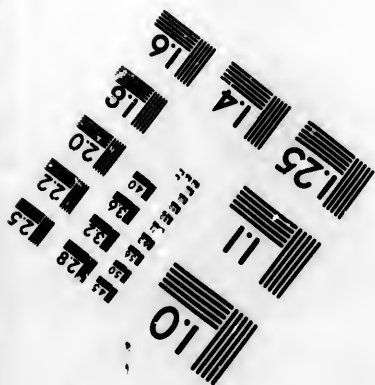
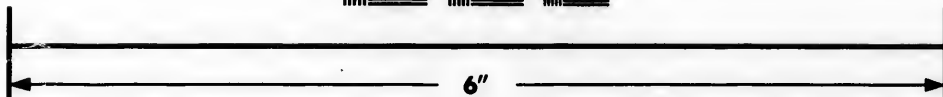
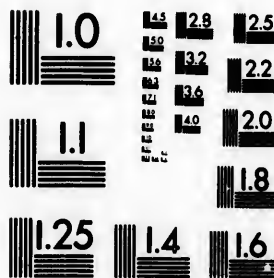


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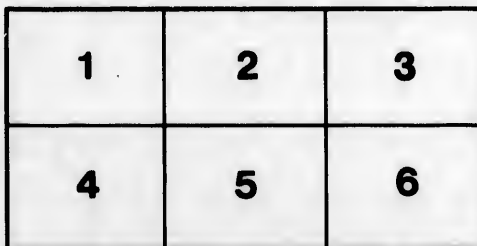
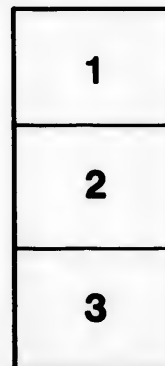
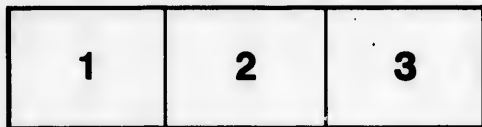
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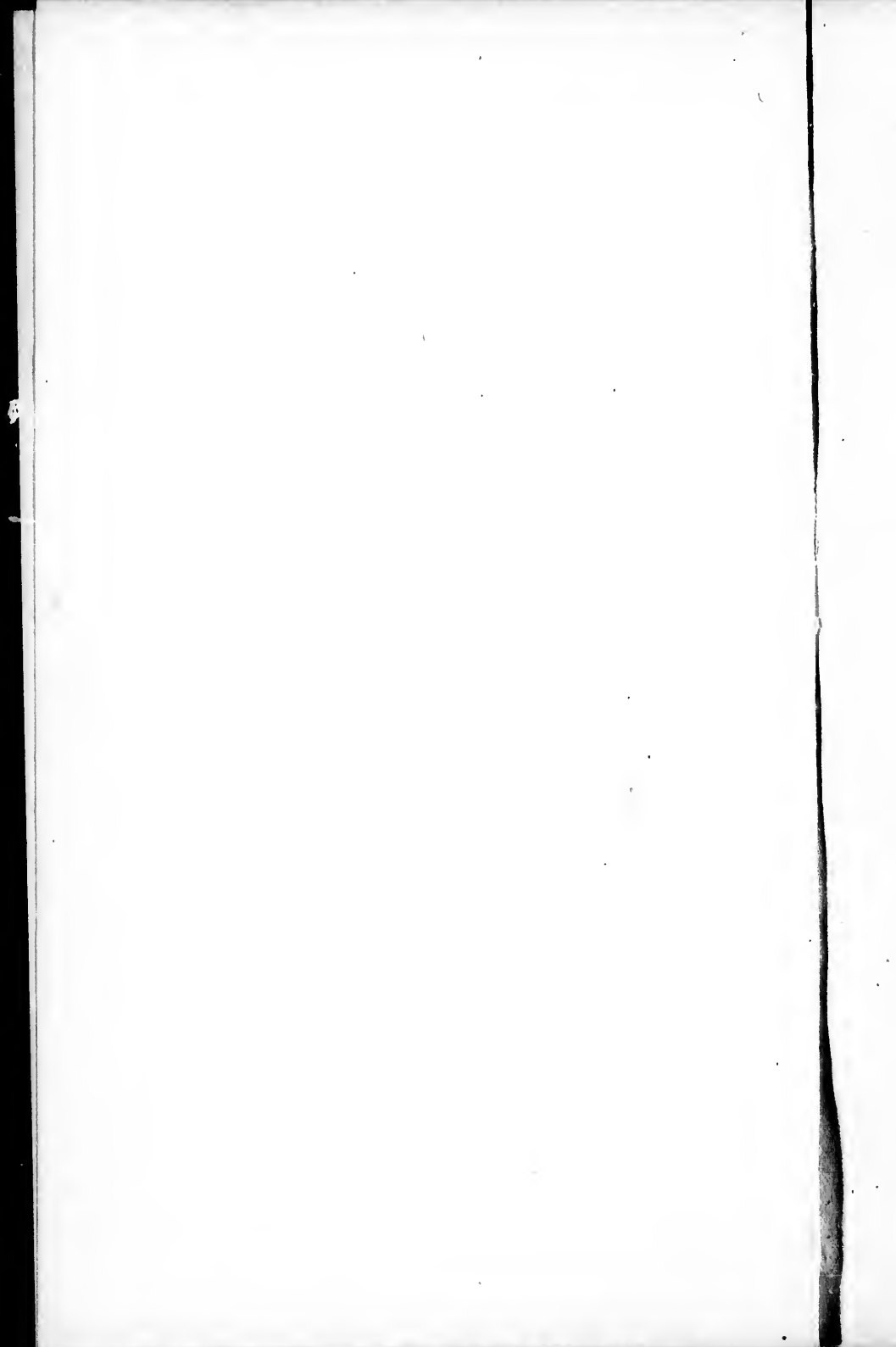
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OBSERVATIONS ON TITHES,

SHEWING

The Inconveniences of all the Schemes that have been proposed for altering that antient Manner of providing for the Clergy of the Established Church of Ireland.

BY WILLIAM HALES, D. D.

Rector of Killifandra in the Province of Ulster, late a Fellow of Trinity College, Dublin.

To which is annexed,

A SECOND EDITION OF

THE MODERATE REFORMER,

OR

A Proposal for abolishing some of the most obvious and gross Abuses that have crept into the Church of England, and are the Occasion of frequent Complaints against it.

BY A FRIEND TO THE CHURCH OF ENGLAND.

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OBSERVATIONS, &c.

MUCH having been said and written of late years, both in and out of parliament, respecting the grievance of tithe, and the expediency of commutation ; for the sake of those among the nobility and gentry who may not have considered the subject with much attention, and especially for the information of the peasantry, who from ignorance or misrepresentation are adverse to the institution ; I shall beg leave to offer some observations to the public on the origin and nature of tithe ; on the grievances of the parochial clergy of the church of Ireland ; and on the political expediency of supporting the present ecclesiastical establishment.

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However

However the predominant rage for reformation in every department of the state, may decry the legislative talents of our ancestors, yet, upon a strict and impartial scrutiny, we shall find abundant reason to admire the *policy* and the *equity* of their institution of tithes. Although framed in a rude age, it exhibits, on a minute inspection, the political wisdom of an enlightened legislature; who, at a period of profound and general ignorance, (when almost the whole of the learning of the times centred in the clergy, so that they almost exclusively were found qualified to fill the seats of justice;) did with a most prudent jealousy guard against the formidable ascendancy which might have been gained by an aspiring priesthood, if, in addition to the influence created by their learning, they should also have been possessed of the powerful weight of landed property. The legislature therefore, by a free gift, granted to the clerical order, " a *divided inheritance* among their brethren," a scattered property in the annual produce of the ground,

ground, which, while it afforded them leisure for the due discharge of their clerical functions, naturally tended to render them in a considerable degree dependant upon the mass of the laity, from whom it was to be individually collected; and to prevent them, by motives of personal interest, from entertaining too strong an attachment to the crown, under whose patronage and protection they were placed;—an attachment, which, without such a counterpoise, would be likely to create a coalition between the prince and the clergy, injurious to the rights and liberties of the people.

