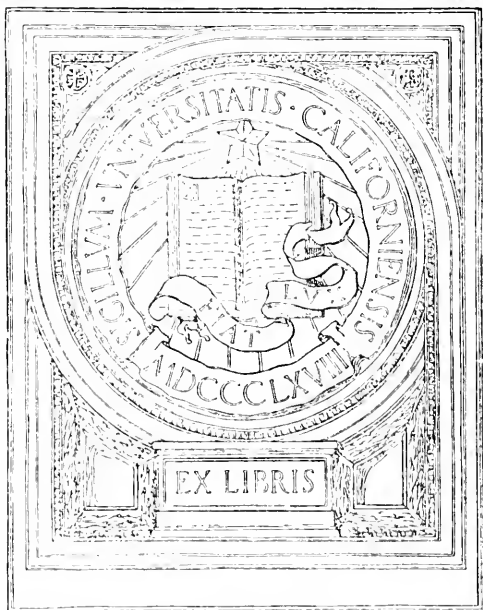
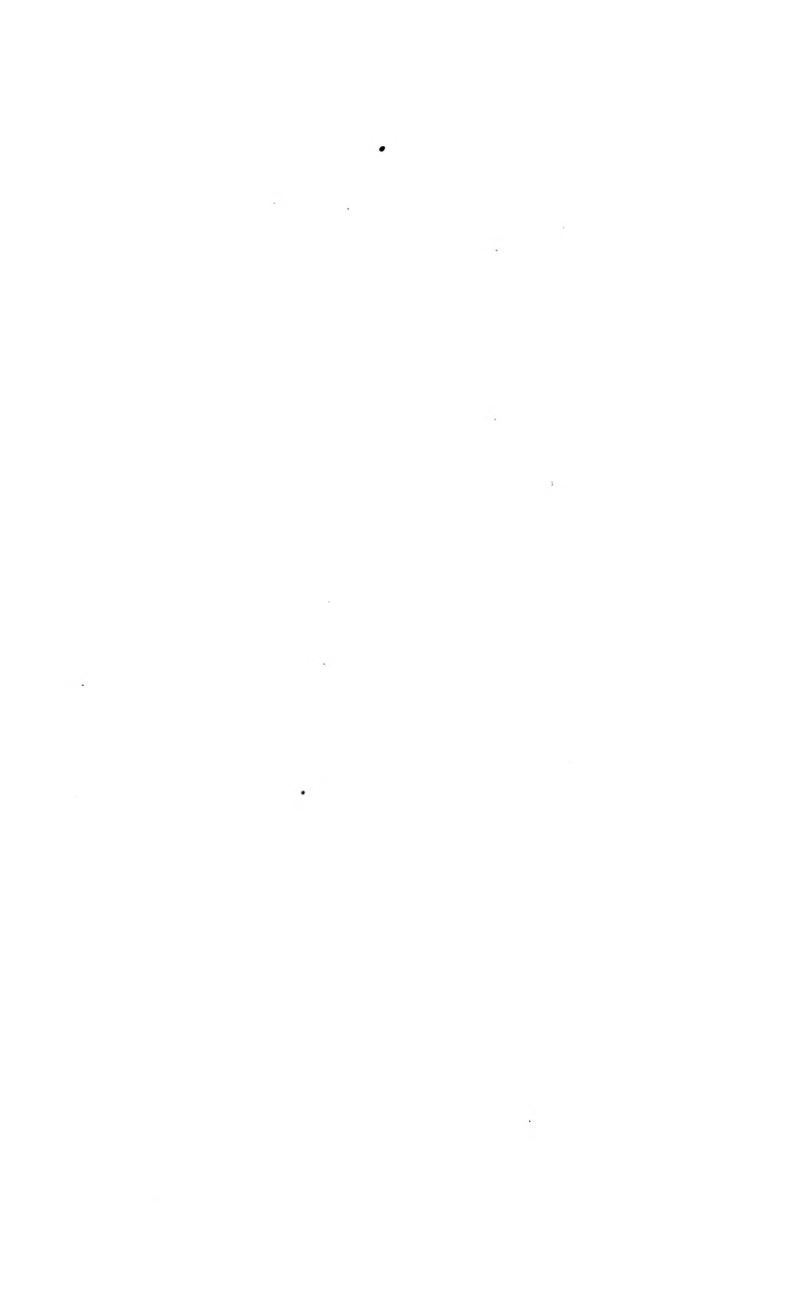


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STUDIES IN THE HISTORY OF
ENGLISH CHURCH ENDOWMENTS



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STUDIES IN THE HISTORY OF ENGLISH CHURCH ENDOWMENTS

BY

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PREFACE

THE studies in this volume have no pretensions to completeness. The documents which have been selected to illustrate them represent as far as possible the normal development of the Church on its material side; but even in these it will be seen that the extension and use of its temporal possessions exhibit rather an unwieldy and unchecked growth than a development which is pruned and trained to a definite end, such as the necessary support of the ministry and the putting forth of fresh ventures.

The original records are, in any case, very scanty, and as a rule introduce us to a system which has already been at work for a long period. To trace beginnings from such documents must always be beset with pitfalls, and only a few general conclusions can be arrived at.

The intention of the studies is to account for those conditions and features in the organisation of our Church which still survive. No mention has been made, therefore, of the peculiarities of the Celtic districts, such as Wales and Cornwall, or of the northern border lands, or of the East Anglian or Danish districts, but rather of the regions where the customs which eventually prevailed had their

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inception. Very little has been said about the monastic system, except so far as it was interlocked with the parish churches. And even less has been said about the chantries and other similar institutions which appeared as a temporary exerescence in the later middle ages.

The Church of England, so far as its ancient endowments are concerned, is a shattered wreck of its former self, and it needs to have applied to it a strong policy of consolidation.

If this were done, it would provide a great stimulus to the voluntary gifts which flow in now more freely than perhaps in its history before. We are apt to praise the piety of our forefathers in the munificence of their offerings at the expense of our own age; but if they are to be measured by the sacrifice involved, there is doubtless more on the part of those who live quietly that they may have the means to supply the needs of the Church as they are felt, than with those who made a grant of a piece of waste land, which the good management of the church lords made profitable in the course of centuries. At present, the unevennesses and injustices of the distribution of church revenues and patronage are the real hindrances to the proper support of the regular ministry. If this volume, which was ready before the great war began, can do anything towards the wise removal of present anomalies and distress its object will be fully attained.

J. K. FLOYER.

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STUDIES IN THE HISTORY OF ENGLISH CHURCH ENDOWMENTS

CHAPTER I

THE CHURCH LAND-BOOKS

ORGANISED Christianity began in England through a series of institutions which we group under the head of monasteries, but which partook more of the character of mission stations or schools in connection with the bishop's household. And from such institutions directly under the control of the bishop, the advance was very rapid to others not connected with the bishop's seat, all of which became little islands of Christian life and worship independent of each other, not following exactly any of the great monastic rules, varying in character and in their influence upon their surroundings, some founded for men only, others for both sexes, some for women only.

But the rapidity of the spread of these monasteries is a little remarkable, for they were well endowed from the first, and it becomes worth while to inquire how the immense response to the preaching of the Gospel so quickly took a practical form in the pro-

vision of large tracts of land for their support. Bede tells us of the great pioneer saints and preachers and their successes and failures, but tells us nothing of the process by which the enormous areas of land were placed at the disposal of the Church. Fortunately, a good many of the foundation charters are still preserved, that is, about twelve hundred of different kinds previous to the Norman Conquest, and though many of these are spurious and many others relate to the same properties, enough are genuine to trace the ordinary process.

These charters are generally known as land-books, that is, documents whereby the King, with the consent of his witan or nobles, grants to some abbot a large or small estate of land.

Sometimes the foundation or support of a monastery is directly mentioned in these, sometimes it must be taken for granted from the preamble, which says that the grant is made for the love of God, and for the benefit of the giver's soul. The charters generally end by an anathema of those who should alienate the land from the purpose for which it was given; sometimes the boundaries of the estate conveyed are mentioned, and generally that it is to be freed from all services except those known as the "Trinoda Necessitas," that is, military service, repair of fortresses, and furnishing provisions in time of war.

The land is not mentioned as the land of the people, but as the land of the King, and the grants are absolute, that is, with no reversion, even supposing the anathema be disregarded, and bishops are

generally among their witnesses. If these grants are taken as a whole, it becomes clear that there are two beneficiaries, the abbot or thane, to whom the grant is made, and the monastery or church which is to be founded. If the founding of a church is not specified as the object of one of these grants, but the land is simply assigned to a thane, it is none the less for the Church, and the transfer is made to a thane who had power to name his heir, so that the grantee might be able to transfer the property either by a donation or by will. The issue of these land-books began in the empire of the Franks, where the object seems to have been to promote the establishment of a series of small Christian States or properties, thus binding small chieftains into a closer allegiance to the King, and at the same time giving them power to establish Christianity in their villages. The policy was carried on in England with the same object. The earliest known example of a benefice (as these estates were called) granted by a barbarian is Melun, near Paris, granted by Clovis¹ (481-96). But the land-book was not the only way in which land was conveyed and was probably provided only for large estates. Small estates of land could be conveyed to the Church in much the same way as folkland could be transferred, that is, in the presence of witnesses. If the giving and taking of a rod or some symbol of transfer before witnesses in the hundred court was sufficient title, it was enough to transfer property

¹ Palgrave, *Rise and Progress of the English Commonwealth*.

to a church, that a symbol such as a charter or turf or book should be offered on the altar, and declaration made to the congregation of the property or right conveyed by the symbol. It is not only that foundation charters of parish churches have not survived, except in very few instances, but probably for the most part they never existed. It is not supposed that absolute ownership was conveyed by the land-books, but only lordship, and with this the King's rights and dues. The King parted with what he had to give, and the abbot or thane received this and no other. Those who held their lands under leases or contracts; the freemen who had rights in their own tenancies; the common holdings of fields in the villages and in the hundreds—would remain as they were. No one would be dispossessed, but the payments formerly rendered to the King would now be rendered to the local lord.¹

In this way Domesday Book shows us how four Minsters, Worcester, Evesham, Pershore, and Westminster, became, before the Norman Conquest, lords of one quarter of the whole of Worcestershire, and of the triple hundred of Oswaldslaw as well,² altogether seven-twelfths of the whole county.

But it should be noted that the object of enormous grants such as these to churches and to local lords for founding them was not only for their financial benefit, but to give them greater control over the districts covered by the grants.

In Saxon days the country needed further develop-

¹ Maitland, *Domesday and Beyond*.

² J. H. Round, in *Victoria Co. Hist. of Worcester*. Vol. I.

ment, as it came to do in the eighteenth century. So much was folk land which involved rights of pasture, timber, pannage, etc., that more could not be enclosed or cultivated without a grant from the King and his witan. The foundation of a church or monastery therefore was the occasion of securing to the local lord and those who held under him the right to bring more land under cultivation, to grow sufficient food for the increasing population. These grants to thanes and abbots have received much criticism as having alienated land in perpetuity from the people of the country to enrich private land-owners; but, apart from the fact that the folk land never was the land of the nation,¹ the whole local community was enriched by the right being given to the lord to develop uncultivated lands. The tenant was simply placed under a local lord, who could be in closer touch with him instead of being immediately under the overlord.

The other beneficiary of these grants is the monastery or church. The rights which passed from the King to the local lord through them were the profits of the administration of local justice, known as sake, soke, and infangthef, and in most cases the King's farm, which was an annual due of provision or a right of victualling for so many nights for the King's servants and their retinue when on his service, or other rights such as those of holding markets and taking the tolls of them, and possibly forest rights and other powers.

¹ See Vinogradoff, "Folkland," in *English Hist. Review*, Vol. VIII. 1893.

The land passed by such grants to abbots for monasteries and to thanes for the founding of local churches with a right to the beneficiary to receive dues of provisions and money payments, and an increased area of land from which they could be supplied.

But the monasteries founded soon justified their existence. They no longer contained the world-shunning ascetic monks of the Irish mission, but as well as knowledge of the Scriptures, Greek, Latin, verse-making, music, astronomy, and even medicine were taught, and each was the central impulse of civilisation and enlightenment, of education and study, and in arts and crafts in their districts. Surely no institutions which could be devised could add more to all the real progress of the country, and in return for the results they promised and obtained, they were placed by the King in the high position of being free from secular service except the "*Trinoda Necessitas*."

It was this which soon excited the envy of the secular lords. In 694, at the Council of Bapchild,¹ it was decreed under protest that churches should be free from the control of laymen, which probably meant that the monasteries should be exempt even from the jurisdiction of the King's reeves, and with this began the continual struggle for supremacy between the Church and the secular lords, or between the Pope and King, which continued all through the middle ages.

But it has been noticed that there were two

¹ Bapceldense, now Beckenham, in Kent.

beneficiaries in nearly every land-book, one the abbot or thane to whom it was granted, and through him the community settled upon the lands. It is only what we should expect in a half-Christianised country that some thanes should wish to obtain the advantages of a land-book who did not wish to have a church on their land. The charters were marked with the crosses of bishops and clergy, and such crosses would not have been forthcoming to a purely secular grant. The movement had come as essentially a religious one, and the object was not merely to enrich and to give more power to the thanes, but to provide a general increase of wealth out of which the Church could be supported, and gradually to establish a Christian kingdom.

This conduct of the secular thanes gave rise to the false monasteries which are alluded to in Bede's letter to Egbert, about 741,¹ and in such documents as the Council of Cloveshoe of 747.²

The abuses were due to those thanes who desired only the rights without the obligations of a land-book, and assumed the character of abbots in order to gain the sanction of ecclesiastics. Having gained their object, they refused the visitation or control of the bishop, and kept houses which were given up to amusement and where no religious duties were attended to. And not only were false monasteries founded from the desire to obtain a land-book, but after having been founded, they were in many cases

¹ Ep. ad Egbertum, §7. Ed. Plummer.

² Gee and Hardy. *Documents Illustrative of English Church History.* 1896.

gradually and deliberately secularised by the thane claiming the right to appoint his own abbot without the intervention or institution of the bishop.¹ This often meant the promotion of one who was an ecclesiastic only in name. Such men may often have fulfilled the part of a landlord well. The development of the land, the promotion of secular arts, of agriculture and civilisation would not of necessity have been neglected, but the religious impulse which had been the cause of all the new opening up, and which was the only one which could bind the community together was wanting, and the religious houses were always lapsing, right up to the tenth century, when the Benedictine rule was introduced into houses of ordinary laymen and their families.

One of the great controversies which went on between the Church and the lay power or between the bishops and the thanes was this one of jurisdiction. Not only was the bishop's power to institute an abbot or parish priest questioned or ignored, but the abbots tended to become hereditary and the monastic property to pass by will or gift to one who occupied them as a lay estate, and kept no discipline. And these contending views about ownership, the thane looking to the secular benefit of the land-book and taking the whole profit to himself and his people, and the Church looking to the religious side

¹ The grant by Wiltred, King of Kent, about A.D. 697, alludes to the Council of Bapchild, where the thane's right of appointment was strongly asserted. (De Gray Birch's Charters.)

as the object for which the land-book was granted, continued all through the Saxon days, and reached their climax in the general secularisation of Church property after the Danish invasions, and paved the way for the monastic reform of the tenth century and the ecclesiastical legislation of the Norman Conquest.

CHAPTER II

THE RISE OF THE PARISH CHURCHES

WHEN the Church of England passed out of the stage of a series of monastic settlements, it put out its feelers into the country districts by preachers who went forth from the mother church to hold divine service at a cross or other place of gathering until there were converts enough to desire the rites of the Church, and a Christian burial ground apart from the pagan one. A church would next be built in which to hold the service for the dead, and the social life would gather round the church, the popular assembly of the village being held at the door.

At a further stage, when the village had its own church, and became a shrift district, the local thane paid an annual due to the monastery for the privilege of a priest to serve his private oratory or the village church, and such payments were known as pensions. But the management and control remained with the local lord. The thane was a small chieftain on his own estate. He held this position not merely as the largest landowner to whom the villans and other inhabitants had to

render certain services, but he was often a King's minister, and had both military and civil authority. He was, says Mr. Earle, the successor of the *gesith*, or local police officer, and the latter of the *comes* or original captain of the conquering invaders, to whom a portion of land was allotted with his band of followers. Only through the Saxon thane did his people fulfil their public obligations. It was for him to tell off the men who in the fortnight following the Rogation Days went out for military training or fird, for banking up the entrenchments of the fortresses, for renewing the palisades, and for building bridges. Within his own estate he was the hereditary president of a community whose interests were very closely locked together, and who were in most cases entirely independent of any other estate for the means of subsistence.

It rested, therefore, with the thane to hire the priest for the church which he built on his demesne lands, and to undertake his support, as soon as he became resident. The plan may have succeeded one which obtained in the heathen times, when a local chief would have his own temple which would be a source of profit to him, and give the priest what he pleased. The offerings in kind which would be made for the occasional ministrations of the Christian minister had to be regulated, and a proper fund raised which should suffice for all church purposes, of which the maintenance of the priest was the first charge.

The villages often resisted the pensions and dues paid to the mother church. Not only would it be

contrary to the intensely local feeling prevailing in a community so closely bound together in its social life, and so detached from the outside world, but it was an acknowledgment of the supremacy of the ecclesiastical lord or abbot, which the thanes were often very loth to make.

But on his own estates where his churches were founded the main ecclesiastical revenues were collected and paid by the lord, not by the priest. The offerings which were set aside for the Church¹ went to the thane's barn first from his demesne lands, then of the villenage, and out of these an allowance for the priest was made which was augmented by the altarage or offerings for services rendered, in which the priest also had his share, together with a number of voluntary gifts of perishable edibles, such as eggs, chickens, vegetables, etc., afterwards known as "small tithe."

When the transition was made from the occasional or missionary priest to the incumbent with his burial ground, and then to a fully equipped parish church, the local priest had to be incorporated as an integral member of the community. Every village already had several officials whom it combined to support for its own well-being. There was, for example, the blacksmith, who was needed to mend the ploughs, and the miller who was wanted to grind the corn, and the swine-herd to mind the pigs. There was no real difficulty in introducing another.

¹ Kemble. See *The Customs of Tiddenhams in Gloucestershire*.

For, in thinking of the social condition of a Saxon village, we must compare it with a country which has not reached its full development. There was the lord's house, and generally close to it was the church with its burial garth, the lord's demesne lands stretching away to one side; a few houses composed the village, and somewhere not far off were the common fields, in strips of an acre, cultivated in common by the teams which belonged jointly to the whole village and in which the lord also had his share. Skirting the village would be large common lands and woods, some of which would be newly cultivated as the result of the lord's land-book.

In the early Saxon days very little money changed hands in the villages. Work and food were the ordinary media of exchange. Just as the lord's dues were in this form, so also were the rights of the others who were supported by the village community. We who are unused to traffic in kind find it difficult to realise how such dues can be properly rendered. But it is not so in primitive societies. Dr. Johnson, writing in 1775, tells us that the payment of rent in kind was practised "very lately" in the Hebrides, and continued then in some of the other islands, and that the servants and dependants received a portion of land for their support instead of wages. Also that when a beef was killed for the house, particular parts were claimed as fees by the several officers or workmen, the head belonged to the smith, and the udder of a cow to the piper. The weaver also had his part, and sometimes so

many claims were put in, that in the end little remained for the laird.¹

In some such way as this would the priest receive his regular portion of the land and provision of the community. But after the time of the Danish invasions, we see the need of securing to the Church a proper maintenance in the sense of a portion of annual crops, such as corn, cattle and hay.

