never very likely to succeed in satisfactorily effecting. Every Christian, therefore, in these realms is bound, not only to render these tithe payments with just as much punctuality as he is to pay his rents or other just and legal dues, but every member of the legislature is also bound to maintain and uphold these rights as of perpetual obligation; and, if he refuses to do this, it will be at the risk and peril of his soul.

Again, if I rightly apprehend the drift and

object of your reasoning, the system, against which you have been objecting, is either the same or very nearly the same with that, which you would recommend. You tell us in your "Concise History," that the Levitical law cannot now be cited to sanction a system of tithes. I hold the same thing; and maintain, that the system of tithes, against which you have been arguing, lays claim to no such sanction. You think that Christians generally, ought not to contribute towards the support of their ministers. The system against which you object, asks for no such contributions. It only asks for the payment of a debt, contracted on a totally different ground; namely, the occupation of land. You say, No bargains ought to be made about religion; and, that neither the legislature, nor the civil magistrate, ought to enforce the fulfilment of any such bargains by exacting certain payments. The ministers of the Church of England say the very same thing. You do allow, however, that ministers actually engaged in their duties ought to be supported. St. Paul allows the same, and so does the Church of England. You think this should not be made burdensome to the flock. The system to which you object, has provided that it should by no means be so. And How has the provision been

made? Why, just as that for the Friends' school at Sidcot has been, by setting aside the rents of a certain portion of the land, which had been freely and generously given, for this specific purpose; and these rents have been termed *tithes*. You also recommend that these tithes be allowed to lapse into the lands, from which they are derived, so that the full rent henceforth go to the landlord. But here you are inconsistent with yourself; for you argue, apparently, *in favour of the* tithe payer, while you propose a measure which will manifestly injure him. And this you endeavour to enforce by telling us, that the whole tithe system is a popish JOB, got up by a junto of ecclesiastics, &c. &c. I must here remind you, that similar epithets might be heaped upon the promoters of your school at Sidcot, which you would very properly repel by saying, that they were both unbecoming, and quite foreign to the purpose of argument. How, then, am I to account for all this paradox? I know of but one way in which this can be done successfully, and that is, by supposing that you have altogether mistaken the grounds of the question before you; for I will not allow myself to imagine, that your object is, *right* or *wrong*, to deprive the English clergy of their tithes. I believe your main object is, the relief

of the subject generally, and of the Christian hearer in particular. The same is mine. The only question between us is, How can this be most effectually done? You say, by depriving the clergy of tithes. I say, and I think I have proved, that this would be both *injurious* and *unjust*. I have allowed, indeed, in my former letter, that the present mode of collecting these dues is a most undesirable one; and that the sooner it is put an end to, the better will it be for all parties. Not because the clergyman here makes an undue or oppressive demand; but because he is put into a most improper and galling situation—a situation in which he is compelled to make bargains with his flock, not about religion as you have said, but about the amount, &c. of dues, upon which himself and his family are to subsist. The great evils of his situation are these: He must either accede to proposals, in certain cases, the most unjust and humiliating, or else risk his own peace of mind, that of the neighbourhood about him, and what is infinitely worse, the cause of his divine Master. The imputation and the charge of being more anxious about the fleece than for the flock, might perhaps be borne; while to be made to sustain the character of a Judas, could not but be intolerable. With some payers, any de-

mand however reduced will be met in a similar manner; and, I am sure you will allow, that the matter will in no way be mended by the circulation of the "Brief Statement" of your society, or the "Concise History of Tithes" composed and published by yourself. You, my dear sir, have lived long enough to know, that tithe payers, as well as every other sort of payers, are much more easily persuaded that they have been imposed upon, than they are convinced that they have been fairly and liberally dealt with. In the first case, the worst feelings of our nature are readily enlisted in a service, and marshalled on to a warfare, which is neither good nor profitable in the sight of God or of man. Here avarice, which is by no means the most gentle or lovely of our vices, will take the lead. Distrust, suspicion, disgust, hatred, malice, and all uncharitableness, will, in close and almost impenetrable phalanx, bring up the rear. Every auxiliary to these will be hailed as a friend and ally, and the end will in all human probability be, a wide and deadly schism in the body of Christ. Difference of opinion and of sentiment will now be multiplied to an indefinite extent, under the show of combating error; while every real friend to divine truth will have to lament, that the fruits of the Spirit have been curtailed in their abundance, perhaps

in the same proportion. How far it may be desirable to be found among the aiders and abettors of this work, I leave you to judge; and whether you have not, inadvertently perhaps, thrown, by your publications, a much greater weight into the evil, than you have into the good, side of the balance. Do not imagine, however, that it is my intention or wish to inculcate the doctrine of passive obedience. My only object is, to recommend, and particularly to those who make a high profession of religion, the duty of observing moderation, and of evincing a meek spirit, united with a sacred regard to truth. In this case, charges will be made with caution, and supported with temperance; with the view to amend, not to ruin and undo, the delinquent, how bad soever the case may be. Of such a conduct, whatever may be our questions or differences of opinion, we never shall have reason to repent: because, these questions and differences will then tend to the furtherance of knowledge, without, in any respect, diminishing our religious experience, or administering to those evils, from which they are otherwise inseparable. I hope I have myself endeavoured to adhere to the rules which I am now recommending. If I have any where failed, I shall be greatly obliged to you for pointing it out; because I am sure, you will there-

by perform one of the highest offices of friendship both to myself personally, and to the public in general: and, if I have volunteered rather largely, in this respect here, I hope and trust you will ascribe it to the same motive, and consider it as intended to bring about the same happy results.

I conclude by reminding you, that as you were so good as to present me with a dilemma in your "Brief Inquiry," which I think I have satisfied, you cannot take it amiss, if I here return the compliment. I now call upon you, then, either as a man *of reason*, satisfactorily to refute the foregoing statements and conclusions; or else, as a man *of conscience*, publicly to retract all you have said on the question before us, and remain,

Dear Sir,

Yours, faithfully,

SAMUEL LEE.

December 8, 1832.

STRICTURES

ON

PROFESSOR LEE'S

SECOND LETTER

ON THE SUBJECT OF

TITHES.

BY JOSEPH STORRS FRY.

LONDON:

EFFINGHAM WILSON, ROYAL EXCHANGE.

GEORGE DAVEY, BROAD STREET, BRISTOL.

MDCCCXXXIII.

INTRODUCTION.

ALTHOUGH I have not deemed it either necessary or desirable to be hasty in producing these Strictures, yet it is likely that they would have made their appearance sooner, but for my long absence from home, and a subsequent illness; perhaps, however, the Professor will think with me, that two tracts apiece, per annum, occupy quite as much time as we can conveniently bestow on this subject.

J. S. F.

Redland, near Bristol,

7th Month, 1833.

STRICTURES.

CONSIDERING the present state of the Tithe Question, and that it is likely soon to become a subject of Parliamentary discussion and adjustment, I was inclined to think there would be some advantage in deferring the further consideration of the subject, until we are informed of the views and determination of those in authority respecting it: but as the multiplicity of public business seems to render it very uncertain how long I might have to wait for this conclusion, I shall no longer decline offering some observations on Professor Lee's second letter; and as these will most likely be comments on particular parts of that letter, I purpose to call them *Strictures*.

The first thing, then, that presents itself, is (in the advertisement prefixed to his second letter,) the characteristics which he has been pleased to give of the religious body, of which, however unworthy, I have the privilege of being a

member, the Society of Friends, commonly called Quakers. And here I must observe, that in the first letter, p. 23, he speaks of us as a People “who appear never to have made the Holy Scriptures their study, and who are not remarkable for soundness of mind in other respects.” The negative mode of expression adopted in the latter member of this sentence is in common colloquial use; but always in a positive sense: thus if we say, such a man is not remarkable for generosity, we are always understood to say,—although in a different modification of words,—that he is remarkably penurious; when we say that another is not remarkable for the neatness of his person, we mean that he is a sloven. Therefore, by the rules of common usage, I am obliged to give the positive construction to the characteristic of unsoundness of mind, bestowed on my friends. All this I should have passed over, satisfied with the slight remark I made upon it (in the introduction to my reply to the Professor’s first letter), were it not that, in the advertisement prefixed to his second letter, he has discovered *another characteristic*, which is, that “Political feelings have had more to do in raising these objections and complaints, than any real desire for the advancement of truth

either religious or moral." Here, then, is a body of professing christians, who do not study the scriptures; who are remarkable for unsoundness of mind in other respects; and who are, moreover, political intriguers, under the hypocritical mask of a desire for the advancement of truth. Surely, were this the real state of the body, existing as it has done for one hundred and eighty years, through many changes both in church and state, it would not have remained for the Professor now to have seen through the mask. But he does not tell his reader what sort of political feelings these are, that have influenced our conduct with so much consistency through all these changes. Did these characteristics really attach to our body, the ignorance of the scriptures, and the unsoundness of mind, would long since have been notorious, and the hypocritical mask would have been lifted up; we should have been seen by our fellow-countrymen in our naked deformity; and we should be held in the lowest degree of contempt! But no! The Professor, speaking of us, says, "It has not been my intention to detract in the least possible degree from the respect confessedly due to the body;" and again, "The Society of Friends, a body of the highest respectability in this country." But what is

character? Whence comes it? how do individuals or associated bodies acquire it? It comes neither by chance, nor from "good intentions."* "By their fruits ye shall know them." It is the result of *actions*; which actions result from principles. Now, if it be true that my brethren really stand high in the esteem of their countrymen, *it is quite certain* that the insinuations of the Professor are unfounded; because this esteem arises from a course of action, which generally is of good savour and report in the world.

Without doubt we must expect in religious societies, "under the very best circumstances which human wisdom can devise, to meet with much of a very imperfect character;"† yet I cannot but think, that in the establishment of a christian church, something better than *human wisdom* would be vouchsafed; so that the *whole*, both its spiritual and temporal arrangements, would be in *christian harmony*; nothing that should disturb the church, by jealousies and discord. And here I may be permitted to say, that in our church this is the case, as nearly, I believe, as it can well be in any institution. Our ministers are never involved in difficulties with their hearers about a maintenance. But

* See p. 23, first letter. † Letter 1, p. 5.

how stands this affair in the Church of England? Let us hear the Bishop of Bath and Wells.* He says, "The obligation to pay Tithe must have frequently put a stop to the increasing improvement of the soil."—"The payment of smaller Tithes, and an indefinite demand for the discharge of some of the sacred offices of our church, have most materially tended to excite complaints and disaffection; and to alienate the hearts of the people from their pastoral superintendents."—"Tithes have too long been the ground of differences; have too long severed the hearts of the people from the ministers of the gospel."—"It is theirs (the ministers') to point out to the people, 'the way, the truth, and the life.' It were, however, vain to expect the attainment of this great object, so long as Tithe forms, as at present, a line of demarcation between them." Here is a picture of a christian church! We are told that one of its institutions frequently puts a stop to the improvement of the soil; that it alienates the hearts of the people from their pastoral superintendents; and that it prevents its ministers from pointing out to the people, the way, the truth, and the life! This is indeed *human* wisdom! but it is wisdom of so very low a

* Tract on Tithes. 1832.

character, as to be far inferior to the common wisdom and prudence of man in the ordinary concerns of life. It seems much more like the wisdom and suggestion of an enemy, proposed by him as a sure and certain method of producing results, such as the Bishop informs us it actually does bring forth; and consequently forming a *line of demarcation* between the ministers and the people; rendering the ministers odious and their ministry abortive. Certainly there is nothing divine, nothing christian about it, but all utterly anti-christian! While I admire the candour of the Bishop, as well as his general character, I should have thought that while telling this tale of woe, he would have checked his pen, and would have exclaimed, "Tell it not in Gath, publish it not in the streets of Askelon!"

The Professor occupies several pages in again discussing the scripture doctrine of the maintenance of the ministry; on which point he endeavours to prove that I have not only misapplied various portions of scripture, but have also given a wrong construction to his own expressions. I am not aware that I have done either. Still, as I have no intention to misrepresent, if I should have erred in this way, he will, I trust, impute it to my ignorance,

making due allowance for the fearful odds, in such a contest, between a learned academic Professor and a comparatively unlettered layman. Enough has been said already on this subject; and I leave it to those who interest themselves in the affair to settle it between us.

The Professor says, p. 14,* that "I have taken for granted that the ministers of the Church of England actually solicit contributions from their hearers and others, for their support." I can assure him that the thought never entered my mind; nor am I aware of any expression of mine that can bear such a construction. Still, as he has broached the idea, I will tell him that if I had taken it for granted, and asserted it as a fact, I should have been quite correct. It is the constant practice of the Vestries of Bristol to go round their respective parishes annually *to solicit contributions for the minister of such parish*. Whether such custom obtains generally throughout the kingdom or not I do not know; nor do I know whether it prevails in all the parishes of this city. I only know that such custom does obtain in

* These references to the pages are to be understood to be the pages in the Professor's second letter, unless expressed to the contrary.

several of the parishes of the city of Bristol and in the parish of Clifton.

Alluding at p. 15 to what I have said respecting the inadequacy of human learning to qualify a man for the ministry of the Gospel, the Professor says, "This I fully allow; and I agree with you in saying, that still it is a *valuable accessory*." I said only that it *may be* a valuable accessory. Very far indeed am I from thinking that much learning is (necessarily) a valuable accessory in all such cases; or that "without it the scriptures may be wrested to "a man's own destruction" any more than with it. "I will destroy the wisdom of the wise, "and will bring to nothing the understanding "of the prudent. Where is the wise? where "is the scribe? where is the disputer of this "world? hath not God made foolish the wisdom "of this world? For after that in the wisdom "of God, the world by wisdom knew not God, "it pleased God by the foolishness of preaching "to save them that believe." 1 Cor. i. 19. "Let "no man deceive himself. If any man among "you seemeth to be wise in this world, let "him become a fool that he may be wise; "for the wisdom of this world is foolishness "with God: for it is written, He taketh the

“ wise in their own craftiness. And again, The
 “ Lord knoweth the thoughts of the wise that
 “ they are vain. Therefore, let no man glory
 “ in men.” 1 Cor. iii. 18. And our Lord him-
 self says, “ I thank thee, O Father, Lord of
 “ heaven and earth, because thou hast hid these
 “ things from the wise and prudent, and hast
 “ revealed them unto babes.” Matt. xi. 25. And
 again he says, “ Whosoever shall not receive
 “ the kingdom of God as a little child, he shall
 “ not enter therein.” Mark x. 15. Here the
 wisdom of the world is laid low in the sight of
 God; and we must become as *little children*,
 laying our own wisdom in the dust. To persons
 in this state, I believe that the mysteries of
 the kingdom of God are often graciously un-
 folded in reading the scriptures, after a manner
 which is altogether unknown to the mere learned
 student; seeing that (according to the apostle)
 “ they are spiritually discerned.”* Here per-
 haps my friend will say I have been preaching
 him a sermon. I wish that every one who
 reads it may profit by the instructive portions
 of scripture here cited. To this I will add the
 testimony of a pious clergyman, which I have
 met with since I wrote the above. He says,

* See the Homilies on “ A Fruitful Exhortation to the Reading
 of Holy Scripture.”

