XV.—*The Treasury of God and the Birthright of the Poor ; or Facts illustrating the origin of "Parsons" and "Vicars" in England.* By REV. OSWALD J. REICHEL, M.A., B.C.L., F.S.A.

Read 28th February, 1907.

I. THE TREASURY OF GOD.

Definition of Terms.

THE treasury or portion of God is a convenient term, based on the language of the seventeenth canon of the Council of Chelsea in 787 and other authorities,^a to express that portion of a Christian man's income and property which is or ought to be devoted to religious and charitable purposes, the maintenance of the bishop and clergy, the support of the sick and the poor, and the upkeep of the fabric and the necessities of public worship. The birthright (*patrimonium*) of the poor, another convenient phrase which comes to us from the thirteenth century, consists of one portion only of the treasury of God, the part devoted to the support of the sick and the poor.

How much each individual ought to contribute to the treasury of God, how the same ought to be expended, and who ought to be the recipients are matters

^a Haddan and Stubbs, *Councils and Ecclesiastical Documents relating to Great Britain and Ireland* (Oxford, 1871), iii. 637 : "Let all endeavour to pay tithes of all that they possess because it is the Lord God's own (*quia speciale Domini Dei est*), and let him live on the fine parts." Innocent III. in *Decret.* Lib. III. tit. xxx. c. 33 : "God has reserved tithes to himself by a special title in sign of his universal lordship." Concil. Westminster, A.D. 1127, Can. 9 : "We charge tithes as the portion 'of God to be paid in full.'"

on which I do not propose to enter here. They belong to the sphere of moral theology. Let it suffice to remark that the individual's contribution according to circumstances may lie anywhere between the minimum and the maximum. The minimum is a tenth part of his whole property and income, together with such further offerings as may be ordered by authority. The maximum is the whole of what he possesses, leaving him dependent on the Church for a maintenance.

The Minimum and the Maximum.

That the tenth part of a man's property and income should have been fixed as the minimum of his contribution to the treasury of God is not the result of accident or caprice. For the teaching of the Christian Church has always been that those who owe life and all they possess to Christ's undeserved redemption ought to regard that life and all they possess not as their own, but as trust-property to be expended in God's service. If Jews then living in the dim twilight of unfulfilled prophecy were required to devote a tenth part of their substance together with occasional extras to pious and charitable uses, much more must be expected of Christians living in the full light of the risen Sun. To give up a tenth part to God is therefore the least demanded of Christians. Of many much more than a tenth is required; and those who would be perfect,^a a select few it is true, are called upon to sell all that they have and give to the poor. They who obey this call the Church has always specially honoured as "religious persons,"^b and in acknowledgment of their obedience has taken upon itself the charge of their maintenance.

Administration of the Treasury in Early Times.

In the first days of the Church, as may be gathered from the account in the Acts,^c contributions to the treasury were paid over into a central fund, which was administered by the Apostles themselves. Then, owing to the murmuring of the

^a Mark x. 21; Matt. xix. 21; Luke xviii. 22; conf. Luke xii. 33.

^b Concil. 21 Peckham, A.D. 1281: "The name of religion is by us appropriated to the monastic life."

^c Acts v. 4.

Hellenists because their widows were overlooked in the daily distribution,^a the Apostles (οἱ δώδεκα) declined to continue the burden of administration, and instituted the order of deacons specially to devote themselves to this work. The deacons were therefore the financial officers of the Church, the relieving officers of poor Christians, the paymasters of the clergy, the administrators of a central fund. As such their position was a most important one, so important that the existence of deacons determined whether a district counted as a parish or not. In times of persecution the deacons were responsible for conveying food, clothing, and the sympathy of the brethren to Christians in prison or in the mines. They had to find ways and means to support widows and orphans; they had to entertain strangers coming from other Churches with commendatory letters. Hospitals, poor houses, guest houses, the houses for consecrated virgins and widows, clergy houses, foundling homes, all were under the charge of the deacons. So, too, were all the arrangements for public worship. They assisted the bishop to collect the offerings of bread and wine; they prepared the offerings thus made and placed them on the altar; they called on the faithful to pray for this, that, or the other object, at the end of which the bishop said the collect or summing-up prayer. Everything that had to be *done* was in fact the deacon's work, just as everything in the way of prayer or instruction was the priest's. And no doubt it was on their initiative that when funds ran short a two or three days' practice of self-denial was imposed on all.^b So long as Christianity was confined to the great cities of the Roman empire the treasury of God was undoubtedly treated as a central fund in each place, into which all Christians paid their dues and the deacons administered it under the bishop. In some places, at Rome for instance, and in the dioceses of Rheims, Paris, and Soissons,^c it was the custom to divide the fund into four parts, allotted respectively to the bishop, the clergy, the poor, and the fabric.^d It is true that in this country,^e in Portugal, and in

^a Acts, vi. 1.

^b *Apology of Aristides*, A.D. 120: "If funds fall short we have a fast of two or three days."

^c Selborne's *Ancient Facts and Fictions*, 30.

^d Concil. Mogunt, A.D. 841. See Lingard's *Anglo-Saxon Church*, ii. 340.

