

Case respecting the maintenance of the London-clergy : briefly stated and supported by reference to authentick documents / by John Moore.

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(6.)
C A S E

RESPECTING THE

MAINTENANCE

OF THE

LONDON - CLERGY,

BRIEFLY STATED AND SUPPORTED BY

REFERENCE

TO

AUTHENTICK DOCUMENTS.

BY

JOHN MOORE, LLB,

RECTOR OF ST. MICHAEL'S, BASSISHAW,

AND

MINOR CANON OF ST. PAUL'S.

LONDON:

PRINTED FOR F. AND C. RIVINGTON, NO. 62,
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C A S E

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TO

THE NATIONAL ARCHIVES

AND THE PUBLIC RECORDS OFFICE

FOR THE PURPOSES OF THE ACT

IN THAT BEHALF

JOHN BROWN, JUNR.

AGENT OF THE NATIONAL ARCHIVES

AND

MICHAEL BAKER OF ST. PAUL'S

FOR THE PURPOSES OF THE ACT

IN THAT BEHALF

FOR THE PURPOSES OF THE ACT

IN THAT BEHALF

IN THAT BEHALF

1842

C A S E

RESPECTING THE

MAINTENANCE

OF THE

LONDON - CLERGY.

UPWARDS of a Twelvemonth has elapsed since I announced my Intention of re-editing Bp. Walton's Treatise concerning the Payment of Tithes in London, with Notes and a Continuation. And, had the Work been now ready for publication, it would have been peculiarly seasonable at this time when a Number of the Clergy have it in contemplation to apply to Parliament for an amendment of the Act by which their Incomes were regulated in the Reign of Charles the Second. But, though several Persons, and among them some of the highest Respectability, have done me the Honour of their

Names, the Encouragement I have met with is by no means such as could warrant my undertaking an Impression which would be attended with no inconsiderable Expence.

Unwilling however that the Cause, in which I have a common Interest, should suffer for want of any Information I am in possession of, I have determined to compress the Substance of Bp. Walton's Treatise and of the Collections I have made myself, and to draw up a short Statement of the Case; that my Brethren of the Clergy may know the Ground on which they stand, and the Inhabitants of London may be apprized of the just Expectations of their Ministers. Sensible at the same time that Misrepresentation would only defeat my Purpose, and injure the Cause I wish to promote, I pledge myself that this Statement shall be a fair one; nor shall any thing material be advanced without being supported by reference to authentic Documents and unquestionable Authorities.

It would be altogether foreign to my Subject to inquire into the original establishment of Tithes in this Country, or to discuss the
Propriety

Propriety of allotting to the Clergy a Tenth of the Produce of the Earth, of the Increase of Flocks and Herds, and of the Profits arising from Trade. The Payments I have undertaken to treat of are in their Origin of a different kind ; and, though they are sometimes called Tithes, are more properly distinguished by the Name of OBLATIONS *. They seem to have succeeded the Free-Will Offerings of the Primitive Christians : But the Time when they were settled at a certain Rate it is impossible to ascertain. As far back however as the beginning of the thirteenth Century we find these Payments spoken of as ancient and immemorial : Roger Niger, who was Bishop of London between

* “ Specialiter loquendo dicitur Oblatio id quod in
 “ Missâ offertur Sacerdoti, quæ in præcipuis Festivitatibus
 “ debita et necessaria est.” Lyndwood : Provinciale seu
 Constitutiones Angliæ. Cap. de Consuetudine.

William Lyndwood was a famous Canonist, who flourished in the Reign of Henry the Fifth, and was employed by him in an Embassy to the Court of Portugal. After the King's Decease he returned to England, and resumed his Functions as Official to the Arch-Bishop of Canterbury, to whom he dedicated his Work. It was finished in 1430.

the Years 1229 and 1240 *, having in a Constitution published by Him declared it to be a Custom that had been observed from a very remote Period, and from Time sufficient to establish a prescriptive Right, for the Inhabitants and Occupiers of Houses, Hoftries, or Shops, on Sundays, and on Solemn Days, and on the double Feasts, especially those of the Apostles whose Eves were fasted, to offer a Farthing if their Annual Rent amounted to 10s.; if to 20s. a Half-Penny; if to 40s. a Penny; and so ascending in proportion to the Rent †.

This

* See Godwyn de Præfulibus Angliæ.

† “ Rogerus Niger, dudum Episcopus Londoniensis,
 “ quandam Constitutionem—de et super Oblationibus in
 “ Diebus Dominicis et Solemnibus ac Festis duplicibus
 “ et præsertim Apostolorum quorum Vigilæ jejunantur
 “ per Inhabitantes Domus Hospitia sive Shoppas quomodo-
 “ libet occupantes infra Civitatem prædictam faciendis
 “ maturâ deliberatione edidit: viz. Quod omnes & sin-
 “ guli Inhabitantes & Occupantes hujusmodi Domus
 “ Hospitia sive Shoppas per Annum pro Domo Hospitio
 “ sive Shoppâ cujus Pensio ad decem Solidos attingat
 “ quadrantem; si ad viginti solidos per Annum Obolum;
 “ si ad quadraginta solidos per Annum Denarium: et sic
 “ ascensivè pro ratâ Pensionis ultra dictam summam
 “ quadraginta solidorum, ad quantamcunque summam
 “ Pensio

This Custom the Bishop took upon him to enforce * ; and, several Arch-Bishops confirming it by their Metropolitan Authority †, it seems to have been for some time generally observed through the City ‡. At length

“ Pensio hujusmodi annua se extendat, offerre tenentur
 “ prout etiam hæctenus longè retroactis Temporibus et
 “ Tempore præscriptibili per Parochianos Ecclesiarum
 “ Civitatis prædictæ offerri extitit consuetum.”

This Constitution is not now extant ; but it is recited in other Documents which I shall have occasion to mention, and is recognized in several publick Acts of the Citizens of London.

* “ Consuetudinem illam per expressum roborare paternâ Provisione satagens et intendens.” These are the Words of an Act of Common Council held 5th March, 31 Hen. VI. Journal, Vol. V. fol. 94.

† “ Quam quidem Constitutionem nonnulli Prædecessores nostri Archiepiscopi Ecclesiæ Cantuariensis utpote laudabilem expressè confirmârunt.” Decretal Letter of Arch-Bishop Arundel.

‡ The Citizens indeed, in the Document above quoted, N. *, declare that it had been uninterruptedly and was then inviolably observed by them. “ Ipsaque Constitutio
 “ ex post per Rectores & Curatos prædictos quàm etiam
 “ per Cives modernos & eos qui in Civitate memoratâ
 “ Cives præcesserint acceptata admiffa et continuè observata fuerit, & hæctenus ex parte nunc Civium inviolabiliter observetur.” That this Statement however was not strictly true will appear from the Proceedings which took place long before the Date of that Record.

however, the Value of Houses beginning to advance, it was contended that one Penny and no more should be offered by the Inhabitant of any House, whatever his Rent might amount to *. Arch-Bishop Arundel therefore, in the Year 1397, issued a Decretal Letter †, in which he delivered an authoritative Explanation of Bishop Niger's Constitution, and declared the meaning to be that, if a House were let for more than 40s., the Occupier, on the Days prescribed, should offer at the rate of a Farthing for every additional 10s. Rent ‡. And this Interpretation

* “ Quidam tamen Parochiani Ecclesiarum Civitatis
 “ prædictæ, propriæ Salutis immemores et suæ Astutiæ
 “ nimis innitentes, suo perverso sensu Constitutionem ean-
 “ dem et sanum intellectum ejusdem subvertere moluntur,
 “ asserentes quòd, si Pensio annua Hospitii Domorum et
 “ Shopparum hujusmodi quadraginta solidos excedat, loco
 “ Oblationum et Decimarum Deo et Ecclesiæ nil præter
 “ unum solum denarium ut præfertur offerri seu dari
 “ debere diebus Dominicis & Festivis superiùs expref-
 “ fatis.”

† This Document is preserved in the Archiepiscopal Library at Lambeth.