“ Plain unlettered sense will commonly go further, in understanding the most important matters, than all the advantages of science, which often render men too self-sufficient to judge aright. The Lord gives eyes to the blind, and closes the minds of haughty boasters. Conscious humble ignorance dwells nearer the porch of wisdom than arrogant genius and science.”*

At p. 20 the Professor returns to the Anglo-Saxons. It will be remembered that in my former tract, I stated that the Tithes, as granted by Ethelwulph, were granted *Sanctæ Ecclesiæ* (to Holy Church.) The Professor now produces several versions of this grant, in which this term does not occur. I have now another version of this celebrated document lying before me, from Fuller’s Church History of Britain, (cited by Stratton, in his English and Jewish Tithe Systems compared) in which this term is not to be found. So many versions of this document are extant, and these varying each from the others, that (as I find since I wrote my former tract) little stress is laid on any of them by modern writers on Tithes; they being generally considered

* Scott’s Commentary on the Bible—Practical observations on John, chap. ix. v. 24—41.

as the mere fabrication of the cloister; and, probably, every monastery had a copy of its own manufacture. *Rapin* gives a copy of this document; but he considers it of very doubtful origin. My friend, the Professor, will startle at this bold attempt to nullify in a few lines what has evidently cost him great labour and pains in the attempt to substantiate. I shall therefore pass over all further argument on the question, whether Ethelwulph was, or was not, paramount lord and owner of the whole territory of England; whether my quotations from Hume were or were not a pure creation of his brain; whether Sharon Turner,* who is considered the first authority in all matters relating to the Anglo-Saxons; whether, I say, he be correct or not, in confirming as he does substantially, what Hume told before him; for he tells us they had a “limited monarchy;”^a—that a large portion of the estates were freed from all but the three great necessities (what it is necessary that all people should do, and from which work none can be excused;^b) these were military service, construction and reparation of bridges, and of fortresses and walls. He tells us also that “the land swarmed with independent land proprietors.”^c But it were impossible to

* History of the Anglo Saxons. ^a Book vii. chap. 2.

^b Book ix. chap. 3. ^c Book x. chap. 3.

settle differences of opinion on matters which occurred a thousand years ago, and of which the original records, if any ever existed, must have long since perished.

If Ethelwulph had granted to the clergy, Tithes over the whole territory of England, about the year 855, in such manner and with such authority as that it should be of equal force and validity with a rent charge; conferring a civil right in them by way of property and inheritance, which the clergy might recover as their legal due, by the coercion of the civil power, why should any of the advocates of the system in later days attempt to produce any other authority than that of Ethelwulph? If any one were to call their title in question, they would have only to shew a copy of Ethelwulph's grant: but I believe it will not be found that any law existed in England prior to the time of Henry VIII. (more than 600 years after the time of Ethelwulph) whereby Tithes could be recovered by a process at common law.

We find by Rapin, (p. 94, folio edit., vol. 1) that a Council was held at Calcuith, in the year 765; when a canon of the synod of Northumberland, amongst others, was confirmed, of which he says, "The XVIIth urges the payment of *Tithes* from the authority of the Mosaick law."

And in the next century were published the constitutions of Odo, Archbishop of Canterbury: this must have been *after* the period assigned to the grant of Ethelwulph; as Rapin says, p. 137, "By the Xth. the payment of Tithes is strongly recommended, by reasons taken from the law of Moses; without making the least mention of Ethelwulph's charter." It were strange and unaccountable that Odo should have been content with a *strong recommendation*, on the plea of the Mosaick law, when he had in his hands a *substantial and positive grant* from the real owner of the property in question. And it is not less remarkable that as the plea of divine right was evidently uppermost with the clergy of those times,* and was considered by them their stronghold, that Ethelwulph, (if he ever did make such grant) should not first have acknowledged the plea of divine right in the clergy, to the Tithes; and then have confirmed it by virtue of his authority as a temporal prince: and surely no man

* It is well known that Selden's "Treatise on Tithes," the object of which was to prove that Tithes were not due by Divine right, under Christianity, (although the clergy were entitled to them by the laws of the land,) met with much opposition; and Dr. Tillesley, Archdeacon of Rochester, in his "Animadversions" on Selden's Treatise, gives a catalogue of seventy-two authors before the year 1215, "maintaining the *jus divinum* of Tithe, or more, to be paid to the priesthood under the Gospel." See Chalmers' Biographical Dictionary, article *Selden*.

would have been more ready than himself, to have acknowledged this divine right.—But I think I shall be able to set this question at rest.

Whether Ethelwulph's charter has or has not been relied on, as the foundation of the claim of Tithes, it is most certainly not insisted upon by the clerical controversialists of the present day; who contend that Tithes were granted by lords of manors, and other individual owners of the estates which now, as they say, form parishes. The author of "Six Letters to the Farmers of England," page 8,* says that "the owners of great estates applied to the bishop, and made a bargain of this sort with him; that if he would settle one of his clergy on their estates, they would build a church; and settle the tithe of the produce of their lands on the clergyman. This was done very generally, and such estate became what is now called a parish; some being great and some small." And then a few lines further on, he says. "The various kings in the Saxon times did the same as the noblemen—built churches on *their own lands*, and gave the Tithes to the clergy, whom the bishop appointed."—

* A reply to this work has been published, entitled, "Tithes and Church Property. A Letter to the Rev. Hugh James Rose, B.D. &c., &c., in reply to his 'Six Letters to the Farmers of England.'" I therefore presume that this is the name of the author of the "Six Letters."

The Bishop of London has (as I am well informed) always maintained the same doctrine in the House of Lords. So does Bishop Marsh, of Peterborough, see his charge of the year 1831, to the clergy of his diocese, p. 22, where he says, “It is well known that the Tithes of this country were generally grants from lords of manors; who, from motives of piety, and a desire to promote religion among their dependents, erected churches, and endowed them with a tenth of the produce of their own estates. The limits of these estates became the limits of the districts called parishes, which were greater or less according to the size of the manor.”

In addition to these authorities, I mean to present the reader with an extract from the report of the case of the Attorney General v. Lord Eardley, in the Exchequer, in 1820, before Lord Chief Baron Richards.—The reader must bear in mind that this judge was always considered a zealous friend to the clergy.

“Tithes, (said the Chief Baron) as we all know, are a property of a very special nature. They do not belong to the owner of the land or of the animals, in respect of which they arise; nor, at the time of their origin were they appropriated to any particular persons, so as to give them a right to demand them; for,

as far as we have any traces of their history, it appears to have been left to the election of the owner of the other nine parts of the titheable matters to dispose of *the tenth* in distribution amongst the clergy, and, sometimes, among the clergy and objects of charity. The first institution of the payment of Tithes in this country, as rendered in latter days, no where clearly appears; and, I apprehend it has not hitherto been ascertained, at least to the satisfaction of any of the learned persons who have made it the object of their research. Tithes, indeed, were probably introduced into this country as early as christianity itself, but as to the circumstances, in what manner, and under what regulations, we have so far, no authentic records. It is said, and perhaps correctly, that in the earlier ages, the owners of property yielding titheable articles, could not use the whole for their own benefit, but were obliged to render the tenth part to some of the officiating clergy, as his preference should direct him; or, as others say, to the bishop, to be applied by him for the use of the clergy, or to be administered in charity.”

Here my friend the Professor will see that what I anticipated is verified: his anchor has given way. Here are a clergyman, of high

standing in the Church, and two learned bishops (one of whom is a brother professor at Cambridge) maintaining the doctrine, that Tithes owe their origin only to the voluntary acts of lords of manors ; leaving his good friends, the monks of the ninth century, as completely out of the question as though they had never existed.—And he will also find a learned judge on the bench gravely telling us all, that we know nothing whatsoever about the origin of Tithes.

Here I propose to notice a few matters of lighter moment.—In my account of the Saxon conquest of Britain, I said that, each of the conquering parties “would consider themselves the real owners of that portion of the territory they had obtained possession of.” On which the Professor says, p. 23, “So far you allow that conquest would give an *indisputable right* to the land.” Now the Professor, on further examination, will see that I *allow* no such thing. Nor have I ever learned such doctrine in the New Testament. I *allow only* what I have *said*, that the conquerers would *consider themselves* the owners of the territory.

The Professor describes (p. 39,) some expressions of mine in allusion to the monks, as *invidious and pungent*. Pungent I intended

them to be, but how this pungency should affect the Professor is marvellous. They were not applied to *him* nor to his *brethren*. In justification however, I may say, that I do not remember ever to have opened a book written either by a clerical or lay author, in which any allusion was made to the Romish ecclesiastics of the middle ages, which did not abound with stories of their craft and avarice, as their grand leading characteristics; and which they exercised most successfully on the superstitious and ignorant people. It certainly never would have occurred to me to draw a parallel between these monks and the *patriarchs* and *prophets*. (see p. 41.)

Having in my former tract hinted at the possibility of the Tithes being permitted to merge into the lands from which they are derived, as has been done "elsewhere," the Professor asks me, p. 65, "Was it the French revolution which "*elsewhere* caused these Tithes so to lapse?" I answer, it is not necessary to cross the water for a precedent. They *are* so lapsed in Scotland. They are also so lapsed in *Holland*, as well as in France. And in Ireland! how stands the case there?

The Professor at p. 56, attempts to prove that what he calls my "favourite division of

Tithes" never did obtain in England. It is no favourite of *mine*. I mentioned it as a matter of historical notoriety; for which I deemed it no more necessary to produce authorities, than I should to prove that William, Duke of Normandy, landed in Sussex, in the year 1066, that he defeated and slew the British King Harold, and that he became King of England in his stead. We read it in almost every old work on Tithes; we hear it alluded to in speeches in Parliament: in short, it is considered as an admitted fact. However, to proceed to the argument; the Professor says, in the note at p. 61, "Judge Blackstone has often been cited to shew that the law of the case still is *this four-fold division of the Tithes*. But Judge Blackstone says no such thing. He only says, that Charlemagne established the payment of them (*i. e.* Tithes) in France; and made that famous division of them into four parts, &c." Had the Professor examined Blackstone more sedulously, he would have found that Blackstone does not say *only* that which relates to Charlemagne. In book 1. ch. 11. sec. 5: being at p. 384. Vol. 1. of the tenth edition, I find the following passage. "A parson has, during his life, the freehold in himself of the parsonage house, the glebe, the tithes, and other dues. But these are sometimes *appro-*

“ *priated* ; that is to say, the benefice is perpetually annexed to some spiritual corporation, either sole, or aggregate, being the patron of the living ; which the law esteems equally capable of providing for the service of the Church as any single private clergyman. This contrivance seems to have sprung from the policy of the monastic orders, who have never been deficient in subtle inventions for the increase of their own power and emoluments.* At the first establishment of parochial clergy, the Tithes of the parish were distributed in a fourfold division ; one for the use of the Bishop, another for maintaining the fabric of the church, a third for the poor, and the fourth to provide for the incumbent. When the sees of the bishops became otherwise amply endowed, they were prohibited from demanding their usual share of these Tithes ; and the division was into three parts only.” And at two pages further on he says, “ It is enacted by statute, 15 Richard II. c. 6, that in all appropriations of churches, the diocesan bishop shall ordain (in proportion to the value of the church) a competent sum to be distributed among the poor parishioners annually ; and that the vicarage shall be sufficiently endowed. It seems the parish were

* Pungent.

“ frequently sufferers, not only by the want of
 “ divine service, but also by withholding those
 “ alms, for which, among other purposes, the
 “ payment of Tithes was originally imposed.—
 “ And therefore by statute 4 Henry IV. c. 12, it
 “ is ordained that the vicar shall be—sufficiently
 “ endowed, at the discretion of the ordinary, for
 “ these three express purposes: to do divine
 “ service, to inform the people, and to keep
 “ hospitality.”

And at p. 392, vol. 1, he says, “ Legal resi-
 “ dence is not only in the parish, but also in the
 “ parsonage-house (if there be one,) for it hath
 “ been resolved that the statute intended resi-
 “ dence, not only for serving the cure, and for
 “ hospitality; but also for maintaining the house;
 “ that the successor also may keep hospitality
 “ there.”

Here I might retire from the field, with the
 unimpeachable authority of Judge Blackstone on
 my side; the Professor evidently not knowing
 all that Blackstone had said on this subject; or
 he would not have asserted that he had made no
 allusion to the four-fold division of Tithes, ex-
 cepting *only* in the case of Charlemagne, in
 France.

I shall, however, produce further evidence.—
 First, that of Richard Burn, L.L.D. Vicar of

Orton, in Westmoreland. In his "Ecclesiastical Law," under the head APPROPRIATION, he says, "A second prejudice to the parochial clergy was, the early division of Tithes and offerings into several parts, for the several purposes of piety and charity. The benevolence of a diocese was at first entirely at the Bishop's receipt and disposal; but that there might appear to be a just application of it, a rule obtained for dividing the fund into *four parts*; one to the fabrick and ornaments of the church; another to the officiating priest; a third to the poor, and necessitous travellers; and a fourth reserved to the more immediate service of the bishop and his college; but when sees began to be endowed with lands, and other firm possessions, then the bishops (to encourage the foundation of churches, and to establish a better provision for the residing clergy) did tacitly recede from their quarter part, and were afterwards by canons forbidden to demand it if they could live without it. So as the division was now only into three parts; and every priest was the receiver and distributor, as the bishop had been before; standing obliged to expend one part on the raising, supporting, and adorning his church and manse, another part upon entertaining strangers and relieving the

“ poor ; and to have a third reserved for his own
 “ immediate occasions. Yet still the whole
 “ product of Tithes and offerings was the bank
 “ of each parish church ; and the minister was
 “ the sole trustee and dispenser of them,
 “ according to those stated rules of piety and
 “ charity.”

Pope Sylvester, in the beginning of the fourth century, decreed that the revenues of the church should be divided into four parts ; *quarum una cedat pontifici ad sui sustentationem ; altera, presbyteris et diaconis, et omni clero ; tertia, templorum et ecclesiarum reparationi ; quarta, pauperibus et infirmis et peregrinis* : that is, one part should be assigned to the bishop, for his maintenance ; another part to the priests and deacons and the clergy in general ; the third part to the reparation of the churches ; and the fourth part to the poor, and to the sick and strangers.*

And by a canon of our own, made in the time of King Alfred, it is decreed : That the Tithes should be delivered to the priest, who should divide them into three parts ; *Unam partem ad ecclesiæ reparationem ; alteram, pauperibus erogandam ; tertiam vero, ministris Dei qui ecclesiam ibi curant* : that is, one part to the repair of the church ; another to be bestowed on the poor ;

* Sir Simon Degge's " Parsons' Counsellor," part i. c. 7.

and a third to the ministers of God who serve the church there.*

Sir Simon Degge then recites a provincial canon of our own, which directs that certain portions of the revenues shall be every year distributed, under the direction of the bishop, to the poor of the parish. "By all which" (he says) "it appears that originally the poor had a " share in the Tithes."

And, still further to prove the claim of the poor on the Tithes, it may be stated that the Commons of England often complained against pluralities and non-residence, and at length a statute was passed, in the 21st Henry VIII. for compelling the residence of incumbents, and preventing pluralities of livings, in which it is recited that the statute was, "For the more " quiet and virtuous increase and maintenance " of divine service, the preaching and teaching " the word of God with godly and good example, " giving the better discharge of curates, *the " maintenance of hospitality, the relief of the poor,* " the increase of devotion, *and good opinion " of the lay fee toward the spiritual persons."*

Sir Simon Degge commenting on this statute, says, " The third end of this good law was to " maintain hospitality; and I would wish every

* Degge, part 1. chap. 7.

“clergyman to remember, *that the poor have a share in the Tithes with him.*”*

And are we to be told, with all these authorities before us, that although such quadripartite or tripartite division of Tithes might have obtained in the monasteries of Italy, France, and Spain, “*it is as far certain as history can make it, that no such division ever obtained in England.*”† p. 60.

Here we have Sir William Blackstone, a writer on the laws of England of the very first reputation, who is constantly brought forward as authority by the most eminent barristers in the course of their pleadings, as well as by the judges themselves, at the present day: next I have adduced an extract from Burn’s Ecclesi-

* Degge, part 1. chap. 7.