^e See *Baeda*, i. 27. Egbert's Excerpt 5, A.D. 740: "That bishops (*sacerdotes*) 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." Ælfric, Can. 24, A.D. 957: "That tithes be paid unto God's Church, and that the priest divide them into three parts, one for the repairs of the church, a second to the poor, a third to God's servants who attend the church."

Spain,^a we hear of a threefold division; but that was due to the circumstance that in these countries there were monastic bishops forbidden by the rules of their order to live apart from their clergy, and it only applied to city churches. The whole circle of rural districts was administered on an entirely different system.

The System of Administration in Rural Parts.

When Christianity was first introduced into this country there were but few town centres in which the Church could be supported by means of a central fund. Nowhere except where a collegiate or monastic church had been founded were there deacons to administer such a fund. Only in a few places any one to make gifts to it. The village lord was himself the patron and protector of all within his manor, and upon him rested the obligation of caring for the poor within the same. He was himself the principal tithe-payer, but he was also himself the tithe-dispenser. Only gradually did the canonical become a legal obligation leading to the substitution of the parson in the village for the deacon of the city. The beginnings of this are first met with across the water.

In the year 585 the second Council of Mâcon decreed^b "that the ancient custom be renewed (*reparetur*) by the faithful, and that all the people pay tithes to those who wait upon ecclesiastical functions (*cæremoniæ*), which the bishops (*sacerdotes*) expending either for the benefit of the poor or the redemption of captives, may secure by their prayers the peace and welfare of the people." The wording of this canon clearly shows that this was not the introduction of a new law but the conversion of a moral duty into a canonical payment. No longer could the tithe-payer act as his own almoner and bestow his tithes on cases he thought the most deserving. The canon called on him to pay them over to officials "of the Church who waited upon ecclesiastical functions," leaving it to these officers to disburse them to others.

^a Concil. Brac. A.D. 563, Can. 7: "That the effects of the Church be divided into three equal parts, one for the bishop, one for the clergy, one for repairs and lights" (the bishop's portion was for the poor). Concil. Emeritan, A.D. 666, Can. 14: "Whatever money is offered to the Church by the faithful should be carefully set aside and presented to the bishop, that it may be divided into three equal parts, one for the bishop, one for the presbyters and deacons to be divided among them, a third to the subdeacons and the rest of the clergy as the precentor thinks fit.

^b Can. 5, quoted in Haddan and Stubbs, *Councils and Ecclesiastical Documents*, iii. 637.

In this country, however, the payment of tithes and other dues to officers of the Church does not seem to have been practised at so early a date; but there can be little doubt that here as elsewhere they were looked on as morally belonging to the poor and other pious purposes. One of Edward's ecclesiastical laws in 1064 (Law 9) declares that "the blessed Augustine preached and taught [the payment of the tithes], and it was granted by the king and barons and people; but afterwards many detained them by instinct of the devil, and priests being rich and negligent did not care to be at the pains to get them because they had sufficient maintenance." But there is also evidence to show that in this country they were not paid to officials of the Church before the ninth and tenth centuries, and even then only in some cases. In Theodore's *Penitential*, about 668 A.D., one of the statements made is,^a "There is no compulsion to pay tithes to a presbyter (*Presbytero decimas dare non cogitur*)." The obligation to pay them must therefore have been a moral rather than a legal one, and at any rate the presbyter, mass-priest, or chaplain was not then the person to receive them.

Church Shot.

The first note of compulsion which we meet with in this country is in one of Ine's laws of the year 693:^b "Let church shots," it runs, "be paid by St. Martin's mass [11 November]. If any one make default let him forfeit 60 shillings and render the church shot 12 fold."

The payments here alluded to as "church shots" appear to be identical with those called by Theodore in his *Penitential* "Church dues." "The Church due (*tributum ecclesiæ*)," he says, "is according to the custom of the province, care being had that the poor do not suffer in the way of tithes or in any other way."^c By another of Ine's laws these church shots are required to be made "according to the roof and the hearth where a man is dwelling at midwinter."^d Accordingly authorities tell us that church shot was not paid according to a person's quality or wealth, but strictly according to the size of his house. And from the way in which church shot is mentioned in charters of the eleventh and twelfth centuries

^a II. ii. 8 in Haddan and Stubbs, *Councils and Ecclesiastical Documents*, iii. 191.

^b Law 4 in Haddan and Stubbs, *l.c.* iii. 215.

^c II. xiv. 9 in Haddan and Stubbs, iii. 203.

^d Law 61, *Ibid.* iii. 217.

it appears to be identical with the see-due or *cathedraticum*, a payment made to the bishop by way of composition for his interest in first-fruits and offerings.

In support of this view as to its origin Canon 16 of the first Council of Orleans in 511 may be appealed to:^a Of the offerings of the faithful "at the altar let the bishop take half himself and let the clergy take half to distribute according to their ranks." Canon 18 of the same Council then goes on to direct:^b Let the bishop bestow food and raiment as far as he is "able on the poor and infirm who by reason of their infirmity are no longer able to work themselves." When ampler provision had been made for the poor by allocating to them the tithes, the see-due appears to have been collected in rural parts by the same person who collected the tithes, usually the lord of the manor.^c Hence when the bishop's right to church shot was restricted to two shillings from any one church^d the lord of the manor pocketed the difference, occasionally making it over as the endowment of his own chaplain^e or else retaining it as a manorial asset.