When tithes began to be levied regularly on a country estate, the rule became that the thane handed over to the mother church one- or two-thirds of the tithe of the corn crop. Whether this was an arrangement made in some parts of the country and not in others does not appear. Sometimes the thane handed over the advowson or right of presentation as well, preferring the mother church to choose his priest for him, and often having among the monks a relative who had gone to the monastery for his education. It is quite probable that the monasteries increased their dues in course of time from the parish churches.

In the thirteenth century we find in the churches belonging to the Worcester Priory, pensions and church seat paid to it, but in the twenty churches which were conveyed to this Priory before the tenth century, we find, besides, one- or two-thirds of the tithe in their possession.² There are reasons for supposing that the Worcester Register, which will

¹ *A Journey to the Western Islands, etc.*, pp. 262, 263. Some such rule seems to have obtained with regard to the partition of the sacrifices of the Old Testament. See 1 Sam. i, 13.

² See Appendix, p. 127.

be again referred to,¹ embodies very ancient customs, and that the dues are, except where it otherwise specifies, much the same as when the churches were handed over by the donors at the date given. We may perhaps take it that the entries of these twenty churches, which were all founded by laymen² and handed over in the eighth and ninth centuries, represent what took place at that period. The portion of the tithe which had been received by the local thane as his portion of the church fund was given to the Priory, another third remaining for the local priest.

It is suggested that the division into thirds corresponded with the Anglo-Saxon three-field system of cropping. The fields were divided into three sets of strips, which were cultivated in successive seasons with tilth or crop grain, etch grain for eating off the land, and in the third year the field lay fallow. For though the tithe is generally divided into three portions, the owners are one or two in number, there being no crop to tithe in the third year, but any one might turn cattle on to eat whatever grew.

By the ninth century more regular support was provided for the Church by formal enactments. In the Excerptiones of Archbishop Egbert of this date, it is ordained that to every church shall be allotted one complete hide (mansa) and that this shall be free from all but ecclesiastical services.

¹ *Registrum Prioratus B.M. Wigorniensis*. Ed. Archdeacon Hale, Camden Soc.

² Except two "ex patrimonio suo."

The priest was to be excused from the payment of tithe. In the laws of King Ethelred (978-1016), it is ordained that "every Christian man shall pay his tithe justly, always as the plough traverses the tenth acer." This may be understood that the tenth acre strip, as the ploughing was done, was marked for the church and the produce of it rendered to the church fund.

The tenth part of the produce of the land became then the standard set for the support of the church fund, following the Old Testament usage. The chapter from Malachi iii, and other passages, are often, at least in later days, incorporated into exhortations about the payment of tithe. But it is plain that if the church fund ever reached the standard of a tenth, it would become, as indeed in later years it did become, from a strictly parochial point of view, largely over-endowed. Take, for example, a village of a hundred families living entirely upon agriculture; a tenth of the produce would be equivalent to the support of ten families. Of this sum a third might be given to the local priest, who had in addition his house, garden, and often a little land and the altarage. It is quite possible that at first the tithe was not fully paid, and that in consequence only a small margin remained in the thane's hands for the other purposes of the fund, that is, for repairs, for the "ornamenta" and the upkeep generally, after the proportion of the mother church had been paid. But the seventh and first half of the eighth centuries were on the whole periods

of great increase for the church, in spite of occasional pestilence, or reversion to heathenism. The granting of so many land charters to the thanes for the enclosures and for building churches must have accomplished a revolution in the social condition and in the civilisation of the country. We see evidences of a definite style of church architecture evolved in these centuries, with the Roman remains taken as the standard, influenced and developed by oriental tendencies coming through the Irish missionaries. The sending out of such pioneers as Wilfred and Winfrith and their companions, to Frisia are also signs of a vigorous life, and the church history of Bede written before 735 is a marvellous record of the steps by which Christianity won its way and of the immense enthusiasm and zeal which characterised both the early missionaries and the new converts.

King Edgar's laws about 957, which were intended to enforce rights which were in dispute and not to create new ones, decree that "the tithes are to be rendered to the mother church to which the parish belongs, and shall be given both of the thane's land and the villan's land as the plough goes round. But if the thane has a church on his land, in which there is a burying ground, then from his nine parts he shall give to his priest what he will, and may hand over the church dues to the mother church from whatever land he will,"¹ and "if any thane will not give his tithe as we direct, the King's reeve, and the bishop's reeve, and the minster mass-priest,

¹ Liebermann, *Die Gesetze der Angelsachsen*, Pt. 3, 1903.

if asked, shall go and take the tithe which belongs to the mother church, and shall assign to him (the thane) the ninth part, and eight parts may be divided into two, and the lord shall take half, and the bishop half, whether it be a King's man or a thane." It is difficult to draw any sound conclusion from a law of this kind, of which we know so little of the background or the scope. But it certainly seems to point to the hundred court as being the place where disputes about ecclesiastical property could be decided. The King's reeve and the bishop's reeve are officials of the court whose duty it would be to carry out its decisions, and the persons concerned with the tithe were the mother church, and the thane's church, and what share each was to have. It seems to be an attempt to force the thane to give the control of the church fund to the mother church, instead of keeping it in his own hands. But whether this division was local or whether it referred to cases which arose at that time on account of other legislation, we are unable to say.

Mr. Page¹ brings a good deal of evidence from the Domesday Survey of 1086 to show further the proprietary character of the manorial churches, although the demand for a church must have come with the consent of the community. At this time there are numbers of examples where though a thane or lay tenant had many holdings in a county, there is frequently the record of a priest at one of them only, and that at the place where the tenant lived,

¹ "Some Remarks on the Churches of the Domesday Survey," *Archæologia*, 2nd Ser., Vol. 16.

and this became the chief church of the district unless others previously existed. It has been shown by several writers that from the mention or omission in Domesday Survey of the eleventh century of a priest or church, no conclusion can be drawn that a church did not exist.

Domesday was chiefly compiled for the assessment of taxes, and when a church is not mentioned it only shows that there was no church geldable as a separate unit, which means that in the central holding where the thane lived, the organisation of the church had developed further than on the distant estates, probably because his own revenues needed to be defined from those of the church, and so it was included in the survey.

A comparison of the twenty pre-Conquest churches already alluded to, belonging to Worcester Priory, upholds this conclusion. Only four of these are mentioned in Domesday as having a priest or church at all, and in these four only, the Priory register¹ mentions the existence of a parson, that is, a local person other than the lord, to whom the ecclesiastical revenues would be paid. In these four churches, then, those of Grimley, Sedgeberrow, Cropthorne and Overbury, which were founded by laymen, and so reckoned as manorial churches, a distinct estate had been formed according to proper ecclesiastical procedure, and they are reckoned in Domesday Survey. The priest of Domesday is not necessarily the parson, or "persona ecclesiae," but, at least

¹ *Registrum Prioratus B.V.M. Wigorn.*

in the country lordships, the mention of the church implies that a separate church estate had been formed.

After the Danish invasion the country went through a process of re-organisation in which the church system shared. Besides those on the lands of the monasteries and the manorial churches, there arose churches in the borough of the hundred, each with their dependent district in the same way as the monasteries had theirs, and these became centres both of ecclesiastical, civil and military life. Mr. Page gives many examples, but amongst others that of Taunton, which had a church in 904. At this borough the courts were held, the customary dues were paid, the host met for military service. The several lords of the borough lands were buried in the church, to the minister was paid the church shot, and there was also collected Peter's Pence.¹ These hundred churches became mother churches as the other kinds did, and had much the same rights and powers and revenues secured to them.

After the Norman Conquest the church administrative system became largely modelled on the feudal plan. The monasteries received dues from the churches founded on their estates, and the mother district churches from their daughter churches and chapelries.

In the Saxon days the church system had been largely influenced by the tribal customs, which tended to choke its spiritual activity. The tribal

¹ Page, *Some Remarks*, at supra.

custom prescribed a system of fines or "wergeld" for crimes of all sorts, the amount differing according to the social position of the criminal.¹ The Church began from the other side, and insisted that personal repentance was the essential matter, leading to a fine being paid as an earnest of the reality of the inward conversion. For example, whosoever should kill a priest should do penance according to the constituted scale of penitentials, and pay this sum to the priest's church.² There were, no doubt, times when a Saxon criminal was unable to see the distinction between this penance and the wergeld or fine, which the custom of his tribe required him to pay in satisfaction of the offence against the community. The canons of the Council of Cloveshoe in 747 protest strongly against this confusion, in the passage about almsgiving. "Alms are not to be given," says the canon, "to the intent that a man may commit the least sins with the greater liberty on account of the alms given by him or by any other in his behalf." "Nor let a man give alms to the needy to the intent that he may more freely immerse himself in gluttony and drunkenness." "Let not alms be given . . . for the making of abatement or commutation of the expiatory fasts and other works of satisfaction enjoined to a man by a priest of God, for his own crimes, according to the canon law," etc.

In spite of this, there can be little doubt that in the pre-Conquest days, a good deal of revenue came to the church as expiatory payments.

¹ Seebohm, *Tribal Custom in Anglo-Saxon Law*.

² Dialogue of Archbishop Egbert.

But if this had been the pitfall of the earliest days of the English Church, the feudal system, and the rights of seigneurage which preceded it, provided another in that all the revenues came from the less important daughter churches to the larger mother ones. The mother churches, whether monastic, manorial or hundred institutions, would give protection to the parish churches as the feudal lord did to his tenants, and only in some such way could the system have held together, but it ended as it was bound to, in the church valuing its pecuniary rights more than its duties, to the extent that the missionary spirit became stifled. The aim of the mother churches became, not to found new districts or provide for moving populations, but to preserve their rights in revenues and fees and dues, and to have no pity on churches which, owing to falling fortunes, were starving out of existence. The monasteries and mother churches had also their struggles and times of comparative poverty, especially when taxation fell heavily or in times of pestilence; but the feudal system introduced the stiffness and the legal spirit which is so prominent in the life of the mediæval system. It would be difficult to find examples of a monastery or a mother church building and endowing a parish church out of its own revenues or lands. The exception to this was if a monastic community had taken possession of a church in which the parish had rights, and they wished to secure for their Rule the exclusive use of the mother church, they compensated the parish congregation by building a church on adjacent

lands. This often happened with the Benedictines, whose Rule was grafted on to secular churches which were to some extent parochial. But if there are few examples of endowment of daughter churches by the central ones, there are many of the endowment of vicarages by local communities. And we find traces of the most usual plan of common endowment which existed in the Anglo-Saxon times, of setting apart for the church a portion of the common lands and fields, coming down to the eighteenth century, when the enclosure of common lands did away largely with the power of doing this, and left gifts to the church to be made chiefly by individuals. In 1230, twenty landholders, probably the whole of the freeholders in the parish, made an equal number of separate gifts of land, representing strips of from one to four sellions, or an acre to an acre and a half, for the maintenance of a chaplain at Redmile in Leicestershire, and four others gave money rents. These gifts were to be entered in the church missal.¹ In 1420 fifteen acres were given by fifteen inhabitants of Thorp in Surrey to have the status of their church increased.² And these concurrent endowments were often accompanied by a share in the patronage of the church. Mr. Page³ gives, from Domesday amongst others, the example of Culpho, where the church with ten acres was on the holding of five freemen having only twenty-one acres. At Braiseworth,

¹ *Rot. Hugonis de Welles*. Ed. by A. Gibbons.

² *The Chertsey Abbey Cartularies*. Ed. by the Surrey Record Society.

³ *Some Remarks on the Churches, etc.*

half the church with seventeen acres belonged to the holding of one man, and half with fifteen acres to fifteen freemen, which points to an endowment partly by the lord and partly by the community of freeholders. And examples might be multiplied.¹

In the course of centuries so many readjustments have been made of parish church endowments, in the form of commutations and exchanges of rights, that it is difficult now to see, except in the light of the ancient records, that the greater part of the real endowment of the parish churches was made, not by spasmodic gifts of individuals, but by the consent and the willing offering of the lord and the landholders of the parish or town in common. If this represents less sacrifice than the same process would involve now, it is because it dates from the time when the land was not cultivated to its fullest extent, when labour was more scarce, and men were content with a moderate rate of living. But from the beginning the wish to have a parish church arose because it was the natural centre of both religious and social life. From the first the office of the village priest was inextricably woven into the fabric of the village community. He received the vows of wedding couples in their betrothal at the church door, and gave the Church's blessing afterwards. He often kept school and taught Latin and English. He was

¹ In the Danish or East Anglian districts, in which these last examples occur, the hides were held by several tenants, who performed their services jointly as well as severally. This may account for the more careful description of the lands out of which the church had been endowed.—Hale : *Domesday of St. Paul's*.

called in with the leading members of the township or hundred to hear the story from the man who brought in an animal which had strayed on to the common pastures, and judge of its truth. He attended the hundred moot and helped to settle disputes and establish customary rights. His work of this kind, which involved knowledge of character, and the traditional customs of his people, must have been endless, and the centre of good faith and amity in the village lay in the Sacraments of the Church, which the priest alone was competent to celebrate. The Church authorities were always taking care that he should not be lost in these social duties. The Council of Cloveshoe in 747 protests against this tendency both in bishops and secular clergy. The priests are to desist from secular businesses and causes so far as they can, and to discharge their duty at the altar and in Divine Service with the utmost application. They are to baptise, teach and visit, and they are to be able to construe and explain in their own tongue the Creed and Lord's Prayer and parts of the Office of the Mass, and there are many other directions which show the ideal relations of the priest of a Saxon village to his people.

Thus we see that the Church developed into episcopal monasteries holding their revenues largely in common. Then came the non-episcopal monasteries, and larger parochial or hundred churches, smaller parish churches or chapelries, all with their pecuniary relations to each other carefully defined on feudal lines, and all nominally at least under the spiritual control of the diocesan bishop, but in-

creasingly divergent in their aims and ideals, and each striving to emancipate itself from this control, the monasteries throwing themselves into the arms of the papacy, the others acknowledging the king or local thane as lord in all temporal matters.

CHAPTER III

THE POOR AND CHURCH REVENUES

ONE of the questions asked by St. Augustine of Canterbury of Pope Gregory was with regard to the division of offerings made to the Church. Gregory reminds Augustine that the rule at Rome had been to divide the offerings at the altar (the word *decimae* is not used) into four parts, for the bishop, the clergy, the poor, and for the repair of the church, but says that in a young church such as that of the English, Augustine should fall back on the scriptural custom, that no one should say of their possessions that they were their own, but that they should have all things in common.

But Gregory says further that as Augustine was a monk, and would live with his clergy, their portion need not be divided, but he and they should have all things in common. If any of his clerks below the sacred orders (that is below the office of sub-deacon) were married, they were to live with their wives apart from the bishop's establishment and were to have their stipends separately, according to their need, and that, following the Gospel precept¹ they should

¹ Luke, xi, 41.

give alms of what was over, and behold all things should be clean unto them.

It is not to be supposed that this was intended as an absolute decree for all time, or that it was considered in this light. The circumstances in Rome were abnormal, and it is quite possible that this rule of division was one which Gregory had only recently made for his own city, for Rome was suffering greatly from both pestilence and famine, and from the walls Gregory could see the unhappy Romans led away to slavery by the Lombards. The mass of the people depended upon the Pope for daily bread, and the revenues of the common fund of the Church were applied for their relief, as the lay tithe or tribute had been before churches existed.

But the ordinance set the tone for the English Church in its earliest or monastery stage, and it marks the fact that the control of the offerings or revenues of the episcopal monasteries were intended to be in the hands of the bishop and his clerks, to be divided according to the needs as they arose.

In the two hundred years following the landing of St. Augustine, that is, in the seventh and eighth centuries, the Church had spread from a series of episcopal monasteries such as Canterbury and York, etc., partly to other non-episcopal monasteries and partly to shire shires or parishes until by the end of the eighth century eighty-one "monasteria" or mission stations are recorded in various lists,¹ and of these only about eighteen were episcopal sees.

¹ See McClure, *Historical Church Atlas*, 1897.

The original stations were not as a rule founded in the Romanised towns of Britain as they were in Gaul, but followed the life of the agricultural Saxon settlers, who had formed their communities where the land offered scope for their special industry. The point is an important one in considering the distribution of revenues in the "monasteria," for the English would be less influenced by the fiscal system of the Gallicised towns, and more by the tribal custom of the Anglo-Saxon communities.

Foreign customs help us a great deal in the study of English ones, but it would be unsafe to predicate that any system which was enforced in the towns of Europe prevailed in England in its entirety, nor is there any evidence that the fourfold or even threefold rule of division of offerings ever obtained in the English towns. The conditions had changed. The town churches and monasteries were endowed with lands, and did not depend upon offerings. There was, however, a vigorous attempt in the ninth century to enforce either a threefold or fourfold rule of division of tithes in the empire of the Franks. For example, at the Council of Tours of 813, the bishop is ordered to take care that the tithes of each church be divided between the priests, the poor, and the repairs of the church, and also in the Council of Worms in 868.¹ In a Council of Tribur held in 895 the tithe is to be divided into four portions, for the bishop, the clerks, the poor and the fabric, but in England no such authoritative decrees are made. The early councils ignore the subject altogether.

¹ F. Liebermann, *Die Gesetze der Angelsachsen*, 3rd Pt., 1903.

But the hospitium or public poor-house was, in theory at least, attached to every monastic church. What the Church contemplated in this way is illustrated by the following passage from the canons of the Council of Aix-la-Chapelle in 813 :—“ By the teaching of the evangelists and apostles we are instructed above all things to give heed to taking in strangers, that rightly it may be said of us by the Lord, ‘ I was a stranger and ye took Me in.’ And so it behoves the prelates¹ of a church, following the example of earlier fathers, to prepare a guest house (receptaculum) where poor men may be taken in, and to appoint for that purpose so much of the property that thence they (*i.e.*, the poor) may have their needful expenses, except from the tithes which are collected there in the country estates (villis) of the church.”²

We now have to consider in detail such enactments as there are on the subject of the division of Church revenues from tithe in this country.

The first is from the *Penitential* of Theodore, in its main portions at least dated before A.D. 690, where, at the end of the second book, it is said that in gifts (tributum) to the Church, the custom of the province shall be observed,³ “ so that no force be put upon the poor as to tithes or anything else.” The

¹ That is, the official head, whether abbot, prior or bishop.

² *Labbei Concilia*. Ed. 1671. Vol. VII., col. 1403, 141. See also Cap. V., 106. This passage is evidently referred to in the ordinance of Bp. Walter de Cantilupe of Worcester (1239-40) on Tithes.

³ Haddan and Stubbs, *Councils and Ecclesiastical Documents*, etc. Vol. III., p. 203.

“tributum” would include all the dues paid to the abbot or ecclesiastical overlord who had acquired a land-book for the foundation of a monastery, so that this passage refers to the payment of dues and not to the division of revenues. The *Penitential* continues that “it is not lawful to give tithes except to the poor and wayfarers (peregrinis), or laymen to their own Churches,” but they were to be kept for the purposes for which they were raised. This appears to mean that they were not to be used for secular purposes, the care of the poor being recognised as a church object.

