

# PRINT, DEBATE AND THE PUBLIC SPHERE IN THE LONDON TITHES CAUSE, c.1600-1650



For Books are not absolutely dead things, but doe contain  
a potencie of life in them to be as active as the soule was  
whose progeny they are

John Milton, *Areopagitica* (London: [s. n.], 1644), p. 4.

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## ABSTRACT

The debates over tithe payments in early modern London have been understudied as well as largely misunderstood and misdescribed in histories of the early modern period; it has been suggested that the tithe debates ‘[do] not seem to have been of very great interest or importance’, and some of the extant material concerning the tithe debates has been described as having ‘no information likely to be of general interest’.<sup>1</sup> This has led Edith Bershadsky to suggest that ‘the majority of historians’ concerned with early modern history have ‘regarded London tithes as an insignificant question’.<sup>2</sup> In this thesis I challenge these misconceptions by providing a detailed study of the London tithes cause, with a particular focus on ideas of print, debate and the public sphere.

The majority of the historiography on early modern tithes has focused on the legal ambiguity surrounding the clerical tax, and only recently – and still rather sporadically – have thoughts turned to their wider social, political and religious significance. Here I adopt an interdisciplinary approach to the study of the tithe debates and focus particularly on the patterns of language and rhetoric employed by the disputants in printed and manuscript sources, both ‘literary’ and ‘non-literary’. By focusing on the City of London over a period of 50 years in this thesis, and by assessing the source material from both quantitative and qualitative angles, I provide a more thoroughgoing narrative of continuity and change in the course of the tithe disputes – both in terms of the theoretical discussion of their legality and the practical aspect of their enforcement.

In Chapter 1 I examine the proliferation of printed works defending the divine right to tithes in the early years of James I’s reign and suggest that there was a concerted effort by James and his Archbishop, Richard Bancroft, to foster a publishing circle of lay and clerical individuals to defend the Church’s right to tithes. Chapter 2 focuses on perhaps the single-most influential

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<sup>1</sup> William Page (ed.), *The Victoria County History of London* (London: Constable, 1909), i, 326; T. C. Dale, *The Inhabitants of London in 1638: Edited from MS. 272 in the Lambeth Palace Library* (London: Society of Genealogists, 1931), pp. iv-v.

<sup>2</sup> Edith Bershadsky, ‘Politics, Erudition and Ecclesiology: John Selden’s “Historie of Tithes” and its Contexts and Ramifications’ (Unpublished PhD Thesis: The Johns Hopkins University, 1994), p. 56, n. 2.

text in the early modern tithe debates – John Selden’s *The Historie of Tithes* (1618). In this chapter I am particularly concerned with ideas of intertextuality and censorship, and I contextualise Selden’s work by analysing it next to works – some of which were state-sponsored – written to refute Selden’s claims. Chapter 3 transitions to a consideration of the more practical aspects of the tithe disputes in London and is concerned with the clerical attempt to improve the value of their livings through tithes in the 1630s. Here ministers of an array of styles of churchmanship united to petition Charles I, but met resistance in the form of the civic authorities. In this chapter I engage with archival material held at Lambeth Palace and correct a number of misconceptions that have been passed down through the historiography of the tithe debates, and I explore how the lay and clerical corporate bodies interacted with one another. In Chapter 4 I focus on the turbulence of the 1640s and examine how the tithe debates were conducted in printed pamphlets as well as in the intra-mural parochial vestries. Here we see how the non-payment of tithes becomes linked with ideas of liberty of conscience and religious toleration in the conforming literature, and how conforming lay persons attempted to effect change at a parochial level through the mechanisms available to them.

Throughout the thesis, then, I argue: that the tithe debates were near universal in their impact upon various aspects of early modern life; that the discussion of tithes was considered vitally important both locally and nationally; that a great deal of effort and time was put into the publication of arguments for and against the system of tithes; and that there existed a public sphere in London in which the issue of tithes was hotly debated, both in literature and in ‘real life’. More broadly, this thesis shows that in focusing on the issue of tithes we are able to see how individuals and institutions interacted and communicated over a fiercely-debated topic in the early modern period, and how these politically engaged people employed their linguistic and rhetorical skills to involve themselves in the continuing reformations of both Church and State.

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## INTRODUCTION

‘Behold now this vast City’ John Milton urges both Houses of Parliament and the readership of his pamphlet *Areopagitica*; ‘a City of refuge, the mansion house of liberty, encompassed and surrounded with [God’s] protection’. The city in question is, of course, London. Milton clearly believes the City of London to be an exceptional place due to its immensity, its openness and charity toward those in need, and its cultivation of an arena for spirited debate; so much so that he considers the city to be in receipt of divine favour. According to Milton, London is also exceptional for the sheer quantity of reading and writing that took place within its walls. He writes:

the shop of warre hath not there more anvils and hammers waking, to fashion out the plates and instruments of armed Justice in defence of beleaguer’d Truth, then there be pens and heads there, sitting by their studious lamps, musing, searching, revolving new notions and idea’s [sic.] wherewith to present, as with their homage and their fealty the approaching Reformation: others as fast reading, trying all things, assenting to the force of reason and convincement.<sup>1</sup>

Milton offers us a view of the sheer busyness and industriousness of the inhabitants of the city, and as readers we are invited to find parallels between the physical exertion of the blacksmiths and the mental exertion of the pamphlet-writers and their audiences. We cannot help but feel the energy and effort that is being put into what Milton considers ‘the approaching Reformation’. Furthermore, the close comparison between literary activity and martial endeavour would not have been lost on Milton’s readership; and for a modern reader Milton’s choice of language embodies Nigel Smith’s description of the ‘paper war’ taking place in the furious maelstrom of print and pamphleteering of the 1640s.<sup>2</sup> It is implicit in both Milton and Smith’s images that words can devastate, and both images suggest that words can be used to attack and undermine ideological opponents as effectively, if not more so, than bullets and cannonballs.

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<sup>1</sup> John Milton, *Areopagitica* (London: [s. n.], 1644), p. 31.

<sup>2</sup> Nigel Smith, ‘Richard Overton’s Marpriest Tracts: Towards a History of Leveller Style’ in Thomas N. Corns (ed.), *The Literature of Controversy: Polemical Strategy from Milton to Junius* (London: Frank Cass, 1987), pp. 39-66; p. 52.

In the seventeenth century the system of tithe payments that underpinned the national church was, to say the least, divisive – it was one of those issues that demanded the mental exertion described by Milton; one that had its own paper war. Broadly speaking there were two opposing arguments on the matter: either tithes were due by divine law and ought to be readily paid for the maintenance of an “orthodox” minister; or they were an unwelcome remnant of Levitical law that over time had been adopted by the nation, had become part of the English common law, and the practice of their payment was therefore replaceable by either fixed stipendiary income or voluntary contribution. A great deal of energy from a broad spectrum of the population was expended in the construction and defence of these positions, both in literature and the “real world” – in theory and in practice. Yet despite the obvious importance the tithe debates had at the time – both in their own right, and as a part of the larger processes of church and state reformation – they have remained an issue relatively underexplored by historians and literary scholars alike. In this thesis I undertake an interdisciplinary study of the perceptions of, and approaches to, the tithe debates in London across the first half of the seventeenth century, with a particular focus on the rhetoric and language used within those various discussions. In order to do so I employ a methodology that focuses on the issues of print, debate – which I take to include the wider writings and actions of those involved in the tithes cause – and a conception of the public sphere in which the opposing parties expressed their beliefs.

In this introduction I will first offer a brief sketch of the City of London in the mid-1640s as told by its inhabitants; in doing so, I hope to emphasise the significance of the debates to contemporaries and to set the backdrop against which the events in this thesis take place. I have chosen this latter period not because I am suggesting any sort of teleological inevitability to the course of events, but because the chosen authors offer up wonderfully conflicting visions of the city in those years and highlight the publicness of the debates – a time when, as Albertus Warren puts it, the ‘*Tragick Commedy* of flaccient Tithes [... was] supercilliously acted every seventh day by the Pulpits’, and when the issue was being debated in print, the Westminster



Assembly and in the vestry meetings of the intramural London parishes.<sup>3</sup> Following this I will provide a historiography of tithes in the seventeenth century, then I will outline my methodology and choice of source material. Finally, I will provide a description of each chapter, and a reasoning for their overall chronology.

The tithe debates were ideologically charged and the outcome of those discussions would have an impact upon almost everyone in the nation at some level. The issue of funding a national church was in question and the tithe debates were often linked to the discussion of liberty of conscience and religious toleration. The pursuit of knowledge was, for Milton, the ultimate goal of these discussions, and he expresses this sentiment in the following manner:

What could a man require more from a Nation so pliant and so prone to seek after knowledge. What wants there to such a towardly and pregnant soile, but wise and faithfull labourers, to make a knowing people, a Nation of Prophets, of Sages, and of Worthies. [...] Where there is much desire to learn, there of necessity will be much arguing, much writing, many opinions; for opinion in good men is but knowledge in the making.<sup>4</sup>

For some Londoners this was a time of excitement at the prospect of further reformation to the Church of England, and of hope for the adoption of tolerance towards independent congregations. There was an opportunity to create new knowledge through discussion and debate, and the potential for a significant alteration of perspective at a national level. For others, the relative freedom of expression and the increasingly fissiparous national church both gave cause for great concern.

Thomas Edwards – a furious opponent of free speech, and author-compiler-editor of *Gangraena* – had a view of London that was at once similar to Milton's and yet simultaneously entirely opposite, a view that Ann Hughes has labelled 'partial but not fantastic'.<sup>5</sup> London is many things in *Gangraena*: it is a 'great metropolis' and a 'magnificent entrepôt for news and alarmist reports', a city of trade and industry where goods, services and news are all exchanged

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<sup>3</sup> Albertus Warren, *The Royalist Reform'd* (London: Francis Leach for George Thompson, 1649), p. 15. Here I understand 'flacessent' to translate to 'windless', or 'out of breath'.

<sup>4</sup> John Milton, *Areopagitica*, p. 31.

<sup>5</sup> Ann Hughes, *Gangraena and the Struggle for the English Revolution* (Oxford: Oxford University Press, 2004), p. 131.

incessantly.<sup>6</sup> London is also the home of ‘a series of overlapping, intimate, turbulent face-to-face communities’, which ‘provided a tremendous arena for gossip, argument, and discussion’.<sup>7</sup> Edwards observes that same busyness and vitality of the city that Milton identifies, yet he sees this – and particularly the movement of ideas and opinions through the city – as a threat to the wellbeing of the nation. In his vision of the city ‘the plague of Sectarisme rages more and more, putting forth Symptoms presaging death and destruction both to Church and State, if not timely prevented’.<sup>8</sup> Liberty of conscience, according to Edwards, invites sectarianism. Sectarianism, for Edwards, is effectively ideological bacteria, a metaphorical miasmatic cloud of *Yersinia pestis* spreading over London and infecting its inhabitants indiscriminately.

Edwards saw himself as necessary to the prevention of this catastrophe, and in his preface to the first part of *Gangraena* he explains that this was the cause of his deciding to publish again, eighteen months after he wrote his *Antapologia*: ‘I shall wait no longer, but am resolved to appear again in publike against the errorrs of the time’.<sup>9</sup> The act of publication – with its multiple layers of meaning – is significant to Edwards, and his choice of language suggests that he considers himself and his literary product to be one and the same thing. In order to combat, and hopefully eradicate, what he considered a disease, Edwards had to spread his message in the hope that it would prevent the metaphorical infection; he had to take advantage of the very network of information exchange that was the cause of his concern. Sectarianism was at once plague and gangrene for Edwards, and the remedy for both diseases was to separate the separatists; quarantine the infected or even amputate the corrupt tissue. That sectarianism could be both plague and gangrene to Edwards suggests the multiplicity of forms he saw it taking in his immediate environment; he likewise describes it as ‘that many headed monstrous *Hydra* [...] sprung up in these times’ against which his treatise was fighting.<sup>10</sup>

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<sup>6</sup> Ann Hughes, *Gangraena and the Struggle for the English Revolution*, p. 164.

<sup>7</sup> *Ibid.*, p. 164; p. 130.

<sup>8</sup> Thomas Edwards, *The First and Second Part of Gangraena* 3<sup>rd</sup> ed. (London: T. R. and E. M. for Ralph Smith, [1646]), II.1.

<sup>9</sup> *Ibid.*, sig. [C].

<sup>10</sup> Thomas Edwards, *The First and Second Part of Gangraena*, sig. [C<sup>v</sup>].

For Edwards, the liberty of conscience – and the sectarianism he believes it to generate – is equivalent to a pathological epidemic. The gangrenous metaphor he employs, by extension places Edwards in the role of surgeon, attempting to remove the affected tissue and disinfect the wound. He is at once healer and destroyer, however, as he also envisions his project as a declaration of war on heresy. In his preface to *Gangraena* he expresses himself in the following manner:

I value not my name, nor my life, if compared to the truth of Christ; but shall take pleasure in reproaches, necessities, sufferings in such a time as this, when few are valiant for the truth; no gold shall bribe me, nor preferments take me off; no lack of supplies shall dishearten me. I shall maintain this warfare at mine owne charges, and this good cause cannot be starved for want of fees.<sup>11</sup>

Edwards portrays himself as an incorruptible and valiant warrior fighting against the enemies of truth. He accepts that he may suffer abuse at the hands of others as a result of his words and actions, but he insists that he will be ultimately vindicated for his efforts. While his image here is of a solitary figure fighting against a great evil, he does suggest that there are a number of his fellow ministers who are ‘valiant for the truth’. Edwards was not alone in his endeavour, and he acknowledges that throughout the course of the history of Christianity there have been others who took up the same charge as he did:

those Ministers, who out of zeal to the glory of God, love of his truth, compassion to poor soules, have appeared and acted vigorously, by preaching and writing against the errors of the times and places they live in, have still met with a great deal of malignity, hatred, reproaches, and speaking all manner of evill against them falsely [...] Notwithstanding all this, they have gon on in their work and way, with constancie and heroic resolution.<sup>12</sup>

One such contemporary, and fellow heresiographer, was “Old” Ephraim Pagitt, rector of St Edmund the King and Martyr, Lombard Street.

Edwards refers to Pagitt’s writing in the first part of *Gangraena* in the following manner: ‘Mr. *Paget* in his *Heresiography*, Epistle Dedicatory, speakes of one committed [by a Justice of the Peace] for mocking at Christs Incarnation, the particulars whereof, though I have been told

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<sup>11</sup> Thomas Edwards, *The First and Second Part of Gangraena*, sig. [C4<sup>r</sup>].

<sup>12</sup> *Ibid.*, sig. C[2<sup>r</sup>].

from Master *Paget*, yet I judge it best to conceal'.<sup>13</sup> We have in this moment one of the great paradoxes of the argument against a liberty of conscience. Edwards, in his best judgement, does not relate the full details of the story, presumably because he does not wish to aid the spread of the same "error"; yet in the same moment he directs his reader to precisely the location they can find the particulars, should they so wish. The antagonistic impulses of preventing the spread of heresy and of providing evidentiary source material run throughout the writings of Edwards, Pagitt, and many other authors who were against liberty of conscience.

Pagitt was also an opponent of free speech, and the potential for heresy that came with it. As well as the same associations with contagion, disease, venom and poison, Pagitt suggested that 'Heresie is as dangerous as fire', and he urged the Lord Mayor, Recorder, and various Aldermen of the City of London to 'use [their] best endeavours to quench it before it consume [London]', in his dedication.<sup>14</sup> Edwards and Pagitt's opinions were clearly not universally popular, and the rapidity with which subsequent editions of their publications appeared – with additions, clarifications, rejoinders, and post scripts – suggests that there was a flurry of arguments and refutations of their material. Indeed, in the second edition of *Heresiography* Pagitt records the following:

Since the publishing of this *Heresiography*, I have been abused above measure, not onely with reviling language in the streets, as I goe; but also in my estate: some Sectaries of my Parish, denying now to pay me any thing at all; affirming, that they are to maintaine the Minister of their owne Congregation. And that which troubleth them, is my defence of Tithes, and the Ordinance of Parliament for the true payment of them.<sup>15</sup>

This issue and debate surrounding the payment of tithes was not new in the mid-1640s, but it had gained an increased focus in that decade. With the Westminster Assembly attempting to find an acceptable settlement for the national church, and with the potential for independent churches to be accepted under the new church structure, the issue of financial support for the ministry was given a great deal of thought. In taking too hard a line on tithes for some of his

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<sup>13</sup> Thomas Edwards, *The First and Second Part of Gangraena*, I.33.

<sup>14</sup> Ephraim Pagitt, *Heresiography* 1<sup>st</sup> ed. (London: Printed by M. Okes and are to be sold by Robert Trot, 1645), sig. [A3<sup>r</sup>].

<sup>15</sup> Ephraim Pagitt, *Heresiography* 2<sup>nd</sup> ed. (London: W. Wilson for John Marshall and Robert Trot, 1645), p. 154.

parishioners, Pagitt felt the immediate emotional and material burden of their reaction against him. He was not the only one to suffer from such treatment, and this tactic of withdrawing the financial support for the clergy was often used in combination with the ideological attacks contained within the pamphlet literature supporting independency and the liberty of conscience. Pagitt laments the state of affairs, writing: ‘Surely it is a disgrace to Religion, that in Reformation mens thoughts doe runne, even in the greater labours and learning in the Church, to pill and pole the Ministry, and bring it to beggery’.<sup>16</sup> What independent congregations would see as an act of protest against a tyrannical monopoly on the practice of religion, was seen by their conforming opponents as the violent asset stripping of a sacred institution.

Richard Overton, now considered the author of the Martin Marpriest pamphlets of the 1640s, was one who managed for a time to escape the strictures of censorship in order to create a whimsical yet pointed commentary on the combined issues of liberty of conscience and a national church maintained by tithe payments. Indeed, Nigel Smith suggests that the Marpriest tracts ‘had two objectives: to discredit the Presbyterian objection to the liberty of conscience in speech and in the press, and to attack the continued Presbyterian insistence upon an ordained ministry only, maintained by tithes’.<sup>17</sup> Overton created a series of seven pamphlets between the 8<sup>th</sup> of April 1645 and the 12<sup>th</sup> of October 1646, in which the characters ‘are both allegorical personifications of the Presbyterian movement, and vice characters, whose recognisable mannerisms figure forth the shortcomings of the Presbyterian ideal’.<sup>18</sup>

In the second of the seven pamphlets – *A Sacred Decretall, Or Hue and Cry* – Overton includes an image on the title page of the “bullish” and “bullying” Martin Marpriest (see title page above).<sup>19</sup> In this image Martin is an anthropomorphised bull, sitting at a desk and writing a treatise. He possesses four legs, like a bull, but is writing with a fifth appendage, a human arm

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<sup>16</sup> Ephraim Pagitt, *Heresiography* 2<sup>nd</sup> ed., p. [159].

<sup>17</sup> Nigel Smith, ‘Richard Overton’s Marpriest Tracts: Towards a History of Leveller Style’, p. 41.

<sup>18</sup> *Ibid.*, p. 47.

<sup>19</sup> Richard Overton, *A Sacred Decretal, or Hue and Cry* (Europe: Printed by Martin Claw-Clergy, Printer to the Reverend Assembly of Divines, for Bartholomew Bang-Priest, and are to be sold at his Shop in Toleration-Street, at the sign of the Subjects Liberty, right opposite to Persecuting-Court, 1645), title page.

and hand. Martin is presumably working on the fifth pamphlet in the series – *The Ordinance for Tythes Dismounted* – as Sir Simon Synod, one of Overton’s Presbyterian Vice figures, describes how Martin is ‘tossing Sir *John* [Simon’s son] upon his hornes’ into a fire, ‘and stamping the blessed Ordinance for *Tythes* under his cloven feet’.<sup>20</sup> Overton writes the *Sacred Decretall* in Sir Simon’s voice, and calumniates the Presbyterian position to great comic effect. It is worth noting, again, that Overton’s title and subtitle present the pamphlet as both a written document – the “sacred decretal” – and as a cacophonous outpouring of vocal opposition and alarm – the “hue and cry”. Again, the control of the spoken and the written word is of central importance to the pamphlet, and the fictionalised Presbyterians of the Westminster Assembly imagined by Overton are desperate to maintain control of information and to silence their opponent, Martin.

The issue within the *Sacred Decretall* seems to be that Sir Simon Synod and his brethren wish to maintain possession of their tithe payments, and Martin – in spreading falsehoods, or truths, depending on the reader’s position – threatens to bring the tithe system into ruin. Sir Simon begins by declaring that:

Wee the Parliament of *Divines*, [...] having used all subtilty and policy wee in our divine wisdomes could device, to take a godly possession of the dearly beloved glorious Inheritance of our Fathers, the late Lord Bishops, their divine supremacy, their sweet, their wholesome and nourishing Revenues, their dear delicate toothsome Tithes.<sup>21</sup>

In having Sir Simon admit to deception from the outset, Overton characterises Simon as either blithering idiot who is unaware of the consequences of making his words public, or as someone who feels he can speak freely knowing that he is beyond reproach. Add to this his obvious greed for tithes – employing gastronomic metaphors that betray his desire to consume them – and from the outset Sir Simon is certainly an unsympathetic caricature.

Sir Simon continues in the same vein, suggesting that the ‘ignorance’ of the inhabitants of London is the ‘dear Charter by which we hold the venerable Tenure of our *Tithes*’.<sup>22</sup> Overton presents the Presbyterian core of the Westminster Assembly as desirous of keeping the public

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<sup>20</sup> Richard Overton, *A Sacred Decretal, or Hue and Cry*, p. 2.

<sup>21</sup> *Ibid.*, p. 1.

<sup>22</sup> *Ibid.*, p. 3.

in that same state of ignorance, and in order to do so they must silence Martin Marpriest. Sir Simon believes Martin to be supremely dangerous to the Presbyterian cause because he is unafraid to speak to the people and tell them:

That the inhancing and ingrosing all Interpretations, Preachings, and Discipline into our own hands, is a meere Monopole of the Spirit, worse then the monopole of Soape, &c. and that the new Ordinance of the 26. of Aprill, that no Person or Persons be permitted to Preach, that is not ordained a Minister, &c. is but a Patent of the Spirit, to get the whole Trade into our own hands, and so rob the people with what Ware, and of what price we please.<sup>23</sup>

Sir Simon's focus on the economics and financial concerns of the Church and its ministers further highlights the perceived Presbyterian greed, and suggests that they are knowingly attempting to destroy any competition to their market dominance. Here Overton has his reader question the Presbyterian motives for opposing liberty of conscience: the suggestion is that while the opposition to the liberty of conscience is often argued in terms of doctrine and ideology, it is in fact the financial uncertainty that is the chief cause of concern for Sir Simon and his fellow Presbyterians.

Indeed, later in Sir Simon's speech he is terrified of the public having their eyes opened to the reality of the situation, that 'if the *People once understand their own Rights, and that the exaction of Tythes, is meere Theft and Robbery*, they'l have the wit (if they be wise) *to keepe their owne*, cease hiring us to cheate and delude them to their faces, while they want to supply their owne necessities'.<sup>24</sup> In these terms, the *Sacred Decretal* actually becomes an admission of criminal guilt on the part of the Presbyterian party. Milton saw the English as being an inquisitive and naturally intelligent people, and in having Sir Simon doubt this fact Overton again manages to expose what he considers to be the hypocrisy and danger of his intentions. Overton exposes further malintent on the part of the Presbyterian party when he has Sir Simon reveal concerns that Martin will:

tell the City and People how we endeavour with might and maine, to Advance the Prerogative Power of the *Lord Major* and *Aldermen*, whereby the Citie and People have been, and are most grosly enslaved, left destitute of a just meanes to preserve themselves, ease their miseries, or redresse their abuses, except the

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<sup>23</sup> Richard Overton, *A Sacred Decretal, or Hue and Cry*, p. 5.

<sup>24</sup> *Ibid.*, pp. 7-8.

Lord Major and Aldermen will assent, and that no Petition or Remonstrance of any oppression or misery can have a free passage for Redresse unto the Parliament, but what pleaseth their Prerogativeship, they having Power to null and frustrate what they please.<sup>25</sup>

The religious, political, economic and social concerns of the City of London are wound together beautifully in this extract by Overton, and it is their inextricability that gives Sir Simon, rather paradoxically, both a feeling of security and a sense of concern. While things continue as they are and the secret intentions of his party are concealed he can continue to collect and consume his ‘toothsome tithes’, but in his desire to prolong this state of affairs he has exposed his true intentions to the public while simultaneously trying to silence his opponent, Martin, from doing precisely the same thing. The farcicality of Sir Simon’s speech and actions within the course of the *Sacred Decretall* are of course intended to provoke humour and outrage in equal measure. Overton sees the attitudes of the opponents to liberty of conscience and freedom of preaching as both hilariously flimsy and entirely selfish, and as potentially destructive and oppressive.

Joad Raymond reminds us that in the 1640s, this great period of pamphleteering and propaganda, the idea of ‘[c]onflict was integral to communication’.<sup>26</sup> In a nation at war with itself, with a national church that could not resolve its internal arguments, there was plenty of conflict and aggression in the communications from all perspectives. In this thesis I intend to understand better how the communication and conflict surrounding the issue of tithes in particular was dealt with in London over the course of roughly fifty years, c. 1600-1650. By exploring the interactions – and the changes in interactions – between the monarchy, the Parliament, the City government, the Westminster Assembly, “conforming, orthodox” ministers and their “unorthodox” independent opponents, and the inhabitants of the City of London across this fifty-year period, this thesis will explore the breadth and depth of debate surrounding the topic, and illuminate the various theoretical and practical aspects of the tithe system that was in place. Nigel Smith has suggested that part of the skill in Overton’s Marpriest

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<sup>25</sup> Richard Overton, *A Sacred Decretal, or Hue and Cry*, pp. 22-3.

<sup>26</sup> Joad Raymond, *Pamphlets and Pamphleteering in Early Modern Britain* (Cambridge: Cambridge University Press, 2003), p. 274.



pamphlets was that '[t]he ecclesiological and the political are transformed into the domestic' within their pages.<sup>27</sup> Tithes touched the lives of almost every Londoner in some way, and so they are the embodiment of this thought, and in this thesis, I will consider both the domestic *and* political aspects of the tithe disputes. In the course of this thesis I will also consider the religious, political, economic, social and literary aspects of the tithe debates in order to answer a number of questions. What role did the issue of tithes play in the friction evident in the lay-clerical relationships in London across these fifty years? How were the terms of debate over tithes constructed, controlled and challenged by the various parties involved? What were the changes and continuities within the tithe debates? What impact did the publication of the tithe debates have on their outcome? What do the debates tell us about the relationship between the domestic and the political in the period? What is the wider significance of studying the tithe debates and how does this affect our understanding of the early modern period? Why has a subject that was considered of especial importance at the time been given such a relatively small amount of critical consideration? How does an interdisciplinary approach to the tithe debates modify our understanding of them?

Much of the historiography surrounding the issue of tithes in England was written while the payment of them was a legal reality and was enforceable to some extent, that is before the Finance Act of 1977. As we will see below, much of the written output on tithes over the past centuries has come at times when the issue of tithes was of particular political and social importance – when their legal status was up for debate and reform. Therefore, it is perhaps no great surprise to find that these works have tended to focus largely on the legal status of tithe payments in the *longue durée*. The early historiography has also been dominated by John Selden's *Historie of Tithes*, which has effectively shaped the debate since its publication in 1618.<sup>28</sup> From the publication of Selden's *Historie* down to the end of the nineteenth century the common

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<sup>27</sup> Nigel Smith, 'Richard Overton's Marpriest Tracts: Towards a History of Leveller Style', p. 47.

<sup>28</sup> John Selden, *The Historie of Tithes* (London: [s.n.], 1618).

mode of engagement with the issue of tithes was through the writing of legal histories.<sup>29</sup> Drawing on Selden for their source material and structure, these tithe scholars were concerned to determine the definite legal status of tithes, which F. W. Maitland described as a thing ‘neither very spiritual nor very temporal’.<sup>30</sup> In some respects these works repackage Selden’s arguments in their own words for reproduction in their own historical moments. The legal status of tithes, then, has been the primary concern of scholars for generations – largely because, according to Laura Brace, the legitimacy of tithes has ‘never been established beyond all doubt’. Brace continues that the legitimacy of tithes has been:

disputed as early as the fourth century when St Ambrose declared a tenth part of the earth’s produce had been reserved by God, and Epiphanius responded by denying that the law of tithes was any more binding on Christians than that of circumcision. [...] The basis of tithes was thus contested from the start, and their history is littered with contradictory statements’.<sup>31</sup>

The systematic study of the legal status of tithes influenced by Selden, then, had been the dominant approach to the study of this period up until the twentieth century, when the focus began to turn to the political and economic importance of the disputes.

In the early-twentieth century the issue of tithes reared its head once again in a series of rather violent clashes in East Anglia known as the tithe wars. There had been growing unrest in Suffolk over the exaction of tithes from farmers who were suffering a severe slump in their agricultural output in the 1930s, and some individuals refused to pay their tithes. Oswald Moseley’s British Union of Fascists became involved in the resistance to the authorities as part of an attempt to recruit support in the area. Doreen Rash (née Wallace), a farmer’s wife living in Wortham, Suffolk, authored an account of her dispute with the ecclesiastical commissioners,

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<sup>29</sup> See for instance: Sir Simon Degge, *The Parson’s Counsellor, with the law of tithes or tithing in two books* (London: Richard and Edward Atkyns for Richard Sare and Jos. Hindmarsh, 1670); Humphrey Prideaux, *The Original and Right of Tithes for the Maintenance of the Ministry in a Christian Church Truly Stated* (Norwich: [s. n.], 1710); Morgan Cave, *An Essay on the Revenues of the Church of England* (London: C. Rivington, 1795); William Easterby, *The History of the Law of Tithes in England* (Cambridge: Cambridge University Press, 1888); H. W. Clark, *A History of the Law of Tithes* (London: [s. n.], 1891); Frederic William Maitland, *Roman Canon Law in the Church of England* (London: Methuen, 1898).

<sup>30</sup> Frederic William Maitland, *Roman Canon Law in the Church of England*, p. 56.

<sup>31</sup> Laura Brace, *The idea of property in seventeenth-century England: Tithes and the individual* (Manchester: Manchester University Press, 1998), pp. 15-6.

and a memorial to this moment of resistance still stands at the farm to the present day.<sup>32</sup> At a time of renewed resistance to the institution of tithes, Margaret James looked back to the revolutionary decades of the mid-seventeenth century and saw tithes as playing a significant role in the political events of those years. In her own words:

From their inception among a Jewish pastoral tribe down to the twentieth century, when they have been attacked by English farmers as a contributory cause of the plight of agriculture, it is unlikely that tithes were ever popular. But at few points can they have played so important a part in determining the general history of a country as during the English Revolution, when, in the words of General Monk, they became an “issue of blood”, which divided parties, led directly to the overthrow of the 1653 Parliament, and contributed to the restoration of Charles II.

James’s article marked somewhat of a break from previous scholarship, in that she chose to consider the wider political significance of the early modern tithe debates rather than a consideration of the legal status of the tax.<sup>33</sup>

A decade prior to James’s article, T. C. Dale published *The Inhabitants of London in 1638* for the Society of Genealogists, which was an edition of Lambeth Palace Library’s MS 272. Dale considered the manuscript ‘a sort of Directory of London’, in which ‘[f]or the most part the return simply gives the name of the tithe-payer, and his estimated rental’. Given the purpose and intention of Dale’s edition of this manuscript, that it would be of benefit to genealogists, he appears disappointed in the lack of information, but urges ‘[n]evertheless’ that ‘some interesting particulars may be gathered’. Despite knowing that these are returns of a tithe survey, however, Dale decides to omit any information regarding tithe payments ‘partly because to have given the tithes would have added much to the labour of transcription and to the cost of printing [...] and partly because the amount of tithe paid in each case was purely arbitrary and gave no information likely to be of general interest’.<sup>34</sup> This is, of course, an opinion I do not share. Dale’s

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<sup>32</sup> Doreen Wallace, *The Tithe Wars* (London: Victor Gollancz Ltd, 1934). Incidentally, I lived in Wortham as a child and must have passed this memorial many times without knowing its significance. As an adult I have come to understand the importance of these events in the local history of Wortham and the surrounding villages. The Rash family continue to run the same farm to the present day.

<sup>33</sup> Margaret James, ‘The Political Importance of the Tithes Controversy in the English Revolution, 1640-60’, *History* 26 (1941), pp. 1-18; p. 1. As a point of comparison, see Norma Adams, ‘The Judicial Conflict over Tithes’, *The English Historical Review* 205 (1937), pp. 1-22.

<sup>34</sup> T. C. Dale, *The Inhabitants of London in 1638* (London: Society of Genealogists, 1931), pp. iv-v.

misrepresentation of this manuscript has distorted the research outcomes of subsequent genealogists and social and economic historians by only offering a partial, and at times inaccurate, transcription.<sup>35</sup>

Christopher Hill's *Economic Problems of the Church* (1956) has been described as a 'magisterial work on ecclesiastical finance', and it holds a place of particular significance in the historiography of tithes.<sup>36</sup> In it, Hill argues that the 'conflicts over religion and church organization, over the constitution and over mastery of the economic destinies of the country, were interlocking' and that his intention is to 'throw fresh light on the part played by religion in preparing for the seventeenth-century revolution, and by implication on the relations between Puritanism and capitalism'.<sup>37</sup> One of the results of that fresh light is Hill's suggestion that 'the battle for the tithes of London deserves a subsidiary place beside the battle over Ship Money in the events which helped to prepare for civil war. It made the clergy hated'.<sup>38</sup> Hill firmly places the issue of tithes near the centre of his reasoning for the outbreak of revolution, and his overall argument is one of long-term friction between the clergy and laity in the decades before the revolution. Hill identifies the tithe system as one of his 'economic problems' at a national level and draws on a variety of source material from across England to make his arguments. Unfortunately, some of Hill's conclusions are problematic since his section on tithes is largely based on printed literature at the expense of 'actual archival economic evaluation'.<sup>39</sup> In Chapter Three below I go into more detail, but Hill's reliance on Dale's edition of Lambeth MS 272 rather than first-hand contact with the manuscript itself results in some particularly egregious errors in calculation that undermine his conclusions.

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<sup>35</sup> This is discussed in more detail in Chapter Three below.

<sup>36</sup> Lucy M. Kaufman, 'Ecclesiastical Improvements, Lay Improvements, and the Building of a Post-Reformation Church in England, 1560-1600', *The Historical Journal* 58:1 (2015), pp. 1-23; p. 13.

<sup>37</sup> Christopher Hill, *Economic Problems of the Church: From Archbishop Whitgift to the Long Parliament* (Oxford: Clarendon Press, 1956), p. ix.

<sup>38</sup> *Ibid.*, p. 288.

<sup>39</sup> Lucy M. Kaufman, 'Ecclesiastical Improvements, Lay Improvements, and the Building of a Post-Reformation Church in England, 1560-1600', p. 13.

Since Hill's publication there have been a number of scholars interested more in the language of the tithe debates, as well as the wider social and political significance of them. Some studies, such as Paula Simpson's, have a particular geographical focus, whereas the majority try to provide analysis for large swathes of England. There have been different approaches as well in the types of source used for analysis and evidence. Some academics, such as Lucy Kaufman and Patrick Carter, have chosen to focus on the more immediate aftermath of the Henrician reformation. Kaufman works with both print and manuscript sources and emphasises the importance of 'continuity and change' in the social, political and religious climates for the tithe debates in the sixteenth century; in focusing on the polemical rhetoric of sixteenth-century tithe apologists Carter argues that their desire was 'not merely to regain a measure of lost power and prestige, but to restore the distinction between the spiritual and the temporal'.<sup>40</sup> Paula Simpson's thesis was based on the records of tithe litigation in the diocese of Canterbury and Simpson states categorically in her introduction that her thesis 'will not be concerned with the origins of the tithe payment system or with its legal, administrative and statutory aspects, other than incidentally'. Rather, Simpson is concerned with 'the *practice* of tithe payment and the defining role of custom' as it relates to ideas of conflict in the sixteenth century.<sup>41</sup> In the course of her argument Simpson employs both quantitative and qualitative analysis of her chosen source material and provides a picture of the everyday tensions surrounding the payment of tithes.

Laura Brace uses 'the issue of tithes in the 1650s' as a lens through which she can 'explore how people envisaged ownership and their relationships with other owners, non-owners and the enforcers of the rules of ownership'; indeed, she uses the metaphor of the lens, suggesting that tithes 'help bring these issues into a sharper focus'.<sup>42</sup> Brace's account of the history of tithes in the 1650s is largely concerned with the idea of property as it relates to early

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<sup>40</sup> Lucy M. Kaufman, 'Ecclesiastical Improvements, Lay Improvements, and the Building of a Post-Reformation Church in England, 1560-1600', p. 1; Patrick Carter, 'Clerical Polemic in Defence of Ministers' Maintenance During the English Reformation', *Journal of Ecclesiastical History* 49:2 (1998), pp. 236-256; p. 256.

<sup>41</sup> Paula Simpson, 'Custom and Conflict: Disputes Over Tithes in the Diocese of Canterbury, 1501-1600' (Unpublished PhD thesis: University of Kent, 1997), pp. 5-6.