‡ “ Nos igitur Thomas Archiepiscopus antedictus,—
 “ ad tollendum et sopiendum dubitationis et omnis alter-
 “ cationis materiam inter Rectores et Curatos Ecclesiarum
 “ Civitatjs

tation Pope Innocent VII, at the request of the Clergy, ratified and confirmed by a Bull bearing date in the second Year of his Pontificate*.

This Dispute being settled, another soon arose respecting the Days on which these Oblations were to be presented. According to the Constitution, as quoted by Archbishop Arundel and Pope Innocent, this was to be done *in Diebus Dominicis et Solennibus, ac Festis duplicibus, præsertim Aposto-*

“ Civitatis prædictæ et Parochianos earundem de et super
 “ Interpretatione sinistrâ Constitutionis prædictæ supra-
 “ dictâ ortâ, et pro perpetuâ quiete eorundem, volumus
 “ et declaramus per præsentés quòd, si annua Pensio Do-
 “ morum Hospitiorum et Shopparum hujusmodi ultra
 “ quadraginta solidos sterlingorum excedat et summam
 “ quinquaginta solidorum attingat, tunc denarium et qua-
 “ drantem ; si verò ultra quinquaginta solidos ad sexaginta
 “ solidos attingat, denarium et obolum ; si autem ad sep-
 “ tuaginta solidos attingat, denarium obolum et quadran-
 “ tem ; et si ad octoginta solidos attingat, tunc duos de-
 “ narios ; et sic semper per decem solidos ascendendo per
 “ ratam hujusmodi pensionis Inhabitantes Domus Hof-
 “ pitia five Shoppas hujusmodi Reçtoribus seu Curatis
 “ Ecclesiarum in quarum Parochiis Domus Hospitia five
 “ Shoppæ hujusmodi scituantur offerre teneantur.”

* This Bull is recited in a subsequent one of Pope Nicholas V, which is preserved in the Lambeth-Library.

lorum quorum Vigilæ jejunantur. But there were some Persons who pretended that this was not a faithful Statement either of the ancient Custom or of Bishop Niger's Declaration concerning it, and insisted that they were bound to offer only on Sundays, and the Feasts of the Apostles whose Eves were fasted * ; thus striking off several other

* “ Quidam ex eis, propriæ Salutis immemores — ac
 “ cupientes Oblationes hujusmodi diminuere et paulatim
 “ ipsi Ecclesiæ subtrahere,—dictas Oblationes non nisi in
 “ Dominicis Diebus et Festis Solennibus Apostolorum
 “ quorum Vigilæ jejunantur fecerant & faciebant, in
 “ aliis solennibus Diebus, qui quàm plures esse noscebantur,
 “ eas facere temerè recusantes; et ad palliationem
 “ Temeritatis hujusmodi afferebant quod tam ex Consti-
 “ tutione Rogeri Episcopi hujusmodi quàm ex Consuetu-
 “ dine antiquâ in Civitate Londoniensi legitimè præscriptâ
 “ —duntaxat—quolibet Die Dominico et alio Die
 “ Festo solenni Apostolorum quorum Vigilæ jejunantur
 “ per annum—nomine Oblationis—offerre debebant:—
 “ quoddque nullo alio modo quàm ut præfertur, nec
 “ secundùm quod in Literis Innocentii & Thomæ Archie-
 “ piscopi prædictis offerre tenebantur; & sic recusantes
 “ prædicti affirmare nitebantur quòd in Literis Thomæ
 “ Archiepiscopi et Innocentii Prædecessoris nostri præfati
 “ verus ipsius Constitutionis Tenor seu Effectus—expressus
 “ non esset, quoddque propterea ipsæ Archiepiscopi et Inno-
 “ centii Literæ surreptitiæ nulliusque Valoris vel Momenti
 “ existebant.” Bull of Pope Nicholas V.

solemn Days, to the Number of 20 and upwards, among which were some that had respect to our blessed Saviour himself*.

The Clergy, being thus threatened with the Loss of full one Fourth of the Oblations they had been accustomed to receive, were driven to seek Redress from the Laws of their Country; and a Suit was accordingly instituted in the Ecclesiastical Court † against one Robert Wright, an Inhabitant of St. Edmund's the King, who was condemned to

* The Saints Days whose Eves were fasted amounted only to 8: The other Days on which Offerings were demanded according to ancient Custom were our Lord's Nativity, the three Days after Christmas, Easterday, and Whitsunday, the Circumcision, Epiphany, and Ascension of our Lord, Corpus Christi Day, 4 Feasts of the Virgin Mary, St. Philip and St. James, the Feast of the Patron of the Church, and the Anniversary of its Dedication. See Minutes of Common Council 20 March 20 H. VIII. Book O. Fol. 145.

† This Cause was brought before the Commissary of the Dean and Chapter of St. Paul's, who were Guardians of the Spiritualities during the Vacancy of the See of London, which lasted from the Death of Robert Gilbert, 22 July 1448, to the Consecration of Thomas Kemp, his Successor, 8 Feb. 1449-50. See Godwin de Præsumptibus.

pay the Offerings he had with-holden: And, the Cause being removed by Appeal to the Court of Rome, the original Sentence was affirmed by the Pope's Auditor, and afterward, on a further Appeal, by Pope Nicholas himself*.

Though this Suit was carried on by the Incumbent of a single Parish against an individual Inhabitant, the Cause was considered as a general one; and, having become the Subject of Debate in Common Council, it was at first agreed that the Matter between the Curates and the Citizens should be referred to Arbitration †: This Resolution however being rescinded a few days after ‡, an Order was made for defending the Cause on the Appeal of Robert Wright ||, and other Measures were adopted for prosecuting this Business with effect §.

* The Proceedings in this Cause together with the Sentences pronounced in the several Courts are stated at considerable length in the Bull of Pope Nicholas V.

† Journal, Vol. V. Fol. 83. 24 July, 30 Hen. VI. (1452.)

‡ Ibid. Fol. 84. 29 July, 30 H. VI.

|| Ibid. Fol. 92. 3 Oct. 31 H. VI.

§ Ibid. Fol. 91, 94. 19 Sept. 17 Oct. 31 H. VI.

Not long after, however, the Common Council resumed their former Resolution * ; and eight Persons, being chosen Umpires, published their Award 17 Dec. 1452 †, specifying the Days on which Offerings were to be made at the rate of a Farthing for every 10s. Rent. And, as by this Award several Days were struck off which were included in the Sentence pronounced against Robert Wright, the Arbitrators (by way of Compensation, as it should seem) directed that certain Sums should be offered when the Rents were under 10s., and likewise when they were between 10s. and 10s.

While these things were transacting at home, Pope Nicholas V, having been requested by Letter from King Henry VI. to interpose his Authority, and quiet the Disputes that subsisted between the Clergy and

* Journal, Vol. V. Fol. 105, 109. 20 and 23 Feb. 5 Mar. 31 H. VI.

† This Award is given at length in a Work known by the Name of Arnold's Chronicle, and first printed about the year 1500, several Copies of which are still extant, and one in particular is preserved in the British Museum.

Inhabitants of London *, gave it in Commission to several Bishops to enquire thoroughly into the Merits of the Case, and make their Report to him †; in consequence of which he issued his Bull, bearing date 7 Aug. 1453, approving and ratifying the genuine Constitution of Roger Niger as recited by Arch-Bishop Arundel and Pope Innocent VII, and the Sentences pronounced against Robert Wright ‡, and enjoining the Citizens to offer in future agree-

* “ Intellecto quoque per Nos, ex nonnullis charissimi
 “ in Christo Filii nostri Henrici Regis Angliæ illustris ad
 “ Nos directis Literis, Regem ipsum summoperè desiderare per Nos super præmissis taliter provideri quòd
 “ omnis Ambiguitatis Dubium Diffensionumque et
 “ Litigiorum Materia necnon Lites ac Rancores quæ
 “ inter ipsos Rectores et Parochianos ex præmissis oriri
 “ possent de medio penitùs auferantur.” Bull of Pope Nicholas V.