There are two other treatises emanating from the church in England which mention the distribution of tithes, and both seem to refer to cathedrals or administrative churches. One of these is the *Excursionnes* of Ecgbert, of which the date is nominally A.D. 767, but which really belongs to the ninth century. Here it is ordered: “That bishops¹ themselves receive the tithes from the people . . . and divide them in the presence of such as fear God, according to canonical authority, and choose the first part for the ornament of the Church, and distribute the second part to the use of poor and strangers . . . and let the bishops’ reserve the third part for themselves.”

The only other document in which this threefold rule is mentioned is the canons of Aelfric, about A.D. 970. The passage here is: “The holy fathers also ordained that men should pay their tithe to the

¹ “Sacerdotes” in one version.

Church of God, and the priest shall come and distribute them in three parts, one for the repairs of the Church, and the second to the poor, but the third to the ministers of God who have the care of that Church.”¹

All these three documents are of church origin, and all are compilations. After the manner of ancient times, a code of canons or laws gained its authority from the reputation of the person who first issued it. Gradually as amplification or more codification was required, other counsels or decisions were added which continued to pass under the authority of the first author. The *Penitential* of Theodore is said to have been largely compiled from that of Cummian, in which the only direction as to the poor is the ordinary one of almsgiving out of superfluity,² and the injunction that it is not lawful to give tithes except to the poor and wayfarers which appears in Theodore's work was one which had to be continually made to prevent Church revenues passing permanently out of the hands of the church to which they were due. This last ordinance appears again in a letter of Ivo of Chartres about 1130, and in the Lateran Council of 1179.³ Ivo says by the “law of love, tithes may not be given except to monasteries, or hospitals for the sick and pilgrims.”⁴ But both the later documents which give the threefold rule of division quote almost

¹ Wilkins, *Concilia*, ed. 1737, tom. I, p. 102.

² Cummianus, *Liber de mensura Penitentiarum*, apud Migne, *Patr.* tom. LXXXVII, Parisiis, 1831.

³ *Labbei Concilia*, tom. X. *Concil. Lat.*

⁴ See Selden, *History of Tithes*.

verbatim from the Capitulars of Charlemagne,¹ and are the reflections in English treatises of the vigorous attempt which has already been alluded to, made in the ninth century, to revive this rule in the emperor's dominions. All this points to the rule being copied into the Penitential in the ninth or tenth centuries. But in England the rule remained as the recommendation of the Fathers. All the church books at this date, in fact, Penitentials, Pontificals, Canons, etc., though many of their injunctions were later on incorporated in the body of canon law, were at the time of their publication academic treatises, handbooks of theology and church discipline, or books of precedents to be used by those who would follow the counsels of perfection put forward by the Fathers and men of repute in the Church, and may well reflect what had been the custom in the towns of dealing with offerings. On the other hand, all the English ecclesiastical laws of the time which refer to the apportionment of Church revenues are simply enactments to enforce rights which had grown up from custom. The tithe ordinance of Athelstan of 927, which seems to have reference only to the newly formed boroughs, the laws of King Edmund of 944, of Edgar in 958 and 960, the so-called laws of King Ethelred in 1014, are all of this character, and became necessary, as it appears, from the great unsettlement and heavy taxation imposed on account of the Danish invasions. But though from the first the monasteries were con-

¹ Cf. *Labbei Concilia*, 1671, Vol. VII. *Caroli Magni Capitula*, Colls. 1179, and 1403; also Selden, *History of Tithes*, 1680.

sidered responsible for the support of the poor, and for the maintenance of a poor house out of their revenues, it is plain that the number of poor people, that is, those who were unable to support themselves, must have fluctuated very largely, and we find historically that the threefold rule of division was urged at times of war and pestilence and unsettlement. It was this which caused Gregory to observe it at the time of the invasion of the Lombards, and Charlemagne to enforce it after the misery in Europe which was the result of his wars, and it was quoted in the English canons and ordinances at the time of the Scandinavian invasions. But we hear nothing of the rule in England after the ninth century. It had perhaps directed the offerings to churches into three separate channels, or in the cathedral churches into four, the other for the bishop, and the arrangement needed to be modified. The poor were provided for by the liberal alms of the community churches, and in the rural districts in another way which will be dealt with presently. But in normal times in England the relief or support of the poor could not have been a considerable matter. The duty of almsgiving followed from the Gospel precepts and benefited the giver, but it was never contemplated that poverty was an evil which could be removed. In the towns the churches came to live more upon merchandise, the country ones upon agriculture. It was much more easy to assess for the poor, therefore, in the country. The merchants and tradesmen were exhorted to almsgiving, but in the country other courses were open to a poor man. If he lost his independence by misfortune or otherwise he might

seek service under a lord, who provided him with maintenance in return for his work. The early charters sometimes contain recognition of this, and the man afterwards regains his freedom by the lord's bequest. The influence of the Church was continually exerted to the freeing of such serfs. Sometimes they were enabled to obtain their freedom by a gift, or as an act of filial piety a son would free a serf who had been faithful to his father, over his tomb. The ceremony was generally done in a church and witnessed by priests and laymen, but sometimes performed at a cross roads, as a symbol that the freeman could now choose his own road.

It is said that in the seventh century only about one-fiftieth of the land was under cultivation. The poor were supported in the rural districts by the waste lands, by the right of pasturing on the fallows, and on the cropped lands after the Lammas and the Martinmas harvests, and of gleaning after the reapers. This seems to have been the heritage of the poor and was accounted to them, in the country districts, as a third of the tithe. For, as it will be shown later on, though portions of the tithe were allotted to various persons who became entitled to them, the *whole* tithe of a village is never allotted. The fields were cropped in threes, as a rule, so one-third of the cultivated land would be always in fallow, and the gleaning, the aftermath, and generally rights of turbarry for fuel, and pannage for feeding pigs, were quite sufficient to enable a man who was not a freeholder to live.

It is not therefore to the avarice of the clergy,

who appropriated to themselves the whole of the fund which was destined by its donors partly for the poor and partly for other purposes, that we must look, but to the centralised legislation of Henry the Eighth, which withdrew from the poor the portion they had always enjoyed in the alms of the monasteries, and led to the passing of the Elizabethan Poor Law; and in the country districts the abolition of the Poor Fund was due to the various enclosures, which provoked Ket's Norfolk rebellion in the sixteenth century, and in the eighteenth necessitated the various amendments to the Poor Laws for those who had lost their rights in the land.

There was no doubt good reason, in the interests of the country in general, that the enclosures should be made, and the land thus handed over to the existing freeholders in each parish to farm and develope. Mr. Thorold Rogers says¹ it was recognised at an early date that land held by individuals was worth 25 per cent. more than land of equal quality held in the Lammas field. But it is a serious matter to have taken permanently away from the mass of humanity which in every generation, by misfortune, or by vice, is on the downward grade, the permanent interest they had in agriculture, for by the enclosures they lost the opportunity of supplementing incomes on the verge of the poverty line by keeping a few animals, and so preserving not only their independence, but what is more valuable, the remaining traces of good citizenship.

¹ *Six Centuries of Work and Wages.*

CHAPTER IV

THE RECOVERY OF CHURCH LANDS UNDER DUNSTAN AND OSWALD

THE ninth and tenth centuries witness a great change in the state of the Church administration and revenues, on account of the Viking invasions. The organisation became considerably dislocated. The Danes chiefly attacked the monasteries, not in antipathy to the Christian faith, as such, but for what treasures could be obtained, and also because monks were persons who could be deported to the coast of Brittany, and there held to ransom as Christian captives. But the devastation and waste were fearful, and the sums demanded for immunity from plunder tremendous and continuous.

There is probably no more faithful picture of the consequences to the English Church than the well-known contemporary one of King Alfred himself in his Preface to the copy of Gregory's *Pastoral* which he sent to Worcester. He relates how zealous were the sacred orders in both teaching and learning and in all the services they owed to God, and how foreigners came to this land in search of wisdom and instruction, and how we should now have to get them from abroad, if we were to have them. So general

was its decay in England that there were very few on this side of the Humber who could understand their rituals in English, or translate a letter from Latin to English, and he believes there were not many beyond the Humber.

Alfred continues: "I remembered how I saw, before it had been all ravaged and burnt, how the churches throughout the whole of England stood filled with treasures and books, and there was also a great multitude of God's servants, but they had very little knowledge of the books, for they could not understand anything of them, because they were not written in their own language."¹

But the laws which immediately follow—that is, those of Edgar of 950 and 960—show that the Danish invasions and settlements had had the effect of making all Church dues insecure. They decree not only that the tithe "as the plough goes round"—that is, as the common village plough team passed from one strip to another in the common fields—shall be paid, but the tithe of young animals is to be paid by Pentecost, and of the fruits of the earth by the equinox, the Church shot by Martinmas, and the hearth penny by Lammas. Another law of 960 mentions the plough alms fifteen nights after Easter. The plough alms are personal tithe, or tithe of labour.²

¹ *Gregory's Pastoral Care*, Ed. by H. Sweet, E.E. Text Soc. London, 1871.

² In a Lancashire parish, in the eighteenth century, every married man paid 1½*d.* and every single person above sixteen years of age, fit to communicate, ½*d.* These were to be paid at Easter. See *Transactions of the Cumberland and Westmoreland Antiq. Soc.* Vol. X. New Scr. Warton Church.

The hearth penny was the due collected for Rome. These laws of Edgar were enacted under the advice, and possibly were drawn up by the pen, of Dunstan. The canons of Edgar, which are sixty-seven in number, and are concerned with Church discipline, show even more distinct traces of Dunstan's own hand, particularly in the recommendation which we must look upon as the earliest practical measure of "Temperance" reform, in fitting the drinking cups with pegs that, when drinking with another, the whole contents need not be consumed in each pledge.¹ Also that every priest besides book learning should learn a handicraft, in so many of which Dunstan himself excelled.

Edgar's laws were as much a triumph for the Church as against the secular party as were Dunstan's monastic reforms, and to understand the object of the movement, the two sides—the secular side, which affected the laymen's churches most, and the monastic side, which affected the conventual churches—must be taken together. For it must be borne in mind that Dunstan was the King's chief counsellor in the reigns of Athelstan as well as Edgar, and Archbishop of Canterbury in the twenty-eight years previous to his death in 988.

During the years 956 to 960 he had been exiled from England, and was living at the Abbey of St. Peter at Ghent, where the reformed Benedictine Rule had recently been introduced from Fleury. These reformed monasteries in which the revival of

¹ Drinking to pegs (*ad pinnas*) is mentioned in the Canons of the Council of Westminster, 1102.

learning was taking effect represented undoubtedly the best spirit of their time. The order and method, the delight in learning and the regular observance of the hours of divine worship, presented a dazzling contrast to the half-secularised monasteries in England with their hunting and hawking for the men, and their music and fine dress for the women. Dunstan caught up the new idea with his characteristic enthusiasm, and on his return to England as Archbishop of Canterbury brought in the new Rule to Glastonbury, to which he had already given fresh life and activity in his earlier years. The small band of those whom Dunstan invited from Fleury, Germanus, Oswald and Ethelwold, soon introduced the Rule in other monasteries. The opposition was so great that sometimes, as in the case of Worcester, a more gentle, though in the end a not less effectual, policy had to be adopted. The vested rights had to be respected; a new monastery was built by the side of the old, was made a cathedral church, and gradually became the centre of the religious life of the district.

It is not to be supposed that where rights of property were concerned—some of which had been in dispute for three hundred years and had turned on such matters as the right of appointment of abbots, of such questions as to whether the thane or the church was to benefit most under the land-books, even as to how far a layman was an ecclesiastic if he were the founder of a monastery—the secular party should be content at once to surrender their whole case, even though the new policy might be

that which promised greater enlightenment and general progress.

And at the time of Dunstan it was not done without open fighting and bloodshed. In the end, the triumph lay with the party of reform, and the greatest and most abiding victory was won by the Church in the contest with the secular power; for the monastic policy of Dunstan in the introduction of the Benedictine Rule placed those monasteries which accepted it in the hands of a celibate community, and the great danger of their lapsing through inheritance into lay families was once for all removed.

The recovery of church life was partly initiated and partly followed by a new series of endowments or bookings of land for the churches. Between 930 and 940 there are preserved to us about thirty-five grants made by King Athelstan to monasteries and from 940 to 946 about ten more. There are also a small number of bequests to parish churches, which represent a great number of others which have perished.

But apart from the monastic reform, the two important matters in the history of endowments and organisation in the ninth and tenth centuries are the donation of Aethelwulf of A.D. 855, and the land policy of Oswald, Bishop of Worcester. Both these throw considerable light on the origin and intention of the land-books of the earlier centuries which have been alluded to, and though there are changes in the character of the grants, they demonstrate that the policy which was pursued with regard to the devolution of the King's lordship into the

hands of local thanes had the twofold effect of developing both church and land.

The thane benefited by a right to enclose waste lands and to increase and impose rights of seigneurage which were intended partly for the support of the Church, and the Church gained by its regular support being provided for.

The donation of Aethelwulf is an attempt to promote on a large scale in Wessex this Church and land policy which had become even more necessary after the devastation of the Danish wars and exactions. There are fifteen forms of this grant extant in Anglo-Saxon of different dates and of three classes. Some are late fabrications, but there can be no doubt that the provisions of the grant were both genuine and operative. The reason for its being "edited" into different forms is that it was necessary to add the particular benefits which accrued by it to such monasteries as Malmesbury, Glastonbury and Winchester, and after the custom of the time it was then cast into the current legal shape.

In the older forms the grant conveys to each local lord and residentiary thane in Wessex "the tenth part of the lands," in the later it is "decimam mansionem," in his district. The point to note is that the grantees are here nominally, as in other grants they are actually, twofold. It is not only to the Church but to the thanes.¹ In the later forms the land is expressly exempted from all kinds of

¹ Non solum sanctis ecclesiis darem verum et ministris nostris in eodem constitutis. (Earle.) These words are common to all the forms.

service, even including the rights of "witereden" or victualling. The "Trinoda Necessitas" of military service and munition only is retained. The grant of Aethelwulf was laid on the altar of St. Peter at Winchester and afterwards sent to all the churches. In return for the rights conveyed, certain psalms, etc., are to be sung on Wednesdays in all the churches. The document speaks strongly of the country being devastated by war. It is quite possible that the whole formulary may be borrowed from Carlovingian models, for Pepin in 764 had commanded the payment of tithe for the celebration of special litanies during a period of famine.

But the nominee in the donation is not, as in the earliest land-books, the bishop or abbot in his double capacity of ecclesiastic and landlord, but plainly the layman, that is, the King's thane, though the grant is intended for the benefit of the church.

In the letter of Oswald, Bishop of Worcester, to King Edgar (between 962 and 992) we see how a grant of this kind when in the hands of a churchman was administered. Oswald let out the territory known as Oswaldslaw in Worcestershire on leases of three lives, on the terms that each tenant should fulfil the full military service. Other terms are that they should pay in full all those dues which of right belong to the Church¹—that is to say, ciricsceott, toll and tace or swinscead, or, in other words, church shot, market dues, or dues on the sale of goods, and pannage. This last due being one of three mentioned as apparently the most important,

¹ Maitland, *Domcsday and Beyond*.

points to the existence of a great deal of forest or uncleared land, for pannage consists of beech mast, acorns and other foods which grow in the forest, for droves of pigs.

It has been before suggested that one effect of a land-book was to give to the holder a right to enclose more land for cultivation, which would be possible in most cases only by deforestation. It is worth noting that in the dues to be rendered to the monastery of Worcester from this district of Oswaldslaw in the thirteenth century, the receipts from pannage are insignificant, and there are a good many from assarts or deforested lands. In one case it would seem that the parson or rector and the freemen had surrendered their common rights, which were in this instance rights of pannage, in return for the privilege of depasturing the stubble on the new assarts.¹

The other rights which Bishop Oswald had reserved are that the tenants are to swear obedience to the Bishop of Worcester, and supply his needs, and to provide riding escort when he goes from one manor to another.²

At the expiration of the leases, the bishop may either obtain those lands for himself, or loan them out to anyone for a further term, but so that the service to the Church shall be fully rendered, etc. A copy of Oswald's letter was sent to Worcester, another to Canterbury and a third to Winchester.

In this way Bishop Oswald, between 962 and 992,

¹ *Reg. Prioratus, B.M. Wigorn.*, p. 12A.

² This seems to be the meaning of the riding-men or "radmauni."

granted at least seventy leases, the documents being preserved in Heming's Cartulary, and these leases comprised one hundred and eighty manses or thereabouts.¹

It is not to be supposed that in these leases Oswald was introducing a new system of land tenure. In the single genuine Saxon charter still preserved at Worcester, of the year 770, Uhtred, Sub-king of the Hwiccas, grants to his thane, Aethelmund, a parcel of land at Aston, with the proviso that after Aethelmund's death, and the death of his successors in possession, he is left to select his own heirs, but the property shall revert to the Church of Worcester.² The letter in which Oswald's policy is recorded illustrates, says Dr. Maitland, the manner in which it became possible for the recipient of a land-book to raise the revenues of the Church.³ But it also makes it plain that the Church dues were paid to the overlord as such, and not necessarily as bishop. The same land-book which enabled Bishop Oswald to require from his lessees dues such as Church scot, enabled a lay lord to require the Church scot of *Domesday Book*, which is a load of the best eorn from every hide of land to be paid on St. Martin's Day. And it is easy again, says Dr. Maitland, to see how the load of corn could be expanded into a tithe of the whole corn or other crop.

The Register of the Worcester Priory shows us how the parish churches which were already founded

¹ Maitland, *Domesday Book and Beyond*.

² C. M. Turner, *Early Worcester MSS.*

³ *Domesday Book and Beyond*.

in Oswaldslaw fared under Bishop Oswald's scheme. Of the list alluded to in Chapter II.,¹ nearly all were in the Oswaldslaw hundred.

Now all these Oswaldslaw parish churches which in the thirteenth century belonged to the Priory had been traditionally founded by laymen, and in all those founded before Oswald's time a portion of the tithe is transferred with the church. And this possession of a portion of the tithe seems a distinctive mark between those churches founded before Oswald's time by laymen and those founded after, or by bishops or ecclesiastics. And again Winchester illustrates the relations between church and lord. In the twenty-four manors belonging to the Bishop of Winchester in 1208,² the only ecclesiastical dues of the manor he receives are Church shot and Peter's pence. Praedial, or estate tithe, is paid of sheep, calves, pigs, cheese, etc., to the local church from the demesne lands. But no tithe is received as part of the ownership of a manor where the bishop is the founder of the church. There is one exception to this, and that is East Meon, where the church is treated as a manor to itself. In this case the bishop receives not only the manorial gafol or tribute, but the tithe as well, of lambs, wool, cheese, fowls, young calves, flax, wheat, mancorn, oats and hay and also church shot. This church of East Meon was acquired for the bishopric in the time of Bishop Alwyu (1032-47), and the presumption is that it was founded by a layman as an independent church, and he re-

¹ P. 11.