<sup>42</sup> Laura Brace, *The idea of property in seventeenth-century England*, p. 1

modern politics. For Brace, '[t]he story of escalating conflict about tithes is in part the story of how the delicate fabric of social relationships was pulled apart by the civil wars'.<sup>43</sup> Furthermore, Brace argues that:

We need to be aware of the tithe writings as texts, written to communicate and to educate as well as to convince and to evangelise. They tell a complex story about culture, custom and protest and in particular about the tensions between the market economy and the moral economy.<sup>44</sup>

As with Carter, Brace argues that we must pay close attention to the language of the written output concerning tithes as we can learn a great deal about how they were conceptualised as a result. Marcus Nevitt has criticised Brace, however, suggesting that 'it is to the obvious detriment of the most recent published account of tithe payment and historiography in the early modern period that Selden should not figure once in its two hundred or so pages'.<sup>45</sup>

Nevitt is just one of a number of scholars who have shown a renewed interest in John Selden and his *Historie* since the 1990s, both in terms of what he has to say about the legal status of tithes, but also how he says it and what impact his *Historie* had on the tithe debates.<sup>46</sup> Throughout these works there is more attention paid to the quality of Selden's language, and Kathleen Loncar pays particular attention to his forced apology for publishing the *Historie*. She writes:

Selden was summoned before High Commission to answer charges relating to the book, and was prevailed on to sign a document apologising for its publication, though he did not recant the opinions expressed in it. He also added a Review at the end of the book. In this he reiterated that it was merely intended as a History and not an argument for or against any position, though in fact his

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<sup>43</sup> Laura Brace, *The idea of property in seventeenth-century England*, p. 18.

<sup>44</sup> *Ibid.*, p. 47.

<sup>45</sup> Marcus Nevitt, 'John Selden among the Quakers: Antifeminism and the Seventeenth-Century Tithes Controversy' in Erica Sheen and Lorna Hutson (eds.), *Literature, Politics and Law in Renaissance England* (Basingstoke: Palgrave Macmillan, 2005), pp. 189-208; p. 199.

<sup>46</sup> See for instance: Kathleen Loncar, 'John Selden's "History of Tithes": A Charter for the Landlord?', *The Journal of Legal History* 11 (1990), pp. 218-238; Edith Bershadsky, 'Controlling the Terms of Debate: John Selden and the Tithes Controversy' in G. J. Scochet et al. (eds.), *Law, Literature and the Settlement of Regimes* (Washington DC: 1990), pp. 187-220; Edith Bershadsky, 'Politics, Erudition and Ecclesiology: John Selden's "Historie of Tithes" and its Contexts and Ramifications' (Unpublished PhD Thesis: The Johns Hopkins University, 1994); Paul Christianson, *Discourse on History, Law, and Governance in the Public Career of John Selden, 1610-1635* (Toronto and London: University of Toronto Press, 1996); Marcus Nevitt, 'John Selden Among the Quakers: Antifeminism and the Seventeenth Century Tithes Controversy', pp. 189-208; G. J. Toomer, *John Selden: A Life in Scholarship* (Oxford: Oxford University Press, 2009).

language is extremely argumentative and indeed belligerent on occasion, and this protestation rings rather hollow.<sup>47</sup>

These recent writings on Selden also focus more on the context of his writing and analyse his *Historie* within his own corpus of printed and manuscript writings and against the responses of his ideological opponents, most notably in the works of Edith Bershadsky and G. J. Toomer.

Bershadsky argues that: ‘one of the major causes of the seventeenth-century debate concerning tithes lay in the failure of Church and state to modify the economic structure of parochial organization to meet the new demands of Protestant theology during the preceding sixty years’.<sup>48</sup> Bershadsky recognises the ambivalence and evasiveness of Selden’s *Historie*, suggesting that:

although Selden never denied the possibility that tithes were due by divine law, his consistent refusal to address the question directly, as well as his frequent sarcasm regarding clerical arguments and claims, suggest that he believed the obligation to pay the tenth rested on statute law which could be changed at any time. [...] Indeed, by considering events dispassionately, as the products of chance and a complex combination of circumstances, Selden removed the history of tithes from the transcendent realm of the sacred in which Carleton had tried to place it into that of the contingent and secular.<sup>49</sup>

In focusing on the language and approach that Selden took in the *Historie*, Bershadsky claims that Selden ‘almost certainly destroyed the Church’s drive to control the terms of discussion in a debate in which nothing less than absolute victory would suffice’.<sup>50</sup> In her PhD thesis Bershadsky also pointed out that:

While many historians have published work on the economic problems of the Church and the functioning of ecclesiastical justice in the late sixteenth and early seventeenth centuries, and some have even discussed the impact of the Reformation on urban tithe collection, little reference has been made to the escalating conflict over London tithes in the early Jacobean period.<sup>51</sup>

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<sup>47</sup> Kathleen Loncar, ‘John Selden’s “History of Tithes”: A Charter for the Landlord?’, p. 234.

<sup>48</sup> Edith Bershadsky, ‘Controlling the Terms of Debate: John Selden and the Tithes Controversy’, p. 190.

<sup>49</sup> *Ibid.*, p. 207. George Carleton was author of *Tithes Examined and Proved to be Due to the Clergie by a Divine Right* (1606) which set the tone for the early-seventeenth century debate over tithes. Carleton (1559-1628) rose through the Church hierarchy from his first appointment as rector of Mayfield in Sussex (1589-1605) to the Bishopric of Llandaff (1618-19) and, after being chosen to represent the Church of England at the Synod of Dort, Carleton was translated to the Diocese of Chichester (1619-1628).

<sup>50</sup> Edith Bershadsky, ‘Controlling the Terms of Debate: John Selden and the Tithes Controversy’, p. 209.

<sup>51</sup> Edith Bershadsky, ‘Politics, Erudition and Ecclesiology: John Selden’s “Historie of Tithes” and its Contexts and Ramifications’, p. 56.

She pushed this point further in an adjoining footnote, suggesting that ‘the majority of historians [...] regarded London tithes as an insignificant question’.<sup>52</sup> Bershadsky promised to remedy this lack of discussion and does to some extent, discussing London in some detail in her second chapter and at various points throughout her thesis. I intend to provide a much more thoroughgoing discussion of the issue of London tithes here and build upon the sketch that Bershadsky has provided.

Elsewhere, the development of the tithe debates in the 1650s has been well considered, particularly with its links to Quakerism. Laura Brace’s monograph focuses on the debates in the 1650s and Barry Reay has described the continuation of the tithe disputes in the 1650s as the ‘*raison d’être* of the Quaker movement’.<sup>53</sup> Likewise, Marcus Nevitt sees the 1650s as ‘a time when [...] public resistance to [tithes] had become almost as pure a signifier of Quakerism as the physiological state from which the movement got its initially derogatory label’.<sup>54</sup> Nevitt also focuses on gendering in the discussion of tithes, and suggests that ‘tithe debate in the seventeenth century [was] a peculiarly male discursive practice’.<sup>55</sup> Nevitt emphasises this point, claiming that ‘[a]ll writers in seventeenth-century tithes controversy, be they Presbyterian or independent, orthodox or sectarian, repeatedly search out and engage a male readership for their work’.<sup>56</sup> Furthermore, Nevitt implicitly accepts that some form of public sphere had come into being by the 1650s and that writers such as John Milton were using the public sphere to their advantage. Discussing Milton’s 1659 pamphlet, *Considerations Touching the Likeliest Means to Remove Hirelings Out of the Church*, Nevitt argues that ‘Milton self-consciously positions himself in the public sphere, where tithes represent the greatest of politico-religious stakes’, and that ‘it is perhaps no surprise that he should style this discursive forum as an exclusively male one’.<sup>57</sup>

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<sup>52</sup> Edith Bershadsky, ‘Politics, Erudition and Ecclesiology: John Selden’s “Historie of Tithes” and its Contexts and Ramifications’, p. 56, n. 2.

<sup>53</sup> Barry Reay, ‘Quaker Opposition to Tithes, 1652-1660’, *Past & Present* 82 (1980), p. 105.

<sup>54</sup> Marcus Nevitt, ‘John Selden among the Quakers: Antifeminism and the Seventeenth-Century Tithes Controversy’, p. 191.

<sup>55</sup> *Ibid.*

<sup>56</sup> *Ibid.*, p. 193.

<sup>57</sup> *Ibid.*, p. 192.



Increasingly, then, the tithe debates are being studied for what they tell us more broadly about the social, religious, and political dynamics of early modern England, rather than for what they tell us about the internal legalistic framework that governed them.

The treatment of tithes has been relatively sporadic, and it has not until recent years that they have received sustained attention from academics. In this thesis I intend to build upon the more recent strain of analysis of the tithe debates by focusing on their impact on the political, social, economic, and religious lives of Londoners in the first half of the seventeenth century. This thesis is bookended by the likes of Lucy Kaufman and Patrick Carter at one end, and Laura Brace, Barry Reay, and Marcus Nevitt at the other – in a way it charts the changing dynamics of such an ideologically-charged and ubiquitous phenomenon as tithes from the end of Elizabeth's reign to the execution of Charles I. In order to do so, my methodology involves focusing on the combined issues of printed debate, concepts of the public sphere, and the social, political, religious and economic peculiarities of the City of London.

Describing a methodology that draws on a number of disciplines can prove rather problematic, as is evidenced in David Loewenstein and John Marshall's edited collection *Heresy, Literature, and Politics in Early Modern English Culture*. In it, Loewenstein and Marshall describe how they have brought together 'historians [... writing] primarily as historians', others who 'write across disciplines, drawing upon literary materials', and 'literary scholars' who write 'historically informed essays which draw extensively upon the work of historians or historians of religion'.<sup>58</sup> In this thesis I believe I move within and between these subtly different modes throughout, responding to the source materials I have chosen to analyse. Put simply, I have set out to provide both qualitative and quantitative analysis of a variety of print, manuscript and archival sources relating to the tithe disputes in London across the first half of the seventeenth century – this analysis is set within the social, religious, political and economic contexts of the period. In providing a series of four 'case study' chapters in chronological order I intend to

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<sup>58</sup> David Loewenstein and John Marshall (eds.), *Heresy, Literature, and Politics in Early Modern English Culture* (Cambridge: Cambridge University Press, 2006), p. 2.

highlight the continuities and changes in the language used in the discussion of tithes, and to suggest that there was a strong intertextual awareness among the authors of the writing on tithes. Furthermore, I try to involve as wide a range of people in my analysis as possible by engaging with lesser known authors and exploring the traces left by early modern Londoners in the archives. Broadly speaking, the thesis is split into two sections, the first dealing with the tithe disputes in theory, the second in practice. In that regard, the tithe debates can be seen as part of the ‘series of polarities which operated at the levels of theory and practice’ that allowed for ‘[c]onflict and division [...] within the intellectual framework of early Stuart England’.<sup>59</sup> In many respects, then, this thesis is post-revisionist despite the tithe issue never having received its full revisionist study as other aspects of early modern history have had.

In some ways the arguments about the legal status of tithes and the relative values of revisionist and post-revisionist scholarship mirror one another. Thomas Cogswell, Richard Cust and Peter Lake suggest that revisionist literature has been ‘so often misconceived and misdescribed’ for a number of reasons. In large part they suggest that the ‘polemical circumstances in which revisionism announced itself to the world’ were to blame; that the ideas of ‘contingency’ and the ‘free play of high political manoeuvre and circumstance’ so ‘embraced’ by early revisionists stood in direct opposition to the ‘social and economic determinism and the Whiggish progressivism of existing accounts’. This combined with the revisionist favouring of ‘essentially “primary” manuscript sources’ over what they ‘characterised as inherently distorting “printed sources”’ that they saw the existing historical narratives based upon.<sup>60</sup> Cogswell, Cust and Lake later suggest that:

Such polemical inversions, such brutal either/or interpretative choices are perhaps an inevitable part of any genuine historiographical revolution. It is, however, one of the more unfortunate effects of the embattled origins of the revisionist initiative that such choices and polarities continue to cast a shadow over the current historiographical scene.<sup>61</sup>

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<sup>59</sup> Richard Cust and Ann Hughes (eds.), *Conflict in Early Stuart England: Studies in Religion and Politics 1603-1642* (London: Longman, 1989), p. 18.

<sup>60</sup> Thomas Cogswell, Richard Cust and Peter Lake (eds.), *Politics, Religion and Popularity in Early Stuart Britain: Essays in Honour of Conrad Russell* (Cambridge: Cambridge University Press, 2002), p. 13.

<sup>61</sup> *Ibid.*, p. 14.

There are senses though in which post-revisionism is a development of, rather than a diversion from, revisionism itself, most notably in the directing of ‘attention back to investigating the actions of individuals in their immediate political and ideological context’.<sup>62</sup> The response to the revisionist impulse has resulted in works focusing on certain inhabitants of London – such as Paul Seaver’s study of Nehemiah Wallington, Peter Lake’s exploration of the dispute between Stephen Denison and John Etherington, and Ann Hughes’s analysis of the career and writings of Thomas Edwards – but the capital still remains relatively understudied by early modern historians.<sup>63</sup> This thesis is slightly different in that it is issue-centred rather than person-centred, but it maintains the core principles of these works and – as Peter Lake does with the Denison-Etherington dispute – considers the tithe debates ‘in the multiple social, cultural, polemical and political contexts necessary to see precisely what was going on’.<sup>64</sup>

In *The Boxmaker’s Revenge* Peter Lake argued that ‘for all its prominence in and importance for the political, religious, cultural and economic life of the kingdom, London has not bulked as large in recent revisionist accounts of the religious and political history of post-reformation England as it might’.<sup>65</sup> Although there has been a substantial increase in London-centric study of the early modern period since 2001, there is still work to be done and this thesis is intended as a contribution to that field. Here, as in the work of David Como and Peter Lake, ‘the London locale is of the essence’ not only for ‘its parishes crushed in on one another, its largely unregulated lecturing scene, its concentrations of livings (rich and poor), famous preachers, and godly lay persons of all social classes, its gossip networks, book shops, and presses’, but because of its common council and aldermen, its active vestries, Sion College, its

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<sup>62</sup> Richard Cust and Ann Hughes (eds.), *Conflict in Early Stuart England: Studies in Religion and Politics 1603-1642*, p. 11.

<sup>63</sup> Paul S. Seaver, *Wallington’s World: A Puritan Artisan in Seventeenth-Century London* (Stanford: Stanford University Press, 1985); Peter Lake, *The Boxmaker’s Revenge: ‘Orthodoxy’, ‘Heterodoxy’, and the Politics of the Parish in Early Stuart London* (Stanford: Stanford University Press, 2001); Ann Hughes, *Gangraena and the struggle for the English Revolution* (Oxford: Oxford University Press, 2004). Notable exceptions to this lack of interest include: Valerie Pearl, *London and the Outbreak of the Puritan Revolution: City government and national politics, 1625–43* (Oxford: Oxford University Press, 1961); Murray Tolmie, *The Triumph of the Saints: The Separate Churches of London, 1616-1649* (Cambridge: Cambridge University Press, 1977); Keith Lindley, *Popular Politics and Religion in Civil War London* (Aldershot: Scolar, 1997).

<sup>64</sup> Peter Lake, *The Boxmaker’s Revenge*, p. 5.

<sup>65</sup> Peter Lake, *The Boxmaker’s Revenge*, p. 16.

idiosyncratic tithing method, its proximity to Parliament and the Westminster Assembly of Divines, and its cultural significance during the Civil Wars.<sup>66</sup> Despite the national significance of the tithe debates, London appears – as it often does – to be at the epicentre of the discussions and was looked to as the battleground where the debate might be settled once and for all.

Joad Raymond has argued that ‘Pamphlets, opinion, communication and liberty were natural companions’, but this same argument could be made for printed literature in the early seventeenth century more generally.<sup>67</sup> We must consider manuscript material as well, however, if we are to understand the full complexity of the tithe disputes. Nigel Smith has argued that ‘Writing and publishing a text is also a form of *acting* which should be considered alongside any other individual and collective human act’ and suggests that the ‘1640s commentators on public events were only too well aware’ of this notion.<sup>68</sup> Here we must take a broad understanding of publication to include the making public of an idea both written and orally. The Civil Wars were waged on paper and in the spoken word as well as on the battlefield and Kevin Sharpe has shown that:

Each side claimed the authority of the Scriptures and the law; each claimed to defend the unity and harmony of the Christian commonweal against heretics, schismatics and factions. [...] On both sides the Civil War was waged between men who believed passionately that their enemies sought to undermine order and truth, and the law and church that sustained them.<sup>69</sup>

There was a shared language and frames of reference, then, but the ‘conflict not only shattered the unity of the commonweal, it cast its shared languages into the arena of contest’.<sup>70</sup> The Civil Wars, then, were a battle for the control of the nation’s language; as Smith suggests ‘literature *was* part of the crisis and the revolution, and was at its epicentre’.<sup>71</sup>

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<sup>66</sup> Peter Lake and David Como, ““Orthodoxy” and Its Discontents: Dispute Settlement and the Production of “Consensus” in the London (Puritan) “Underground””, p. 36.

<sup>67</sup> Joad Raymond, *Pamphlets and Pamphleteering in Early Modern Britain*, p. 273.

<sup>68</sup> Nigel Smith, *Literature and Revolution in England, 1640-1660* (New Haven and London: Yale University Press, 1994), p. 5.

<sup>69</sup> Kevin Sharpe, *Politics and Ideas in Early Stuart England: Essays and Studies* (London: Printer Publishers Ltd., 1989), p. 66.

<sup>70</sup> *Ibid.*, p. 68.

<sup>71</sup> Nigel Smith, *Literature and Revolution in England, 1640-1660*, p. 1.

Writing in 1651, Thomas Hobbes had the following to say about the language of persuasion and eloquence:

now the nature of *Eloquence* is to make *Good* and *Evill*, *Profitable* and *Unprofitable*, *Honest* and *Dishonest*, appear to be more or lese then indeed they are, and to make that seem *just*, which is *unjust*, according as it shall best suit with his end that speaketh. For this is to perswade; [...] Nor is this fault in the *Man*, but in the nature it selfe of *Eloquence*, whose end (as all the Masters of Rhetorick teach us) is not truth (except by chance) but victory, and whose property is not to inform, but to allure.<sup>72</sup>

Hobbes challenges the theory that Milton set out in *Areopagitica*, by suggesting that polemical debate is not about achieving higher knowledge through the process of refinement and challenge but is a tool to be used to impose one's will and win the argument at hand. Engaging with such a politically charged topic as tithes necessarily means engaging with polemical literature in both print and manuscript and therefore we need to take care when analysing source material that has 'considerable limitations and difficulties' but also distinct advantages.<sup>73</sup> Indeed, Thomas N. Corns suggests that:

Appreciation of polemical strategy involves more than simply contextualising texts. The emphasis is not on illuminating obscurities through the explanation of historical or biographical allusion. Rather, it is the exploration of the complex ways in which the text engages other texts, addresses the reader, and participates in the political struggles which it is intended to shape and influence.<sup>74</sup>

In adopting an approach that focuses on both printed literature and debate more widely, this thesis explores not only the very public side of the disputes that were intentionally broadcast in print and manuscript, but also the more mercurial 'overlapping series of networks of orally transmitted rumors and stories, of manuscript tracts and sermon notes, of conferences, conversations, and arbitrations both formal and informal' that Lake and Como have identified in early modern London.<sup>75</sup>

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<sup>72</sup> Thomas Hobbes, *Philosophicall Rudiments Concerning Government and Society* (London: J. G. for R. Royston, 1651), pp. 159-[160].

<sup>73</sup> Peter Lake, *The Boxmaker's Revenge*, p. 6.

<sup>74</sup> Thomas N. Corns (ed.), *The Literature of Controversy: Polemical Strategy from Milton to Junius*, p. 1.

<sup>75</sup> Peter Lake and David Como, "'Orthodoxy' and Its Discontents: Dispute Settlement and the Production of 'Consensus' in the London (Puritan) 'Underground'", p. 34.

Joad Raymond has identified the emergence of the concept of ‘public opinion’ as contemporaneous with the outbreak of Civil War, arguing that from 1641 onwards:

new voices were becoming audible and legible within an expanding political nation. This cultural revolution was as important as the constitutional tumult in progress. Public opinion was being “invented”, and consequently manipulated and responded to, and soon public opinion would play a key role in politics.<sup>76</sup>

Public opinion necessarily needs an arena for its expression and discussion, which is where the concept of a public sphere becomes integral to our understanding of early modern modes of communication. London presented itself as the ideal arena for the exchange of news and opinions, as Milton argued in his *Areopagitica*, and a discernible, nascent public sphere – I will argue – can be identified in the City during the first half of the seventeenth century. We are speaking of a post-Habermasian public sphere in this instance, such as is described in Peter Lake and Steven Pincus’s *The politics of the public sphere in early modern England*. Adopting this approach to the public sphere has allowed Lake and Pincus:

to give an account of religious conflict as a major motor for political conflict and change that goes beyond that provided by the revisionists. It enables [them] to provide an analysis of the modes of communication and action created by religious conflict and thus to integrate religion into a wider account of political, social and economic change without in the process collapsing religion into other categories or social and political interests.<sup>77</sup>

In adopting a similar approach, I am able to show the interconnectedness of the social, economic, and political aspects of the tithe debates in the thought and writings of those involved, without likewise neglecting or subsuming the importance of the strong religious element underpinning the disputes. The use of the public sphere also allows for an integration of Phil Withington’s conception of ‘public discourse’ that is ‘resonant with early modern understandings of those terms’. Withington defines public discourse as ‘the discussion of affairs of state in the presence – face-to-face or mediated – of others’. Withington employs this definition as it:

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<sup>76</sup> Joad Raymond, *Pamphlets and Pamphleteering in Early Modern Britain*, p. 162.

<sup>77</sup> Peter Lake and Steven Pincus, ‘Rethinking the public sphere in early modern England’ in Peter Lake and Steven Pincus (eds.), *The politics of the public sphere in early modern England* (Manchester: Manchester University Press, 2012), pp. 1-30; p. 3.

reflects sixteenth- and seventeenth-century understandings of public as “open, common, abroad” – in the presence of an audience (whether literal or metaphorical). It incorporates the early modern sense of discourse as communication, or “confabulation,” written or oral. And it emphasizes the political nature of such discussion, which is concerned with the actors, actions, institutions, languages, and policies relating to the exercise of public authority within any given community (local and national).<sup>78</sup>

This definition fits precisely with the early modern tithe disputes and is integral to our understanding of the source material for the debates more broadly.

That source material includes print and manuscript literature as well as ‘non-literary’ archival material such as tithe tables, churchwardens accounts and vestry minutes. These various types of source require different modes of analysis, some quantitative and some qualitative, and the relative focus on one type of source over the others changes across the four chapters of the thesis. Chapter One takes James’s accession to the throne as its starting point in order to focus on how he chose to deal with the inherited situation of the late-Elizabethan Church. While academics such as Lucy Kaufmann, Patrick Carter, and Edith Bershadsky have proven that tithes were a controversial issue prior to James’s accession, here the focus is on how an experienced monarch, already used to debating issues of theology with the Scottish Kirk, brought that experience to bear on his dealings with the English Church. In Chapter One I therefore focus on the emergence of a select coterie of writers, both lay and clerical, who were responsible for publicising the *jure divino* defence of tithes in the decade following James VI and I’s accession to the English throne. By exploring the writing on tithes from these various authors – antiquarians, legal scholars, ministers, and royal and archiepiscopal chaplains – in this chapter I argue that the making public of these arguments was a part of a wider attempt by James and Archbishop Bancroft to secure the financial health and wellbeing of the Church, and to impose the divine law more fully on the nation. In this chapter I engage with both printed and manuscript treatises and consider the implications of the different modes of publication these

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<sup>78</sup> Phil Withington, ‘Public Discourse, Corporate Citizenship, and State Formation in Early Modern England’, *The American Historical Review* 112:4 (2007), pp. 1016-1038; p. 1019.

entail and what ramifications this has for our understanding of royal and ecclesiastical patronage in the period.

In Chapter Two John Selden and his *Historie of Tithes* becomes the focus of attention, and I consider the impact of censorship on the tithe debates. Furthermore, in looking at references within Selden's work to some of the material discussed in Chapter One and the critical responses to Selden's *Historie* this chapter is concerned with ideas of intertextuality in early modern printed literature. In this chapter I also consider issues of transition from manuscript to print, the processes of literary production and publication, and early modern approaches to writing history.

In Chapter Three I re-examine the material found in Lambeth Palace Library's MS 272, the twentieth-century edited version of which – T. C. Dale's *The Inhabitants of London in 1638* – is only a partial representation of the manuscript and contains a number of errors in transcription. This manuscript gives a fantastic overview of the survey of tithe payments in London from 1638 and highlights the idiosyncrasies of the 97 intra-mural parishes. Here my analysis switches from more theoretical discussions of the legal status and validity of a national system of tithes to focus on the practicalities and pitfalls of collecting and calculating tithes in reality. This chapter also provides a greater sense of the context of this manuscript, by looking at the sustained petitioning and counter-petitioning of the London clergy and the Court of Common Council to Charles I across the 1630s.

Finally, Chapter Four deals with the tithe debates after the outbreak of Civil War and focuses on the actions and decisions of the intra-mural vestries, the changes to the financial structures of the London churches in the 1640s, and the growth in public resistance to tithes in print. This chapter draws most heavily on the concept of the public sphere and employs it to suggest that in the 1640s the combination of the theoretical – or ideological – resistance to tithes with actual material, physical resistance caused severe disruption to the Church. In this time of heightened political action those who were arguing for liberty of conscience and religious



toleration were also most openly questioning the enforced taxation of the nation so support a Church that they no longer identified with.

The narrative across the four chapters is one of continued conflict and argument; conflict that changed in nature over time and was expressed in theoretical terms but also was being enacted within the walls of the City of London. Lucy Kaufman has argued that though ‘[t]he basic mechanics of tithes were not particularly complicated. [...] The reality, however, was far messier and murkier’.<sup>79</sup> I agree completely and intend to show throughout this thesis that in both theory and practice the issue of tithes was considered to be one of great significance by Londoners for their own local interests as well as the national interest. Furthermore, I show: that there was an awareness by all parties involved of the importance of harnessing “public opinion” by disseminating arguments via the medium of print and through the circulation of manuscript material; that individuals from almost all levels of society had some stake in the outcome of the public discussion of tithes and consequently attempted to exert some influence on the result; and that London in particular was a site for the growth of a public sphere concerned with the discussion of tithes, and that across the various extant sources on the topic there is a great deal of intertextual awareness and conscious engagement with oppositional works. Finally, this thesis will show that throughout the reign of the early Stuart monarchs, the financial future of the Church of England – one that was supported by the collection of tithes by divine right – was both debated widely and was, of course, highly debatable.

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<sup>79</sup> Lucy M. Kaufman, ‘Ecclesiastical Improvements, Lay Impropriations, and the Building of a Post-Reformation Church in England, 1560-1600’, p. 3.

## CHAPTER 1: THE JACOBEAN DEFENCE OF *JURE DIVINO* TITHES

James VI of Scotland's accession to the throne of England as James I in 1603 was, as S. B. Babbage has argued, a 'signal' to puritans who 'were convinced that the new King would be sympathetic to the godly work of further reformation', despite the fact that James was 'far from sympathetic to the Puritan cause'.<sup>1</sup> This pursuit of further reform was presented to James after he arrived in London in the form of the Millenary Petition. Among the chief concerns of the puritan petitioners – alongside doctrinal and ceremonial reform – was the poor state of ecclesiastical livings and the consequent lack of a well-supported preaching ministry, caused in their eyes by the twin evils of commutation of tithes in kind to cash payments and the impropriation of benefices. According to Babbage, James 'recognized the justice of many of the Puritan complaints, particularly those concerning stipends' and Babbage believes that the king was 'genuinely solicitous that something should be done' to improve ministerial livings.<sup>2</sup> Eager to win the favour of his new subjects, James responded to this public petition by calling for the Hampton Court Conference. James had previously employed this tactic in Scotland and 'was not averse to the idea' of a conference, rather he wished to play the 'rôle of arbiter in the affairs of the Church' and 'enjoyed the thrust and parry of vigorous theological controversy'.<sup>3</sup> There were a number of accounts of the three days of the Conference, by far the longest and most detailed of which is William Barlow's semi-official printed version, *The Summe and Substance of the Conference*. In his letter to the reader, Barlow noted that 'Many copies' of the Conference:

of diuerse sorts haue been scattered, and sent abroad, some partiall, some vntrue, some slanderous; what is here set downe, for the *truth thereof*, shall be iustified: the onelie wrong, therein, is to his excellent Maiestie, a syllable of whose admirable speeches, it was pittie to loose, his wordes as they were vttered by him, being as *Salomon* speaketh, *Like Apples of gold, vwith pictures of siluer*.<sup>4</sup>

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<sup>1</sup> S. B. Babbage, *Puritanism and Richard Bancroft* (London: S.P.C.K, 1962), p. 43.

<sup>2</sup> *Ibid.*, p. 55.

<sup>3</sup> *Ibid.*, p. 47. For a more detailed examination of the Millenary Petition and the Hampton Court Conference see: Babbage, *Puritanism and Richard Bancroft*, pp. 43-73; M. H. Curtis, 'Hampton Court Conference and its Aftermath', *History* 46:156 (1961), pp. 1-16; and Frederick Shriver, 'Hampton Court Re-visited: James I and the Puritans', *Journal of Ecclesiastical History* 33:1 (1982), pp. 48-71.

<sup>4</sup> William Barlow, *The Summe and Substance of the Conference, which, it pleased his Excellent Maiestie to haue with the Lords, Bishops, and other of his Clergie, (at which the most of the Lordes of the Councill were present) in his Maiesties Priuy-Chamber, at Hampton Court. Ianuary 14 1603* (London: John Windet for Mathew Law, 1604), sig. A4<sup>r</sup>.

Barlow notes that from the conclusion of the conference on there was a struggle to control the public perception of what had taken place and that his printed work ought to be considered the authority on the events. From the outset of James's reign over England, then, the issue of financing a national Church was open for debate, and the struggle to control the debate would continue in the discussions across the ensuing decades.

Henry VIII's reformation of the Church had altered the common legal understanding of tithes. Christopher Hill has suggested that a benefice was defined as 'a piece of property in which a properly inducted minister had rights at common law'; this legal definition was 'correlated to the receipt of tithes rather than to the performance of duties'.<sup>5</sup> This definition allowed for lay ownership of ecclesiastical benefices, or impropriation, which is one of the central issues discussed in this chapter. The consequence of this shift in legal definition was that any divine right claim to tithes increasingly came under scrutiny in the late-sixteenth and early-seventeenth centuries. R. G. Usher drew similar conclusions to Hill, suggesting that tithes were once thought of as 'property which no layman could conscientiously hold', but that the secularisation of much ecclesiastical land from the dissolution of the monasteries until the end of the sixteenth century had led to the temporal courts deciding that 'the right to receive the payments of the tenths [...] passed with the land and could be bought and sold as any other lay chattel'.<sup>6</sup> This shift in thought meant, according to Usher, that by the seventeenth century 'such tithes had completely lost their ecclesiastical character and had become a sort of rent charge upon the land, paid by a layman to a layman because of immemorial custom'.<sup>7</sup> The influences of this shift in thought were profound and various and they held significant consequences for the vitality of the Church and the preaching ministry.

This chapter aims to understand how a number of authors, under the protection and patronage of James I and Archbishop Bancroft, attempted to arrest the secularisation of ecclesiastical land and regain some of the lost income for the Church by putting forward a

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<sup>5</sup> Christopher Hill, *Economic Problems of the Church*, pp. 50-1.

<sup>6</sup> R. G. Usher, *The Reconstruction of the English Church*, 2 vols. (London: D. Appleton & Co., 1910), II.60.

<sup>7</sup> *Ibid.*, II.60.

defence of the clergy's right to tithes payments *jure divino*. In the early years of James' reign there were treatises on tithes written by lay and clerical authors alike. Men such as George Carleton and Foulke Robartes implemented their clerical training and exegetical skills to create a theologically centred defence of tithes practices, while others such as Sir Henry Spelman and Sir Thomas Ridley approached the issue with the analytical powers of an antiquarian and the practical experience of a lawyer respectively. By analysing the works of these men, and others, this chapter intends to expand on Peter Lake's suggestion that the 'massive transfer of wealth from the clergy to the laity which had fed the progress of the English reformation had placed the issue of the wealth of the church, the remuneration of the clergy and the encroachments of the laity thereon at the centre of clerical concern' by including the concerns of certain laymen who were sympathetic to the clerical cause.<sup>8</sup> By breaking down the lay-clerical binary that is sometimes suggested by studies of tithes practices in this period, in this chapter I intend to provide a reading of the early years of James's reign that accounts for the desire to publicly defend the divine right to tithes from a number of professional vantage points.

Another of the key concerns of this chapter is patronage, particularly the patronage offered by James I and his Archbishop, Richard Bancroft. By thinking about the works of the above authors in combination this chapter will explore the possibility of there being a concerted effort, supported by royal and archiepiscopal patronage, to create this *jure divino* defence of tithes and convince both the public and members of both Houses of Parliament that legislation needed to be passed to improve the financial condition of the clergy, following the promise to address clerical poverty at the Hampton Court Conference. In adopting this idea of James and Bancroft creating and supporting a publishing circle concerned with the legal status of tithes, we can further contemplate ideas of conformity and conservatism within the social structures of early modern England, both lay and clerical. Given that both James and Bancroft voiced their

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<sup>8</sup> Peter Lake, 'Presbyterianism, The Idea of a National Church and the Argument from Divine Right' in Peter Lake and Maria Dowling (eds.), *Protestantism and the National Church in Sixteenth Century England* (London: Croom Helm, 1987), pp. 193-224: p. 211.

opinions in favour of *jure divino* tithe payments the argument for a coordinated propaganda campaign, I contend, is entirely plausible.<sup>9</sup>

In order to achieve these aims I will first examine James I's accession to the English throne, and his belief in the Platonic concept of the philosopher-king, as context for the pursuit of divine right theories of defence for monarchical power, the episcopate, and tithe payments. This section will also consider Bancroft's role in the early stages of James' reign, with a particular focus on the Hampton Court Conference. The second section of this chapter will focus on the theological defence of tithes and explore the use of scripture in the various works, particularly in George Carleton's 1606 work *Tithes Examined and proved to bee due to the Clergie by a divine right*, a work which 'would spark a renewed debate on ministers' right to maintenance' and in the process ensure that 'tithes would remain the focus of continuing controversy until the eve of the Civil Wars' and, I will argue in Chapter Four, beyond.<sup>10</sup> The third section will examine the use of sources in these works and think about the importance of historical method to the research that was undertaken in defence of the divine right. Here issues such as access to manuscripts and other material will inform our understanding of the processes behind the defence of the divine right and will help to understand the role that antiquarian research on the one hand and legal precedent on the other played in the conception and articulation of this right.

In this chapter we are particularly concerned with the concerted effort to make public the defence of the divine right case for tithes as a Jacobean phenomenon, not only because the idea was publicised in James's reign, but also that it appears to have been a concerted effort conducted on behalf of the king and cultivated and supported by him and his archbishop. Peter Lake has argued that 'no Elizabethan conformist divine advanced a *iure divino* defence of tithes' and later suggests, in an argument similar to Patrick Carter's, that 'no one dared deploy the full *iure divino* case for tithes until 1606 when George Carleton claimed that the obligation to pay

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<sup>9</sup> See also Peter Lake, 'Presbyterianism, The Idea of a National Church and the Argument from Divine Right', p. 212.

<sup>10</sup> Patrick Carter, 'Clerical polemic in defence of ministers' maintenance during the English Reformation', p. 256.

tithes was directly based on scripture'.<sup>11</sup> These statements need qualification, however, as Lancelot Andrewes and Thomas Ruddoke both put forward theories of divine right in the sixteenth century; Andrewes in his Cambridge divinity thesis (c. 1589, published in Latin in 1629, and in English in 1647) and Ruddoke in *A remembraunce for the maintenaunce of the lvyng of ministers and preachers* (1551). Ruddoke drew on the Old Testament for his defence, suggesting that 'To prove that the tythes be of necessitie, & by [the] law of God, [the] bookes of Exodus, Leviticus, Numeri, Deutro, Malach, Ecclesiasticus, do teach the[e] plainly'.<sup>12</sup> Andrewes's expressed his thesis in the following terms:

I shall make bold to plead for *Tithes* and shall thereupon challenge them, who are otherwise minded, and prove that the Tithes, of the yeerly comings in, are by the highest equity due to the *Clergy*; and that no *Parliaments*, no *Lords* or *Commons* can settle that affair more wisely, then it was of old provided for by the *Sacred Law*; then *God*, the *Lawyer himself*.<sup>13</sup>

Further to this, Andrewes provided the following statement on tithes, suggesting that they were:

due to *Christ*, in whom, and from whom, and by whom *we* are all *blessed*: *He himself blessed* for ever. Which, it is but equal, that *they* should receive in the *name* of *Christ*, *who* bless us in the *name* of *Christ*. For even *Melchisedeks blessing* was but from *man*, though in the *person* and *name* of *Christ*. Therefore the *right* of *Tithes* remaineth under *Christ*.<sup>14</sup>

In the course of his thesis, Andrewes drew on a variety of source material to support his arguments, and concluded with the following remarks:

Two *Patriarchs*, as many *Prophets*, *CHRIST*, his *Apostles*, the whole *Church*, *Fathers*, *Councils*, *History*; both *Laws*, (*Civil* and *Canon*) *Reason*, the *imperfect pieces* and *fragments* of the *Heathen*, and finally, *Experience* it self have brought in their evidence for *Tithes*. Which if they seem to *you* to deserve your vote and suffrage, and to have spoken home and good *Reason*, be *you*, if you please, with *me*, of the same minde and judgment. That *Tithes* ought not to be abrogated.<sup>15</sup>

The *jure divino* defence of tithes had been publicly expressed prior to James's accession then, but the question is why did it receive such sustained interest and attention in the early years of

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<sup>11</sup> Peter Lake, 'Presbyterianism, The Idea of a National Church and the Argument from Divine Right', pp. 211-2; Patrick Carter, 'Clerical polemic in defence of ministers' maintenance during the English Reformation', p. 256.