And this institution was admirably contrived to secure the attachment of the clerical order to the nation at large, with whose interests their own were so intimately interwoven and blended, as to stand or fall together. A well-educated, because decently to-be-supported, clergy, would from motives of duty and gratitude, be both capable and willing to impress on the minds of their flocks the important duties of religion and

morality, and also to inculcate the necessity of rational subordination and loyal obedience to government, as the main pillars of national tranquillity and prosperity. This scheme of maintenance, while it afforded a competency to the clergy at the time of its institution, promised an adequate provision to their successors in after ages, by varying continually with the times; and it never could be converted into an engine of oppression, because it was always to be limited to the *tenth* part of the actual produce of the ground; a due, which never could be burthenfome to the highest contributor, because, the more abundant his tithe, the greater would be his ability to give it. And to secure its permanency upon the broad basis of the public faith, the legislature established this equitable provision as a *head-rent*, payable next after the crown or quit-rent; and all the lay-lands in the kingdom have been leased and tenanted for ages subject to this rent-charge. With what shadow of reason then do the farmers complain of the imposition of tithe, when they know
that

that they took their grounds subject thereto, and are actually allowed, in consequence of this obligation, a proportionable abatement from the rent payable to their landlords? And why should the nobility or gentry look with an evil eye upon the institution, when they, in like manner, must be conscious that their ancestors, or others under whom they derive, were allowed a proportionable abatement on this account in the purchase or take of their estates? Would the uninformed peasantry (who, from their ignorance, are so easily deluded, and who of late years have been seduced and led astray by treacherous *Will of the Wisp*s into the bogs and quagmires of politics,) reflect but a moment, they must become sensible that their most advantageous bargain of rent by many degrees is tithe. And, however landlords may gain by its depreciation at present, or by its abolition, upon the next settings of their estates, it is certain that the simple credulous peasantry, who actually occupy and till the land, would, in the event of such an abolition of

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tithe,

tithe, have abundant cause to curse their own folly and infatuation, in complaining (as they now are apt to do,) of the hardship of paying tithe, and driving the clergy to relinquish their patrimony for some less vexatious provision. The following circumstance is well worthy of their consideration: It is well known that *Abbey* lands and other *tithe-free* grounds in the possession of lay proprietors, actually set from *two* to *four* shillings an acre higher than titheable ground of the same local and intrinsic value; but upon the abolition of tithe, might they not expect a rise in their rents equal to the additional rent that is now paid for tithe-free ground? How much *higher* that rise would be than their present payments of tithe, the farmers themselves can best judge. This surely is a consideration level to the meanest capacity.

That tithe property is *now* held, not merely as a compensation for the regular discharge of *clerical* or *parochial* functions, but

but under the original grant of the crown, ratified by parliamentary sanction, and guaranteed by the faith of the nation, is evident from the numerous *lay impropriations* of tithe deriving under the same tenure, at the dissolution of abbeys and priories ; out of which, tithes are as legally payable and as regularly paid to the *lay* incumbents, notwithstanding their disqualifications from performing ecclesiastical duties, or taking upon them "the cure of souls," as to the parochial clergy themselves.

How unjust then are the complaints, or even murmurs, of our peasantry, against clerical dues, even where fully and fairly paid or set forth ! In *England*, where the numerous articles of the tithing-table fill a folio sheet of royal paper, tithes are generally paid without reluctance. A gentleman-farmer resident in the south-west of England, about three years since, assured me that his own composition for tithe, during incumbency, was 50l. a year for a farm subject to a rent of 200l. a year ; and he was by no

means dissatisfied with his bargain.—This assertion, I dare say, will scarcely be credited throughout *Ireland*. How injurious then, how groundless, are the cavils of the *Irish* gentry and peasantry against the institution? especially the former, who are universally the most unprofitable parishioners the parson has—both from farming less extensively, and from the scanty pittance of tithe they usually pay the parson; who, to secure their countenance and support with their tenantry, is obliged to be thankful for whatever in their bounty they think proper to give him—a partiality often felt and resented by the peasantry. The squire of my parish, for instance, off a demesne of six hundred plantation acres, pays about 40s. a year tithe. This, on the other hand, would be equally discredited in *England*.

If we trace the various encroachments that have been successively made on ecclesiastical property in *Ireland*, they will appear to be of considerable magnitude. The defalcations of tithe, even under the sanction

tion of Parliament, have been great. The commons formerly proscribed tithe of *agistment* by a vote, which operated as a bounty upon grazing, and a tax upon tillage. To this (although of no legal force,) the clergy ever since have quietly and respectfully submitted; and now, behold! the legislature, (solicitous to redress the tiller of the ground, and reward the "passive obedience" of the clergy,) has, in the last sessions of Parliament, passed an act for the encouragement of agriculture, *at the expence of the clergy!* To second their laudable intentions, may I be allowed, with all due deference to the wisdom and equity of Parliament, to suggest an amendment of the *barren-land bill* against the next session, which will render the encouragement to the cultivation of such land twenty-fold at least, if not forty-fold, more effectual than it is at present, and totally remove any objection that is now, perhaps peevishly, urged by the sufferers, against *partial* impositions—and that is, to exempt lands of this description from payment of *rent* during the term of seven years,

years, as well as from payment of tithes. This indeed would prove an important and considerable encouragement of agriculture. And surely, when we calmly and dispassionately survey the nature and extent of the political sacrifices that have here been offered on the altar of liberty, we are reluctantly and mournfully compelled to accede to the profound reflection and pious fears of the great champion of *Irish* independence and the liberties of the people, "that God has smitten the " *intellects* of the country, no less than its " fortunes, with some distinguished imbecillity."

But waving such defalcations, because they are general, and operate throughout the kingdom; of all the *Irish* peasantry, those of the province of *Ulster* have the least cause of complaint. Complaint did I say? have they not rather sufficient cause for acquiescence, and even satisfaction, in the circumstances of their tithes!—For, the *Ulster* benefices having been mostly endowed with considerable glebe-lands, (upon the forfeiture

forfeiture of the six northern counties,) by King *James* I. that munificent patron of the Protestant establishment in Ireland, and of our truly respectable, though long neglected and now depressed, University:—(with what *wisdom* indeed it has been so depressed, let the friends of the Protestant establishment in Ireland decide!) The Ulster Incumbents, having, by means of those endowments, been enabled to support themselves in some measure, without requiring the full amount of their dues, have, since that period, gradually relinquished many tithable articles entirely, and submitted to the introduction of *modus*'s in others, for the sake of peace and quiet, and the ease and accommodation of their flocks; while in *Munster*, and other parts of Ireland, where the glebe-lands had either been swallowed up by the powerful lords (an indiscreet attempt to make them disgorge which, brought the honest and faithful *Wentworth*, worthy of a firmer master, to the block) or else, had been gradually merged in the contiguous estates of the gentry who rented them,

them, and defaced the boundaries—the clergy were reduced to the necessity of asserting their dues more strictly in order to procure an immediate support. Hence *potatoes* still form a considerable article of tithe in *Munster* and elsewhere, which in many parts of *Ulster* have been long since relinquished. How amply and even minutely tithe was paid in *Ireland* so early as the reign of *Henry III.* appears from a law of that prince, quoted by *Selden*, enjoining payment of the tithe of *loughs* and *fisb-ponds* (*gurgitibus et piscariis*) within the archbishoprick of *Dublin*, which then comprised the whole of the *English* pale. For this act a reason is assigned, at which many of our modern legislators may be disposed to sneer:—"From the king's regard for his soul."—"Quia rex non vult in periculum animæ suæ *hujusmodi* decimas detineant *."

* Perhaps the words *animæ suæ* should be translated of their souls, not of his soul. The EDITOR.

In truth, the yielding lenity of the parochial clergy throughout the whole province, and especially in this district, has been the principal source of complaint. Here, at least, the farmers have reversed the proverb; they have gradually "taken the ell," and now they want the remaining "inch."

If, also, in addition to the multitude of titheable articles quietly remitted by the clergy, we state the usual indulgence of nearly two years given for the term of payment, and that even that indulgence is frequently protracted by compassion, the farmer or cottager, often pleading inability to discharge his tithe-note after paying the back half-year's rent to his landlord; surely we may, with humble confidence, affirm, that the ecclesiastical landlord is as much superior to the lay landlord, in the tenderness with which he enforces his demands, as in the moderation with which he makes them.

O for-

O fortunatos nimium, sua si bona norint,
Agrícolas!

“ Too fortunate farmers, if they only knew
“ Their own advantages!”

A Defence of Tithe-proctors.