² See the *Pipe Roll of the Bishopric of Winchester*, 1208-9. Edited by W. A. S. Hewins, 1903.

tained the tithe in his own hands and paid the priest what he pleased, or provided for him by a grant of land, and in this state it was transferred bodily to the bishop. In 1208, it brought in to the bishop a profit of £69 17s. 10½*d.*; and, though the vicarial dues were separate, those of the parson were not.

But with the exception of East Meon, the rule holds good in the Bishop of Winchester's manors. Where the local church was founded by the bishop no tithe is received by the lord. Another example may give us the key to understanding the matter.

The old hundred and manor of Downton, in Wiltshire, were originally co-terminous, and a hundred hides in it were granted by King Cynewalh by means of a land-book to the bishop's church at Winchester before A.D. 672.¹ Of these hundred hides, at the time of the Domesday Survey, five had been taken away in the time of Canute, three from the bishop and two from the church of Downton. Of the remainder the bishop had thirty, which covered the district of Downton itself, in demesne. Bishopstone was held by the barons, and the remainder was divided into small estates, of which a good deal would have been forest, where a church would not have been needed.²

At Downton a church had been founded, certainly

¹ This is the date given by Birch (Charters). The oldest existing copy is of the twelfth century (Brit. Mus. Addit. MSS. No. 15,350), and it has been edited in the eighth. But the Saxon boundary marks which must belong to the original copy have been identified to-day with the area comprised in the old parish of Downton together with the parish of Eddlesborne Episcopi, otherwise Bishopstone. (A. D. Hill, "The Saxon Boundaries of Downton," *Wilts Arch. Soc. Mag.*, Vol. XXXVI.)

² Jones, *Domesday Book of Wiltshire*.

before the tenth century, for a portion of the church property had been withdrawn in the time of Canute, and presumably in the seventh century, and here the parson's dues are quite distinct from the bishop's. Though the latter was lord of the manor, he receives only Church shot and Peter's pence, but no tithe. The parson has two hides remaining to him, and receives the tithe, the bishop being one of the payers out of the demesne lands, which include most of the remainder of the same portion of the hundred. Bishopstone, on the other hand, appears in Domesday Book and in the Pipe Roll of 1208 as leased to laymen, in consequence the presumption is that this church was of lay foundation. It was eventually appropriated to Monkton Farleigh, which would have received the portion of the tithe which had originally gone to the lay founder.

The evidence then, so far as it goes, is that the layman in Saxon days founded his church with the co-operation of his community, and paid a fee or pension to the mother church for the privilege of doing so. The tithe was paid to him as lord of the village, not to his priest, and out of it a portion was generally allotted to the priest and a portion owned and administered by himself as the church fund—that is, of the three portions into which the offerings or tithes of the churches had by custom been divided, the priest had one-third, the poor another, as has been shown previously in another chapter,¹ and the lord retained one, out of which to provide the upkeep of the church, etc.

In the churches founded by bishops, where the organisation was more advanced, a parson, or

¹ P. 35.

persona ecclesiae, was appointed, who took the thane's place as receiver and administrator of the revenues, the church still paying Church shot and Peter's pence, etc., which may be called the ecclesiastical subfeudation dues, to the mother church.

But in the secular fees the payment of a fine to the overlord on the death of a freeholder was to enable him to transfer his land to anyone he would, and the payment of a pension to the ecclesiastical overlord may have followed this precedent, and enabled the founder or owner of the church to present his own priest. Hence the formation of the perpetual right of *advocatio ecclesiae*, that is, the advowson, or right of presentation.

Thus when the churches were transferred to a central church, the thane handed over his rights with it, including the portion of the tithe he had received, and the advowson. But in the churches founded after the reforms of Dunstan and the legislation of the Danish kings in the tenth century, the church had developed on more ecclesiastical lines, and the parson, the *persona ecclesiae*, represented the thane's interest in the older churches. Consequently in these Worcestershire churches founded after the tenth century no tithe is transferred to the monastery. It went to the parson instead, who thus inherited the responsibility for the church's upkeep. Mr. Page calls attention to the fact that, in the Domesday Survey, the word "church" is used chiefly in the Danish districts, and the word "priest" elsewhere. If the change in organisation was due either to Danish influence or to the action of the church in self-preservation under

Danish pressure, the word "church" in the Domesday Survey and the expression "the advowson of the church," which occurs in Lincolnshire entries, may indicate the existence in those places of a church estate with rights and dues distinct from those of the lordship, and consequently that the advowson had been recognised and was in the hands of the *persona*, or parson, to whom the thane's right of managing the church fund and presenting the priest had been transferred. Mr. Page tells us that of the formulæ in the Domesday Survey the term "church" is more usual in the southern and eastern counties, and that of priest in the Midland and western. Also that a distinction is made in one place in Huntingdonshire between "church" and "priest," and in Sussex and Gloucestershire there are one or two instances where the church and priest had separate endowments.

The policy of Oswald in Worcestershire and of Dunstan elsewhere would have followed or initiated that of the contemporary Kings in securing the transfer and restoration of lands to the monasteries and of tithes to the churches, and some better means than had prevailed was adopted to secure the church rights.

Mr. Turner has shown that Oswald compiled a register of lands at Worcester between 961 and 992. William of Malmesbury tells us that the charters of Chertsey were collected in King Edgar's time. How far this process of registration became fraudulent, or how far the tampering with the old charters was a recognised and necessary "editorial" process, belongs to another sphere of inquiry.

CHAPTER V

PREBENDAL AND COLLEGIATE CHURCHES

PREBENDAL or collegiate churches—that is, churches in which more than one official shared in the endowment—date from the first days of English establishments. Sometimes an ecclesiastical estate was divided into several portions to provide for several priests serving in one church; sometimes a donor, or several donors, increased an already existing foundation to provide for a plurality of canons. The church of Hibaldstow in Lincolnshire was founded by St. Higbald, an abbot in the province of Lindsey (Lincolnshire), who preached a sermon on the death of St. Chad in 672.¹ He was buried in his own church, and in the thirteenth century the revenue was still divided into four parts, of which at least one-fourth was in the hands of a different patron. Whether these four portions afterwards were severed to make the four Lincolnshire churches dedicated to St. Higbald—that is, Hibaldstow, Seawby, Manton and Ashby de la Launde—it is not easy to say. Another example of a divided church was Loughborough, which was in nine parts, of which four acknowledged Hugh Despencer as patron, and the

¹ Bede, *Hist. Eccl.*, iv., 3.

other five belonged to Philip de Corlinstog. The parson enjoyed the whole of the five parts, and the vicar the remaining four, but paid a large pension to the parson out of the vicar's share.¹ But where the church was divided in this way, the clergy were in early days known as portioners or parceners,² and in later days prebendaries, from the estate which provided for their maintenance being known as a prebend, or offering for maintenance.

These prebends were created so that the church should be the better served in an important place such as the borough of a Hundred, and one out of the number was made the head under some such title as Dean, Archpriest or Warden. A large number of such churches, some of them cathedral churches, were found in existence, generally in an impoverished condition, at the time of the Norman Conquest, and others seem to have died out for want of funds.

The Normans found church estates and property encumbered with the rights of lay proprietors. The state of things probably much resembled the condition of tithes at the present day; a great portion had so long been alienated from the church funds that old custom, fortified by the law, considered that portion exempted from all obligations to the church. Wherever the Norman bishops were placed we hear the same story of manors which had been alienated from the church being recovered for it.

The division of the ecclesiastical and civil courts in the time of William I necessitated the definition of

¹ Rotuli Hugonis de Welles.

² See Selden, *History of Tithes*.

rights of property, and the strong political churchmen whom the Conqueror and Lanfranc sent to the English sees had the Papal influence behind them, and a little later the decrees of the Lateran Councils of 1123 and 1139 to support them. One cause of the alienation of Church property during the pre-Norman period may be sought for partly in the impoverishment of the lay lords by the Danish wars and the taxation which followed, which made them unwilling to surrender lands at the expiration of the usual church lease of three lives, or unable to pay the fine on renewal of the lease. Another reason for secularisation will be dealt with later on. The amount recovered for the church was in any case enormous, and what the bishops and canons did for their cathedral churches, the newly formed host of chancellors, archdeacons, and rural deans did for the country ones. What was then gained for the church accounts for the immense activity in building which is witnessed by the remains of work of the Norman period still to be seen all over the kingdom.

The recovery of alienated Church property was carried out by Gundulf at Rochester, and by many other Norman bishops. Among the larger churches, St. Albans, Winchester, Ely, Gloucester, Canterbury, Chichester, Durham, Norwich, Peterborough, Rochester, and Hereford were rebuilt between 1066 and 1150.¹

We have Bishop Gyso's own account of the way in which the property was reclaimed at Wells between 1061 and 1088. Before he was made bishop,

¹ E. S. Prior, *The Cathedral Builders of England*.

the King had given him, in hereditary right, the monastery of St. Peter, Gloucester, with all pertaining to it, also part of the town of Congresbury, and another town called Banwell. For all these Gyso had land books with the royal signatures. These properties he made over to the church at Wells. But Harold, Duke of the West Saxons, spoiled the bishop's seat of all these gifts. Then Archbishop Stigand asked and obtained that they should be given to him, and so they were recovered for the Church. After he was bishop, Gyso obtained Wedmore from the King, and Queen Edith gave Marken and Modesley in the same town. So far these are gifts, made over to Gyso by land-books, for him to give to his church. Then he tells us of the recovery of a lost manor, Wynesham, which had been granted on a lease by one of his predecessors. The service had not been rendered, nor the fine paid for renewal. Gyso first frequently admonished the present holder Alsie. He then obtains a sentence of the Hundred Court in his favour, though it is interesting to note that he calls it the Court of Provincials, the name by which it was known in his native country of Lorraine. Alsie resisted by force, and Gyso eventually excommunicated him. Gyso continued with his endowment. He says: "I also purchased from one of my parishioners called Arsere, with the consent of King William, the farm called Combe (Combe St. Nicholas) with certain other lands called Warmestone and Littone, which I assigned . . . for the augmentation of the canons and their support. Another estate also, called Culmeton, I prevailed with Elnedon, abbot

of Glaston, to give to my church, to whom it had descended by hereditary right, on the death of his mother, but this owing to the diabolical interference of a certain powerful person I did not hold for any long time.”¹

King William often made grants of English churches and lands to Norman abbeys. They were at the time, particularly the abbeys of Caen and Bec, the most enlightened and progressive institutions of their day, and were producing most of the distinguished and powerful churchmen who instructed and centralised the English Church. These grants were chiefly the King’s own gifts, but in his time admission to these abbeys was as largely sought as admission in our day to a public school which has a reputation for producing distinguished men.

Entrance was more easily secured when a gift accompanied the application, but the grant to a foreign abbey must be done in the King’s name. So Guntard, one of William’s chaplains, seeks to enter the abbey of St. Wandrille, in Normandy. The churches of Whitechurch (afterwards Canonico-run) in Dorsetshire and other churches had descended to him from an ancestor. The grant is made by the King “for the love of Guntard.”²

The Norman abbeys established a cell in England which received and managed the property of their house. These small bodies of foreign monks kept the discipline of the monastic life very badly, and

¹ *Historiola de Primordiis episcopatus Somersctensis*, ed. for the Camden Soc. by the Rev. J. Hunter, 1840.

² *Ecclesiastical Documents*, Camden Soc., 1840.

being thought to be politically dangerous as being agents for foreigners, were dissolved as alien priories in 1414.

But to return to the collegiate churches. Lanfranc, like Dunstan a hundred years earlier, sought to impose the Benedictine Rule upon cathedral and prebendal churches where he was able, and, like his predecessor, was only partially successful. The peculiar combination of a bishop's chair with a monk's church was unknown on the continent in the eleventh century, but before the conclusion of the Norman period, the Benedictine Rule was attached to the cathedral churches of Canterbury, Rochester, Winchester, Worcester, Norwich, Durham and afterwards to Ely. The combination was found difficult to work. The monks always resented the control of the bishop, and the vow of personal poverty and obedience which they took inside the monastery made them all the more eager for the wealth of their community, and impatient of any outside control. The revenues which had been common to some extent to the bishop and the community were definitely parted, and at Ely and Worcester the monks complained that they did not receive their proper share.

The party who were opposed to the introduction of the Benedictine Rule centred in the Lotharingians who had obtained a status in England by Canute having employed them as King's clerks on matters of business. In the time of the Normans, these were represented in England by Duduc, Bishop of Wells, Wythman, Abbot of Ramsey, Herman, Bishop of Wiltshire, Walcher, Bishop of Durham, Walter and

Robert, Bishops of Hereford, Leofric (who though a native of Devonshire had been educated in Lorraine), and others.

These Lorrainers were more familiar with the rule of Chrodegang, which represented in their country the same revival as the Rule of St. Benedict in Fleury, St. Bertin and St. Omer. If Benedict represented discipline, Chrodegang rather encouraged scientific studies. The Lorrainers came as men of business and caught the Arabian science and did much for its development. Adelard of Bath, who, if he were not a native of Lorraine, studied in the schools there, was the greatest man of science in England of his time. Walcher, prior of Malvern, a Lotharingian, possessed an astrolabe as early as 1092.^{1 2} Robert of Lorraine, Bishop of Hereford, excelled in the knowledge of the abacus, the lunar computus and of the courses of the celestial bodies,³ and of this body of Lorrainers none introduced the Rule of St. Benedict.⁴ The Rule of Chrodegang prevailed in most of the cathedral churches and in many of the prebendal and collegiate institutions.

The essential features of it were that the canons were to live together with a common dormitory and refectory. At Salisbury the four dignitaries, dean,

¹ Haskins, in *English Historical Review*, Vol. XXX., 117. "The Reception of Arabic Science in England."

² A volume of the *calendaræ* and other scientific works by Robert of Lorraine, Adelard, and Walcher, written about 1150, is in the Bodleian Library. Auct. F. 1. 9. Among its contents is a lost treatise of the Greek astronomer Hipparchus. Turner, *Early Worcester MSS.*

³ W. Malmesbury *de Gestis Pontif.*

⁴ Bp. Walcher of Durham's action at Jarrow and Wearmouth is possibly an exception.

precentor, chancellor or head schoolmaster, and treasurer must be resident, but a large margin of non-residence was allowed for the remainder of the canons or prebendaries, and Pope Gregory's advice to St. Augustine had countenanced the idea of the married members of the community living apart from the rest of the body.

Another important feature is that the bishop is almost entirely relieved from responsibility with regard to the canons and their church as soon as he ceased to live in common with them after the partition of the funds. The keystone of the system being thus removed by the bishop's withdrawal, the Rule was short-lived in its working and soon disappeared.

Surveys remain of the prebendal manors of St. Paul's, London, one made in 1181, a second in 1222, and a third in 1279.¹ They show a state of things which has evidently a long history behind it. The lands which belonged to the thirty canons included great stretches of country, some being in a broad belt of land from the walls of the City of London to the north, others in a district known as Eadulfs-ness in Essex, embracing the three towns called the "Soken," and some land at some time swallowed by the sea, which gave the name to one prebend of Consumpta per Mare. Then there were five manors in Hertfordshire, and three in Middlesex and Surrey. The area

NOTE.—The name "canon" seems to be introduced with the Rule of Chrodegang to replace that of "coenobite." (J. G. Smith, *Christian Monasticism*.) Canon Watson says the word "canon" first appeared in 787. (Watson, *The Church of England*, 1914.)

¹ Ed. for the Camden Society by Archdeacon Hale, 1858, as *The Domesday of St. Paul's*.

of the whole was 133½ hides, or 24,000 acres. This property had accrued to them by a series of land-books from the time of the Saxon Kings to that of Edward the Confessor, and numerous other lands had been added to them.

These 133½ hides formed the *Communa* or common fund in which not only the thirty prebendaries had shares, which were defined, but in which all the members and servants of the church had a proportionate interest. In addition to this property each canon had an individual endowment, the prebends which provided it being in so many cases contiguous to the *Communa* estates as to suggest that they were brought under cultivation after the lands of the *Communa* were acquired, probably at the time of the Norman Conquest, and attached severally to the prebendal estates.

The *Communa* estates were managed by the dignitaries, the dean, the chancellor, precentor, treasurer and archdeacons. Of the *Communa* lands, three-eighths were held in demesne, and five-eighths were in the hands of tenants. The various manors were farmed out, often to individual canons, but later always to the residentiary canons, which body included, but was not entirely confined to, the dignitaries.

As a picture of a well-regulated estate it seems to leave little to be desired. And if we find in the sub-Norman period that a very small proportion of the revenue from its estates went to the support of a working church ministry, we have to remember that this was not the prime requirement of the recipient of

a grant of land. The church lands were free from all secular service, except of course the tithes, etc. They were held by a different and improved form of tenure from other kinds which prevailed, and certainly a more progressive one in extending the areas under cultivation. It must be repeated that the corporations such as monasteries and collegiate churches who received the land-books had to be churchmen, in the sense that they were incorporated into some sort of ecclesiastical body such as a monastery or collegiate church, but no more than this is implied. There was no suggestion that a body of thirty canons in priest's Orders at St. Paul's, or fifty at Wells, or fifty-six at Lincoln were necessarily in perpetual residence in order to provide for the services of the church. Worcester cathedral church, at the height of its glory in the thirteenth century, had no more than from twenty to twenty-seven altars, many of which would only require to be used once or twice a year.

The number of prebendaries had in most cases more reference to the number of the community that the estates would support, than to the priests which were required for the services of the chief church. And "canon" before the thirteenth century, and perhaps later, no more necessarily implied Holy Orders than "monk" or "clerk" did. Consequently, when we find at St. Paul's that most of the canons were living on the country manors; that each one took a share in the *Communa fund*; that, besides this, he farmed one or more of the chapter manors and after the agreed payment to the chapter made what he could out of it;

that in addition he had a good estate attached to his individual prebend ; that he frequently married and had children, who succeeded him in his leases¹ we see the origin of the complaints of the zealous churchmen of the time, that not only the property had passed into lay hands, but that the churches were themselves very largely secular. And, indeed, the canons seem to have been unwilling to accept reform. Custom had to be more carefully guarded in an ecclesiastical than in a secular estate. In the latter the new tenant had very likely been brought up to know what obtained in the way of local dues and privileges, but as a rule the churchman had not. He was to hold it only for his own life, or perhaps only for a few years, and consequently had to preserve the traditions more carefully.

So it was not so much that these corporate churches had relapsed into a state of secularisation, but that in the course of the three or four hundred years during which they had existed, the bishops were never strong enough to enforce the community life for the whole body, or to use the estates for the foundation of new activities. St. Paul's canons do not appear even to have accepted the Rule of Chrodegang. They not only farmed even the churches on their manors, but they insisted that the vicars should be content with the offerings at the altar and should receive no tithe, except that the tithe farmer should have a discretion in case of necessity to allow a portion.² The minis-

¹ In a lease of the twelfth century, we find Ailwin the priest, having four sons, one of whom, Robert, is the lessee. Among the witnesses to another lease are Walter " filius episcopi " Huberti.

² Inq. Mancrionum, 1181, *Domesday of St. Paul's*, p. 146.

terial work of the church followed that of the lesser offices of the State and was chiefly done by deputy.