<sup>12</sup> Thomas Ruddoke, *A remembraunce for the maintenaunce of the lvyng of ministers and preachers, nowe notably decayed, exhibited unto the right reverende father in God Thomas bishop of Elye, synguler patron of all good lernynge*, (London: Wyllyam Seres, 1551), sig. [B8<sup>v</sup>].

<sup>13</sup> Lancelot Andrewes, *Of the Right of Tithes. A Divinity Determination in the Publike Divinity Schools of the University of Cambridg. By the Right Reverend Father in God, Lancelot Andrewes* (London: Andrew Hebb, 1647), p. 5.

<sup>14</sup> *Ibid.*, p. 7.

<sup>15</sup> *Ibid.*, pp. 26-7.

James's reign? Furthermore, why were the individual writers involved in defending the right to tithes in such a public manner and how was the defence constructed and articulated to its various audiences? The three sections of this chapter will provide an answer to these questions and more.

i.

**JAMES I, ARCHBISHOP BANCROFT, AND THE HAMPTON COURT  
CONFERENCE**

On his accession to the English throne in 1603 James VI and I was already an experienced statesman and monarch, a 'Kinge of Masture yeres, Experienced in governments', as Lord Ellesmere described James as at the opening of his first English parliament in 1604.<sup>16</sup> Furthermore, James was a monarch who had a genuine and sustained interest in writing, and publishing his works in print. Maurice Lee Jr. has argued that, under the tutelage of George Buchanan, James had become 'a genuine intellectual [...] a theologian of considerable expertise, and a very good, if occasionally prolix, stylist'; this in turn made James 'that most unusual phenomenon among crowned heads, an active and practicing writer'.<sup>17</sup> James had put his education to use during his personal rule over Scotland, particularly when it concerned issues of a religious nature.

In his dealings with the Scottish Kirk James had experienced the difficulties of attempting to unify an ecclesiastical corporation and had particularly felt the power of the presbyterian movement as an opposing force through the machinations of the General Assembly. Lee describes how, whilst the king was still a young man, the General Assembly of July 1580 'abolished the office of bishop as unscriptural, pronounced a general sentence of excommunication against dilapidators of benefices, declared Morton's policy of having a minister serve more than one benefice to be contrary to the word of God, and petitioned the

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<sup>16</sup> Huntington Library, Bridgewater and Ellesmere MSS, EL 451, f. 1<sup>r</sup>.

<sup>17</sup> Maurice Lee Jr., *Great Britain's Solomon: James VI and I in His Three Kingdoms* (Urbana and Chicago: University of Illinois Press, 1990), p. 63; p. 32.

king to have the council enact the Book of Discipline pending confirmation in the next parliament'.<sup>18</sup> The presbyterian impulse of these alterations to the Scottish Kirk is clear, and James's dissatisfaction with the result only increased his distaste for that movement. He would later warn his son, in *Basilikon Doron*, to 'Take heede therefore (my Sonne) to these Puritanes, verie pestes in the Church and common-weill of Scotland'.<sup>19</sup>

James's personal rule of Scotland began when he was barely a teenager, and by the time of his accession to the English throne he had been engaging in debates with church and state for over twenty years. Lee suggests that it was 'easy enough for the king to conclude that in any polity in which church and state were separate and distinct entities, conflict between the two would be both inevitable and continuous: experience had so taught him' and continues to claim that 'in this respect the timing of the beginning of James's day-to-day involvement in politics is crucial and has been insufficiently emphasized by scholars: conflict between church and state was all he had known'.<sup>20</sup> James's early involvements with these complex negotiations, then, were formative in his attitude towards church and state, and towards issues of dissent, and he brought all this experience with him when he journeyed south to London in 1603.

These involvements also influenced James's thinking around issues of divine right and the two bodies of the monarch and he explored these theoretical concepts in his published works, particularly *The True Lawe of free Monarchies* (1598) and the *Basilikon Doron* (1599) and imagined himself in the role of the exemplary King Solomon. In the *True Lawe* James argued that '*Monarchie* is the true paterne of Divinitie' and that 'Kings are called *Gods* by the propheticall King David, because they sit upon God his throane in the earth, and have the count of their administration to give unto him'.<sup>21</sup> These two comments are the foundation upon which James built his theory of *jure divino* monarchy and as such they are essential to understanding his approach to statecraft, and particularly to his desire to extend the divine right to the maintenance

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<sup>18</sup> Maurice Lee Jr., *Great Britain's Solomon*, p. 54.

<sup>19</sup> King James VI and I, *ΒΑΣΙΛΙΚΟΝ ΔΙΔΑΧΗΝ* (Edinburgh: Robert Waldegrave, 1599), p. 49.

<sup>20</sup> Maurice Lee Jr., *Great Britain's Solomon*, p. 55.

<sup>21</sup> King James VI and I, *The True Lawe of free Monarchies: or, the Reciprooke and Mutuall Dutie Betwixt a free King, and his natural Subjectes* (Edinburgh: Robert Waldegrave, 1598), sig. B2<sup>v</sup>; sig. B3<sup>r</sup>.



of an episcopal church hierarchy and to the clergy's right to tithes. James employed 1 Samuel 8:9-20 as the scriptural basis for his argument of the 'dutie and allegiance, that the Lieges owe to their King'.<sup>22</sup> Within this passage Samuel describes how a monarch 'will take the tenth of your seed, and of your vineyards, and give to his officers, and to his servants' (1 Samuel 8:15) as part of the reciprocal relationship between ruler and subject. Prior to James's accession to the English throne, then, he is thinking about issues of divine right and the financial, or material, implications arising from that belief.

James also put forth his own belief in the idea of the two bodies of the monarch, claiming that 'at the very moment of the expiring of the King reigning, the nearest & lawfull heire entreth in his place'.<sup>23</sup> This position, in combination with his general defence of *jure divino* kingship, had profound implications for his claims to the English throne. Lee suggests that:

The succession to the English crown was the great object of James's life – indeed, an obsession. [...] James's claim to the English throne was based strictly on primogeniture: he was Elizabeth's heir in blood. [...] in his exposition of the divine right of kings [...] the right attaches to the *person* of the king, not merely the office.<sup>24</sup>

This 'obsession' manifested itself in James's *Basilikon Doron*, a gift in the form of a private letter – and a manifesto on kingship – presented to his eldest son, Henry Frederick, in 1599.

In amongst his instructions for his young son, James hinted at his desire to possess the English crown when he writes 'as for England, [...] I hope in that God who ever favoureth the right, before I die to bee as well acquainted with their fashions'.<sup>25</sup> It is therefore important to consider James's advice as pertaining to the rule of multiple nations when we read it. James reiterated his position on the two bodies of the monarch here, suggesting that 'first of al things' his son must 'learne to know and love that God, whomto ye have a double obligation; first, for that he made you a man; and next, for that he made you a little God to sit on his Throne, & rule over other men'.<sup>26</sup> James reinforced the divine inspiration for his beliefs when he invited his son

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<sup>22</sup> King James VI and I, *The True Lawe of free Monarchies*, sig. C<sup>r</sup>.

<sup>23</sup> *Ibid.*, sig. E2<sup>r</sup>.

<sup>24</sup> Maurice Lee Jr., *Great Britain's Solomon*, p. 65.

<sup>25</sup> King James VI and I, *ΒΑΣΙΛΙΚΟΝ ΔΙΩΡΟΝ*, pp. 44-5.

<sup>26</sup> *Ibid.*, p. 4.

to 'learne wisely to discerne betwixt poyntes of salvation and indifferent thinges, betuixt substance and ceremonies; & betuixt the expresse commandemente and will of God in his word, & the invention or ordinance of man; since al that is necessarie for salvation is contayned in the Scripture'.<sup>27</sup> James drew on Proverbs 9:10 when he advised Henry Frederick to 'Remember also, that by the right knowledge, and fear of God (which is the beginning of wisdom (as SALOMON saith) ye shall know all the things necessarie for the discharge of your duety, both as a Christian & as a King'.<sup>28</sup>

Throughout the *Basilikon Doron* James created links between the good government of a monarch with the biblical figure of King Solomon, 'the wisest king that ever was'.<sup>29</sup> James was not the first monarch to be compared favourably with Solomon, but it would appear that he consciously and actively sought the comparison through his own works as well as those of others. At one point in the *Basilikon Doron*, James advised his son to set down 'such a comelie and honorable order in all the poyntes of your service, that when straungers shall visie [sic.] your Courte, they may (with the Queene of Sheba) admire your wisdom in the glorie of your house, and comely ordour among your servants'.<sup>30</sup> William Tate suggests that 'King James's allusion to the Queen of Sheba's visit to Solomon handily expresses James's aspirations for his own court' and it would appear that, throughout the book, James's instructions were created out of his own experiences as a monarch and that his experience and wisdom warrants the comparison with Solomon.<sup>31</sup>

James was, by 1603, an experienced statesman in his own right, with a strong conviction to the divine right of kings and a firm defence of his right to the English throne. He used this practical experience of statecraft in his early dealings with the English parliament and Church and, as R. G. Usher suggests:

[James] came to England filled with a desire to be fair and impartial to his new subjects, to redress abuses, and to close his ear to the pleadings of no man who

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<sup>27</sup> King James VI and I, *ΒΑΣΙΛΙΚΟΝ ΔΩΡΟΝ*, pp. 23-4.

<sup>28</sup> *Ibid.*, p. 6.

<sup>29</sup> *Ibid.*, p. 94.

<sup>30</sup> *Ibid.*, p. 86.

<sup>31</sup> William Tate, 'King James I and the Queen of Sheba', *English Literary Renaissance* 26:3 (1996), pp. 561-585; p. 562.

claimed justice from him. He liked debates, and was sure that his own gift of exposition was so considerable, his analysis and logic so invincible, that the most obstinate man in all England could not help yielding to such a display of reason.<sup>32</sup>

Usher's tone is perhaps one of sarcasm, with the suggestion that James was overly confident in his own abilities and naïve about the difficulties he would be inheriting in the accession. Even Lee is suspect about James's self-confidence, suggesting that he 'never seemed to understand that his Scottish "apprenticeship" was in many ways irrelevant to dealing successfully with the complicated and messy situation that Gloriana had left behind her'.<sup>33</sup> One of the central concerns in this 'messy situation' was the issue of providing for the financial health of the Church of England, and particularly of resolving the doubts around tithes that had arisen since the Henrician reformation.

Shortly after arriving in England, James was presented with his first test as the supreme governor of the English Church. The puritan-led Millenary Petition called for widespread and further reforms to the English Church, including issues of doctrinal belief, ecclesiology, and organisational structure. Particularly pertinent to this thesis were the demands that 'double-beneficed men be not suffered to hold some two, some three, benefices with cure, and some two, three, or foue dignities besides', and that 'impropriations of laymen's fees may be charged with a sixth or seventh part of the worth, to the maintenance of the preaching minister'.<sup>34</sup> The impulse behind both of these demands being that the provision of a preaching ministry required more money than was currently available through the system of tithes that was in place, particularly since the number of impropriated tithes was continuing to rise. While the "mainstream", or conformist, clergy agreed in principle that ecclesiastical incomes needed to be improved, they disagreed about the means by which this amelioration should be brought about.

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<sup>32</sup> R. G. Usher, *The Reconstruction of the English Church*, I.310.

<sup>33</sup> Maurice Lee Jr., *Great Britain's Solomon*, p. 89.

<sup>34</sup> 'The Millenary Petition, 1603' in J. P. Kenyon, *The Stuart Constitution, 1603-1688: Documents and Commentary* 2<sup>nd</sup> edition (Cambridge: Cambridge University Press, 1986), pp. 117-9; p. 118.

The Petition was presented to the king and a conference at which these issues could be debated was one of the four possible options given. As noted above, S. B. Babbage has suggested that:

The King was not averse to the idea of a Conference, nor did he object to playing the rôle of arbiter in the affairs of the Church. His mind was acute and argumentative. He enjoyed the thrust and parry of vigorous theological controversy. He readily agreed.<sup>35</sup>

Thus, Hampton Court was chosen as the venue for the debate, and the Conference took place over a number of days in January 1604 and according to Shriver was, ‘among other things [...] a great public display of the royal supremacy’.<sup>36</sup> Four puritan ministers were chosen to represent the case of the petitioners, and on the other side of the debate sat the Archbishop of Canterbury, eight bishops, including Richard Bancroft, and a number of other clergymen, four civil lawyers and a number of members of the Privy Council. On the 16<sup>th</sup> of January the puritan ministers appeared before the king to put forward their arguments for reform. Archbishop Whitgift had nominated bishops Bancroft and Bilson, of London and Winchester respectively, to attend the meeting between the king and his reform-minded guests.<sup>37</sup> James publicly acknowledged that the Church was facing financial difficulties when speaking at the conference and, as Barlow suggested in his account, the king:

*had found alreadie, that hee had more learned men in this Realme, then hee had sufficient maintenance for; so that maintenance must first bee provided, and then the other to bee required: In the meane time, ignorant Ministers, if young, to be remoued, if there were no hope of their amendment; if olde, their death must bee expected, that the next course may bee better supplied: and so concluded this point, with a most religious and zealous protestation, of doing something dayly in this case, because Ierusalem could not be built up in a day.*<sup>38</sup>

While sympathetic to the circumstances of the ministers in precarious livings – and those lacking a living – and promising that action would be taken to address the issue of clerical poverty, James was also concerned that his clergy might find the balance between being a preaching ministry, as was so favoured by the puritans, and a praying ministry. Indeed, Barlow reported

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<sup>35</sup> S. B. Babbage, *Puritanism and Richard Bancroft*, p. 47.

<sup>36</sup> Frederick Shiver, ‘Hampton Court Re-visited: James I and the Puritans’, p. 58.

<sup>37</sup> *Ibid.*, pp. 65-6.

<sup>38</sup> William Barlow, *The Summe and Substance of the Conference*, pp. 52-3.

that James ‘*very acutely tax[ed] the hypocrisie of [the] times, which placeth all Religion in the eare, through which, there is an easy passage*’, in the form of sermons at the expense of prayer, ‘*which expresseth the heartes affection, and is the true devotion of the mindes*’.<sup>39</sup> James did concede that ‘*A preaching Ministry [...] was best, but where it might not bee had, godly prayers and exhortations did much good*’.<sup>40</sup>

At this point in the conference, as Barlow reported it, the Lord Chancellor Ellesmere and Bishop Bancroft had a slight disagreement over the issue of clerical pluralities and the consequent issue of non-residency. Barlow’s record of the exchange was as follows:

Somewhat was here spoken by the *Lord Chancellor*, of liuinges, rather wanting learned men, then learned men liuinges. Many in the Vniuersities pining, Maisters, Batchelors, and vpwardes: wishing therefore, that some might haue single coates, before other had dublets; & here his L. shewed the course, that hee had euer taken, in bestowing the Kinges Benefices. *My Lord of London* commending his Honourable care that way, withall excepted, that a dublet was necessary in cold weather; the L. Chancellor replied, that he did it not for dislike of the libertie of our Church, in granting one man 2. benefices, but out of his owne priuate purpose and practise grounded vpon the foresaid reason.<sup>41</sup>

Bancroft’s defence of plurality was influenced by both financial and doctrinal concerns; he was equally as concerned with providing ministers with an adequate income as he was with preventing the spread of puritanism across the parishes of England.

On the final day of the conference, once all sides of the arguments had been made, James decided that he was committed to the:

prouision of sufficient maintenance for the Clergy, and withall, for the planting of a learned and painfull minister in euery parish, as time shall serue. To euery of those, his Maiestie willed, that seuerall Commissioners of his Councell and bishops should be appointed, by the Lords, vpon the dissolving the assembly present.<sup>42</sup>

John Strype documented a list of 15 points that were concluded at the conference from an ‘authentic paper’ which ‘seem[ed] to be the hand of the Bishop of London’, Richard Bancroft.

The following two points on that list concerned the financial stability of the Church:

8. As manie learned Ministers, and maintenance for them, to be provided in such places of England, where there is want as maye be. 9. As few *double-beneficed* men

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<sup>39</sup> William Barlow, *The Summe and Substance of the Conference*, pp. 54-5.

<sup>40</sup> *Ibid.*, p. 56.

<sup>41</sup> *Ibid.*, pp. 56-7.

<sup>42</sup> *Ibid.*, p. 92.

and *pluralities* as may be; and those that have double benefices to maintain preachers, and to have their livings as neere as may be to one another.<sup>43</sup>

As with a number of the other issues debated at Hampton Court, James tried to find compromise within and between the parties that were in attendance. With the promise to set up a commission to deal with resolving the financial struggles of the Church, James proved that he was a monarch truly committed to the provision of a learned preaching ministry for his subjects in all his kingdoms, but as he is supposed to have said himself: '*Ierusalem could not be built vp in a day*'.

In *Basilikon Doron* James had already expressed his belief that a monarch ought to want to be known as a 'loving Nurish-Father to the Church' and that the best way to do so was by 'seeing all the Churches within your dominions planted with good Pastoures: the doctrine and discipline mayntained in puritie according to Gods word; a sufficient provision for their sustenation; a comely ordour in their policie'.<sup>44</sup> It would appear that while James was in accord with some of the concerns of the petitioners, he did not agree with the methods by which they intended to enact change. Archbishop Whitgift died shortly after the Conference at Hampton Court, and it was Bishop Bancroft who succeeded him in November 1604. Babbage describes Bancroft as a man 'whose anti-Puritan fervour was well known' and this conservative and conforming streak in him surely appealed to a monarch who described puritans as the 'verie pestes in the Church and common-weill of Scotland'.<sup>45</sup> In Bancroft, James found an archbishop who was committed to upholding the *jure divino* argument for kingship, accepted James as the supreme governor of the English Church, and sought to improve the income of the Church through the reinstatement of tithes in kind and the return of impropriated tithes to clerical ownership.

In James and Bancroft the conforming clergy found 'a Christian prince invested with a divine authority to govern the church, supported by the apostolic order of episcopacy' and an

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<sup>43</sup> John Strype, *The Life and Acts of John Whitgift*, D. D. 4 vols. (Oxford: Clarendon Press, 1717-8), II.500-2.

<sup>44</sup> King James VI and I, *ΒΑΣΙΛΙΚΟΝ ΔΙΩΡΟΝ*, pp. 51-2.

<sup>45</sup> S. B. Babbage, *Puritanism and Richard Bancroft*, p. 18; King James VI and I, *ΒΑΣΙΛΙΚΟΝ ΔΙΩΡΟΝ*, p. 49.

archbishop who had ‘made men realise, as never before since the Reformation, the importance of the Church as an institution and had roused them to a consciousness that this very institutional life was in such grave danger that the support of every member of the ecclesiastical hierarchy was of vital importance’.<sup>46</sup> The conformist movement to defend tithes by divine law coalesced around these two men, and found in Richard Bancroft a particularly outspoken advocate. In order for the *jure divino* argument for tithes to be accepted, there needed to be changes made in the English legal system and Bancroft was the man who took it upon himself to represent the interests of the clergy in debates with both houses of parliament.

Not only was Bancroft involved in parliamentary debate concerning ecclesiastical incomes, but he also mounted a challenge to the secularisation of the adjudication of tithes cases. Usher suggests that ‘there was no one point so fundamental in Bancroft’s policy of reform and reconstruction as the amelioration of [the] desperate condition of the Church consequent upon the bad state of its income’. The legal status of tithes was central to this scheme of improvement and so a concerted effort to assert the divinity of tithes had to be produced. ‘In short’, Usher claims, ‘without some understanding of this point, we cannot hope to understand the history of the English Church during those crucial years’.<sup>47</sup> One of the main ways in which Bancroft, who was now a Privy Councillor, attempted to enact change was by presenting ‘Certain articles of abuses’, also known as the *Articuli Cleri*, to the other members of the Privy Council in Michaelmas term 1605.<sup>48</sup> The articles were particularly concerned with the prohibitions made by lay courts against the ecclesiastical courts in cases of, amongst other things, tithes payments. The common law courts were allowed to prohibit the ecclesiastical courts from trying these cases as they were thought to be things temporal rather than spiritual. Among the twenty-five articles Bancroft presented, number sixteen ‘The customs for tithes are only to be tried in the ecclesiastical courts, and ought not be drawn thence by prohibitions’ was most directly aimed

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<sup>46</sup> R. G. Usher, *The Reconstruction of the English Church*, II.56; Kenneth Fincham and Peter Lake, ‘The Ecclesiastical Policy of King James I’, *Journal of British Studies* 24:2 (1985), pp. 169-207; p. 189.

<sup>47</sup> R. G. Usher, *The Reconstruction of the English Church*, I.229.

<sup>48</sup> S. B. Babbage, *Puritanism and Richard Bancroft*, p. 268; Edward Cardwell, *Documentary Annals of the Reformed Church of England*, 2 vols. (Oxford: Oxford University Press, 1839), II.82-105.

at wresting jurisdictional authority away from to common law courts and towards the courts ecclesiastical.<sup>49</sup> This article targeted situations when a custom, or *modus decimandi*, had been agreed upon in a particular parish, but Bancroft's larger plan was to revert to the payment in kind nationwide.

Babbage suggests that 'Bancroft was fully alive to the realities of the situation' facing the clergy on his appointment to the see of Canterbury. At court and parliament, Bancroft 'pleaded strenuously for a restoration of the full value of tithes, preferably by a renewal of payment in kind, or alternatively, by a new commutation based on prevailing prices' in an attempt to reverse the damage to tithes cause by the 650% rise in the cost of living between 1500 and 1640. 'Wherever tithes were commuted', Babbage continues, 'the tithepayer gained substantially at the expense of the parson'.<sup>50</sup> Usher expresses the importance of Bancroft's attempts to alter the legal standing of tithes by pointing out that until 1605:

the dispute had, with a single exception, been confined to individual cases and to the decisions of individual judges. There had been no concerted action on either side. It remained for Bancroft, in the fall of 1605, to make the question a conflict between the Church as an institution, and the judges of the common law as a bench.<sup>51</sup>

Again, it is Bancroft's role as a unifier of the clergy, and as a representative of an institution and corporate body that makes him so vitally important to the early Jacobean efforts to reorganise and reinforce the English Church. Bancroft's actions were taken as an affront by the common law courts, and his attempts to improve the livings of ministers 'and to strengthen the administrative fabric of the Church brought the ecclesiastical courts into collision with the common law courts and so caused the flood of prohibitions over which the two jurisdictions quarreled so fiercely from 1604 to 1611'.<sup>52</sup>

Thus, the two sides of the debate over the legal status of tithes were set in opposition to one another. On the one side sat the common lawyers, with the support of many MPs and

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<sup>49</sup> Edward Cardwell, *Documentary Annals of the Reformed Church of England*, II.95.

<sup>50</sup> S. B. Babbage, *Puritanism and Richard Bancroft*, p. 310.

<sup>51</sup> R. G. Usher, *The Reconstruction of the English Church*, II.73.

<sup>52</sup> *Ibid.*, II.57.



lords, who were intent on protecting the legal jurisdiction of the common law and preventing the growth of ecclesiastical authority. On the other, led by Bancroft, were the clergy who, while they varied in their theological opinions and disagreed on the means by which clerical incomes should be improved, almost unanimously sought to increase the value of their livings and felt that they had been preyed on by the post-Reformation secularisation of ecclesiastical land. The clergy faced an obstinate opponent in the gentry and nobility, who were materially invested in impropriated tithes and ‘were no more willing to surrender their impropriated tithes under James than they were to restore secularized monastic lands under Mary’.<sup>53</sup> James supported the claims of the clergy and was truly concerned with improving the income of his English Church, but he was also aware that the clergy were facing formidable opponents and had an extraordinarily tough fight on their hands if they were to enact real change in the fortunes of the Church. Fincham and Lake suggest that:

In his management of ecclesiastical affairs, James I combined a detailed grasp of abstract theory with a native political shrewdness. This is in stark contrast to his predecessor, who, for all her gifts of prevarication and deception, showed no interest in doctrinal theory or its relationship with the formulation of policy.<sup>54</sup>

James, with the aid of Bancroft, would need to use all his acumen as a ruler if changes were to be made to the legal status of tithes and to ecclesiastical incomes. With the help of a number of authors publicising defences of the divine right argument for tithes, the first decade of James’s reign in England saw a concerted effort on behalf of the clergy to enact these changes that were thought necessary for the provision of a learned preaching ministry.

## ii.

### **GEORGE CARLETON AND THE GROWTH OF BANCROFT’S ‘PUBLISHING CIRCLE’**

The first explicit defence of tithes by divine right of James’s reign was written and published by George Carleton in 1606 and Carleton gave his book the title *Tithes Examined and proved to bee due*

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<sup>53</sup> S. B. Babbage, *Puritanism and Richard Bancroft*, p. 296.

<sup>54</sup> Kenneth Fincham and Peter Lake, ‘The Ecclesiastical Policy of King James I’, p. 206.

to the Clergie by a divine right. At the time of writing this book Carleton was in the ownership of a third portion of the rectory of Waddesdon in Buckinghamshire after having served as vicar of Mayfield in Sussex since 1589, having been appointed by Thomas Bickley, bishop of Chichester.<sup>55</sup> Carleton was an ambitious cleric and he harboured desires to rise up through the ecclesiastical order. Nicholas Cranfield suggests that it was in a ‘bid for higher preferment’ that Carleton ‘wrote a series of conformist pamphlets’, including his ‘vindication of tithes’.<sup>56</sup> The other “pamphlets” to which Cranfield makes reference are Carleton’s *Iurisdiction regall, episcopal, papall* (1610) and *Consensus Ecclesiae contra tridentinos* (1613), both of which are extended treatises of an anti-papal nature. Carleton’s efforts were recognised by the king in 1615, when Carleton was appointed as a household chaplain to Prince Charles. Carleton was appointed bishop of the diocese of Llandaff in Wales in November 1617, having had the position secured for him by Prince Charles.<sup>57</sup> He was non-resident during his tenure and was summoned to attend the Synod of Dort in 1618 as a participant. Whilst in the Low Countries Carleton also addressed the prince of Orange, published as *An oration made at the Hage* (1619). On his return Carleton was translated from Llandaff to the see of Chichester, where he was resident and active in his episcopal duties. Throughout his clerical career, then, Carleton used his written work to seek royal patronage and preferment and showed himself highly capable as an author and cleric.

From his published works, Carleton gives the impression of a conforming minister of a similar mould to Bancroft. He defended James’s supremacy over the Church and was also a defender of *jure divino* episcopacy. His *Tithes Examined and proved to bee due to the Clergie by a divine right* was dedicated to Bancroft, and in the dedication Carleton writes that ‘being therefore perswaded of your graces favourable acceptance, I have presumed to offer this as a pledge of my dutie’.<sup>58</sup> Interestingly, Carleton suggests, in the typically laudatory fashion of a dedication,

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<sup>55</sup> ‘George Carleton CCEd Person ID 10240’, *Clergy of the Church of England Database 1540-1835*, <<http://db.theclergydatabase.org.uk>>, accessed 1<sup>st</sup> April 2018.

<sup>56</sup> Nicholas Cranfield, ‘George Carleton (1557/8–1628)’, ODNB, <<http://www.oxforddnb.com/view/article/4671>>, accessed 18th May 2016.

<sup>57</sup> Kenneth Fincham, *Prelate as Pastor: The Episcopate of James I* (Oxford: Clarendon Press, 1990), p. 26.

<sup>58</sup> George Carleton, *Tithes Examined and proved to bee due to the Clergie by a divine right* (London: T. Este for Clement Knight, 1606), sig. A.iii<sup>r</sup>.

that it is only Bancroft's strident conviction to the defence of the clergy that has inspired him to write his treatise. Carleton had not served as Bancroft's household chaplain, and this is the first evidence of any connection between the two men. He writes:

In offering heereof my case is strange and singular, for I must do it with protestation, that I am far off from thinking that the thing for which I plead will or can be effected, onely the opinion which many have conceived of your Graces wisdom and courage, for the advancement of the Churches oppressed estate, doth incourage mee also to thinke that by your Graces care the oppressions of the Church may be mollified, if not remooved: that the malice of injurious customes and prescriptions against the Church may be abated: that the use of improprating may now at least be staid from proceeding to any further greavance of the Church.<sup>59</sup>

That is to say that Carleton regarded Bancroft as an archbishop capable of taking on the role of defender of the Church, acting as a spokesman for the clergy as a corporate body, and representing the interests of the ecclesiastical order to the king and his parliaments. Barlow's account supports this position and Bancroft is shown to be adept and authoritative in the proceedings of the conference, perhaps being the most vocal of all participants barring James himself.<sup>60</sup>

Under James's rule 'the *iure divino* status of episcopacy hardened into a Jacobean orthodoxy', underpinned by the king's own statement of 1608 'that bishops ought to be in the Church I ever maintained it, as an apostolique institution and so the ordinance of God'.<sup>61</sup> With this early adoption in James's reign of *iure divino* episcopacy, and with the backing of the king and his archbishop, it was time to extend the divine right argument to other problem areas of the ecclesiastical order. Peter Lake's discussion of the divine right in *Protestantism and the National Church in Sixteenth Century England* illustrates the ease with which the clergy transitioned from the establishment of a theory of *jure divino* episcopacy to the creation of a similar defence of tithes. Lake suggests that 'whilst the aura of prestige and enhanced status which the *iure divino* case afforded the bishops could not but reflect on the whole clerical estate [...] such claims did

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<sup>59</sup> George Carleton, *Tithes Examined and proved to bee due to the Clergie by a divine right*, sig. A.iii<sup>v</sup>.

<sup>60</sup> William Barlow, *The Summe and Substance of the Conference*, passim.

<sup>61</sup> Kenneth Fincham, *Prelate as Pastor*, p. 10; C. H. McIlwain (ed.), *The Political Works of James I* (Cambridge, MA: Harvard University Press, 1918), p. 126.

nothing to improve the economic condition and hence the status of the ordinary minister'.<sup>62</sup> It was a neat logical corollary of *jure divino* episcopacy to claim tithes by divine right and in the process attempt to recoup some of the authority lost to the laity in the dissolution of the monasteries, and remedy the financial situation of the increasingly desperate clergy. But how were the clergy to argue this case? Where were they going to find scriptural precedent for *iure divino* tithes? And how were they going to pick their way through the complexities of divine, natural and positive/common law?

Carleton's first step in his defence of tithes was to outline the various opinions of the subject. He suggested that 'there have been three opinions' regarding the payment of tithes:

First, that Tithes are meere almes, and that the Minister of the word have right to nothing, but should live in high povertie [...] The second opinion is, that Tithes are not due by Gods law, that is a determinate quantitie is not prescribed in the word, but onely as these men say, a reasonable or competent maintenance is enjoined [...] The third is, that tithes are due to the Ministers of the Church, by the expresse word of God'.<sup>63</sup>

Carleton claimed that the first opinion was held by 'Waldenses' and the second was 'the opinion of them of the Church of Rome, as *Bellarmin* declareth' and that the third was 'the judgement of the auncient fathers, from the beginning [of Christianity]'.<sup>64</sup> Carleton thus began his treatise by aligning challenges to *jure divino* tithing with heresy on the one hand, and popish superstition on the other. At the same time, he began to link his defence of tithes to the apostolic church and created a sense of continuity from the Old Testament through to his present day. By opening his treatise in this manner Carleton was hoping to appeal to 'the indifferent reader, that men of place in the common wealth, indued with knowledge to support the truth, may make a conscience to assist the clergie for obtaining their owne right'.<sup>65</sup> By reaching out to a great number of people in this way, Carleton was hoping that his message might be well received and acted upon.

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<sup>62</sup> Peter Lake, 'Presbyterianism, The Idea of a National Church and the Argument from Divine Right', p. 211.

<sup>63</sup> George Carleton, *Tithes Examined and proved to bee due to the Clergie by a divine right*, pp. 1<sup>r</sup>-2<sup>r</sup>.

<sup>64</sup> *Ibid.*, pp. 1<sup>r</sup>-2<sup>r</sup>.

<sup>65</sup> *Ibid.*, sig. A.iv<sup>r</sup>.

Carleton used the story of Cain and Abel (Genesis 4:1-12) as one of his biblical precedents for the divine right to tithes, drawing from it the conclusion that ‘to offer to God of such goods as God doth blesse men withall, was from the beginning accounted a part of the service of God, for *Cain* and *Abel* both offered knowing it was looked for at their hands’ and that ‘they who offer their goods to God, may not offer the worst’ as this was an insult to God.<sup>66</sup> Carleton found further scriptural precedent in the story of Melchizedek and Abraham (Genesis 14:18-20 and Hebrews 7:1-28). In the story Abraham is returning from a victory over King Chedorlaomer and is greeted and blessed by Melchizedek, king of Salem and priest of the ‘most high’ God. In return, Abraham pays Melchizedek a ‘tithes of all’. Melchizedek is figured as a man ‘Without father, without mother, without descent, having neither beginning of days, nor end of life; but made like unto the Son of God; abideth a priest continually’ (Hebrews 7:3). Carleton argues that the story of this Christ-like figure ‘proveth not onely the greatnesse, but the perpetuall and unchaungeable estate of Christs priesthood’ and continues to draw ten observations about the payment of tithes from the story of Melchizedek and Abraham.<sup>67</sup> Among those observations, Carleton claims that ‘under the law of nature, tithes were to bee payed to the priest of the most high God’; that the practice of tithing is ‘commended by the Apostle in the new Testament, which sheweth that is no wil-worship devised by [the Old Testament patriarchs], but warranted from God’ and therefore was ‘undoubtedly ordained by God’; that ‘to pay tithes is not a ceremonie’ and that ‘tithes must be payed as long as Christs priesthood standeth’; and finally, that ‘All tithes are the Lords, holy to the Lord’.<sup>68</sup>

These were the fundamental tenets of the *jure divino* case for tithes and would become, after Carleton published his treatise, the standard scriptural defence of tithe practices in the seventeenth century. This was only the first section of Carleton’s treatise though, and only dealt with pre-Mosaic biblical history. What Carleton went on to provide was a history of tithes from the passing of Mosaic and Levitical law to the years of the early Church Fathers, in order to

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<sup>66</sup> George Carleton, *Tithes Examined and proved to bee due to the Clergie by a divine right*, p. 5<sup>r</sup>.

<sup>67</sup> *Ibid.*, p. 6<sup>r</sup>.

<sup>68</sup> *Ibid.*, pp. 6<sup>r</sup>-7<sup>r</sup>.

show that tithes were not ceremonial, but perpetual and apostolic. Indeed, William Sclater would draw ‘this plaine Apostolicall conclusion’, from 1 Corinthians 9: 1-15, ‘That *maintenance is due from people to Ministers for their worke sake*’, and would even suggest that ‘Other proofes then are here set downe, it is needlesse to vse’.<sup>69</sup> This, of course was a rhetorical flourish, since Sclater would spend the rest of his treatise drawing upon Biblical precedent to defend the ministerial right to tithes by divine law, using the same syllogistic approach as Carleton to reaffirm what he had argued, to prove that ‘Tithes were paid to Priests before the Levitical law was given: therefore their paiment is founded rather on morall then ceremoniall law’.<sup>70</sup> Further to these two strands of argument, Sclater also suggests that ‘the practise of the church in all times from beginning of the world downe to these last daies of reformation’ is his ‘last reason’ for proving tithes to be due to ministers *jure divino*: ‘ever since God had a ministry in the world’, Sclater argues ‘tithes were their maintenance’.<sup>71</sup>

The apologists for *jure divino* tithes also looked to Leviticus 27:30, ‘And all the tithe of the land, whether of the seed of the land, or of the fruit of the tree, is the Lord's: it is holy unto the Lord’, to support their claims, with Carleton claiming that ‘This proposition, all tithes are the Lords, is no way leuiticall, but containeth a perpetuall truth’.<sup>72</sup> In taking on certain objections to *jure divino* tithing, Carleton’s apologetic writing was limited to refuting contrary arguments. The objections to the divine right were presumably more than just hypothetical; as many influential supporters as the argument had, there were a much greater number of detractors with ‘vested interests’ in impropriated livings, and these detractors would have been using these contrary arguments to defend their own rights to tithes afforded them in common law.<sup>73</sup> Carleton and his fellow apologists had to mimic the argument for *jure divino* episcopacy and create an apostolic succession for tithe payments, proving tithes to be due by divine law above

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<sup>69</sup> William Sclater, *The Ministers Portion* (Oxford: Joseph Barnes, 1612), p. 2. ‘William Sclater CCEd Person ID 59855’, *Clergy of the Church of England Database 1540-1835*, <<http://db.theclergydatabase.org.uk>>, accessed 1<sup>st</sup> April 2018.

<sup>70</sup> *Ibid.*, p. 10.

<sup>71</sup> *Ibid.*, p. 24.