But we are often told, in mitigation of our offences, that “ the clergy are not so much in fault as their tithe-proctors;” and these indeed are objects of universal execration:—And yet with what colour of justice are the proctors and viewers employed by the clergy to be reprobated any more than the *agents* and *stewards* of the nobility and gentry? Is it because they are less necessary for the clergy to collect and manage their *scattered* property? or, is it because the fees, perquisites and douceurs of the proctor are more extravagant and exorbitant than those of the agent? Still, admitting this to be the case (which may perhaps be questioned), tithe-proctors are a necessary

cessary

cessary evil ; and the parson must necessarily employ and retain such, " for better, for worse : " for, while the parson holds his tithes in his own hands, from a wish to accommodate his parishioners, should he be reduced to the necessity of suing in the *ecclesiastical* courts for subtraction of tithe (and such necessity frequently occurs), his own oath being inadmissible, he is necessarily compelled to retain tithe-proctors, to ascertain upon oath the value of the tithe in dispute. But is it perfectly clear that proctors are so culpable as they are usually represented ? Is it possible that the most rapacious of the tribe can extort from the farmer *more* than the value of his tithe, when the latter has the alternative in his own power of tendering the tithe in *kind* ? Nay, but we are told " the proctor harasses the poor by exorbitant fees to dispense with, or postpone, the regular execution of decrees and warrants." This charge is doubtless well-founded at times ; but *who* is the principal sufferer thereby ? The poor parson surely, who is thus disappointed

disappointed of the timely payment of his dues, and often runs the risk of losing the arrear thus unduly contracted, altogether, by a knavish collusion between the proctor and parishioner; in which the "tempter is worse than the thief," whom he first seduces by a bribe into a breach of trust, and then impudently exposes to infamy! But if at length, the circumvented parson, teased, worried, and plundered, by the vexatious frauds and impositions of proctors and parishioners combined, is driven by dire necessity to the last resort of *farming* his tithes; then an universal outcry is raised from all quarters, against the exactions, extortions and oppressions of that harpy, the tithe-farmer, for raising, by his activity and industry, the income of the parish, and securing to himself a profit, equal perhaps to his stipulated rent; the declaimers all the while forgetting, that in reality it is the parson who is robbed of that surplus, and not the parishioners, who can never be compelled by any one to pay *more* than their dues, and who are certainly sure of paying
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harmless, helpless, unprotected passenger, so humorously described by the Roman satirist; who, after being grossly abused, kicked and buffeted by a set of haughty, insolent, *cherokees* of that age, flushed with wine and falling forth from the tavern to signalize their prowess where they were in no danger of resistance, was by these doughty heroes charged with an assault, and at length, by mere dint of entreaties and supplications, appeased their wrath, and obtained his discharge and *license* to withdraw, all over battered and bruised, with the few teeth left in his head!—*Libertas pauperis hæc est!* Such is the *liberty* of the poor parson!

Of the different Schemes of Commutation for Tithes, that have been proposed.

In pity to their sufferings, and to relieve them from this state of purgatory, some real and some ostensible friends of the clergy have suggested various schemes of *commutation*

tion in lieu of tithe. But, as far as I can learn, no *specific* plan has hitherto been proposed, that is not liable to equal, if not greater objections than tithe itself.

The first Scheme.

I have heard an *acre-able* cess recommended.—This scheme, at first glance, seems specious. But, when we reflect on the extreme inequality in the value of an acre of ground, resulting from the quality of the soil, from local situation, and from diversity of culture and improvement, in-
 somuch that the value of one acre may exceed that of another above an hundred fold; when we consider, that the less profitable grounds are necessarily in the hands of the peasantry, who cannot expend money or labour sufficient to manure them to the best advantage; when we also consider, that all the lands *out of tillage* would then be saddled with a cess; is it not

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reasonable to conclude that this impost would prove more unequal and more burthenfome than tithe, and create more discontent and difficulty in the collection? And if, to remedy this, it was made to bear some rateable proportion to the actual *rent*; the inequality of rents themselves, the difficulty of ascertaining the real amount, and of ascertaining the tithe-rate (independent of the injustice of the cesses operating on lands out of tillage), would render this mode no less inconvenient than the former*.

The

* I remember that the late Captain John Brett, of the Royal Navy, (who was a man of an excellent understanding, and had acted as a Justice of the Peace in Hampshire for about fifteen years of his life with great diligence, ability, and reputation,) once told me that he had well considered the subject of tithes, and had come to an opinion "that the fairest and most convenient substitute for them would be a payment to the person intitled to them of four shillings in the pound of the full rent of the land paid by the tenant to the landlord." And it seems indeed to be the best substitute that I ever heard proposed for tithes, though considerably short of the full value of them, if they were to be strictly taken in kind: for that, I believe, would

The second Scheme.

An exchange of tithe for *land* has also been proposed. This, though more specious in

would often amount to seven shillings in the pound. But such is the general moderation of the clergy, that I doubt not they would be, for the most part, contented with it in point of quantity, if it were liable to no other objections. But this is far from being the case. For in many parts of England the lands are not let for the best rents which can be got for them, (as they are supposed to be in this proposal of Captain Brett,) but for much smaller rents, oftentimes not a third part of the full rent, in consequence of fines paid by the lessees to the lessor, at the commencements of their leases, and at the several renewals, or extensions, of them, at the end of seven, or fourteen, years, or upon the death of one of the lives upon which they depend. And in these cases, this substitute of four shillings in the pound upon the rent reserved, would be greatly injurious to the clergyman to whom the tithes would have been due; unless he were likewise to be intitled to four shillings in the pound upon every fine that was paid on account of the said leases; and these fines he would find it difficult to get at the knowledge of. And further, if he could always discover these fines, and received his full due upon them,

in appearance, is liable to still stronger objections: for, besides the difficulty of ascertaining the respective values of the tithe and land to be interchanged upon *adequate* terms—an objection surely of the first magnitude—this mode appears to be equally injurious to the parson and the peasant. The parson, from want of money, want of skill, and want of uninterrupted leisure, in consequence of his frequent clerical engage-

that is, a full fifth part of what was paid to the lessor, it would produce an uncertain and precarious income, that would be much greater in some years than in others, instead of an income of nearly the same value every year, arising from the payment of the tithes themselves, or of an annual, voluntary, composition for them, which is a sort of income much better suited to the circumstances of a country clergyman. So that even this substitute for tithes proposed by Captain Brett, though the least objectionable of any that I have ever heard of, would yet be liable to more inconveniences than the payment of the tithes themselves. Therefore on this subject, as well as on many others in which people are apt to indulge a spirit of Innovation, it will be most prudent to adhere to the maxim of the old Barons of England, *Nolumus leges Angliæ mutare.*

THE EDITOR.

ments, is ill calculated to commence *farmer*; and what solvent tenant will rent ground, except at a considerable undervalue, of which he has at the utmost only a life-tenure, and that life not his own? The experiment, I understand, was tried in England upon the first sales of the waste lands, not many years since, but failed; for the lands allotted to the clergy in lieu of tithe remained for the most part in their primitive, uncultivated, state, the parson being incapable of advancing the necessary expenditure for reclaiming, fencing, stocking and cropping his grounds, building farm-houses and offices, purchasing utensils, &c. and the opulent farmer being unwilling to spend money on so scanty a tenure: the plan therefore was laid aside in the subsequent sales. And, if, to remedy this inconvenience, the clergy were empowered to set *long* leases, this would in the course of time reduce their income below par. Neither might this mode be found less injurious to the peasantry, who would in future be obliged to compound with the *lay* proprietor instead

of the parson; "whether of the twain" he would prefer, let the farmer judge.

The third Scheme.

"But why not give the parochial clergy," proceeds the depreciator of tithe, "regular stipends from the treasury, upon the *Scottish* plan?" Because this would eventually tend to check honourable exertion in the clergy, by annihilating the hope of rising by merit in their profession, which still exists in *some* faint degree amongst the natives in this kingdom, especially in the patronage of the university. This mode also would be liable to the inconvenience of a standing income; and although we grant that government may occasionally augment their salaries after considerable intervals of time, yet may not the clergy with justice object, that a contingent and precarious augmentation is not comparable to the specific certainty (saving the interference of parliament)

parliament) of a rise on *predial* tithe? And if we advert to the interests of the peasantry, how would they be benefited by a transfer of tithe to government, to be collected by revenue officers, or farmed? or, if abolished to gain popularity, necessarily to be replaced by some heavier tax *, in order to defray

* And we may further observe, that, if this substituted tax fell on any other persons than those who were before liable to pay the tithe, it would be absolutely unjust. For, as the burthen of maintaining the clergy is now borne by the body of *the owners of productive lands*, and all those owners have acquired their lands subject to that burthen, and they, or their ancestors, have bought them so much the cheaper on account of their being liable to that burthen;—it would be unjust to take any part of that burthen (which has already been allowed-for in the purchases of their lands,) from them, and transfer it to any other persons. Thus, for example, if a house-tax, or a general tax upon lands and houses, were substituted instead of tithe, it would be an act of injustice to the owners of houses, who now are not subject to pay tithe. And, if a tax upon beer, or malt, were substituted instead of tithe, it would be an act of injustice to all the drinkers of beer who were not owners of titheable property. And, surely, no real friend of the clergy would wish to see their

defray the expence of the clerical establishment? The popular measure of *modifying* the hearth-money is a case in point; government having since found it necessary to replace the defalcation occasioned by it in the revenue, by new, and perhaps more obnoxious, taxes.

Thus we see, that *commutation* offers only a "choice of difficulties," and that the antient system of tithes, "with all its faults," with all its acknowledged inconveniences and practical abuses, is less objectionable than any scheme hitherto proposed, and better adapted to promote the mutual and permanent interests of the clergy and peasantry. The clergy, therefore, ought to be extremely cautious how they *voluntarily* relinquish or resign an antient title, established by immemorial prescription, and fenced round both by statute and common law, for

their antient maintenance by tithe exchanged for a tax against which most of the drinkers of porter in the kingdom would have a *just* cause of complaint.