† “ Nonnullis ex venerabilibus Fratribus nostris Episcopis tunc in Romanâ Curiâ præsentibus Oraculo vivæ
 “ Vocis commissimus ut per inspectionem Actorum
 “ actitatorum in Causâ ipsâ super præmissis omnibus et
 “ singulis se Auctoritate nostrâ diligenter informarent;
 “ et quæ per informationem hujusmodi reperirent Nobis
 “ fideliter referri curarent.” Ibid.

‡ These Documents are all inserted at full length in the Bull.

ably to the Constitution, on pain of incurring, ipso facto, the greater Excommunication*.

This Bull, as it is natural to suppose, occasioned no little Ferment on being brought over into this Country †, nor was it fully submitted to till about 20 Years after ‡; when, in a Court of Common Council, it was agreed that the Citizens and Inhabitants should from that Time be governed by it, on condition that it was exemplified under the Seals of the Arch-Bishop of Canterbury and the Bishop of London §.

Tho', according to the Constitution of Bishop Niger, thus confirmed and established

* “ Sub Excommunicationis Pœnâ in præfati Archiepiscopi Literis contentâ, quam secûs facientes juxta ipsarum Literarum Tenorem Continentiam atque Formam incurrere volumus ipso facto.” Ibid.

N. B. This Bull is extant in the Lambeth Library, and a Copy of it is printed in Arnold's Chronicle.

† On the report of its Arrival a Committee was appointed to wait on the Bishop of London respecting it. Journal Vol. V. Fol. 155. 12 March 32 Hen. VI. See too a very full Minute of this Business, Book K. Fol. 272.

‡ 3 March 14 Edw. IV. (1474.)

§ “ Concordatum est quòd Cives et Inhabitantes Civitatis London de cætero obediant in omnibus Bullæ
“ Nicholai

blished by the Authority of Pope Nicholas, respect was to be had to the Rents only as they ascended from 10s. to 10s., yet, the Arbitrators having provided for those Cases where intermediate Sums were paid, and their Award having been generally observed for near 20 Years, the Practice which they had introduced was still retained and blended with the other. And, it being now settled on what days as well as at what Rate Offerings were to be made, the Citizens began about this Time to account for them quarterly or annually with their respective Ministers; who, in consideration of the Convenience resulting from this Mode of Payment, consented to take something short of their legal Demand. For, whereas the Number of Offering-Days in the Year amounted to 100 (which, at a Farthing for

“ Nicholai nuper Romani Pontificis,—provisò semper
 “ quòd eadem Bulla exemplificetur tam sub Sigillo Archi-
 “ episcopi Cantuariensis quàm sub Sigillo Episcopi Lon-
 “ don.” Journal Vol. VIII. Fol. 95.

I have not been able to find any Evidence of its being so exemplified; but there can be no question made of it, when we find the Citizens, a few Years after, expressing a desire to regulate their Payments by it. See P. 17.

a House of 10s. Rent would have quoted 2s. 1d. per Ann. and one of 6s. 8d. rather more than 16d.) it was mutually agreed that 14d. should be paid for the Noble, 1s. 9d. for 10s. and so in proportion for other Sums*.

On this Footing Things remained till about the Year 1528; when, some of the Citizens objecting to pay the Composition except as their Rents ascended from 10s. to 10s, and the Cause being again made a publick one, at a Court of Common Council, 20 Nov. 20 Hen. VIII. a Committee was appointed to treat with the Incumbents: At the same Time, however, it was agreed that They should be desired to take from 10s. to 10s, as of old time, according to the Bull; and that, if they should attempt any thing to the contrary, Provision should be made for Defence †. A Treaty being set on foot, the Clergy at a subsequent Court, viz. 16 Feb. 20 Hen. VIII. exhibited

* These Circumstances are stated in what is called a Book of Articles exhibited by the London-Incumbents to the Court of Common Council 16 Feb. 20 Hen. VIII, and entered on the Records of the City. Book O, Fol. 140.

† Ibid. Fol. 120.

a Book of Articles, stating their several Claims; and, a Committee being appointed to take the Matters into consideration*, some Communications were had: But, the Parties coming to no Determination, the Common Council, at another Court, 20 March, 20 Hen. VIII, were pleased to order that Bills should be sent to every Parish-Church, showing how many Offering-Days there were, and what the Inhabitants should offer. They likewise made out a List of the Days, which They reduced to 82; subjoining what each Person's Composition would amount to yearly: viz. On Rents of 10s. 20d. $\frac{1}{2}$; of 20s, 3s. 5d; and so ascending from 10s. to 10s. As to those who inhabited Houses under 10s. Rent, they were to offer yearly for their four Offering-Days 2d. only, and to be no further charged but upon their Devotion †. To this Act of Common Council was added however a Protestation that there was no Intention to defraud the Clergy of what was due to them, and that, if they could lawfully prove their Right to receive otherwise than was specified,

* Book O. Fol. 140.

† Ibid. Fol. 145.

the Inhabitants, as good Catholicks and true Christians, would readily and chearfully pay the same *.

It does not appear what was the Effect of this Resolution; which, qualified by the Protest that accompanied it, afforded Individuals no great Encouragement to withstand the Demands of their Ministers, while it rather invited the latter to prosecute their Claims; which some of them did soon after with success †.

Hitherto the London-Incumbents had made good their Cause, and had been supported in it by what was then accounted the highest and most respectable Authority; their Claim to certain Oblations according to the Rent or Value of the Houses occupied by their Parishioners having been recognized and enforced by Bishops, Arch-Bishops, and Popes:

* Book O. Fol. 145..

† The original Documents of these Proceedings I have reason to believe were destroyed in the Fire of London. But Dr. Walton, in whose Time they were extant, states his having found that in the 25 Hen. VIII. divers Persons sued in the Arches for the 14d. in the Noble, and compelled such as were obstinate to pay the same. Treatise concerning the Payment of Tithes in London. C. XI.

And, when the Quantum of those Oblations was submitted to Arbitration, the Award had sanctioned the Principle on which their Right was founded, and had given them little short of an equivalent for their full Demand. Their Maintenance therefore in those Days was suitable to the Relation they bore to the Metropolis of the Kingdom; especially as, besides these and other Offerings, they were entitled to Personal Tithes of the Profits arising from Handicrafts and Trade *, which were accordingly

* The General Right of the Clergy to Personal Tithes admits, I believe, of no dispute. Whether the Citizens of London could plead as an Exemption their offering according to their Rents is proposed as a Question by Lyndwood; who, after discussing it at some length, determines that they were bound to pay them. *Provinc. seu Constitut. Angl. Cap. de Decimis.* Before Him Archbishop Langham, who was promoted to the See of Canterbury in 1366, had decided the Point in a Summary Way, by virtue of his Metropolitan Authority. “*Li-*
“*tem, quæ magna exarserat inter Cives & Clericos Lon-*
“*dinenses de ratione decimandi, ita composuit ut de sin-*
“*gulis Libris annui Redditûs unum Obolum Sacerdotibus*
“*fuis Cives persolverent, præter Oblationes & DECIMAS*
“*PERSONALES.*” *Godwin de Præs.*

accounted for by pious and conscientious men*.

But the Time was come when they were doomed to experience a sad Reverse of Fortune. Ecclesiastical Authority had been deeply wounded by the Quarrel between Henry and the See of Rome; while the Part which the Clergy took in it had greatly incensed the King, and subjected them to heavy Marks of his Displeasure. Now therefore was a favourable Opportunity of attacking any of that Body with the fairest Prospect of Success. And accordingly those very Persons, who but a few Years before had themselves fixed their annual Composition at 20d. $\frac{1}{2}$ for a House of 10s. Rent, and so in proportion ascending from 10s. to 10s, were now forward in seeking to sink that Payment considerably lower. Three of

* “ The Curates demand that all Merchants and Artificers, with other Occupiers of this City, do pay their several Tithes of the Lucre or Increase according to Common Law; and as it hath been and is accustomed of good and well-conscion'd Men of this City.” Book of Articles exhibited to the Court of Common Council: Art. 2. Book O. Fol. 140.

the City-Incumbents * having sued some of their Parishioners in the Arches †, the latter exhibited a Bill against them in the Star-Chamber, praying that Proceedings might be stopt in the Ecclesiastical Court, and their Parsons ordered to take 2s. in the Pound, agreeably to the Custom, which they alledged to have prevailed of old time within the City, and to be still observed in divers Parishes there. To this Bill the Defendants put in an Answer, which was followed by a Reply, and a Rejoinder, and by the Examination of Witnesses ‡.