There is, however, more direct evidence for identifying the church shot with the see-due. In the thirteenth century Pope Honorius III. writing to the Bishop of Assissi enumerates the dues payable to the bishop as four:^f viz. (1) the see-due

^a Gratian, Caus. X. Qu. I. c. 8.

^b Gratian I. Dist. cxxxii. c. 1.

^c Edgar's Laws in 958 (Kemble, *Saxons in England*, ii. 560) speak of the tithes as being in the control of the lord of the manor (bocland lord). The customs of Tidenham in Gloucestershire required the villager (*gebur*) to bring his contribution to the church shot to the lord's barn (Kemble, *l.c.*). Hone, *The Manor and Manorial Records*, p. 204, quotes from the manor rolls of Barkham, in 4 Edward I.: "The reeve answers for 2 shillings and 1 penny yield of 10 cocks and 10 hens from church shot (*chirset*) sold." *Idem*, 227, quotes from the Abbot of Glastonbury's manor rolls of Burton about 1250: "Robert Tac holds 1 virgate of land and pays for tenement rent (*gablum*) yearly 4 shillings . . . and a cock and a hen for church shot (*cherset*) on St. Martin's Day."

^d Concil. Brac. ii. A.D. 572, Can. 2: "Let no bishop making a tour of his minsters (*dioceses*) take anything else from a church but 2 shillings." Pelagius ii. A.D. 577-590 ap. Gratian Caus. X. Qu. iii. c. 4. Concil. Tolet. vii. A.D. 646, Can. 4: "That each bishop of the aforesaid province in accordance with the synod of Braga do not call for an annual contribution of more than 2 shillings from each chapel of his minster (*per singulas diocesis suæ basilicas*), churches of monasteries being exempt.

^e So we find in the Hampshire Domesday (*Victoria History*, p. 452), under Wallop: "There is a church to which belong 1 hide and a moiety of the tithes of the manor and the whole church shot (*cirset*)." Again (*Ibid.* p. 456), under Hurstbourn (*Esseborne*): "Vidal the priest holds the church belonging to this manor with $\frac{1}{2}$ hide; there he has 1 plough with 2 hinds and 1 acre of meadow and the whole church shot (*circisset*) which is worth 14 shillings."

^f *Decret.* Greg. IX. Lib. I. tit. xxxi. c. 16.

or *cathedraticum*; (2) synodal dues (*synodaticum*, or *synodalia*, or *synodus*); (3) the bishop's aid, now called procurations; and (4) a fourth share of tithes and mortuaries. Now in 1174 Henry, Bishop of Bayeux, at the request of King Henry II., wishing to discharge the priory of St. Stephen at Plessis-Grimould from all these dues granted to it immunity from "(1) synodals, (2) aids, (3) church shot (*circata*), and (4) all episcopal dues."^a About the same time the bishop granted to the brethren of Briweton church "that (1) the bishop's aid exacted every third year shall not exceed 10 shillings in money of Le Mans, nor shall more be demanded of them for (2) church shot (*circata*), and (3) synodal dues (*synodalia*) than they paid in his predecessor's time."^b Here church shot holds the place of the see-due in the list of Honorius III.

Again in 1173 Richard, Bishop of Coutances, when founding a new prebend in his cathedral church, gave to it the church revenues of Huberville "free and quit from (1) synodal dues (*sinode*), (2) church shot (*circata*), and (3) every due to bishop or archdeacon."^c Here again it will be seen that church shot holds the place of the due elsewhere described as the see-due.

In this country the church shot appears to have consisted of a measure of corn paid by each householder. For in 1105 we read that Robert de Hay "gave to the abbey of Lessay from all his manors that measure of corn which is called church shot (*chorchet*)."^d A document quoted by Kemble runs: "As to church shot (*ciric sceat*) the county states that from every hide of land whether free or villager's (*gebur*) land belonging to Worcester (*Wirecestre*) church the bishop ought to have on St. Martin's feast [11 November] one horse-load of corn (*summa annonæ*, i.e. 240lbs.) of the best there growing."^e As to the church shot of Pershore (*Perscora*) the county states that the church of Pershore ought to have the church shot (*ciric sceatt*) from all the 300 hides, viz. from each hide where a freeman dwells one horse load of corn; if he have several hides they are free."^f

^a *Calendar of Documents in France*, 193.

^b *Ibid.* 176.

^c *Ibid.* 343.

^d *Ibid.* 329.

^e Kemble, *Saxons in England*, ii. 560; and Maitland, *Domesday and Beyond*, 290, 305, 320.

^f *Ibid.* 560.

Extension of Legal Obligation to Tithes and other Dues in Late Saxon Times.