THE EDITOR.

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any new and untried scheme, until it can be clearly and satisfactorily ascertained that the new scheme is better than the old: and the fickle multitude, so heedlessly eager for “*wise!* speedy and radical reforms,” should beware (if I may be allowed to apply and connect together a few homely, but intelligible, sayings) “lest the remedy should prove worse than the disease,” and should cautiously “look before they leap,” lest they may chance to leap “out of the frying-pan into the fire.”

Of the total Abolition of Tithes, without providing any other Maintenance for the Clergy.

There still remains to be considered a scheme of *extirpation*, a scheme so simple and unembarrassed, so lucrative and yet so practicable, that it is not without advocates among shallow politicians and superficial lawyers (with reverence be it spoken), even in parliament, who, through ignorance or contempt of all religions, maintain “one to be as good as another,” and therefore are disposed

posed to treat them all alike, for fear of “making God a monopoly.” Why, say these “levellers of principles and levellers of institutions,” “why should not every sect of Christians support their respective pastors by *voluntary* contribution?” I answer, Because, in the first place, this measure would subvert the Church of Ireland as by law established, and with it the Constitution. It would debase, diminish, and ultimately annihilate the Protestant parochial clergy, and *establish* in their room the Dissenting and the Popish: For, while the zealous and numerous Catholics of this kingdom would dutifully and abundantly “pay tithes to their *own* pastors,” according to the prescription of their church; and the rigid Dissenters and Independents might perhaps afford a scanty increase to the stipends of their clergy, in order to secure their submission to their congregations, while they put the tithe in their *own* pockets; the lukewarm and thinly-scattered Protestants, especially through the South and West of Ireland, would be equally unable and unwilling

willing to keep up the present parochial establishment; the parochial clergy would immediately dwindle in numbers, and gradually moulder away; whatever portion of manly spirit or cultivated genius subsisted in that body would fly from an inhospitable land, where even now

——— “ *the learned pate*

“ *Ducks to the golden fool,*” —

and seek an asylum in some more genial clime,

“ *Where honesty and sense are no disgrace;*”

and only the *caput mortuum* be left behind: and none but “the lowest of the people” would thenceforth seek to be “put into the priest’s office,” that they may literally “eat a morsel of bread.”

What effect, considered in a *political* light, this would have on the learning and morals of the rising and future generations, is well worthy of the most serious and attentive consideration of our legislature. It is a notorious fact, that the province of
education

education in this country is confined, almost exclusively, to the clergy:—But what could be expected from a degraded, debased, servile herd of teachers? Shut out by poverty, even with the best dispositions, from the principal avenues to science and literature themselves, how would they be qualified to infuse into the minds of youth the generous and liberal doctrines of rational religion and virtue; or reconcile the independent principles of sound patriotism with loyal obedience to government?

To lawyers and politicians of the foregoing description I will quote a black letter authority. The venerable Lord Coke, applauding the institution of *ecclesiastical* courts for the better preservation of clerical property, thus observes: “ And the law hath
 “ great *policy* therein; for the decay of re-
 “ venues of men of holy church in the
 “ end will be the overthrow of the service
 “ of God and his religion:—for none will
 “ apply themselves or their sons, or any
 “ other whom they have in charge, to the
 “ study

“ study of divinity, when they shall have,
 “ after long and painful study, nothing to
 “ live upon.”—Whether, upon the aboli-
 tion of the existing ecclesiastical establish-
 ment, any other *more eligible* will or can be
 introduced, may well be questioned: As
 far as the authority of WILLIAM III. is
 now of any avail, it is decisively in the ne-
 gative. That liberal-minded prince and
 politician, superior to religious prejudices,
 (which must rather have biassed him in fa-
 vour of the *Presbyterian* church, in which
 he had been educated,) did not hesitate, in
 his message to the Convocation whom he
 summoned to assemble in 1689, to declare
 that he summoned them, “ not only because
 “ it was *usual* to do so, upon holding a par-
 “ liament, but out of a pious zeal to do
 “ every thing that might tend to the *best*
 “ *establishment* of the Church of England;
 “ which is *so eminent* a part of the Refor-
 “ mation, and is *certainly best suited to the*
 “ *constitution of the government.*”

Of

Of the Danger that would arise to the Lay-property of the Nobility and Gentry of the Kingdom, from an Invasion of the Property of the Clergy.

How far curtailing or abolishing the present *remnant* of tithe in Ireland may injure lay property and the common weal, are also political speculations the most weighty and important, and may come home to the advocates of Innovation themselves. If any one species of property be openly invaded with impunity, who can be secure that the rest will long remain sacred and inviolate? Will not the enterprising spirit of equalizing liberty, which is now so predominant among the lower ranks of the people, proceed with redoubled ardour from the destruction of tithe to the abolition of *rent*?—A burthen surely much heavier than the tithe on the laborious peasantry, and a plunder infinitely more alluring to a needy and unprincipled rabble—those *Goths and Vandals* of modern times, who have been reared in the bosom of every civilized country in *Europe*, and are destined perhaps to prey on its bowels!

bowels! Such short-sighted nobility and gentry as view with indifference, if not with complacency, the encroachments and depredations daily made on ecclesiastical property, from the narrow, paltry, selfish and unjust policy of enabling their tenantry to pay them higher rents, by the plunder of the parson; may find, by fatal experience, when it is too late to stem the torrent, that, if once they suffer a *complete* breach to be made in the ecclesiastical barrier; their own properties, their liberties and their lives, will be swept away and overwhelmed in one wide-wasting, universal deluge:—Of this, the rise and progress of the *French* revolution furnishes a most apposite and tremendous example,

To such (and that *some* of this description are to be found, the clergy have abundant cause to lament) I will recommend the following sage reflections of the *Roman* orator and patriot, who was overwhelmed in the ruins of that constitution which he vainly strove to uphold :

D

“ Duo

“ Duo genera semper in hâc civitate
 “ fuerunt eorum qui versari in republicâ
 “ atque in eâ se excellentiùs gerere studu-
 “ erunt: quibus ex generibus, alteri se *po-*
 “ *populares*, alteri *optimates*, & haberi & esse
 “ voluerunt. Qui ea quæ faciebant, quæ-
 “ que dicebant, multitudini jucunda esse vo-
 “ lebant, *populares*; qui autem ita se gere-
 “ bant ut sua consilia optimo cuique pro-
 “ barent, *optimates* habebantur.— Quid est
 “ igitur propositum his reipublicæ governa-
 “ toribus, quod intueri & quo cursum suum
 “ dirigere debeant? Id quod est præstantif-
 “ simum, maximèque optabile omnibus sanis,
 “ & bonis & beatis; *cum dignitate otium*.—
 “ Hujus autem *otiosæ dignitatis* hæc funda-
 “ menta sunt, hæc membra, quæ tuenda
 “ principibus & vel capitis periculo defen-
 “ denda sunt: Religiones, auspicia, potesta-
 “ tes magistratuum, senatûs auctoritas, leges,
 “ mos

" In this state there have always been
 " two kinds of citizens desirous of engaging
 " and distinguishing themselves in publick
 " affairs: of these, the one wished to be
 " accounted, and to be in reality *demo-*
 " *crates*; the other, *aristocrates*. Those who
 " wished to render their words and actions
 " pleasing to the multitude were accounted
 " *democrates*; but those who so conducted
 " themselves as to recommend their measures
 " to the most respectable among the citizens,
 " were called *aristocrates*.—What then ought
 " to be the object, what the aim of these
 " governours of the state in steering their
 " course? That surely which is most excel-
 " lent, and by all sober, good and opulent
 " citizens, most desirable; to maintain
 " *tranquillity with dignity*.—But of this
 " *tranquil dignity*, these are the foundations,
 " these the compartments, which ought to
 " be maintained by the principal citizens
 " and defended even at the hazard of life:
 " Religious institutions both moral and
 " ceremonial, the powers of the magistrates,
 " the authority of Parliament, the statute

“ mos majorum, judicia, jurisdictio, fides,
 “ provincia, focii, imperii laus, res milita-
 “ ris, ærarium. Harum rerum tot atque
 “ tantarum esse defensore & patronum,
 “ magni animi est, magni ingenii, magnæ-
 “ que constantiæ: Etenim in tanto civium
 “ numero magna multitudo est eorum qui
 “ aut, propter metum pœnæ, peccatorum
 “ suorum conscii, novos motus conversio-
 “ nésque reipublicæ quærant; aut qui, prop-
 “ ter insitum quendam animi furorem, dis-
 “ cordiis civium ac seditione pascantur; aut
 “ qui, propter implicationem rei familiaris,
 “ communi incendio malint quam suo de-
 “ flagrare. Qui cum auctores & duces
 “ suorum studiorum vitiorumque sunt
 “ nacti, in republicâ fluctus excitantur:
 “ Ut vigilandum sit iis qui sibi gubernacula
 “ patriæ

" and common law, the administration of
 " justice, the rights and privileges of incor-
 " porated societies, the public faith, the
 " government of the provinces, foreign
 " alliances, the glory of the empire, the
 " military establishment, the publick re-
 " venue. To defend and patronize con-
 " cerns so various and important, is the pro-
 " vince of great magnanimity, great abili-
 " ties and great courage; for, in so immense
 " a mass of citizens, great is the multitude
 " of those, who, through consciousness of
 " guilt and fear of punishment, seek new
 " commotions and convulsions in the state;
 " or who, from a certain implanted phrensy
 " of mind, have an appetite and taste for
 " civil discord and sedition; or who, from
 " embarrassment of their family affairs, wish
 " rather to be destroyed in common with all
 " their fellow-citizens, than separately to sink
 " under their own particular misfortunes.
 " Whenever such miscreants can find abet-
 " tors and leaders * of their schemes and en-
 " ormities, then tempests are excited in the

* Such as Catiline and Julius Cæsar.