† On looking into the “Patriot” Newspaper of May 1, 1833, I observed the following paragraph: perhaps the Professor may think it worth his while to examine whether or not the statement it contains is correct:—

“TRIPARTITE DIVISION OF TITHES. —In a Saxon MS. of the Constitutions of King Ethelred and the Parliament, held in 1014, which is in the library of Corpus Christi College, Cambridge, is the following law:—“Concerning Tithes, the King and his *Witan* (Parliament) have decided and pronounced, that according to law the third part of the tithes of every church shall go to the repair of the church; another third part to the servants of God; and the remaining third to God’s poor, and to necessitous working people. *Inquiry into the tripartite division of Tithes in England: By a Layman.*”

astical Law, the author of which work was, as I have stated, himself a clergyman; and (as his voluminous works abundantly prove) profoundly versed in the laws of England, both civil and ecclesiastical; indeed, Burn's Ecclesiastical Law is held in such high esteem by the clergy themselves, that it may very properly be called the *Parsons' Oracle*. It is to be remembered that Burn, as well as Blackstone, are writing on *English* laws; and therefore we are so to construe their writings, unless when the contrary is expressed, or very fairly and strongly implied; which is so far from being the case with the extracts I have made from these authors, that they are on the contrary, interspersed with quotations from English statutes, and the provincial canons of the English clergy.

Sir Simon Degge is also high authority, and is frequently cited by Burn. From him I have produced a decree of Pope Sylvester, for dividing the Tithes into four parts. Next, Degge cites a canon of *our own*, made in the time of King Alfred, for the division of Tithes into three parts. This latter is surely *all English*. Then he refers to a statute law made in the time of Henry VIII. which enjoins on the clergy, the *maintenance of hospitality* and *the relief of the poor*. This is *all English* too.

I trust the reader is abundantly satisfied, from these authorities, that the four-fold division of Tithes, and afterwards the three-fold division of Tithes, *did* prevail in England; and it does not appear that the laws enjoining this division have ever been repealed. I will therefore close this subject in the words of Sir Simon Degge, in his Parson's Counsellor, "I would wish every clergyman to remember, that the poor have a share of the Tithes with him."

We next in order come to the question how far the clergy of the Protestant Church of England are entitled, *in equity*, to the property given or bequeathed to the Popish Church of England; *Romish* I might still call it, with great propriety; but I am told the grants were made to the church of *England*, not to the church of *Rome*. I wonder what the English church was, to the time of Henry VIII. if not a branch or member of the church of Rome. Surely the Professor could not suppose that I thought the Tithes of this country were sent to the *city of Rome!*

I concede to the Professor that "in all cases of this sort, in which it is impossible to comply with the express words of the donor, reason requires that you follow the analogy of the case as

nearly you can." I will suppose a property existing, the interest or rents whereof were directed by the donor to be for ever distributed among the widows of shipwrights, freemen of the city of Bristol; and I will suppose that all guilds or fraternities like these of Bristol, be dissolved by Act of Parliament, and that the *freedom* of the city ceases also to exist; but that every shipwright who is *free of England*, shall also be free of every seaport town in England: then there would be no more freemen of Bristol; and in the course of years there would be no widows of freemen: then the Professor's position comes into action. Here is a case "*in which it is impossible to comply with the express words of the donor; and reason requires that you follow the analogy;*" which I should say would be to give the produce of this charity to the widows of shipwrights, who have resided longest in the port of Bristol.— But is there any, even the slightest, analogy between this *case of impossibility* and the case in question? There was no more difficulty in the days of Henry VIII. in "*complying with the express words of the donors*" than there had been during several of the preceding centuries; there was no lack of popish priests and monks to take all the Tithes, and to say the appointed number of masses for the souls of the donors

of these Tithes. They were not *extinct*, as in the supposed case of shipwrights' widows: no, there was as competent a number of popish clergy in England at that time, as there is now of protestant clergy. It was an act of violent spoliation, (which term I use freely as I find it in Blackstone) the popish clergy had their option either to renounce their religion, or to *turn out*;* many were pliant and kept their livings; while others had sufficient principle to retain their allegiance to Rome, and gave up their livings. It was a complete and entire *diversion* of the revenues of the English-Romish Church † from the *purposes* assigned by the original donors or makers of the grants; they were not simply grants for the "*service of God*," but they were grants for the service of God under a particular form; and I am not "travelling out of the record," (p. 64,) or without sufficient evidence to bear me out, when I assert that, so far as we have records of grants to the English-Romish Church, we generally find as a standing condition in those grants, that

* Thus the Bishop of Peterborough in his charge 1831 says, "The Reformation produced a change in the *ministers* of religion, but the revenues themselves were preserved; the Tithes which had been paid to the Roman Catholic clergy, being continued to the Protestant clergy." p. 21.

† I use this term to prevent the possibility of being misunderstood.

certain masses and prayers should be said for the souls of the donors, so long as the property given by them should be enjoyed by the clergy.

Before I close this subject, it is important that I should bring forward the doctrine and judgment of Lord Eldon, on a case of an attempted diversion of funds, similar to that now before us. It is the case of the Attorney General against Pearson, reported in 3 Merivale, p. 353, July 14, 17, 1817.

A bill and information was exhibited by the Attorney General, by Stuart, claiming to be minister, and by Mandon, a trustee. The defendants alleged that a majority of the congregation united in choosing another minister who was a unitarian. The property was given upwards of a century preceding, in trust for *preaching the gospel*, but without designating in the trust, the kind of religious doctrines to be taught. They said that in 1780 some of the members were trinitarian and some unitarian; that in 1813 they appointed Stuart, the complainant, their minister, then being a unitarian; but that in 1816, he having turned trinitarian, they dismissed him; and that Joseph Grey, a unitarian preacher, with the *unanimous consent* of the congregation, was appointed in his place. The Lord Chancellor decided, that this being a trust

for religious purposes, a court of equity would exercise complete jurisdiction. That the deed being in trust for religious worship, without mentioning the kind, the court would resort to usage to explain it, and to ascertain the kind of worship originally intended. He then directed an inquiry before the master, as to what was the original purpose of the trust, that he might settle the property, and have it appropriated to the maintenance of those doctrines which were originally intended.

The following are extracts from Lord Eldon's judgment. Pp. 401—2. "It is of the first importance to see what the record before the court says upon the subject of the *original institution*." — "What I have now to inquire is, whether the deed creating the trust does, or does not, upon the face of it, (regard being had to that which the Toleration Act, at the time of its execution, permitted or forbade with respect to doctrine) bear a decided manifestation that the doctrines intended by that deed to be inculcated in this chapel were trinitarian? because if that were *originally the case*; and if any number of trustees are now seeking to fasten on this institution the promulgation of doctrines contrary to those which, it is thus manifest, were *intended by the founders*, I ap-

prehend that they are seeking to do that which *they have no power to do*; and which neither they, nor all the other members of the congregation, can call upon a single remaining trustee to effectuate. In this view of the case, also, supposing even that at the time of the establishment of this institution it had been legal to impugn the doctrine of the trinity; yet if the institution had been established for trinitarian purposes, *it could not now be converted* to uses which are anti-trinitarian. For (meaning however to speak with all due reverence on such a subject) to *allow such a conversion* would be to allow a trust for the benefit of A to be diverted to the benefit of B. And the question then resolves itself into this, whether such a conversion in the case of a trust can possibly be supported. If therefore this appears on the face of the deeds to be the nature of the present case, as I am inclined to believe it does, it *disposes of the question*, affording a short and direct reason for *not refusing the interference of the court.*”

Pp. 418—19. “I must here again advert to the principle which was, I think, settled in the case to which I referred the other day, as having come before the House of Lords on an appeal from Scotland, viz., that if any persons

seeking the benefit of a trust for charitable purposes; should incline to the adoption of a different system from that which was intended by the original donors and founders; and if others of those who are interested think proper to adhere to the original system, the *leaning of the court must be to support those adhering to the original system; and not to sacrifice the original system to any change of sentiment in the persons seeking alteration, however commendable that alteration may be.*"

"Upon these grounds I have nothing at all to do with the merits of the original system; as it is the right of those who founded this meeting-house, and who gave their money and land for its establishment, to have the trusts *continued as was at first intended.*"

I forbear to enlarge the quotation: the opinion here expressed is repeated in the report many times, and in varied language.

Having now concluded my remarks on the Professor's second letter, I will just recur to the three great points at issue. First, the title derived from Ethelwulph by the clergy for their Tithes. This title, which the Professor has laboured through forty pages to substantiate, he finds not even noticed by those who stand high

in the Church of England; and who trace the Tithes to an entirely different origin: and these again are told by a learned judge on the bench, that neither they, nor we, nor himself, know anything about the matter.

Next, the quadripartite, and afterwards the tripartite division of Tithes. Surely, after the authorities that I have cited on this head, my friend will not persist in maintaining that "it is as certain as history can make it, that no such division ever obtained in England."

And lastly, I think he must and will bow to the doctrine laid down by that able lawyer, and firm friend of the Church of England, the Earl of Eldon: and if he does, he is bound to acknowledge that the act of Henry VIII. was an act of violence and spoliation; as admitted by Blackstone and others: that the revenues of the English-Romish Church are entirely diverted from the purposes to which they were assigned by the original donors; and that they are now enjoyed by those who do not perform the rites and ceremonies, nor preach the doctrines of the original church to which the grants were made; and, consequently, that they hold and enjoy their good things only by virtue of this act of violence and spoliation.

At page 19 of his first letter, the Professor

lays it down that "Conscience—is firmly bound, " by the laws of both God and man, that all " such property (Tithes, &c.,) ought scrupulously " to be applied to the purposes for which it was " originally given ; and that he who irreligiously " dares to hold or to promulgate a contrary " opinion, will do this at the peril and risk of " his soul." Here the Professor declares himself bound in conscience by the laws of God and man, scrupulously to apply his Tithes to the purposes for which they were originally given ; and this too at the peril and risk of his soul. Now, if after the evidence I have produced, as to the original purposes* for which these grants were made ; and the decision of Lord Eldon in a case exactly similar ; and seeing that the Tithes are not only *not scrupulously applied*, but that they are not applied *at all*, to the purposes for which they were originally given, but to purposes altogether differing from those for which they were intended by the original donors ; if, I say, after this, my friend can conscientiously continue to receive and to

* Notwithstanding the obscurity in which the origin of Tithes may be enveloped, it is quite certain that they were established by members of the Romish Church ; and Lord Eldon would say, it were absurd to suppose that they were intended by the original donors ever to be enjoyed by persons who may preach and promulgate new doctrines ; and whom the Romish Church now denounces as Heretics.

enjoy his Tithes, under the dilemma in which he has thus placed himself, he may be assured that I shall not use severe epithets on the occasion; nor shall I judge him. "To his own master he standeth or falleth!"

Having now succeeded in establishing the several points which I had in view, I think I might here lay down my pen; but as the Professor has thought proper to take new ground, (p. 64,) by asserting the sound *orthodoxy* of the Church of England, both in doctrine and government, and frankly acknowledging that if I can shew that the doctrines and government of the Established Church are unscriptural, and those of the Dissenters, generally, scriptural, he will allow that they would be equitably entitled to the Tithes; and that he should be most ready to admit their claim: having volunteered this admission, I had intended taking that notice of it which it well deserves: for I have no doubt that of the various denominations of Dissenters that exist in this country, I should have no difficulty in shewing that any of the orthodox non-conformists will be found to approximate more closely to the scriptural model; and to be free from the greater part of those corruptions which prevail in the Church of England. And for the establishment of this assertion I need

not travel out of the evidence of Church of England writers themselves.

I had indeed written a few sheets with this view; but finding the matter so abundant as not to be reducible within the limits I have prescribed to myself on the present occasion, I am induced to decline it. It is my intention, however, to revert to this subject, should there arise any further occasion.

ROSE AND SON, PRINTERS, BROADMEAD, BRISTOL.

A

THIRD LETTER

TO

MR JOSEPH STORRS FRY,

A MEMBER OF THE SOCIETY OF FRIENDS,

ON THE QUESTION, WHETHER A CHRISTIAN CAN REASONABLY
AND CONSCIENTIOUSLY OBJECT TO THE

PAYMENT OF TITHES,

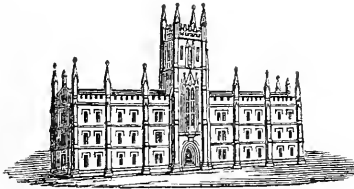
IN ANSWER TO A TRACT

PROFESSING TO BE "STRICTURES &c." ON A SECOND LETTER
TO THAT GENTLEMAN ON THE SAME SUBJECT.

BY THE

REV. SAMUEL LEE, D.D.

*Prebendary of Bristol; Vicar of Banwell, Somersetshire; Domestic Chaplain
to the Earl of Munster &c. and Regius Professor of Hebrew
in the University of Cambridge.*



CAMBRIDGE:

PRINTED AT THE PITT PRESS BY JOHN SMITH,
PRINTER TO THE UNIVERSITY.

J. & J. J. DEIGHTON, CAMBRIDGE;

J. G. & F. RIVINGTON, LONDON; AND W. STRONG, BRISTOL.

M.DCCC.XXXIII.

ADVERTISEMENT.

AFTER what has been said in my two former Letters on the subject before us, I need now offer no lengthened apology to the Public for having so far continued this Controversy. I will only say that, as the Tithe-question had afforded abundant opportunity for attack on the Clergy of the Established Church, and had, moreover, been carried so far by the popular writers of the day, that to doubt of its iniquity and of the oppression and evil which it carried every where with it, was considered by many as little less than heresy; I was desirous of ascertaining, for the satisfaction of my own mind, whether all this was justifiable, and on what grounds it rested. I could hardly allow myself to suppose, that some new light had not been elicited on this question: and, when I found that a religious Body, so numerous and respectable as that of the Society of Friends is, had also joined the general complaint and system of attack, I was not without hopes that the information, which my scanty reading on this subject had not yet brought to my knowledge, would now be readily and abundantly supplied. I must say, however, that the result has been a complete disappointment. The more I have looked into this question—the more I have examined ancient and modern documents respecting it—the more I have considered the allegations usually deduced from the Scriptures, and the reasonings founded on all these;—the more forcibly have I been carried to the conclusion, that the whole of the complaints &c. alluded to has been founded on ignorance and error. I am very well aware, that I am open to the suspicion of being an interested party. I think I may say, however, that I have not conducted this inquiry as such: nor have gone out of my way, in any degree, either to attack or defend the Bodies to which either my opponent or myself respectively belongs. If, indeed, I have been earnest in my

endeavours to expose bad reasoning, faulty statements, or disingenuous and unforbearing sentiments, I must request that this be attributed, not to any Person or Persons, but solely to the thing immediately had in view. Of Mr Fry himself, and of the Body to which he belongs, my opinions are now what they were before this controversy had an existence. I do, and ever shall, I hope, very highly esteem both him and them. I will only say, they have, for some reason or other, laboured under a very extraordinary want of knowledge on the question before us, and hence have been led, inadvertently perhaps, to the expression of opinions, and, in some cases, of feelings which have had no foundation in truth or justice, and are quite at variance with the faith they profess to hold. The direct attack on the Established Church, which Mr Fry threatens to make in his next publication, should it appear to him necessary, is not, perhaps, unbecoming in him as a Dissenter, and certainly will be more creditable to him, as far as principle is concerned, than the indirect one hitherto carried on through the Tithe-question: and, as I anticipate no evil whatever from such a step, I must profess myself to be one of the last who would attempt to dissuade him from it. I would only suggest that party feelings be entirely suppressed; that truth be had in view, purely for its own sake: that a due distinction be kept up between matters of temporal arrangement, and those of a purely spiritual nature: that statements be fully and fairly made; opinions expressed without reserve: and, that great caution be used in applying the declarations of Holy Scripture. If all this be done, the sooner the menace alluded to be carried into effect, the better will it be, if not for the Church of England or the Society of Friends, as such, certainly for the universal Church of Christ: as I hold, that by the exertions of sincere and well-directed minds, very much light may yet be thrown on Christian Theology, and on Christian Institutions generally, how perfect soever these may now be.