<sup>72</sup> George Carleton, *Tithes Examined and proved to bee due to the Clergie by a divine right*, p. 11<sup>v</sup>.

<sup>73</sup> S. B. Babbage, *Puritanism and Richard Bancroft*, p. 317.

all else. The terms of debate for defence of tithes for the successive decades were being set unwittingly by Carleton, or rather in his writing they were receiving their first very public expression.

Another issue that Carleton faced, having dealt with the issue of tithes being ceremonial or Levitical, was whether secular courts and judges ought to have recourse to judge cases concerning tithes and whether they have ever had that power. He wrote:

We shall have lesse trouble to dispose of the other opinion, which holdeth tithes judicials, because it is holden with much lesse shew of reason: for to be briefe heerein, we reason thus. No holy things are judicials: but all tithes are holy things, therefore no tithes judicials: The proposition of this syllogisme is manifest by that distinction between things holy and common.<sup>74</sup>

By using syllogistic logic as this basis for this argument Carleton is not only making claims about the legal status of tithes, but he is undermining the reasoning of the arguments against the divine right. He writes, ‘That tithes are ceremonies, is an opinion devised about an hundred yeeres since, not above: the other, that tithes are judicials is auncienter, for it was first devised by *Alexander de Hales* an English man the father of schole-divinitie’. Carleton develops this further by suggesting that ‘The same opinion is maintained by *Thomas Aquinas* scholler to *Hales*. These their chieftains the schole-men follow, and hence it is now a received opinion among them of the Church of Rome, that tithes are judicials’.<sup>75</sup> Carleton uses this syllogistic logic, favoured by the scholastics, to counter their claims that tithes fall under the jurisdiction of secular courts whilst simultaneously demeaning the use of syllogistic logic and the scholastic movement, and by extension the Roman Catholic Church, which had long-held ties to scholasticism. This was also a warning to those that argued against the divine right that their objections could easily be considered popish in the eyes of the Church.

One weakness in Carleton’s argument was his inability to prove that tithe payments were practiced in the times of the New Testament. He was forced to concede that ‘In this time we finde no expresse mention that tithes were payed, nor any expresse prooffe that they were not’

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<sup>74</sup> George Carleton, *Tithes Examined and proved to bee due to the Clergie by a divine right*, p. 20<sup>r</sup>.

<sup>75</sup> *Ibid.*, p. 20<sup>v</sup>.

and continues to suggest that ‘there is a great probability that they were not’.<sup>76</sup> Carleton was able to claim that ‘the ancient use of the Church, before the division of Parishes’ was that tithes were indeed ‘paid before Parishes were divided’ but they were ‘brought to the Bishop and by him distributed among the Ministers’. This practice, Carleton continues, was maintained until ‘that *Dionysius* did first institute the division of the parishes [...] by *Hieroms* account in the year 266’.<sup>77</sup> Thenceforth tithes payments were tied to the land of the parish in the manner that was recognisable to Carleton and his contemporaries. Despite admitting this discrepancy in his argument, Carleton was confident in his argument and drew the following conclusion to his treatise:

Wherefore seeing all that standeth against us is declared to be of no force: and that we have proved that the maintenance in the Apostles times, was nothing but almes: that tithes were established in the Church as the ancient ordinance of God: that this ordinance is not judicial because it is holy, and of things separate from common use: nor ceremonial, because it was not ordained to remaine onely untill the time of reformation, but remaineth after that time: seeing these things stand thus, we may safely conclude that tithes are now due to the ministers of the Church by the expresse word of God, as they have beene alwaies accounted in the best ages of the Church.<sup>78</sup>

Carleton had, in the course of writing this treatise, laid the foundations for the *jure divino* case for tithes and lent support to the equivalent arguments for episcopacy and kingship. This was the vision of the Jacobean Church, to have a divinely appointed leader with supremacy over a Church hierarchy that included bishops according to the apostolic succession, and which was maintained by tithe payments according to God’s divine law.

J. P. Somerville suggests that ‘English Protestants were united in affirming that [the monarch] possessed supreme power in spirituals’ such as ‘[making] laws regulating the use of spiritual power’.<sup>79</sup> Somerville continues by suggesting that ‘The distinction between the spiritual power of clergymen and the exercise of [the monarch’s] power was vital to the English

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<sup>76</sup> George Carleton, *Tithes Examined and proved to bee due to the Clergie by a divine right*, p. 21<sup>r</sup>.

<sup>77</sup> *Ibid.*, p. 28<sup>v</sup>.

<sup>78</sup> *Ibid.*, p. 39<sup>v</sup>.

<sup>79</sup> J. P. Somerville, ‘The Royal Supremacy and Episcopacy “Jure Divino”, 1603-1640’, *Journal of Ecclesiastical History* 34:4 (1983), pp. 548-558; p. 549.



Protestant case. It made possible the reconciliation of *jure divino* episcopacy with the Royal Supremacy'.<sup>80</sup> Somerville concludes by stating that:

The powers which bishops claimed were theirs *jure divino* were [...] also guaranteed to them by law. The point in questioning the divine origins of these powers was to show that they could be taken away by human law. Thus, it was those who wanted to deprive the bishops of their powers who questioned their *jure divino* claims.<sup>81</sup>

This can be said of the case with tithes as well as with episcopacy. The unsettled legal status of tithes meant that they were seen as a thing either spiritual or temporal; it was all a matter of perspective. Thus, the Church needed to mount a sustained defence of their right to tithes and looked to other conformist writers to lend them support. This was part of a larger programme to establish James's vision for the Church in England and, as Peter Lake suggests, James 'personally backed the *iure divino* case for both bishops and tithes and, through his sponsorship of the oath of allegiance controversy, sought to place the "imperial strand" in the anti-papal tradition at the very forefront of the regime's public image'.<sup>82</sup>

As stated previously, the *jure divino* case for tithes was patronised chiefly by the king and his archbishop. An investigation of the conformist treatises on tithes, within the broader scheme outlined by Lake, provides evidence of a publishing circle existing around these patrons and further supports the idea of a concerted effort to improve the wealth and health of the Church through a reinstatement of full tithe payments. The following examples illustrate how James and, in particular, Bancroft manipulated the mechanisms of patronage to build publicised defences of their divine right theories and enforce a change in the conceptualisation of the Church as an institution.

William Covell's *A Modest and reasonable examination, of some things in use in the Church of England* (1604) provides a telling case study. The book was intended to be dedicated to, and thought to be written at the command of, Archbishop Whitgift, but his death before publication

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<sup>80</sup> J. P. Somerville, 'The Royal Supremacy and Episcopacy "Jure Divino", 1603-1640', p. 550.

<sup>81</sup> *Ibid.*, p. 556.

<sup>82</sup> Peter Lake, 'Presbyterianism, The Idea of a National Church and the Argument from Divine Right', p. 213.

meant that Covell re-dedicated the work to Bancroft.<sup>83</sup> Covell's conformist argument maintains that 'Kings and Princes have authoritie, and ought to have care, for the Church government', defending the supremacy of the monarch.<sup>84</sup> Covell also argues that 'the tenth should be thought a renews so natural to be allotted out unto God' and hopes that 'Reformers displeas'd with the name of Tythes [...] seeing maintenance for the Clergie is all wee stand for [...] cannot but graunt us this favour, that it may rise out of that proportion, and in that manner as all antiquities before us, have thought fit'.<sup>85</sup> Covell, whose work was published before Carleton's, used a number of the same arguments as Carleton, but he never fully committed to a *jure divino* defence of tithing practices. Covell's efforts to defend the established Church were rewarded by Bancroft. Covell was by 1606 a chaplain to Bancroft, was instituted as subdean of Lincoln on 11<sup>th</sup> of September 1609 on the presentation of Bancroft, and in May 1610 he was instituted as one of the founding fellows of Chelsea College.<sup>86</sup> Both Carleton and Covell, then reaped the benefits of defending tithes, to varying degrees, in published works early in the reign of King James and the archiepiscopal tenure of Bancroft.

In 1605 Leonard Hutton, one of Bancroft's chaplains, wrote *An Answer to a Certain Treatise of the Crosse in Baptisme* in which he challenged the work of the nonconformist and controversialist William Bradshaw.<sup>87</sup> In attacking Bradshaw's argument, particularly his contraction of his argument into a syllogism, Hutton thought the potential fallout from his publication provided 'just occasion [...] to flie to so safe a sanctuary, as your *Graves* patronage'.<sup>88</sup> Bradshaw's syllogism ran 'No humane ordinance becoming an Idoll, may lawfully be vsed in the seruice of God. But the signe of the crosse being a humane ordinance is become an Idoll:

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<sup>83</sup> Stephen Wright, 'William Covell (d. 1613)', *ODNB Online*, <<http://www.oxforddnb.com/view/article/6472>>, accessed 19<sup>th</sup> May 2016; 'William Covell CCEd Person ID 39653', *Clergy of the Church of England Database 1540-1835*, <<http://db.theclergydatabase.org.uk>>, accessed 1<sup>st</sup> April 2018.

<sup>84</sup> William Covell, *A Modest and reasonable examination, of some things in use in the Church of England* (London: Clement Knight, 1604), sig. A<sup>v</sup>.

<sup>85</sup> *Ibid.*, pp. 147-8.

<sup>86</sup> Stephen Wright, 'William Covell (d. 1613)', *ODNB Online*, <<http://www.oxforddnb.com/view/article/6472>>, accessed 19<sup>th</sup> May 2016; 'William Covell', CCEd Person ID: 39653.

<sup>87</sup> Victoria Gregory, 'William Bradshaw (d. 1618)', *ODNB Online*, <<http://www.oxforddnb.com/view/article/3205>>, accessed 19<sup>th</sup> May 2016.

<sup>88</sup> Leonard Hutton, *An Answer to a Certain Treatise of the Crosse in Baptisme* (Oxford: Joseph Barnes, 1605), sig. ¶<sup>2r</sup>.

ergo. The signe of the crosse may not lawfully be vsed in the seruice of God'.<sup>89</sup> Hutton takes particular exception to the term "humane ordinance" and writes:

The Church is ruled by the spirit of Christ, who is the truth, and therefore the traditions of the Church are true and holy. And yet it pleased the Treatiser [Bradshaw], in his charity, rather to use *humane ordinance* then *Ecclesiastical constitution*, to what purpose and intent let the indifferent Reader judge.<sup>90</sup>

Hutton's close relationship with Bancroft may have been a decisive factor in King James's approval of Hutton as one of the translators of the Bible.<sup>91</sup> In his dedication to Bancroft, Hutton shows concern for the continued efforts of the puritans to disrupt the established church. Concerning the issues of contention discussed at Hampton Court, Hutton writes:

it is come to passe (I know not how) that these contentions are since that time, much more rife then they were before, & prosecuted with greater heate then ever; As though by that meeting in the conference, they had rather taken hart, and greater courage, then any foile; and new strength rather, then any just reprove, or satisfaction.<sup>92</sup>

Hutton's concerns mirrored those of Bancroft and his defence of the use of the cross was perhaps instigated by Bancroft himself. Writing on the subject of the published works of Bancroft's chaplains, Nicholas Cranfield suggests that 'Bancroft astutely used their penmanship to infuse ceremonies that might otherwise have remained unpopular with a sense of God-given decency'. He continues to suggest that 'At each stage his own persona remains discreetly in the background, but there can be no mistaking his presence among the ghost writers'.<sup>93</sup> This presence was also felt in Thomas Rogers's *Two dialogues, or conferences* and George Downham's *Two Sermons* (both 1608). Rogers's book intended to defend the act of kneeling at communion and Downham's sermons defended the ministry as a corporate body and the episcopate in particular.<sup>94</sup>

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<sup>89</sup> William Bradshaw, *A shorte treatise of the crosse in baptisme* (Amsterdam: I. H., 1604), sig. Ar.

<sup>90</sup> Leonard Hutton, *An Answer to a Certaine Treatise of the Crosse in Baptisme*, pp. 3-4.

<sup>91</sup> Peter Sherlock, 'Leonard Hutten (1556–1632)', *ODNB Online*, <<http://www.oxforddnb.com/view/article/14297>>, accessed 19th May 2016.

<sup>92</sup> Leonard Hutton, *An Answer to a Certaine Treatise of the Crosse in Baptisme*, sig. ¶3<sup>v</sup>.

<sup>93</sup> Nicholas Cranfield, 'Richard Bancroft (d. 1610)', *ODNB Online*, <<http://www.oxforddnb.com/view/article/1272>>, accessed 19th May 2016.

<sup>94</sup> Thomas Rogers, *Two dialogues, or conferences* (London: Henry Ballard, 1608); George Downham, *Two Sermons* (London: Felix Kyngston for Matthew Lownes, 1608).

As well as the network of clerical authors working under the patronage of Archbishop Bancroft, there were a number of individuals who sought the protection and patronage of the king in their work on tithes. In 1607 Sir Thomas Ridley presented his *A View of the Civile and Ecclesiastical Law* to James and in the dedication sets out his purpose in the following manner:

Most gracious Sovereigne, since it hath pleased your Majestie of your Princely care towards the Church, and your common wealth, to take knowledge of some differences that are in Judicature betweene your Ecclesiasticall and Civile Law, and the Temporall Law of this Land [...] I have bin bold to offer unto your Majestie this simple Treatise, as that which doth lay out the cause of those Differences more particularly than any man hitherto hath expressed the same.<sup>95</sup>

Ridley's purpose for writing his treatise was markedly different from, for instance, Carleton's, but it was this combination of lay and clerical approaches that gave the defence of tithes its strength. It is to these later defences of *jure divino* tithes, lay and clerical, legal, antiquarian, and theological, that we now turn.

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<sup>95</sup> Sir Thomas Ridley, *A View of the Civile and Ecclesiastical Law* (London: Stationers' Company, 1607), sigs. #2<sup>r-v</sup>.

### LEGAL HISTORY, ANTIQUARIANISM AND SUPPORT FOR THE TITHE CAUSE

Far from being the preserve of the conforming clergy, the defence of the divine right to tithes was supported by people of various professions and confessional leanings. This section aims to overturn the lay-clerical binary that can obscure what was a nuanced and complex series of relationships between members of different professional classes. In doing so, the level of support for the tithe cause can be more accurately understood and the sense that this was but one issue among many facing the clergy and practitioners of law in the early years of James's reign. The writings of men such as Sir Thomas Ridley and Sir Henry Spelman will support the theory that the legal class were also in a state of flux in this period and were in the process of questioning, among other things, the validity of common law. As Christopher Brooks and Kevin Sharpe suggest, 'From c. 1580, there was an apparently unique increase in central court litigation, and many changes in substantive law and in court procedures came with it. An important consequence of these developments was a growing anxiety about the uncertainty of the law'.<sup>96</sup> In this light, the battle for the legal status of tithes can be seen as just one of the many changes that were being brought about in the reorganisation of Church and State under the reign of King James I.

Sir Thomas Ridley studied at Eton before matriculating at King's College, Cambridge, where he studied for his BA, MA and LLD. Ridley was a fellow at King's from 1569 to 1579 and was then appointed a provost at Eton from 1579 to 1583. He was admitted as an advocate to the Court of Arches in 1585 and entered Doctors' Commons in 1590. In the same year Ridley was also given admission to Gray's Inn. Alongside his legal career, Ridley served as MP for Chipping Wycombe, Buckinghamshire, in 1586 and later for Lymington, Hampshire, in 1601, as well as being appointed a JP for Hampshire and Surrey from 1596. Also, in 1596, Ridley was appointed Chancellor of Winchester diocese by Bishop Day. After 1604, Ridley's work in the

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<sup>96</sup> Christopher Brooks and Kevin Sharpe, 'History, English Law and the Renaissance', *Past & Present* 72 (1976), pp. 133-142; p. 134.

principal ecclesiastical courts of the nation meant that he spent more time in London. In 1611, George Abbot, Archbishop of Canterbury, appointed Ridley vicar-general of the province of Canterbury, a position which afforded Ridley a role in the court of high commission. For all his various efforts Ridley was knighted by James at Greenwich Palace on the 24<sup>th</sup> of June 1619.<sup>97</sup> It is in light of his professional career – that spanned common, civil, and ecclesiastical law – that we must understand Ridley’s *A View of the Civile and Ecclesiastical Law*.

Ridley begins his account of the English legal system by dividing ‘Private Law’ into three categories: ‘the law of Nature, the law of Nations, and the law Civile’.<sup>98</sup> Ridley continues, at this early stage, to suggest that:

the law of England may be called the Civile law, for that it is the proper and privat law of this Nation: but in more strict sort, the Civile law is the law, which the old *Romanes* used, and is for the great wisdom & equitie therof at this day, as it were, the common law of all well governed Nations, a very few only excepted.<sup>99</sup>

From the outset, Ridley argues that the Roman civil law, which was in use in ecclesiastical courts, can be considered a type of common law due to its widespread use throughout western Christendom. Having worked as an advocate in numerous ecclesiastical courts, Ridley would have experienced first-hand the encroachments of the English common law on the clerical jurisdictions and was seeking to defend the autonomy of the courts spiritual and, by extension, his own livelihood as a civil lawyer. This appeal was intended to force a reconceptualization of the English legal system and to expand people’s understanding of legal systems beyond the shores of the British Isles. By placing the English legal system in the broader context of European civil and spiritual justice, Ridley was aiming to create a sense of a shared spiritual justice amongst Christians that was all the more powerful because it held people accountable to God.

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<sup>97</sup> Brian P. Levack, ‘Sir Thomas Ridley (d. 1629)’, *ODNB Online*, <<http://www.oxforddnb.com/view/article/23632>>, accessed 19<sup>th</sup> May 2016.

<sup>98</sup> Sir Thomas Ridley, *A View of the Civile and Ecclesiastical Law*, p. 2.

<sup>99</sup> *Ibid.*

Later in the treatise Ridley discusses the ecclesiastical courts in more detail. Here he makes certain to highlight the historical importance of maintaining tithes in England:

Of all matters that appertain to the Ecclesiastical Courts, ther is no one thing that the Princes of this land have made more carefull provision for, since there was any Church government in this land, than that all maner of Tythes due by the word of God should be fully & truely paid unto their Parish Churches where they grew, & if they were denied should be recovered by the Law of holy Church.<sup>100</sup>

Here, again, Ridley presents his support for the spiritual courts and presents tithes as a divinely ordained payment enforceable by ecclesiastical law. This vision of the legal process removes the common lawyers' right to prohibition and leaves the adjudication of what Ridley considers a spiritual matter in the hands of the clergy. Furthermore, Ridley claims that this issue has been successively supported by monarchs throughout English history and has long been the principal concern of the kings and queens of England.

After making these statements Ridley engages in an extended history of the statutes and legislation concerning tithes, from the reign of William the Conqueror to that of Edward VI. As a lawyer Ridley was used to searching for legal precedent and so he adopts a systematic and chronological discussion of the statutes and legislation in that particular style. Ridley praises Edward I for listening to the 'petition of the Clergie', and establishing 'the Articles of the Clergie, which his sonne *Edward* the second confirmed by his Letters patents vnder his great Seale, and by consent of Parliament, at the petition of the Clergie in the ix. yeare of his Raigne'.<sup>101</sup> As J. H. Denton has argued, a large number of the complaints in the *Articuli Cleri* of 1316 'concerned relations between royal courts and courts Christian, and more particularly the writ of prohibition which was designed to prevent courts Christian from hearing cases which were considered to lie outside their cognizance'.<sup>102</sup> This is precisely the situation Ridley wanted to see removed from the legal system in England and so it comes as no surprise that he looks to Edward II's role in the improvement of the condition of the clergy as a source of historical importance. The

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<sup>100</sup> Sir Thomas Ridley, *A View of the Civile and Ecclesiastical Law*, pp. 124-5.

<sup>101</sup> *Ibid.*, p. 127.

<sup>102</sup> J. H. Denton, 'The Making of the "Articuli Cleri" of 1316', *The English Historical Review* 100 (1986), pp. 564-595; p. 567.

discussion of this event was made all the more important due to the fact that just two years before the publication of Ridley's treatise Bancroft had exhibited his own 'articles of abuses' to the Privy Council. Thus, it was important for Ridley to show there was historical precedent for such behaviour, and furthermore there was evidence of a king and his court listening to and accepting the demands of the clergy.

The next historical case study in Ridley's survey of the laws was the reign of Henry VIII.

Ridley describes the development of the situation in the following manner:

After king *Henry* the eight had dissolved the Monasteries, and other like Religious houses, and sold the Churches and Tythes therto belonging to Lay men [...] a Statute was made in the 27. yeare of the same king, whereby all Subiects of the kings Dominions, were to pay theyr Tythes, and other dueties of Holy Church, according to the Ecclesiasticall Lawes, & ordinances of the Church of England.<sup>103</sup>

Ridley is at pains to point out that the payment of tithes is due by ecclesiastical law above all else. It is important to note that the year before the act governing the payment of tithes (27 Hen. 8 c. 20), Henry passed the Supremacy of the Crown act (26 Hen. 8 c. 1), allowing himself royal supremacy over the Church of England, and by extension replacing the use of canon law in ecclesiastical courts with that of the civil law. Ridley's suggestion is that the maintenance of the ministry was one of the central concerns after Henry's break from Rome and his assumption of the role of Supreme Governor of the Church. Henry was a divinely ordained monarch, purging his Church of certain aspects and providing the new organisation with an assurance of income. Ridley does concede, however, that the statute 'took little effect, by reason of the obstinacy of the people', hence why Henry had to pass another statute concerning the payment of tithes in 1540 (32 Hen. 8 c. 7).<sup>104</sup>

The next example in Ridley's history of tithes comes from the reign of Edward VI and can be seen as an example of the issues surrounding the legal status of tithes. Ridley writes that:

After the decease of king *Henry*, king *Edward* his sonne tendering in like sort the state of the Clergie, the benefit of his subiects, and the practise of the Ecclesiasticall Courts of this Land, made a Statute, wherby he did not onely ratify, confirme, and allow such statutes as his father had formerly made, but did

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<sup>103</sup> Sir Thomas Ridley, *A View of the Civile and Ecclesiastical Law*, p. 128.

<sup>104</sup> Ibid.



further order, that every of the kings subiects from thenceforth should justly and truly without fraud or deceit set out and pay all manner of prediall Tythes in their proper kinde, as they did rise and happen, in such manner as had béene paid within the fortie yeares next before the making of that act, or of right or custome ought to have beene paid.<sup>105</sup>

On the one hand Edward confirmed and reinforced his father's statute concerning tithes, and thereby defended the clerical right to those tithes in his role as supreme governor of the Church. On the other hand, Edward added provisos – in 2 Edw. 6 c. 13 – around the payment of tithes by custom, which moves the tithes closer to the temporal realm and the jurisdiction of the common law. Edward's acceptance of custom, commutation and various *modi decimandi* allowed for the encroachment of common lawyers on ecclesiastical jurisdiction by arguing that if the payment of tithes can be altered by custom and habit then it is comparable to any lay chattel and can therefore be treated as such in a temporal court.

Ridley searched through the legal history of tithes at a time when the whole legal system was in flux and unsettled in order to provide some sense as to how the present situation had come about. His argument concerning tithes was but one part of his larger view of the English legal system, and Ridley drew a general conclusion from the various strands of his argument, that 'as Temporall Lawyers are to deale in Temporall Customes, and spirituall men are not to intermedle therin, so also Ecclesiasticall Lawyers are to deale in Ecclesiasticall causes, and that temporall Lawyers are not to busie themselves thereabout'.<sup>106</sup> This was by all accounts easier in theory than in practice. Ridley concluded his argument concerning tithes with the following lament for the present situation:

as far as I can by all probabilities coniecture, this great alteration in Ecclesiasticall matters, came by two occasions: the one by the violence of the Laitie, thrusting themselves into these Ecclesiasticall rights, contrarie to the first institution thereof [...] The other was the too too much curiositie of Schoolmen, who being not content with the simple entertaynement of Tythes into the Church, as the auncient fathers of the Primitive Church receyved them, would néedes séek out how, and in what right, and in what quantitie, this provision belongs unto the Church, wherein they did by their overmuch subtiltie rather confound the trueth, than make that appeare they intended to doe.<sup>107</sup>

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<sup>105</sup> Sir Thomas Ridley, *A View of the Civile and Ecclesiasticall Law*, p. 129.

<sup>106</sup> *Ibid.*, p. 134.

<sup>107</sup> *Ibid.*, pp. 142-3.

In laying the blame at the feet of the laity and the scholastics of the Roman Catholic Church, Ridley's argument mirrors Carleton's.

Ridley's *View* was not only a treatise on the English legal system, but it was also a treatise concerned with the treatment and status of English lawyers. In his mind there was a discrepancy in these areas between the common lawyers and their civil law counterparts. The degradation of the civil law, according to Ridley, was as potentially dangerous as the threat to the clerical right to tithes presented by the common law. 'It pitieth me, and not only me', he claimed,

but all those that tender good learning, and have no preiudicat minde toward the Common Law, to see two such Noble Sciences as the Civile and Ecclesiasticall Law are, so to be disgraced, as that there is no more reckoning made of them, or their professors, than if they were matters and men of no worth.<sup>108</sup>

For Ridley, then, as for other lawyers, the battle for tithes was subsumed in the larger battle between the rival jurisdictions of lay and clerical courts. It was important to write histories of the law in order to understand how the present situation came into being, and therefore Brooks and Sharpe's claim that 'There is no reason why the synthesis of legal and historical studies in England should surprise us' has a strong claim to truth.<sup>109</sup> Furthermore, Brooks and Sharpe argue that:

No less than in France, the late sixteenth century in England saw great improvement in the condition of the archives. Many of the archivists, men like William Bowyer and Arthur Agarde, became members of the Society of Antiquaries and made the records available to the lawyers and antiquaries. Together they tried to improve the archives still further.<sup>110</sup>

It was in amongst these archives and libraries that men such as Ridley and Sir Henry Spelman conducted their research and found the sources for their treatises.

Sir Henry Spelman was educated at Walsingham Grammar School before his admission to Trinity College, Cambridge, on the 15<sup>th</sup> of September 1580, 'before he was quite 15. years of Age'.<sup>111</sup> He graduated BA in 1583 and went to study at Furnival's Inn and from there to Lincoln's

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<sup>108</sup> Sir Thomas Ridley, *A View of the Civile and Ecclesiasticall Law*, p. 229.

<sup>109</sup> Christopher Brooks and Kevin Sharpe, 'History, English Law and the Renaissance', p. 140.

<sup>110</sup> Ibid.

<sup>111</sup> Edmund Gibson (ed.), *Reliquae Spelmannianae: The Posthumous Works of Sir Henry Spelman Kt. Relating to the Laws and Antiquities of England* (London: Awneham and John Churchill, 1698), sig. b<sup>r</sup>.

Inn on the 15<sup>th</sup> of May 1586. It was whilst at Lincoln's Inn that Spelman applied himself to the historical and antiquarian study of the English. Spelman was a founding member of the Society of Antiquaries, and through this society he became acquainted with men such as Sir Robert Bruce Cotton and William Camden.<sup>112</sup> Spelman was well-known amongst his fellow historians and antiquarians for his diligence and his analytical abilities, and as Donald Kelley suggests, 'Spelman's method was, [...] in a famous phrase, "to seek the Fountaines and by that [...] judge the Rivers"''.<sup>113</sup> Spelman's antiquarian research into feudalism, for instance, was the first to 'link separate pieces of evidence together in order to explain the development of feudalism, rather than merely accumulate and present a series of unrelated facts' which in turn led to the belief 'that feudalism developed as a consequence of the Norman conquest, and that English institutions had not existed from time immemorial'.<sup>114</sup> Spelman's late-seventeenth-century editor, Edmund Gibson, suggested that:

He was Knighted by K. *James*, who had a particular esteem for him, as well on account of his known capacity for business, as his great Learning in many kinds; more especially in the *Laws* and *Antiquities* of our Nation. These, for a good part of his Life, he seems to have study'd for the service of his Prince, and his own diversion; but not with an eye to any particular design.<sup>115</sup>

While Spelman's study did take a wide array of interests, there appears to be a specific focus on issues of religious significance. Therefore, as I will argue in this section, Spelman's 'service of his Prince' did indeed have a 'particular design' and his services were sought out in the campaign to defend the rights of James's Church of England. Spelman's public defence of the rights of the Church were important because they added not only another voice, but another methodological approach to proving that tithes were due to ministers by divine right.

In 1613 Spelman published his treatise *De non temerandis Ecclesiis: A Tracte of the Rights and Respect Due Unto Churches*, in which he put forward an argument for the reservation of tithes and

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<sup>112</sup> Stuart Handley, 'Sir Henry Spelman (d.1641)', ODNB Online, <<http://www.oxforddnb.com/view/article/26104>>, accessed 20<sup>th</sup> May 2016.

<sup>113</sup> Donald R. Kelley, 'History, English Law and the Renaissance', *Past & Present* 65 (1974), pp. 24-5; p. 47.

<sup>114</sup> Stuart Handley, 'Sir Henry Spelman (d.1641)', ODNB Online, <<http://www.oxforddnb.com/view/article/26104>>, accessed 20<sup>th</sup> May 2016.

<sup>115</sup> Edmund Gibson (ed.), *Reliquae Spelmannianae*, sig. b2<sup>r</sup>.

ecclesiastical property to the clergy. Spelman had experienced issues of his own with regards to lay ownership of a benefice. Indeed, 'In 1594 Spelman's purchases of the leases of Blackborough and Wormegay abbeys from the crown lessees caused him to be involved in extensive litigation in chancery, which was not settled until 1625 by the lord keeper, Sir Thomas Coventry'.<sup>116</sup> This long legal battle, still underway at the time of publication, would no doubt have had an influence on his attitudes towards impropriations. Gibson suggests that 'being a *Lay-man*, and so not lyable to the suspicion of Prejudice or Interest, [Spelman's] Reasonings carry'd in them a greater weight and authority, than if they had come from one of their own Order [i.e. a cleric]'.<sup>117</sup> It was precisely because Spelman had learned the error of his ways in attempting to secularise ecclesiastical property, Gibson argued, that his works were so well received and his arguments were considered so strong.

In his treatise, Spelman argues that tithes are divinely ordained 'founded primarily, upon the law of Nature [...] For the *Law of Nature*', he continues, 'teacheth us that God is to be honoured: and that the honour due unto him, cannot be performed without *Ministers*, nor the *Ministers* attende their function without maintenance'.<sup>118</sup> Spelman then proceeds to discuss the positive laws enacted to support what he considers the natural law to pay tithes, and concludes by suggesting that:

the resolution of many ancient Counsels, and a multitude of other *Fathers* and *Doctors* of the Church in their severall ages: all of them concurring in opinion, that *tithes* belong justly unto God; that they are to be paid. And therefore many of them command al men, even upon perill of their soules not to withhold them.<sup>119</sup>

The historical weight of opinion, in Spelman's mind, is firmly in favour of the ecclesiastical cause and the pursuit of the *jure divino* case for tithes. Not only this, but Spelman suggests that

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<sup>116</sup> Stuart Handley, 'Sir Henry Spelman (d.1641)', ODNB Online, <<http://www.oxforddnb.com/view/article/26104>>, accessed 20<sup>th</sup> May 2016.

<sup>117</sup> Edmund Gibson (ed.), *Reliquae Spelmannianae*, sig. \*2r.

<sup>118</sup> Sir Henry Spelman, *De Non Temerandis Ecclesiis: A Tracte of the Rights and Respect Due Unto Churches* (London: John Beale, 1613), pp. 3-4.

<sup>119</sup> *Ibid.*, pp. 12-13.

those individuals calling for the secularisation of tithes litigation are contradicting themselves in this pursuit. 'I thinke I may be so bold', Spelman writes,

as to say thus out of their [the common lawyers'] own bookes, that a *Statute, directly against the Law of God is void*. If then *Tithes be things spiritual*, and due *de jure divino*, as many great Clarkes, Doctors, Fathers, some Councils, and (that ever honorable Judge & oracle of Law) my Lord *Coke* himselfe *in the second part of his Reports*, affirm them to bee: I cannot see how humane Lawes should make them *Temporal*. Of the same nature therefore that originally they were of, of the same nature doe I still hold them to continue.<sup>120</sup>

The encroachment of the common law into ecclesiastical affairs, then, could be considered illegal in its own right and at the very least, according Spelman, the practice was highly immoral.

Spelman was not only concerned with the legal rights of the Church with regards to litigation over tithes, but also with the return of ecclesiastical property to the Church so that the ministry could be properly maintained and self-governed. To this end he argued that 'It is not then a worke of bounty and benevolence to restore these appropriations to the Church, but of duty and necessity so to doe. It is a worke of duty to give that *unto God that is Gods, Matth.22.2*'.<sup>121</sup>

This open criticism of the secularisation of ecclesiastical land and rights causes us to question Brooks and Sharpe's suggestion that 'Sir Henry Spelman, more than any other [antiquarian], remained aloof' from the conflicts of the period.<sup>122</sup> Rather, he appears to have inserted himself into the debate on tithes, potentially at the instigation of King James, and continued to involve himself in debates concerning the rights of the Church and State, in which he used his antiquarian and historical techniques to argue his case. Stuart Handley notes that:

Following the agitation in the parliament of 1621 over the reform of the courts of justice, in October 1622 James I appointed a commission to investigate the fees taken in both civil and ecclesiastical courts since 1588. Spelman was an assistant to the privy councillors named in the commission, but he shouldered most of the immediate administrative burden.<sup>123</sup>

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<sup>120</sup> Sir Henry Spelman, *De Non Temerandis Ecclesiis*, pp. 72-3.

<sup>121</sup> *Ibid.*, pp. 86-7.

<sup>122</sup> Christopher Brooks and Kevin Sharpe, 'History, English Law and the Renaissance', *Past & Present* 72 (1976), pp. 133-142; p. 142.

<sup>123</sup> Stuart Handley, 'Sir Henry Spelman (d.1641)', *ODNB Online*, <<http://www.oxforddnb.com/view/article/26104>>, accessed 20<sup>th</sup> May 2016.

Therefore, we should consider Spelman as an active and involved individual in the public discussion of a number of the key issues of the reign of James I. Spelman's work provides further evidence of the interconnectedness of these men of various professions, all working from their own professional skill sets towards a common goal. The case for *jure divino* tithes, then, was not confined to the clergy, but had support from a wider portion of society than has previously been thought. Furthermore, upon close analysis the reductive concept of the lay-clerical binary breaks down in this instance, as there is plentiful evidence of a range of voices from either side of the divide claiming, in unison, that tithes were due by divine right.

#### iv.

### CONCLUSION

Following James's accession to the English throne and Richard Bancroft's elevation to the See of Canterbury, there was a concerted effort to establish the *jure divino* argument for tithes. This concerted effort concentrated around both these men and was supported by them in the pursuit of reinvigorating the English Church. George Carleton was the first person to publish a defence of tithes by divine right in James's reign, drawing on the equivalent arguments for kingship and episcopacy supported by James and Bancroft. As Peter Lake argues, "This was a topic which united men of strikingly different opinions on other issues in strident denunciations of the rapacity and sacrilege of the laity".<sup>124</sup> There was a disagreement, however, between the puritans and the conforming clergy about the means by which Church revenues should be redistributed. The case for the divine right to tithes was so intertwined with the other *jure divino* arguments that it was difficult for the nonconformists to openly support it. This issue was, then, of fundamental importance to the future direction of the Church and Bancroft made certain to oversee that his vision for the Church was presented as the only viable option.

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<sup>124</sup> Peter Lake, 'Presbyterianism, The Idea of a National Church and the Argument from Divine Right', p. 211.

It was not only the clergy that had a stake in this argument. While the common lawyers attempted to diminish the power and jurisdiction of the ecclesiastical courts, primarily through the use of writs of prohibition, there were certain lay individuals who offered their support to the royal and archiepiscopal cause in very public ways. Men such as Sir Thomas Ridley and Sir Henry Spelman drew on their own professional experience to provide supplementary arguments for the enforcement of tithes by divine right and sought to redress the balance in a legal system that was in flux and a legal profession that had an uncertain future.

Despite the concerted efforts of these defenders of the divine right, no real progress was made to advance the cause at this time. Frederick Shriver has described the ‘the failure of the Church to get any scheme of augmentation approved by the parliament’ as ‘one of the most melancholy stories of Jacobean church reform’.<sup>125</sup> The case for divine right existed in theory rather than practice. Babbage suggested the following about Bancroft’s attempts to enact change in this regard:

He cannot be reproached for his failure to achieve any major financial reform. The forces arrayed against him were too firmly entrenched. He failed to abolish the inequitable *mode*. He believed - and he reiterated - that ecclesiastical incomes could not be augmented without either a partial resumption of some of the impropriations and other property secularized at the Reformation, or, alternatively, by a restoration of the full payment of tithes in kind. Both these proposals were unacceptable: the House of Commons was prepared neither to restore impropriations nor to tax itself.<sup>126</sup>

We can extend this argument to those individuals mentioned above as this was an organised effort fought by a group of men in the public sphere. It would appear that the secularisation of ecclesiastical property had gone too far to be reversed, and it would take a monumental effort to effect real change in this regard. Nevertheless, this early Jacobean attempt to promote the *jure divino* case for tithes provides us with a more nuanced and deeper understanding of the lay-clerical relationships that underpinned the tensions between temporal and spiritual courts, between the Church and the State. It would appear that Parliament was able to wield more

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<sup>125</sup> Frederick Shriver, ‘Hampton Court Re-visited: James I and the Puritans’, p. 53.