“ patriæ depoposcerunt, enitendúmque om-
 “ ni scientiâ ac diligentîâ, ut, conservatis
 “ his quæ paulò ante fundamenta & mem-
 “ bra esse dixi, tenere cursum possint, &
 “ capere *otii* illum portum & *dignitatis*.
 “ Hanc ego viam, Judices, si aut asperam
 “ aut arduam aut plenam esse periculorum
 “ aut insidiarum negem, mentiar; præsertim
 “ cum id non modò intellexerim semper, sed
 “ etiam præter cæteros senserim: Majoribus
 “ præfidiis & copiis oppugnatur respublica
 “ quam defenditur; propterea quod audaces
 “ homines & perditî nutu impelluntur, &
 “ ipsi etiam sponte suâ contrà rempubli-
 “ cam incitantur; boni, nescio quomodo,
 “ tardiores sunt, & principiis rerum ne-
 “ glectis, ad extremum ipsa denique neces-
 “ sitate excitantur; ita ut nonnumquam
 “ cuncta-

“ state : so that they who have assumed the
 “ helm of their country ought to be vigilant,
 “ ought to exert all their skill and diligence,
 “ by preserving those foundations and com-
 “ partments which I mentioned a little be-
 “ fore, that they may be able to hold on
 “ their course, and reach that desirable port
 “ of *tranquillity and dignity*. Were I, Judges,
 “ to deny either that this course is rugged,
 “ or that it is arduous, or perilous, or beset
 “ with snares, I should be a dissembler of the
 “ truth ; especially since I have not only
 “ been always convinced that it was so, but
 “ have myself had experience of it in my
 “ own person more than most other citizens.
 “ And the reason of it is evident. For the
 “ common-wealth is assailed by greater
 “ forces and more powerful motives of ac-
 “ tion than those by which it is defended ;
 “ because daring and desperate men are
 “ impelled by a nod from their leaders,
 “ and are even inclined, of their own ac-
 “ cord, to attack the common-wealth ; while
 “ the well-affected, by some unaccountable
 “ fatality, are too tardy in their opposition
 “ to them, and, neglecting the beginnings

“ cunctatione ac tarditate, dum *otium* volunt
“ *etiam absque dignitate retinere, ipsi utrum-*
“ *que amittant.*”

Orat. pro *Sextio*.

Qui, cedò, rempublicam vestram tantam ami-
ssis, tam citò?

Proveniebant oratores novi, stulti, adolescentuli.
De *Senectute*.

“ of Innovation, are at length excited only
 “ by downright necessity to oppose its fur-
 “ ther progress, when the danger arising
 “ from it is grown to an alarming height,
 “ and the torrent is difficult to be resisted ;
 “ so that sometimes, by tardiness and pro-
 “ crastination, though they would then be
 “ content to preserve the publick tranquil-
 “ lity of the State, even with the loss of
 “ their own dignity and power in it, they
 “ lose them *both*.”

These were that unfortunate Statesman's
 reflections *before* the downfall of the Con-
 stitution ; the following, *after* :—In answer
 to the enquiry, “ *What, prithee, occasioned the*
 “ *loss of so great a common-wealth as yours, so*
 “ *suddenly ?*” He replies in the assumed cha-
 racter of old, morose *Cato*, the censor :

“ *The frequent harangues of upstart, silly,*
 “ *childish orators.*”

M

C

B

THE
MODERATE REFORMER:

OR

A P R O P O S A L

TO CORRECT SOME

ABUS^ES in the PRESENT ESTABLISHMENT

OF THE

C H U R C H O F E N G L A N D,

In a Manner that would tend to make it more useful to the

ADVANCEMENT of RELIGION,

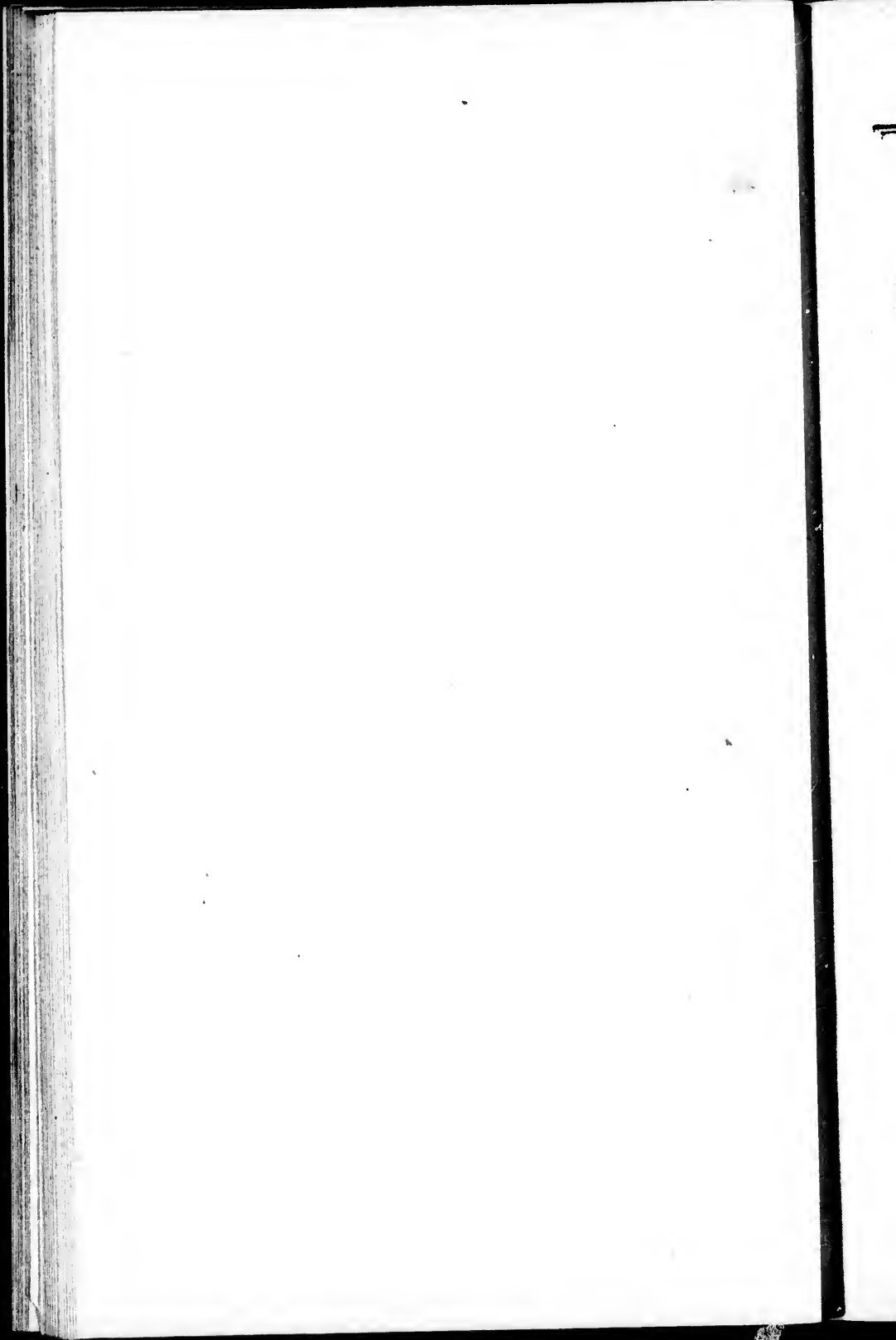
And to increase the Respect and Attachment of

THE PEOPLE TO ITS CLERGY:

AND LIKEWISE

To improve the Condition of the INFERIOR CLERGY.

BY A FRIEND TO THE CHURCH OF ENGLAND.



THE

MODERATE REFORMER.

SOME of the abuses in the present Constitution of the Church of England are so gross and so manifest, and have lately been pointed out so clearly and strongly by Dr. Priestley, and other able writers, that, unless the Bishops and other leading men in the Church are speedy and active in procuring a reformation of them, there is reason to apprehend the people themselves may take the business into their own hands, and perform it with a degree of violence that will endanger the continuance of the Establishment itself. To prevent this, I could wish to see the Archbishop of Canterbury move the House of Lords to establish the following Regulations by Act of Parliament.