The extension of legal obligation to tithes and other dues and the requiring them to be paid to church officers appears to date from a time later than the end of the eighth century. In 787 it is true the legatine Council of Chelsea laid down the payment of tithes as a duty, and seemingly contemplated the payment being made to officials of the Church;^a but the authority of this Council seems not altogether established. Then followed the legislation of Ethelwulf in 855, which is appealed to by Selden and others as the basis of the legal obligation to pay tithes in this country, but apparently without reason; for both Kemble^b and Haddan and Stubbs^c have shown that this legislation bears a quite different meaning. For the real legal obligation to pay tithes we must wait till the tenth century. Then in 944 we meet with a law of King Edmund:^d

We enjoin upon all Christian men the payment of tithes as also their church shot and almsfee. Let them who will not do it be excommunicated.

Again in 958 Edgar's laws lay it down specifically:

(1) This is the principal point, that God's churches possess their right and that every one pay his tithe to the ancient minster [*i.e.* collegiate church] to which the district belongs whether of the thane's home farm (*inland*) or of the villagers' land wherever the plough goes.

(2) If a thane hath on his manor (*bocland*) a church with a burying-place belonging to it, let him pay the third part of his tithes unto his own church. If he have a church with no burying-place belonging to it, let him give his priest what he will out of the nine parts; but let every church shot go to the ancient minster from all the freemen's ground.

(3) And let all the tithe of young animals be paid by Pentecost and of the fruits of the earth by the equinox, and let every church shot be paid by Martinmass [11 November] under pain of the full mulct which the doom book orders; and if any will not pay the tithe as we have commanded let the king's reeve and the bishop's reeve and the mass-priest of the minster go to him and take by force the tenth part for the minster to which it belongs and deliver to

^a Haddan and Stubbs, *Councils and Ecclesiastical Documents*, iii. 456, Can. 17.

^b *Saxons in England*, ii. 481.

^c *Op. cit.* iii. 637.

^d Law 2.

him the ninth part, and let the eight parts be divided into two; and let the lord take one half, the bishop the other, whether it be a king's man or a thane's man.

(4) And let every hearth-penny be paid by Petermass [1 August] and let him who hath not paid it by that time carry it to Rome and 30 pence over.

Another law of the same king in 960 (Law 54) ordains:

Let priests remind the people of their duty to God, to be just in tithing and other matters, first the plough-alms 15 nights after Easter, and the tithe of young animals by Pentecost, and the fruits of the earth by All Hallows [1 November], the Rome fee at Petermass [1 August] and church shot at Martinmass [11 November].

The canons passed at Ensham in 1009 repeat the same (Can. 10, 11, 12):

(10) Let God's rights be paid every year duly and carefully, *i.e.* plough-alms 15 nights after Easter at latest; tithe of young by Pentecost and of all fruits of the earth by All Hallows' mass [1 November].

(11) And the Rome fee by Peter's mass [1 August] and the church shot at Martinmass [11 November].

(12) And the light shot thrice a year. And it is most just that men pay the soul shot at the open grave.

Again in 1014 King Ethelred's law (Law 4) lays it down:

We charge that every man for the love of God and the saints pay the church shot and his lawful tithe as he did in the days of our ancestors when he did it best, *i.e.* the 10th acre wherever the plough goes; and let every custom be paid for the love of God to the mother-church to which it belongs; and let no man take from God what belongs to Him and what our ancestors have granted.

These laws I think clearly indicate that in the later Anglo-Saxon period all owners or holders of land were required to contribute to the treasury of God through the officers of the Church the following six payments:

- (1) Plough-alms or almsfee, which had to be paid at latest within fifteen nights after Easter, and appears to be now represented by Easter-dues, a sum of twopence due from every member of a family above sixteen years of age.
- (2) First-fruits or tithes of increase required to be paid by Pentecost.

- (3) Tithes of corn and grain payable at All Hallows' mass (1 November).
- (4) Church shot or the see-due payable at Martinmass (11 November).
- (5) The Rome fee or Rome shot, also called hearthpenny,^a and Peter's penny,^b a silver penny payable by every householder possessed of land or cattle of the yearly value of thirty pence on Lammas day (1 August).
- (6) The light shot, a levy made three times a year according to Cnut's law,^c first a halfpenny worth of wax from every ploughland on Easter eve, and the same amount on All Hallows' mass (1 November) and again at Candlemas (2 February).

From a constitution of Walter Gray, Archbishop of York in 1250 (Const. 2), it may be inferred that light shot was taken to be a composition in lieu of personal tithes. "We ordain," it runs, "that personal tithes be paid of handicrafts and merchants and of trading gains, as also of carpenters, smiths and weavers, masons and victuallers, *i.e.* let tithes be paid of their wages unless they are willing, with the rector's consent, to make some certain payment for the benefit of the lights of the church."

Of these six dues it should be noticed that only the two first, Easter dues and first-fruits, were payable to the mass-priest or parochial chaplain. Two others, the church shot and the Rome shot, were payable to the bishop, one of them for himself, the other for transmission to Rome, and were probably collected by the lord of the manor; whilst tithes and light shot were also collected by the lord of the manor for their respective purposes, the ancient minster or collegiate church of the district. Whether they were paid over to the ancient minsters on their own behalf as being communities of the religious poor,^d or whether they were paid over to them as officers charged with the distribution of them to others, need not

^a Edgar's Law 4, A.D. 938.