CAMBRIDGE, *Oct. 21, 1833.*

TO

MR JOSEPH STORRS FRY,

REDLAND, NEAR BRISTOL.

DEAR SIR,

YOUR second tract, professing to be "Strictures" on my second letter to you on the Tithe-question I have read and considered with all the attention in my power: and, my opinion is, that the subject in dispute between us, has, in your hands, taken the turn which it was both natural and desirable it should. Every one must I think see, as much from the contents of your pamphlets, as from the statements constantly made in the public prints of the day, that abundance of darkness, and of darkness too that may be felt, very generally prevails on this question. This, I am not without hopes, your writings may have the effect of dispersing, although I cannot help thinking the result will be quite the reverse of what you have had in view. But, as I

wish to be as short as possible, great books being generally great evils, I shall now proceed to consider the several positions contained in these your "Strictures."

The first eleven pages of your thirty-nine, I shall pass over for the present, because they contain nothing whatsoever on the subject in dispute. In page 12. you say, "The Professor returns to the Anglo-Saxons. It will be remembered," you continue, "that in my former tract, I stated, that the Tithes, as granted by Ethelwulph, were granted *Sanctæ Ecclesiæ* (to Holy Church). The Professor now produces several versions of this grant, in which this term does not occur. I have now another version of this celebrated document lying before me, from Fuller's Church History of Britain—in which this term is not to be found." Your former statement was, therefore, incorrect. I must now admonish you, that you are far from correct here likewise. The terms *Sanctæ Ecclesiæ* do occur in the extract made by me from Ingulfus (p. 58), with this remarkable adjunct, UNIVERSAM DOTAVERAT ECCLESIAM ANGLICANAM; shewing, beyond all doubt, that not *the Church of Rome*, but *the Church of England*, was meant. This oversight is remarkable, especially as I had laid particular emphasis on the passage, and printed it in capitals, that it might not escape your notice.

This, however, when compared with what follows, must sink into utter insignificance. "So many versions," it is said, "of this document, are extant, and these varying each from the others, that (as I find since I wrote my former tract) little stress is laid on any of them by modern writers on Tithes: they being generally considered as the mere fabrication of the cloister; and, probably, every monastery had a copy of its own manufacture. *Rapin* gives a copy of this document; but he considers it of very doubtful origin.* My friend, the Professor," you add, "will startle at this bold attempt to nullify in a few lines what has evidently cost him great labour and pains in the attempt to substantiate," (pp. 12, 13.)

Whatever I may have felt when I first read

* When you see how *Rapin* has conducted himself on this occasion, I think I may say, you will consider his opinion of a very doubtful character. In Vol. i. Book iv. then, he tells us, that "Hitherto," i. e. till this grant had been made by *Ethelwulph*, "the revenues of the Church were not very considerable. But by this new grant they were increased to that degree, that *Ethelwulph's* successors had frequent occasion to wish he had left the Clergy in their former state." I take for granted, that *Rapin* did not state this as a fact, with its consequences, without adequate authority for doing so. If he did, then is his credit at an end, as an historian. In his account of the state of the Church (*ib.*), however, he speaks of this grant, as of a thing "of very doubtful authority;" which is the passage, I suppose, to which you allude. I may now ask, How then did *Rapin* happen to know, that the Saxon Princes had found so much reason to deplore its being made? and, How was it that you did not discover this inconsistency in *Rapin*?

over this very extraordinary paragraph, certainly I felt no disposition to startle. The statements and conclusions I was favoured with in your former tract, quite undid me for every thing like startling: and, I can promise that I shall be equally firm, whatever you may assert or conclude in future. But let us now examine the merits of all this.

When you say that the versions of this document are numerous and variable, I suppose I am to understand, that the *editions* of it are many, and that these *vary considerably*. I answer, the editions or copies of the grant itself are not numerous. I can find no more than four: and, although these differ in some respects in the *words* used, they do agree in the *thing* stated. It is true, a very considerable number of original English historians* mention

* The original English historians to whom I allude are, Ethelwerd, Ethelred, Ingulfus, Matthew of Westminster, Florence of Worcester, Nicholas of Gloucester, Henry of Huntingdon, William of Malmesbury, Simeon of Durham, Bromton, and Hoveden, all of whom have mentioned this grant as a fact, and some of whom have given the form and words of it. To these must be added the authority of Edgar, in a speech made by him to the Clergy, in which the grant is mentioned, and Ethelwulph named as the person who made it. Of later writers we have Selden, the two Spelmans, Sir Henry, and Sir John, Hearne, Wilkins, Burn, Fuller, Hume, Ingram, Reynolds Clarke, Sharon Turner, and last of all, yourself in your "Concise History" and "Brief Inquiry." To whom probably fifty more may be added. But, as I would rather weigh, than number, my authorities, I am sure I need not add one name more to convince you, that your second self

this grant as a fact, while they differ slightly in the terms they employ, and in their accounts of some of the particulars connected with it; yet they appear to be unanimous in the main. And, as to later historians and antiquarians, although some have not been able clearly to make out what its object was, and others have loaded the clergy of those times with obloquy on account of its provisions, yet not more, perhaps, than one or two persons can be found, who have doubted of its authenticity. I do not think, therefore, that much reliance can be placed on the shift here had recourse to. But let us examine the principle on which it is grounded.

If it be laid down as a rule, That when the historical records of any nation are *numerous* and *variable*, they are not to be credited; then, I say, are we reduced at once to a state of universal pyrrhonism. It being the fact, that the historical records of every civilized nation under heaven, partake more or less of this character. Nor is the sacred history exempt: its *versions* or *editions* being both numerous and variable: and, in no case, is this more apparent than it is in the Gospels. But, is the whole therefore incredible? I believe not. For, although they vary in words, as it is likely inde-

in your Strictures leagued with the doubtful testimony of Rapin, must appear as nothing when confronted by this phalanx.

pendent original writers would, yet they agree in the tale told; which is just the case with the documents above referred to. Your statements here, therefore, are not only faulty, but your principle is false and deceptive. You add, "It were impossible to settle differences of opinion on matters which occurred a thousand years ago, and of which the original records, if any ever existed, *must* have long since perished." (pp. 13. 14.)

The truth of this statement, I am sure you will allow, will depend very much on the importance we attach to the monosyllable *must* just cited; and, if I can shew that it speaks any thing but the truth, it will follow that the whole is a pure fallacy. I now affirm, then, positively, that *the original records of this grant have not perished long since, but are now in existence,*

The first to which I referred, will be found at p. 57. of my second letter as cited from Ingram's Edition of the Saxon Chronicle (p. 94,) in these words. "*The same year King Ethelwulf registered a tenth of his land over all his kingdom for the honour of God &c.*" This, I say, is *an original record* of the grant in question; and it is remarkable, that of all the Saxon Manuscripts yet discovered and collated, no one exhibits any variety, if we except the year, most making it 855. and one 856. with a few slight

differences in the orthography. Now, the Manuscripts used in this Edition, amount, according to Ingram's synopsis in page xviii. to nine. The age of some of these cannot, it should seem, be ascertained; but of the first five, the ages are thus laid down, viz. A.D. 891. 977. 977. 1001. 1001. If, then, the grant in question was made A.D. 855. or 6. and we now have MSS. written as early as the years 891. 977. &c. one of which seems to have been written during the times of King Alfred, and probably under his inspection; Can we, I ask, reasonably require a record of greater value and certainty, than that which these very early and respectable MSS. contain?

Wanley, who was no mean authority in Saxon matters, has honoured the first of these MSS. with the term *AUTOGRAPHON*, or Autograph: and Archbishop Parker has written at the head of it, "*Chronica scripta anno 23 Alfredi.*" (Ingram's observations. p. xix.) "We have already noticed this MS. in the preface", says Ingram, "as connected with the names of Alfred and Plegmund, who seem to have had some share in compiling the first part of it." And, in the preface p. xii. "From internal evidence indeed, of an indirect nature, there is great reason to presume, that Archbishop Plegmund transcribed or superintended this very copy of the Saxon Annals to the

year 891; the year in which he came to the see; inserting, both before and after this date, to the time of his death in 923, such additional materials as he was well qualified to furnish from his high station and learning, and the confidential intercourse which he enjoyed in the court of King Alfred:" and a little lower down: "Whether King Alfred himself was the author of a distinct and separate Chronicle of Wessex, cannot now be determined. That he furnished additional supplies of historical matter to the older Chronicles is, I conceive, sufficiently obvious to every reader who will take the trouble of examining the subject." Ingram then gives us the opinion of Dr. Beeke, the present Dean of Bristol, (who has paid great attention to these subjects,) in the following words: "It is extremely improbable, when we consider the number and variety of King Alfred's works, that he should have neglected the history of his own country. Besides a genealogy of the kings of Wessex from Cerdic to his own time, which seems never to have been incorporated with any MS. of the Saxon Chronicle, though prefixed or annexed to several, he undoubtedly preserved many traditional facts; with a full and circumstantial detail of his own operations, as well as those of HIS FATHER, brother, and other members of his family; which scarcely any other person

than himself could have supplied.” “To doubt this,” adds Ingram, “would be as incredulous a thing as to deny that Xenophon wrote his *Anabasis*, or Cæsar his *Commentaries*.”

Having shewn then, that the document referred to, in this first case, may be relied on, because one copy of it, at least, is coeval with the Historian who first committed the matter in dispute to writing; if it is not actually an *autograph* of such person (several of the others being not more perhaps than 100 years its junior), and also, that the original Chroniclers were persons worthy of all credit; it may be worth while now to present you with some statements which may be relied on, with regard to the Saxon Chronicle generally. “England,” says Mr Ingram in the first sentence of his preface to this Chronicle, “may boast of two substantial monuments of its early history; to either of which it would not be easy to find a parallel in any nation, ancient or modern. These are, the Record of Domesday, and *the Saxon Chronicle*.” Again, *ib.* p. ii. “The Saxon Chronicle contains *the original and authentic testimony of contemporary writers to the most important transactions of our forefathers, both by sea and land, from their first arrival in this country to the year 1154.*” *Ib.* p. iii. “Philosophically considered, this *ancient record* is the *second* great phenomenon in the history of mankind.” “It

may safely be considered, not only as *the primæval source* from which *all subsequent historians of English affairs* have principally derived their materials, and consequently the criterion by which they are to be judged, but also as the faithful depository of our national idiom." Again p. vi. "Gibson himself was so convinced of this, that he afterwards attributes to the Saxon Chronicle all the knowledge we have of those early times."

We may now perhaps conclude, that this Chronicle,—whether we view it with reference to the Manuscripts now in existence from which its text has been formed, to the persons who appear to have supplied the materials for its composition, or to the character which it has ever sustained among persons the best qualified to judge of its pretensions,—is a document of the highest possible value, and one which lays an indisputable claim to the character of *an original record* of English history.

The second original writer to whom I referred (ib.) is Asser, the friend and adviser of Alfred. This writer's testimony to the grant in question, which is the following, will be found at p. 57. of my second letter. "Eodem anno (i. e. A. D. 855) Æthelwulfus præfatus venerabilis rex decimam totius regni sui partem ab omni regali servitio, et tributo liberavit, in sempiternoque graphio in cruce Christe pro redemptione

animæ suæ, et antecessorum suorum, uni et trino Deo immolavit." (Ed. Wise. p. 8.) Here, then, we have precisely the same thing recorded, by an original and contemporary writer, as we have in the Saxon Chronicle just mentioned. Let us now see, whether we can rely or not on the document professing to give this information. I shall, take for granted, that it is not necessary to prove, (what indeed every body knows) that this Asser was situated as just stated.

The Manuscript used by Archbishop Parker in his edition of Asser's life of Alfred was, according to his opinion, as old as the times of Alfred himself. His words given in his preface are, "Latina autem cum sint, Saxonice literis excudi curavimus, *maxime ob venerandam ipsius archetypi antiquitatem, ipso adhuc (ut opinio fert mea) Ælfredo superstite, iisdem literarum formulis descriptam.*" If, then, any reliance can be placed on this opinion, this MS. is as old as the times of Asser himself; and, if not an Autograph, was in all probability copied from one.

Another MS. of this work is said to be preserved in the Cottonian Library in the British Museum, which, according to some, is older than that used by the Archbishop; but which, Wanley thinks, was written about A.D. 1000, or 1001. Camden possessed another MS. copy of this work, not older than the times of

Richard the second, the text of which has been thought by some not inferior to that of either of the preceding ones. Now in all these, as well as in all the other MSS. hitherto discovered,* the passage in question occurs *without the slightest variety*. The same may be said of *the fact* as stated in every one of the older historians, who have copied either from the Saxon Chronicle, or from this work of Asser. And, although a variety is found to exist in the words used by some of these secondary writers, as already remarked, yet the fact of the grant in question having been made, is affirmed by them all: nor in any instance has it been contradicted, or even called in question, by them.

We have, then, in these *original documents* or *records*, (which according to your notions, must all have perished long ago) not only Authors of the highest possible reputation, and who were eye-witnesses of what they have related, but even copies of these records, as ancient, or nearly as ancient, as the times in which their several Authors lived. Every subsequent writer too, may perhaps, be adduced as bearing the same testimony, by recognizing them as the *original sources* from which his information and statements have been principally drawn. Is it not almost miraculous, I may ask, that documents of this nature should

* See the preface to Wise's Edition of Asser.

be still in existence? Is it not remarkable, that in the general wreck of time, so much testimony should be found to the single fact which you have thought proper to deny without any inquiry? and which, you have then had the complacency to flatter yourself, you had demolished in a few carelessly written lines? Does not this look like one of those strange phenomena, by which the counsels of the wise are sometimes brought to nought?—The more I view this matter, the more does it appear to me, like that preservation of the ancient MSS. and Versions of the Scriptures, by which (notwithstanding the great length of time that has elapsed since their first publication, or the variety found to exist in their several copies, which according to your theory would be sufficient to condemn the whole) their authenticity and genuineness is put for ever beyond the power of scepticism, or of ignorance, either to impugn or injure. Notwithstanding the ease, therefore, with which you have affected to demolish the testimony afforded by these ancient *records*,—which may with some appear very enviable, because it may recommend to their adoption whatever may happen to please them—I must confess myself to be one of that number, who cannot but reprobate it; and who believe it to be a duty, however painful that may be, carefully to investigate, and unhesitatingly

to adopt what is true, to what result soever it may eventually lead.

Having shewn, then, that the documents in question possess the best claim possible to the title of *original records*; I have perhaps supplied you with good and valid reasons for passing “over all further argument on the question, whether Ethelwulph was, or was not, paramount lord and owner of the whole territory of England &c. (p. 13. *Strictures &c.*) I shall now, therefore, proceed to consider a few more of your positions respecting Ethelwulph’s grant.

The first of these occurs in page 14. where the reader is asked, “If Ethelwulph had granted to the clergy, Tithes...about the year 855,... why should any of the advocates of the system in later days attempt to produce any other authority but that of Ethelwulph? &c.”