I. Whereas the practice of choosing Bishops by the deans and prebendaries of cathedrals in consequence of a writ of *Congé d'Elire*, when the electors dare not choose any person but him whom the King has recommended, through fear of incurring a *Præmunire*, is a foolish, if not an impious, piece of mockery: the Bishops should be appointed at once by the King's letters patent under the great seal, as they are at this day in Ireland, and as they were in England in the reign of King Edward VI*.

II. Whereas

* The statute of Edw. VI, by which this point was so settled, was Stat. 1 Edw. VI, chap. 2d. As it contains several curious particulars, well worthy the reader's attention, I will here recite it *verbatim* as I find it in Rastall's Edition of the Statutes at large. It is as follows.

“ An Act for the election of Bishops, and what seales
 “ and stile they and other spirituall persons exercis-
 “ ing Jurisdiction Ecclesiasticall, shall use.

Preamble. “ Forasmuch as the election of the Archbishopbes
 “ and Bishops by the Deanes and Chapters, within the
 “ King's majesties Realms of England and Ireland, at
 “ this present time, be as well to the long delay, as to
 “ the

II. Whereas Bishops may now be made
at any age after that of thirty years, by
means

“ the great costes and charges of such persons, as the
“ King’s Majestie giveth any Archbishopricke, or Bi-
“ shopricke unto : and whereas the faide elections bee
“ in very deede no elections, but onely by a Writ of
“ *Congé d’essier*, have colours, shadows or pretenses of
“ elections, serving neverthelesse to no purpose, and
“ seeming also derogatorie and prejudiciall to the King’s
“ prerogative royall, to whome onely apperteineth the
“ collation and gift of all Archbishoprickes, and bi-
“ shoprickes, and Suffragan Bishops, within his high-
“ nesse faide Realmes of England, and Ireland, Wales,
“ and other his dominions and Marches: For due re-
“ formation hereof, bee it therefore enacted by the
“ King’s highnesse with the assent of the Lords, spiri-
“ tuall and temporall, and the Commons in this pre-
“ sent Parliament assembled, and by authoritie of the
“ same, that from hencefoorth, no such *Congé d’essier*
“ be granted, nor election of any Archbishop or Bishop,
“ by the Deane and Chapter made, but that the King
“ may by his Letters-patents at all times, when any
“ Archbishopricke or Bishopricke bee voide, conferre
“ the same to any person whom the King shall thinke
“ meete. The which collation so by the King’s Letters-
“ patents made, and delivered to the person to whom
“ the King shall conferre the same Archbishopricke, or
“ Bishopricke, or to his sufficient Proctor and Attorney,
“ shall stand to all intents, constructions and purposes,
“ to

Enacting part
of the Statute.

means of which young clergymen of high birth and great interest sometimes are promoted

“ to such and the same effect, as though *Congé d’essier* had beene given, the election duely made, and the same confirmed: and that upon the said person, to whom the said Archbishopricke, Bishopricke, or Suffraganship is so conferred, collated, or given, may bee consecrated, and sue his liverie, or *Ouster le maine*, and doe other things as well, as if the said ceremonies and elections had beene done and made.

“ Provided alwayes, and bee it enacted by the authoritie abovesaid, that every such person, to whome any collation, or gifte of any Archbishopricke, Bishopricke, or Suffraganship shall bee given or collated by the King, his heires or successours, shall pay, doe, and yeelde, to all and every person, all such fees, interests, and duties, as of olde time hath beene accustomed to bee done: any thing in this Act, or in any other, to the contrary hereof, in any wise notwithstanding.

A second
Preamble.

“ And whereas the Archbishops and Bishops, and other spirituall persons in this Realme doe use to make and sende out their summons, citations, and other proceffe in their owne names, and in such forme and manner, as was used in the time of the usurped power of the Bishop of Rome, contrary to the forme and order of the summons and proceffe of the common Lawe used in this Realme: seeing that all authoritie of Jurisdiction, spirituall and temporall, is
“ derived

moted to these venerable stations at one or
two and thirty years of age, over the heads
of

“ derived and deducted from the King’s Majestie as su-
“ preame head of these Churches and Realmes of Eng-
“ land and Ireland, and so justly acknowledged by the
“ Clergie of the said Realmes, and that all Courts Ec-
“ clesiasticall, within the saide two Realmes bee kept
“ by no other power, or authoritie, either forren, or
“ within the realme, but by the authoritie of his most
“ excellent majestie : Be it therefore further enacted
“ by the authoritie aforesaid, that al summons and ci-
“ tations, or other processe Ecclesiastical, in all suites
“ and causes of instance betwixt partie and partie, and
“ all causes of correction, and all causes of bastardie or
“ bigamie, or inquirie *De jure patronatus*, probats of
“ testaments, and Commissions of administration of
“ persons deceased, and all Acquittances, of, and upon
“ accounts made by, the executours, administratours,
“ or collectours of goods of any dead person, be from
“ the first day of July next following made in the
“ name, and with the stile of the King, as it is in
“ Writs original, or judiciall at the common Lawe :
“ and that the *Teste* thereof be in the name of the Arch-
“ bishop or Bishop, or other having Ecclesiasticall Ju-
“ risdiction, who hath the commission and grant of the
“ authoritie Ecclesiasticall, immediately from the Kings
“ highnesse, and that his Commissarie, Officiall, or
“ Substitute exercising Jurisdiction under him, shall put
“ his name in the citation, or processe after the *Teste*.

The enacting
part.

E

“ Further-

of much more learned and experienced and
respectable clergymen, who are much fitter
for

“ Furthermore, be it enacted by authoritie aforefaid,
“ that all manner of perfon or perfons, who hath the
“ exercife of Ecclefiaticall Jurifdiction, shall have from
“ the firft day of July before expreffed, in their feales
“ of office, the King’s highneffe Armes decently fet
“ with certeine caracts under the Armes, for the know-
“ ledge of the Dioceffe : and shall use no other feale of
“ Jurifdiction, but wherein his Maiefties Armes be in-
“ graven, upon peine that if any perfon shall use Eccle-
“ fiaticall Jurifdiction (after the day before expreffed)
“ in this Realme of England, Wales, and other his do-
“ minions or territories, and not fend, or make out the
“ citation or proceffe in the King’s name, or use any
“ feale of Jurifdiction, other then before limited, that
“ every fuch offendor shall incurre and runne in the
“ King’s Majesties displeasure and indignation, and suf-
“ fer imprifonment at his Highneffe will and pleasure.
“ Provided always, that no more nor other fees bee
“ taken or payd for the feale and writing of any cita-
“ tions or other proceffe, then was heretofore accuf-
“ tomed.

“ Provided alfo, and bee it enacted by the authoritie
“ aforefaid, that the Archbishop of Canterbury for the
“ time being, shall use his owne feale, and in his owne
“ name, in all faculties and difpenfations, according to
“ the tenor of an Act thereof made : and that the faide
“ Archbifhops and Bifhops shall make, admit, order,
“ and

for them;—let it be enacted, That no clergyman shall be capable of being made a
 Bishop

“ and reforme their Chancellours, Officials, Commis-
 “ saries, Advocates, Proctors, and other their officers,
 “ ministers and substitutes, and commissions to Suffra-
 “ gan Bishops in their owne names under their owne
 “ seales, in such manner and forme as they have here-
 “ tofore used, and shall certifie to the Court of tenths,
 “ their certificats under their owne names and seales
 “ as heretofore they have used, and according to the
 “ Statute in that case made and provided: and likewise
 “ shall make collations, presentations, gifts, institutions,
 “ and inductions of Benefices, letters of orders, or di-
 “ missories, under their owne names and seales, as they
 “ have heretofore accustomed, any thing in this Act
 “ contened to the contrary notwithstanding.

“ Provided alwayes, and bee it enacted by the autho-
 “ ritie aforesaid, that all processe hereafter to bee made
 “ or awarded by any Ecclesiasticall person or persons,
 “ for the tryall of any Plea, or Pleas, or matter de-
 “ pending, or that hereafter shall depende, in any the
 “ King's Courtes of Record at the common Lawe, and
 “ limited by the Lawes and Customes of this Realme,
 “ to the spirituall Courtes to trye the same; that the
 “ certificate of the same, after the tryall thereof, shall
 “ be made in the King's name for the time being, and
 “ with the stile of the same King, and under the seale
 “ of the Bishop, graven with the King's Armes, with
 “ the name of the Bishop or spirituall officer being to

Bishop till he is compleatly forty years old.

III. Whereas Bishops are the superintendants of the pastoral clergy of the kingdom, and ought therefore to be well acquainted with the duties of the pastoral office, and experienced in the practice of them;—it should be enacted, That no man should be capable of being a Bishop, unless he had been a rector, or vicar, of some parish, with cure of souls, for at least ten years, and during each of the said ten years had been resident in his parish or parishes, so as

“the *Teste* of the same process and certificate, and
“to every of them.”