<sup>126</sup> Stuart Barton Babbage, *Puritanism and Richard Bancroft*, p. 322.

power and influence than the Church, and that ultimately the secularisation of ecclesiastical government was being accepted by the public.



## CHAPTER 2: JOHN SELDEN, CENSORSHIP AND INTERTEXTUALITY

The issue of the legal status of tithes was tied in to the larger contemporary debates about the future of the English legal system. Reform of the courts, and of government more widely, was sought alongside the reforms within the Church doctrine, hierarchy, and financial support. In a speech to the lords and commons at the Palace of Whitehall on Wednesday 21<sup>st</sup> of March 1609 [i.e. 1610] James claimed that ‘The State of MONARCHIE is the supremest thing upon earth: For Kings are not onely GODS Lieutenants upon earth, and sit upon GODS throne, but even by GOD himselfe they are called GODS’.<sup>1</sup> James was addressing, in part, the ‘doubt, which hath bene in the heads of some, of [his] Intention in two things’. The first of these was whether James was resolved ‘to continue still [his] government according to the ancient forme of this state, and the Lawes of this Kingdome: Or if [he] had an intention to limit [himself] within those bounds, but to alter the same when [he] thought convenient, by the absolute power of a King’. The second was ‘anent the Common Law, which some had conceited [he] disliked, and (in respect [he] was borne where another forme of Law was established) that [he] would have wished the Civill Law to have bene put in place of the Common Law for government of this people’. These concerns had been raised amongst the members of both houses by comments James made when he ‘spake freely [his] minde touching the Common Law in [his] Privie Chamber, at the time of [his] dinner’. In defence of his position James proclaimed that ‘King’s Actions (even in the secretest places) are as the actions of those that are set upon the Stages [...] and I hope never to speake that in private, which I shall not avow in publique, and Print it if need be’.<sup>2</sup> James saw himself, by virtue of his position, as an entirely public being and so used the forum at Westminster to assume responsibility for his comments.

James was quick to defend his position and qualify whatever statements he had made in his privy chamber. ‘First’, he said, ‘as a King I have least cause of any man to dislike the Common

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<sup>1</sup> James VI and I, *The Workes of the most High and Mightie Prince, James by the grace of God, King of Great Britaine, France and Ireland, Defender of the Faith, &c.* (London: Robert Barker and John Bill, 1616), p. 529.

<sup>2</sup> *Ibid.*, pp. 529-532.

Law: for no Law can bee more favourable and advantagious for a King, and extendeth further his Prerogative, then it doeth: And for a King of England to despise the Common Law, it is to neglect his owne Crowne'.<sup>3</sup> James continued his justification of the comments by stating that:

It is trew, that I doe greatly esteeme the Civill Law [...] And I thinke that if it should bee taken away, it would make an entrie to Barbarisme in this Kingdome, and would blemish the honour of England: For it is in a maner Lex Gentium, and maintaineth Intercourse with all forreine Nations [...] **My meaning therefore is not, to preferre the Civill Law before the Common Law, but onely that it should not be extinguished.**<sup>4</sup>

James's comments were part of a much larger discussion of the status of the English legal system, and legal reform more generally, that had begun to take place around the turn of the century. Cyndia Clegg has argued that 'the common law was itself badly in need of reform by the beginning of the seventeenth century' and that for 'more than three centuries it had operated without any comprehensive or systematic treatise that described it'.<sup>5</sup> Reid Barbour emphasises the importance of reform as he suggests that 'at the most basic level of existence, the common law affected the lives of everyone, directly and tangibly so; in more academic or intellectual terms, the common law was subjected to critique, iconoclasm, rivalry, and calls for reform'.<sup>6</sup> James had his own vision of a reformed legal system, and he enumerated the key points he wished to be addressed to the assembled parliament:

And therefore I could wish some three things specially to be purged & cleared in the Common Law [...] First I could wish that it were written in our vulgar Language: for now it is in an old, mixt, and corrupt Language, onely understood by Lawyers: whereas every Subject ought to understand the Law under which he lives: [...] Next, our Common Law hath not a settled Text in all Cases, being chiefly grounded either upon old Customes, or else upon the Reports and Cases of Judges [...] Yet could I wish that some more certaintie were set downe in this case by Parliament [...] And lastly, there be in the Common Law divers contrary Reports, and Presidents [...] And therefore would I wish both those Statutes and Reports, aswell in the Parliament as Common Law, to be once maturely reviewed, and reconciled [...] And this reformation might (me thinkes) bee made a worthy worke, and well deserves a Parliament to be set of purpose for it.<sup>7</sup>

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<sup>3</sup>James VI and I, *The Workes of the most High and Mightie Prince, James*, p. 532.

<sup>4</sup> *Ibid.*, my emphasis.

<sup>5</sup> Cyndia Susan Clegg, *Press Censorship in Jacobean England* (Cambridge: Cambridge University Press, 2001), p. 129.

<sup>6</sup> Reid Barbour, *John Selden: Measures of the Holy Commonwealth in Seventeenth-Century England* (Toronto, Buffalo and London: University of Toronto Press, 2003), p. 128.

<sup>7</sup> James VI and I, *The Workes of the most High and Mightie Prince, James*, pp. 533-4.

These reforms would allow a greater proportion of the population to know their rights and understand the complexities of the English legal system, but at the same time they challenged the status and authority of the common lawyers and raised questions about the relative status of the jurisdictions of the various courts that were operating within the nation. James's desire to call a parliament to codify and standardise common law practice appears on the surface to be a commendable one, but Christopher Hill provides a caveat by reminding us that the interests of the governing classes and those of the lower classes were and are very different. He writes that:

For the Parliamentary electorate – gentry and merchants – the most important liberty to be defended was the sanctity of private property; and the institution on which they relied to safeguard property was Parliament, the representative body of the propertied class. For most of the population, owning no property or very little, the sanctity of private property was not a major issue. The abolition of tithes, security of tenure for copyholders, freedom from church courts and perhaps freedom of worship were the issues that mattered to the lower orders.<sup>8</sup>

The tithe debates were taking place in this adversarial climate, where certain members of society were doggedly defending their ownership of private property while others were calling for the diminution of ecclesiastical authority. The fact that multiple courts asserted some influence over cases concerned with tithes meant that it in particular was an extremely complex issue to resolve, and there were, at all levels of society, elements hostile to the clerical demand for an improvement to their livings and a reinforcement of tithe regulations.

It is against this background that, in this chapter, I will explore John Selden's *Historie of Tithes* (1618) and the written responses to it. Selden, the noted polymathic lawyer, and his publications have been the subject of a number of book-length studies and articles in the past few decades, but even his most recent biographer, G. J. Toomer, still considers the *Historie of Tithes* 'a difficult work'.<sup>9</sup> Toomer describes the *Historie* as 'Dense with argument and

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<sup>8</sup> Christopher Hill, *Liberty Against the Law: Some Seventeenth-Century Controversies* (London: Penguin Books, 1996), p. 20.

<sup>9</sup> Paul Christianson, *Discourse on History, Law, and Governance in the Public Career of John Selden, 1610-1635* (Toronto, Buffalo and London: University of Toronto Press, 1996), p. 6; Reid Barbour, *John Selden: Measures of the Holy Commonwealth in Seventeenth-Century England*; Edith Bershadksy, 'Politics, Erudition and Ecclesiology: John Selden's "Historie of Tithes" and its Contexts and Ramifications'; D. R. Woolf, 'From Histories to the Historical: Five Transitions in Thinking about the Past, 1500-1700', *Huntington Library Quarterly* 68:1-2 (2005), pp. 33-70; G. J.

documentation' and suggests that 'its organization is not the most perspicuous'.<sup>10</sup> Graham Parry is also disparaging of Selden's writing, claiming that 'Selden overstretches himself to display his erudition, and his prose must be amongst the most graceless and convoluted of the century'.<sup>11</sup> In one chapter of the *Historie of Tithes* Paul Christianson has counted 'some forty-one bills, petitions, acts, ordinances, and other documents dealing with the establishing and limiting of tithes' that Selden 'systematically discussed'. Christianson continues by stating that 'Here, [Selden's] humanist philological method paid substantial dividends'.<sup>12</sup> This chapter will explore Selden's 'method' and analyse the extent to which the *Historie of Tithes* was, as D. R. Woolf has claimed, 'a break-through in contemporary rhetorical definitions of history as a genre [...] since it concerned a *thing* not a *king*, and in methodology, since it directly integrated non-narrative legal-antiquarian research into narrative history in a way that challenged the strict division of the two activities that had held for the previous several decades'.<sup>13</sup>

In order to make an assessment of the impact of Selden's work on the status of tithes, and as a "new model" for historical writing, this chapter will make comparisons between the *Historie of Tithes* and the collection of printed pamphlets and manuscript works written in response to it. In doing so, this chapter will recast the *Historie* within the context of the debates over legal and ecclesiastical reforms and consider the issue of censorship, due to the sensitivity of the material being discussed. A key concept in this chapter will be "intertextuality", both for its usefulness in describing the process of citation in the historical and antiquarian works of the period and for its encapsulation of the scholarly community of early modern England, a community that was self-aware and sought dialogue in print and manuscript.

This chapter is also concerned with the transition from manuscript to print, the processes of production, and the apparatus of literary censorship. Cyndia Clegg has stated that

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Toomer, 'Selden's *Historie of Tithes*: Genesis, Publication, Aftermath', *Huntington Library Quarterly* 65:3/4 (2002), pp. 345-378; G. J. Toomer, *John Selden: A Life in Scholarship* 2 Vols (Oxford: Oxford University Press, 2009), I.303.

<sup>10</sup> G. J. Toomer, *John Selden: A Life in Scholarship*, I.303.

<sup>11</sup> Graham Parry, *The Trophies of Time: English Antiquarians of The Seventeenth Century*, p. 110.

<sup>12</sup> Paul Christianson, *Discourse on History, Law, and Governance in the Public Career of John Selden, 1610-1635*, p. 74.

<sup>13</sup> D. R. Woolf, 'From Histories to the Historical: Five Transitions in Thinking about the Past, 1500-1700', p. 43.

‘Between 1603 and 1625, parliament, the Church, and the High Commission all sought to suppress books they perceived as infringing upon their special privileges and prerogatives’ and it was within this climate of censorship that Selden was trying to publish his controversial work.<sup>14</sup> As such, this chapter will explore these themes through Selden’s *Historie* and the writings of his adversaries, and consider the impact that censorship had on his work. The writing of William Swaddon, royal chaplain to Queen Anne, provides an interesting counterpoint to Selden’s work and will be of central importance here. Throughout the works discussed below there is a sense of ‘classificatory anxiety’, to borrow from D. R. Woolf, concerning the idea of writing a history.<sup>15</sup> Civil lawyers, common lawyers, and clergymen were concerned alike that their professional status might have an impact upon their research methodologies and findings, and consequently tried to pre-empt any criticism in their published works. This chapter will investigate that anxiety and attempt to understand why tithes and history were so closely linked in the early seventeenth century, and examine why, in Clegg’s words, ‘No problem [...] was more problematic than tithes’ in the reign of James I.<sup>16</sup>

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<sup>14</sup> Cyndia Susan Clegg, *Press Censorship in Jacobean England*, p. 125.

<sup>15</sup> D. R. Woolf, ‘From Hystories to the Historical: Five Transitions in Thinking about the Past, 1500-1700’, p. 60.

<sup>16</sup> Cyndia Susan Clegg, *Press Censorship in Jacobean England*, p. 130.

## JOHN SELDEN AND *THE HISTORIE OF TITHES*

John Selden was born in Sussex on the 16<sup>th</sup> December 1584 to John and Margaret Selden; Selden Sr. was a yeoman and musician. Selden Jr. went to the prebendal free school in Chichester before matriculating Hart Hall, Oxford in October 1600.<sup>17</sup> He left Oxford in 1602 without taking a degree and was enrolled at Clifford's Inn, one of the Inns of Chancery which served as preparatory schools for entry to the Inns of Court. After the usual year's preliminary study at Clifford's Inn, Selden was admitted as a fellow of the Inner Temple on 17 May 1604.<sup>18</sup> It was here that Selden began to be associated with London's literary elite. Toomer suggests that 'In the early seventeenth century the Inner Temple was far more than an assembly of aspiring law students and established lawyers. The Inns of Court were part of the nexus of literary London, with its flourishing culture of theatre, poetry, belles-lettres, music, and "antiquaries"'.<sup>19</sup> Selden, still a young man at James's accession to the English throne, was showing early signs of fulfilling his potential as:

An antiquary and historian both of the ancient Near East and of medieval and early modern western Europe (including England); a common and civil lawyer well read both in the treatises and in the codes of the Roman, canon, and customary laws of western Europe; a member of Parliament; and an author in both Latin and English.<sup>20</sup>

Due to his immense talents and his growing reputation as a polymath, Selden came into contact with members of the Society of Antiquaries such as William Camden and Robert Cotton. Even among these leading figures of the historical and antiquarian thought in early modern England, Selden stood out. Graham Parry describes how 'Selden's command of the law and legal history, his familiarity with every kind of ecclesiastical document, and his incomparable understanding of the historical development of the European states from classical times, all sustained by a

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<sup>17</sup> Paul Christianson, 'John Selden (1584–1654)', ODNB Online, <<http://www.oxforddnb.com/view/article/25052>>, accessed 19<sup>th</sup> July 2016.

<sup>18</sup> G. J. Toomer, *John Selden: A Life in Scholarship*, 1.5-7.

<sup>19</sup> *Ibid.*, 1.9.

<sup>20</sup> Paul Christianson, *Discourse on History, Law, and Governance in the Public Career of John Selden, 1610-1635*, p. 6.

formidable knowledge of western and oriental languages, made him a Renaissance university in himself.<sup>21</sup>

Selden's staggering intellect was supported by a number of individuals, but none more important to his development than Sir Robert Cotton. Toomer suggests that the 'influence of Cotton on the course of Selden's scholarly development was of the utmost importance', particularly as Cotton introduced Selden to 'the immensely rich (if ill organized) repositories of English archives'. It was through this mentoring that Selden 'became accustomed, not merely to the intricacies of how [the archives and libraries] were arranged, but to the idea of searching original documentary sources for the writing of history'.<sup>22</sup> Selden displayed his method of close philological study of documentary sources in his earliest published works, *Jani Anglorum Facies Altera* and *The Duello* in 1610.<sup>23</sup> These were followed by his 'illustrations' of Michael Drayton's *Poly-Olbion* in 1613 and the publication of his own *Titles of Honor* in 1614.<sup>24</sup> In these early publications Selden was able to display the considerable learning and dedication to exhaustive archival work for which he would become well known. These books also showed the development of Selden's historical method that moved away from annalistic history towards the long view of the development of certain practices and customs in English legal and social history.

Selden's passion for legal history prompted him to publish an edition of works by Sir John Fortescue and Sir Ralph de Hengham, Lord Chief Justices to Henry VI and Edward I respectively.<sup>25</sup> This interest in English legal history was matched by Selden's fascination with the history of Judaic law and the study of the orient. Selden's *De Diis Syris* was celebrated for its detailed study of Middle Eastern polytheistic religions mentioned in the Old Testament.<sup>26</sup> Selden

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<sup>21</sup> Graham Parry, *The Trophies of Time: English Antiquarians of the Seventeenth Century*, p. 95.

<sup>22</sup> G. J. Toomer, *John Selden: A Life in Scholarship*, I.27.

<sup>23</sup> John Selden, *Jani Anglorum Facies Altera* (London: T. S. for I. Helme, 1610); John Selden, *The Duello or single combat from antiquitie derived into this kingdome of England* (London: G. E. for I. Helme, 1610).

<sup>24</sup> Michael Drayton, *Poly-Olbion* (London: H. L. for Matthew Lownes: I. Browne: I. Helme: I. Busbie, 1613); John Selden, *Titles of Honor* (London: William Stansby for John Helme, 1614).

<sup>25</sup> John Selden (ed.), *De laudibus legum Angliae writen by Sir Iohn Fortescue L. Ch. Iustice, and after L. Chancellor to K. Henry VI. Hereto are ioind the two Summes of Sir Ralph de Hengham L. Ch. Iustice to K. Edward I.* (London: Company of Stationers, 1616).

<sup>26</sup> John Selden, *De Diis Syris* (London: Company of Stationers, 1617).

would draw on each of the skills he developed whilst writing these publications in his next published work.

The *Historie* (1618) deals with the vexing issue of the legal status of tithes from the Old Testament through to c. 1600 and is often read as some sort of challenge to the likes of Carleton, Robartes, Spelman, and Ridley, the advocates of the *jure divino* case for tithes. The ambiguity around this issue is caused in large part by the linguistic register that Selden adopts in the *Historie*: the tone, or pretence, of detachment and objectivism that runs throughout the *Historie* – which Selden maintains is a ‘meer Narrative’ and was ‘not written *to prove that Tithes are not due by the Law of God*’ – has been read in a number of different ways, and Selden scholars have their differences of opinion.<sup>27</sup> Cyndia Clegg has suggested that ‘If Selden has any quarrel, it is not with the likes of Carleton, Robartes, or Gostwick over the *jus divinum* of tithes’, instead believing that ‘the book’s emphasis throughout on practice and customary law insists that Selden’s primary interest is, indeed, not in the legitimacy of tithing, but in the jurisdictions of laws governing tithes and the legal theory upon which they were grounded’.<sup>28</sup> G. J. Toomer appears to agree with Clegg and suggests that Selden’s intentions were only to provide clarity on the legal issues as ‘Selden maintains throughout the book that whatever ecclesiastical law might assert concerning tithes, the “practice of payment” (to quote his title-page) is paramount in determining legal obligation’.<sup>29</sup> Elsewhere Toomer qualifies this argument by stating that ‘We may doubt that Selden really expected his work to be welcomed by the clergy’ but maintains ‘that his motive in embarking on the study was to correct the factual errors that abounded in current discussions (both written and oral) of tithes, by providing a detailed and documented historical account of their origin and development’ seems plausible.<sup>30</sup> Toomer’s conviction to this argument wavers, as he suggests that ‘It was of course disingenuous of Selden to pretend that his detailed account [...] was not a damaging or even fatal blow to the doctrine of “divine

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<sup>27</sup> John Selden, *The Historie of Tithes*, sig. a3<sup>v</sup>.

<sup>28</sup> Cyndia Susan Clegg, *Press Censorship in Jacobean England*, pp. 152-3.

<sup>29</sup> G. J. Toomer, *John Selden: A Life in Scholarship*, I.282.

<sup>30</sup> G. J. Toomer, ‘Selden’s *Historie of Tithes*: Genesis, Publication, Aftermath’, p. 349.



right”, but Toomer still suggests that ‘it seems implausible that this was his motive in writing, although many of the clergy, both then and for centuries afterward, were convinced that it was’.<sup>31</sup>

Other scholars have cast a different light on Selden’s motives for writing the *Historie*, in so far as we can only speculate about the intentions of historical figures, with Paul Christianson suggesting that Selden wished to challenge the ‘sanctimonious self-interest displayed by the clergy in their arguments’.<sup>32</sup> Graham Parry has claimed that Selden was ‘wary of all divine-right arguments, whether they related to kingship, episcopacy, or tithes, because he believed they had no demonstrable legal basis, and tended towards the advancement of arbitrary power’, and by extension his *Historie* was a direct challenge to proponents of the divine right.<sup>33</sup> Parry, like Toomer, claims that ‘There was something slightly disingenuous’ about Selden’s approach in the *Historie*, but unlike Toomer he does not offer Selden the benefit of the doubt and suggests that the result of Selden’s work was ‘in effect to damage the strength of the clergy’s case by showing up the disparate customs and discontinuous practice of tithing’.<sup>34</sup>

While we cannot ever make a definitive statement about Selden’s intentions in writing the *Historie*, a close reading of certain passages from the text will allow us to read the work as a confrontational and adversarial challenge to the defenders of the divine right. We must also make a judgement about Selden’s rhetoric and style, both of which have been disparaged by scholars, when reading the *Historie*. Parry reminds us that, in fact, ‘Selden’s impassive way of conducting an antiquarian enquiry, with its bald recitation of factual detail and undeclared aims, was the consequence of working in a perilous political climate’.<sup>35</sup> Here Parry is speaking more of an implicit censorship of the self rather than the explicit censorship conducted by an external authority on a text, both types having an impact on the final form of the *Historie*. Before moving to a discussion of the publication history of the *Historie*, this section will explore aspects of the text that suggest Selden was adopting a confrontational approach.

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<sup>31</sup> G. J. Toomer, ‘Selden’s *Historie of Tithes*: Genesis, Publication, Aftermath’, p. 350.

<sup>32</sup> Paul Christianson, *Discourse on History, Law, and Governance in the Public Career of John Selden, 1610-1635*, p. 78.

<sup>33</sup> Graham Parry, *The Trophies of Time: English Antiquarians of The Seventeenth Century*, p. 119.

<sup>34</sup> *Ibid.*

<sup>35</sup> *Ibid.*, p. 106.

Selden's prefatory letter to the *Historie* offers up some of the most convincing evidence that his work was intended to refute and challenge the arguments of the divine-right defenders. In fact, in the opening passage of the preface Selden appears to be mocking the clergy when he says he 'must here first play the Priest' in order to:

clear, if it were possible, those Fancies, by protesting that it is not written *to prove that Tithes are not due by the Law of God*; not written to prove *that the Laitie may detain them*, not to prove *that Lay hands may still enjoy Appropriations*; in summe not at all *against the maintenance of the Clergie*. Neither is it any thing else but it self, that is, a meer Narration, and the *Historie of Tithes*.<sup>36</sup>

Selden is adopting the role of a clergyman in order to carry out his complaint against his detractors, of whom there were many prior to publication. Selden uses the exhortatory rhetoric reminiscent of sermon literature in an ironic manner, denying the claims of the clerical class that had been levelled against the *Historie* when it had been circulating in manuscript form in the months prior to its printing. The mimetic and performative act of "playing the Priest" adds nuance to what could have otherwise been a simple refutation of contradictory opinions. From the outset Selden is playing with ideas of authority and identity in published works, which feeds into the 'classificatory anxiety' discussed by D. R. Woolf.<sup>37</sup> Selden's insistence that the *Historie* is not intended to attack the authority of the church, but is a 'meer Narration', is damaging to the clerical cause as it suggests that his account is an objective one, and his objective account of tithes runs contrary to the beliefs of the clergy. Finally, by choosing the definite pronoun, '**the** *Historie of Tithes*', Selden is implicitly denigrating the works of the likes of Robartes, Carleton, Spelman and Ridley, thinking them either partisan or unhistorical accounts.

Further into the preface Selden, discussing his choice of source material, writes 'but I so preferd the choisest and most able, that I have wholly abstaind from any mention or use here of those many Ignorants that (while they write) rather instruct us in their own wants of abilitie, then direct to any thing that may satisfie'.<sup>38</sup> This passage alone is not sufficient evidence to suggest that this is a criticism of Carleton et al., but in the body of the *Historie* Selden discusses

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<sup>36</sup> John Selden, *The Historie of Tithes*, sig. a3<sup>v</sup>-p. I.

<sup>37</sup> D. R. Woolf, 'From Hystories to the Historical: Five Transitions in Thinking about the Past, 1500-1700', p. 60.

<sup>38</sup> John Selden, *The Historie of Tithes*, p. XII.

the *jure divino* defence of tithes and he mentions a number of classical authors and ‘especially the divers Treatises written to that purpose of late by our Countrie men, which are read in every hand. I purposely abstain from particular mention of their names’.<sup>39</sup> This explicit refusal to recognise the authors by name can be read back into the quote from the preface suggesting that Selden wholly refused to engage with the *jure divino* defenders, or the ‘Ignorants’ as he terms them. Selden suggests that these authors fail to use acceptable source material and rather show their analytical methods to be substandard, at least according to his own high expectations. Selden felt they failed in two particulars: they failed to apply faithful philological analysis to the biblical sources and they approached the use of source material in a haphazard and arbitrary manner. Selden saw his own research as being supported by the twin pillars of philology and synchronism. Graham Parry praises Selden’s use of a synchronistic method – using only verifiable records that were created as close to the event discussed as possible – and Selden himself describes ‘Synchronisme’ as ‘the best trial of such truths’, and elsewhere as ‘the best Touch-stone’ in the ‘[t]rial’ of historical matters.<sup>40</sup> Selden’s repeated assertions that synchronism was the key to good historical writing shows how central this concept was to his scholarly endeavours, and how important the passage of time is within his conceptions of the past. Paul Christianson also praises Selden’s method, claiming that ‘Writing from a profoundly acute historical perspective and starting from the earliest reliable surviving evidence, Selden constructed his accounts as moving forward. This guarded against anachronism’.<sup>41</sup>

Selden has equal praise for ‘*Philologie*’, describing it as ‘the only fit Wife that could be found for the most learned of the Gods’.<sup>42</sup> The *Historie*, then, challenges what Selden sees as the perceived sense of ownership the clergy had over biblical interpretation and the practice of philological enquiry. He asks his reader ‘is not the companie of this great Lady of Learning with

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<sup>39</sup> John Selden, *The Historie of Tithes*, p. 175.

<sup>40</sup> Graham Parry, *The Trophies of Time: English Antiquarians of The Seventeenth Century*, p. 105; John Selden, *The Historie of Tithes*, p. 116; Michael Drayton (ed. John Selden), *Poly-Olbion*, sig. A2<sup>r</sup>.

<sup>41</sup> Paul Christianson, *Discourse on History, Law, and Governance in the Public Career of John Selden, 1610-1635*, p. 12.

<sup>42</sup> John Selden, *The Historie of Tithes*, p. XIX.

her attendants, as fit for a Student of the *Common Laws of England*, as for any other pretending what facultie soeuer?<sup>43</sup> Selden follows this rhetorical question with a further set of questions:

why then may not equally a *common Lawier* of *England* vse this *Philologie*? and by consequent be a fit Autor of this *Historie of Tithes*, as of a proper issue of *Philologie*? it being indeed much more proper also to *Philologie* in a *common Lawier*, then in one of any other Profession. For the two chief parts of it (that is, *Practice* of paiment and the *Laws* of Tithing, that either are in force or euer were receiud touching them in any State) were alwaies and are part of the proper Obiect of his Studies.<sup>44</sup>

Again, we see Selden challenging the clerical writers, and the defenders of *jure divino* tithes, for questioning the propriety of a common lawyer involving himself into the tithe debates. This is a microcosm of the overall argument of the *Historie*, and in asking these questions Selden is challenging the status quo in a manner that I would argue is intentionally confrontational.

These passages also contain the ‘classificatory anxiety’ that we have encountered previously. In fact, Selden’s response to his pre-publication critics contains within it further evidence of that anxiety. He writes of his *Historie*: ‘But neither is the Worke alone taxt by mistaking of the subject, but also in regard of the Author. what hath a *Common Lanyer* to do (so they murmur) with writing of Tithes. for by that name it pleases them to stile me’.<sup>45</sup> Here ‘*Common Lanyer*’ is considered a term of derision both in the delivery of the description and the reception of it. This exposes the larger issue of who ought to exercise authority over the tithe debates. Of the individuals we have encountered thus far, only Sir Henry Spelman could be considered an antiquary or historian. Robartes and Carleton were members of the clergy, and Sir Thomas Ridley was a civil lawyer. For all of these men, Selden included, there is a sense in their works that they need to justify their pursuit of historical enquiry. There is an apparent sense of unease about overstepping the bounds of their individual professions which spills over into their writing in the way of caveats and self-deprecating asides.

All of these concerns arose due to the fact that the writing of history was not yet a fully established and reputable pursuit in the eyes of many. Daniel Woolf’s work on the development

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<sup>43</sup> John Selden, *The Historie of Tithe*, p. XIX.

<sup>44</sup> *Ibid.*, p. XX.

<sup>45</sup> *Ibid.*, p. XVII.

of ‘the historical’ is central to our understanding of the impulses and worries that underpin the writings of Selden and his contemporaries. Woolf has suggested that ‘A small number of individuals possessed broad knowledge of the past, but very few, if any, thought about the past as a whole as a discrete and meaningful field over which constructive thought could be exercised’.<sup>46</sup> He continues to suggest that:

The capacity to cast the past into complex and dynamic relationships with itself and with the present, as opposed simply to producing parallels in the manner of Plutarch, yoking multiple cautionary cases as do the authors of the *Mirror for Magistrates*, or even distilling examples into principles of prudence as did Machiavelli presupposes a sufficient grasp not only of the events themselves but also of their interconnection over periods of time much longer than a year or even a reign. This ability to steer a narrative course through time without cautiously tacking from year to contiguous year had developed by the early seventeenth century into the perception that history as a formal genre could even recount the chronological development of, and changes over time of, non-human objects or customs.<sup>47</sup>

This reconceptualization of the past that Woolf describes was central to the works of Selden and the other tithe-writers and it allowed people on either side of the argument to develop their arguments across the broad view of history from the creation of man to their present day. In fact, tithe payments drew considerably more attention from the early proponents of this new historical approach than any other subject. It is worth noting that although Woolf considers the *Historie* to be ground-breaking for its structure and approach to the broad view of the historical past, Selden was arguably responding to the structure of the arguments put forward by the early defenders of the divine right. His neat division of the post-nativity past into four-hundred year segments can be considered a modification of Carleton’s long historical narrative of the tithe debate. While Selden’s method appears to be the most developed of the tithe-writers, he did not develop it in a vacuum. It was only through interacting with his adversaries that Selden was able to sharpen his philological skills and create a convincing alternative to the prevailing argument on the matter.

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<sup>46</sup> D. R. Woolf, ‘From Histories to the Historical: Five Transitions in Thinking about the Past, 1500-1700’, p. 36.

<sup>47</sup> *Ibid.*, p. 42.

The fact that Selden suggests that the ‘divers Treatises’ written in defence of *jure divino* tithes were ‘read in every hand’ attests to the availability of these works and it seems likely that Selden would have gained access to copies and worked out the perceived weaknesses in their arguments.<sup>48</sup> Whilst this is not positive proof that Selden’s work was written in part as a response to Spelman et al., his condemnation of them as ‘Ignorants’ suggests a familiarity with the central theses of their arguments, if not a deeper familiarity with the texts he refuses to acknowledge.<sup>49</sup> Cyndia Clegg suggests that ‘It is a mistake, then, to construe Selden’s *History of Tithes* as “answering” earlier arguments’, and this is true in so far as it was perhaps not the primary impulse behind Selden’s decision to write his *Historie*.<sup>50</sup> However, it is also a mistake to deny that in writing the *Historie* Selden was rebutting the *jure divino* defence of tithes, despite his protests to the contrary in the preface.

Selden continued his attacks on the divine right argument, while acknowledging that it is a topic so thoroughly discussed that any comment of his own would be considered borrowed from another source. He writes:

That of the *Divine right* of them [i.e. tithes] is so wholly a point of Divinitie and handled so fully by divers *Schoolemen*, so imperiously by most of the *Canonists*, and so confidently by some of our *late Divines*, that what ever could be said touching that only, by inference out of the holy Text (which must be the sole triall of it) would but seem taken from some of them which have so purposely disputed it.<sup>51</sup>

This passage works on a number of different levels for Selden’s overall argument. First, it adds weight to his synchronic approach by suggesting that the ‘sole triall’ of divine right arguments must be drawn from the Bible first and foremost. Second, it shows how the discussion of tithes has been monopolised in print and manuscript by the clerical class. Third, Selden acknowledges the efforts of the various members of the clergy in different ways. For Selden the scholastics and the canonists handle the discussion of divine right ‘fully’ and ‘imperiously’ respectively, while the ‘*late Divines*’ do so ‘confidently’. This can be read in two ways: either these are all

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<sup>48</sup> John Selden, *The Historie of Tithes*, p. 175.

<sup>49</sup> *Ibid.*, p. XII.

<sup>50</sup> Cyndia Susan Clegg, *Press Censorship in Jacobean England*, p. 152.

<sup>51</sup> John Selden, *The Historie of Tithes*, p. III.

describing the quality of the work produced, in which case the ‘*late Divines*’ receive a cooler reception than their predecessors, or Selden is suggesting an attitude rather than ability among the ‘*late Divines*’.

At best, Selden is damning James I’s *jure divino* tithe defenders with faint praise. Selden was particularly irked by the insistence on using canon law as positive evidence of practice and custom according to divine law. His lukewarm attitude towards them can be seen in his further description of their methods, going so far as to say:

To argue therefore from affirmative Canons only to practice, is equall in not a few things (and especially in this of Tithing) to the proving of the Practice of a custom from some consonant Law of *Plato’s* common wealth, of *Lucians* men in the Moon, or of *Aristophanes* his Citie of Cuckoes in the clouds.<sup>52</sup>

These errors in argument are compounded, in Selden’s mind, by the divine right defenders as they fail to adopt his synchronic method and inherit false information from one another. He compares this to:

that old picture of *Homer* the rest of the following Poets greedily swallowed what ever he had vomited forth; so among these, one so rashly receives herein error from another, and so increases it, that there was never found a better example of the old proverb *Sardi Venales*, or worse and worse, then in most of their multiplied pamphlets of it.<sup>53</sup>

Selden attributes to this growth of error the ‘common, but most deceiving argument among them, affirmatively to conclude *Fact* or *Practice* of Tithing from what they see ordaind for Tithes in any old *Canon* of the Church’.<sup>54</sup> Selden exposes the imperfect logic in the arguments of the divine right defenders and suggests that their self-serving methodology promotes the spread of error to their audiences. All of this is worsened by the fact that, according to Selden, these men do not even understand their arguments themselves. He says that ‘the truth is that divers of them that writ, with more will then judgement, for Tithes, fall often from their *Jus Divinum*, before they are aware, and talke of them as supposd due also by Human positive Law of Practice’.<sup>55</sup> Selden sees this inability to distinguish between divine law and positive law as the

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<sup>52</sup> John Selden, *The Historie of Tithes*, p. VI.

<sup>53</sup> *Ibid.* p. IV.

<sup>54</sup> *Ibid.*, p. V.

<sup>55</sup> *Ibid.*, p. XV.

weakest point in the arguments for the *jus divinum*, and he shows no remorse in broadcasting the weaknesses of his “opponents”, if we can call them that. Indeed, Paul Christianson suggests that ‘By consistently applying critical, sceptical principles, *The Historie of Tithes* demystified much of the aura surrounding the practical application of divine law. As with the law of nature, the law of God received concrete existence only in the customary laws of particular jurisdictions’.<sup>56</sup>

Thus, Selden is able to couch his *Historie* in the rhetoric of correction and supplementation rather than as a direct response to any of the previous works on tithes. He urges upon his reader that:

To supply therefore the want of a full and faithful collection of the *Historicall* part, was the *end* and *purpose* why this was composd which might remaine as a furnisht Armorie for such as inquire about this Ecclesiastique Revenue, and preferring Truth before what dulling custom hath too deeply rooted in them, are not unwilling to change their old akorns for better meat.<sup>57</sup>

Selden maintains that he is not entering into a debate of the divine law but is furnishing his audience with a true history of the customs and positive laws concerning tithes. He is also concerned to remind his reader of his motives and method in writing. ‘For’, he claims:

I sought Truth; and was never so farre engaged in this or aught els as to torture my brains or venture my credit to make or creat Premisses for a chosen Conclusion, that I rather would then could prove. My Premisses made what *Conclusions* or *Conjectures* I have, and were not bred by them.<sup>58</sup>

By claiming these aims in his own writing Selden is implicitly accusing the defenders of the divine right of the opposite. The suggestion being that the divine right argument was created first and evidence was cobbled together to support it, rather than his own synchronic and faithful historical narrative that has only the purest of intentions behind it. The final shot that Selden fires at the defenders of the divine right in the preface comes with his closing words. He writes:

But this whole Premonition, I thinke, is as well more then is necessarie to the truly judicious, as it may perhaps seem lesse then what satisfies to the numerous Pretenders, that neither know any way that lies out of their beaten Rode, nor

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<sup>56</sup> Paul Christianson, *Discourse on History, Law, and Governance in the Public Career of John Selden, 1610-1635*, p. 70.

<sup>57</sup> John Selden, *The Historie of Tithes*, p. VI.

<sup>58</sup> *Ibid.*, p. XII.



value books but as Stationers do, nor admit willingly of any other kind of Studies then such as are more like sordid Occupations then Liberrall Professions.<sup>59</sup>

Again, Selden separates his potential audience into the ‘truly judicious’ and the ‘numerous Pretenders’. Selden affords the judicious readers of his book the mental acuity to process information and make a judgement of his “impartial” account, whereas the pretenders are incapable of elevating their gaze from the well-trodden path in front of them. It is not too great a leap of the imagination to think that Selden was lumping Ridley et al. in the second group, considering them blinkered from the truth and stumbling over one another’s mistakes. Taken in combination, these examples of Selden’s attitude towards the *jus divinum* and its defenders allow us to reconsider the extent to which Selden was engaging with and reacting to these writers. Furthermore, this close analysis challenges the opinions of G. J. Toomer and Cyndia Clegg on Selden’s intentions in writing the *Historie*, and it is the argument of this chapter that Selden was indeed challenging the orthodox opinion concerning tithes and was undermining, albeit subtly at times, the authority of those men who wrote in support of the status quo.