When

* Viz. The Rectors of Allhallows, Lombard Street; of St. Bennet's, Grace-Church Street; and of St. Leonard's, East-Cheap.

† For the Reason assigned Note †. P. 19. we are not able to determine whether These are the same we have already mentioned. If they were, They must have obtained a Decree in their favour, and have been waiting only the final Process which was to carry the Sentence into effect; when their Opponents bethought themselves of applying to the Star-Chamber to stay Proceedings.

‡ Understanding that many Papers relating to Proceedings in the Star-Chamber had been lost or destroyed, and finding the rest in great Confusion, I gave over the Search as desperate; and must therefore content myself
with

When Things were in this State of Forwardness, the Lords of the Privy Council, aware that the Cause concerned not only the Parties before them but the whole City and their Clergy, made an Order that the Citizens should assemble in their several Wards, and there deliberate whether they would submit the Matter to Them as Referees: And these Meetings being accordingly held, and most part at length agreeing to abide by their Determination, a Report to that effect was made to the Court of Common Council, who thereupon appointed a Committee to prosecute the Business*. The Clergy likewise

with the Authority of Dr. Walton, who has stated the Substance of the Bill, &c. and refers to the Depositions as being on record at the time he wrote. Treatise concerning the Payment of Tithes in London. Ch. XII. That such a Cause however was then carried on is sufficiently proved by the Documents I shall hereafter have occasion to produce.

* “ Forasmuch as great Variance of long time hath
 “ continued between the Curates and the City of Lon-
 “ don, and the Examination thereof hath been had be-
 “ fore my Lord Chancellor and other Lords of our
 “ Sovereign Lord the King’s most Honourable Privy
 “ Council, and an Order taken by my Lord Chancellor,
 “ my Lord of Canterbury, and my Lords Chief Jus-
 tices

wife having consented to the Reference *, a Provisional Order † was made that the Citizens should pay to the Parsons of their respective Parishes after the rate of 2s. 9d. in the Pound, and 16d. $\frac{1}{2}$ in the Half-Pound, and so ascending from Half-Pound to Half-

“ tices of either Bench, and Mr. Thomas Cromwel, that
 “ the Citizens should assemble in their several Wards,
 “ and there to treat whether they would be contented to
 “ abide their Order and final Determination concerning
 “ the said Matter of Variance or no; Which Citizens
 “ assembled in their said several Wards, and at the end
 “ most Part of them were agreed to abide the Order of
 “ the said Lord Chief Justices of either Bench and of the
 “ said Mr. Thomas Cromwel, and Report made thereof to
 “ this Common Council accordingly. Wherefore it is
 “ now agreed that Mr. John Alleyn, Mr. Dodmer, Alder-
 “ men, Mr. Recorder John Clark, &c. do make report
 “ thereof to my Lord Chancellór, at his Place at Christ
 “ Church tomorrow, at Seven o’Clock in the Forenoon
 “ of the same Day; and that the said John Clark, &c.
 “ shall pursue and follow the said Matter with effect.”
 Minutes of Common Council 10 Feb. 25 H. VIII.
 Journal Vol. XIII. Fol. 395.

* It is stated in the Letters Patent of 2 Apr. 25 H. VIII. that both Parties had compromitted their Variances to the Arbitrement of the Arch-Bishop of Canterbury and Others.

† That this Regulation was only a temporary one is evident from the Letters Patent mentioned in the preceding Note, and from other publick Documents.

Pound.

Pound: And also that Men's Wives, their Servants, Children, and Apprentices, receiving the Holy Sacrament, should pay 2d. for their four Offering-Days*.

This Decree the King enforced at the Time by his Letters Patent †, and afterwards by Proclamation ‡: And it was further confirmed by Act of Parliament 27 Hen. VIII. Ch. 21, which provided that the Inhabitants of the City and its Liberties should pay their Curates all such Sums as by Order of the Lord Chancellor and Others, and by Royal Proclamation, they had or ought to have paid at Easter 1535, and

* The Original of this Order is not now extant; having been destroyed, as Dr. Walton informs us (Ch. XIII. of his Treatise) by the Fire which had happened at Whitehall a few Years before he wrote: viz. 12 Jan. 1618-19. See Howe's Chronicle Fol. Lond. 1632. P. 1031. It is stated however in the Letters Patent, and recognized by a Court of Common Council held the Monday in Passion-Week 25 H. VIII. (30 March 1534). Journal Vol. XIII. Fol. 404.

† These Letters Patent, dated 2 April 25 H. VIII. are entered in the Records of the City. Ibid. Fol. 417.

‡ A Copy of this Proclamation, printed by Thomas Berthelet, is preserved in the Library of the Antiquarian Society. From the Act of 27 H. VIII. it appears to have been issued before Easter 1535.

should

should continue those Payments till some other Order or Law should be made by the King and 32 Persons to be named by Him for settling the Tithes, Oblations, and Dues in London, and for making Ecclesiastical Laws for the Kingdom at large.

And here let us pause a while, and reflect how much the Value of the London-Livings was reduced by the Sentence of the Lords of Council, thus established by Act of Parliament. The Payments in lieu of Oblations, which at one time had amounted to 4s. 1d. in the Pound on the Rents of Houses, and which by the Award of Arbitrators and by mutual Consent had been set at 3s. 6d.* were now lowered to 2s. 9d.: And this Rate was intended as an Equivalent not only for OBLATIONS but for PERSONAL TITHES †, to

* See P. 17.

† So the Citizens themselves understood it: For, at the Court of Common Council held the Monday in Passion-Week, it was Agreed that the Curates should have and take of their Parishioners, in full Recompence and Satisfaction of their Oblations, TITHES, and other Duties whatsoever, but only 2s. 9d. in the Pound, according to the Order of the Lords: And in the Letters Patent that order is declared to have been made for settling the Disputes

to which till then the Clergy had been entitled, and which, tho' they had not generally demanded them, (being well satisfied perhaps with the Free-Will Offerings of the godly and well-disposed among their Parishioners) were nevertheless due by the Common Law of the Land. That the Right existed is clear from the authoritative Regulation of Arch-Bishop Langham, and from the decided Opinion of that great Civilian Lyndwood * ; nor was it called in question by the Arbitrators in 1452, who only expressed their Wish that every one should be left to his Devotion and Conscience in that Matter †: And, not many Years before the Reference which terminated in cutting off

putes concerning TITHES, Oblations, and other Duties, The Proclamation too sets forth that the King's Counsellors had decreed that the Citizens and Inhabitants should pay for their TITHES after the Rate of 16d. $\frac{1}{2}$ for every 10s. Rent, and not above,

* Note *. P. 20.

† “ Also as for PERSONAL TITHES, Parishioners, by
 “ this Ordinance, shall neither be charged nor discharged,
 “ saving that hereafter shall no Curate vex, trouble, sue,
 “ or deny Sacraments or Service for Non-Payment of
 “ the same, but leave them to good Devotion and Con-
 “ science of the Parishioners.” Award of Arbitrators
 referred to in Note †. P. 13,

so large a Source of Income, the City-Incumbents had asserted their Claim to it as founded in Law, sanctioned by Custom, and confirmed by various Constitutions and Ordinances *. But (on what Ground it is hard to say) They were deprived of this Right, and at the same time lost a considerable Proportion of what they had formerly received as a Composition for Oblations.