To this question I answer, I do not see on what grounds it is, that I am called upon to account for the conduct, or conclusions, of others in any case. If one has ignorantly grounded his claim on the Law of Moses, another on certain decretal epistles of the Pope, another on the supposed voluntary grants of lords of manors, and another solely on some modern act of Parliament, I do not see, why I am to be called upon to justify all this; nor can I, what you propose to gain by it. But, when you tell me, in the

same paragraph that "it will not be found that any law existed in England prior to the time of Henry VIII. (more than 600 years after the time of Ethelwulph) whereby Tithes could be recovered by process at common law,*" I must be allowed to suggest to you, that you labour

* But at page 25. we are reminded of a canon, made as early as the times of king Alfred, by which it was decreed, that the Tithes should be delivered to the Priest &c." Only let me ask you, Is such a canon as this any thing more or less than a law? And were not such laws enforced in the times of Alfred? Are we not told by the historians, again and again, that Alfred *compelled* the Dane to pay tithes? But it is quite unnecessary to press such questions as these: the thing is too well known to be doubted. If you would like to see further accounts on this matter, pray turn to "Spelman's larger work of Tythes," Chap. xxvii. where you will find that "Edward the elder and Guthrum, punished the non payment of Tythes," that Athelstan about A.D. 924. . . "decreed them to be paid . . . and appointing a time certain for doing thereof," . . . that "king Edmund about A.D. 940. in a solemn Parliament, ordained that every man, upon pain of his Christendom, and being accursed, should pay them truly." . . . That "king Edgar A.D. 959. confirmed the payment of Tythes, . . . and this to be done *under the pain mentioned in the book of the Laws of the land*; whereby it appeareth that the Laws of the land had anciently provided for the payment hereof" . . . He further enacted, that the Sherif, as well as the Bishop and Priest, *should compel every man to pay their Tythes*, that "king Canutus A.D. 1016. made the like law, with some enlargement," . . . that "king Edward the Confessor A.D. 1042., made all certain &c., and bindeth the Sherif, as well as the Bishop to see this executed" . . . It appears also from Spelman's first Volume of the Councils, to which Selden adds his testimony, that about A.D. 786. in the time of Offa, a great council was held in which Tithes were established: which law was also extended to West-Saxony. For a still greater abundance of matter to this effect, see Spelman himself. Is it not strange, my dear Sir,

under a very grievous want of knowledge in this particular. I take for granted that you have access to Sir Simon Degge's Parson's Counsellor, for you have quoted it more than once in your Strictures. Turn now to Part II. Chap. xxvi, and you *will find* "that Tythes were anciently determinable in the County and Hundred Courts, is asserted both by Sir *Edward Coke* and Mr Selden:" (with Mr Selden's opinion you ought to be well acquainted) "And the same appears by the *Laws* of king Athelstan long before the conquest:" and a little lower down, "yet notwithstanding, as Mr Selden observes, the jurisdiction of Tythes was not so settled in the Bishop and Ecclesiastical Courts, but there were suits for Tythes as well in the Temporal as Ecclesiastical Courts, whereof he gives some instances. And amongst the Laws of king Henry I. I find this clause, *Si quis rectam decimam superteneat, vadat præpositus Regis et Episcopi et terra domini cum prebytero, et ingratis auferant; et Ecclesiæ cui pertinebit, reddant, et nonam partem relinquunt ei qui decimam dare noluerit.*" See also the authorities cited by Sir Simon in the margin. I

that any one should be found bold enough to venture a statement like that of yours without making any enquiry? Messrs Young and Eagle too give reports of Tithe cases as early as A.D. 1204. And all this you allow in your "Concise History!" How I ask, if no such law had been in existence, could such claims have been made and enforced?

think, I may now say, that whatever you believe may be found on this subject, others have found before you, that suits were entertained at common Law, long before the times of Henry VIII. We are next favoured (p. 14.) from Rapin, with some account of a Council holden at Calcuith in A. D. 765. the xviith canon of which urges the payment of *Tithes* from the authority of the Mosaick law. I ask, What will this prove, with reference to Ethelwulph's grant, which was made just 90 years after? At (p. 15.), we are also told from Rapin, that in the xth canon of the constitutions of Odo, which were published in the next century, the payment of Tithes is again urged by reasons taken from the Law of Moses, without making the least mention of Ethelwulph's charter. I answer: and what of this? Is this sufficient to prove, that no such charter could have existed? May I not suppose, that the charter existed, as it certainly did in the times of Asser, Ingulfus and others, and was too well known to need citation, and that the Archbishop urged a compliance with it, from the Law of Moses, just as the Prophets did, from the consideration that the right to the claim had previously been established? Why, let me ask you, does St Paul urge upon his Christian converts the duty of rendering to all their dues, but never so much as once cites the heathen laws, by which

those dues had been created, and were demanded? Are we hence to argue, as you have done, that no such laws could have existed? Whatever you and your Society may think of this sort of arguing, believe me, no one else will allow it much credit. As to the seventy authors, mentioned in your note, who flourished before 1215. and all maintained the divine right of Tithes from the Law of Moses, I must tell you, I can see nothing like argument in this: because, I am neither bound to allow that they were right, or, that you have rightly understood them.

We are next informed in (pages 16. 17) that the clerical controversialists of the present day namely, Mr Rose, the Bishop of Peterborough, and the Bishop of London, hold, that the right of Tithes has grown out of donations first made by the lords of manors, on whose lands Churches were erected.* And hence, the reader is left to infer, that, as the opinions of these Gentlemen differ from my statements, error must rest somewhere, and probably with me. My answer is, I have some doubts, whether any such

* I have no doubt myself, that some churches were endowed either with lands or Tithes long before the times of Ethelwulph; I only argue, that we have no good reason for believing, that such endowments were general. It is rather extraordinary that you should adduce these three Clergymen as authorities against my position, when it does not appear that one of them has said one word on the subject before us.

inference can be maintained. I find Burn making similar statements, although he has likewise declared, that the first grant of Tithes over the whole of England was made by Ethelwulph, as I stated in my first letter (p. 13.). “The more ordinary and standing method,” says Burn, (under “Appropriation”) “of augmenting the number of churches depended on the piety of the Thanes or greater lords; who having large fees and territories in the Country, founded churches for the service of their families and tenants within their dominion &c.” Now, Is Burn inconsistent in making these several statements? I think not.

It was owing, perhaps, to the piety of these Thanes, that such churches were built at all: but, being built, it was owing neither to their liberality nor piety, that they were endowed with the Tithes. For this, the lord paramount had provided long before many of them held their lands in fee: and, as to those who lived when the grant was made, they gave their consent thereto, as shewn in my second letter. This will account for the fact (and I shall maintain, nothing else will), that as soon as churches were erected, and parishes formed, the Tithes were constantly rendered to the minister. The extract you have made from Judge Richards will prove the same thing, and it will prove nothing else (p. 18.). “The owners of pro-

perty," says he, "yielding Titheable articles, could not use the whole for their own benefit, but were obliged to render the tenth to some of the officiating clergy, as his preference should direct them &c." There must, I say, have been some power *forcing* all this: there must have been some written and producible document; otherwise, to suppose that the thing would ever have been generally complied with, is to suppose what, in similar circumstances, never takes place. That such a law was in existence, and was acted upon in the Hundred and County Courts, during the Saxon times, I have already shewn. To this law, therefore, and these modes of enforcing it, we are in reason bound to refer the endowments now alluded to: because no other consideration can account for them. If, then, the Clergymen named by you have referred the origin of Tithes to their proximate causes, namely the acts of the Thanes holding land in fee under the Saxon Monarchs, while I have referred them to their remote and real cause or origin, viz. the grant of Ethelwulph, which must have bound and forced such Thanes to make these endowments, How does it appear that I differ essentially in opinion or statement from these Reverend Gentlemen?

Judge Richards has certainly settled nothing as to the origin of Tithes, for he candidly confesses his ignorance of it: the law he has

truly laid down, which was quite sufficient for his purpose: and, as to my reverend brethren, if they had differed totally from me, (which they have not done) Would this necessarily determine the question, and that I must have been wrong, and they right? I can see no ground for such a conclusion as this.

In your next paragraph I am accused of something like misrepresentation. "I said," are your words, "that each of the conquering parties, would consider themselves the real owners of the portion of the territory they had obtained possession of." On which the Professor says, p. 23. "So far you allow that conquest would give an *indisputable right* to the land." "Now," you go on, "the Professor, on further examination, will see, that I *allow* no such thing...I *allow only* what I have *said*, that the conquerors would *consider themselves* the owners of the territory." You must remember, that this was written for the purpose of shewing, that Ethelwulph could have had no right to the land, the possession of which the earlier settlers had obtained by conquest; and consequently, that he could not justly lay a Tithe-charge upon it. And your conclusion is, p. 19. of your "Brief Inquiry." "Therefore, Offa and Ethelwulph *were not the real owners* of the lands over which they are said to have granted the Tithes."—They "*were not, &c.*"

you say:—not, *they considered themselves not* &c. Let me ask, Am I to take this last sentiment as yours, or as theirs? This appeared to me, and does still, to be *your own conclusion*, and drawn from your own premises, and for your own purposes: and, it is grounded on the consideration, that these previous settlers *were the real owners* of the land. If this is not the case, then it rests on no premises whatever; and the *Therefore* preceding it must stand for nothing! If I have misunderstood you, the fault surely rests with yourself: for it was quite out of my power to give a different sense to your context.

But, I must ask you, Is not this sort of arguing a little disingenuous? Is it not something like mental reservation? You only said that *they would consider* themselves as the real owners &c.: but you meant, that Offa and Ethelwulph *were therefore not the real owners* of these lands &c. You accuse me of little less than misrepresentation; but, in order to make this good, you must either forego your argument, and give up the point at issue, or else you must disavow the principle by which your conclusion was drawn. Which of these alternatives you will take, I have yet to learn.

We are next told (p. 19.) that “the Professor describes some expressions of mine in

allusion to the monks as *invidious and pungent*...but how this pungency should affect the Professor is marvellous. They were not applied to *him* nor to his brethren." I answer, I gave the reasons at (p. 39. of my last) why I made this remark. And at p. 50. I gave my reasons for a similar one. I must now say, your expressions are not applied exclusively to the monks in either of these cases: and, I may perhaps, consider some others as *invidious*, and as applying to myself and my brethren, when I am told, that the clergy of the Church of England are "enriching themselves with the spoils of the Church of Rome" (p. 26.). It would, perhaps, have been quite early enough to apply this sort of language, when you had proved that this was the fact, and that the English clergy were a body of marauders. One word on a paragraph in your last publication (pp. 6. 7.). After citing a passage from the Tithe Tract of the Bishop of Bath and Wells, in which the disagreement occasioned by collecting Tithes is deplored, you break out in the following impassioned strain: "Here is a picture of a christian church! We are told that one of its institutions frequently puts a stop to the improvement of the soil;...and that it prevents its ministers from pointing out to the people, the way, the truth, and the life....Certainly," you continue "there is nothing divine, nothing

christian about it, but utterly antichristian!" I ask, will you tell me that this is not *invidious*, and that it affects neither *me*, nor *my brethren*? You also tell us, that in your own "church this is the case (i.e. *Christian harmony &c.*) as nearly," you believe, "as it can well be in any institution." By the words "as nearly as it can well be," I suppose I am to understand that all, even in this institution, is *not quite perfect*: and, consequently that after all, the institution itself is *only human*, or, at best only *partially divine*. I need not press this matter farther, because the same may be said of every sort of church government in the world. But, Will it follow, that because we are now both reduced to the same *human*, or at most *partially divine, level*, that neither of us can have *any thing divine, any thing christian about us*, but every thing *utterly antichristian*? Or, putting your almost perfect institution generally out of the question, Will it also follow, that because a certain King of England has provided a maintenance for the Ministers of the Christian Religion, just as certain Friends have bestowed money and lands on the Friends' School at Sidcot, there can be *nothing divine, nothing christian*, but *utterly antichristian* in the one case, but every thing as near to perfection as it well can be, in the other? Or, again, because it happens to be

in your power, by printing and circulating certain erroneous and vituperative statements, aided by the infidels and Roman Catholics of the day, so to inflame the ignorant and irreligious that they shall refuse paying certain sums due to the English Clergy, the Church to which they belong is, therefore, *antichristian*, and every thing that is abominable and vile? Suppose, my dear Sir, I had volunteered arguments such as these in opposition to the "Brief Statement" of your Society, the "Brief Inquiry," or lastly, to your own "Strictures" or "Concise History,"* what would have been your

* I find in this work (p. 22. Ed. 5,) the following illustration used when speaking of land subject to a Tithe-charge, "An estate subject to incursions of wolves would be less valuable, &c." In a note in the next page, we are told that this is "advanced purely by way of illustration, without intending the slightest reflection upon any person living." One would have thought, that in order to *avoid every appearance of evil*, as well as to save the trouble of writing an explanatory note, the shortest way would have been, to alter the expression:—subject to an inundation,—to some heavy rent charge, an annuity, or the like, would have been quite as suitable to the argument, and might have passed without explanation. But, when it is added, in this very note, "yet we do not forget the epithets bestowed by the Church of England in her Homilies, on those by whose craft Tithes were first introduced."... "*These special instruments and ministers of the Devil,*" &c. one is tempted to believe, that this explanation was intended to be very nearly explained away. Now, not to insist on the inaccuracy of the statement, that it was by the craft of these men that Tithes were first introduced, I would ask, Was it either wise or good in you to ground any thing like a defence on expressions uttered by ministers of this *antichristian Church*?—One word

reply? Would it not have been, that they were personal, invidious, and unnecessarily sar-

more on a kindred subject. Having admonished you at p. 65. of my last, of an appeal to something like the French revolution for the purpose of settling our Tithe question, I am thus answered in your "Strictures:" "It is not necessary to cross the water for a precedent. They are so lapsed in Scotland....And, in Ireland! how stands the case there?" I answer, they are not *so lapsed* in Scotland, i. e. as to deprive the national Clergy of an adequate provision from them:—nor are they *so lapsed* in Ireland. If I understand the new Law aright, a rent-charge is fixed on the lands in lieu of Tithe in kind: which I consider a good and salutary regulation. But why the note of admiration? (!) Is it the uproar, bloodshed, and confusion, brought upon that country by the Agitators, that here gives point to your remark, and is brought in by way of defence against my admonition? It grieves me certainly to notice things of this sort in you; and, believe me, it would not be done, were I not anxious to suggest to you, that not only are you labouring under much mistake and want of information on the subject before us, but also, that you are exhibiting a wrong and unchristian spirit. I cannot help here noticing a statement, which I find reported as lately made at one of the public meetings at Exeter Hall; and, as it will shew you, how the Ministers of this *Antichristian* Church are acting under their trials, and thereby enable you to compare your own proceedings and feelings with theirs, I shall give it. "At the annual meetings in Dublin, the Ministers generally breakfasted together; and though 220 assembled there twelve months ago, and remained with each other from eight o'clock till half-past eleven, not a single word was dropped by any one with regard to his sufferings. They met to consult how they could best promote the glory of God, and they accounted it all joy to suffer for Christ's sake. They breakfasted together a fortnight ago, and though they remained assembled as long as usual, he did not hear one word in reference to Tithes. The distress had been greater this year than it was during the last," I will only remark, I should like to see such marks of antichristianity as these in every Parish in the Kingdom: ay, and in every Dissenting congregation too.

castic, not to insist on the very bad reasoning which they contained? I certainly can say, with the Bishop, that I lament the existence of a state of things, which gives to ill-informed or designing men, so much power to stir up strife: and, I do hope, as I have said in my former letter, that it will soon be put an end to.*

The next matter I shall notice occurs in pp. 20. and 21. of your "Strictures," in these words: "The Professor at p. 56. attempts to prove that what he calls my favourite division of Tithes, never did obtain in England. It is no favourite of mine." You add: "I mentioned it as a matter of historical notoriety: for which I deemed it no more necessary to produce authorities, than I should to prove that William, Duke of Normandy, landed in Sussex &c."

I must remark, in the first place, that had I attempted to prove that *no such fourfold* division of Tithes had ever existed in England, I should certainly have attempted an impossibility: because it is, perhaps, impossible to prove

* I may here notice some remarks of yours at p. 9. of your "Strictures." I refer you to p. 11. of your "Brief Inquiry," to answer the first part of them. As to the contributions solicited by the Clergy of Bristol occasionally, let me tell you, this is done by them in lieu of personal Tithes, which by law (as old as the times of Ethelwulph, and made Statute Law by Ed. VI.) they have a right to claim. In these cases, therefore, they are not less generous than your own unendowed Ministers.

a negative position in any case. No, my dear Sir, I only affirmed that "it is as far certain as history can make it, that *no such division ever obtained in England.*" If proof in this case, is at all to be made out, it must be that such division has *positively* obtained; and this proof ought to come from you. You tell me, however, that you "mentioned it as a matter of historical notoriety, for which you deemed it no more necessary to produce authorities, than you should to prove that William, Duke of Normandy, landed in Sussex &c. and a little lower down you say, "In short, it is considered as an admitted fact."