In the statutes of St. Paul's, the dean, not the bishop, is to have authority over all canons, vicars, servants of the church, etc., and over those who dwell either on the manors of the church or reside on their prebends, and the bishop has no jurisdiction in causes which affect prebendaries or parsons, which are attached to the cathedral church, nor is there any appeal from the dean to him.¹ Exemption from control could hardly go much further, and was practically reduced to exhortation to good living, which there was little power to enforce. And the control of the bishop being thus limited, non-residence was made much easier by the subsequent division in many prebendal churches of the common fund. The older plan was that the estates of the church were held by all the canons in common. Then, for example, at Wells, Bishop Robert, in 1136, divided the property of the canons into two parts.² Certain estates were to be held in common by the whole body, other lands or tithes were attached to each official or prebendary individually. This, as we have seen, was what obtained at St. Paul's in 1181. The cause of this at Wells seems to have been the discreditable conduct of the provost, who had succeeded in alienating his office from the church altogether and securing it to his own family. But the provost of Wells was only one of many who tried to secularise Church property,

¹ Dugdale, *History of St. Paul's Cathedral*.

² See his Charter, 1136. The division is made to save the prebends and the church from lay exactions and intrusions. Wells, MSS. Historical MSS. Commission.

and the division of the common fund rendered the community more independent of the mismanagement of any one officer. So the common fund was divided, and the tie between the bishop and canons being already loosened, each canon became now practically independent, not only of the bishop, but of his brother canons. What constituted residence was very ill-defined, and the canons either lived at the cathedral or elsewhere, as they were disposed.

More than a hundred years later the common fund at Wells, which included not only the revenues from the estates, but the fees both of jurisdiction and for church offices, were by a statute of Bishop Joscelyne of 1242 divided only between those who were resident, and at the same time the payments in kind that remained from the older institution of a common table were commuted for money. The five dignitaries who used to receive sixpence a day for commons and two white loaves and two black, are for the future to have every day they are in Wells, or coming to it or going from it, eightpence for daily commons and fourpence for bread. The canons and vicars receive proportionally less, the latter having a penny daily, provided they are present at a proper number of services.¹

In consequence of this, there was a general rush of canons to reside. Those who had already been in residence protested against the others coming to share their funds, and the new-comers were not allowed to reside officially without permission from one of the dignitaries. John de Bonville, a benefactor at that

¹ Charter of Bishop Joscelyne.

time, was only allowed to give the church of Lidford to Wells Cathedral on the understanding that the new canon was not to have any share in the common fund by right, but only by favour.

Privileges of all kinds in the middle ages usually had to be paid for, and from this, Dr. Freeman¹ thinks, arose the custom which still obtains in nearly all old cathedral foundations of the new residentiary canon paying fees to be divided among the other members of the body in commutation of a feast or other benefit for them. In other language, they had to pay their footing.

A further stage was reached when some were chosen out from the whole body of canons to be resident, and the remainder allowed to live where they pleased unless they were wanted, and in this we have the origin of the final distinction between the residentiary and honorary canons.

Within a hundred years after the recovery of alienated church lands in the time of the Normans, the secular minsters wished further to increase their wealth. They no longer found themselves the objects of pious endowment from outside, and what was given for the Church went to the new monastic orders which were then settling one after another in England and rising into prominence. But the age of the land-books was over. The existing foundations were left to replenish their funds by gifts and appropriations of property already belonging to the Church in the parishes in the shape of tithes and rectorial lands. The exceptions to this are chiefly small messuages and

¹ Freeman, *History of the Cathedral Church of Wells*, 1876.

tofts to enable residences to be built near the prebendal church.

The new endowment charters to the old churches date chiefly from the thirteenth century. In these some of the new estates were divided into several prebends. Others were only sufficient for one or a portion of one. But some attempt was made to bring them up to a level, and it is remarkable that in a valuation made before the end of the thirteenth century, at Wells, they vary from fifty to four mares.

So it came about that Bishop Joscelyne's attempt to secure residence by making it worth the canons' while to reside, followed the course of many other Church reforms and was defeated by the opposition of those who had vested interests. The final disappearance of the common table, and the commutation of allowance, facilitated the non-residence of the dignitaries and the other canons who had been in residence, and left the prebends with a wide difference between those which were rich and those which were poor. So the state of Wells was left worse than it had been.

The distribution of the *Communa* at Salisbury, which has no date, but probably belongs to the thirteenth century, sets out the division of the "office" fees with great minuteness. There, whether in residence or not, the canons might participate in the *Communa* with the dean's permission, and each might have a vicar to whom he was to pay two or four mares.¹ But the whole system of vicars

¹ Hist. MSS. Commn., Wells Cathedral.

and peticanons who appear as established as early as the thirteenth century,¹ arose simply from the universal tendency, already alluded to, of all duty being done, not personally, but by deputy. Every parson had his vicar, and every canon his vicar choral or peticanon to do the work he was unable or unwilling to do.

The prebends, in fact, were throughout the twelfth and later centuries ordinarily attached either permanently to some other office in another church or given for life to someone who already held perhaps several other preferments. The abbots of Athelney, Muchelney, and Bee had prebends of Wells permanently annexed to their abbotships, and at York, the prebend of Salton was annexed to the Priory of Hexham and that of Bramham to the Priory of Nostel. To this day a prebend of St. David's is attached to the Crown. They were convenient ways for both King and Pope to provide a maintenance for those who were useful to them, and came to be generally looked upon in this way.

Dugdale² enumerates altogether two hundred and six prebendal and collegiate churches in England, most of them founded before or soon after the Norman Conquest. A great many remain to this day, but most have been reduced to ordinary parish churches.

The reasons of their diminution in early days were

¹ E. Bishop, "The English Medieval Institutes of Cathedral Canons," *Dublin Review*, 1898.

² *Monasticon Anglicanum*, vi., 3.

various, the most common being that the revenues failed to support as many clergy as they were founded for, for large portions must in Saxon days have passed permanently into lay hands, and what remained of the *Communa* went to the head, by whatever name he was called.

Examples of this are Haccombe, in Devon, erected into an archpresbytery, where the archpriest lived in common with five Fellows. Norton, near Stockton, had eight portionists or prebendaries before 1227, and St. Martin's, Leicester, which was before the Conquest a college of prebendaries, continued as such in some form until the Dissolution, when most of the lesser ones which had hitherto escaped the evils of neglect or decay, were wiped out.

The prebendal or collegiate church system presented one of the highest ideals, as it was one of the most ancient in the English Church. But the corruption of the best is the worst. Institutions which provide a maximum of opportunity with a minimum of requirements, and where the appeal to make the system efficient was chiefly to honour and conscience, came continually into the hands of those who had little of either, and non-residence, simony and plurality combined to form a fatal disease, which few of these churches had vitality enough to survive, and those only in a maimed and humiliated condition. The prebendal church in its ideal was in fact a fairly complete experiment in practical socialism. It was supported by a common fund and the individual had to sink his own advantage for the good of the community which he was appointed to

serve. But it failed as completely as other experiments of the kind have done ; the idea of maintenance came to dominate that of service, and then came the desire to partition the common funds. As soon as this was done, the power to control the collegiate body largely went. The ideal of a spiritual family serving the same church and promoting the cause of Christianity was very little realised, and throughout the middle ages large numbers of prebends were obtained by favour or purchase by those who acknowledged no spiritual duties to the church to which they were nominally attached. The ministerial duties became delegated to deputies, vicars and rectors choral, peticanons and under-officials, who by being obliged to be actually in residence came to receive some of the actual offerings or surplice fees, and later, as the chantry system grew, they came to be the subject of endowment and incorporation into colleges themselves. Thus a cathedral church of the old foundation is to-day not so much a development as the picturesque ruin of an institution. The prebendaries beginning by non-residence have now been permanently extruded from participation in the funds. The churches are served by the dignitaries, who are the successors of the few who were actually doing the work of the church in the early middle ages. The deputies, minor canons and vicars choral have acquired a permanent interest in the cathedral, and a great many city churches have grown up and been endowed to do the work the great mother churches were provided and well endowed to do. And the freedom from control which began with

the separation of the common fund has continued until a large measure of independence is claimed by incorporated bodies of minor officials, which has always militated, and must militate, against the attainment of the objects for which these great churches exist.

CHAPTER VI

THE SUPREMACY OF THE CHURCH AND ITS CONSEQUENCES

IT has been noticed in a previous chapter that one result of the introduction or revival of the Benedictine Rule in the monastic churches was to secure, in those monasteries which accepted it, that their property should henceforth not lapse into lay hands through inheritance. In the secular churches the same end was secured by the celibacy of the clergy. This was not enforced without considerable opposition any more than the monastic revival had been. The decrees of the Council of Winchester in 1076 forbade canons to have wives, but permitted clergy in villages and country towns to retain theirs. The synods of London of 1102 and 1108 went a good deal further than this in strictness, and decrees and canons went on being promulgated until that of Stephen Langton in 1222, from which time, at any rate, the wives of the clergy were in the painful position of being unrecognised. But Bishop John Wordsworth¹ has shown that a practically married clergy continued in this country up to the Reformation. All that need be said on the subject here is that the same object with regard to Church property was secured

¹ *The Ministry of Grace*, Longmans, 1904.

in both the monastic and secular churches by the same means, whether intentionally or not—that is, that it was placed in the hands of those who were at least nominally unmarried. But not only was the property of the Church thus protected from one frequent source of alienation, but the whole character and position of it was entirely changed by the result of the continual struggle for supremacy which had begun from the first introduction of the Church into Saxon England, and which culminated in the claim of the supremacy of the Pope over all temporal kingdoms associated with the name of Hildebrand or Gregory the Seventh.

On the literary side it was achieved, as is well known, by the falsification of history in the Donation of Constantine, by the circulation of such books as the *Policraticus* of John of Salisbury in England,¹ and the strength of the whole system was the consolidation of Canon Law by Gregory the Ninth. In this codification, the decretals, penitentials and canons, etc., which hitherto had been guides and books of precedents, were compounded into the law of the Church in the hands of the great canonists of the eleventh century, such as Burchard of Worms and Gratian, whose *Concordantia discordantium canonum* appeared at Bologna in 1142.

Whether the consequences were anticipated or justified, it is quite clear that some *modus vivendi* had to be established between the Church and the lay power.

¹ See R. L. Poole, *Illustrations of the History of Mediæval Thought*, 1884, pp. 235 *seqq.*

In the pre-Norman days the administration of local justice and the arrangement of local disputes was effected by a dual authority representing the ecclesiastical and lay affairs which were so inextricably involved. By King Edgar's Law, the shire-gemot or county gathering was to be held twice a year under the joint presidency of the bishop and the caldorman. They were to sit side by side, and the bishop should expound the Divine Law, while the caldorman gave utterance to secular dooms. And so with the hundred moot or district court, which met much oftener. The thane guarded the customs, the priest was concerned where good faith had to be tested and established. Difficulties were likely to arise in all causes such as marriage, where church discipline and order as well as the inheritance of property were involved. Guilt or innocence of crimes was settled by compurgation and the ordeals of water and fire, and here again confiscation or retention of property had often to be decided on evidence of good faith and conscience, to weigh which was the province of the priest. The two judges sat as equals. In evidence the priest's oath was equal to the thane's. The jurisdictions overlapped at so many points that the pre-Norman councils and decrees from the Council of Bapchild of 694 onwards are full of the disputes between the two authorities. The outcome of all this was the supremacy of the Church as represented by the Papacy in the eleventh and twelfth centuries, and this result changed the whole character of the Church revenues.

The turning point in England is the separation of the ecclesiastical and civil courts in the time of William I. The bishops and some of the monasteries already had immunity from the secular jurisdiction of the hundred court in their localities, and the entire separation was only to advance a step further. Henceforth the King's officials, sheriffs, reeves, ministers and thanes administered the secular law, and Church officials, the bishop and his chancellor, the archdeacon and rural dean and the parson, supervised Church matters. The separation was much more difficult to effect when person and property were affected by a decision, and the distinction of jurisdiction was never satisfactorily settled. But the property which the different courts were to control could be clearly defined.

The lands had to be specified from which the Church and civil funds were to be raised, and it is suggested that the necessity for this severance gave rise in the north to the ecclesiastical manors. Such manors are found, for example, at Legh, in Lancashire, Bolton-le-Sands, Kendal, Warton, and in many other places, and the lands of these manors run in and out of the secular manors as if some such portion as every tenth strip or section had been set aside as the Church portion, and grouped together to form its own manor, with its own court and its own lord.

And the Church dues seem to have been re-assessed. The payment of tithe was extended over a greater number of products and was more strenuously enforced towards the Old Testament ideal of a whole

tenth. The Church became an ecclesiastical empire, drawing its revenues to pay its officials, a kingdom within a kingdom, with its own property which it administered in its own interests, having its centre at Rome, its own agents, and its own language of Latin.

An army of ecclesiastical officials was called into being or into office, whose chief business it was to see that the Church funds were properly paid and rendered. The bishop's chancellor became the judge of the bishop's court, and was required to be acquainted with Canon Law. The archdeacon also appears first in the time of Theobald, Archbishop of Canterbury, from 1139 to 1161. Honorius, Archdeacon of Richmond, between 1198 and 1203, is found reclaiming the property of monasteries and churches and associating himself with lawsuits for this purpose.¹ A knowledge of Canon Law was as essential for the archdeacon as for the chancellor, and they generally went to the law schools of Pavia or Bologna to acquire it. Bishop Stubbs draws a humorous, though not a very edifying, picture of the juvenile archdeacons who poured into these schools. "Invariably," he says, "they got into debt and wrote home for money; some fell in love and became the quasi-husbands of Italian ladies; some got a bad character for learning the Italian art of poisoning; some were killed in frays with the natives; some remained abroad and became professors; all more or less illustrated the scholastic question which John of

¹ W. Farrer, *The Lancashire Pipe Rolls and Early Charters*, Liverpool, 1902.

Salisbury propounded, Is it possible for an archdeacon to be saved ? ”¹

The archdeacon made his own visitations and held his own courts from which there was a right of appeal to the bishop. The questions which were decided in them were those of public discipline and church rights. The archdeacon came personally into touch with the lay officials or deacons of the parish churches, and when these were replaced by churchwardens, his office was to admit these. The local officers took account of all church affairs except cases of conscience, and presentments were made in the archdeacon's court for which public penance had to be done. All the range of offences against the marriage law were included, also public scandals, usury, failure to pay church dues of all kinds, or to keep the church in good repair. The archdeacon also took account of all persons such as doctors, schoolmasters or midwives practising without the bishop's licence. The penalty was a fine, or in the last resort the very serious one of excommunication ; which, while it severed the delinquent from participation in the rites of the Church, practically cut him off from all the social life of his neighbourhood.

Another bishop's official who comes into great prominence in the eleventh and twelfth centuries is the rural dean. In the year 1052, says Mr. Dansey,² the rural dean appears for the first time in the Councils of Great Britain and Ireland under the title of the bishop's dean, in which capacity he takes

¹ W. Stubbs, *Lectures on Mediæval and Modern History*, 1887.

² W. Dansey, *Horæ Decanice Rurales*, 2nd ed., 1844.

cognisance of the violation of the peace within his deanery and with the earl and King receives a share of the fine of £8 awarded on it.^{1 2} The district in the immediate neighbourhood of the bishop's church and which probably included the churches founded on the home estate of the mother church was generally defined and known as the deanery of Christianity. The deaneries formed as a part of the organisation of Norman times seem roughly to have included ten parishes, the older ones are more irregular. Whitaker says³ that the deaneries of Kendal and Kirkby Lonsdale, which now run across the more modern county divisions, retained in his day ten parishes each, and Bishop Kennett says that in the seventeenth century the Welsh deaneries of Bromfield Gate and Kidwen of Llin and Llwon in Bangor, and Emlin in St. David's, and others had the same number. These Welsh deaneries would, however, be of late formation. But probably there was no universal rule of size. In some cases the jurisdiction may have originally corresponded with that of the group of churches owned by a single lord. The areas certainly do not correspond to any aggregate of hides nor to any fiscal basis of unity.

The functions of the rural dean in his district were to associate himself with the archdeacon in

¹ "Decanus autem episcopi in cuius decanatu pax fracta fuerit reliquos decem (solidos)."

² It is possible that he came into existence as the representative of the church in the hundred, as the parson did in the parish, as a consequence of the reorganisation of provincial administration after the Danish invasions.

³ *History of Richmondshire.*

the recovery of church property, to protect rights of sanctuary, to publish the decrees of the archdeacon's court and to see that sentences were carried out. The dean appears in the city of the monastic cathedral of Worcester as a parson of one of the city churches, and exercises his office outside the monastery.¹ All these officials, the chancellor, archdeacon, rural dean and the parson, were called into office in this way by the need to separate and consolidate the revenues of the church apart from those of the landowners, and protect them from the incursions of either King or nobles. They were consequently appointed from the wealthier classes who were animated by the spirit of the general revival of the Church, and who could afford the expense of a course of study at Bologna before the Oxford law schools came into repute.

In the prosaic appointment of officials and the transfer of property we are really dealing with the effect in this country of the greatest impulse which had swept over the Church since apostolic days. The motive, which had its rise in Rome and to which the idea in the Frankish kingdoms of an aggregate of small Christian chieftains may have led up, and which seized the minds of all who favoured the cause of enlightenment and progress in Europe, was the universal triumph and dominion of a visible Church which should control the kingdoms of the world. It led to a general revival of learning; England became covered with churches of enduring

¹ See Willis Bund, *Introd. to Bp. Giffard's Register*. Worcester Hist. Soc., 1902.

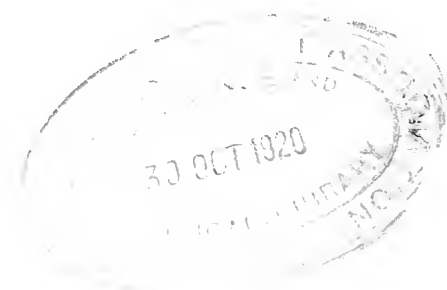
stone: one monastic order after another arose, each animated by a more strict negation of the interests and pleasures of this world, and built monasteries which are a marvel for the beauty and grace of their architecture; the Crusades followed, and expedition after expedition was sent to the Holy Land to rescue the spots which had been hallowed by association with the founder of the Church from the defilement of the Turk. But the time was not ripe for the realisation of any such scheme of temporal power. The leaders and officials were subject to human frailties, and the acquirement of so great wealth tempted into the Church and the monasteries those whose minds were filled with few ideas beyond that of securing maintenance on easy terms.

The life of the Church appealed strongly to those who shrank from taking part in the ordinary work of the world, and who preferred a methodical round of duties free from anxiety as to bodily support. The ideal of the eleventh and twelfth centuries was not the apostolic one of the building up of churches by the raising of the characters of the members; not that the christian should be the salt of the earth, but rather that the Church should be the soul of the world, a visible shrine which could be outwardly distinguished from its surroundings.

In view of this, it need not surprise us if the apostolic or missionary ideal vanishes. The Church is dreaming, contemplating, defining, building. The use of the enormous endowments becomes a question of rights and customs rather than the means of enabling those who have them to bring the world

nearer to Christ. And the Norman Conquest of England not only brings with it a large extension of the power of the Pope, but a new set of endowments and officials to promote and support this power.