The publication history of Selden’s *Historie*, a subject which has drawn considerable interest from academics, provides a rich context within which to situate these prefatory comments. Cyndia Clegg claims that “The reason that Selden’s book attracted so much attention was less because of its stance in an ongoing “controversy” about tithes than its immediate timeliness’.<sup>60</sup> While this chapter doesn’t agree entirely with Clegg’s conclusions, it is beneficial to explore her argument in some detail. Clegg points to a sequence of events in 1618 that are of particular importance. First, Clegg falsely claims that ‘On 19 January 1618, Chancellor Ellesmere communicated to Attorney-General Henry Yelverton that the King desired that any judicial decision on “a great Cause of Tithes concerning the Benefices of London” be postponed until a commission could be formed to consider the matter’. Ellesmere had died on March 15<sup>th</sup> 1617 and had been succeeded in his role as Lord Chancellor and Lord Keeper by Sir Francis Bacon, and it was Bacon who wrote to the Attorney-General in January 1618. Clerical income, as we

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<sup>59</sup> John Selden, *The Historie of Tithes*, pp. XXI-XXII.

<sup>60</sup> Cyndia Susan Clegg, *Press Censorship in Jacobean England*, p. 155.

have seen, had long been a looming issue and the situation in London, with its many peculiarities, was becoming more divisive the longer it was left unaddressed. It was on the 8<sup>th</sup> of April 1618 that ‘a commission was issued to the Archbishop of Canterbury and others to address the payment of tithes in London’ and Clegg suggests that ‘Selden must have recognized the immediate relevance of his work’s interest in the boundaries between secular and ecclesiastical jurisdiction and so circulated the mixed-media book at the same time that he was pressing for the printing to be completed’.<sup>61</sup>

This ‘mixed-media’ book was a part print part manuscript hybrid which was circulated, or published, among a select group of Selden’s close friends and acquaintances. Harold Love describes how:

There was already a natural tendency for scribally published texts to be oppositional, since, where a text supported the position of those who controlled the apparatus of suppression, there would not only be no barrier to its print publication but probably great benefit to be gained from a public declaration of the writer’s allegiances.<sup>62</sup>

It was against this ‘apparatus of suppression’ that Selden pitched his *Historie*, and it may have been the timeliness of the work, or it may have been a fear of confiscation that compelled him to distribute these mixed copies of the book. The book itself soon found its way into the hands of readers who reacted negatively, and there were a number of manuscript exchanges between Selden and opponents of the *Historie*. Selden even claims in the completed version of the book that the inclusion of the ‘Review’ section, appended at the end of the *Historie*, was caused by these arguments:

*After some few Copies, thus halfe printed and halfe writen, were dispersed, and since the various Censure of vnequall Readers, (some of them cauilling at such Passages in it, as the Autor at first thought, and not without cause, had been enough cleered) this short Reuiew is now added.*<sup>63</sup>

After the book was published in its full form, with the review, the licensing authorities got involved and tried to suppress the *Historie*. The situation was severe enough that James I felt he

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<sup>61</sup> Cyndia Susan Clegg, *Press Censorship in Jacobean England*, p. 155; LPL, MS 936, f. 90<sup>r</sup>; TNA, SP 14/141, f. 111<sup>r</sup>.

<sup>62</sup> Harold Love, *Scribal Publication in Seventeenth-Century England* (Oxford: Clarendon Press, 1993), p. 185.

<sup>63</sup> John Selden, *The Historie of Tithes*, p. 449.

needed to involve himself personally. As Toomer notes, 'It was the king, then, who commanded that Selden appear before the High Commission' and apologise for the publication of the *Historie*. Despite being forced to apologise, Toomer suggests that Selden:

seems to have had enough influence with some members of the commission to obtain permission to make the submission in comparative privacy in a room of Lambeth Palace, and to phrase it in a way that allowed him to maintain that he never retracted a word of what he had written in the book, merely apologized for publishing it.<sup>64</sup>

In public as in the text, it seems that what Selden doesn't say is almost as significant as what he is willing to put into words. Again, Selden is attuned to the subtleties of language and so is able to claim 'himself', as Toomer suggests, 'that the historical content of the book was adverse to the doctrine of divine right of tithes', without being culpable for the position of the book himself, as a mere narrator of fact.<sup>65</sup>

The forced apology, even though it appears to have been ineffectual, and the threat of confiscation from the print house did little to stop the spread of knowledge about Selden's *Historie*. Cyndia Clegg notes how the 'efforts taken by the Crown, the High Commission, Privy Councilors, and parliament to employ censorship to shore up their own authority' in situations such as these in fact 'expose the serious anxieties these institutions experienced in Jacobean England'.<sup>66</sup> This very open challenge to the orthodox doctrine of the Jacobean Church was perhaps rather untimely than timely, at least from Selden's viewpoint. He suffered at the hands of the licensing authorities, the King and his High Commission, and the largely hostile reading public for his efforts and the publication of the *Historie* seems to have caused somewhat of a setback to his public and literary careers.

Despite the hostility from the 'numerous Pretenders', Selden received help and support from a number of individuals he would consider among the 'truly judicious'. The evidence of this support can be found in the numerous references to Selden's friendships found within the *Historie* and in his discussion of his source material. As Daniel Woolf has discussed:

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<sup>64</sup> G. J. Toomer, 'Selden's *Historie of Tithes*: Genesis, Publication, Aftermath', p. 367.

<sup>65</sup> G. J. Toomer, *John Selden: A Life in Scholarship*, 1.259-260.

<sup>66</sup> Cyndia Susan Clegg, *Press Censorship in Jacobean England*, p. 159.

an increasing sophistication in indexing [...] and tabular display [...] is evident in histories and chronicles toward the end of the sixteenth century; this tendency reached maturity in the seventeenth, suggesting their authors (or at least their printers) also had a developing sense of the history book as a repository of information that could be consulted as well as read.<sup>67</sup>

Selden recognised this alteration in the use of history books and at numerous points in the *Historie* he directs his reader to other sources for reference. For instance, when discussing the lack of an established consensus on tithe practice before the year 800, Selden writes, ‘You may see enough in those to which the margin refers you’.<sup>68</sup> His use of the margins as sites of reference may not be exceptional, but Selden pushes this practice a step further by referring people to specific libraries owned by his contemporary antiquarians, none more so than Robert Cotton. The *Historie* is dedicated to Cotton and it is in this dedication that Selden claims that ‘to have borowd your help [i.e. Cotton’s], or usd that your inestimable Library (which lives in you) assures a curious Diligence in search after the inmost, least known and most usefull parts of Historical Truth both of Past and Present Ages’.<sup>69</sup> This comment points not only to the use of Cotton’s famous collection of books and manuscripts, but also his personal input into the research and creation of the book itself. Further evidence of the piecemeal production of the *Historie*, and to Cotton’s involvement, are found when Selden discusses a cartulary from ‘the Church of *Utrecht*’. Selden writes:

since the last chapter printed [...] (through the favour of that right worthy & learned S<sup>r</sup> *Robert Cotton*, my most honord friend) came to my hands, wherin an observable consecration of tithes in the former CCCC. yeers [i.e. 400-800], is preserved, it shall here (not much out of its place) be first remembred.<sup>70</sup>

It was not only Cotton who was known to be helping Selden with the production of the *Historie*. He also had a manuscript from the Bodleian Library ‘faithfully transcribed to [him] through the courtesie of [his] most honord friend M<sup>r</sup> *Thomas Allen* of *Glocester Hall*’.<sup>71</sup> Allen was an antiquarian, mathematician and astrologer who had studied at Trinity College, Oxford, before

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<sup>67</sup> D. R. Woolf, *Reading History in Early Modern England* (Cambridge: Cambridge University Press, 2000), pp. 82-3.

<sup>68</sup> John Selden, *The Historie of Tithes*, p. 63.

<sup>69</sup> *Ibid.*, sig. a2<sup>r</sup>.

<sup>70</sup> *Ibid.*, p. 73.

<sup>71</sup> *Ibid.*, p. 171.

moving to Gloucester Hall, ‘which provided a home for notionally conforming church papists’.<sup>72</sup> Allen was a well-respected scholar and had links to a number of the great antiquarians of his day. Michael Foster has shown that ‘not only’ was Allen in touch with ‘antiquaries like Henry Ferrers, Brian Twyne and Sampson Erdeswicke and with Oxford collectors like Sir Henry Savile and Miles Windsor’, but he had contact with ‘major collectors such as Sir Robert Cotton and John Selden and the historian William Camden’.<sup>73</sup> Not only were these men friends, but they actively helped one another in their efforts and researched collaboratively, sharing their findings and transcriptions with one another.

This free exchange of information and resources between Selden and his various friends and acquaintances points to a vibrant and active intellectual network. It was Selden’s use of this network that allowed him to incorporate such a wide range of primary sources in his *Historie*, some of which he would never have known about without the help of the likes of Cotton and Allen. Opponents of the *Historie* saw Selden’s reliance on the help and work of others as a weakness in his work and attacked it accordingly. After the mixed-media copies of the *Historie* had been circulated there were a number of comments made suggesting that Selden had in fact plagiarised the works of his friends. This forced Selden to defend his work from these claims on the first page of the preface, stating that ‘Nor was any piece of it stolne from any other mans notes. That as the rest also hath been most maliciously imputed by some’.<sup>74</sup> Both sides of the argument show anxieties about then ownership of work and ideas then, as Selden had also accused the divine right defenders of copying, borrowing and paraphrasing one another’s arguments and relying on each other’s interpretations of source material. Selden also describes some of the early records of the church, used as source material by the defenders of the divine

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<sup>72</sup> A. J. Turner, ‘Thomas Allen, (1540?–1632)’, *ODNB Online*, <<http://www.oxforddnb.com/view/article/387>>, accessed 14<sup>th</sup> September 2016.

<sup>73</sup> Michael Foster, ‘Thomas Allen (1540-1632), Gloucester Hall and the Survival of Catholicism in Post-Reformation Oxford’, *Oxoniensia* 46 (1981), pp. 99-128; p. 109.

<sup>74</sup> John Selden, *The Historie of Tithes*, p. I.

right, as being ‘stufft with such falshoods, as being bred in the middle ages among idle Monks’, and suggests that ‘antiquitie’ of a source ‘is mistook for a Character of truth’ by them.<sup>75</sup>

Overall, the tone of the exchange between Selden and his opponents suggests that this argument was a little less innocent than Toomer and Clegg have concluded. Beneath a thin veneer of impartiality and objective narration, Selden’s work proved to be a partisan account pitched in opposition to the orthodox opinion of the Church of England. His *Historie* drew a small coterie of supporters in the face of overwhelming censorship and hostility. In fact, Selden appears to be offering warnings to his opponents about the dangers of their reliance on the divine right argument, as in the following passage:

For what State is in all Christendom wherein Tithes are paid *de facto*, otherwise then according to Human Law positive? that is, as subject to some Customes, to Statuts, to all civill disposition. If they be in truth due *Iure Divino* (which Divines must determine of) they remain equally so aswel after as before Human Laws made touching them. But that is a question daily controverted; and among the Clergie. Now, who ever disputes it and relies only on *Jus Divinum*, or the holy Scripture for the right of Tithes, doth but make way for him whom hee cannot perswade that they are due by the Law of God, to thinke they are no way due.<sup>76</sup>

This summarises Selden’s argument throughout the *Historie* and corresponds with his aims set out on the title page and preface. Despite the barbs in the direction of the defenders of the divine right, Selden appears to have believed that his *Historie* was indeed helping rather than hindering their arguments. It was perhaps the inflexibility of the orthodox opinion, in combination with Selden’s terse and sometimes inscrutable prose, which limited the positive reception of his ideas among the intellectual and antiquarian circles for which the *Historie* was intended. The following section will explore this disconnect and survey the royally patronised critical responses to Selden’s *Historie* in the years after its publication.

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<sup>75</sup> John Selden, *The Historie of Tithes*, pp. 44-5.

<sup>76</sup> *Ibid.*, p. XIV.

## THE ORGANISED RESPONSE TO SELDEN'S *HISTORIE*

Selden and his *Historie* received some rather rough treatment both prior to publication and in the immediate aftermath, but the attempts to sabotage Selden's work and to silence him on the subject of tithes were unsuccessful. As G. J. Toomer has suggested, there was a sense that this issue was one of the utmost importance for James I, his Church, and his Government. Toomer suggests that 'King James was not content with having Selden appear before the Privy Council and High Commission to apologize for publishing the book: he also actively encouraged publications intended to "refute" it'.<sup>77</sup> Among the most prominent publications refuting Selden's work directly were Sir James Sempill's *Sacrededge Sacredly Handled* (1619), Richard Tillesley's *Animadversions upon M. Seldens History of Tithes* (1619), Richard Montagu's *Diatribae on the first part of the late History of tithes* (1621), and William Sclater's *The Quaestion of Tythbes Revised*. The first three of these works were dedicated to James I, the last was dedicated to Arthur Lake, Bishop of Bath and Wells, for whom Sclater served as chaplain from 1619.<sup>78</sup> All four of the works address either Selden or his writing directly and challenge the position he had established concerning the payment of tithes. This section is concerned with these publications and the various ways in which they attempt to refute the claims Selden made in his *Historie*: more broadly, it is concerned with the ways in which the apparatus of censorship has manipulated the written record and left an incomplete picture of the tithe debates.

There has been a great deal of work on censorship in the early modern period, with Selden's *Historie* drawing a great deal of interest as a high-profile case of such overt and total attempts at censoring an author. Anthony Milton has suggested that 'Control of official licensing might [...] define and shape religious orthodoxy in the early Stuart period' and continues to suggest that 'its influence may stretch well beyond the perceptions of contemporaries, and into the very nature of the sources with which historians read and

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<sup>77</sup> G. J. Toomer, 'Selden's *Historie of Tithes*: Genesis, Publication, Aftermath', p. 368.

<sup>78</sup> Jim Benedict, 'William Sclater (*bap.* 1575, *d.* 1627)', *ODNB Online*, <<https://doi.org.chain.kent.ac.uk/10.1093/ref:odnb/24841>>, accessed 2<sup>nd</sup> April 2018.

understand the period'.<sup>79</sup> Milton's warning about the bias of the remaining written record is well appreciated here. The odds were clearly stacked against Selden and his *Historie* appears to have found no public support after the author was forced to apologise for the publication and prevented from answering his critics. This very public shaming of the *Historie*, combined with the lack of support from other authors, could lead us to believe that there was a general opposition to Selden's argument, but this would be to misunderstand the mechanism of censorship. Glenn Burgess has argued that many revisionist historians have approached the early modern period in this manner, leading to a general misunderstanding of the thoughts and beliefs of the public at the time. According to Burgess, the revisionists 'manage to find a broad consensus and agreement on fundamental issues in early Stuart England only because they forget that public *debate* was not accurately indicative of what people actually *thought*', and argues that 'the lack of public criticism of "approved" beliefs should not be taken to imply universal assent to them'.<sup>80</sup> There was no blueprint for censors in the period, each text had to be evaluated on its own merits and treated accordingly. Milton shows an awareness of this temporal aspect of censorship when he suggests that 'The point at which criticism constituted a threat of disorder was therefore itself the battleground in the seventeenth century' and claims that 'This is particularly important as, in religious affairs, we cannot even speak of a single "establishment" or "government" position in this period'.<sup>81</sup> The censorship of, and responses to, Selden's *Historie* are considered below with these limitations and qualifications in place.

Sir James Sempill had been a friend of King James since childhood, with the latter being named the former's godfather despite being born within months of one another. Sempill had been educated alongside James as a child under the tutelage of George Buchanan, before attending the University of St Andrews. Stephen Wright suggests that Sempill was even involved in the preparation of James's *Basilikon Doron* for the press, for which he received one of the

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<sup>79</sup> Anthony Milton, 'Licensing, Censorship, and Religious Orthodoxy in Early Stuart England', *The Historical Journal* 41:3 (1998), pp. 625-651; p. 651.

<sup>80</sup> Glenn Burgess, *Absolute Monarchy and the Stuart Constitution* (New Haven and London: Yale University Press, 1996), pp. 2-3.

<sup>81</sup> Anthony Milton, 'Licensing, Censorship, and Religious Orthodoxy in Early Stuart England', p. 627.



seven original printed copies.<sup>82</sup> This close relationship between the king and his godson continued throughout their lives, with Sempill acting as James's agent in London from 1599, with a brief ambassadorial mission to France in October of 1601. Sempill appears to have been drawn to debates on religious issues, with a number of polemical works attributed to him appearing in print throughout James's reign over England.

Sempill's *Sacrilege Sacredly Handled* was published in 1619, though in his prefatory notes to the reader he suggests that 'Twentie twelve moneths [i.e. twenty years] are neere spent' since he first 'studied this Lesson' of tithe payments and completed a draft of his treatise.<sup>83</sup> This would mean that Sempill was working on his text at the same time as he was providing aid to the king in the creation of the *Basilikon Doron*. Sempill exhibits some of that authorial anxiety we have seen in Selden's works, defending his decision to write on a topic of divinity 'though [he] be not of the Tribe of *Leui*' in his dedication to James I.<sup>84</sup> This does not stop him from claiming that his treatise:

(by Gods grace) shall proue, that long before there was either King or Parliament in *Jsrael*, Tithes were taken vp for Gods perpetuall worship; and so can neuer come vnder the power of Prince or Parliament further, than by their Lawes, to enforce the payment of them according to Gods Law.<sup>85</sup>

Sempill's argument runs contrary to Selden's; he suggests that custom and precedent do not and cannot outweigh the divine authority of God's law, as found in the Bible. Sempill's argument for the divine right follows many of the same veins of argument as Spelman and Ridley's works, with a focus on certain Biblical passages as the surest signs of proof, particularly those concerning Levi and Melchisedech.

Moments in Sempill's treatise appear to be written to contend with arguments made by Selden, as when he writes:

to ascribe Tithes as Inheritance to *Leui* a perishing Priest-hood, and make them no Inheritance to an Eternall Priest-hood, is beside all reason. And to say, Tithes may be Inheritance to *Melchisedec* so long as he liued, euen as to *Leui*: Then I

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<sup>82</sup> Stephen Wright, 'Sir James Sempill (1566–1626)', ODNB Online, <<http://www.oxforddnb.com/view/article/25073>>, accessed 21<sup>st</sup> September 2016.

<sup>83</sup> Sir James Sempill, *Sacrilege sacredly handled* (London: William Jones for Edmund Weaver, 1619), sig. A<sup>r</sup>.

<sup>84</sup> Ibid., sig. A2<sup>v</sup>.

<sup>85</sup> Ibid., sig. A4<sup>r</sup>.

aske, when ended *Melchisedec*? [Hebrews 7:3] *He had neither beginning nor end of dayes,* but is likened to *the Son of God, and continueth a Priest for euer: Ergo,* He must Tithe foreuer.<sup>86</sup>

This runs contrary to assertions made in the section on Jewish tithing practices in Selden's *Historie*. To defend this point further, Sempill employs syllogistic logical structures in his text.

His argument throughout the text is summed up in the following passage:

The summe then of all the prooffe from the Circumstance of time, is, Whatsoever is due to an eternall Priest, is perpetuall by due. Tithes were, and are due, to *Melchisedec*, an Eternall Priest. *Ergo*, Tithes are perpetually due. And by Consequent, this Priest being the High-Priest of the Gospell, Tithes are due to the Gospell.<sup>87</sup>

That Sempill is able to draw his proof 'from the Circumstance of time' suggests that his reading of the long history of the Christian Church is providing an alternative historical reading than Selden's, and one no less valid in the author's eyes. Indeed, Sempill speaks openly against Selden and his claims to "historical objectivity", writing:

Meane while, I must craue pardon, in following his *History* (so farre onely as Scripture carrieth him) to diue a little deeper in the true Mystery and End of things: lest the common and carelesse Reader (by the naked name of *History*) might conceiue there were no more in it, but *Hodie mihi, cras tibi*. For though M. *Selden* hath giuen vs *veram Historiam* as he found it recorded; yet, *haec ipsa Historia non est vera*: but leaueth dangerous insinuations, and preiudicial impressions in *Ius diuinum*.<sup>88</sup>

This attack on the validity of Selden's claims to historical accuracy and impartiality is more overt than other passages in the text and shows that if Sempill did indeed first write his treatise around 1599, then he had to rewrite significant portions of his text and repurpose sections as polemical attacks on Selden and his *Historie*. Not only does Sempill attack Selden's work specifically, but he aims a broader barrage at those who use the 'naked name of *History*' as a façade from behind which they can peddle partisan accounts on controversial topics.

Sempill also writes disparagingly of those who rely overly much on human positive laws in their explanation of events. He warns his reader to see 'how loath we are to loose [sic.] our interest in *Tithes* euen from the Law: but remember still, the law is neither our whole, nor sole

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<sup>86</sup> Sir James Sempill, *Sacrilege sacredly handled*, I.33.

<sup>87</sup> *Ibid.*, I.83.

<sup>88</sup> *Ibid.*, II.34.

ground'.<sup>89</sup> This further undermines Selden's work, and Sempill claims that the over-reliance on custom over Scriptural truth is the potential downfall of those who oppose the divine right. He defends this position in a concise manner, again using syllogistic logic to claim that: '*All taking away of things consecrated to the Lord, is Sacrilege. All Tithes, Inheritance, are consecrated to the Lord. Ergo, All taking away of Tithes is Sacrilege*'.<sup>90</sup> For Sempill, there is no justification for the secularisation of tithes, nor for their commutation or alteration in any way. This is not just a point of academic or theological debate for Sempill; in the dedication to James I he uses the metaphorical language of architecture to equate church and Church, stating:

But the breach (SIR) is great; not only in Lime and Stone, but in the liuely Stones of Gods worke, the *Leuits* themselues. Their Tithes are abstracted; themselues distracted; and so, the Gospell contracted and confined, that it *Runneth* not, as it should. Your Commons pay Tithes; your *Leuites* lacke Tithes; your Lords and Laicks haue been bathed in blood about Tithes.<sup>91</sup>

This desperate and poetic plea to the king is filled with emotion, and it is worth reminding ourselves what was considered to be at stake by the authors of these texts as they wrote. The sense of decay and disrepair is evident, and the evocation of violence underlines the severity of the tithe debates.

Sempill continues the architectural metaphor throughout the text and uses it to great effect when arguing his case for the divine right to tithes. The following passage shows further evidence of Sempill's rhetorical style:

heere haue wee the Corner-stone of all our building, *viz*: That how soone a Priest is named, so soone are Tithes named for his maintenance. So Tithes and Priest-hood in generall (not Legall Priest-hood) are twins of one time. They are of Nature, Reciprocate: (that is) the one cannot be without the other: whereupon these two things will follow: First, That no marriage can be, betweene any Secular person and Tithes. Secondly, That so long as God hath Officiars of his worship on Earth; so long must Tithes be their Inheritance'.<sup>92</sup>

This leads to Sempill's conclusion that 'Tithes are onely the true Inheritance of the Church, flowing immediatly from God, to his Ministerie in all ages'.<sup>93</sup> Throughout his work Sempill has

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<sup>89</sup> Sir James Sempill, *Sacrilege sacredly handled*, II.27.

<sup>90</sup> *Ibid.*, I.4.

<sup>91</sup> *Ibid.*, sigs. A3<sup>r-v</sup>.

<sup>92</sup> *Ibid.*, I.28.

<sup>93</sup> *Ibid.*, I.83.

largely refrained from using non-Biblical sources to argue his case, but that is precisely because he argues that in the case of tithes one need not look beyond the Scripture to find the truth.

It is this sharp distinction in argumentative styles between the works of Selden and Sempill that is perhaps most interesting, and Sempill sums up his treatise in the following manner:

Thus farre (Reader) haue I, for thee, trod the pathes of M<sup>r</sup>. *Seldens* Historie of Tithes, adding my owne Simple iudgement *De Iure*: Both may stand together, in regard of my plaine Positions from Scripture, for the one; and his owne Protestations, that he meant nothing to the contrarie, in his Historie. Yea, I ascribe it to Gods speciall prouidence, that He, and I, should at one time, as twinnes from one belly, both come forth together: and that I, who (as I take it) was by conception, the *Esau*, and elder brother in this businesse, yet, in our birth, should proue a *Iacob*, catching his Historie (as it were) by the heele; lest the incurious Reader (as is said) by too hot hunting the wilde Historie, might defraud *Iacob*, that is, the *Promises*, and *Gospell*, of their due Primogeniture in the Right of Tithes. My last aduice then is, That howsoeuer Historicall varietie may delight thine eare; yet let onely Scripture-Verity leade thine heart, and direct thy Conscience to the Conclusion in things pertaining to God: to whose Blessing I doe recommend these my Labours, for thy Edification. *Amen*.<sup>94</sup>

This extract, perhaps more than any other, exemplifies Sempill's arguments and provides a great explanation of his positioning of the treatise in opposition to Selden's *Historie*. Not wanting his reader to have to expose themselves to Selden and his writing, Sempill has kindly 'trod the pathes' of the *Historie* in their stead. Sempill also invokes the Biblical story of Jacob and Esau as a counter measure against Selden's claims. He suggests that although his work was conceived and written first, and was thereby in the position of the elder, and rasher, brother Esau, the even temper and considered rationale of his work means that it sits more comfortably in the place of Jacob, 'catching [Selden's] Historie (as it were) by the heele' in an attempt to prevent Selden from defrauding the public. Finally, Sempill places Selden's 'Historicall varietie' in diametric opposition to his own 'Scripture-Verity' and warns his reader against favouring the delights of the ear over the direction of the heart. With this warning Sempill concluded his treatise and completed his refutation of Selden's use of Biblical sources; for Selden's historical approach it was Richard Tillesley who composed the first public challenge.

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<sup>94</sup> Sir James Sempill, *Sacrilege sacredly handled*, II.52.

Tillesley, a clergyman, had matriculated Balliol College, Oxford, in 1598 before moving to St John's College the following year. He graduated MA, BD, and DD in 1607, 1613 and 1617 respectively. Three days after receiving his BD, Tillesley was licensed to preach and was soon appointed to the rectories of Cuxton and Stone in Kent by John Buckeridge, the bishop of Rochester, who had previously been the president of St John's. Tillesley was married to John Buckeridge's niece, Elizabeth, and this close familial relationship may have helped accelerate Tillesley's preferment. On the 9<sup>th</sup> of April 1614 Tillesley was installed as archdeacon of Rochester and on the 13<sup>th</sup> of June the following year was admitted to a canonry on the presentation of James I.<sup>95</sup> Tillesley is also known to have served as a chaplain for both Bishop Buckeridge and James I.<sup>96</sup> Again we find an author on the subject of tithes with a close professional relationship with the monarch, with Tillesley asking rhetorically of his reader 'to whom should the defence of the doctrine of Tythes be dedicated, but to the Defendour of the Faith?'.<sup>97</sup>

In his *Animadversions*, Tillesley was more direct in his attacks on Selden's *Historie* than Sempill had been. He writes of his opponent:

Courteous Reader, *M. Selden* hath of late published a *History of Tythes*, a Booke much perused for the *rarenesse of the argument*, too much commended for the *variety of the language*, and ouermuch admired for the diligence of *Antique Collections*: And to this *History* hee hath added a *Reuiew*, both to answer some *private obiections* against his book, & to offer some *considerations*, wherby the wise & charitable intention of his *History* might be conceiued.<sup>98</sup>

Again, Selden's style and approach come under question, and Tillesley speaks particularly disparagingly of Selden's inclusion of the review and the 'wise & charitable intention of his *History*' contained within it. Not content with making general claims against Selden, Tillesley employs the use of rhetorical questioning combined with a specific reference to Selden's text in order to undermine his opponent's argument. He asks:

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<sup>95</sup> E. I. Carlyle, 'Richard Tillesley, (1582–1624)', rev. D. R. Woolf, *ODNB Online*, <<http://www.oxforddnb.com/view/article/27445>>, accessed 27<sup>th</sup> September 2016.

<sup>96</sup> C. H. Fielding, *The Records of Rochester Diocese* (Dartford: Snowden Brothers, 1910), p. 552.

<sup>97</sup> Richard Tillesley, *Animadversions upon M. Seldens History of Tithes* (London: John Bill, 1619), sig. ¶3v.

<sup>98</sup> *Ibid.*, sig. b<sup>r</sup>.

Why should men who may not couet their neighbours goods, couet that which is Gods, and prescribe against diuine right, making custome and humane practise, and positue law, the basis, or *maior* proposition of their syllogisme or conclusion, which they call conscience; that so they may lay sacrilegious hands vpon Gods portion, that is tythes, which surely must all be voyd and vniust, as *M. Selden* ingeniously confesseth pag. 150. if tithes be due by diuine right vnto the Ministers of the Gospell.<sup>99</sup>

As well as questioning Selden's logic, Tillesley suggest that making the argument against the divine right of tithes is akin to breaking one of the Ten Commandments. By referring specifically to a passage in Selden's *Historie*, Tillesley is able to use Selden's own words and contradictions against him to make a powerful argument, and one that would be difficult for Selden to argue his way out of.

Despite these openly hostile attacks on Selden's work, Tillesley maintains an air of gentility by suggesting 'it is the cause not the man' that is the target of his polemic. He continues, however, to warn Selden of the futility of his *Historie* when he writes:

yet withall I must tell him, that in no age, could hee haue lesse fitly prouoked the *Clergie* in this cause of God then *now*; neuer more solide Iudgement, exquisite diligence, various disquisition of all hidden learning He must not looke to lurke in the darkenesse of vnknown *language*, or priuate *Chartularies*, or vnusuall *by-named Bookes*. There are, that can trace his footsteps, and adde light to his Errors.<sup>100</sup>

Again, Tillesley is able to combine multiple strains of his argument at once in a succinct manner. Here he is accusing Selden of employing cowardly and disingenuous methods in writing his history on a number of fronts: first, in his liberty in ascribing meaning to words in Hebrew and Anglo-Saxon; second, his refusal to allow others to access the cartularies and other manuscript sources he makes use of, and his inaccurate quotation of these same sources; and finally, his inconsistent and obfuscating manner of referencing, which Tillesley claims denies sceptics from being able to accurately trace Selden's source material. In spite of this litany of accusations, Tillesley maintains that there are those among the clergy, himself included, who can see through Selden's air of impartiality to what they consider an anti-clerical leaning. Tillesley shows confidence in the strength of the clergy and believes them capable of withstanding any injury

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<sup>99</sup> Richard Tillesley, *Animadversions upon M. Seldens History of Tithes*, sigs. a<sup>v</sup>-a2<sup>r</sup>.

<sup>100</sup> *Ibid.*, sigs. b3<sup>v</sup>-b4<sup>r</sup>.

that Selden's *Historie* might cause. Indeed, this would appear to be verified by Andrew Foster, who argues that 'While there were many occasions on which the laity can be found attacking clerical rights and the Church, it was the clergy, with the assistance of Kings James and Charles, who were more often than not seizing the initiative after 1603'.<sup>101</sup>

Tillesley's argument, expressed in its most simple terms, is that 'It is the Lords commandement, both in the old and new Testament, that the Priests should haue sustenance by Tithes' and that 'To pay Tithes is a part of religion. Exemptions from payment derogate from the Law of God'.<sup>102</sup> He continues to push this point forward and writes that 'Wee must pay Tithes as in the Law is commanded, God will haue Tithes of all: There is no indulgence, no dispensation in them: Hee that payeth not, is a transgressour of the Law of God; [...] Tithes belong to God'.<sup>103</sup> Tillesley is entirely unwilling to move from this position of total conviction to the divine right argument. Tillesley openly considers Selden's *Historie* to be a partisan and polemical work intended to damage the reputation of the clergy, but asserts the opinion that:

concerning his *Booke*, in it more *paines* then *trueth*, more *strange reading*, then *strong reasoning*; more *quotations*, then *proofes*; more *will* (God be thanked) then *power*; good to *use*, but dangerous to *beleuee*; a *Historie of Tythes*, but not *true*; not *onehly*, but euen the Authours sirname backward, NEDLES; or in summe, *Sacrilega curiositas*, *Arguta malitia*.<sup>104</sup>

The multiplicity of faults that Tillesley finds within Selden's work force him to consider it a "needless" work, and he dismisses the endeavour as "sacrilegious curiosity" and "eloquent malice" against the Church. These accusations are not light, and certainly would have caused offence to Selden upon their publication. Tillesley and Sempill's published treatises were the opening salvo of a smear campaign against Selden and his *Historie* and when he was made aware of them he was quick to respond.

G. J. Toomer suggests that 'Selden had been forbidden to publish anything more on tithes' after the *Historie*, 'but he interpreted "publishing" as putting into print, and quickly

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<sup>101</sup> Andrew Foster, 'The Clerical Estate Revitalised' in Kenneth Fincham (ed.), *The Early Stuart Church, 1603-1642* (Basingstoke: Macmillan Publishing, 1993), pp. 139-160; p. 140.

<sup>102</sup> Richard Tillesley, *Animadversions upon M. Seldens History of Tithes*, p. 17; p. 24.

<sup>103</sup> *Ibid.*, pp. 28-9.

<sup>104</sup> *Ibid.*, p. 236.

composed responses to Sempill and Tillesley which circulated in manuscript'.<sup>105</sup> This is corroborated by a letter from Selden to Sir Edward Herbert written on the 3<sup>rd</sup> of February 1620.

In it, Selden writes:

It is four months and more since those Animadversions came out, and they were immediately met by some "Notes" written by me against them, namely to vindicate my credit and reputation. I was not permitted to commit these to print: for it is lawful (in the eyes of those who exercise the censorship of books here) for anyone to assail me and my History with the most outrageous lies as he pleases, but unlawful for me in return to publish anything of what I have written, whether in defence of myself or truth itself.<sup>106</sup>

These manuscript responses soon came to the attention of James I and "The king, when he learned of Selden's replies, was so offended that he threatened him with imprisonment if he responded in any way to a third attack on *Historie of Titbes* which he had inspired".<sup>107</sup> Anthony Milton has written the following on such examples of censorship in the early Stuart Church:

if we do not have here simple pervasive censorship, surely we have instead a still more significant attempt to control what opinion passed for orthodoxy in the church, with the aim, not of crushing opposition, but of securing control of what official, established religion was meant to be. In the process, we have observed that press restrictions may sometimes act, not (as Christopher Hill likes to present them) as preventing the expression of radical heterodox ideas, but rather as muzzling the more moderate opposition, and thus presenting historians with a more polarized model of divided opinions in the period.<sup>108</sup>

It is worth reminding ourselves that Selden was not openly inciting people to refuse to pay their tithes. Rather, he was offering an alternative reading of the history of tithe payments in the Christian world, a reading that pointed to custom and precedent and to positive law as the guiding principles of tithe payments, as opposed to divine or canon law. The text was perhaps treated so ruthlessly more for the fact that it allowed non-conforming members of the laity to reassess their duty to pay tithes, than for the content of the book itself. It is the potential practical application of Selden's interpretation of the sources that caused enough fear and unrest among the clerical class that they went to such lengths to totally undermine his writing.

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<sup>105</sup> G. J. Toomer, *John Selden: A Life in Scholarship*, I.308-9.

<sup>106</sup> British Library, Add. MS 32092, f.314r; translated in G. J. Toomer, 'Selden's *Historie of Titbes*: Genesis, Publication, Aftermath', pp. 368-370.

<sup>107</sup> G. J. Toomer, *John Selden: A Life in Scholarship*, I.308-9.

<sup>108</sup> Anthony Milton, 'Licensing, Censorship, and Religious Orthodoxy in Early Stuart England', p. 650.



The smear campaign continued, and the third attack to which Toomer refers was Richard Montagu's *Diatribae on the first part of the late History of tithes* of 1621, which Sheila Lambert has suggested was 'an officially sponsored answer to Selden's history of tithes'.<sup>109</sup> Montagu had received his education from Eton College before attending King's College, Cambridge, on a scholarship. He graduated BA in 1598, MA in 1602, and BD in 1609, after having been ordained deacon in 1604. Montagu was appointed chaplain to Bishop James Montagu of Bath and Wells in 1608 and was made prebend of Wells Cathedral through the bishop's patronage. In 1613 Montagu was appointed to the royal living of Stanford Rivers in Essex and two years later was appointed as a royal chaplain to James I. Christopher Haigh suggests that of all three of the early respondents to Selden, Montagu was the most resolutely against him. He writes, 'For Montagu, Selden really was an anticlerical – a writer who had quite deliberately set out to attack the clergy and weaken their position' and as a result Montagu felt he had to be publicly challenged and shamed.<sup>110</sup> Indeed, Montagu writes that 'For never was tract bent, as shall appear in Particulars, more maliciously and dangerously against the Church Inheritance, nor more peremptorily enforced, though purposely composed, and bearing *foenum in cornu* ['hay on his horns', Horace, *Satires*, I:4:33], a direct proscription against the Right of *Tithes*'.<sup>111</sup> Montagu imagines Selden as the fierce and by extension the ferocious critic, who needs to have his horns covered so as not to injure those around him.<sup>112</sup> Accordingly, Montagu prefaces his *Diatribae* with a letter addressed to Selden that fills 135 pages and challenges Selden's method and manner in the 'daring and braving' *Historie*, as he describes it in the dedication to the king.<sup>113</sup>

Montagu is particularly interested in Cotton's role in the preparation of the manuscript for print and writes: 'you owe very much, and you acknowledge it, unto that worthy Gentleman, Sir *Robert Cotton*, you could not but professe this, because it was too apparant that you owed

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<sup>109</sup> Sheila Lambert, 'Richard Montagu, Arminianism and Censorship', *Past & Present* 124 (1989), pp. 36-68; p. 43.