This, I must be allowed to say, is little short of chivalrous; and it is as groundless as it is bold. You have nevertheless inquired, and proceeded to the argument; and, in doing so, you have completely ruined all these valourous assertions.

At p. 21. you cite, in the first place, a passage from my Second Letter in these words; "Judge Blackstone has often been cited to shew that *the law of the case* still is *this four-fold division of Tithes.* But Judge Blackstone says no such thing." He only says, "that Charlemagne established the payment of them (i. e. Tithes) in France; and made that famous division of them into four parts &c." You then tell your reader that, "had the Professor

examined Blackstone more sedulously, he would have found that Blackstone does not say *only* that which relates to Charlemagne." I answer, I very well knew, that Blackstone had not said *only* that which relates to Charlemagne. I knew that he had said many more things on the subject of Tithes, and even on their three-fold and four-fold divisions: but, I also knew, that he had said nothing more on the *Law* which regulated the payment of such Tithes. And, What have you favoured us with in your long extract from Blackstone? All I can find in it is, an opinion that in ancient times some such divisions obtained: but, *where* or *when*, we are not told. The extract from Blackstone, therefore, leaves the matter just where it found it, expressing an opinion only to which I have already subscribed; but, advancing not so much as one syllable in support of your assertions. You tell us, indeed, that here you might retire from the field with the unimpeachable authority of Judge Blackstone on your side; "the Professor evidently not knowing all that Blackstone had said on the subject; or he would not have asserted that he made no allusion to the four-fold division of Tithes, except only in the case of Charlemagne, in France." (p. 23.) But, my dear Sir, I have no where said that Blackstone *made no allusion to the four-fold division of Tithes, except only*

in the case of Charlemagne: this is all mistake and error; and, all I can say on the subject of your retiring from the field &c. now is, that, retire when you will, you must carry with you the conviction that you have totally mistaken my words. Your citations from Burn, (p. 24.) and from Pope Sylvester, (p. 25.) must share the same fate with your extract from Blackstone; not one of these saying a single word beyond what I have already allowed, viz. that such three-fold or four-fold division of Tithes did once exist in the Christian Church generally.

In your next citation you are, if possible, less felicitous; for, although you disdained generally to inquire into the history of these divisions of the Tithes, yet you have not thought it too much to consult the "Parson's Counselor" of Sir Simon Degge, in addition to Blackstone, &c.; and, strange to say, you find "a canon of *our own*, made in the *time of King Alfred*," in which "it is decreed: That the Tithes should be delivered to the priest, who should divide them into three parts; *Unam partem ad ecclesiæ reparationem; alteram, pauperibus erogandam; tertiam vero, ministris Dei qui ecclesiam ibi curant*: that is," you add, "one part to the repair of the church; another to be bestowed on the poor; and a third to the ministers of God who serve the church there." Upon

consulting Sir Simon, I found that he referred to Lambard's *Archaionomia*: but, all I could find on the subject of Tithes, in the Laws of Alfred, was this, "*Decimas, primigenia, et adulta tua Deo dato.*" p. 19. Sir Simon, however, had marked the page, viz. 132. and upon turning to this, you may guess my surprise, when I found that the canons in question, were neither the canons of Alfred, nor yet of any other person of his time. No: they are the canons of Ælfricus, and appear to be nothing more or less, than a Saxon translation of a set of rules once in use among the Benedictine Monks!

You will now perhaps allow me to say, that if you would have deigned to make the inquiry into this matter, that I recommended in p. 61. of my Second Letter, and had read the "Essay on the supposed existence of a quadripartite and tripartite division of Tithes in England, &c. by the Rev. William Hale Hale, &c." you would have avoided all the mistake and vexation consequent upon it, in which you now are implicated. You might, indeed, tell your reader, that you deemed it no more necessary to produce authorities to establish this point, than you did to prove the landing and victory of William the Conqueror, &c. &c. and that the thing in debate is considered as an admitted fact; and he may be

greatly delighted to hear it! You should have borne in mind, however, that a little inquiry might possibly shew all this confidence to be vain; and every assertion made to support it, groundless and false: and this you will presently find is actually the case.

Another ground you take (p. 21.) is, that “We read it in almost every old work on Tithes: we hear it alluded to in speeches in Parliament.” What you may have read in almost every old work on Tithes, it is impossible for me to say: but, I will say, You have never yet seen it proved in any old work on Tithes, that any such division of them ever prevailed in England; and I greatly doubt whether you have seen any such thing stated. Selden’s work I may, perhaps, take for granted you have read, as you have often referred to it in your “Concise History;” but Selden is against you here. His words are (Chap. vi.), “That quadripartite division was chiefly *in the diocese of Rome*. For by some canons of the *French, Spanish*, and some other churches, it was tripartite, and had other differences. But all this,” adds he, “in the primitive times; and from the first establishing of Christianity by a disposition of the hierarchy, till about *D.* years from Christ, it seems, it continued.” It is to be regretted that you did not deem it necessary, on this occasion, to name your authorities: and

the only reason I can offer for the omission is, that you really had none. As to what you hear on this subject, in speeches in Parliament, I can only say, I am surprised you should think of amusing your reader with any such vague and unmeaning matter.

“And are we to be told,” you continue, “with all these authorities before us, that although such quadripartite or tripartite division of Tithes might have obtained in the monasteries of Italy, France, and Spain, *it is as far certain as history can make it, that no such division ever obtained in England?*” Yes, I answer, you are to be told this: and you are also to be told, that hitherto you have not produced so much as one authority to the contrary. You have certainly given Blackstone and Burn’s opinions on this ancient division: but these I never thought of disputing. Blackstone and Burn, it is true, wrote on English laws, as you have stated, when they gave these opinions: but, it does not follow from this, that they hence meant to affirm, that these practices ever obtained in England. “Sir Simon Degge,” you add (p. 28), “is also high authority, and is frequently cited by Burn.” Well; and what then? Will all this be sufficient to prove, that the canon of *Ælfric*, which he cites, must beyond all question be one of the laws of *Alfred*, and “a canon of *our own?* Or, that the decree of

Pope Sylvester, also cited by him, was ever in force in this country?" I can see no such consequences as these, and must say therefore, that the inquiries, which after all, you deigned to make, have totally ruined the whole of your statements.

Before we dismiss this subject, however, we must notice another statement, given in a note at p. 27. of your "Strictures." "In a Saxon MS." you say, "of the constitutions of King Ethelred and the Parliament, held in 1014, which is in the library of Corpus Christi College, Cambridge, is the following law:"—"Concerning Tithes, the King and his *Witan* (Parliament) have decided and pronounced, that according to law the third part of the tithes of every church, &c." "Perhaps the Professor," you add, "may think it worth while to examine whether or not the statement it contains is correct."

I answer, Whether such law as this is now to be found in a MS. of Corpus Christi College or not, I know not: but I do know, that Wilkins has given something very like it in his edition of the Saxon Laws, (p. 113.) in these words: "Et de decimis Rex et Sapientes (*his Witan*, Sax.) ejus statuerunt et decreverunt, prouti justum est; quod tertia pars decimarum illarum quæ ad Ecclesiam pertinent, detur ad compensationem Ecclesiæ, et secunda pars Dei ministris, tertiæ pauperibus Dei et inopibus servilibus."

The words of Wilkins, respecting these laws, in his preface, are these: “*Æthelredi Leges cum MS. Cantabrigiensi. C. C. C. S. xviii. contuli, ac illis Librum Constitutionum tempore Æthelredi Regis editarum ex MS. Cotton Nero A. I. MS. Cantabrig. C. C. C. S. xviii. et Textu Roffensi adjunxi.*” So that these Constitutions were added, by Wilkins, to the Saxon laws already published, from different MSS.; one in the Cottonian Library; another in the Library of Corpus Christi College, Cambridge; and a third, termed the Text of Rochester. There does not, therefore, seem to be any good ground for impeaching your extract, or the authenticity of these constitutions. Our only question, therefore, will be, What is the authority due to this document? But, before we answer this question, it might be as well to bring all the documents that bear upon it before you; as there are some in existence, of which you do not seem to be aware. The first then, usually cited, is found in a letter from Pope Gregory to his missionary Augustine, in answer to the question, “Into how many portions are the *Offerings* at the Altar to be divided? to this effect: It was the custom of the Church *to divide the offerings into four parts: one for the Bishop; another for the Clergy; a third for the poor; and the fourth, for the repairs of the Churches.*” “As to the last article,”

says Rapin, “which would have been very obscure, had not the *Pope* cleared it up in his answer: he replies, That *Austin* being a *Monk*, ought not to live apart from the rest of the *Clergy*, but according to the practice of the *primitive Christians*, should *have all things in common*,” &c.

The second document was originally published by Whelock in a note to his edition of Bede: it was taken from a MS. in the Library of Corpus Christi College, Cambridge; and it runs thus: “*Sacerdotes populi suscipiant decimas et nomina eorum quicumque dederint scripta habeant super altare. Et ipsas decimas secundum auctoritatem canonicam coram testibus dividant, et ad ornamentum ecclesiæ primam eligant partem, secunda autem per manus fidelium ad usus pauperum atque peregrinorum misericorditer cum omni humilitate dispensatur, tertiam vero partem sibimet ipsis soli sacerdotes reservent.*” This is said to have been taken from the Latin Canons of Theodore, Archbishop of Canterbury, and to have been translated into Saxon by Ælfricus.

The third document is taken from the ‘*Excerptiones*’ of Egbert, Archbishop of York, and agrees with the preceding almost word for word. It is, therefore, unnecessary to copy it out. It is found in Wilkins’s Councils, Vol. i. p. 102, and in the Tract of Mr Hale, pp. 22, 23.

The fourth document has already been partly noticed in an extract from Sir Simon Degge. It will be found in Wilkins, Vol. I. p. 253, and in Mr Hale, p. 22.

The fifth document is that noticed above, as taken from the Constitutions of Ethelred. Let us now consider these in their order.

The first document speaks sufficiently for itself: it was of foreign origin, and manifestly had respect to those times in which Christians had all things in common, as I remarked in my second letter.

The second was also of foreign origin; as it appears to have been first written in Latin by an Archbishop of Canterbury, who was a foreigner, and who spent a considerable portion of his time in transcribing foreign Councils, and such like matter. It was translated into the Saxon by Ælfricus: and lastly, it contains, as some of the learned have thought, certain rules for the use of the Clergy of the order of St Benedict.*

* Such is the opinion of Wanley as cited by Mr Hale, Essay, Part I. p. 23. A similar opinion is given by Wilkins, of the Canons of Ælfric. Sax. Laws, p. 153, Note. “*Canones hos Ecclesiasticos Regulas potius, in usum Presbyterorum ex Regulis Benedicti confectas esse dixerim.*” And, as this Ælfricus seems to have lived in the times of Ethelred, it is not improbable, that it is to him we owe a similar constitution of that king. In this case, all these Saxon documents come from one and the same hand, viz. Ælfricus! who was as Spelman thinks, a zealous propagator of the Popish leaven. Wilkins’s Saxon Laws,

The third document is so very nearly allied to the first, both in its phraseology and matter, that both must have had a common origin: the term *excerptiones* too, as Mr Selden, and after him Mr Hale, has well remarked,* seems clearly to indicate that this, with all its attendant matter, has been borrowed from some source not Saxon: and the probability certainly is, that these Excerptiones, and particularly this Canon, came from the same original as did those of Theodore.

Of the fourth document, or Canon of Ælfric, very little can be said. Of Ælfric himself, indeed, scarcely any thing certain is known; except that he appears to have been a diligent translator of foreign documents into the Saxon language, and that he flourished early in the eleventh century.

The fifth and last document, said to have been enacted by king Ethelred and his Witan, is perhaps the only one that can be said to lay claim to authority in the Saxon church. This, however, according to your own shewing, had no existence earlier than the eleventh century, and the times of the notorious Dunstan. If, then, we allow this to have had all the authority you can wish, it must have been

p. 196. It is certain, however from his Homilies, that he strenuously opposed the doctrine of *transubstantiation*.

* Essay on the Division of Tithes in England, p. 24, and Selden in his History, col. 1179, Fol. edit.

in the very worst of the Saxon times, and when the influence and corruptions of Rome had reached their highest point. I do not think, therefore, if we allow to this Canon every thing you can desire, it can fairly be adduced to shew what was pure Saxon usage.

But let us, for the sake of the argument, allow even this. What now will be the consequence? Let us see. The Canon enacts, then, that *one third part of those Tithes which pertain to the Church, be given to the repair of the Church; a second to God's ministers; a third to God's poor and to the servile poor.* I think I may say, there is enough in the wording of this Canon to betray both its origin and object. Why, I would ask, is it said that a third part of those Tithes *which pertain to the Church*, shall be given, &c. unless some other body, beside the ministering clergy and parochial poor, is had in view. It strikes me, that it was quite unnecessary to introduce this here, unless it had some specific meaning and force. Again, Why have we another distinction made between *God's poor*, and the *servile poor*, unless some distinction was also to be made in the persons to whom such alms were to be given? I believe there is a reason for all this: and, I think, the very next Canon but one in this collection, will put us in possession of it. It stands thus: “*Si quis decimas legitime reddere*

nolit, tunc abeat Regis Præfectus, et *Monasterii Sacerdos*, vel Præfectus Domini fundi et Episcopi, et sumant invite *decimam partem* PRO MONASTERIO *ad quod ea pertinet*, &c. So, then, if such Tithe, which really and originally appertained to the Church, should happen to be withheld; then the King's præfect, or the præfect of the proprietor of the farm, and the Bishop's præfect, were to go with *the Priest* OF THE MONASTERY and take by force that tenth or Tithe *which belonged to such MONASTERY*.*

This canon, then, must have been intended to determine how appropriated Tithes, originally belonging to a Parish Church, should be divided, when paid, or recovered when payment had been refused, by *Monasteries* as *Impropropriators*.† And, I need not tell you, that early in the eleventh century a very great number of such appropriations was made. If this then be the case, *God's poor*, (*pauperibus Dei*) as mentioned above, must have meant *the Monks, Nuns*, and other inmates of Monasteries who had taken

* That the Council of Eanham, held in the times of Ethelred, had the government of the Monasteries in view, is evident from some of its Canons: and that some of these were of foreign origin has been shewn by Selden. See his History of Tithes, col. 1191, fol. edit.

† That Rectors were understood, at least to be bound by some such law as this, is I think extremely probable, as will be seen from the sequel, though in no such sense as you have supposed.

the vow of poverty :* the “*servile poor* (inopibus servilibus) would, in this view, very properly designate the parochial and other such poor : and this, in all probability, was the intention of the canon.

Our next inquiry will be, as to what is meant, when we are told, that *a third part shall be given for repairing the Church*. It has been well remarked by Selden,† and before him by Bracton, that ancient statutes and canons are very likely to be misunderstood unless particular regard is had to the practices and customs of the times, during which they were in force. Now, all I have been able to make out on this subject is, that if this canon ever generally obtained, although the term *Church* is used here, a part only of the Church could have been meant : for it is notorious, that in old documents of this sort, nothing like precision in the use of language is to be found.

* “The monks were usually called *pauperes*, and were so indeed by their vow,” Selden. Hist. col. 1118.