^b Edward's Law 11, A.D. 1064.

^c Cnut's Law 12, A.D. 1017.

^d An early authority in Gratian, Caus. I. Qu. i. c. 68, writes: "Since all that clerks have belongs to the poor and their houses ought to be open to all, they should be watchful to welcome strangers and guests. Above all they should be careful to provide for monastic houses and guest houses out of tithes and offerings. For it is lawful to give tithes and offerings and penance dues to monks and spiritual men who serve and worship God, and to transfer property to their lordship and use, paying less heed to the poor because of their poverty than because of their religion."

concern us here. At least there is evidence from Edward's ecclesiastical law already referred to^a that the collection of tithes by the ancient minsters was not in use at the time of the Conquest. It may have been, as the law says that "many [lords of manors] detained them by instinct of the devil, and priests being rich and negligent did not care to be at the pains to get them because they had sufficient maintenance." Or it may have been that a tenth part of the land had been originally given to God in lieu of tithes, as was the case in Devon.^b But it is clear that when the Normans conquered the land, the tithes with few exceptions, and church shot with exceptions, were not in the hands of the ancient minsters and still less in those of the parochial chaplains, but were the property of the manorial lords and passed with the manors themselves to the Norman conquerors.

II. TITHES AND THE BIRTHRIGHT OF THE POOR.

Passing on to the subject of tithes in Norman times, it is well to remember that the term "tithes" is used in a wide sense to describe three distinct things which the custom of the West has allotted to three distinct purposes, viz. (1) tithes of corn and grain strictly and technically called the tithes (*decimæ*), (2) first-fruits or tithes of increase (*primitiæ*),^c and (3) personal tithes or tenths. The two former are also called "predial" tithes,^d because they arise from land and estates (*predia*), tithes of corn and grain being known as "great predial tithes," and first-fruits as "small predial tithes." On the other hand personal tithes or tenths consist of the tenth part of business or trading profits. Under the English manorial system the difference between great and small predial tithes appears to have been this, that great predial tithes consisted of the tenth part of the

^a See above, p. 5.

^b Letter of Archbishop Dunstan in *Anecdota Oxoniensia*, vii. 106, and *Transactions of the Devonshire Association*, xxx. 296: "Years ago the West Welsh rose against King Egbert. The king then fared thither and subdued them, and gave a tenth of his land to God in the way that seemed fit to him."

^c Hieronymus ap. Gratian, Caus. XVI. Qu. i. c. 65.

^d Hadrian IV. to Archbishop Thomas in *Decret. Lib. III. tit. xxx. c. 4.*

gross^a produce of all that was grown in the open field, whereas small predial tithes consisted of the tithe of all that was raised in the homestall, garden and curtilage.^b Small predial tithes therefore included tithe of pigs, colts, cattle, garden herbs, bees, wool, milk, cheese, and all things yearly renewing.^c As in any given area the value of small tithes was about half that of the tithe of corn or grain, or about one-third of the whole, this proportion seems to have been constantly kept in view in the settlements (*ordinationes*) of vicarages effected in the thirteenth century.

The Purposes for which different Kinds of Tithe were allotted.

It is important to remember that although both great and small predial tithes, and in addition personal tithes and offerings, all belonged to the treasury of God, yet the purposes to which they were assigned by Western rule were widely different. For except in the very few ancient collegiate churches there was no one central fund, but instead different revenues were severally assigned to separate purposes. A passage in the Apostolic Constitutions towards the end of the fourth century^d directs that "All the first-fruits of the wine-press, the

^a Innocent III. in *Decret.* Lib. III. tit. xxx. c. 26: "Divers laymen are endeavouring to deprive churches and clergy of their rights. Some assert that the seed and expenses incurred in tillage should be first deducted and tithe paid on the residue. Others setting aside the tithe from the portion of the fruits paid by their tenants, give it to their chapels or their clergy or even to the poor, or at will apply it to their own uses. Some even objecting to the clergy's manner of life do not hesitate to withhold it altogether."

^b Thus we find the tithe of peas grown in the open field assigned to the parson, whilst the tithe of peas grown in the garden went to the chaplain or vicar. On 3rd December, 1269, Bishop Bronescombe of Exeter assigned to the vicar of Littleham Abbot all the altalage except the tithe of fish and of peas and beans growing in the fields (*in campis crescentium*) (*Exeter Registers*, 151). But in the same year, 13th August, 1269, he assigned for the support of the vicar of Padstow (*Ibid.* 161) all the altalage excepting the tithe of fish and mills and the tithe of all farm produce raised in the open field (*agriculturæ in campis exculte*). On the other, on 5th June, 1270, he assigned to the vicar of St. Garan (*Ibid.* 172) all manner of small tithes and of peas and beans growing in gardens. So likewise the vicar of St. Siltsney was endowed with the tithes of peas growing in gardens (*Ibid.* p. 178).

^c Edward's Laws 8, 9, A.D. 1064.