The last of these functionaries has already been alluded to as the parson, whose origin and eventual absorption requires to be dealt with in another chapter.



CHAPTER VII

THE PARSON

IN a previous chapter it has been shown that in Saxon days the thane was the owner of the church on his estate, that he received and administered the church fund, paid the parish priest what he thought fit, and profited and was intended to profit himself by the possession of the benefice. There was always a protest going on against this, but on the whole the secular lord had the upper hand, and in a great many instances successfully resisted the intervention and jurisdiction of the bishop and his officials. Sometime in the tenth century a new church official, a *persona ecclesiatæ*, or ecclesiastical person, appears. This official is commonly known in the English records as the parson, and in the Roman as the rector, and is mentioned as early as A.D. 925 in a metrical form of a grant of privileges by King Athelstan to the church of St. John of Beverley.

If it swa betide, or swa gæes
That any man here againe sæes
Be he Baron, be he Earle
Clarke, Priest, Parson, or cherle.¹

What, then, was the origin of this official, who plays so large a part in later Church life? Dr.

¹ Birch's Charters.

Chadwick tells us that the office of a shire reeve came into existence as a result of the formation of the great earldoms, and that the full organisation of the hundred system of administration was also effected in the tenth century.

This meant that the Scandinavian dominance showed itself by a reform of local administration. Whether they existed before or not, henceforth the bishop and the King both had their reeve. By the laws of Athelstan a landowner who had more men than he could himself control was required to set a reeve (*praepositus*) over each of his estates (*villa*), and the latter was to be responsible for the preservation of order among the inhabitants of the estate.¹

It is worth suggesting that the same circumstances which necessitated the appointment of reeves, part of whose duties was to undertake the collection of the local revenues, may have forced the church to appoint officials to administer the benefices of the church which in most cases drew their revenues from the same district and from the same persons.

What these circumstances were it is not here intended to inquire. But if the Danish invasion created large landowners, who needed local representatives, so also the ownership of several churches by one bishop or monastery created a need for a local agent. In days when comparatively little money changed hands, and dues were paid by food and work, the payments made by a benefice to a non-resident owner such as a monastery would often lapse without the support of a local resident official

¹ Chadwick, *Studies on Anglo-Saxon Institutions*.

to guard them. Hence the *persona ecclesiae*, and these officials seem to have been so successful in raising the church revenues that the office became sought for by laymen, local thanes and their sons, who, unwilling to part with the control of the church fund to the priest, or wishing to provide maintenance for their sons who had a leaning towards the clerical or studious life, came to take minor Orders to qualify themselves to hold the benefices. There is nothing to show how soon the "persona" became generally recognised, but like other developments of church administration, he was established in some parts of the country before he appears in others. By the time of the Exchequer Domesday, of the eleventh century, he is already frequently mentioned, but we also find, in 1181, the canons of St. Paul's resisting the appointment of parsons in the churches of their manors, where they did not already exist. In one lease, the tenant has to restore the church, at the expiration of his term, "free from any parson," and in another manor in Essex, on which the three "Soken" churches of Walton, Kirkby, and Thorpe were built, the same condition is explicitly made, and in this case the lessee is the Archdeacon of Middlesex, who would exert himself to promote what might be the bishop's policy of instituting parsons, if he were not checked. When there was a parson established, it was generally through him that the payment to the canons of the farm of the church was made. If there were more than one parson on an estate, it was ordered that one of them should be over the temporal affairs of the church, and another should

administer the "spirituals" under him, also that one should pay over the tithes and another receive them.¹

But sooner or later the parson became established in the parish churches which remained unappropriated, and the bishops' registers of the thirteenth century reveal the existence of a large multitude of half laymen, half clerics, drawn from the class of small landowners, who thus linked on the Papal system to the freeholding classes in England. If they did not proceed to full Orders in course of time and become bishops and King's clerks, or superior clergy and pluralists of the most exaggerated kind, they remained in the country, acting as stewards of the manor, being attorneys for Church revenues, speculating in Papal provisions, sometimes being physicians, more often obtaining permission to go to a University and being absent from their parishes altogether. This is the explanation of the numbers of clerks, evidently young men, and often concerned in factions and disturbances, who form so conspicuous a feature at the Universities of the middle ages. In fact, down to the fourteenth century the whole of what are now called the professional classes were supported by the greater revenues of the Church, which were in nearly all cases held apart from the cure of souls.

To what extent these revenues went to the parsons as distinct from the parish priests or chaplains who

¹ *Domesday of St. Paul's*, 1181, p. 128.

NOTE.—The "spirituals" meant, not the offices of the priest, but the general expenses of the upkeep of the church, and of its services.

were actually engaged in parochial ministrations is shown by a study of the registers and books of the ordination of vicarages which became very generally kept by the bishops after the Lateran Councils of 1119 and 1215.

Hugo de Welles, Bishop of Lincoln, compiled two such registers, one called his "Rotuli," the other his "Liber Antiquus." The date of both is between 1209 and 1234. In this diocese of Lincoln 383 benefices were then appropriated to monasteries, 142 being in the archdeaconry of Lincoln only, the monks obtaining licences from King and Pope to be perpetual incumbents of any churches given to them, without episcopal institution or induction. The effect of this was to take them out of the bishop's control, and place them more directly under Papal influence.

There was a tendency with the monasteries, as there had been with the thanes and continued to be with the parsons, to increase the amounts paid to themselves from the benefices, and to allow the village priest's income to sink below the living wage. From this arose the necessity of the bishops' interference to secure adequate maintenance for the vicar and the separation of the vicar's fund from that received by the monastery, or in the secular churches by the parson. Having made the church fund secure, it became necessary to secure the vicar or priest's portion.

The monasteries after the lapse of so long a time began to see the loss to themselves of a fixed money payment or pension as their share in the benefice, for in the general development of agriculture and

the more rigorous enforcement of tithe the revenues of the benefices increased, but the pensions remained as they were. Bishop Hugo resisted the claims of the monasteries to increase the amount of the pensions or to exact them where they had not hitherto been paid. He insisted that no pension of this kind should be paid unless evidence could be given that its payment had been customary for thirty-five or forty years. But even when new payments were not claimed, the tendency was universal on the part of the owners of benefices, whether appropriated to monasteries or not, to consider the relations between the greater and the vicarial revenues as fixed without regard to whether the latter provided adequately for the cure of souls.

The parson was the successor of the thane in the benefices which had remained unappropriated to monastery or prebendal churches, and the readjustment of the proportions paid to the owner and the vicar was equally necessary in these as in the appropriated ones.

In Bishop Hugo's ordinations of vicarages, they are made up where it is possible, out of the revenues of the parsonage, to the value of five marcs, which was the amount fixed by the Council of Oxford of 1222. But some were left at four marcs, which shows that this was regarded as a living wage for an unmarried man of the yeoman class, and others are left at a little over three.

The vicar usually has his house and garden, sometimes a toft or small plot of open ground, and a portion of the tithe. The victualling or entertain-

ment of the archdeacon on his visitation was always considered in this adjustment of the revenues, no small matter in the days when the retinue might be a large one, and it sometimes is left to fall upon the vicar, though more often upon the owner of the benefice. The owner must see to the repair of the chancel, and sometimes to the books and furniture of the church. If the church is near the monastery the vicar has his board and lodging there, forage for his horse, and a "reasonable offering." Thus the vicar of Spalding had a monk's allowance of bread and beer at the monastery there, and forage. He also had the tithe of the labourers and tradesmen, with those of certain crops due to the chaplain, Mass-pennies, and pennies given for blessed bread,¹ and cheeses at Pentecost, which represented the tithe of milk rendered in the most convenient form,² and fowls at the dedication festival, and all these privileges were worth over five mares. All the estate

¹ Panis Beatus is still given to the congregation after the Mass in parts of Europe, and in Egypt, and is said to be a survival of the Agape or Love Feast.

² Bishop Quivil of Exeter (1280-91) enters the following in his register showing the indignant protest made by the farmers of his day at being required to make the milk into cheese. Whereas, he says, the ancient and approved custom is that men should bring their tithes of milk in the form of cheese, some men maliciously bring the milk to the Church in its natural state, and (what is more iniquitous), finding none there to receive it, pour it out before the altar in scorn of God and of His Church. Mr. Coulton sees in this a resistance to an oppressive tithe. But the milk was, after all, offered, and the explanation probably is that the Devonshire folk scalded their milk and made butter, and did not know how to make cheese. But Bishop Quivil was a native of Devonshire and would have known better than to try to enforce a custom which did not obtain in the locality.

tithe, the mortuaries, and other dues would go to the monastery. The secular or unappropriated benefices had been starving the vicars just as much. If we take these over the diocese of Lincoln, which in those days included practically the whole centre portion of England from the Humber in the north nearly to London in the south, we find the ordinary value of the parsonage, where the statistics are given, to be about two to three times the value of the vicarage, though it varies from an instance such as Little Munden in Hertfordshire, where Andrew de Sealariis is solemnly instituted to a parsonage of one bezant, or at Sheepy where the parsonage is an annual pound of incense,¹ to Houghton Regis where the parsonage is 24 mares and the vicarage 2½ mares. A poorer parson would have some other source of income, and if he were not in Holy Orders or had no other benefice, he would probably occupy a farm, and hold a position rather like that of a churchwarden.

But the parsons were most exacting of their dues. At Heckington in Lincolnshire there were two vicars to be supported out of the benefice. One paid out of his portion a pension to the abbot and convent of Bardney. This vicar had built a house at his own expense on church land. The parson not only successfully claims the house after the builder's death, but during his lifetime the vicar is to keep a

¹ These two seem to be nominal acknowledgments of the parson's right. The pound of incense is the ecclesiastical form of the pound of pepper rent on secular fees, and the bezant, from having a figure of our Lord on it, is a suitable ecclesiastical equivalent for the mare.

lodging for him whenever he chooses to visit there. Besides this, all the barns are also to be reserved for the parson. In fact, not only does the lease of the house fall in, but the parson has a portion while the vicar is alive.

Such examples might be multiplied from the churches of all kinds, those dependent upon a prebendal church or a monastery or a parson. At a later date the important church of Bakewell in Derbyshire, which belonged to Lichfield Cathedral, was treated in the same parsimonious manner. The deacon and sub-deacon had to beg for the necessaries of life; the vicar of Bakewell had so small an allowance that he was unable to admit them to a seat at his table, and the priests of the dependent chapels had, not perhaps without reason, annexed the endowments for the poor for their own use.¹

But to return to the Lincoln diocese, the entries show us that in the thirteenth century the parsons of the secular churches were for the most part the younger sons of the patrons, very often boys not even in minor Orders or of an age to receive them, ignorant of letters and unable to sing ordinary psalm tones. These boys are sometimes placed in the charge of the resident chaplain or vicar by the bishop, and the vicar is to collect the little parson's dues while he goes to the school for five years to get some knowledge of the "Trivium" of grammar, rhetoric and dialectic, which necessitated at least a rudimentary knowledge of Latin.

¹ *Ordinatio Dom. Cant. Archiep. de capellis, etc.*, apud Dugdalo *Mon. Ang.*, Vol. VI. 3, p. 1246.

In the Oxford archdeaconry of the Lincoln diocese, in sixteen years 156 presentations are recorded, and of these only 13 are described as "master," which would mean that they had been through a course at a University, and Mr. Coulton¹ gives more startling statistics from the diocese of Exeter, where between 1308 and 1324, a hundred years later, 376 benefices in lay patronage were filled up, and only 135 of these, scarcely more than one-third, were given to men in priest's orders. This means that the system of parson and vicar for unappropriated benefices was kept up as long as it would hold out. The Register of Hugo de Welles gives many instances, some of which have been quoted, that the parson's right in the benefices had become of very small value, and the eventual disappearance of this functionary illustrates the tendency in all Church endowments to survive in the places where they are associated with a cure of souls, and to be reduced or be abolished where there is no such association, even when there has been strong protection on the part of Pope or State for their continuance. When we consider the enormous taxes levied on the Church by King and Pope, which fell in the country churches almost entirely upon the parson's or superior portion of the revenues, they may have been taxed out of existence.

But from whatever cause, the parson disappears gradually in the course of the thirteenth and fourteenth centuries. Either the rectorial revenues were appropriated to a religious house, or in the poorer ones, where there was not maintenance

¹ G. G. Coulton, *Priests and People before the Reformation*, 1907.

for a parson and his vicar, the two offices were permanently combined in one. The bishop's registers give many examples of the vicar of a benefice being instituted to the rectory or parsonage, and of a parson dispensing with his vicar and his portion. In the register of Bishop John de Pontissara of Winchester under the year 1284, following one of these permits, is an exemplar of a letter for the consolidation of a needless vicarage with its parsonage¹ and the resulting official is the rector as we know him to-day, who combines in his office the ancient functions of controller and receiver of the church revenues and of parish priest. It is this official and not the older one that Chaucer describes, about 1387, as the "poor parson of a town"—that is, a rector who also had the cure of souls.

It is quite possible that the disappearance of the parson led to the appearance of the churchwarden, who comes into church life during these centuries as the guardian of the fabric and "ornamenta" of the church, and as in fact taking over the office of the parson. The fund for the upkeep and "ornamenta" of the church, which the parson's third share of the tithe was from the beginning intended to provide, was no longer existent, and representatives of the parishioners in the shape of churchwardens had to be appointed to levy the dues when required. The Great Pestilence is generally supposed to account for most economic changes of the fourteenth century, but the parson begins to disappear and the churchwarden to appear before the

¹ Reg. of Bishop Pontissara of Winchester, 1284.

time of the Great Pestilence, though this calamity may have greatly assisted the closing up of the secular or unappropriated benefices, because of the dearth of clergy.

The disappearance of the parson, however, did little to check non-residence, and this became a more serious evil when the portion for the vicar's maintenance had been absorbed. It also assisted in detaching the benefices from a responsible local landowner, for under the old constitutions a benefice could not be disposed of apart from land. There were, of course, many ways devised of evading the spirit of this ordinance,¹ but generally speaking it was effectual in retaining the benefice in the hands of a responsible patron who had a stake in the well-being of the village. After the combination of vicar and parson, many rectors from constantly trafficking in them came to be nicknamed "choppe churches." The bishops tried to check this traffic and stigmatised it as simony, but on the whole with little effect.

The episcopal registers themselves show the constant moving from one benefice to another which went on all through the later middle ages, and the Close Rolls give many examples of the lawsuits for recovery of outstanding dues of the vacated benefice on account of the harvest not being gathered, or sheep being fed on different pastures, which points

¹ For example, the rich benefice of Warton in Lancashire, valued in the "Taxatio" of 1291 at over £66 annually, was severed from the manor and attached to a small waste piece of ground on the sands, with the possession of which it changed hands. See Abstracts of Plea Rolls, Co. Pal., Lanc., 2 Rich. III. *Laurence v. Lumley*. £66 is 99 mares, and five mares supported a priest for a year.

to dissatisfaction with the bargain which had been concluded. The monasteries connived at the traffic in their appropriated benefices; Whethamstede, of the fifteenth century, tells us how in twenty years twenty-four persons are recorded as having trafficked in patronage, and received presentations to the abbey benefices, and a further study of his chronicle shows to what extent it was carried on in the rectories. One benefice, Abbot's Langley, falls vacant by resignation six times in nineteen years. There are eight presentations to Brantfelde in Hertfordshire in twenty-three years. Nine different rectors go to Elstree in sixteen years. Letchworth has five or six in fourteen years and Shephall five vicars in six years.¹

When the revenues had remained in the hands of the parson who administered the benefice by a vicar, these transactions not always involving the sale of the cure of souls, remained less harmful. It did not matter so much if the parishioners paid the annual rectorial dues of corn and cattle to one person or another. They very likely saw little of him in the times between Easter and the other feast days when the dues came in, but the bishops secured the residence of the vicars and the cure of souls was maintained.

So little do these parish priests appear in the records that it is often only by a side light or accidental reference that their existence is discovered. And it makes periods of Church history less painful

¹ *Registrum Abbatiae Johannis Whethamstede*. Rolls ed., Vol. II., Introd.

reading, when we consider that in the later middle ages we hear practically nothing of the man who was occupied with the cure of souls. The struggle of Pope and King and landowner over rights of property and Church revenues passed largely over the head of the village priest, who, though, it may be with little learning and much superstition, said his Office and visited the sick. One example may be given, though this is of late date. The rich benefice of Warton in Lancashire was the subject of dispute and lawsuits between different claimants continuously for a hundred and seventy years after 1374. In 1483 a party representing one of the claimants occupied the parsonage house and fortified it. The other party came and set it on fire and assaulted their adversaries.¹ Again a little later one claimant took forcible possession, threshed all the corn and took the tithes and oblations, and then remained as an armed garrison in the church steeple for some weeks, using the church as a kitchen to roast their meat.² The question suggests itself whether any spiritual life could have been carried on in a village under these conditions. But one of the offences with which the marauders were charged was, that when the curate returned to minister the sacrament to sick persons, and wished to re-enter the church, those who formed a garrison in the steeple kept him waiting outside a long time. So there, in spite of disputes and riots and alienation of revenues, was the distinctly spiritual work of the Church going on.

¹ Co. Pal., Lanes. Writs Proth. File 21, Ed. IV. a.

² *Lancashire Pleadings*, Lanes. Record Soc., Vol. XXXV., 1897.

If, therefore, in the centuries following upon his creation, the parson appears as a very secular individual, unfitted by office to be the priest of the parish, and often engaged in some secular calling, it should be remembered that in his origin he was created to administer the revenues of the benefice, and to be responsible for the upkeep of the church, and not for the cure of souls. The parson was one form of the clerk of the middle ages, often devout, sometimes studious, skilled in the management of men and affairs, a person with more refinement and culture than the secular landowner, and with larger views than the village priest. He was despised by the regulars, but trusted by the laity, and formed in the country the social link between the Church and well-to-do citizens.

CHAPTER VIII

TITHES AND OBLATIONS CHIEFLY IN TOWNS AND BOROUGH CHURCHES

SOME remarks have been incidentally made with regard to the payment of tithe, but a few more notes may be worth making on a subject about which so many misconceptions exist. It has been mentioned that the policy of granting land-books for church foundations was copied from the empire of the Franks, where the barbarian conquerors used this plan of leasing away to their chieftains and followers the estates which had been taken from the Romans. On many such estates there would be a customary payment of a tribute of a tenth. This tenth or tithe had been one of the chief sources of revenue to the Roman Empire in its latter days and was often used for the poor, for the redemption of captives, or for whatever public purpose it might be required. The offering would be made in the towns, and when a bishop was established, he became the natural receiver and administrator of this fund. In the country churches it was administered by the lord. Thus, when the English land-books were granted, the moral obligation was in existence of making an offering out of public spirit which agreed with the Old

Testament injunctions with regard to raising tithe for the support of the levitical priesthood, and this was enforced in England by the Church Councils such as that of Chelsea in 787. The authority of St. Augustine was also brought in by a sermon falsely attributed to him,¹ which is wholly upon the duty of paying tithe. Thus the ground was prepared in the Church estates which devolved under the land-books for a regular tenth to be raised by the combined force of public spirit and religious duty, and where the foundation of a church was determined upon, the solidarity of an Anglo-Saxon community put irresistible pressure upon individuals who might be inclined to shirk their burdens. The tenth acre would be reckoned in the common ploughing, and the whole community would know roughly the amount of increase in the stock on a given holding. It has been shown that the tithe thus raised was apportioned roughly in thirds between the mother church or the thane, and the clergy, and the care of the poor was settled upon the original monastic establishments, known as the "old Minsters," which were, however, exhorted to be generous to the poor in the parishes where the churches belonged to them. In the country churches the portion of the tithe for the support of the poor consisted in the common rights, gleanings and fallows.