† “It is a common”, says he, “but most deceiving argument among them, affirmatively to conclude fact or practice of Tything from what they see ordained for Tythes in any old canon of the Church ; as if every thing so ordained, necessarily had also a following use.” Preface to History of Tithes. The words of Bracton are, “Sunt autem in anglia consuetudines plures et diversæ, secundum diversitatem locorum...Cum autem hujusmodi leges et consuetudines *per insipientes et minus doctos* (*qui cathedram judicandi ascendunt antequam leges didicerint*) *sepius trahantur ad abusum*...ego Henricus de Bracton animum erexi &c.” Lib. I. §. I. c. I.

Now, in one of the constitutions of Othobon we are told, that *the Chancel* is to be repaired at the expense of the Rector, which John de Athon declares in his commentary is the custom; and Lindwood's opinion is in perfect harmony both with the constitution of Othobon, and this comment of John.* If then we may interpret this canon by the practice of the times nearest its enactment, and suppose it to have been generally in force, we are bound to conclude, that, all intended to be inculcated was, that some portion of the Tithes was to be assigned, both by Rectors and Impropriators of every description, to the repairs of *the Chancels* of those Parish Churches from which such Tithes had been received.

In the next place, What are we to under-

* See Mr Hale's Essay pp. 40—45. Part 1. The words of John, which have not been cited by Mr Hale are these. "Cancellis &c...alludens communi consuetudini anglicanæ, per quam refectio navis ecclesiæ ubi insident ipsi parrochiani laici ad ipsos parrochianos pertinent (pertinet): cancelli vero refectio ad rectores." He adds, indeed, that of common right, when the Bishop transfers his fourth to the Rector, he may command him to repair the Fabric of the Church. But, as he immediately adds, "Sed certe de consuetudine parrochiani etiam laici ad hujusmodi reparationem compelluntur," it is probable he could only have meant, that such a thing was equitable, or that it might have prevailed in some other countries subject to the Pope. It should be remembered, the constitutions of Ethelred were made in the 11th century, and this John de Athon lived in the 13th. Lindwood merely echoes the words of John, as may be seen in Mr Hale.

stand when we are told, that *a third part* of the Tithes is to be given to God's Ministers? We have seen, that the canon in question, (and in all probability every one of the other documents referred to,) was intended to affect those monasteries or individuals to whom Tithes had been appropriated. In this case then, by *God's Ministers* must have been meant the Parochial Clergy, their Vicars. Now, it is a remarkable fact, that one of the laws of Cnute commands that if a Thane have a Church in fee, and this have a cemetary, one third portion of the Tithes shall be assigned to the *officiating Minister*.* And in Ireland, to this very day, this custom is found to obtain, i.e. the Vicar takes one third portion of the Tithes, the Impropriator the other two.† Shall I then be far

* Wilkins's Saxon Laws, p. 130. By "propriarum decimarum," I suppose is here meant, Tithes which he possesses as his own, or, which is the same thing, appropriated Tithes. See Selden's Hist. col. 1190. Fol. Edit. But col. 1127 he tells us, that "all the maintenance of the incumbent was at the bounty of the monasteries' allowance."

† "In some parts of Ireland the Bishops had one quarter of the Tithes, but then, it should be remembered, that the remaining fourths were divided among the Parson and Vicar of each Church; and that when the Bishop took one-third, as in Derry and Raphoe, then the Herenach took two-thirds of the temporalities, and the Parson and Vicar two-thirds of the Tithes, the mode of dividing Tithes between the Bishop, Parson, Vicar, and Herenach, differing in several dioceses, but in no one any trace being perceivable of any ancient right of the poor." Hale's Essay Part II. p. 47. See also Note to p. 50. where we may see, that however the

from the truth in supposing, that the canon in question spoke of the Parochical Vicars, when it directed, that *one third part* of the Tithes should be appropriated to *God's Ministers*?* I think not. But, in some cases, as it is well known, the monasteries so circumstanced paid stipends in money to their Vicars; and, in others, gave them what are usually termed the *small Tithes*, for this their third part; and, in all, made this portion just as great or as small, as they themselves thought proper.

It may be thought, perhaps, that the canons required such Tithes to be *equally* divided, and these three parts, to be *equal third parts*. I have no doubt, that your argument, dear Sir, requires this, as does the reasoning of all those who have written or spoken on your side of the question. Yet, I think I may say, this is more than you and they put together can prove ever took place under this, or any similar, constitution. In the early times of christianity, when the four-fold division was in use, nothing like an equal distribution of the parts could have obtained in practice, or indeed was ever divisions varied, *one part* was usually assigned to the Vicar, as the officiating Priest. But, that this could be no *exact third or fourth*, part, is evident from Selden's account of appropriations and infeodations of Tithes, where it appears, that the monasteries, as impropiators, gave just what they pleased to the Vicars; and, that the Papal decrees justified them in this. Hist. Chap. VI.

* See your own citation from Degge p. 30. supra.

thought of. Nor is there any thing like a shadow of proof to be met with, as far as my reading goes, that any such thing was ever practised under the three-fold division. When, therefore, the monasteries took *one third part* to themselves under the designation of *God's poor*, and on the condition that a portion of this should be bestowed on *the servile poor*; and, again, when they covenanted to give another third part to their Vicars, and another to the repairs of the Chancels, it is just as evident from the nature, as it is from the history, of the case, that an *exact third part* was never meant: and the same must be true of the Impropropriators of Tithes who succeeded them; and, in a great measure, of the Rectors of Parishes, if we suppose these canons ever affected them.

But there is still another light, in which this question may be viewed, and which will conduct us to the same conclusions. I have shewn in my last Letter, that all tenures were originally held under the king, as lord paramount. It appears also from the grant of the Tithes made by Ethelwulph, (pp. 57, 58.) that these were to be held in *perpetuum*, and "*in puram et liberam Eleemosynam.*" This sort of tenure, you are probably aware, was termed after the conquest "*Frank Almoigne,*" i.e. *Free Alms.* Of the general tenure, so

called, however, there were, according to Bracton, several specific kinds.* But, as our question is conversant about parochial Tithes, we need insist upon one only, viz. that which respected the particular tenure, under which these were held by the Rectors of Parishes.

This, then, according both to the terms of the original grant, as formerly cited by me, and also, as explained by the ablest lawyers under the feudal system, was held free of all services whatsoever, except those specified in the grant, such as prayers, and other duties enjoined on the parochial clergy. No taxes either for the support of the state, for repairing roads, bridges, fortified towns, or even for the relief of the parochial poor, were exacted, or to be exacted, under this tenure: while Feudal lords, and even the monasteries, the former holding *in capite*, the latter, either in Barony, or under a less free sort of Frank Almoigne,

* I mention this, because I find Blackstone speaking in his law tracts (p. 209) and citing Bracton, as if there was but one. Bracton says, however, Tract, v. lib. iv. c. i. "Videndum est imprimis;"...*"de qua libera eleemosina"* plainly intimating, that there is more than one. And again, in the very next sentence to that cited by Blackstone (Tract, i. lib. iv. c. 38. not 28. as cited by him) "Item est tenementum datum in liberam eleemosinam rectoribus Ecclesiarum, quæ pura est et libera, *et magis libera et pura.*" This is said in contradistinction to what he had already said of this tenure in the persons of Abbots, Priors, and the like. See also Note at p. 9. of Mr Hale's Essay, Part. II.

were compelled to perform all these services, and in every instance, in which there was not some specific ground for exemption, both were forced to pay their Tithes to the Parish Rectors ; and, when the Tithes happened to be appropriated, they were then to pay one third portion, in one way or other, for the support of their Vicars, another for the repairs of the Chancel, and to bestow something in alms on the Parish poor. Littleton and, after him, Sir Edward Coke, terms this latter sort of Frank *Almoigne*, "*God's service*," in contradistinction to that under which the Parish Rectors held. I am most willing to allow, that, although the law as it then stood, could not compel the Rectors to support the Parish poor out of their Tithes, it was, nevertheless, understood, that they would act liberally in this respect : and, I will further allow, that whenever they refused or neglected to do so, it was the duty of the ordinary to admonish them of this, and even to enforce the expenditure of such a sum of money annually in alms, as should seem reasonable to him. But then, the parochial poor were not the only objects had in view ; travelling Preachers (monks probably from the monasteries) were also to be supported as well as such other strangers, as should appear to be real objects of charity. And I think, there can be no doubt, that it was to sup-

ply means for keeping up this system of liberality, that monasteries and other Impropriators were compelled, by the tenures under which they held the Tithes, sufficiently to endow the Vicar, and to give certain sums annually towards the support of the parochial and other servile poor.

I shall maintain, therefore, until you shall have shewn the contrary, that the *third parts* mentioned in the constitution of Ethelred above adverted to, were not *exact third parts* of the Tithe in any case, nor ever intended to be applied in any thing like the sense contended for by you, supposing it was ever acted upon at all. If I am wrong, you can of course refute me; and this I challenge you to do. Until this be done, however, which I suspect will not be soon, I shall affirm, that all the assertions, affirmations, conclusions, charges &c. &c. grounded on these documents, and found either in your "Concise History," your "Brief Inquiry," or your "Strictures," are groundless and futile. Most willingly, indeed, will I allow, that the Parochial Clergy are in conscience bound to keep up hospitality with their richer neighbours, and to give alms liberally to the poor. This, I think, whatever the Law may say on the subject, is so evident from the spirit of the gospel, that I know not how any man can excuse himself who thinks or acts otherwise. To all, therefore that Sir Simon

Degge, or any other person has said, in recommendation of this virtue, I give my most cordial assent, and hope I shall always be found ready and willing to act up to its spirit. But when you say, or insinuate, that the Clergy, either Rectors or Vicars, have been great gainers by the non-observance of these ancient constitutions and laws, I must tell you that the whole is untrue. Under those constitutions the Clergy were liable to no taxes whatsoever, except those already specified. They are now liable to the king's taxes and the poor rates, in addition to all those enjoined either by the letter or spirit of these constitutions. Nor are the Vicars, who were exempt then, exempt now in any case, if we except the repairs of the Chancels. So that, the truth is, were these ancient constitutions and usages restored, the Clergy would in every case have a large accession of income. It would be in their power, particularly the Vicars, to double and perhaps triple their alms to the poor, their subscriptions towards the support of Parish schools, and to other objects of religion and charity, to which now they can give but scantily; and to bring up their families with prospects equal perhaps to those, with which a mechanic or manufacturer can bring up his.

When you appeal to these ancient constitutions and canons, therefore, you do, unwarily

perhaps, that which militates most strongly against your professed object, which is, to deprive the Clergy of what you elegantly and feelingly term "spoils." But this, among other such things, I leave to be reconciled, in your next "Strictures."

The next sentiment I have to examine is given in the following words (p. 29.). I had said that the grant of Tithes, made by Ethelwulph, was made to the Church of England, and not to the Church of Rome. "I wonder," you say, "What the English Church was to the time of Henry VIII. if not a branch or member of the church of Rome." I answer, I wonder how you could have given utterance to so absurd a sentiment. If you will look a little more attentively into your Bible, you will find that neither the Church of England, no, nor yet the Church established in any country out of Italy, was ever really *a branch or member of the Church of Rome*. I am very well aware, that the Popes and hierarchy of Rome made such a claim as this; but then the claim was groundless: and, I also know that the British Bishops in the earliest times, and even after the times of Austin, resisted this claim: that in the times of Ethelwulph, it was but very partially acknowledged, and hence were retained the terms, *the English Church* (*Ecclesia Anglicana*), distinctive of its

entire independence.* Would it not have better become a Dissenter of the reformed Church of England, to have said, *I wonder what the Church of Rome was in England before the times of Austin*:—what after his times, without any real ground of claim to any sort of jurisdiction,—what now, when that mystery of iniquity has been seen through, and put down. Drs Doyle and Lingard will thank you, no doubt, for the ground you have now taken as a Dissenter; because, you may be cited as the first since the reformation, who has been bold enough

* I find too in a statute of Ed. III. as cited by Mr Hale, Essay part II. p. 18. the terms, “Whereas *the Holy Church of England* was founded in the estate of prelacy *within the realm of England*...to inform them of the law of God, and to make hospitalities, alms, and other works of charity...and certain possessions as well in fees, lands, rents, as in advowsons, which do extend to a great value, where assigned by the said founders, to the prelates, and other people of *the Holy Church of the said realm*. &c.” And again, in another of Rich. II....“Our lord the king hath perceived...how the churches,...and other benefices of *his realm*...solemnly and devoutly ordained and established of *the ancient progenitors of the king*...to the intent that the same benefices should be given to honest and meet persons *of the realm*, to serve and honour God diligently, and to keep hospitality, &c.” Here, I say, in the darkest of Catholic times in this country, not a word is said about the Church of Rome, Romish Priests, or any thing of the sort. The Church of England, within the realm of England, and as endowed by the kings or nobles of England, is the only matter mooted, and this to shew, that the honour of God, and the good of man, were the sole objects had in view. Nor, in the times of Ælfric, as noticed above, was the doctrine of *transubstantiation* generally held in England. See also Soame’s Bampton Lectures. I am indebted to a friend for this last information.

virtually to concede one of the most important and ill grounded of Roman Catholic claims.

For your next attempt (pp. 29—35.) to shew, that the Tithes originally given to the Church of England, and now possessed by it, properly belong to the Church of Rome, these good Drs would also thank you, were they not too well trained in the arts of controversy not to know that the whole is a fallacy. You adduce a case, adjudged by Lord Eldon, in which a Dissenter bequeathed his property for the furtherance of the Gospel, without specifying under what particular form. Lord Eldon's judgment was, that this property ought to be applied in accordance with the creed of the Testator. The grounds of this judgment are obvious. The Testator was a Dissenter: and it was unreasonable to suppose he would bequeath property for the furtherance of the Gospel under any creed not consistent with his own. Lord Eldon, therefore, gave a very proper judgment: and the case is applicable to all similar bequests. But, I want to know, in what way this can be applied to the grant of Ethelwulph. Ethelwulph at the head of the state gave this wealth to *the Church of England*, for the maintenance of the service of God, generally. But Ethelwulph was no Dissenter; nor were there any Dissenters at that time in England. There were, therefore, no

rival parties to make the meaning of this grant doubtful. It is true the Church was then beginning to adopt certain Roman Catholic practices: but, as the wealth was given for God's service expressly, you cannot argue that, when it was afterwards discovered by the members of that Church that these were errors, this wealth ought to be applied to the maintenance of such errors, in addition to others of a similar sort, exclusively. Lord Eldon's judgment, which you have cited, was formed on no such grounds as these. I must conclude, therefore, that your case is not in point: that it bears in no way whatever on the question before us: and consequently, that the Tithes so granted ought for ever to be applied to their original and genuine object, the service of God, and the maintenance of true Religion.

As Lord Eldon's judgment on this case is not in point, you will excuse me if I now give you the judgment, not of a case in point merely, but, of the very case itself here at issue, by a much greater law authority than Lord Eldon. It is the judgment of Sir E. Coke on a certain part of the text of Littleton. "Since Littleton wrote, the Liturgy, or Book of Common Prayer, and of celebrating divine service, is altered. This alteration notwithstanding, yet the tenure in frank almoigne remaineth; and such prayers and such divine

service shall be said and celebrated as now is authorized; yea, though *the tenure be in particular*, as Littleton hereafter (§ 137.) saith, viz. *a chaunter une messe, &c. or a chaunter un placebo or dirige*, yet *if the tenant saith the prayers now authorized, it sufficeth*. And as Littleton hath said before, in the case of Socage, the changing of one kind of temporal services into other temporal services, altereth neither the name nor the effect of the tenure; *so the changing of spiritual services into other spiritual services, altereth neither the name nor the effect of the tenure*. And albeit the tenure in frank almoigne is now reduced to a certainty contained in the Book of Common Prayer, yet seeing the original tenure was in frank almoigne, *and the change is by general consent, by authority of Parliament, whereunto every man is party, the tenure remains as it was before*." Hale's Essay, Part II. pp. 8, 9. I think it probable, that if you had seen this before your "Strictures" went to press, you would have been less urgent in favour of the pretended claims of the Popish Clergy.