^d *Apost. Const.* vii. 29.

threshing floor, the oxen and sheep shalt thou give to the priest, that thy store-houses and garners and produce of thy land may be blessed [but] the tenth of thy increase thou shalt give to the orphan and the widow and to the poor and stranger. All the first-fruits of thy hot bread, of thy barrels of wine or oil, or honey or nuts or grapes, or the first-fruits of other things shalt thou give to the priests, but those of silver, and of garments and of all sorts of possessions to the orphan and widow." Western use adopted the same distinction of objects, only substituting the tithe of increase for the tithe of the threshing floor as the priest's portion. Owing to the different circumstances of land cultivation between East and West there were no doubt good grounds for varying the apportionment. But throughout the Saxon and the Norman period of our history I cannot find any trace of the tithe of corn and grain being considered to be other than the patrimony of the poor. A very early authority^a followed by Hubert Walter at the legatine Council of York in 1195 (Canon 13), and by Innocent III. a few years later^b calls tithes "the tributes of needy souls." Alexander III. a few years previously^c had called them "God's consecrated portion" (*sanctuarium Dei*), and again Archbishop Peckham in 1281 (Const. 22) calls them "the inheritance of the Crucified." Indeed until the thirteenth century, when the great "consolidation of benefices" was effected, tithes, whether in the hands of a collegiate church or of an "ecclesiastical person," were accounted to be primarily held in trust for the poor; the parochial chaplain or vicar had nothing to do with them; the small predial tithe or first-fruits constituted his maintenance.

Distinction between the Chaplain's Interest, called the Church, and the Tithes or Birthright of the Poor.

It will perhaps not be out of place to give further proof of the distinction drawn in the eleventh and twelfth centuries between the mass-priest's or chaplain's interest, which in those two centuries was commonly spoken of as "the church," and the tithe of corn and grain which was held to be the birthright of the poor.

^a Gratian, Caus. XVI. Qu. i. c. 66.

^b *Decret.* Lib. III. tit. xxx. c. 26.

^c *Decret.* Lib. III. tit. xxx. c. 15.

The Calendar of Documents in France, a most valuable book for the light which it throws on English history; before the year 1200, records many gifts to religious houses, but it invariably distinguishes and names separately gifts of (1) churches, (2) tithes, and (3) lands. In those two centuries the term church is used to express the chaplain's emoluments from offerings and first-fruits, which at a later date were designated *altalage*, but it never includes the tithe of corn and grain. On the other hand, a century later, after the "consolidation" of benefices, the term church always connotes the tithes, and the incumbent's interest is known as *altalage*.

In the year 1105, for instance, Henry I. grants to the Abbey of Bec^a "all the (1) lands, (2) churches, and (3) tithes confirmed to them by his father." By two charters, dated respectively 1093 and 1096 William de Poillei gives to God and to St. Martin of Séez the third part of the corn tithes of all his manors in Devon.^b King Stephen, about 1145, "for his weal and that of his predecessors confirms whatever his barons and other subjects, French and English, have given to the monastery of St. Pancras," specifying amongst others "the church of Berry Narbor (*Biria*) . . . and also the lands and tithes belonging to the same, and the land of Brunescota . . . at Highbray, a virgate of land and the church which Mauger de Brai gave," with a long list of other churches, tithes, and land.^c Similarly in 1073 "William de Braose gave to St. Nicolas [of Bramber] 6 hides of land, and the whole tithe of his monies (*denariorum*) and of his home farm in hand when he crossed the sea and went to Maine in the army with William King of the English, and the tithe and church of Bedinges."^d And if further evidence is needed, turn to Joslin de Pomeray's grant to St. Mary du Val in 1125,^e when he conveyed to that monastery "and to the canons there serving God according to the rule of St. Augustine 60 acres in the parish of St. Omer . . . and half his bacon pigs and those of his heirs in Normandy, and the tithe of his mares in Normandy and England, and 40 shillings sterling from the tenement rents (*de gablo*) of Berry Pomeroy . . . and in England the tithe of his bacon pigs and of his mills at Berry . . . and in

^a *Calendar of Documents in France*, 124.

^b *Ibid.* 235; *Transactions of the Devonshire Association*, xxxvi. 363.

^c *Ibid.* 510.

^d *Ibid.* 405.

^e *Ibid.* 536.

England a manor called Teign Canon (*Tigneia*) and his chaplain emoluments (*capellana* or *capellaria*) [*i.e.* vicarage emoluments] in England, viz. the tithe of wool, cheese, porkers, and lambs at [Up]ottery (*Otrevum*) and all belonging to his chaplain emoluments in England.”

The above instances, and many more to a like effect may be quoted, show that the king and his barons in the eleventh and twelfth centuries were in the habit of making donations of three distinct kinds to monastic bodies and collegiate churches. Sometimes they bestowed on them lands; at other times they made over to them churches or the gift of the emoluments accruing from a spiritual charge;^a at other times again they made over to them tithes, *i.e.* the great tithes or tithes of corn and grain. But they could not have given the tithes had they not been themselves possessed of them at the time. Evidently therefore the mass-priest or chaplain was not the receiver or dispenser of tithes then, but the lord of the manor was. And apparently the administration of them, like the administration of the rest of the estate, was usually exercised by the lord's steward or some other lay persons.