Yet, tho' the Citizens had such ample Reason to be satisfied with the Success of their Application to the Star-Chamber, several of Them refused to abide by the Result of it †; and, fresh Disputes arose on the Construction of the Order that had been made ‡; It being, however, at length agreed to submit these Variances to the Decision of the Arch-Bishop of Canterbury, the Lord Chancellor, and several other Lords and Judges §; it was enacted, 37 H. VIII. Ch. 12, that such Decree as should be made by those Commissioners or by any six of them,

* Note *. P. 21.

† It is so declared in the Proclamation above-mentioned,

‡ Preamble to the Act of 37 H. VIII. C. 12.

§ Ibid.

before the first Day of March then next ensuing, touching the Payment of Tithes, Oblations, and other Duties within the City of London and the Liberties thereof, and enrolled in the High Court of Chancery*, should have the Force of an Act of Parliament, and should bind as well the Inhabitants as the Incumbents of the said City and Liberties, and their Successors for ever.

The Commissioners accordingly met, and on 24 Feb. 1545 decreed that the Citizens and Inhabitants should yearly, without Fraud or Covin, pay their Tithes to the Parsons, Vicars, and Curates, and their Successors, after the following Rate: viz. Of every 10s. Rent by the Year of Houses, Shops, Warehouses, Cellars, and Stables, 16d. $\frac{1}{2}$; and of every 20s. Rent 2s. 9d; And so above the

* Eight of the Commissioners are named in the Body of the Decree, as having concurred in framing it; but only six subscribed it. Whether it was enrolled in Chancery, as the Act required, was long considered as doubtful, and many Arguments pro and con are stated by Dr. Walton in his Treatise, Ch. xvii. Some few Years, however, after he wrote, the matter was legally determined in the Affirmative by the Verdict of a Jury in *Hallum v. Adams and Others*. B. R. Easter 24 C. I. and *Brampton and Rands v. Cooke*. Excheq. 1657.

Rent of 20s. by the Year, ascending from 10s. to 10s. They likewise endeavoured to guard against the Frauds which might be committed by reserving less Rent than usual or no Rent at all, in consideration of a Fine paid beforehand; and, having provided for some particular Cases respecting Occupancy, they directed that the Inhabitants should account for their Tithes quarterly, and that at Easter the Wives, Children, and other Members of each Family should pay 2d. for their four Offering-Days. They further added a Proviso (which has since given rise to much Litigation) that where less Sum than after 16d. $\frac{1}{2}$ in the 10s. Rent or 2s. 9d. in the 20s. Rent had been accustomed to be paid for Tithes, then in such Places the Inhabitants should pay only after such Rate as had been accustomed.

From the Series of Facts which I have hitherto stated it is evident, I think, that till then there had not, nor could have existed (what were afterwards set up, and, in some Cases legally allowed*) specifick customary
 Payments

* The first Instance I find in which this Custom was pleaded was in the Cause of Morris and Wife (Lessees of the
 the

Payments attached to particular Houses. For the Composition in lieu of Oblations was a rateable Payment, regulated by the Rent; and, after having varied from time to time, was fixed at last by the Statute at 2s. 9d. in the Pound. If therefore there were any who could avail themselves of the
 Provifo

the Minor Canons of St. Paul's) v. Turner and Others in 1661. Here, however, the Point was not brought to a legal Decision, the Suit having terminated in a Reference. But in 1678, in Scudamore v. Pemberton customary Payments were found by a Jury; and so likewise in Bennett v. Treppas in 1722. They were also decreed for 3 Houses out of 4 in Williamson v. Gosling in 1762: And in Bramston v. Heron and Others in 1784, the Complainant, not being aware of the true State of his Case, admitted certain Payments to have been customarily made for the Houses occupied by some of the Defendants, but obtained a Decree against the rest for an Account at 2s. 9d. in the Pound, according to the Statute. In other Instances the Plaintiffs succeeded in establishing their right to the statutable Payment: viz. in Ward v. Hilder in 1694; in Townley v. Wilson in 1705; in Kynafton v. Brecknock in 1761; in Kynafton v. Irefon and Others in 1762; and lately, in the Cause of The Warden and Minor Canons of St. Paul's v. Morris and Others, Parishioners of St. Gregory's; where an Issue, directed out of Chancery, was tried at Bar first in the Court of King's Bench, and afterwards in the Exchequer, and where the Question was Whether at the time of making the Decree, 25 Feb. 1545,
 any

Proviso, as having customarily paid less*, still that smaller Payment must have been a *rateable* One †. Nor could Individuals claim this Privilege for particular Houses; the Language of the Proviso, which directed that the lesser Rate should be paid in those *Places* where such Custom had prevailed, referring strongly to a general Mode of Payment in a District ‡: And it was so understood at the time; for, in a Precept issued by the Mayor, the Aldermen were charged to cause the Inhabitants of their respective Wards to pay their Curates after

any and what less Sum than after the Rate of 2s. 9d. on the 20s. Rent had been accustomed to be paid for Tithes on the Houses occupied by the several Defendants, the Jury both times found a Verdict for the Minor Canons.

* From the several Documents we have produced, in none of which there are any Traces of Exceptions to the general Rule, and from our meeting with no Instance, upon the passing of the Act, in which they were set up, we may fairly conclude that no such Exceptions really existed.

† By the very Words of the Decree those who might be entitled to the Exemption were to pay not *specifick* Sums, but after such RATE as had been accustomed.

‡ Such was the Interpretation given to this Clause by the late Chief Baron Eyre in the Cause of Bramston v. Heron.

the Rate of 2s. 9d; and such *Parishes* as of old time had been used to pay but 2s. in the Pound were to pay as they had been accustomed *. Accordingly more than a Century elapsed before specifick customary Payments were set up †; nor can I learn that any Attempts were ever made to establish a less Rate than the general one adopted by the Decree; though the Disputes between the Parties were by no means laid to rest, but broke out afterwards with as much violence as ever.

And it was not long before fresh Cause was given for Complaint: for, in less than 5 Years, we find King Edward enjoining Bp. Bonner to enquire into and redress the Injury done to the London-Incumbents by divers Persons refusing to pay them their

* This Precept is quoted by Dr. Walton, Ch. xv. from a Work published at that time; according to which those *Persons* who had customarily paid less were to continue to pay at their usual Rate. But, on referring to the Copy of the Precept preserved in the Records of the City (Journal, Vol. XIII, Fol. 472) I found the Word was not PERSONS but PARISHES.

† See Note *, P. 30.

due *. It does not however appear that any Steps were taken in consequence of this Injunction ; The Times indeed would not admit of it : and the Occurrences of the two succeeding Reigns were so far from being favourable to the adjusting of such a Business, that on the contrary they afforded too fair an Opportunity, to those who sought it, of taking measures to prevent the Incomes of the City-Livings from rising with the improving State of the Capital, and even to lower the Payments which had been formerly made. It was during this Interval, while the Minds of the Clergy were called off from attending to their temporal Interests by Subjects which more deeply concerned them, that Means were used to conceal and depress the Rents on which the Composition was to be paid them ; and to that end double Leases were granted, Fines were taken, and Payments of various kinds

* This Circumstance is recorded by Fox, (in his Martyrology, Vol. 2,) who gives us the Words of the Order, issued 11 August 3 E. VI. The Fact is likewise stated by Collier, in his Ecclesiastical History, who refers for his Authority to the Register of the Bishops of London: Bonner. Fol. 220.

introduced* : So that, when James I. came to the Crown, the Evil was arrived at such a height as to drive them to seek redress from the Legislature : But the Bill which was brought into Parliament for that Purpose was lost on the second reading. And in 1620 another Bill, like the former, came to nothing †.

The London-Clergy, having failed in this Attempt, took no further Steps toward procuring Relief till about 14 Years after; when they stated their Grievances to King Charles I, and prayed to have them redrest; and, both Parties having agreed to submit to him as Arbitrator, He was pleased to hear the Matter himself ‡. After some delay, occasioned by the Situation of Affairs at that time, the Business was resumed in 1638; when the Clergy were ordered to exhibit to the Recorder a Copy of the Valuation of the Tithes of their several Bene-

* See the Case of *Dunn v. Burrell and Goff* in 1617. *Gwillim on Tithes*, Vol. I. p. 299.