It is unnecessary to emphasise the point as to how far the ideal of a tenth raised the revenues of the Church. The argument from the Old Testament only found active expression in the fourth or fifth

¹ Augustine, *De tempore*, etc.

century, but the analogy between the Jewish and Christian Churches, between type and antitype, inevitably led to the conclusion that the means divinely sanctioned for the support of the three orders of the Jewish hierarchy should apply also to the three orders of the Christian ministry ; and in after years it was not realised that there had been a gap of several hundred years before this analogy had been recognised. And with regard to the payment of tithe and church dues, it must always be remembered that there was a close link between the clergy and country folk which made the payment a much more willing one than it otherwise would have been. The clergy of Worcestershire, for example, in the thirteenth century, are nearly all from the yeoman class, that class which has always been the chief strength of the English nation. Their relatives were farmers and small tradespeople. They had others in the neighbouring monastery. It was always possible that a son would become the priest of the village and the dues would go to his support. Moreover, the greater tithes were often farmed in the thirteenth as in the eighteenth century, and a collector who had paid for the right of taking them had a strong case.

So tithe came to be levied on all kinds of crops, and as other kinds of produce were introduced, they too fell under the tithing plan. The tenth of tradesmen's profits was considered due as well as of every other source of income¹—windmills, watermills, and

¹ See *Statuta Sinodalia*, quoted in *Reg. of Bishop Pontissara of Winchester*, under A.D. 1295.

fulling mills. The result, if fully realised, would be equal to an income tax in the present day of more than two shillings in the pound, for the wage-earning incomes would be included. But in practice the tithe remained chiefly as a charge on the produce of the soil. One cause of this was, that before the Norman Conquest, the village industries were all of the domestic kind. Weaving, for example, as distinct from homespun cloth, was introduced from Flanders by those who came in the Conqueror's train, and with the weavers and other craftsmen developed the fairs as distinct from the markets, where such goods would be sold, and which were at first held on the borders of villages and towns instead of within them.¹ The craftsmen were unpopular as foreigners, and were considered to have no proper place in the economy of a Saxon village. As individuals they probably paid church scot at Martinmas, but only when they formed themselves into guilds, as they soon did, was a central government able to assess them for taxation. In spite of decrees and canons they never paid full tithe to the church, and the craftsmen generally compromised by making an annual payment to the parish church for the sustentation of particular lights and by burial fees for the obsequies of their members. In the larger centres the guilds supported a chaplain and chapel of their own.

In the tithe ordinance of Alexander, Bishop of Coventry and Lichfield, between 1224 and 1238, it is

¹ Cf. Cunningham, *Growth of English Industry*, 1910. Appx. E., *The Immigration of Alien Craftsmen*.

decreed that from artificers, to wit, from merchants of the profits of their business, likewise from carpenters, plasterers, smiths, weavers, and all other workmen and wage-earners, tithes shall be demanded, unless those wage-earners will give some certain thing yearly to the light of the church, or to the use of the church, if the rector of the church is willing.¹ And the customs of Dunstable show what the recognised custom of the tradesmen there had become at the same period. "In giving of tithes of trade," it is decreed, "all, both male and female, shall give an oblation instead of tithe, of all their trade made in parts cismarine or transmarine, on every Sunday before the end of High Mass at the convent, what they may think proper, on the altar of St. Peter in Dunstable, and if they are absent on one Sunday or more, they shall offer in the said place, on the first Sunday after their return, the tithe which has fallen due in their absence. If one man has many dwellings, he shall pay according to the time that he has dwelt there, the tithes of trade, provided he does not move with intent to defraud the church of Dunstable; but if, in the next Lent following, his conscience tells anyone that he has offered less than the due tithe at the said altar, he shall offer all the rest on the Eve of Easter and discharge himself thereof, as he would that the Sacrament or the penance enjoined may profit him, and as he would avoid damnation at the Last Judgement." But if he has not the whole or part of the residue in ready money,

¹ *The Ledger Book of Vale Royal Abbey*, ed. by John Brownbill. Lancs. and Cheshire Record Soc., 1914.

he may ask the canon, appointed for the purpose by the prior, for delay concerning a certain sum which he confesses he owes and the said canon shall give him the delay he desires, under such caution as he may think fit.¹

But commutations both for proper payment of tithe and for tithe in kind were common from the beginning, not only with tradesmen, but with other folk. Tradesmen might not always be able to reckon up their profits at a given time, and in the rural payments the flocks of sheep and geese were not always exactly divisible by ten. The farmer sometimes drew the commutations in his favour as against the Church. For example, in the tithe ordinance already alluded to of 1224-38, the odd lambs were to be redeemed by 1*d.* each, but in the custom of the eighteenth century, which is given below, $\frac{1}{2}$ *d.* is sufficient to redeem a lamb. Also instead of the Church having free choice of fleeces in the later ordinance, the owner is allowed to take one away so that the second best went to the Church.

The tithe custom of a Lancashire parish in the eighteenth century, alluded to above, is as follows :— A week or ten days before Midsummer the tithes of wool and lambs are thus taken : “ The parishioners lyeth their fleeces in tens, then taketh up one fleece out of every pile, and then the tyth gatherer taketh for the tyth one fleece of every pile that remains.” As for the residue that falls short of ten, it is thus paid. “ If there be five fleeces, then five pence or half a fleece is due. If there be six, or any greater

¹ *Borough Customs*, II., 208, Selden Society, 1906.

number under, then ten-pence, or a whole fleece abating only so many halfpennys as they fall short of ten." The tithe lambs are taken in kind and in the same manner, viz., "After the lambs are set in tens, the parishioner taketh up one, and then the tyth gatherer chooses one out of the nine for his tyth of that company and so for the rest; and as for the residue that comes short of ten, thus:— One halfpenny for each one till five, which is a half tyth. Six lambs make a whole tyth, abating one halfpenny for each lamb that shall fall short of ten. And for the half tyth, when such happens, the owner sets a price and the tyther must take or give accordingly. In harvest time, is yearly collected the tyth of all corn and grain in kind growing within the rectory, viz., every tenth stook, beginning at the place where the plow entered, or according to custom, and for the residue of the stooks short of ten, a sheaf for every ten. At Michaelmas is collected the tyth of geese, viz., the tyth gatherer hath one goose having nine to choose from, and for each under five one halfpenny, if the owner have five which is half tyth, then the owner sets a price and the tyth gatherer either gives or takes accordingly: six is (torn) goose to the tyther paying halfpenny for each under ten." The Easter dues were as follows, payable on the Monday and Tuesday in Easter week. "For every married person $1\frac{1}{2}d.$ Then for every cow and calf, if the calves be under five in number $2\frac{1}{2}d.$, (torn) $2d.$, six $4d.$, allowing a halfpenny each till ten, (torn) garden $1d.$, hen $1d.$, wax $\frac{1}{2}d.$, every swarm of bees $1d.$, till five, which is half tyth. Six is whole tyth,

abating *1d.* each till ten. For every plough *1d.* For every foal *1d.* For every single person above 16 years of age fit to communicate $\frac{1}{2}d.$ Every house-keeper keeping hens pays the week before Easter one pennyworth of eggs or a penny." Tithe was also paid in the church at Easter yearly, that is, the tithe of "ancient" hemp, and also for hay.¹

With regard to oblations little need be said when the chief matter is one of endowments. But oblations, which were originally free will offerings, were a considerable source of the revenue of the parish priest. The regulation and management of them were left a good deal in the hands of the burgesses in the boroughs, and by the tithe ordinance of Athelstane, in 927, the borough reeves were to enforce payment. In fact, the altarage, or offerings for services rendered *pro rata*, was from the first a part of the regular maintenance of the town church. It was only natural that the offerings made should be according to a customary rate, so that people should know what was expected of them, and when once the customary rate was agreed by common consent, such offerings came to have a regular annual value, and were reckoned in the emoluments of the church. And on the question of customary fees there was especially on the part of poor priests a tendency to demand all or more than was due, and in rich churches the burgesses often refused or tried to diminish the customary dues. Possibly there were poor priests like the one Charles Reade describes, who, reduced almost to the condition of a disembodied

¹ From a MSS. in the Parish Chest at Warton, Co. Laues.

spirit by the meanness of his parishioners, required them to pay burial dues for their children when they were christened, as he found by experience that most of them ended their lives by being hanged in the next parish, and pendants paid no funeral fees, being "buried in air," and thus he suffered loss of his revenues. He explained to the bishop that if the parishioners could be buried without further expense, it would be an incentive to them to die in their beds like true men.¹

And we find traces both of over-exaction, and of all manner of devices to defraud the priest of what was customary. At Dunstable in 1228 ten burgesses agreed that at weddings, churchings and burials, only two persons should follow the principal person, so that the amount of the offering might be reduced, and in Dublin in 1268, no citizen was allowed under a penalty to offer an oblation more than four times a year, lest, presumably, the more frequent practice should become an established custom. The company at weddings and churchings was in like manner brought down to two who went up to the altar, as at Dunstable. Also the cierges and candles, which the people brought at funerals, they were, by order of the Mayor and citizens, allowed to take home, and only two need be left as an offering to the church. These last restrictions were, however, afterwards cancelled by the Pope's Legate. The importance attached to candle-ends is somewhat surprising until we realise that they were used as tokens by which money was raised rather than claimed for their intrinsic value,

¹ *The Cloister and the Hearth.*

much in the way that a flower is now bought for a charitable fund. Thus, when the candle before an image was lighted by the worshipper, a small oblation was made, and at burials the fees for the "church expenses" were raised by offerings for "waste of wax."¹

In 1291, there is a formal entry in the bishop's registers recording the settlement of a dispute between the rector of a church and the master of the schools as to whom the candle-ends should belong, which remained after the boys had brought them to the church for their annual service.² Such matters sound to us trivial in the extreme, but it must be remembered that the priest's maintenance depended upon how such things were disposed, and such minute regulation contributed to the smooth working of the system. It does not follow that feeling ran high on the subject of such minutiae, only that as in matters of Court ceremonial, a precedent is wanted so that continual attention to such detail should not obscure the real object of the ceremony, and to save friction.

The customs of Torksey give us the regulations about other oblations about 1345. When a child was born, the parent was to find the chrisom cloth and one candle, or $\frac{1}{2}d.$ when it is baptised and not more. When a woman is churched, she ought, with those with her, to offer $2\frac{1}{2}d.$ at most, if she is able, that is, the woman ought to put $1d.$ in the parson's candle, and offer it to the priest, and three women ought each to offer $\frac{1}{2}d.$ at most. This custom

¹ "Lambeth Churchwarden accts.," MS. 1501 onwards.

² "Giffard's Register," Wore. Hist. Soc., p. 395.

of others joining the chief person in offering at a churching may be the origin of one which still survives of presenting money to the nurse the first time a baby is seen by the friends.

Also, at Torksey, when a couple were married, the husband ought to put the wedding-ring and the silver on the book at the church door, and all shall be given to the wife except 4*d.*, which shall be given to the clerk, and the husband at Mass ought to offer 1*d.* and the wife 1*d.* at most, and none need offer unless they choose, and then not more than a farthing. Here we see the custom surviving of the betrothal, which still forms the first part of the Church of England marriage service, taking place at the church door, the money given to the wife with the ring being to bind the contract before the blessing is given at the service in the church by the priest in the offering of the Mass.

At a death it is ruled that someone ought to offer 1*d.*, which is called the Mass-penny, and no one need offer more unless he likes, and then not more than $\frac{1}{4}$ *d.*, and they shall not have more than two candles for the dead, one at the High Altar, and the other before the Cross, of such candles as he brought to the church, and if he brought no candle to the church, he need give none. It is interesting to compare these oblations which went to the officiating priest, whom the borough was able to control, with those at Bicester at the same period, where the monks who were rectors received the altarage as well as the tithe. Here the offering at a "churching" is from 1*s.* 10*d.* to 1*s.* 0 $\frac{1}{2}$ *d.* instead of a maximum of 2 $\frac{1}{2}$ *d.*

as at *Torksey*; the wedding oblation is from 5*s.* 3*d.* to 2*s.* instead of about 6*d.*, and the burial dues 9*s.* 3*d.* to 3*d.* instead of a maximum of about 1*¼d.* As the annual wage of an agricultural labourer not long before this was equivalent to about 55*s.*, the *Bicester* altarage is very high, though it is worth noting that the burial due, the only one which was unavoidable, and which might have to be incurred at short notice, is the lowest. At a death, however, at least of the head of a household, other oblations had to be made to the church.¹ There were the mortuaries, which were regulated by customs reaching far back into antiquity, and which always went to the parson or the lord of the manor, and not to the vicar, and are a survival of the time when the landowner provided the lessee of his land with his armour when he required him to accompany him to the wars, and with a certain number of cattle with which to stock his land when it was leased. As the leases were chiefly for three lives, the horse or arms in the case of a man-at-arms or a knight, or of the cattle in the case of a villan, were due to be returned on the man's death, when the lease partly or entirely expired. The custom, which still survives, of the best horse of the deceased following the funeral, and the arms often hung above monuments in churches, and the hatchments exhibiting the family armorials are remnants of the old feudal, or prefeudal custom. To say that the fine or heriot of the best beast was an exaction of the lord of the manor, and

¹ The difference in the value of fees may be that of town and country, for in the towns the estate tithe would be much less, and the clergy would depend more upon fees and oblations.

the second best beast was a second exaction on the part of the church, is to misrepresent the matter.¹ But in the custom quoted before, the best animal of the deceased was to be offered for the husband and the second best animal for the wife, if they had another. If there were only one animal and husband and wife were dead, the value of it was divided into two parts so that he or she shall answer for half the price to the parson. It was due from no one of lower estate than the villan on the manor, and when the relatives of the deceased could show poverty, the due was to be remitted.²

In any case, by the customs of Torksey, the parson, though he was entitled to the animal which formed the heriot, whether horse or mare, bullock or jennet, foal or sheep, pig or porker or lamb, had no right to the trappings or coverings (pannos). At the Cathedral church of Worcester, if a war horse or palfrey were brought with the body of the deceased, it should belong to the prior; if a draft horse or mare, to the sacristan; if vair³ or badger skin or arms, to the chamberlain; but all other cloths to the sacristan; if clothes or towels, to the fraterer; if utensils, to the cellarer. All these unless the testator directed differently in his will. These are mentioned as old customs in 1290.⁴ That such offerings might be of

¹ See Coulton (*Contemporary Review*, June and July, 1907). The ordinary expression in Church dues is "melius catallum," a better beast.

² See Statuta Sinodalia in Reg. of Pontissara of Winchester, under 1295.

³ Weasel or squirrel skin.

⁴ Bishop Giffard of Worcester's Register.

sufficient value as not to be ignored may be seen by the accounts of the funerals of great men, such as that of Prince Arthur at Worcester in 1502. In this case all the coat armour was offered, and the gospeller at one Mass, who was the abbot of Tewkesbury, received a horse as an offering, and other horses, trappings, banners, and a good deal of money was offered.¹ Such was the custom of offering at large funerals, and the Torksey customs tell us further what was usual at small ones. If they had no animal, then they must give their upper tunic, cape, tabard, or mantle. If the husband dies, the parson is to have his best garment as a mortuary, if he has no animal; and if the wife dies, the lady's best dress; nothing was due for a child. Thus there was a regular system of exsequies and appropriate perquisites. Other general oblations in boroughs were that all wage-earners ought to offer four times a year, to wit, each of them $\frac{1}{2}d.$, at the Feast of All Saints, Christmas, Easter, and on the festival day of their church, and not to give other tithe unless they are merchants. Every house where fire burns during the year ought to give cirage (money for wax candles) three times a year so that the parson shall find all the candles they wish to have to carry in church on Candlemas Day. Also the parishioners owe from each house, when its turn comes, a loaf, price 1d., which is called "blessed bread."² It may be noted that of these various oblations, some are

¹ See Leland, *De Rebus Brit. Collectanea*, cum Thos. Hearne, Lond., 1776, quoted in *Brit. Archaeological Assn. Report*, 1851.

² *Borough Customs*, II., 211, etc., and see p. 86 n.

due to the parson or rector, some to the officiating priest, and some for church expenses.

The custom varied in different places. Often, as at Bicester, if the church was personally served from a monastery or collegiate body, the rectors secured the altarage as well as the greater dues. Thus the fellows of Oriel College obtained the principal church of St. Mary in the High Street, and derived no small part of their corporate income from religious offices and from trafficking in the wax tapers which they manufactured and sold to devout persons.¹

The hardening of voluntary oblations into customs, and the growth of customs into rights, probably arose on the one hand from unworthy priests, and on the other from mean parishioners. The good priests suffered because if the minimum oblation is once fixed it tends to become the maximum. Also since the great tithe in the early days seldom went wholly to the officiating priest, he was driven, particularly in the towns, to find his support from the only source where oblations might fluctuate in his favour, namely, the altarage.

¹ Thorold Rogers, *Six Centuries of Work and Wages*.

CHAPTER IX

IMPROPRIATIONS, ETC., AND THE GREAT SPOLIATION

ALL through the middle ages there went on a series of transfers and changes in church property. Religious houses of all kinds which were in disorder, in debt, or untenanted, were reformed or suppressed, and their revenues applied to other objects. Richard Straddell, abbot of Dore in Herefordshire in the fourteenth century, was constantly sent on various commissions by Edward III. to reform other houses. The alien priories had been suppressed on political grounds in 1414. Bishop Alcock of Ely dissolved the Priory of St. Rhadegund at Cambridge in 1487 to found Jesus College. Bishop Wainfleet dissolved the Priory of Selborne to found Magdalen College, Oxford, simply because there was no need for it, and because in 1484 it had no one left in it but the prior, an old man of seventy-two. It was no new idea that, as a measure of reform, Wolsey in 1524 should convert the monastery of St. Frideswide at Oxford into a college and endow it by the suppression of a number of smaller monasteries, which were not serving the purpose of their foundation. All these were done for the purpose of transferring endowments from one purpose of the Church which was no longer

required to another which was. The monastic life had gone out of fashion, the foundations for it had ceased, and the authorities had for two or three hundred years before the reformation of Henry VIII. been enforcing discipline in those where the numbers of brethren were few, suppressing others, and providing some with additional endowments to support the enormous expenses which the magnificent buildings and huge establishments came to entail. The chief means of supplying the needs of the monasteries as well as of other church foundations was not so much by original endowments as by more impropriations of benefices, and the greater or parson's revenues of the parishes were drawn in to support church and charitable institutions of all kinds, a vicar being supplied to serve the parish. In the houses of secular canons, who were not bound by the stricter rules, one of their own body ministered in the church. Impropriations, or the attachment of the revenues of a benefice to a religious house, were a convenient form of endowing new foundations and supplementing old ones, and went on continuously from before the Norman Conquest. The process began, as has been seen, from the wish to draw the control of the church fund out of the hands of the laymen, whose predecessors had founded the churches, into the hands of a religious person or corporation of some sort. Benefices were attached to the "secular" collegiate churches through the thirteenth century as prebends, and in the fourteenth century impropriation went on as a convenient and easy way of supplying an endowment wherever it was needed.