Ecclesiastical Persons or Parsons.

The transition from an ordinary lay person to an ecclesiastical person or “parson” as the administrator of the tithes was the result of the legislation of the three Lateran Councils, and to a desire to keep within the letter of this legislation whilst in effect ignoring it in substance. To the same legislation must, I think, also be referred the creation of the new official neither in orders nor out of orders known as the ecclesiastical person. For the ecclesiastical person was substantially a layman, because he had not yet been admitted to the lowest of the minor orders, and yet by being tonsured he had brought himself within the bishop's special jurisdiction,^b and was consequently usually described as a clerk.

^a Innocent III. in *Decret.* Lib. III. tit. xxx. c. 31: “If a layman in making a gift of a church uses words such as, I give you such a church, nothing more is understood to be granted save a right of patronage.”

^b Concil. 15 Peckham, A.D. 1281: “That churches be not farmed but to holy and reputable ecclesiastical persons whom the bishop may freely coerce.” Reichel's *Complete Manual of Canon Law*, i. 324.

In 1123 the fifth canon of the first Lateran Council laid it down:^a “We decree that no laymen, however religious they may be, shall have any power of disposing of tithes, but according to the canons of the apostles let the bishop have charge of all the business matters (*negotia*) of the Church and dispense them as in the presence of God.” In 1139 the tenth canon of the second Lateran Council ordained:^b “Tithes which canonical authority shows to have been granted for works of piety we forbid by apostolic authority to be in the possession of laymen.” Again in 1179 the fourteenth canon of the third Lateran Council ruled:^c “We forbid laymen who detain tithes at peril of their souls to transfer them to other laymen in any way whatsoever.” The effect of these canons soon made itself felt in the great number of gifts of tithes which were made to religious houses, some of these gifts being of quite a wholesale character. But many of the smaller lords were reluctant to grant their tithes to distant bodies, and preferred to retain them for local expenditure. This object was effected by tonsuring the lord’s steward or other lay person who administered them, whereby he became converted into an “ecclesiastical person,” and could hold them as a clerk without violating the Lateran canons. The lord’s grantee thereby became responsible to the bishop for his administration of them, and was called in consequence the responsible person (*certa persona*),^d but usually this ecclesiastical or responsible person simply was spoken of as the person or parson.^e

In the ordinary course the tonsure was only the stepping stone to minor orders, but many of those who took the tonsure to qualify to hold the tithes as clerks were unwilling to enter the ranks of order. Accordingly only three years

^a *Mansi*, xxi. 282.

^b *Mansi*, xxi. 528.

^c *Mansi*, xxii. 226; *Decret. Lib. III. tit. xxx. c. 19.*

^d Concl. 49 Langton, A.D. 1222, in *Lyndwood*, p. 151: “We ordain that no churches belonging to responsible persons (*certæ personæ*) be let to farm but for a just cause and to one in orders of whom it may be presumed that he will apply the fruits to good uses.” Const. 15 Peckham, A.D. 1281, quoted 15 n. b.

^e Thus in October, 1283, Bishop Quivil of Exeter granted a licence to Nicolas de Gatecumbe, parson of Ashwater, to study at Oxford for one year. He was to pay 1 mark to the Preaching Friars, 1 mark to the Franciscans, and 1 mark to the poor (*Bronescombe Exeter Registers*, 313). The value of the benefice was then returned as £12 (*Ibid.* 459). Again on 15th November, 1286, a licence was granted to the same to study theology or canon law (*decreta*) at Oxford and to put out his benefice to farm to the chaplain of the place (*Ibid.* 313).

after the decree of the first Lateral Council we find one of Carboyl's canons at the Council of London in 1126 decreeing that "clerks who have churches or benefices be deprived of them if they refuse to be ordained." This canon, it will be seen, refers not only to holders of churches or vicars, but also to holders of benefices or parsons. Another canon of Carboyl's at Westminster in the following year^a forbids "churches or tithes or ecclesiastical benefices to be given or taken by any person without the consent of the bishop," where ecclesiastical benefices, being distinguished from churches and tithes, probably refers to benefices consisting of ecclesiastical lands. It may then be safely asserted that between the dates of the first and third Lateran Councils, in all parishes in which the tithes had not been made over to some collegiate or monastic church, there existed at least one other benefice-holder besides the chaplain or mass-priest, the ecclesiastical person whose office it was to administer the tithes; that he was appointed by the lord of the manor in the same way that the incumbent was; that he was strictly speaking a layman, but tonsured to bring him within the bishop's special jurisdiction; that by virtue of his tonsure he was called a clerk and brought within the terms of the canon; and that this responsible or ecclesiastical person held the administration of the tithes of corn and grain quite independently of the mass-priest or chaplain. He in fact discharged the same duties which were ordinarily discharged by the deacons in cities.