† See *Journals of the Commons*, Vol. I. p. 245, 565.

‡ See *Minutes of the Court of Aldermen* 13 June. *Repertor.* Vol. XLVIII. Fol. 262, and *Minutes of the Privy Council* 5 and 16 Nov. & 14 Dec. 1634.

fices as they were then paid, together with the Value of the Houses in each Parish. This was accordingly done: But, some Exceptions being taken to the Statement, the King was further pleased to direct that there should be a Meeting in every Parish between the Parson on the one part and the Alderman of the Ward or Persons to be appointed by Him on the other; each Party calling in such Assistance as he should choose; and that they should enquire into and certify (together, if they could agree; if not, separately) what was the clear Maintenance of the Ministers of the respective Parishes, and the Amount of the Improvements; and that a moderate Estimate should be made of the yearly Value of the Houses &c, and what the Tithes would amount to according to such Valuation*. The Troubles coming on

* See Order made by the King in Council 22 April 1638, and the Substance of that Order stated in the Minutes of a Court of Common Council, held 4 May following. Journal Vol. XXXVIII. Fol. 108.

Tho' this Order does not appear to have been duly complied with on the Part of the Citizens, yet that an Abstract of the yearly Value of the City Livings was made by them at the time is evident from a Document preserved

soon after prevented the King from putting a final End to this Business. He therefore contented himself with permitting the Clergy to sue for their Tithes according to the Decree in that Case made and provided; reserving to Himself the Power (which He never after enjoyed) of altering, increasing, or moderating the Payments, as he in his Judgement should see fit*.

During the Usurpation no legal Alteration took place in the Provision for the City-Incumbents: On the contrary, their Right to the statutable Payment at the Rate of 2s. 9d. in the Pound was confirmed in two or three instances †. One Evil however, which arose out of the Confusion in which the Church was then involved, was that, the London-Clergy being driven from their Livings, and few of them rein-

preserved among their Records in the Town Clerk's Office; which contains the Amount of the several Benefices, as estimated separately by the Clergy and by the Citizens, and in a 3d Column what they would have amounted to at 2s. 9d. in the Pound on a fair and moderate Valuation of the Houses.

* See Proceedings of the Privy Council 22 Jan. 1638

† Viz. In Sheffield v. Pearce (St. Swithin's) and Brampton and Rands v. Askey, and The Same v. Cooke (St. Botolph's, Aldersgate).

stated at the Restoration *, the Knowledge of their legal Rights was in a great measure obliterated. They were unprepared therefore to meet the Opinion, which was broached at this time, That they were entitled, not to *rateable Payments* varying according to the Rents, but to *specifick Sums* chargeable on the several Houses in their respective Parishes †: And, before this Subject could well be investigated and the Mistake pointed out, the dreadful Fire in 1666 laid the greater Part of the City in Ashes, and burnt down or damaged 85 Parish-Churches.

When the Legislature met to consider how they might best remedy this fore Evil, it was enacted that 34 of those Churches should not be rebuilt, but that the Parishes to which they belonged should be united to others ‡. And by a subsequent Act the Maintenance of the Parochial Ministers of the 51 Churches

* It appears, from Walker's Sufferings of the Clergy, that not a Fifth of the London Incumbents were restored to their Preferments; and of these the Majority, if formerly engaged in the Contest, must have been too far advanced in years to renew it. Dr. Walton, who was thoroughly acquainted with the subject, instead of returning to his Situation in the City, was promoted to the See of Chester, but died before the end of 1661.

† See Note *. P. 20. ‡ Act of 22 C. II. Ch. 11.

which were to be restored was fixed at certain specifick Sums, to be levied by an equal Rate on the Houses in their respective Parishes*.

As for the Incumbents of those which had not been injured by the Fire, and the Impropropriators of those which had, their Interests were left on the same footing as before †. The Act however which regulated the Incomes of the rest may be considered as having had some Effect upon them, by giving Countenance to the Notion that the Payments made by their respective Parishioners admitted of no Variation and Improvement. And on this erroneous Principle Awards were afterwards made, and Acts of Parliament past, charging the Parishes which were the Subjects of them with raising a fixed Sum annually in lieu of Tithes, and in some Instances specifying what should be paid by each separate House ‡. In other Cases

Decrees

* Act of 22 and 23 C. II. Ch. 15.

† The Parish of St. Gregory being united to that of St. Magdalen, Old Fish Street, the Interests of the Impropropriators, the Warden and Minor Canons of St. Paul's, were secured to them by a special Proviso.

‡ In 1694, the Master and Scholars of Baliol College, Oxford, Impropropriators of St. Lawrence's, Old Jewry, and

Decrees have been obtained against a few Individuals for 2s. 9d. in the Pound on their Rents; but the Complainants, after gaining their Cause, and enforcing the payment in the first Instance, have afterwards lowered their Demand to 1s. in the Pound; afraid, as it should seem, of being thought rapacious and oppressive, and not aware that what the Law awarded them was a Compromise greatly inferior to what their Predecessors had been entitled to receive. Of late Years indeed the Subject has been more fully canvassed; in consequence of which several Incumbents have, without Litigation, made more advantageous Terms with their Parishioners, tho'

their Lessee, having filed a Bill in the Exchequer against several of the Parishioners, and the Parties having agreed to leave their Differences to be settled by two of the Barons, the Arbitrators, tho' the Complainants had just obtained a Decree for the payment of 2s. 9d. in the Pound on the Rents of the Houses occupied by the Defendants, fixed the Produce of the impropriate Rectory at £150 per Annum, to be raised by the Inhabitants for the time being according to a Schedule annexed to the Award. And this Sentence was afterwards confirmed by Act of Parliament 7 W. III. And in 1705, after a similar Decree had been obtained in the Cause of Townley v. Wilson, an Act was past for settling the Tithes of the Impropriate Rectory of St. Bride's at £400 per Annum,

still

still below what they have a legal Right to demand.

But to return to what is commonly called the Fire Act. The Reasons for passing it, as stated in the Preamble, were that the Tithes in the City of London had been levied and paid with great Inequality; and, since the dreadful Fire there, by taking away some Houses, altering the Foundations of many, and newly erecting others, were become so disordered that, in case they should not be reduced to a Certainty, many Controversies and Suits at Law might arise. The Act therefore determined what should be the certain annual Tithes of all the Parishes whose Churches were demolished or in part consumed by the Fire, and appointed a summary Mode of recovering them where they should be withheld. And hereby indeed the Object which the Legislature had in view has been attained: Litigation has been prevented*; but at the same time the Maintenance

* No Dispute appears to have arisen on this Statute till the Year 1713, when, Arrears having become due while certain Houses were empty or in possession of former Tenants, and Payment being denied; and the Lord Mayor having

nance of the several Incumbents was fixed at a very low Rate, and the Door shut against any Improvement that might keep pace with the Times. Of the 51 Livings which were regulated by this Act, only 6 were settled at £200 per Ann.; 32 at less than £150; and one Fourth of these at no more than £100. These Sums, except in a very few Instances, do not much exceed what the Livings quoted in the Reign of Charles I,

having on application refused to grant a Warrant of Distress; two Incumbents appealed to the Lord Chancellor pursuant to the Directions of the Act: who, perceiving the Question to be of a general Concern, and that the Barons of the Exchequer had concurrent Jurisdiction with him, applied to them for their Opinion: with which he concurred, and decreed that the Sums assent by that Act were become a real Charge upon the Houses, and that the Arrears which should have been paid by the former Tenants, or which became due while the Houses stood empty, should be discharged by the then Occupiers.