The ravages of the Great Pestilences of 1349 and following years may have stimulated these, because an unusual amount of poverty was created ; but as a rule they were given whenever money was needed, and from whatever cause. For example, in 1327 Albrighton was appropriated to Abbey Dore, a Cistercian house, Wigtoft in Lincolnshire in 1330, and Duntisburn in 1329 to the same house. Three churches are appropriated to Worcester Priory in the same century. The reasons for the impropriations in all these are given, and in one case, that of Wigtoft, it is mentioned that the cause was general poverty consequent on the wars with the Welsh. Other impropriations are for the forms of institution more popular in the fourteenth and fifteenth centuries, that is, for schools and colleges, public libraries and chantries, which usually included a school or hospital. Even where the impropriations are made to an existing monastery, it is for some such purposes as these. In all the older Church institutions, the revenues had been kept rigidly to their different departments and officials. There was on the whole very little readjustment possible. The secular benefices were the most easily transferable to apply to the support of new requirements. When once the common fund had been reduced in the religious communities and the various dues applied directly to the several departments of the various obedienciaries, no possibility of development which might be supported out of a common fund remained. Some beneficiaries in the religious houses had come to be exceedingly wealthy, others could hardly exist. The

precentor, for example, might have a nice sum remaining for his Maundy feast on his "O" in Advent,¹ but the chamberlain or cellarer might not have enough, and no central funds were available to supply the thing which the age needed.

In the parish churches, where the patronage was not in the hands of the lord of the manor, one who wished to benefit the church founded a chantry or a gild or a school, of which he and his family could appoint the priest and control the services; in the monastery churches were appropriated to the scriptorium, for scholarships at the Universities, or for separate chantries.

But the result of all these impropriations was that by the time of Henry the Eighth all the ecclesiastical institutions which came under the several Dissolution Acts of his and his successor's reign, that is, monasteries of all kinds, chantries, colleges, hospitals, friaries, etc., had roots in every parish in the country, through which they derived a good part of their sustenance, and which were responsible by ancient custom at least for the upkeep of the parish churches. So not only were the greater or rectorial revenues of the parishes, the use of which had been enjoyed by some ecclesiastical institution, again secularised by the legislation of Henry VIII. and Edward VI., but where the benefice had been served by a priest living at the religious house, nearly the whole revenues were taken. There was no relaxation, no mercy. Every little country cottage and piece of land

¹ So called from its falling on the day when one of the Antiphons, "O Sapientia," &c., was appointed to be sung.

near the church, of which the religious house acted as trustee, was ruthlessly confiscated. The revenues which the Crown acquired in this way were computed at £1,600,000 per annum. Pensions were provided for many of the inmates; in the cathedral priories, many of the monks continued as deans or canons, but with the exception of the six new bishoprics there was scarcely any constructive policy. Churches were allowed to decay, and chapeltries and parishes to disappear entirely. Even the fabric of some of the churches had to be bought by the parishioners to save the lead being taken off for the King's private treasury. The tithe continued and continues to be paid, and leaves many parishes in the position of having to raise a large sum yearly in tithe for the receipt of which by laymen the law recognises only a minimum of obligation towards the fabric of the church and none at all to the incumbent.

The dissolution of the religious houses was, in fact, like pulling up a great tree by the roots. The parishes had become financially subordinated to these institutions. The monasteries had also been the feeders of the poor both inside and at the gates of their houses. They had provided a system not only of relief but of insurance, and even through the Dominican houses a banking system, and the sudden subtraction of their funds launched on the country a vast multitude of persons unable or unwilling to earn their living. With the chantries, hundreds of schools were suppressed, and with the gilds, numbers of friendly societies. The surprising

thing is that there was not even more opposition than there was. Two rebellions arose, the Pilgrimage of Grace and the Devonshire Rebellion, and in other cases the tenants deliberately refused to recognise the new landlords to whom they were transferred, and the dues on the property lapsed altogether. A large amount of tithe also seems no longer to have been paid.

But with all this rending of the financial system of the Church and the withdrawal of the whole fund for the upkeep of the country churches, we look in vain for any constructive policy or any attempt to concentrate the remnants and administer them in the spiritual interests of the nation until the nineteenth century.

The Court of Augmentations was set up in 1536 to receive and control the revenues derived from the suppression of the monasteries, and was the first of three bodies which endeavoured to centralise and administer any considerable portion of ecclesiastical property. But whatever was the first intention in the creation of this Court, in practice it became little more than a receiving house for the King's private revenue, and the readjustment of the incomes of the parish churches received no consideration at all.

The second of these Commissions was the Plundered Ministers Committee of the time of the Commonwealth, which though directed against episcopacy altogether, was a commission which recognised the responsibility of the lay holders of Church property towards the support of religious worship, and aimed at dividing the revenues of the Church so as to secure

an adequate maintenance for a preacher in every district where there was a church or chapel. It proceeded on these lines, in fact, with unrelenting consistency. Deans and chapters were abolished, and their revenues applied to poor livings. Impropropriators were to make up the incomes of poor ministers, and in a great many cases the benefices were acquired or the minister's stipend was to be augmented as the price of a composition with a royalist delinquent. The revenues from first-fruits and tenths which had originally been paid to the Pope, and had been seized by Henry VIII. for himself, were dealt with by a committee in the same way for the maintenance of ministers. These last reverted to the King at the Restoration, and were restored to the Church as Queen Anne's Bounty in 1704. They are now administered for the benefit of poor livings. The action of the Commonwealth was to apply the revenues of the Church to the perfecting as far as possible of a universal scheme of preachers holding the religious views of the Government. These Commissioners did a great deal of hard work, and had a constructive and practicable plan to provide in their way for the cure of souls. But they had so short a time to do their work that matters were very little dislocated from the state in which the Church had left them, and at the Restoration in 1662 fell back only too completely into their accustomed channels, leaving the restored Church in greater subservience to the Government of the day than it had probably ever been in its history.

The only serious attempt which has been made to

create a central or common fund out of Church revenues to be administered for the benefit of the cure of souls was the appointment of the Ecclesiastical Commission by statute in 1836. This has for its object the centralising of the surplus revenues of various bishoprics and ecclesiastical corporations which had accrued from the development of agriculture or mines or other sources, and administering these for supplementing the incomes of poorer benefices. The Ecclesiastical Commission and Queen Anne's Bounty still provide the machinery which was wanted for the reorganisation of the Church endowments.

But the church legislation of the centuries following the Reformation neither aimed at nor effected the removal of a single administrative abuse which had grown up in the course of the long, chequered history of the middle ages, with the exception perhaps of the Ecclesiastical Courts. The holding of livings in plurality was carried on to a great extent in the thirteenth century, but it prevailed almost as much in the eighteenth, and was more serious at the later period inasmuch as the benefices held in plurality in the thirteenth century did not so much affect the cure of souls. But at neither period was there any such excuse as the scarcity of clergy or the poverty of the benefices. The pluralist clergy of the day saw an opportunity of enjoying a large income and took it without regard to the responsibility attached. Popes and archbishops heaped canonries, prebends and benefices on their relatives in the thirteenth century, and archbishops

and bishops did the same in the eighteenth. The Pope made provision for his friends by reserving benefices beforehand for them, and the Elizabethan chapters sold the cathedral scholarships beforehand to their country neighbours. Startling examples of the misappropriation of patronage might be cited at any period of the pre-Reformation days, but equally startling ones at any period afterwards. In a list of the time of Queen Elizabeth of the prebends, hospitals and vicarages in the gift of the Archbishop of York, nineteen had been sold or disposed of to laymen who included the Archbishop's relatives, the Queen's cook, two boys aged fifteen or sixteen, and the Archbishop's secretary; and many of these had been undersold by the original lessees, and some of the holders were in foreign countries.

Nor was any real check placed upon non-residence of the cathedral clergy. The Visitations of the early centuries are sometimes difficult reading, but are probably matched by such documents as the Visitation of Lincoln Minster by Bishop Chadderton in 1607. The plea was in this that there should be at least *one* residentiary; the choir seldom came to service, especially the priest-vicars; there was "drunkenes, talkinge, and going out in service time, etc.; the Close is become a place of great licentiousnes, especially in alehouses, which for their number and disorder cause the Government of this Church to be hardly censured."¹ Laud's Visitations reveal much the same condition of things in other churches.

¹ See Edmund Bishop in the *Dublin Review*, Vol. CXXIII., 1898.

One particular sin is not so prominent owing to the post-Reformation clergy being openly allowed to marry, but there was very little attempt to check the abuses which had always existed in the church, such as simony, plurality and non-residence, which are inseparable so long as certain features remain which have survived to us from the past. Simony, or the sale of spiritual offices, depends entirely upon the security of tenure of the office. The disputes between King, Pope and private patron over the rights of patronage left the benefice as a freehold, and this freehold has been used to support all those who throughout the ages have wished to secure the revenues to themselves without recognising the duties which are involved by the office they hold. Plurality and its consequent non-residence came in chiefly from the desire of Kings and Popes to have wealthy, and so powerful church vassals to help in the administration of public affairs.

The limitations of the disciplinary power of the bishop came through the permanent division of common funds. All these abuses are survivals, and are not inseparable from an endowed church, but need wise and careful legislation to remove them, and set the Church of England free to fulfil its objects. In the concluding chapter some suggestions are made which might bring about the desired end.

CHAPTER X

CONCLUSION

THE perusal of these chapters will have shown that there are a great many anomalies in the administration of the Church, which are incidental to an institution with a long history, and also that the working of the spiritual ideal under which it was chiefly endowed is different from that of to-day. The mediæval motive of a spiritual kingdom which should provide a maintenance for its officials and to some extent for its citizens, has given way to one which looks for efficiency on the part of the clergy in a system which has become almost entirely a parochial one.

But plurality still lingers on in connection with cathedral churches, and is allowed by their statutes under certain conditions. It has yet to be fully recognised that if cathedral foundations are worth having at all, they should provide work involving as much residence as is required from a parish incumbent for four or six superior clergy; consequently the holding of another preferment which involves residence elsewhere, even if allowed legally by the statutes, and if not necessitated by the poverty of

the cathedral, is only a survival of the Dark Ages which has no justification to-day.

Another suggestion is worth making which might contribute materially to the smooth working of a cathedral church, and encourage continuous residence at it, and that is the restoration of the common fund, and with it the common table. The machinery is already present in some cathedral foundations, for there exists, besides the apportioned stipends of the dean and canons, the nucleus of a common fund, or a divisible surplus, which might easily be increased.

It was the division of the *Communa* which made non-residence easy, and its restoration might help to cure the oldest evil of cathedral life. There also exists in some statutes provision for a cook and other servants. If the common meals were restored, and all the officials of a cathedral foundation were obliged to be present on so many days a week as a minimum, as they are in the colleges of most of the universities, it would lead to a much greater amenity and concentration of aim than has, up to the present, existed amongst many of the cathedral bodies. The sacredness of every meal, which was so well recognised in the middle ages, as putting all on an equality, and as a bond of union, has been almost lost sight of. At Lincoln, formerly, in the course of High Mass, a clerk in choir habit went round, from the canon or dignitary celebrating to the deacons and all inferior ministers, down to the two bellringers, to bid them dine that day after Nones.¹ The time when the invitation was given may

¹ Chr. Wordsworth, *Notes on Mediæval Services in England*.

not commend itself to our sense of order, but there can be no doubt that the result promoted harmony and mutual understanding. A meal is sanctified when those who participate agree to hold one another in honour, and the loosening of such a bond unfailingly gives rise to a spirit of criticism, which is the bane of corporate bodies.

The common table also might be a means of keeping the cathedral body in touch with the clergy and laity of the city. In the present arrangement of individual houses for dean and canons, hospitality is difficult and apt to be exclusive. The common table need be no more luxurious than that of a college hall, but would provide what the nuns of Lacock Abbey called "a moderate and scholasticall congratulation," which on certain days, many others might be asked to share. The common fund, if this were restored, might also be used to provide what was wanted for the furtherance of church extension and charitable schemes to which the chapter would agree, and save the personal appeal to individual members.

Another anomaly which is the outcome of the past and which survives almost universally to-day in both collegiate and parish churches is the freehold right of the incumbent in the benefice he occupies. Numerous Acts of Parliament have been brought in, and many passed, to restrict the sale of advowsons and presentations. But none have removed the abuse, nor does it appear that they ever will, until this freehold is limited. If a benefice were held nominally for only a short term, say, of five years,

with a possibility of renewal for a fresh term,¹ they would scarcely be worth paying for; and if the transaction were discovered after institution, it could be remedied by deprivation, if the second or subsequent term of office were not renewable except by the bishop's permission. If the freehold were limited in some such way, we should not have the spectacle of incumbents who have committed offences such as contentiousness, which make their presence harmful in a parish, but are scarcely within the law, or who are infirm and past work, holding on to their source of income whilst unable from past failures or want of bodily health to serve the Church properly. And we should not have in the cathedral churches the picture of the minor canons, vicars choral, lay clerks, or others retaining an office which now they are unable to exercise at all from failure of voice or unwillingness, because the law does not, and the cathedral chapter cannot, compel them to resign.

An alternative plan to this, or possibly supplementary to it, would be to institute a department of the Ecclesiastical Commission in each diocese to take over all the work of the Diocesan Registrar's office. This should acquire compulsorily the patronage of all benefices which do not now provide a maintenance for a priest and at each appointment should offer benefactions to be met by a specified contribution from the parish, or supplement the income from centralised Church endowments or

¹ This suggestion was embodied in Lord Hugh Cecil's Church Organization and Discipline Bill, introduced into Parliament in 1905. It is also included in the Report of a Winchester Committee to consider the Limitation of the Tenure of Benefices in 1912.

from voluntary diocesan sources. Where no contribution were forthcoming from the parish, this might lead in some cases to the joining together of two benefices if the churches were near and the population small. This body should also be responsible for the payment of legal expenses incurred by the bishop in the interests of the church. An adequate pension system must also be provided, both for beneficed and non-beneficed clergy.

With regard to the system of patronage, the limitation of the freehold of the benefice would have the effect of lessening its market value, and consequently securing its more ready transfer into hands better qualified in the interests of the parish to hold it. It is anomalous that the advowson of a benefice should in many cases be in the possession of one who has no substantial interest in the parish at all, or even in the hands of trustees who are incorporated to purchase livings in order to appoint men with views agreeable to their own. They are not bound to consult any responsible person, and the parishioners have only a very limited right of veto, which is difficult to exercise.

But these matters, which are evils amongst many good things which the middle ages have left, non-residence, the freehold of the benefice, the traces of plurality and simony, the anomalous system of patronage which obviously fails to introduce the most deserving clergy to the cures which they will best administer, which stand out as dark spots on our Church system, are after all only survivals of much worse things which the revival of Church life

in the nineteenth century influenced legislation to remove.

These last are also removable by simple means, and their elimination from our Church system would be to take away a series of dead weights which hamper and clog its efficiency more than can be realised at present. There are, of course, grave risks incurred in any work of reform, that the evil exposed should seem greater than it is, and lead reformers on to advocate sweeping destructive legislation. But this should not deter those who see much good in the possession of endowments from doing all they can to secure, for example, a closer contact between the cathedral system and the popular life, or relations between central and local funds which should provide a fair maintenance for clergy, or to alter the system of patronage so as to secure a greater spiritual co-operation between patron, clergy and parishioners, and to provide a power which can concentrate the ministry on the places and populations which at the moment need the strongest ministerial effort.

It is no argument to reasonable persons to say that because a system has been abused therefore it should be abolished. The best men have worked under the worst systems, and by doing so have helped to retain the abuses. The pluralists, and the absentees of the middle ages, were very frequently, as they are to-day, men of unblemished character and high principle, and the absentees were often those who were most active in building up the national life, as disciplinarians and politicians and educationists.

But a motive is at work to-day which did not prevail so extensively formerly, and that is efficiency. In the old system, it was thought enough to give a man a living and hope he would do good ; now we ask what good he is doing, and what encouragement he is receiving. The man of other generations sometimes caught up a great ideal and developed it for the good of the country, though he may have fulfilled a cure of souls very badly. To-day we work harder and have a great deal more machinery. Both individuals may be wanted in their time, the great idealist and the practical administrator, but to-day the task of the Church is very great, and a concentration of material forces is badly needed to fulfil it. It needs, and it requires, the assistance of authority to cast off the remaining garments it has outworn, that it may stand in the sunshine of God's Grace and so follow where its mission to the nation may lead.

APPENDIX (*see* p. 14)

NOTE TO CHAPTER II

ON THE DIVISION OF TITHE INTO THIRDS

In Hallow, transferred in A.D. 798,¹ the prior of Worcester takes two-thirds of the demesne tithes, and the rector of the chapel one-third, and the small tithes of the vill. At Wichensford, the prior takes two-thirds of the demesne tithes, the vicar one-third. At Wick, the Priory takes all the tithes of corn and hay, and the almoner and sacristan some tithes, the vicar all the small tithes, and the latter sustains all charges. At Grimley, transferred in A.D. 825, the Priory takes one-third of the demesne lands, all the tithe of hay and two-thirds of the freemen's and the villans' tithe and all their tithe of hay. The parson has the other third of all these kinds of land, and of the hay, and of Easter eggs from whoever he will, and pays the prior a pension of 10s. a year. At Lindridge the prior has one-third of the demesne and villenage

¹ It is immaterial whether these dates are to be trusted or not, provided the transfer is pre-Conquest, of which there is ample proof in Heming's *Cartulary* (11th Century.). Pr. by Hearne, 1723.

tithes, the sacristan one-third of the demesne, and two-thirds of the villenage. Out of these last he has to give the almoner 15*s.*, 7*s.* 6*d.* to be paid at Michaelmas, and the other half on "Laetare Jerusalem."¹ At Fepsington, the great tithes are divided equally between the Priory, the sacristan and the parson, and the almoner has some other tithes and a pension out of the two-thirds of the villans' tithe which the parson receives, the Priory having the other third of the villans' tithe. At Harvington, the prior has the third part of the freemen's and the villans' tithe. The tithes of the ancient demesne are divided as to two-thirds to the sacristan, and one-third to the almoner. At Cropthorne the prior takes two parts of the demesne tithe and one-third from the villans' tithe of Cropthorne and Charlton. Out of this the parson takes one-third of the demesne tithe and two parts of the villenage, and pays a pension of 5*s.*

The surveys of St. Paul's Cathedral in the twelfth and thirteenth centuries illustrate the same thing. The appointment of the various shares shows traces of change and commutation, but it is noticeable that in no case is the whole tithe of the parish mentioned. The poor retain rights on some lands.

The list of thirty-six churches transferred to the Worcester Priory is tabulated, with dates, in Hale's *Reg. Priorat. Wigorn.*, Intr., p. xxiv.

¹ Mid-Lent Sunday.

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