<sup>110</sup> Christopher Haigh, 'Anticlericalism and Clericalism, 1580-1640' in Nigel Aston and Matthew Cragoe (eds.), *Anticlericalism in Britain, c.1500-1914* (Stroud: Sutton Publishing, 2001), pp. 18-41; p. 32.

<sup>111</sup> Richard Montagu, *Diatribae on the first part of the late History of tithes* (London: Felix Kyngston for Matthew Lownes, 1621), p. 16.

<sup>112</sup> See title page image above.

<sup>113</sup> Richard Montagu, *Diatribae on the first part of the late History of tithes*, sig. A3<sup>v</sup>.

much unto his excellent Library, that *Magazin of Antiquity*'.<sup>114</sup> G. J. Toomer argues that Montagu wanted 'to remain on good terms with Cotton', and so presented this reliance on Cotton and his library as 'a sort of plagiarism by Selden'; 'but', Toomer suggests, 'it looks much more like active collaboration in the book by Cotton', even going so far as to say Cotton 'had a significant part in the making of the book'.<sup>115</sup> Montagu's decision to accuse Selden of plagiarism and distance Cotton from the *Historie* is particularly important because he later uses the testimony of two other knighted lay antiquarians to prove a point of his own on the correctness of the divine right theory. He writes:

Nor are the Clergie alone so well upon the poynt agreed, but also, (which hath vexed you to the soule) not a few of the *roba curta*; as before all, and above others, those two right worthy, Religious, learned Gentleman, to whose labour and indeavours the Church will acknowledge her selfe obliged for ever, for doing so reoumedly in her most just quarrel, Sir *James Sempell*, and my every way honoured friend, Sir *Henry Spelman*.<sup>116</sup>

Spelman and Sempill's treatises were considered much more valuable than the mere content of their pages. To have two laymen and landholders of some prominence not only support the divine right to tithes but also encourage the full and exact payment of them sent a powerful message to those opponents of the theory. Montagu had to find a way of manipulating Selden's use of Cotton's library and learning without damaging his own insistence on the importance of having lay authors defending the divine right.

Montagu also takes particular issue with Selden's inconsistent referencing, his liberal approach to accuracy in his quotations, and his assumed lack of reading. On the latter, Montagu takes particular exception to a passage in Selden's *Historie* that discusses the works of Erasmus. Montagu asked of Selden, 'I would you had marked mee out the place, in which he saith that, which he is charged by you to have said', and continues:

But you could not well doe it, who beleevd and followed other men, that have cast upon him this imputation out of spleene, I beleeve, and disaffection. Your

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<sup>114</sup> Richard Montagu, *Diatribae on the first part of the late History of tithes*, p. 24.

<sup>115</sup> G. J. Toomer, 'Selden's *Historie of Tithes*: Genesis, Publication, Aftermath', pp. 351-2.

<sup>116</sup> Richard Montagu, *Diatribae on the first part of the late History of tithes*, p. 89.

Selfe, it is probable, never read it in him. For the world may doe well to take notice of it, you have not read nor seene all that you recite.<sup>117</sup>

In writing this, Montagu challenges Selden's claims that his synchronic method led him to the earliest source material, or even to the source material at all. Montagu continues his attack on Selden's *Historie* with further specific disagreements. This time it is Selden's paraphrasing of sources that Montagu takes issue with. He writes:

What you would say out of *Balsamon*, I shall understand when you give mee better information [...] For in the Manuscript copy which I use (For the lately printed one I did not consult withall, having the Manuscript by mee, and your selfe when you wrote, neither did, nor could speake out of the printed; beside that, yours and mine are the same, as Master *Patrickke Young* can inform you) there is not any crossing of the Canon by Secular authority or command.<sup>118</sup>

Patrick Young was the son of one of James I's tutors, and after studying for his MA at the University of St Andrews he came under the patronage of James Montagu and eventually was employed as a royal librarian, reorganising the Royal Library and recovering manuscripts from across the country.<sup>119</sup> Increasingly, Young and other librarians were gaining knowledge of the private collections of individuals throughout England and were consulted in disputes such as these. According to Montagu's accusations Young had indeed seen each of the manuscript copies of Balsamon's work used by the two authors and, on questioning, declared that the two were the same version of the text and therefore Selden had to be fabricating his quotations. The text in question was Theodore Balsamon's 'Σχόλια' (Scholia), which had been circulated in manuscript since its conception c.1170, before being printed in Latin in at Paris in 1561, Basel in 1562, and Greek and Latin at Paris in 1615 and finally in Latin at Basel in 1620. It is presumably this 1620 edition that Montagu is referring to as being too late for Selden to have consulted. Both the specificity of the claim and the corroboration of the fact by an expert third party added significant weight to Montagu's assertions, and went some way to undermining Selden's claims to objectivity and the foundational principle of synchronism.

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<sup>117</sup> Richard Montagu, *Diatribae on the first part of the late History of tithes*, p. 96.

<sup>118</sup> *Ibid.*, pp. 55-6.

<sup>119</sup> Elizabethanne Boran, 'Patrick Young, (1584–1652)', *ODNB Online*, <<http://www.oxforddnb.com/view/article/30276>>, accessed 28<sup>th</sup> September 2016.

Montagu is equally dismissive of the philological impulse behind much of Selden's *Historie*. He suggests that Selden 'left *Logick* too soone at University, to haunt *Philologie* at Innes of Court' and believes that he is overly reliant on this mode of textual investigation, suggesting 'it were good [he] would use *Philologie* more sparingly, and not frequent her company so much, and so often as [he does]'.<sup>120</sup> This over-reliance on philology is combined, in Montagu's eyes, with imperfect logic in a disastrous manner. He claims that, from the given evidence, 'It is a silly kind of inference, and no Scholer would use it but Master *Selden*, *The Church hath been made subject, in case of Tithes, unto temporall Lawes: The Church therefore hath either no right to Tithes, or none but what it hath from Temporall Lawes*'.<sup>121</sup> Unimpressed by Selden's argument, Montagu impresses upon Selden, and his reader, that the 'Payment of *Tithes* must be taken to be, as always it hath been accounted to be, untill you, or any other can proove the contrary; a Statute and Ordinance Morall of the most high God, and not a Positive constitution and appoyntment of man'.<sup>122</sup>

Despite all of Montagu's dissatisfaction with the *Historie*, the book seemed to be both popular and persuasive. Anecdotally, Montagu notes that he himself has 'heard it upon the high way from those who knew you not, nor had read your Booke, that Master *Selden* was unanswerable; and had given the *Clergy* such a blow in their claime for *Tithes*, as was irrecoverable'. He asks of Selden 'Did you intend to doe so? Are you sorry for so doing?'.<sup>123</sup> Whether we are to believe Montagu's story or not, this anecdote is suggestive of the power and reach of print publication in the period. One did not have to have direct access to the text to be able to receive its message, and the circulation of verbal accounts of a text could spread its message further than could be hoped with physical copies of the book. D. R Woolf argues that 'the very nature of historical knowledge', in the seventeenth century, 'was such that it was intended to be socially circulated: once read in a book, it was supposed to be put to practical moral or political use, talked about, shared with friends and family, and interactively revised and

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<sup>120</sup> Richard Montagu, *Diatribae on the first part of the late History of tithes*, p. 49; p. 124.

<sup>121</sup> *Ibid.*, p. 47.

<sup>122</sup> *Ibid.*, p. 54.

<sup>123</sup> *Ibid.*, p. 21.

reshaped by the reader'.<sup>124</sup> This continued distribution of knowledge was as much a cause for concern as excitement for the establishment due to the fact that, as Kevin Sharpe has argued, the 'Circulation of books among friends was the most common mode of distributing unorthodox or controversial literature'.<sup>125</sup> This is perhaps why there was such a sweeping centralised attempt to refute the claims and downplay the significance of the *Historie*.

Montagu is also definite in his opinion that Selden's claims to historical objectivity are a thin rhetorical veneer, presenting impartiality on the surface and hiding the strident anti-clericalism that is contained within. He writes:

As there is much fraud and falshood in your Collections, so no good meaning nor intent was in your designement. In my opinion you are, and perhaps you will glory to be so esteemed, the most Capitall enemie, of a man of your ranke & ability, unto the Church: and most pernicious underminer of the Church, and of Religion in the Church.<sup>126</sup>

These are some serious accusations and would not have been taken lightly in the immediate aftermath of the publication of Montagu's work. Indeed, Montagu continued to inflict damage to Selden's character by suggesting that the claims in to objectivity, particularly in the preface and review, are nothing short of cowardly. 'For protest what you please, or can devise, concerning your purpose in collecting this *History of Tithes*' Montagu writes, 'you are not the first, nor will be the last, who like unto our Water-men upon the *Thames*, looke one way, and row another. Say it, sweare it, if you please, that *It was not written to prove that Tithes are not due by the Law of God*'.<sup>127</sup> Montagu believes there is no value Selden's word or oath, and claims that in Selden's 'great *Performance for the Clergie*' he has been 'as good and as kinde a Friend, as *Joab* was unto his cousin *Amasa*; or *Judas* unto his Master *Christ*'.<sup>128</sup>

The sense of betrayal is palpable in Montagu's words, and this is perhaps due to the fact that, despite what he claims in the *Diatribae*, he considered Selden to be a scholar of repute.

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<sup>124</sup> D. R. Woolf, *Reading History in Early Modern England*, p. 80.

<sup>125</sup> Kevin Sharpe, *Reading Revolutions: The Politics of Reading in Early Modern England* (New Haven and London: Yale University Press, 2000), p. 60.

<sup>126</sup> Richard Montagu, *Diatribae on the first part of the late History of tithes*, p. 20.

<sup>127</sup> *Ibid.*, p. 13.

<sup>128</sup> *Ibid.*, p. 72.

According to Montagu, Selden's name 'was already up, and not undeservedly, for a gret Scholer: a various Linguist, a curious Critick, an excellent Antiquary' and 'such an Humanitian, and Philologer as might well be'.<sup>129</sup> This praise, perhaps begrudgingly given, is nuanced by a letter that Montagu wrote to Bishop Richard Neile's domestic chaplain, John Cosin, on the 4<sup>th</sup> of January 1621 [1622?]. In the letter Montagu informs Cosin that 'The second parte [of the *Diatribae*] lyeth by me *effecta* almost'. However, Montagu has 'in a sort promised [Selden], at least his friends, that *nihil ultra* [nothing further]', stating that 'unlesse enjoyned or provoked [he] must kepe truth'. Montagu continues his letter to Cosin, stating that 'If his Majesty will have me do it, go through with him *κατὰ πόδα* [close behind, at his foot], or handle the Q[uestion] according to those three heads of the nature and right, use and practice, abuse and sacrilege, I will'.<sup>130</sup> From this we can infer that Montagu had reached out to Selden at some point, perhaps through a mutual acquaintance in the growing network of English antiquaries and scholars, and promised not to commit to print a second diatribe that was almost complete. Furthermore, it seems that James I had taken a strong personal interest in the tithe dispute and might want to be further enlightened about the specifics and intricacies of Selden's *Historie*. As we shall see in the next section, it was not only Montagu who had been encouraged so fully by James to write on the history, and *Historie*, of tithes for James's own edification.

William Sclater, who had previously published *The Ministers Portion* in 1612, took to print two years after Montagu in what was a revision of his earlier argument in response to Selden's *Historie*. Sclater 'had been reluctant to observe the ceremonies and in 1606 was in trouble with the courts for refusing to wear the surplice'. He showed in his writing 'a devotion to strict Calvinism and a concomitant hatred of Popery, a suspicion of auricular confession, and a passionate belief that preaching and not the administration of the sacraments' was the most important aspect of the cure of souls.<sup>131</sup> Despite his reputation as a 'staunch Calvinist', Sclater

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<sup>129</sup> Richard Montagu, *Diatribae on the first part of the late History of tithes*, pp. 1-2.

<sup>130</sup> George Ornsby (ed.), *The Correspondence of John Cosin*, 2 vols. (London: Whittaker & Co.; T. & W. Boone; Bernard Quaritch, 1869-72), I.9.

<sup>131</sup> Kenneth Fincham, *Prelate as Pastor*, p. 261.

found favour and patronage from the more moderate Bishop Arthur Lake in the form of his appointment as his chaplain and as a prebendary of Bath and Wells for the value of his preaching.<sup>132</sup> The defence of tithes was an issue that united clergy of very different persuasions, with Sclater and Montagu representing opposite ends of the spectrum of churchmanship. Having read Selden's work, Sclater felt bound to respond, suggesting: 'Tis strange libertie these licentious times haue taken; to cancell at pleasure, what their fancie distasteth in the Law of God'.<sup>133</sup> Sclater nails his colours to the mast from the outset of *The Quaestion of Tythes Revised*, stating that:

So vtterly inconsequentiall, are all arguments pretended against the diuine right of Tything, yet so blind is preiudice, so earelesse the belly, so stiffe and absurd couetousnesse, in denying principles, and in spight of all premises resolved to hold the conclusion of Sacriledge.<sup>134</sup>

Sclater positions himself in a fight against the evils of the time rather than Selden necessarily, and rarely names the author of the *Historie* directly despite the fact that his full title promises that 'M<sup>r</sup> Seldens Historie' will be 'overly viewed'.<sup>135</sup> Rather than name Selden directly throughout *The Quaestion*, Sclater chooses to refer to him as 'the Caviller' – a 'frivolous objector' and 'quibbling disputant' (caviller, *n.* *OED Online*) – as in the final passage of the introduction:

Procede we now [...] to reuiew of the quaestion; stating it after our old course, for the Cauillers sake, who hath laboured to perplexe it; Who knowes whether God will more blesse our second indeauours?<sup>136</sup>

This is a mirroring of the language Selden had used in his 'Review' attached to the *Historie*, in which he had censured '*mequall Readers*' for their '*cauilling*' at passages of the text. The argument from *The Ministers Portion* to *The Quaestion* had hardly changed, and Sclater had prepared this new work to acknowledge and refute Selden's cavils, which he suggests were raised intentionally to confuse the issue and 'perplex' the debate over tithes rather than resolve it. In order to do so Sclater imagines himself in conversation, or more properly debate, with Selden.

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<sup>132</sup> Jim Benedict, 'William Sclater (*bap.* 1575, *d.* 1627)', *ODNB Online*, <<https://doi.org.chain.kent.ac.uk/10.1093/ref:odnb/24841>>, accessed 2<sup>nd</sup> April 2018.

<sup>133</sup> William Sclater, *The Quaestion of Tythes Revised* (London: John Legatt, 1623), sig. A<sup>v</sup>.

<sup>134</sup> *Ibid.*, sig. A<sup>r</sup>.

<sup>135</sup> *Ibid.*, title page.

<sup>136</sup> *Ibid.*, sig. B2<sup>r</sup>.

The following extract is typical of the shape and structure of *The Quaestion* and is worth quoting at length:

By Tythes vnderstand the tenth part of all the hearers increase: that is; to stoppe the mouth of the Cauiller, of his *income* or *reuenue*. Particulars may be read. *Leuit. 27.30. Et alibi*: In a word, to vse the distinction of Canonists; whether they bee personall, of meere industry, negotiation, &c. or praediall, as of grounds, &c. or mixt, as of Cattell, the tenthes of the whole income, not those of *Cummin* & *Amysse* excepted, fall within compasse of our subiect.

Obiect. *Part of the Portion: here is vncerteintie still*, saith the *Cauiller*.

*Answ.* None at all. That part is our certeine Portion: other we haue; if you would know what: It is, whatsoeuer the regular deuotion of Princes, or people, shall please to adde as, an auctarie to our maintenance. *Zepperus de lege Mosaica. lib. 4. cap. 40. Decimae, pars sunt illius stipendij, quod ministris pro officij sui laboribus, diuino & naturali iure debentur.*

*Quaest.* By Gods word allotted. *Intends Master Sclater without any ground of ciuill or ecclesiasticall ordinance?*

*Answ.* This Master *Sclater* meanes: though no ordinance of man should assigne them vnto vs. *Ipsissimum Dei verbum*, hath made them ours.

*In what Commandement?*

*Answ.* As they are an honouring of God, so in the first: As they tend to preserue the publike worship of God, so in the second and fourth: As maintenance of our persons, so in the fift, being part of the honour due to the spirituall parent.

Obiect. *But without any point of Consecration?*

*Answ.* Though no consecration votarie had bin from man, yet were they ours by the word of God. Howbeit the lawes for such consecrations giuen in the word of God, hitherto belong, and fall within our whole of the word of God.<sup>157</sup>

Selden had been banned from responding in print to any works that were critical of his *Historie*, so here Sclater, rather perversely, ventriloquised Selden precisely in order to ‘stoppe the mouth of the Cauiller’. Sclater dominates this imagined debate, and Selden’s role is merely to pose questions and never answers; nor is he permitted to counter any of Sclater’s arguments with evidence of his own. This passage is also significant then as a symbol of Selden’s treatment post publication of the *Historie*. His ability to control the terms of debate and to contribute and engage in it, at least in print, were stripped from him and his opponents were given free rein to pack apart what he had suggested. Selden indeed became a puppet in the printed discussions concerning tithes, with his voice and opinions being manipulated by his opponents – this method of calumnation would continue in the later debate over tithes throughout the 1640s.

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<sup>157</sup> William Sclater, *The Quaestion of Tythes Revised* (London: John Legatt, 1623), pp. 15-6.



Sclater also acknowledged that his treatise of 1612 had received some exceptions and makes a point of responding to them a decade after the fact in a very public way. One unnamed disputant is refuted in the following manner:

As to what is talked of *Abrahams paying Tythes, as Wages, to Melchisedec*, and the disproofe thereof: Alas, its naught to purpose. We talke not of Wages. Whether the scrupulous Gentleman you mention, be the Cauiller I deale with, in my review, I know not: but finde you both iumping on the same Conceits and Reasons in refutation. I referre you therefore, for farther answer, to what is said to him in my replie: And for more full satisfaction, to what is scholied by my much reuerenced friend & *quondam* Colleague M. *Mountague*, in his answer to M. *Selden*.<sup>138</sup>

In responding to this anonymous opponent, Sclater acknowledges the interconnectedness of the published works concerning tithes – particularly that of his former colleague Montagu – while also drawing on that body of scholarship to support his own arguments.

What the writings of Sempill, Tillesley, Montagu and Sclater show in combination is that there was a deep concern among the clergy and in the state about the impact that Selden’s *Historie* may have on the public conception of the tithe issue, and consequently saw it as necessary to destroy the legitimacy of the *Historie* in a coordinated sequence of public attacks. The intertextual referencing we have discovered in this section only added to the sense of a weight of numbers in opposition to the *Historie*, and the combined effort to extinguish and drown out Selden’s “anti-tithe” message was about as one-sided as a debate can be. Yet the fact that such an effort went into undermining Selden’s argument rather than merely suppressing and ignoring it suggests that his message had either begun to spread already or was an expression of a wider contemporary attitude towards the legal status of tithes.

### iii.

#### WILLIAM SWADDON AND HIS ‘TREATISE OF TITHES’

Harold Love has described the ‘natural tendency for scribally published texts to be oppositional’, but there are also a number of reasons why a conforming work would be circulated in this

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<sup>138</sup> William Sclater, *The Quaestion of Tythes Revised*, unpaginated section between sig. F3<sup>r</sup> and sig. f<sup>r</sup>.

manner.<sup>139</sup> William Swaddon's 1621 'Treatise of Tythes', contained within the British Library's Royal MS 18 C. v, provides us with an example of this type of conformist writing that would have been shared with a select audience. Significantly, this manuscript treatise has never before been analysed in the wider context of the tithe debates. Swaddon was born in Wiltshire in the early 1560s and is recorded as attending Winchester College in 1576. In 1580 he entered New College, Oxford, and graduated BA in 1584, MA in 1588, BD in 1595 and DD in 1602. He acquired the rectories of Haselbury, Wiltshire, in 1593, and Great Horwood, Buckinghamshire, in 1594, and a canonry of Lincoln in 1595. Swaddon was appointed as chaplain to Anne of Denmark and it was probably this royal patronage that secured him the archdeaconry of Worcester in 1610. Swaddon was both grateful and concerned about his rising importance to the royal family and writes in the treatise of how 'for [his] ambition God did strike [him] with a fitte of the dead palsie', now commonly thought to be Parkinson's disease. As a result of the disease Swaddon claimed he had 'noe hope of long life in this worlde', and therefore he desired 'not so much the increase of dignitie, as the grace of God, to use well those preferments which I have, to doe the best good whiles I am here, that I can to the Church and common wealth, and to live and dye the faithfull servant of Christ Jesus'.<sup>140</sup> Swaddon's royal chaplaincy lasted beyond Anne's death in 1619, and it was in 1621 that he presented his treatise to James I.<sup>141</sup>

Swaddon's full title for his treatise is 'A Treatise of Tythes. Indeavouring to shew, how they have iniuriouslie byn taken from the Church by customes, exemptions, and appropriations. which are all voide, and how they may be againe restored to the Church without losse ~~or~~ ~~hinderance~~ to any'.<sup>142</sup> The erasure of the 'hinderance' is indicative of the difficulty faced by the clergy in their continued efforts to regain their full tithe payments and of the damage that Selden's *Historie* had caused since its publication, but despite this, Swaddon still believed the

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<sup>139</sup> Harold Love, *Scribal Publication in Seventeenth-Century England* (Oxford: Clarendon Press, 1993), p. 185.

<sup>140</sup> British Library, Royal MS 18 C v, f. 46<sup>v</sup>.

<sup>141</sup> Kenneth Fincham, 'William Swaddon (1560x63–1623)', *ODNB Online*, <<http://www.oxforddnb.com/view/article/65655>>, accessed 1<sup>st</sup> August 2016.

<sup>142</sup> British Library, Royal MS 18 C v, f. 1<sup>r</sup>.

defence of tithes *jure divino* was ‘a good matter, good for the Church, good for the comon wealth, and not hurtfull to any priuate man’.<sup>143</sup>

Swaddon’s treatise follows a similar vein to the printed responses to Selden’s *Historie of Tithes*, and his argument is in lock step with theirs, maintaining that ‘paying of tythe is a worke of the morrall law to the dutie whereof for ever, all Christians are bounde’.<sup>144</sup> Indeed, he writes of how the work that Sempill and Spelman have written are ‘sufficient to proove the divine right of tythes, and the sacriledge of them that deteyne them from God and ministers’.<sup>145</sup> Swaddon’s treatise has the sense more of a companion piece and a distillation of the published arguments, supplementing the works of the other divine right defenders with additional arguments and sources. Swaddon writes ‘I hope I shall be offensive to none, if I set downe a note or two, which I remembre not to be in S<sup>r</sup> James Sempil, of blessing and receaving of tythes perpetuallie to be continued in Christ’.<sup>146</sup> As well as this, certain passages of Swaddon’s work replicate the style and imagery of the printed works, as in his dedication to James, in which he writes craves pardon from the king and apologises for the work, stating that:

in this short tyme of Convocation [of Parliament], if my tongue hath byn as the pen not of a readie, but of a swift writer: pardon most noble king, the errors of him, that may erre, but will never be an heretike what though I be as Esau, of an older brother made a yonger.<sup>147</sup>

The reference to the story of Esau and Jacob reflects Montagu’s *Diatribae*, and in fact this could be a reference to the contemporaneous composition of the works of both royal chaplains at James’s request. There is also a suggestion in the note ‘To the freendlie Reader’ that Swaddon sees his manuscript as a work in progress, in need of further revision. He describes it as ‘but an endeavoure’ and he requires and desires the ‘helpe of everie good man’ in its completion. ‘If I doe but stir up’, he writes, ‘better and wiser men then my selfe to finish that which I am not able to bring to passe, I have my desire in the meane tyme’.<sup>148</sup> This sense of collegiality and the

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<sup>143</sup> British Library, Royal MS 18 C v, f. 2<sup>r</sup>.

<sup>144</sup> Ibid., f. 8<sup>v</sup>.

<sup>145</sup> Ibid., f. 9<sup>r</sup>.

<sup>146</sup> Ibid., f. 7<sup>v</sup>.

<sup>147</sup> Ibid., f. 2<sup>r</sup>.

<sup>148</sup> Ibid., f. 3<sup>r</sup>.

desire to collaborate on the issue of tithes reflects the wider scholarly and intellectual culture of the seventeenth century, especially among the members of the clergy.

As a member of the clergy, Swaddon exhibited a similar anxiety about his engagement with historical and antiquarian sources to that which we have encountered previously. He feels he has to justify his engagement with statutes and warns his reader ‘in my discourses, if I shall be compelled to speake of the Statutes of this realme, more then manie will thincke meete for a Doctor of divinitie’. He continues:

I would entreate them not to censure me, as one that doth rashlie thrust his sickle into another mans harvest. I am in the ranke of the Clergie an Archdeacon, and ammonge the layetie (although unworthie) in Comission of the peace: it is requisite therefore, that as a private minister of the Church, I looke to the statutes that concerne the Clergie, that I may knowe how to use my private estate, and to obaye my superiors: [...] I intreate the reverend Judges, and all other religious, both common and Civill lawyers, favourablie to accept of my slender endeavoures and where they finde me to erre or come short, that they will charitablie correct my errors, and supplie my defectes.<sup>149</sup>

Swaddon is keen to point out that his various professional roles, both clerical and lay, have made it necessary for him to understand the subtleties of statutory law. His qualification and justification for his writing on the subject is indicative of the fact that he expected his treatise to be read by a wide audience, either thinking ahead to a printed version of his text or expecting the manuscript to circulate widely among the network of intellectuals surrounding the king. The manuscript’s presence in the royal library suggests that this was a presentation copy to James, and yet it bears resemblance to print publications, with the dedication, note to the reader, contents page, running headers, catchwords, annotations, marginal notes and in-line citation of source material all reflecting the style and aesthetic of print.

Swaddon also couches his ventures into the realms of the antiquarian in the rhetoric of apology. Writing about the creation and consolidation of parish boundaries in England, he warns his reader:

before I begin to speake any thing, I hartilie intreate the Reverend and learned Antiquaries of our age, not to be offended with me, if I seeme a little to discent

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<sup>149</sup> British Library, Royal MS 18 C v, f. 10<sup>r</sup>.

from their opinion, that parishes were first devided, and their limits settled, by Honorius, or by any Bishop of Rome.<sup>150</sup>

Not only is Swaddon hesitant in that he might be treading on the toes of some contemporary scholars, but he is also concerned to be classed as a member of their group. In his conclusion to the treatise he writes, 'I neither am, nor would be accounted an antiquarie in state matters' and continues to state that 'neither is this treatise a set discourse concerning this matter'.<sup>151</sup> It is with these qualifications, and the 'classificatory anxiety' that engendered them, that we must understand Swaddon's arguments in his treatise.

Swaddon employs the linguistic pattern of the Ten Commandments as found in the King James Version of the Bible when he implores his reader that 'thou shalt maintaine to teach thee the feare of God, a learned and able minister', qualifying his statement by specifying 'such a one as is wanting in most of the great townes and best Parsonages of England, by reason the tythes by cursed appropriations are cheeflie there taken away'.<sup>152</sup> He decries that sorry state of the Church in England, which he considers ravished by the greed of the laity. Swaddon proclaims that the English 'must live by rules, and lawes, not by examples nor customes, and practizes of men which commonlie are corrupted, and goe eyther besides, or quite contrarie to law'.<sup>153</sup> Here Swaddon is pushing James I's desire for legal reform further, suggesting that there is little or no justice in the common law system. He believes that 'to recover [the Church] againe, and restore her to her former estate, is opus divinum et regium, it is and must be the worke of God, and the Kinge'.<sup>154</sup> To rectify the situation Swaddon wishes for a parliament to be called, but admits that:

of all men parliament men will hardlie yeeld their consent hereunto. first because there are few or noe parliament men, but they have and hould impropriations to them and their heires, so that they are both Judices et rei, [...] of that which we complain, they are both judges and defendants, pleading possession, and pretending a title to that which wee claime. and their tast, for the sweetnes thereof, that they will hardlie (if ever) be perswaded to leave them except God

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<sup>150</sup> British Library, Royal MS 18 C v, f. 25<sup>r</sup>.

<sup>151</sup> Ibid., f. 54<sup>v</sup>.

<sup>152</sup> Ibid., f. 8<sup>r</sup>.

<sup>153</sup> Ibid., ff. 12<sup>v</sup>-13<sup>r</sup>.

<sup>154</sup> Ibid., f. 41<sup>v</sup>.

by his grace work that in their harts, whereto noe perswasions of man, is able to bring them.<sup>155</sup>

Swaddon shows he is painfully aware of the difficulties facing the clergy in their attempts to reclaim their tithing rights, and addresses the lower house of parliament, asking: ‘what disparagement were it to you, if as the Lords Spirituall, have place in the upper howse amoung the nobilitie: soe the commons of the clergie, might be admitted in the lower howse, amoung you that are the commons of the temporalitie?’<sup>156</sup> On the surface, Swaddon’s argument seems reasonable enough and his desire for the clergy to be represented in both houses of parliament would seem fair. The members of the lower house, however, were reluctant to relinquish any control, especially over an issue that could see them stand to lose a significant portion of their finances.

Swaddon is wary of the effect Selden’s *Historie* might have on the members of the lower house and he attempts to discredit the author, though not with the same ferocity as some of his contemporaries. He questions Selden’s logic in the *Historie* and suggests that he ‘disputeth a parte ad totum, affirmative, contrarie to the rules of reason affirming that because Abraham payed tythes of the spoiles, and it was formerlie said that hee payed tythes of all, ergo all that Abraham payed tythes of was onlie all the spoiles, and nothing else’.<sup>157</sup> Swaddon acknowledges that it was ‘with great learninge and paines’ that Selden collected an array of quotes ‘in his historie of tythes, out of many manuscripts and chartularies, of ancient Abbeyes’. He questions the validity of the sources, however, suggesting that:

of all which I say as manie wise men doe say of travailers, which report strange thinges in far countries, a man were better take them on their reporte, and believe them soe say I of these ould chartularies, they were all in the muncks keeping, and who knoweth whether they were of the muncks owne makinge? for I have often hard that muncks would lie, and forge also for a need, especiallie in their owne cause, and for advantage.<sup>158</sup>

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<sup>155</sup> British Library, Royal MS 18 C v, f. 50v.

<sup>156</sup> Ibid., f. 52r.

<sup>157</sup> Ibid., f. 13v.

<sup>158</sup> Ibid., f. 28r.

It is interesting to note that here Swaddon is primarily taking issue with the possible forgeries of monks rather than Selden's inclusion of the sources in his *Historie*. This does cast doubt, however, on Selden's ability to discern truth from fiction within the historical record.

The tone of Swaddon's treatise is much less aggressive than those of his contemporaries employed in the refutation of Selden's *Historie*, and his argument is concerned as much with providing the clergy and adequate voice in parliament as it is with undermining the work of the antiquarian. Swaddon accepted that there would be 'hinderance' in the attempt to recover tithes for the clergy, and he concludes the treatise rather bleakly, suggesting that:

the poore conformable protestant preest, is in far worse case, then eyther the puritane, or the papist. for one with his primacie in the presbiterie, the other with auricular confession, penance, and absolution, can make his parte good enough: but the poore protestant preest, being often injured, may trulie say, arma nostra sunt preces et lacrimae.<sup>159</sup>

Swaddon identifies conforming clergy as those receiving the worst treatment, without a means of survival beyond tithe payments and the charity of their parishioners and admits of this group that all they have to fight their battle with is prayers and tears.

#### iv.

### CONCLUSION

This chapter has attempted to provide specific context for the debate over tithes in the second half of the reign of King James I. It has also considered, more broadly: the role of both printed and scribal publication as the first steps in the circulation of ideas in the early modern period; the establishment's impulse to control and censor sensitive information; the role of history writing in the construction of national narratives; the 'classificatory anxiety' that D. R. Woolf has identified as a result of 'the multiplication of genres' in the seventeenth century; and the value of scholarship, both in the seventeenth century and the present day.<sup>160</sup>

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<sup>159</sup> British Library, Royal MS 18 C v, f. 53r.

<sup>160</sup> D. R. Woolf, 'From Hystories to the Historical: Five Transitions in Thinking about the Past, 1500-1700', p. 60.

Kevin Sharpe has written that ‘A greater willingness by historians [...] to see systems of authority and order as culturally constructed rather than, as it were, outside culture would surely facilitate a more nuanced history of the performance of power’, and continues to suggest that:

Once we take on board something of the argument that authority and meaning are constituted through language and texts, we are led to consider authority itself as more indeterminate, more open to multiple meanings and interpretations than our traditional concept of the sovereign utterance (commanding, as well as issued by one in command) usually implies.<sup>161</sup>

This chapter has responded to Sharpe’s argument and has explored the ways in which the texts of Selden and his opponents sought to fight for authority and hopes to have highlighted the fragility of the supposedly orthodox belief in the divine right theory of tithes. Likewise, this chapter has responded to Glenn Burgess’s suggestion that ‘Anyone searching for absolutist political theory in early Stuart England is likely to pause longest over the writings produced by two groups of men: the civil lawyers (and those influenced by them) and the conformist clergy’.<sup>162</sup> By exploring these select writings, this chapter has attempted to show how, at least in the realm of tithe payments, James I was intending to gain absolute control and was employing his subjects to establish a defence of his position. Moreover, this chapter has been written in response to Cyndia Clegg’s assertion that, in recent years, ‘the dichotomous understanding of common law/parliament vs. civil law/King has given way to a recognition that Jacobean Englishmen engaged in a multi-vocal conversation about the commonwealth’s proper governance that appealed to English common law, continental civil law, theology, and natural law’.<sup>163</sup> By applying this new perspective to the writings surrounding Selden’s *Historie* of tithes, this chapter hopes to have provided new insights into this ‘multi-vocal conversation’.

Selden’s work, according to Paul Christianson, ‘arose within and contributed to a rich polemical context’.<sup>164</sup> The significance of this polemical context is highlighted by Reid Barbour, who suggests that in Selden’s lifetime ‘English society came apart over the question of whether

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<sup>161</sup> Kevin Sharpe, *Reading Revolutions: The Politics of Reading in Early Modern England* (New Haven and London: Yale University Press, 2000), p. 17.

<sup>162</sup> Glenn Burgess, *Absolute Monarchy and the Stuart Constitution*, p. 63.

<sup>163</sup> Cyndia Susan Clegg, *Press Censorship in Jacobean England*, pp. 130-1.

<sup>164</sup> Paul Christianson, *Discourse on History, Law, and Governance in the Public Career of John Selden, 1610-1635*, p. 64.



a religious commonwealth can be cohesive or a cohesive commonwealth can be religious'.<sup>165</sup> The strands of argument in the tithe debates, over issues of legal jurisdiction, the relationship between church and state, and the extent of royal prerogative, would eventually be central to the outbreak of the civil war. Barbour is quick to point out the irony in 'The strange truth of Selden's life, works, and legacy' in that 'he came to be associated with the destruction of the very holy commonwealth that he had laboured so monumentally and inventively to save'.<sup>166</sup>

Finally, Barbour has suggested that Selden's life and works, particularly the *Historie*, pose the question 'that obsessed his learned contemporaries: What in the world can scholarship accomplish?'<sup>167</sup> Not only does that question pose a challenge to Selden's generation, but even today we continue to ask ourselves the very same thing. Sharpe suggests that 'Being asked to reflect on our own practices as historians, the processes of evidence and verification, reminds us of the history of those practices – in the rise of positivism – and of how different they are to the working methods of a Renaissance historian'.<sup>168</sup> Different, yet also very familiar. As we move from Selden's *Historie*, to the history writing of both the early modern period and our own time, we can see not only how we have changed, but just how indebted we are to our predecessors and how much of their method and practices we continue to use today. G. J. Toomer has suggested that the *Historie of Tithes* 'has never received the criticism which a work of this eminence deserves', and while this chapter does not claim to have fully remedied this issue, it hopes to have shown how large an elephant in the room the *Historie* was in the course of the early-seventeenth century tithe debates.<sup>169</sup>

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<sup>165</sup> Reid Barbour, *John Selden: Measures of the Holy Commonwealth in Seventeenth-Century England*, p. 4.

<sup>166</sup> *Ibid.*, p. 19.

<sup>167</sup> *Ibid.*, p. 17.

<sup>168</sup> Kevin Sharpe, *Reading Revolutions: The Politics of Reading in Early Modern England*, p. 10.

<sup>169</sup> G. J. Toomer, *John Selden: A Life in Scholarship*, I.303.

### CHAPTER 3: SETTLING THE LONDON TITHE DEBATES

London was the site for the majority of the debate over the theological and legal grounding of tithes in the early seventeenth century; in the 1630s, London was also the location in which one of the most prominent instances of the practical difficulties concerning the collection of tithes played out. London already had an idiosyncratic method of tithe payments, with the clergy being entitled to a tithe rate of 2s 9d in the pound on the rental value of properties, but the legal basis of this order was coming increasingly under question and the enforcement of the payment was increasingly difficult.<sup>1</sup> By having an income that was tied to rental values, rather than the payment in kind that was common across the rest of England, the London clergy were much more vulnerable than their rural counterparts to fluctuations in price and the rate of inflation experienced in the early modern period. Yet at the same time they were in a unique position among the English clergy in that they had a rapidly increasing population to care for and, potentially, receive tithe payments from. This chapter will explore the records of the London clergy's attempt to improve their tithe income against the backdrop of growth and demographic change in London; the increase in charitable giving among the London citizenry; the incorporation of the London clergy and the foundation of Sion College; the clerical and episcopal support for the clergy; and the growing hostility between the City officials and the king's court.