Some Years after several of these Livings were charged with the Land-Tax, but were relieved by a Resolution past 18 Dec. 1741, at the fullest Board of Commissioners that (as far as I can learn) was ever held, before or since. Notwithstanding which a Charge has again been made within these few Years on the Incumbents of Livings situated in the Ward of *Cusile-Baynard*, who have accordingly paid the Tax, and some of whom, I understand, continue to pay it at this Day.

when the Clergy were complaining of their Grievances; and scarce produce one Third of what they would have done, had the Tithes been paid according to a moderate Valuation of the Houses*. In a few Parishes indeed some Addition is made to This by Easter-Offerings: The Words of the Act however preclude the legal Demand of them †; so that, where they are collected, they are solicited and accepted as Gratuities, and no where amount to any thing considerable.

At this distance of Time, and without any Clue to guide us, it would be difficult to determine what induced the Legislature to fix on Sums so far below those which the several

* This appears from the Document described Note *, P. 36. a Copy of which I have accordingly subjoined.

† “ Which respective Sums of Money to be paid in lieu of Tithes within the said respective Parishes,— shall be the respective certain annual Maintenance (over and above Glebes and Perquisites, Gifts and Bequests to the respective Parson, &c. of any Parish for the Time being) of the said respective Parsons, &c.” Easter-Offerings come under neither of the additional Sources of Income here described. On the contrary they formed a part of what had been given to the Clergy in lieu of Tithes and Oblations by the Decree of 37 Hen. VIII.

Livings would have yielded had the Composition in lieu of Tithes and Oblations been paid according to the bonâ fide Rent or Value of the Houses in each Parish. They might possibly advert to the Principle laid down in the Decree of 37 H. VIII, which provided that, if any Person should take a Tenement for less than the accustomed Rent by reason of great Ruin or Decay, *Burning*, or such like Misfortunes, such Person should pay Tithes only after the Rate of the Rent reserved in his Lease, as long as that Lease should endure. But, if that were the Case, the Leases granted for rebuilding after the Fire of London must have long ago expired, and consequently that Reason has ceased for continuing the Tithes at the same low Rate.

In the mean time Circumstances have arisen, which seem to press strongly for a Revision and Amendment of the Act in question. The Alterations which have of late been made and are still making in the City, *by taking away some Houses, altering the Foundations of many, and newly erecting others*, have introduced great Confusion in the Tithes as affect by virtue of that Act,

and

and cannot but occasion much Difficulty in ascertaining and recovering them* ; no Provision having been made for fresh Assessments, when, in course of Time, Alterations should take place in the Disposition of Houses.

But what appears to call most loudly for an Amendment of the Act is the great Advance which has taken place in the Price of every Article of Life ; so that the annual Maintenance provided by it is by no means sufficient for a Clergyman to live upon even as a single Man, and still less to support the Dignity of his Character ; being such as does not place him, in point of Income, on a level with a Clerk in a Counting-House, or a Foreman in a reputable Shop, and scarce raises him above the Mechanick who maintains himself by the labour of his Hands.

Surely then here is sufficient Ground for applying to the Legislature to revise and amend an Act, which, tho' suited to the Exigences of the Times when it was past,

* This is peculiarly the Case in the Parish of St. Sepulchre.

has eventually been productive of great Hardship to the Clergy of the present Day, and will probably be still more severely felt by those who may come after them.

As for the mode of Relief, the readiest Way seems to be Altering the Sums specified in the Fire-Act; and declaring what shall be in future the certain annual Maintenance of the Incumbents of the respective Parishes; leaving those Sums to be affect by the same Description of Persons as were commissioned to do it on the former Occasion.

Against this Mode it may, however, be alledged that, should the Value of Money continue sinking as it has done, the Maintenance provided by it will in a few Years again become inadequate; whilst a rateable Payment, keeping pace with the Rent or Value of Houses, would be free from this Objection, and at the same time be more analogous to what is practised in the other Parishes of London and in different Parts of the Kingdom. In those City-Parishes which were not affected by the Fire in 1666, and were therefore left subject to the Act of 37 H. VIII, the Incumbents are entitled to

Payments in lieu of Tithes at 2s. 9d. in the Pound on the Rents: In the City of Canterbury one Parish pays at that Rate, and the rest at 2s. 6d.: By an Act of 4 and 5 P. and M. Ch. 5. the Maintenance of the Clergy in the City of Coventry was settled at 2s. in the Pound: King Charles I. awarded the like Sum for the support of the Parochial Ministers of the City of Norwich*: And the same Rate was payable by ancient Custom to the Incumbents of the Parishes in the Suburbs of London†. Nor would the adopting of this Mode revive the Dis-

* This Award was issued under the Great Seal 7 Aug. A. R. 14, and is enrolled in Chancery. It was published, together with a Vindication, in 1707, by Dr. Henry Prideaux, Dean of Norwich; and reprinted with other Ecclesiastical Tracts in 1716.

† It is so stated in the Award mentioned in the preceding Note. But the Incumbents of the Out-Parishes, Impropriators as well as Others, seem to have totally lost Sight of This: And several Decrees have been made, confirming the specifick Payments set up by Defendants, as ancient and customary. The Existence of this Custom in the Liberty of St. Martin's le Grand and generally in every ancient City and Borough, was recognized by the Court of Exchequer in Dr. Grant's Case, 1613. See Gwillim on Tithes, Vol. 1. P. 259.

putes which formerly took place between the Citizens and their Clergy; as, in the present day, the Rents of Houses are in general sufficiently ascertained by the several Assessments made for raising the Parliamentary and Parochial Taxes; and, in particular Cases, a summary mode might be provided for settling the Value of them.

After all, so far as the present Incumbents are concerned, it would make very little difference which Method was pursued; since a gross Sum, equally divided according to the Value of the Premises occupied by the respective Inhabitants, would be tantamount to rateable Payments. And, with regard to the Interests of Succession, if the former Mode should be thought more eligible, their Interests might be guarded by providing that, after a certain Number of Years, the Assessments should be revised, and altered, if there should be occasion.

These Matters however, together with the specifick Sums to which the Livings in question should be raised, or the Rate at which the Houses should be assess'd, must be left to the Legislature to determine, when the London-Clergy shall apply for an Amend-

ment of the Act of 22 and 23 C. II. From the Wisdom, the Justice, the Liberality of Parliament they have reason to hope that their Case will be taken into consideration, and something done to relieve them from the Hardships under which they now labour. And all they have to wish on the Subject is that, in settling the future Produce of their Benefices, it may be remembered that the Demands they shall be empowered to make are a Composition for PERSONAL TITHES as well as OBLATIONS due from the INHABITANTS, and are to afford a suitable Maintenance for the CLERGY of the most opulent COMMERCIAL CITY IN THE WORLD.

...of the ...
...the ...
...Parliament ...
...and something ...
...franchise ...
...And all they ...
...that in ...
...Bodies ...
...Remains ...
...and ...
...as well as ...
...MATTERS ...
...Matters ...
...THE ...

The DOCUMENT referred to P. 36, 43.

This DOCUMENT has several endorsements on it, viz.
 Tithes and Values of Church-Livings in London 1638.
 Benefices and the Valuacon of Tithes in London.
 Benefices and the Tithes of London.
 The Parsons Valuacon of Tithes.