When you say, (p. 31) that these were grants made "*for the service of God under a particular form*," by which you evidently mean the *whole* Roman Catholic ritual, I must object, and tell you, that you are "travelling" very far "out of the record." I must also tell you,

that you have not proved, and cannot prove, that the Tithes were ever the revenues of the *English Romish Church* exclusively, although masses for the dead may have been enjoined in the grant. State property certainly differs, in some respects, from the property of individuals. Ethelwulph granted these Tithes, as I have already said, as head of the State of England. Now, the state has ever exercised a controul, and, I believe, has a right to exercise it, as to the particular modes in which such property is to be applied, provided the main object of the original grant be not contravened; although it has no right to resume it. Hence, in Royal foundations, letters patent have often been granted, dispensing with certain statutes, when it has appeared, that the will of the Founder would be more effectually complied with by adopting the new, than by retaining the old, statute. The reason for such dispensations seems to be this. Of the main intention of the Founder, there generally can be no doubt: and there can be none, that he might have been mistaken in speaking on particulars. Some particulars, therefore, may justly be dispensed with, when it is clearly seen, that the general and main object is promoted by doing so.

Your case of the shipwrights' widows of Bristol, will enable me to illustrate this. You suppose, that, if no such shipwrights should

exist, as would satisfy the express words of a bequest made to them, then recourse must be had to analogy; and others may be allowed to partake of the bounty. So far I allow your case. But I affirm, what you indeed have allowed, that it is unsuitable to our question. Why then, dear Sir, did you propose it at all? I think, however, it may be so proposed as to suit the case in question. Suppose then, that in ancient times, certain estates were bequeathed for the purpose of providing vessels for our Navy. And suppose it had been particularly expressed, that such vessels, in order to have the benefit of this bequest, must have so many benches of oars, and, of course, a specific number of men to work them. Now, I ask, would the state be compelled for ever to construct such vessels as these, because the deed had so expressed itself? And could a company of shipwrights, professing to construct such vessels, lay the only good claim to the proceeds of these estates? But suppose, further, (which will exactly suit your Roman Catholic case,) that this company, notwithstanding its ancient and imposing pretensions, constructed bad vessels; that they were unsound and often went down, so as almost universally to make shipwreck both of the cargo and passengers entrusted to them: and, suppose, in addition to this, that the whole had long ago been discovered

to be a system of deception, of lying and fraud, invented and kept up by a party of wicked and designing men. Are we now, I ask, to argue that none but this company could lay a good claim to the rents of these estates? Nothing surely can be more monstrous; and yet this is virtually the thing for which you are contending!

Having, then, so far dealt with your several positions, I shall now briefly notice your recapitulation. At page 35 I am told, that “this title,” viz. the grant of Tithes made by Ethelwulph, I have laboured through forty pages to substantiate, but that you find it “not even noticed by those who stand high in the Church of England, &c.” For a refutation of this, I refer you to what has now been said, which must more than satisfy you. Next, as to the quadripartite and tripartite division of Tithes, it is said, “surely, after the authorities cited on this head, my friend will not persist in maintaining, &c.” I answer, It has been shewn, that not so much as *one authority* has yet been adduced by you to prove, that any such division as you contend for ever prevailed in any Church, much less in the Church of England. In the last place, I am told, that I must and will bow to the doctrine laid down by that able lawyer—the Earl of Eldon: and if I do, I am bound to acknowledge that the act of Henry VIII. was an act of violence and spoliation; as admitted

by Blackstone* and others, &c.” I answer, in the first place, I have shewn that the judgment of the Earl of Eldon has nothing whatever to do with the matter at issue. I am not, therefore, bound, on its account, to acknowledge either one thing or another about any act of Henry VIII. nor can I see, why I am called upon to pronounce any opinion on the acts by which Henry dissolved the Monasteries; our question being solely on the origin, &c. of the parochial Tithes.

If, indeed, the parish poor were generally made sufferers by this act, they received compensa-

* What part of Blackstone you allude to, I know not: but I do find Blackstone saying, “The poor of England, till the time of Henry VIII. *subsisted entirely upon private benevolence*, and the charity of well-disposed Christians. For though it appears by the *Mirrou*, (c. 1. § 3.) that by the common law the poor were to be “sustained by Parsons and Rectors of the Church, *and the parishioners*...yet till the statute 27 Henry VIII. c. 25. I find no compulsory method chalked out for the purpose...The Monasteries were, in particular, their principal resource.” Vol. 1. p. 359. Hale’s *Essay*, p. 36. And, it is worth while to add, to what has been given by Mr Hale, that John de Athon in his comment on the constitution of Othobon “*de institutionibus &c.*” after shewing that Rectors and others hold not Church property as their own but for the common good, determines, “*et si qui supersunt, non sunt proprii sed communes indigentibus et pauperibus erogandi.*” He does not determine that it is legally or canonically any specific portion. But what is still more remarkable, this Lawyer also determines, under the constitution “*de residentia vicariorum,*” that these alms are not to be given to the parish poor exclusively. He thinks, however, that one’s neighbours have the first claim, “*nisi extranei magis indigent.*” The nobles and people are also commanded to give alms. *Wilkins’s Sax. Laws*, pp. 86, 149, 191, 193. &c.

tion in the poor-rate act, which was afterwards passed by Elizabeth; and which eventually bore upon the parochial clergy, so as to extract from their incomes a very large proportion of the relief thus obtained; but, took less, perhaps, from the lay impropiators, as such, than was their equitable share*. The parochial Clergy, therefore, were not gainers either by the one or the other of those acts; but were losers by both. It is a mistake, however, to suppose, as you seem to do, that the parochial poor were ever wholly supported, either by the parish Clergy, or the Monasteries. For, in some of those ancient constitutions, to which you are so apt to refer, the Clergy are called upon to admonish their hearers, to be

* If you will take the trouble to look into Mr Hale's Essay on the division of Tithes, part II. pp. 21—32, you will find proof positive, that the Monasteries were far less liberal in bestowing alms on the poor, than you are willing to have it believed. I myself have great doubts whether they amounted, on the whole, to any thing like the sums now contributed by the parochial Clergy. In the first item occurring, I find four appropriated Rectories, worth an annual income of £199. 7s. 5 $\frac{3}{4}$ d. Out of this sum, £1. 19s. was distributed in alms. That is, *not one hundredth part was given*. Now, I have heard of a Vicarage, which is thought to be a good benefice, from the otherwise clear proceeds of which, the poor do, in one way or other, annually receive a sum amounting to *more than one fourth part*. If you doubt the truth of this latter statement, I think I can obtain a copy of the particulars for you. I will not say, that in all instances, the alms of the Abbeys, &c. were so low, as here stated, nor the outgoings of Vicarages so great; but I think I may say, that in all cases the parochial Clergy pay a far greater proportion of their revenues towards the support of the poor, than the Monasteries, &c. ever did.

liberal in bringing to the Church the alms for the poor : and facts have been adduced to shew, that parochial and other provisions were made for the relief of the poor, quite independent of that expected from the Monasteries, or from the parochial Clergy, long before the time of Henry VIII.*

To sum up the whole of this argument. I have shewn from documents of the most unexceptionable character, and from the testimonies of men, confessedly the most learned and judicious on this subject, that the historical accounts of the grant of Tithes to the English Church by Ethelwulph are worthy of all acceptation ; and that he who doubts of this, can receive the testimony of no ancient historian or writer whatsoever, either sacred or profane.

I have shewn, in the second place, that from all the historical evidence hitherto produced, and I will add, that can be produced from documents hitherto made public, no conclusion can be drawn to shew, that any such quadrupartite, or tripartite, division of Tithes as that which you contend for, ever obtained in this country. I have also shewn, that the documents cited by you have either been misunderstood, or misapplied ; and, therefore, that no reliance can be placed on the conclusions which you have deduced from them.

* See Mr Hale's Essay, part 11. § 5, 6.

And, lastly, I have shewn, that the cases adduced by you to prove, that these Tithes are now due to the Clergy or the Roman Catholic Church, are quite beside the point, and futile.

It is true then, after all, notwithstanding the assertions of your Society, in their "brief statement" to the contrary, that these Tithes were originally voluntary contributions and nothing more, made, by those who had the power to make them, for the purpose of honouring God: and, therefore, that they are perfectly of a piece with those voluntary contributions made by Johanna the wife of Chuza and others, for the maintenance of our Lord and his Disciples during his ministry, and not unlike those afforded for the support of the Apostle Paul, during his arduous and multifarious labours: and, consequently, that they are not contrary, but agreeable, to Scriptural usage.

It is also true, whatever your "brief inquiry" may contain to the contrary, that Ethelwulph was, at the head of his state, and with the concurrence of his nobles, fully competent to make this grant. And it is likewise true, maugre all that your "Strictures" either affirm or insinuate, that the documents from which this information has been collected, are both authentic and genuine, and could not possibly have been forgeries of the Cloisters. What you may hereafter produce, in the new attack on the Church

of England threatened in your Strictures, it is quite impossible for me to say; but sure I am, that in this, carried on through the Tithe-system, you have experienced a most complete failure in every step of your course. You may, indeed, have satisfied yourself and a few of your immediate friends, that all this has been done for the pure love of truth, and for the furtherance of the everlasting Gospel. No impartial reader, however, can ever come to such a conclusion.

One word on the case of conscience, advanced in the "Brief Statement" of your Society, and in the "Concise History" by yourself. It is affirmed that Tithes cannot, on Scriptural grounds, be conscientiously paid. I have shewn, that they are mere temporal provisions, given, not by the Church either of England or of Rome, as such, nor with immediate reference to any doctrine of the Gospel, but, as voluntary contributions, *in puram et liberam eleemosynam, pure and free almonry*: to be held in consideration of divine services done; and for the promotion of good neighbourhood, by the exercise of hospitality towards the rich, and of alms-giving and other assistance afforded to the poor. They have, therefore, constituted matter, first for Royal grant, and afterwards for Parliamentary regulation. Their payment has been provided for, by fixing a sort of rent-charge on

the land; which land has, ever since the grant was made, been voluntarily bought, sold, or occupied by leasehold or otherwise, at a reduced price, in consequence of this charge. This has been discussed and allowed. These Tithes are, therefore, matter *of temporal arrangement purely*. They have never yet entered into any article of faith, nor can they, any more than the rate of rental of such lands, or the taxes imposed by Government can: and you might as well attempt to make the contents of your lardour, your warehouse, or your purse, matter for questions of conscience in religion, as you can these or any other such temporal arrangements whatsoever. And, as I have shewn that the claim is ancient and good, and further that the Tithe-payer is a gainer and not a loser under it, I maintain that the complaint which you have set up and circulated, is groundless, deceptive, and calculated, if listened to, greatly to injure those whom you profess to befriend, the Tithe-payers and the poor of this country.

Having dismissed our main question, then, I may now notice a few of those passages occurring in the early part of your Strictures, which, hitherto, I have passed over. In page 4, a passage is cited from my first Letter, in which I said, that your Body, i. e. the Friends, “appear never to have made the Holy Scriptures their study, and are not re-

markable for soundness of mind in other respects." You then proceed to tell your reader what this negative mode of expression must necessarily mean. But this, as you had already noticed it, you seem to say might have been borne, had I not bestowed another characteristic on your Body, in my Second Letter. My words are then cited, thus: "Political feelings have had more to do in raising these objections and complaints, than any real desire for the advancement of truth either religious or moral." I must remind you here, my dear Sir, that you have given a garbled extract from my Advertisement, and one too, which misrepresents my statements. My words are, "*I am afraid, however, that political feelings, &c.*" not directly, as your extract gives them.—This, I must say, is as unfair, as your comment accompanying the other extract, is unnecessary and unforbearing.

But, taking the assertion in the extent which you have given it, let me ask you, Is it too much to say, that Tracts written professedly on the nature and effects of Parliamentary enactments, and on a question "likely soon to become a subject of Parliamentary discussion and adjustment," are not political? Is it affirming too much to say, that "political feelings have had more to do in raising these objections and complaints, than any real desire for the advance-

ment of truth either religious or moral?" Is it too much to assert, that, from your own shewing, human policy, and human policy alone, is at the bottom of all this; and, that the party putting it forth, is infinitely more intent on the things of this world, than on those which are of a purely spiritual nature?

I know full well how anxious you are to have it believed, that the appointment of Tithes-payments is so closely connected with the Christian Religion, that no Christian can conscientiously accede to it. This, if I rightly understand you, is the main drift of all your arguments, as well as of those published in the "Brief Statement" by your Society. Yet you say (p. 26.) of your "Brief Inquiry:" "It may not be amiss to remind the clergy of the Church of England, that as they derive *their authority for enriching themselves with the spoils of the Church of Rome ENTIRELY from an act of the British Parliament; so, an act of the same Parliament, may, at any time, entirely deprive them of these spoils.*" Now, not to insist on the groundless character of this statement, will any man tell me that this is not altogether political? Do we find any thing like it in all the Prophets, Evangelists, Apostles, or of our Lord himself, in their or his efforts for the furtherance of his *spiritual* kingdom? If, indeed, Acts of Parliament, and the Acts of the Apostles,

Prophets, &c. have, after all, precisely the same bearing and object; then is Christ's kingdom of this world, notwithstanding all he might have said to the contrary; and then may we combine God and Mammon; and light and darkness shall henceforth know no distinguishing boundary, but all shall amicably amalgamate for the temporal and spiritual welfare of mankind!

When you have duly considered this, I think you must grant, that political feelings have had much more to do with your arguments and objects, than you have been willing to allow.

But, when you make me to say, that your Body are "political intriguers under the hypocritical mask," &c. &c. You go very unnecessarily out of your way, and make an effort to enlist into your cause all the worst feelings both of your own Body and of others. I have distinctly and repeatedly allowed, that your Body is *highly respectable*. This I shall always allow. I must, at the same time, say that I cannot, therefore, allow that they are remarkable for soundness of mind. This I can allow to no Body who suffers itself to be schooled in the principles of Barclay:—principles which, I think I can shew, have been extracted primarily from the writings of Aristotle, and secondarily from the School-Divinity of the dark ages. You

must not, my dear Sir, take fire at this: I say it more "in sorrow than in anger:" and to warn you of your danger, not to offend you.

The Scriptures cited by you at pp. 10, 11, I must say, are, as on former occasions, misapplied. I have no wish for the advancement of worldly learning except for the furtherance of religion and of real knowledge; not in opposition to these. I do think, however, that those, who are teachers of Religion, ought to *Study to shew themselves approved of God, workmen, that need not to be ashamed, rightly dividing the word of truth*; and, that for this purpose, they ought, among other things, to "*give attention to reading.*" In this respect, we cannot, perhaps, be too learned. Our knowledge in the matters of Revelation, cannot surely be too great; nor our prayers for the divine aid, effectually to apply this, too earnest, or too constant. To be "filled with all the fulness of God," and to be made to drink deeply into the Spirit of Christ, so as to have all joy and peace in believing, are I know, the great ends to be had in view, in our sojourning here. And, I must add, that while we labour to realize these things, for ourselves individually; to exhibit the genuine fruits of the Spirit, "Love, joy, peace, longsuffering, goodness, meekness, faith," &c. will constitute the only proofs to others, that our faith is well founded, and our

conversion real. I say this, to shew you, that when you virtually represent me as an advocate for mere worldly learning, you deceive yourself and wrong me.

I shall only say, in conclusion, that when your promised direct attack on the Established Church shall appear, in which you propose to shew that certain Orthodox Dissenters have a greater right to the Tithes, than its Clergy, it will be quite early enough for me to say, whether I shall be disposed to follow you or not.

And now, my dear Sir, having answered all your objections, and exposed most of your fallacies, I remain,

Your's very faithfully,

SAMUEL LEE.