By this Act of Parliament, as well as by other Acts of the reign of King Edward the VIth, it will appear that the Reformation of the Church of England from Popery, was carried farther in that reign under the direction of the good Archbishop Cranmer and the King's worthy uncle, Sir Edward Seymour, Duke of Somerset, and Lord Protector of England, than it was afterwards in the reign of Queen Elizabeth, or in the reign of any subsequent King of England.

to have officiated at his church in some part of the service for forty different Sundays in each year.

This regulation would give the pastoral clergy some chance of being Bishops, which now they have not, though their conduct as parish-priests should have been ever so meritorious.

But I would make an exception to this rule in favour of the two Regius Professors of Divinity at the Universities of Oxford and Cambridge. Those persons who had held these professorships for ten years, and resided in the universities during that time, and done the duties of their offices themselves, and not by deputies, should be capable of being made Bishops, as well as if they had been resident parish-priests during the same time.

IV. Some of the poorer bishoprics should have considerable preferments annexed to them by act of parliament. Thus, for ex-

ample, the deanery of Westminster should be annexed perpetually to the bishopric of Rochester: and the deanery of St. Paul's should be annexed perpetually (as it is at this present time,) to the bishopric of Lincoln, which is a great and laborious bishopric, containing one thousand five hundred parishes, and the revenue of it is only one thousand seven hundred pounds a-year. The deanery of Durham might, in like manner, be annexed to the bishopric of Bristol; and the deanery of Christ Church, Oxford, to the bishopric of Oxford; as it was about a hundred years ago in the person of the famous Bishop Fell. And, sometimes, a very rich living in a poor bishopric might be annexed to the bishopric, so as to be held in commendam with it, by the Bishop; who should likewise be obliged to keep a curate at it, at a very handsome salary, to do the duty of the living, when the Bishop was absent from it, attending parliament, or the duties of his bishopric. The following instance will explain my meaning. The living of Winwick,

wick, in Lancashire, is said to be worth three thousand pounds a year ; but is allowed by every body to be worth two thousand pounds a year. It is in the gift of the Earl of Derby, and is situated in the bishopric of Chester. I would have the Parliament buy it of Lord Derby, and annex it for ever to the bishopric of Chester, so that the Bishop of Chester should, *ipso facto*, be parson of Winwick. But he should be obliged to keep a fixed curate there, who should be appointed by him for life, and to whom he should give six hundred pounds a-year for his assistance. And the like might, I doubt not, be done in some other dioceses*.

But

* I have been told of another living that might be applied to a purpose of this kind. It is the living of Doddington, in the Isle of Ely, and County of Cambridge, the advowson of which belongs to Sir Henry Peyton, Baronet. The present incumbent of this living is Dr. Proby, Dean of the Cathedral Church of Litchfield and Coventry. The revenue of it for some years past has been 2400l. sterling *per annum*; and upon the inclosure of a Common at a place called *March*, lying in this parish, (which either has lately taken place, or will take place very shortly,) the profits

But no Bishop should hold a living out of his own dioceſe.

By thus improving the revenues of the poorer biſhoprics in a permanent manner by Act of Parliament, and not by an arrangement made at the King's, or Miniſter's, pleaſure, every time a man is promoted to a poor biſhopric, the Biſhops would become one degree leſs dependant on the Crown, and leſs deſirous of tranſlations; and act more freely and uprightly in the Houſe of Lords, and be thought to do ſo, and therefore be more reſpected in the world. And yet they would be ſufficiently dependant upon the Crown, partly from gratitude for the promotions they had received, and

of the living will receive an addition of 700*l.* *per annum*; ſo that the whole annual income of it will then be 3100*l.* ſterling *per annum*. The rector of this great living has only one church to provide for. But there is a daughter-church in the townſhip of March, which lies in this pariſh, the ſervice of which is not provided for by the rector of Doddington, though the chief population of the pariſh of Doddington is in that townſhip.

partly

partly from the hope of translations, which I do not propose to prohibit. But they should not be so frequent, and so necessary an object of a new Bishop's ambition or desire.

V. Having thus provided ample additions to the poorer bishoprics, I should, without scruple, proceed to strip them of such parts of their revenues as ought never to have been given them; I mean the great tithes of parishes. These I would take away from the bishops, and restore to the vicars of the several parishes to which they had belonged. For example, the bishopric of Chester (though but a small bishopric) swallows up the great tithes of no less than twenty-three parishes. These I would take from the bishopric, and restore to the several parishes: which would be no injury to the bishop of Chester, when his income had been so greatly increased by making him perpetual rector of Winwick. And, in like manner, I would take from all the other bishoprics of England, all the great tithes

tithes that are annexed to them, and would restore them to the several parishes to which they originally belonged. By this step a great many very poor vicarages would be converted into reasonable provisions for the Clergy who did the duty of them.

VI. I would, in like manner, take from all the deaneries and prebends in the kingdom the great tithes, that make a part of their revenues, and would restore the said great tithes to the vicarages to which they originally belonged. But this I would do only when the said deaneries and prebends became vacant, by death or otherwise; so that no dean or prebendary in the kingdom could have any reason to complain that he was deprived of the smallest particle of his income, whether his merit, or any other circumstance, had been the means of his obtaining it.

And if, by thus taking back the great tithes which belong to deaneries and prebends, the revenues belonging to those dig-

nities were too much diminished, I would consolidate two or more of them into one. Thus, if any deanery was reduced, by this means, below six hundred pounds a year, I would add one or two of the prebends to it, so as to make it six hundred pounds a year. And, if any prebend, that had been above two hundred pounds a year before this reduction, was reduced below two hundred pounds a year, I would add another prebend to it; so that there would be rather fewer prebendaries than before; which would be a matter of very small consequence.

VII. I would permit no one to be a prebendary of two cathedrals, or a dean of one and a prebendary of another; with a saving, however, of those who are so already. This would tend to multiply decent provisions for the clergy, and lessen the present odious and invidious inequalities among them.

VIII. I would totally prohibit pluralities
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of livings, whether rectories or vicarages, or even donatives, to which there is no episcopal institution: neither noblemens chaplains, nor even the king's chaplains, nor bishops chaplains, nor doctors of law or divinity, should, upon any occasion, have more than one living, be the living ever so small. But this should relate only to the future, and should not affect those who were already possessed of two livings. But a Clergyman should be allowed to hold one living and one deanery or prebend.

This regulation is perfectly agreeable to the canons of the church; and it would produce a considerable number of decent and moderate provisions for the Clergy, and increase the chances of the poor curates to become, one day or other, rectors or vicars of parishes.

IX. In order to enforce residence in the Clergy, I would make it necessary for every Clergyman that was a rector, or vicar, of a parish, in suing for his tithes, to bring
good

good proof before the court of justice in which he sued, and likewise to declare, upon oath, that he had done duty in his parish church, that is, some part of the duty, for forty Sundays in the year in which he claims his tithes to have become due ; or, if he has done duty seldomer than forty times, then to swear and bring good proof that he has done duty that lesser number of times. And, if he has done duty for forty Sundays, he shall recover his whole tithe ; and, if he has done duty on a Sunday seldomer than forty times, he shall recover only so many fortieth parts of his tithes as there are Sundays on which he has done duty.

This, I imagine, would be a very useful regulation. For it has been observed of late years, that many Clergymen, who have but one living, decline their residence upon it, and keep a curate to do the duty of it, while they, themselves, go and reside at some great town where there is a good deal of company and amusement. This
 evil

evil would be lessened by the foregoing regulation. Yet it might not be perfectly cured by it, because the Clergy might go and reside in some neighbouring great town, and from thence go to their livings, and do duty at them, on a Sunday. Therefore, it might perhaps be necessary to make some further regulation on this subject. But I have not thought of any; and the foregoing regulation would often be of great use.

This regulation should not supersede any of the laws now in force, whether ecclesiastical or temporal, against Non-residence, but should be in addition to them.

And, further, it might be proper to enact, that, in an action brought against a rector, or vicar, of a parish for non-residence, upon the statute of king Henry the VIIIth, it should be held to be sufficient proof of his being rector, or vicar, of such parish, if satisfactory evidence was adduced of his having claimed and received any part
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of the tithes, or other dues, belonging to the said living, though the plaintiff should not have proved his institution and induction into it.

X. The great tithes that constitute part of the revenues of fellowships, or masterships of colleges (which, I am told, are numerous), should (upon the vacancies of the said fellowships and masterships) be given back to the vicars of the parishes to which they originally belonged. It is said, that many of these livings, situated near Oxford and Cambridge, are served by junior fellows of colleges, from their several colleges on a Sunday, and that, during the rest of the week, they are without a clergyman resident amongst them; and, that the consequence is, that they are more uninstructed in religion, and more dissolute in their morals, than the inhabitants of most other parishes in the kingdom; and, that such of them as are seriously disposed, quit the Church of England, and go over to the dissenting.

senting ministers.—All this would be cured by the regulation proposed.