Benefices within the Walls not appropriated.	Tithes now paid according to the Report of the Clergy.	Tithes paid according to the Report of the City.	An Estimate of Tythes as they ought to be paid according to the Value of the Houses, &c.
St. Mary Stainings - -	20 00 00	21 00 00	70 00 00
St. Mary Mounthaw -	25 12 10	25 00 00	80 00 00
St. Bennett Sherehogg -	31 00 00	30 00 00	89 10 00
St. Nicholas Olives -	41 04 06	44 00 00	107 00 00
St. Olave Silver Streete -	52 00 00	58 00 00	109 00 00
St. John Evangelist - -	44 00 00	44 00 00	110 00 00
St. Michael Royall -	34 00 00	32 00 00	134 00 00
St. Antoline - -	37 00 00	36 00 00	180 00 00
St. Clement Eastcheape -	36 00 00	36 00 00	110 00 00
St. Margaret Pattens -	42 00 00	42 00 00	110 00 00
St. Mary Bothawe -	41 14 00	43 00 00	133 00 00
St. Martin Iremonger Lane	41 00 00	40 00 00	123 00 00
St. Martin Outwitch -	40 00 00	40 00 00	139 00 00
St. Pancrace - -	36 00 00	37 00 00	197 00 00
St. Andrew Hubbert -	60 00 00	68 00 00	168 00 00
St. George Buttolph Lane	52 00 00	55 00 00	140 00 00
St. Leonard Eastcheape -	63 00 00	63 00 00	140 00 00

Benifices within the Walls not appropriated.	Tithes now paid according to the Report of the Clergy.	Tithes paid according to the Report of the City.	An Estimate of Tythes as they ought to be paid according to the Value of the Houses, &c.
St. John Zachary -	59 00 00	60 00 00	160 00 00
St. Mildred Bread Streete	56 00 00	52 00 00	178 00 00
St. Peter Pauls Wharfe	48 00 00	48 00 00	145 00 00
Trinity Parish - -	61 00 00	60 00 00	137 00 00
Allhallowes Honny Lane	40 00 00	40 00 00	187 00 00
St. Bennet Gracechurch	55 00 00	50 00 00	180 00 00
St. Alphage - -	57 00 00	57 00 00	198 00 00
St. Mathew Friday Streete	49 00 00	51 00 00	180 00 00
St. Nicholas Acons -	68 00 00	69 00 00	186 00 00
St. John Baptist -	68 00 00	66 00 00	187 00 00
St. Ethelbrough - -	56 00 00	60 00 00	214 00 00
St. Margaret Mofes -	59 00 00	53 00 00	216 00 00
St. James Dukes Place -	61 00 00	73 00 00	219 00 00
St. Maudlin Milk Streete	66 00 00	75 00 00	216 00 00
St. Michaell Querne -	54 00 00	54 00 00	208 00 00
St. Olave Jewry -	52 00 00	51 00 00	209 00 00
St. Swithin - -	69 00 00	75 00 00	266 00 00
St. Gabriell Fanchurch	67 15 08	83 00 00	238 00 00
St. Mary Sommerfett -	80 00 00	80 00 00	248 00 00
St. Michael Wood Streete	62 00 00	62 00 00	244 00 00
St. Nicholas Cole Abby -	70 00 00	70 00 00	244 00 00
Allhallowes on the Wall	72 00 00	64 00 00	246 00 00
St. Anne Alderfgate -	77 00 00	77 00 00	250 00 00
St. Mary Aldermary -	75 00 00	63 00 00	246 00 00
St. Michaell Queenehith	80 00 00	90 00 00	246 00 00
St. Stephen Walbrooke -	39 00 00	40 00 00	240 00 00
St. Thomas Apostle -	85 00 00	85 00 00	250 00 00
St. Margaret Lothbury -	68 00 00	79 00 00	250 00 00
St. Mary Abchurch -	86 00 00	86 00 00	264 00 00
St. Margaret New Fish } Streete - - }	74 00 00	70 00 00	265 00 00
St. Mary Woolchurch -	50 00 00	50 00 00	265 00 00
St. Michael Crooked Lane	80 00 00	80 00 00	275 00 00
St. Christopher - -	64 00 00	63 00 00	274 00 00
St. Mildred Poultry -	88 00 00	80 00 00	275 00 00
St. Andrew Warderobe	78 00 00	80 00 00	273 00 00

Benifices within the Walls not appropriated.	Tithes now paid according to the Report of the Clergy.	Tithes paid according to the Report of the City.	An Estimate of Tythes as they ought to be paid according to the Value of the Houses, &c.
St. Mary Woolnoth +	78 00 00	80 00 00	273 00 00
St. Peter Cheapefide -	82 00 00	83 00 00	269 00 00
Allhallowes Bread Streete	84 00 00	84 00 00	362 00 00
St. Bartholomew Exchange	75 00 00	75 00 00	370 00 00
St. Bennet Paules Wharfe	65 00 00	80 00 00	282 00 00
St. Peters Poore -	56 00 00	60 00 00	302 00 00
St. Albans Wood Streete	106 17 00	100 00 00	294 00 00
Allhallows Lumber Streete	89 00 00	92 00 00	340 00 00
St. Buttolph Billingsgate -	125 00 00	120 00 00	287 00 00
St. Dions Backchurch -	80 00 00	80 00 00	330 00 00
St. Katherine Coleman -	85 00 00	80 00 00	289 00 00
St. Anne Blackfryers -	100 00 00		350 00 00
St. Edmond Lumber Streete	80 00 00	90 00 00	295 00 00
St. James Garlick-hith -	88 00 00	92 00 00	294 00 00
St. Martin Orgars -	80 00 00	80 00 00	297 00 00
St. Mary le Bow - -	85 00 00	80 00 00	400 00 00
St. Leonard Foster Lane	100 00 00	108 00 00	383 00 00
St. Maudlin Old Fish Streete	100 00 00	80 00 00	365 00 00
St. Augustine - -	97 00 00	96 00 00	347 00 00
St. Mary at Hill ..	120 00 00	125 00 00	330 00 00
St. Magnus - -	81 00 00	83 00 00	343 00 00
St. Michael Baffingshaw	135 00 00	128 00 00	360 00 00
St. Olave Hart Streete -	120 00 00	125 00 00	412 00 00
St. Foster - -	99 00 00	99 00 00	464 00 00
Allhallowe the Greate -	140 00 00	140 00 00	432 00 00
St. Peter Cornehill -	100 00 00	99 00 00	453 00 00
St. Martin Vintrey -	114 00 00	110 00 00	392 00 00
St. Faiths - -	70 00 00	77 00 00	467 00 00
St. Martin Ludgate -	124 00 00	120 00 00	554 00 00
St. Michael Cornehill -	110 00 00	116 00 00	540 00 00
St. Andrew Undershaft -	140 00 00	120 00 00	556 00 00
Allhallowes Barking -	200 00 00	126 00 00	600 00 00
St. Dunstan's in the East	128 00 00	126 00 00	687 00 00

Benifices within the Walls appropriated.	Tythes now paid according to the Report of the Clergy.	Tythes paid according to the Report of the City.	An Estimate of Tythes as they ought to be paid according to the Vallue of the Houses, &c.
St. Mary Colechurch -	44 00 00	44 00 00	137 00 00
St. Laurence Pountny -	37 00 00	37 00 00	163 00 00
Alhallowes the Lefse -	66 00 00	66 00 00	180 00 00
Alhallowes Staynings -	75 00 00	86 00 00	213 00 00
St. Bennet Fynk -	53 00 00	100 00 00	256 00 00
St. Helen Biihopfgate -	60 00 00	60 00 00	263 00 00
St. Mary Aldermanbury			300 00 00
St. Laurence Old Jury -			320 00 00
St. Stephen Coleman Strete			320 00 00
St. Katherin Chreechurch	60 00 00	60 00 00	320 00 00
St. Gregory by Paules -	140 00 00	140 00 00	345 00 00
Christ Church - -	350 00 00	280 00 00	900 00 00

Benifices without the Walls not appropriated.

Trinity Minories -			100 00 00	
St. Bartholomew the Lefs	16 06 04	13 06 04	120 00 00	
Bridewell -	26 13 04	26 13 04	120 00 00	
St. Bartholomew the Greate	53 01 04	erased	206 00 00	
St. Dunstan in the West	200 00 00	240 00 00	850 00 00	} as is con- ie- c- tured.
St. Buttolph Biihopfgate	220 00 00	200 00 00	900 00 00	
St. Andrew Holborne -	300 00 00	350 00 00	1200 00 00	
St. Olave Southwark -	370 00 00		1300 00 00	
St. Giles Cripplegate -	370 00 00	360 00 00	1500 00 00	

Benifices without the Walls appropriated.

St. Brides - -	160 00 00	160 00 00	600 00 00	} as is con- ie- c- tured.
St. Buttolph Alderfgate -			900 00 00	
St. Buttolph Aldgate -	400 00 90	400 00 00	1500 00 00	
St. Sepulchers -	400 00 00	400 00 00	1600 00 00	