The earliest instances that I have come across of the term parson being applied to such an officer date from the close of the twelfth century. In the Constitutions of Clarendon in 1164 it is true parsons are twice mentioned. "Archbishops and bishops," says Constitution 11, "and all the parsons of the kingdom who hold of the king in chief, are to look on their estates as baronies." Here the parsons are obviously not those who have a cure of souls but who administer an ecclesiastical estate held of the king in chief. Again, Constitution 12 provides that "when an archbishopric, bishopric, abbacy, or priory is vacant, the king shall send his mandate to the chief parsons of that church," where the chapter members who have prebends are clearly designated by chief parsons. But in 1195 the Council of York under Hubert Walter as papal legate uses parson to express the holder of tithes in a parish. "We charge," so runs Canon 6, "that parsons and vicars take diligent care according to the pensions which belong to them, that churches which want reparation be

^a Can. 9, A.D. 1127.

repaired." The Exeter diocesan registers also show parsons and vicars existing side by side in a large number of parishes in Devon and Cornwall prior to the "consolidations" effected in the thirteenth century.

One point more. There is evidence that the number of benefice-holders in any parish was not confined to two, the parson and the vicar. In divers cases there were more than two. In some places there were several parsons, in others several vicars. If there were several manors in a parish the lord of each of them would appoint his own parson to administer the tithes of his manor and likewise his own chaplain or vicar. To stop this practice Constitution 13 of Langton in 1222 ordained: "In churches where there are several parsons let the portions of those that die accrue to the survivors till the whole come to one man." A constitution of the legate Otho (Const. 11) in 1237 also sets forth how that: "Sometimes under pretence of several patrons a church is given not to one but to divers [vicars] . . . and sometimes the parson consents that some portion be granted to another by name of parsonship (*personatus*) . . . sometimes a man makes a cession of his parsonship and accepts a vicarage in the same church. . . . For the future we ordain that no one church be divided into several parsonships or vicarages, and that such as have hitherto been divided be made whole again as soon as opportunity offers, unless they were thus ordered of old."

Consolidation of Benefices.

The consolidation of benefices which was completed throughout this country in the thirteenth century, wherever benefices had not passed to religious houses, puts the coping-stone on the structure known as the parochial system. The earlier canonical legislation of that century had been directed against a plurality of parsons or a plurality of vicars in the same church. The union of the parsonship with the vicarage followed. And just as the Lateran legislation brought into existence the new officer known as the ecclesiastical person or parson, so the union of the parsonship with the vicarage brought into existence a new local officer known as the ruler or rector.^a Previously the term rector had been confined to

^a The term is, however, met with in Canon 2 of the 9th Council of Toledo, 655, which directs that builders of churches may present (*offerre*) to their bishops suitable rectors to be ordained in the same churches.

the bishop or to the head of a collegiate church, because he had charge alike of the temporalities and spiritualities, but the latter was more often called the provost.

The episcopal registers of Exeter are full of instances of this consolidation of benefices, and they bring before us clearly the existence side by side of parsons and vicars. It may not then be out of place to conclude with a few examples. "On Monday next after St. Giles, 1263, Richard de Hidone, clerk, was admitted to the entirety of the church of Meshaw by consolidating the share aforetime held therein by the presbyter Juvenal with his own parsonship or share of 2 shillings."^a This entry shows that before 1263 Richard de Hidone was parson of Meshaw and Juvenal was vicar, that the value of the parsonship to the administrator was 2 shillings a year, and that on Juvenal's death the two offices were united in Richard, and he became rector of Meshaw. In the same year, 1263, "Chaplain Robert was admitted to the parsonship of Rame, with right of succession to the entirety on the death of Robert, vicar of Rame."^b On 26th January, 1263-4, the bishop assigned to Richard de Bamfilde $\frac{1}{2}$ mark of silver on account of the parsonship of the church of Thorverton, with right of succession to the entirety on the death of Richard de Chippestable, then vicar,"^c and on Chippestable's death on 26th March, 1265, the bishop instituted the same Richard de Bamfilde to the rectory of Thorverton.^d "On 2nd July, 1259, John de Withiel resigned the rectory of St. Merryn, and on the following day was collated to the vicarage of the same place, enjoying all the income as before saving 20 marks to be paid annually to Peter de Tarentesia as parson's share for life."^e "On 19th October, 1258, the vicarage of Churchstaunton being vacant was consolidated with the parsonship."^f "On 26th December, 1258, the vicarage of St. Ive being vacant was consolidated with the parsonship at the instance of the rector, John de Manneton."^g "On 26th December, 1262, William de Membiri, subdeacon, was admitted to the entirety of the church of Meeth, in which he previously had 5 marks a year on account of parsonship."^h

Surely these extracts show that the coexistence of "parson" and "vicar or chaplain" in a parish was long anterior to the union of the two offices in the

^a *Bronescombe Registers*, 155.

^b *Ibid.* 164.

^c *Ibid.* 185.

^f *Ibid.* 124.

^d *Ibid.* 185.

^g *Ibid.* 173.

^e *Ibid.* 174.

^h *Ibid.* 155.

“rector,” and prove that Lord Selborne was mistaken in following Johnson and others in the belief that tithes had always belonged of right to the incumbent and had been wrongfully alienated from him. The authorities which I have been able to refer to prove the exact opposite. In this country tithes appear never to have belonged to parochial incumbents, except by some express grant, and the bestowal of them on incumbents has led to their being alienated in great measure from the purposes for which they were originally intended.