XI. When the livings that are in the gift of the Crown, or of the Lord Chancellor, have been vacant for six months, the right of presenting to them should lapse to the Bishops of the dioceses in which they are situated, who are, by the common law of the Church, the patrons of all ecclesiastical benefices; and, if the Bishops neglect to present to them in the next six months, they should lapse to the Archbishops in whose provinces they are situated; and, if the Archbishops neglect to present to them in the next six months, they should lapse to the King, or the Lord Chancellor again; and then again to the Bishops, and so on, in a continual circulation. At present, it is said, that some livings have been vacant for years without the Lord Chancellor's filling them up.

XII. Whereas the colleges in the universities are at present restrained from acquiring

ing the advowsons of more livings than half the number of their fellowships, which causes fellows of colleges to continue in that condition till about the age of forty-two, or forty-three years; and it would be desirable that such of them as are not tutors of their respective colleges, or other permanent officers of them, should go off to livings about the age of thirty-two, or thirty-three years, instead of forty-two, or forty-three years;—and the patronage of colleges tends more to encourage learning and clerical merit, than the patronage of private noblemen or gentlemen, who often give away their livings without regard to those circumstances, and from mere personal favour and liking for companionable qualities, and often sell them for money;—it would be expedient to permit colleges to acquire twice as many advowsons of livings as they are now restrained to, or as many as the whole number of their fellowships respectively amounts to.

All these things might be done, without,
in the least degree, invading the govern-
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ment of the Church by archbishops, bishops, archdeacons, deans, and prebendaries, or lessening the revenues of the Bishops, or depriving them of their seats in the House of Lords, or depriving the Crown of a great influence over them, that will in general secure their concurrence to all reasonable measures of Government, and without offending the conscience of any churchman, how orthodox soever. And, if they were done, they would tend greatly to the honour and advantage of the Church, and silence a great number of objections that are now made to it.

An additional regulation might be as follows:

XIII. To divide some very extensive parishes into five, or six, separate parishes of a moderate extent. Thus, for example, the parish of Simonburn, in Northumberland, of which Dr. Scott is rector, is thirty-six miles in length and fourteen in breadth, as I have been assured by Dr. Scott himself. The income of it used to be five hundred

dred pounds a year ; but he has increased it to more than one thousand pounds a year : and its real value, if the full tithes were paid, would be considerably more than one thousand four hundred pounds a year. Surely, this parish might be divided into at least four lesser parishes, each of which would be fourteen miles long and nine miles broad. This should be done upon the next vacancy of it. And I am told there are many such very extensive parishes in the north of England, and I suppose also in other parts of the kingdom. This might be done without affecting the rights of patronage, or the emoluments of the present incumbents of the livings, in the smallest degree. And the interests of religion would evidently be advanced by such a measure.

As to equalizing livings of very unequal value that are near each other, though it might be a beneficial measure when done, yet it would involve the rights of the patrons so far, and be so difficult to execute, that I do not wish to see it attempted. For

the same reason, I do not say anything about the tithes. I know the objections to every scheme for taking them away, and substituting some other revenue in the room of them. If land were so substituted, it would convert too great a part of the land of the kingdom into mortmain; and it would turn the clergy into farmers; and the lands so allotted to them would often not be well cultivated for want of money to repair their farm-houses and stock their farms, and the like reasons. If stipends in money were assigned to the clergy, the value of such stipends would continually decrease with the value of money, as is now the case with the livings in the City of London. Their stipends were fixed, I believe, in the year 1670; and, in the short space of one hundred and twenty years, they are become less valuable than they were at first, in a very great proportion; being reduced to at least one half, and, more probably, to one third part of their original values. And this scheme would be subject to various other objections. And therefore I would let the
tithes

tithes alone *, as well as the equalization, or an approach to an equalization of different

* The most plausible objection I have ever heard made to tithes, is, "that they are a discouragement to the improvement of land by new and expensive modes of culture." In answer to this objection we may make the following observations.

In the first place, a great part of the land of England is already in a high state of cultivation and needs no such expensive improvement. To all such lands therefore the objection does not apply.

Secondly, when waste land is taken-in and inclosed, or when common-field land is inclosed and improved, the nine tenths of the new produce of the land after its improvement, which will belong to the improver of it, would, for the most part, be a sufficient inducement to him to undertake the improvement of it, if the parson should be so greedy of gain as to insist upon having the whole of the remaining tenth part of it paid to him.

But, thirdly, there is not one clergyman in twenty who receives, or claims, the full tithe of the land already cultivated in his parish: and there are still fewer that would claim the full tenth of the produce of any waste land newly brought into cultivation at a considerable expence, or that would refuse to make an agreement with the owner, or improver, of such land to take a very moderate sum every year during his continuance

ent contiguous livings. The reformation I propose, is easy as well as useful, and is grounded

tinuance on the living, in lieu of the full tenth part of the produce to which his right extends. By a moderate sum, I mean a half, or a third part, of the real value of such tenth part of the produce. And therefore the cases in which the obligation of paying tithes would be an obstacle to the improvement of land are so few as not to be worth considering, or making any alteration in so important a matter as the established method of providing a maintenance for the national clergy on account of them.

Fourthly, in the few cases in which the obligation to pay tithes may be supposed to operate as an obstacle to the improvement of land, it might be prevented from having this bad effect, without altering the general, established, mode of providing for the clergy, by a regulation of the following kind : The rector, or vicar, of the parish in which the lands that were to be improved were situated, might have a power given him by Act of Parliament to make an agreement in writing with the owner of the land who was desirous of improving it, whereby he should bind himself and his successor to take only such a particular sum every year for the next following twenty-one years in lieu of the tithes of the land which was to be improved. Such annual sum should not be less than the sum he had received for the tithes of the same land for each of the last

grounded on the maxims and canons of the church itself.

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last seven years; or, if the sums he had received in those seven years had not been always the same, the said annual sum should not be less than the greatest sum he had received for the tithes of the same land in any one of the said seven years. And this agreement should be made with the consent of the Bishop of the diocese in which the parish lay, and should be registered in the Bishop's Spiritual Court. And, if the rector, or vicar, of such parish, being applied to by the owner of the land to make such an agreement, should refuse to do so, the Bishop should have a power of doing it for him without his consent, and of binding him and his successors to receive such annual sum in lieu of his tithes from the said land during the said term of twenty-one years: after which term the right of the said rector, or vicar, or his successor, to the full tithe of such improved land should revive. The enjoyment of the profits arising from the improved land for the term of twenty-one years without any increase of the tithe in consequence of the improvement of it, would, I presume, be a sufficient inducement to the owner of the land to undertake the improvement of it. Farmers who take lands upon leases of twenty-one years, very often lay out great sums of money in improving them, though they know that at the end of their leases their landlords will raise their rents in proportion to the increased value

I have omitted mentioning the thirty-nine articles, and the liturgy, for the same reasons

value of the land in consequence of their improvements. And the same thing would take place with respect to land subject to tithe, though the land should become liable to pay the full tithe at the end of a term of the same duration.

And, if such a regulation were to be made by Act of Parliament, it ought to extend to lay-impropriators of tithes, and to all other impropiators of them, as well as to the parochial clergy, so as to both enable and compel all such impropiators of tithes, of any lands that were intended to be improved, to make leases of the said tithes for twenty-one years to the owners or improvers of the said lands at reasonable annual rents approved by the Bishop of the diocese, and not less than they had received for the said tithes in each, or in any one, of the last seven years before the making of such lease. Such a regulation would be a small invasion of the full right of property in the tithes of such lands which is now vested in the said impropiators of them, and would be justifiable only from the high expediency of removing an obstacle to the improvement of the lands of the kingdom. But it would be no greater an invasion of such right of property in the case of an impropiator than in the case of a rector of a parish, as the rights of the rector and the impropiator are both equally founded on the law of the land,
and

reasons of the very great difficulties that would occur in the execution of a plan for their amendment; though, if it were once well done to the satisfaction of the clergy and people, it would certainly be a great blessing to the nation. But what is above proposed, is clear of all these difficulties.

and equally intitled to its protection. And the expediency of making such a regulation (if it be fit to be made in either case,) would be rather stronger in the case of lay-impropriators than in the case of the clergy; because it is generally found that lay-impropriators are much more inclined to exact high rents for the tithes that are due to them, than the parochial clergy, notwithstanding the obloquy too often thrown upon the latter on account of the avaricious conduct of a very small number of them. The person who, a year or two ago, insisted upon receiving his full tithe from a piece of ground near Farnham in Surrey, that had been converted at a great expence into a hop-ground, (in consequence of which a bill was brought into the House of Commons, but not carried,) was not a clergyman, but a lay-impropriator, and a very rich man, who had made (as it was reported,) a large fortune in the East Indies.

F I N I S.