Paul Griffiths and Mark Jenner have estimated that London's population 'soared from about 50,000 in 1500 to some 200,000 in 1600' and only continued to grow under the reigns of James I and Charles I, with Roger Finlay suggesting that 'the city's population grew' to '400,000 people' by 1650.<sup>2</sup> Griffiths and Jenner continue to suggest that this 'demographic explosion transformed the nature of the city' and altered the power dynamic between the clergy, the king and Privy Council, and the city officials. They argue that:

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<sup>1</sup> 27 Hen. 8 c. 21 and 37 Hen. 8 c. 12.

<sup>2</sup> Paul Griffiths and Mark Jenner (eds.), *Londinopolis: Essays in the cultural and social history of early modern London* (Manchester: Manchester University Press, 2000), p. 2; Roger Finlay, *Population and Metropolis: The Demography of London 1580-1650* (Cambridge: Cambridge University Press, 1981), p. 51.

In the early sixteenth century London was a relatively bounded community, largely defined by its walls and the jurisdiction of mayor and aldermen. By the 1630s, however, Westminster and the suburbs had grown dramatically and only a minority of Londoners fell under City rule.<sup>3</sup>

The spread of urbanisation immediately beyond the ancient walls of the City of London destabilised social and political structures and threatened the traditional hierarchies of power. Vanessa Harding attributes some blame to the 'City government and Privy Council' in the late sixteenth century as they were 'reluctant to accept the reality and irreversibility of growth, and consequently slow to consider making changes to existing governmental structures and jurisdictional boundaries'. As a result, Harding suggests that:

By the time that the need for some response had become pressing, in the seventeenth century, relations between City and central government were seriously strained, and it was impossible to reach terms for an administrative and jurisdictional reorganization.<sup>4</sup>

In amongst this radical reorganisation of the City's social and economic patterns were the London clergy – 'increasingly aware of themselves as members of a profession' – who gained 'a sense of professional identity, and a shared sense of community of ministers, in contact with each other across neighbouring parishes' due in part to the royal support and patronage they received.<sup>5</sup>

In the reign of James I, as has been shown, the clergy had built up a theoretical case for the divine right of tithes, and with the accession of Charles I came a 'more aggressive clericalism' that led the king to sponsor 'various attempts to exalt the status and financial independence of the clergy, in particular attempts to preserve episcopal estates and augment the incomes of both the bishops and the parish clergy'. Throughout his reign Charles was 'concerned to free the clergy from lay control and to vindicate the property rights and independence of the clergy'.<sup>6</sup> As T. C. Dale has suggested, 'The clergy of London had long had a grievance that they did not

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<sup>3</sup> Paul Griffiths and Mark Jenner (eds.), *Londinopolis*, p. 2.

<sup>4</sup> Vanessa Harding, 'City, capital, and metropolis: the changing shape of seventeenth-century London' in J. F. Merritt (ed.), *Imagining Early Modern London: Perceptions and Portrayals of the City from Stow to Strype, 1598-1720* (Cambridge: Cambridge University Press, 2001), pp. 117-143; p. 135.

<sup>5</sup> Laura Brace, *The idea of property in seventeenth-century England: Tithes and the individual* (Manchester: Manchester University Press, 1998), p. 20.

<sup>6</sup> *Ibid.*, p. 19.

receive so much tithe as they were by law entitled to be paid', and in Charles I, Archbishop Laud and Bishop Juxon they had found the support they needed to pursue an improved income.<sup>7</sup> The push for this improved income was also concurrent with what Ian Archer has described as 'the sustained programme of beautification of London's parish churches' and with Julia Merritt's 'rise of vestries', and appears to have been part of a more thoroughgoing attempt to consolidate the position of the Church within London's social, moral and economic consciousness.<sup>8</sup>

There has been a real effort in recent scholarship to better understand life in all its aspects in early modern London. Vanessa Harding has suggested that 'Understanding early modern London' is an 'objective shared across disciplines', with both historians and literary scholars approaching the capital from a range of methodological positions and angles of inquiry.<sup>9</sup> Two things much of this research shares in common are, first, that 'London was also a place permeated with meanings, a theatre of memory' and second that 'the London locale is of the essence [...] with its parishes crushed in on one another, its largely unregulated lecturing scene, its concentrations of livings (rich and poor), famous preachers, and godly lay persons of all social classes, its gossip networks, book shops, and presses'.<sup>10</sup> Furthermore, early modern London has been explored as a location aware of its own historical and literary past; no writer embodies this reading more than John Stow, whose *A Survey of London* (1598) has been praised for its exploration of the City's composition and topography. Andrew Gordon has suggested that 'Stow's London is a decidedly verbal construction, built from texts and voices, and these are deployed within a narrative structure designed to shape the perception of London amongst its readers'.<sup>11</sup> In many ways this chapter will echo Stow's work by attempting a similar

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<sup>7</sup> T. C. Dale, *The Inhabitants of London in 1638*, p. v.

<sup>8</sup> Ian W. Archer, 'The Charity of Early Modern Londoners', *Transactions of the Royal Historical Society*, 12 (2002), p. 232; J. F. Merritt, 'Contested legitimacy and the ambiguous rise of vestries in early modern London', *The Historical Journal* 54:1 (2011), pp. 25-45.

<sup>9</sup> Vanessa Harding, 'Recent Perspectives on Early Modern London', *The Historical Journal*, 47:2 (2004), pp. 435-450; p. 438.

<sup>10</sup> J. F. Merritt (ed.), *Imagining Early Modern London*, p. 5; Peter Lake and David Como, "'Orthodoxy" and its discontents: dispute settlement and the production of "consensus" in the London (puritan) "underground"', *Journal of British Studies* 39:1 (2000), pp. 34-70; p. 36.

<sup>11</sup> Andrew Gordon, *Writing early modern London: Memory, text and community* (Basingstoke: Palgrave Macmillan, 2013), p. 111.

construction of one aspect of London life in the 1630s through the documentary evidence that remains known to us. In doing so, this chapter is responding to Julia Merritt's claim that 'To understand how Londoners interpreted the changes which overtook the early modern city, we must also ask how they understood and related to London's past'.<sup>12</sup>

The London of the early Stuarts and the collectively remembered London of the past resembled one another less and less. Merritt suggests that 'London was, after all, becoming increasingly fragmented culturally, socially, and economically in this period, with its different areas characterized by distinctive living patterns, health, social structure, household size, and social dynamics'.<sup>13</sup> Merritt has identified one of the more important social and political factors causing this change to be the increasing significance of the role of vestries in the performance of parochial duties. She argues that:

Vestries, as the decision-making bodies of parishes, oversaw a huge range of tasks, both religious and secular, including the management of parish expenditure, parish properties, lawsuits, church repair, and the general oversight of other local officials including (increasingly) the churchwardens. As such tasks grew in volume and complexity, many parishes started to function as a more narrow body of administrators.<sup>14</sup>

Phil Withington has suggested how events such as the increased administrative remit of vestries were at the core of the formation of states in this period. He argues that 'the story of early modern state formation is as much about the creation of citizens defined by their capacity for public activity as it is about the centralization of functions conventionally associated with modern polities: war, taxation, and bureaucracy'.<sup>15</sup> We are left to question what position the London clergy were to play in this new society, and to what extent the Church could maintain its position of centrality in the functioning of the nation. Laura Brace has argued that:

The issue of tithes was central to the development of the early Stuart Church and the battles fought out at court, in Parliament and in the parishes. They were part of the protracted Reformation process of mid-sixteenth century England,

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<sup>12</sup> J. F. Merritt (ed.), *Imagining Early Modern London*, p. 4.

<sup>13</sup> *Ibid.*, pp. 11-12.

<sup>14</sup> J. F. Merritt, 'Contested legitimacy and the ambiguous rise of vestries in early modern London', p. 27.

<sup>15</sup> Phil Withington, 'Public Discourse, Corporate Citizenship, and State Formation in Early Modern England', *The American Historical Review* 112:4 (2007), pp. 1016-1038; pp. 1017-8.

underpinning and underlining contentions about conformity, clerical authority and wealth.<sup>16</sup>

The London clergy of the early seventeenth century appear to have been an embattled group, and yet Ian Green has claimed that despite the ‘apparently gloomy outlook’ of a clerical career, ‘hundreds of young men offered themselves for ordination each year under the early Stuarts’ and often sought vacancies in the City.<sup>17</sup> Green continues to suggest that ‘There was undoubtedly a hard core of poverty, but the early Stuart clergy as a body were not as desperately poor as they have often been portrayed’.<sup>18</sup>

This chapter will explore the rhetoric of poverty and suffering employed by the London clergy in their attempts to improve their income and assess the extent to which ‘The ende of the Ministers Sute for Tieth is intended not for the raisinge of the cittizens in Generall; but to obtayne a peaceable and final conclusion of all unkinde controversyes, which have longe continued betweene them’.<sup>19</sup> By combining analysis of the tithe assessments, the language of the petitions and the historical narratives of tithe payments held at Lambeth Palace Library, this chapter aims to shed new light on documents that have been previously misunderstood by academics. Roger Finlay has claimed that the tithe assessments contained in Lambeth’s MS 272 are ‘by far the most detailed and the most important known for the period before the Civil War’, but his frustration that ‘the returns for each parish were not compiled in a consistent way’ shows a failure to consider the importance of the individuals and processes involved in the performance of this survey.<sup>20</sup> The London clergy first petitioned Charles in 1634 and they were still complaining of a lack of resolution five years later; as T. C. Dale suggests, ‘the King and his Council had more weighty matters to attend to than the payment of tithes for in the year 1638 the Scottish revolt began’.<sup>21</sup>

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<sup>16</sup> Laura Brace, *The idea of property in seventeenth-century England*, p. 17.

<sup>17</sup> Ian Green, ‘Career Prospects and Clerical Conformity in the Early Stuart Church’, *Past & Present*, 90 (1981), pp. 71–115; p. 72.

<sup>18</sup> *Ibid.*, p. 79.

<sup>19</sup> LPL, CM VIII/17a, f. 29r.

<sup>20</sup> Roger Finlay, *Population and Metropolis*, p. 72.

<sup>21</sup> T. C. Dale, *The Inhabitants of London in 1638*, p. xi.

In order to view these documents afresh, this chapter will first explore the ways in which the tithe assessments have been used by previous scholars. Second, this chapter will revisit the documents themselves, offering a reading that acknowledges the original reason for the creation of the tithe assessment and pays particular attention to the people involved in undertaking such a large project. Finally, this chapter will consider the significance of the clerical attempt to augment their livings in the context of the religious, political and social change of London during Charles's personal rule and respond to Christopher Hill's claim that the 'battle for the tithes of London deserves a subsidiary place beside the battle over Ship Money in the events which helped to prepare for civil war'.<sup>22</sup> Throughout this chapter 'The Question is: What power the King hath in Law, [...] to declare, alter, adde to, or take from' Henry VIII's statutes concerning tithes in London.<sup>23</sup>

## i.

### PREVIOUS ASSESSMENTS OF THE SOURCES

In 1931 T. C. Dale published an edition of Lambeth Palace Library's MS 272 entitled *The Inhabitants of London in 1638: Edited from MS. 272 in the Lambeth Palace Library*. This publication was overseen by the Society for Genealogists and appears to have a very specific purpose; that is, to provide those who are interested in genealogy with an unprecedented cache of information regarding the inhabitants of the capital in the early modern period. While this was, and still is, a laudable goal, Dale's edition misrepresented the manuscript in a number of critical ways. Despite acknowledging that the manuscript is 'bound in a volume lettered "Settlement of Tithes, 1638"', Dale thought that the information regarding tithes was inconsequential and so not worth representing.<sup>24</sup> In his introductory note he writes that:

The original return gives not only the rent paid for the house but the tithe paid as well. This last item I have omitted, partly because to have given the tithes would have added much to the labour of transcription and to the cost of

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<sup>22</sup> Christopher Hill, *Economic Problems of the Church*, p. 288.

<sup>23</sup> LPL, CM VIII/31, f. 53r.

<sup>24</sup> T. C. Dale, *The Inhabitants of London in 1638*, p. iv.

printing, already very great, and partly because the amount of tithe paid in each case was arbitrary and gave no information likely to be of general interest.<sup>25</sup>

What Dale fails to realise here is that the ‘arbitrary’ payment of tithes was the entire impulse behind the creation of these documents in the first place. Regardless of whether they were of ‘general interest’, to present an edition of this manuscript without the central information for which it was created was myopic and has had longstanding repercussions for our understanding of the source. Furthermore, Dale’s edition fails to interrogate and explore the role of the various individuals involved in the production of these records, merely exclaiming ‘If only all the Incumbents had been equally careful to describe where their parishioners lived, how much light would have been thrown upon the topography of London!’<sup>26</sup>

Despite these two major failings, Dale does provide the total amounts for tithe and the various other duties owed to each incumbent, and his introduction does provide his reader with some context in which to understand the records he presents, incomplete as they might be. Dale informs his reader that:

The return was compiled by the clergy of London in response to an order of the King in Council dated 22<sup>nd</sup> April, 1638, which directed the clergy in conjunction with the Alderman of the Ward and the principal inhabitants to make an estimate of the moderate rental value of the houses in each parish together with the actual tithe now paid for each house.

And that the clergy were ‘also directed to make a return of their official income from all sources’ as well as ‘give an account of all the charges upon their incomes such as pensions, subsidies, tenths, etc., that it might be clearly seen exactly how much the net income of each incumbent was’.<sup>27</sup> He also offers a brief narrative of events leading up to the 1638 assessment, but makes no mention of the previous attempts to conduct such surveys between 1634 and 1636, and spends little time on the counter petitions from the common council. Dale suggests that ‘As a result of the order the information contained in the MS. printed in this book was collected, though as the civic authorities for the most part refused to take any part in the valuation, the

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<sup>25</sup> T. C. Dale, *The Inhabitants of London in 1638*, p. v.

<sup>26</sup> *Ibid.*, p. iv.

<sup>27</sup> *Ibid.*, p. v.



work was done by the clergy alone'.<sup>28</sup> Beyond this statement there is little acknowledgement of the drawn out process of petitioning and debate that resulted in the creation of these documents.

Dale's representation of the manuscript has continued to have an impact on academic research relating to the settlement of tithes. Christopher Hill notably made use of Dale's edition of the manuscript in his seminal work, *The Economic Problems of the Church*, and while his chapter on the London tithes case has been a valuable starting point for this chapter, it contains a number of problematic errors that undermine his conclusions. In his discussion of Brian Walton, Hill makes observations about Walton's parish, St Martin Orgar's. Hill claims that the "true tithe" of St Martin Orgar's was £1600, but this was actually an estimate of the moderate rental value of the properties in the parish; the tithe value according to the 2<sup>s</sup> 9<sup>d</sup> rate was actually calculated at £220 in the manuscript, Lambeth 272.<sup>29</sup> Not only does he quote the incorrect number, but his suggestion that the tithe rates were 10 and 7.5% is also incorrect. The value of 2 shillings nine pence in the pound gives us a ratio of 33/240 which equates to 13.75% of the full rental value; when this rental value is moderated – that is, 25% of the total rental value is abated – this percentage comes down to 10.3125% of the full value, so the early modern clergy were dealing with these figures and not the 10% and 7.5% as Hill claims. I would suggest that, due to the statute law of Henry VIII setting the rate at 2s 9d, Charles's desire to have the valuations based on moderate rent was to bring the actual tithe value to as near as 10% of the full value as was practicable, without altering the tax rate itself. Hill's error in calculation on Walton's parish is compounded by the fact that he uses this incorrect model in his analysis of the whole of London.

On page 282 of *Economic Problems* Hill includes a table of his calculated totals, using statistics taken from Richard Newcourt's *Repertorium Ecclesiasticum Parochiale Londinense* and from T. C. Dale's *Inhabitants of London* rather than the original sources. Unlike Dale, Hill does acknowledge that the 1638 return was not the only time that the London parishes were assessed

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<sup>28</sup> T. C. Dale, *The Inhabitants of London in 1638*, p. xi.

<sup>29</sup> Christopher Hill, *Economic Problems of the Church*, p. 277.

for the tithes cause; but his continued belief that the rental values were the values of the ‘true tithe’ makes his conclusions problematic to say the least. Hill writes:

It will be seen that the revenues actually received averaged roughly £100 a parish, tithes about £80. **The ‘true tithe’ as estimated in 1638 averaged £1765 a parish.** The actual amount of tithe asked by the City clergy worked out at an average of £126 5s a parish. That is to say, the increase sought was of the order of 58 per cent., not **the 2106 per cent. which the ‘true tithe’ would have justified.**<sup>30</sup>

Both the claims in bold in this quote are, as my analysis will show below, in fact entirely untrue. Despite my criticisms, I still believe that Hill makes some interesting claims in his chapter on the tithe suits, but I think that his reliance on printed material rather than on the documentary sources themselves has caused him confusion and ultimately undermined his argument in this case.

Hill has not been the only scholar to have mined printed editions of the tithe assessment material for data to use in their analysis. Roger Finlay has repeated Dale’s sentiment in his *Population and Metropolis* that the individual tithe amounts were not necessary as they ‘bore no relationship to the amount assessed’.<sup>31</sup> Finlay was the first of a wave of social and economic historians to use the manuscript as a basis for a study of London demography in the early modern period and his work bears the marks of Dale’s influence. This is not to say that Finlay’s or Jeremy Boulton’s or Vanessa Harding’s work on this subject is inherently flawed, rather that they have taken a very selective view of what the documentary sources are able to tell them about the lives and experiences of early modern Londoners. Furthermore, the misapprehension over the status of the rental values presented in the manuscript has led these scholars to make claims in their work that is unsupported. Due in large part – I would argue – to Dale’s representation of the manuscript, some people have taken the rental amounts at face value as if they were a factual representation of the housing situation in London at this time. In fact, these were estimates of rent made by each parish incumbent, supposedly with the support of a civic

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<sup>30</sup> Christopher Hill, *Economic Problems of the Church*, p. 283. My emphasis.

<sup>31</sup> Roger Finlay, *Population and Metropolis*, p. 71, n. 2.

official although this help was rarely offered. As such, the figures of each parish are subject to the individual assessment of each incumbent and the assessments are subjective rather than objective, and furthermore were open to manipulation and fabrication. This tends to undermine the status of work that has assumed the data in these manuscripts to be a true representation of the economic condition of property in London in the 1630s. Indeed, in one of the most recent articles concerning the documents, William Baer has suggested that ‘the data have never been scrutinized for possible biases and shortcomings. Nor have they been wholly plumbed for what they can tell us about London’. Baer undermines himself in a footnote on the same page though, noting that he uses Dale’s edition of the manuscript as the source for his analysis rather than MS 272 itself.<sup>32</sup> This chapter aims to remedy both issues that Baer raises by referring to Lambeth’s MS 272 and the surrounding archival material rather than to Dale’s edition, and will draw from the very current discussion of scholarly approaches to archival material in order to provide new insights into the attempted settlement of tithes in the 1630s.

In a recent supplementary edition of *Past & Present* a number of authors contributed to the discussion of ‘The Social History of the Archive’ in the early modern period. In this supplement Jennifer Bishop discussed the presence of ‘fictions in the archive’ and suggested that scholars should approach archival records ‘not as repositories of objective fact, but rather as evidence of how early modern people created and used documents in different contexts’. By adopting this approach, Bishop suggests that we can learn ‘much about the complex web of obligations, relationships and motivations that lay behind the production of documentary records in the first instance, and that shaped how they were used, changed and manipulated over time’.<sup>33</sup> Alexandra Walsham echoes Bishop’s sentiments, stating that:

Too often we mine the documentary sources [libraries] house without scrutinizing the decisions about selection, arrangement, preservation and retention taken by those responsible for the care of their contents over successive generations. We still fall into the trap of approaching them as if they

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<sup>32</sup> William C. Baer, ‘Stuart London’s Standard of Living: Re-Examining the Settlement of Tithes of 1638 for Rents, Income, and Poverty’, *The Economic History Review*, 63:3 (2010), pp. 612–637; p. 612, n. 2.

<sup>33</sup> Jennifer Bishop, ‘The Clerk’s Tale: Civic Writing in Sixteenth-Century London’, *Past & Present* Supplement 11 (2016), pp. 112–130; p. 113.

provide a transparent window through which we can view societies remote from us in time.<sup>34</sup>

A closer look at Lambeth's MS 272 and the associated manuscript will show a much murkier reality to these records than has been presented in the past. Jason Scott-Warren has suggested that manuscripts containing statistical information, such as account books or these tithe assessments, 'might at first sight be taken for handy repositories of unvarnished facts'. He continues to suggest that:

There is, on the face of it, a good fit between the purpose for which the records were created – to provide a reliable record of income and expenditure – and the needs of a certain kind of historian, searching for data relating to prices, living standards, the development of markets and the movement of commodities.

But Scott-Warren warns that such documents only 'seem to have no ulterior motives or hidden designs' that might 'stand in the way of modern data-mining operations, whether large or small in scale'.<sup>35</sup> Performing such quantitative analysis, then, requires the academic to acknowledge and accept the subjectivity of the archival record and to incorporate the potential biases into their understanding of the data.

This issue becomes all the more important when we acknowledge that the early modern period was a time in which the foundation of institutional and private libraries increased exponentially. Alexandra Walsham has argued that 'The public and private libraries and museums founded in the early modern period reflect the insatiable itch for accumulating manuscripts, books, scientific specimens and exquisitely crafted artefacts that underpinned the culture of curiosity that emerged in this era'.<sup>36</sup> As a result of this "insatiable itch", which Andrew Gordon describes as an 'increased value placed upon the materials of memory', there was a great concern and 'renewed attention to the ways in which documents were stored'. Gordon continues to suggest that London had a particular importance in this process, suggesting that 'the need to access the documentary memory of the city prompted a reformation of the archive

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<sup>34</sup> Alexandra Walsham, 'The Social History of the Archive: Record-Keeping in Early Modern Europe', *Past & Present* Supplement 11 (2016), pp. 9-48; p. 9.

<sup>35</sup> Jason Scott-Warren, 'Early Modern Bookkeeping and Life-Writing Revisited: Accounting for Richard Stonley', *Past & Present* Supplement 11 (2016), pp. 151-170; p. 151.

<sup>36</sup> Alexandra Walsham, 'The Social History of the Archive: Record-Keeping in Early Modern Europe', p. 30.

in the later sixteenth century'.<sup>37</sup> Tai Liu also considers London an exceptional case in the early modern period and he suggests that in studying the records of the London parishes:

it becomes clear that the parochial communities and their social composition in the different parts of the City were indeed very complex and diversified. To the outside world, the City of London represented one political entity; and it has also been treated as such in modern studies of the English Revolution. Yet, in a closer look at London itself, these complexities and diversities would soon reveal themselves.<sup>38</sup>

With the foundation of Sion College in 1630, and in particular the foundation of the College library, the London clergy sought to develop their position as an incorporated body with their own repository of books and manuscripts, in order to put them on a par with the livery companies of the City and in turn add to the complexity and diversity of the social and economic hierarchies in London. The clergy, already an intrinsic part of life at the parochial level, attempted to carve a space for themselves at the level of the corporations. Taken with the insistent petitioning for improved salaries, this can be seen as the manoeuvring of a group of men who felt they had the support of their monarch and the episcopate. The manuscripts that form the basis of this study – some of which were originally held in Sion College's library before moving to Lambeth – were considered important enough to keep and maintain, suggesting they held some significance in the narrative of the College's history and in the larger history of the Church and of the City of London.

Andrew Gordon is keen to remind his reader that both oral tradition and written account held an equivalent status in the early modern period. Gordon focuses on Stow's *Survey*, suggesting that it 'invokes the authority of both collective memory and textual record as resources able to inform the discovery of London'. Gordon continues to suggest that 'In his use of different memory media, and his sensitivity to their interaction, Stow deploys the techniques used in contemporary legal disputes over custom'.<sup>39</sup> Not only is this important in thinking about what gets recorded and what doesn't in cases such as these, but the very concept

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<sup>37</sup> Andrew Gordon, *Writing early modern London*, p. 123.

<sup>38</sup> Tai Liu, *Puritan London: A Study of Religion and Society in the City Parishes* (London: Associated University Presses, 1986), p. 43.

<sup>39</sup> Andrew Gordon, *Writing early modern London*, p. 132.

of the legal dispute over custom is precisely what is being argued between the clergy and their opponents in the tithes case. The history of London that Stow presents is a history of a population that is entirely aware of its legal rights and civic and political history and is a history of a population that is not afraid to assert those rights and draw upon that collective memory in order to defend custom and practice when it saw fit. Given all these complexities surrounding the manuscripts of early modern institutions, it becomes necessary to heed the advice of scholars such as Jennifer Bishop if we are to write nuanced and inclusive histories of the archives. Bishop argues for a change of focus, towards ‘the people behind the creation of institutional records’ so that we might ‘better understand the social, political and cultural meanings of the documents that they produced’.<sup>40</sup> In doing so – and in reassessing manuscripts that have previously been mined for different types of information – we will gain a fuller understanding of our historical period, and provide new insights into the operation of complex political, religious and civic bodies and the interactions between them.

Shannon McSheffrey has taken a different line of argument from Bishop, suggesting that the archives themselves, and not just those individuals responsible for creating them, have a certain agency. McSheffrey asks ‘how can thinking about the archives as historical agents rather than as inert repositories of evidence refine the way we use historical documents?’<sup>41</sup> McSheffrey’s line of interrogation further complicates the already-difficult task of archival interpretation and poses an interesting, if not impossible, set of questions for the historian to ask of their sources. The extent to which one can extract any notion of agency from the archive or library as opposed to the archivist or librarian is certainly debatable, but McSheffrey’s line of questioning forces us to recognise the aura and power that archival institutions have – and have had for centuries – over the human understanding of the past. Not only does McSheffrey open up the possibility of archival agency in her article, but she undermines any claim to objectivity in the archives by suggesting that most material is reflective not of historical fact, but of ‘what

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<sup>40</sup> Jennifer Bishop, ‘The Clerk’s Tale: Civic Writing in Sixteenth-Century London’ p. 113.

<sup>41</sup> Shannon McSheffrey, ‘Detective Fiction in the Archives: Court Records and the Uses of Law in Late Medieval England’, *History Workshop Journal* 65 (2008), pp. 65-78; p. 65.

someone thought should happen, hoped would happen, wanted to pretend had happened – and yet sometimes had not happened at all, or at least not as recorded'.<sup>42</sup>

Bearing all of this in mind, this chapter will conduct a reassessment of the manuscripts held at Lambeth with the people and institutions responsible for their creation in mind. In doing so, it is hoped that this chapter will provide new and important insights into the functioning of civic and religious organisations in early modern London and fulfil Bishop's stated aim that:

By focusing on the people who created and used institutional records, and examining the social relationships, patronage and ties of obligation that surrounded them, these records can be made to tell a more complex story than that which they might initially appear to present.<sup>43</sup>

Furthermore it is thought that this work will better serve to help us understand the recorders of this information – the clergy, the civic authorities and the royal secretaries – as 'political and literary agents', and that by 'exploring their wider activities and relationships, we are better able to understand the layered meanings of institutional records, recovering a sense of early modern archives as socially constructed, rather than neutral storehouses of historical fact'.<sup>44</sup> The next section will provide both quantitative and qualitative analysis of the Lambeth manuscripts, and will attempt to restore the sense of process and the involvement of the numerous individuals in the creation of such a wealth of detailed information on the social makeup of London. This process is shown to be continued over a number of years and is supported by reference to tithe assessments conducted in 1634 and 1636, as well as the 1638 records that have been to focus of so much attention since Dale's edition in 1931. At the forefront of this new analysis will be the recognition that the original purpose of these documents was to provide Charles I with sufficient information to pass judgement on the tithe dispute between the clergy and the Common Council of London.

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<sup>42</sup> Shannon McSheffrey, 'Detective Fiction in the Archives: Court Records and the Uses of Law in Late Medieval England', p. 66.

<sup>43</sup> Jennifer Bishop, 'The Clerk's Tale: Civic Writing in Sixteenth-Century London', p. 130.

<sup>44</sup> *Ibid.*, p. 114.

ii.

NEW ANALYSIS OF THE TITHE SOURCES

William Baer has recently pointed to the fact that the 'London clergy had long complained to Parliament and then to the early Stuarts of the tithes' diminishment by inflation, and the growing burden of caring for increasing numbers of poor'. Baer continues to suggest that 'Charles I, at the urging of William Laud, whom he had made Archbishop of Canterbury and head of the Anglican Church, was willing to consider' settling the issue of clerical poverty. The London clergy appear to have picked their moment carefully, under the patronage and support of a king and primate who both sought the improvement and beautification of the Church of England and the increase in the value of the livings of its ministers.<sup>45</sup> As Roger Finlay has argued:

At this time, the Laudian high church movement was reaching its zenith, and Laud himself was sympathetic to the claims of the London clergy as Bishop of London until 1633. He was succeeded in this position on his appointment to Canterbury by one of his closest disciples, William Juxon. The fact that Juxon [would] also [be appointed] Lord Treasurer of England [in 1636] is of some significance, for questions of church government and the extent to which episcopal authority might be asserted over the laity were issues of some substance.<sup>46</sup>

Yet it is perhaps because of rather than despite the suggestion, as both Roger Finlay and Christopher Hill have argued, that the principle was more important than the increase in income, the attempts to augment the income of the London clergy were met with such forceful opposition.<sup>47</sup>

Indeed, the clergy faced a population that were much less agreeable to such change; as Baer puts it, the 'London parishioners who paid the tithe were not' willing to consider the improvement of tithe payments, 'worrying that to do so would make the clergy's income excessive to their station because of the rise in property values'.<sup>48</sup> This awareness of the potential ramifications of this debate for the entire nation is what Hill suggests was the fuel for the

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<sup>45</sup> William C. Baer, 'Stuart London's Standard of Living: Re-Examining the Settlement of Tithes of 1638 for Rents, Income, and Poverty', p. 613.

<sup>46</sup> Roger Finlay, *Population and Metropolis*, p. 71.

<sup>47</sup> *Ibid.*, p. 71; Christopher Hill, *Economic Problems of the Church*, p. 283.

<sup>48</sup> William C. Baer, 'Stuart London's Standard of Living: Re-Examining the Settlement of Tithes of 1638 for Rents, Income, and Poverty', p. 613.



London laity in their opposition to the movement, 'For London was naturally regarded as a test case' and if things went the way of the clergy 'many a provincial burgher stood to lose at least as much as the citizens of London' if the call for true tithe payments was demanded nationwide.<sup>49</sup>

As mentioned previously, Dale has shown that MS 272 was 'compiled by the clergy of London in response to an order of the King in Council dated 22<sup>nd</sup> April, 1638', but he makes little if any mention of the previous assessments that had been performed by the clergy in the course of their suit.<sup>50</sup> There was lay opposition to the initial clerical request for an improved income, which led to the long period of petitioning on the part of both the clergy and the common council to the king. It is worth providing a timeline of events in the attempted settlement here before proceeding with the statistical analysis of the various valuations. The clergy of London submitted a petition to the king and Privy Council on the 6<sup>th</sup> of May 1634, in which they sought, among other things, improved incomes from their parochial tithes. A response came to this petition on the 15<sup>th</sup> of that month, in which Charles ordered a commission to be set up to arbitrate on the matter, and that if that commission could not come to a decision he would take matters into his own hands. This petition was met immediately with opposition from the civic authorities of the City of London, and through their counter-petitioning they were able to stall a decision and ultimately the commission were not able to reach a solution. It was then in Charles's hands to arbitrate over the matter and both parties submitted to his ruling, the city on the 19<sup>th</sup> of November, and the clergy on the 3<sup>rd</sup> of December 1634. The tithe disputes continued for around five years, and in the course of the back and forth three major assessments of the London parishes were conducted. These assessments are contained, together with various other writings and narratives of the tithe dispute, financial records, copies of petitions, drafted letters, notes on historical tithe litigation and so on, within Lambeth Palace Library. In an undated draft of a clerical petition to the king – presumably written c. 1639 – there is a

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<sup>49</sup> Christopher Hill, *Economic Problems of the Church*, p. 284.

<sup>50</sup> T. C. Dale, *The Inhabitants of London in 1638*, p. v.

suggestion of the frustration that the clergy were feeling due to the lack of a decision in this case, and the quote also offers us a potential reason for the failure of the endeavour. The clergy claimed that: ‘the controversy between yo[ur] petitioners & the citizens & inhabitants of London, about tythes, hath been about five yeares agoe submitted to yo[ur] Maj[esty’s] Royall Judgem[ent] & award’ but they note that ‘since w[hich] time in regard of yo[ur] Maj[esty’s] other great affaires ther hath been no determination in the said cause.’<sup>51</sup> We will return to these ‘great affairs’ later in this chapter, but now it is time to consider what happened during course of the tithe settlements in the intervening years.

This section will analyse various aspects of the numerous tithe assessments from the 1630s held in Lambeth Palace Library, with the focus being on the intended purpose of creating the documents, the actual tithe values. Then this section will explore in more detail what the added “biographical” information can tell us about the process of, and the individuals involved in, attempting to improve clerical income. As such, this latter part will adopt Laura Brace’s model of ‘approaching the discussion of tithes and property as a project and a process’, which in turn ‘requires us to address a diversity of contexts and a plurality of identities’.<sup>52</sup>

Before the concerted effort to augment clerical livings during the 1630s there had been numerous attempts to augment the livings of the London clergy and numerous assessments of said livings were conducted to support the arguments of the clergy. This practice stretched back at least to Lady Day 1618, when a comparison had been made between the contemporary value of tithes and the values recorded in the “King’s Book” – the *Valor Ecclesiasticus* of 1535. This record remains partial, containing information on 45 of the 97 intra-mural City parishes. On the next folio – and in the same hand – there is also a collection of 26 Aldermen and Sheriffs of the City, detailing how much tithe they paid in that year, a combined £38 7s 4d to be precise.<sup>53</sup> This concern for the payments made by the civic officials would continue into the 1630s, when the clergy petitioned the king complaining of the ‘covetous persons’ who have:

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<sup>51</sup> LPL, CM VIII/13, f. 20<sup>r</sup>.

<sup>52</sup> Laura Brace, *The idea of property in seventeenth-century England*, p. 3.

<sup>53</sup> LPL CM VIII/25a, ff. 45-46.

lately devised and put in practise diverse and sundrie [formes] to deceive us as Making of 2ble leases, one to be shewed, the other to be co[n]cealed. Payeng rent in the name of a fine. reserving rent by bond[es]. Payeng rent in the name of usurie. Payeng rent in the name of annuitie. Payeng rent und[er] the name of Implement[es]. Lending howses for nothing. Lending howses for money. Calling shoppes sheddes. [...] &c. By w[hich] meanes the richest sort of men for the most p[art] dwelling in the best howses of the citie pay us litle or nothing.<sup>54</sup>

This particular disdain for ‘the richest sort of men’ is echoed elsewhere in the drafts and petitions held at Lambeth, as in the note offered to the common council in support of the clerical petition. In it the clergy claim that ‘the ordinary and meaner sort of citizens for the most parte doe already pay their Tieth according to some reasonable proportion of their rente’ and that they can be relatively reliable as a source of income, ‘whereas on the other side many faire and large houses, wherein riche men dwell doe by some unequall courses pay very little in comparison of farre meaner houses scituate neere unto them’.<sup>55</sup> In a further petition to the king it is left in no uncertain terms who the clergy blame for their poor fortunes; they claim that while ‘the meaner sort nowe pay the greatest part of our tyth’ there are ‘divers Aldermen paying under 20<sup>s</sup> p[er] annu[m]’.<sup>56</sup>

As a part of this initial thrust in 1634 to establish the clerical position and to provide evidence for the king and his council to deliberate on, the clergy began the first of a number of assessments of their livings. It appears that the task of coordinating such an effort – and representing the clergy in meetings with the king, his privy council, and the common council – fell on the heads of four men. *Primus inter pares* was Brian Walton, Rector of St Martin Orgar; Tai Liu suggests that Walton would later suffer for his involvement in the ordeal as ‘the parish of St. Martin Orgar had had a long anticlerical, if not necessarily Puritan, tradition’, and that in the 1640s ‘Many of its parishioners had refused to pay tithes to its old Anglican incumbent, Brian Walton, and some had been involved in a conflict with Walton over the issue of the communion table’.<sup>57</sup> Walton, a committed Laudian disciple, was joined by Edward Marbury of

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<sup>54</sup> LPL, CM VIII/24, f. 43<sup>r</sup>.

<sup>55</sup> LPL, CM VIII/17a, f. 29<sup>r</sup>.

<sup>56</sup> LPL, CM VIII/6, f. 8<sup>r</sup>.

<sup>57</sup> Tai Liu, *Puritan London*, p. 133.

St Peter St Paul's Wharf, William Brough of St Michael Cornhill, and Bruno Ryves of St Martin Vintry as the leaders of the cause. There is a letter from Walton to Ryves preserved among the records at Lambeth detailing some of the particulars of the organisation of the project. The letter is worth quoting in full for the insight it gives into the process behind the creation of these myriad records. Walton writes:

M<sup>r</sup> Reives I pray you send me a copy of the petition if you have yet got it: It wilbe needfull for some to goe to Greenwich to my L<sup>d</sup> of London about it as soone as may be, & they who goe, may also then speake to m<sup>r</sup> President [William Fuller of Sion College] to be at the meeting on Thursday. I pray yow also send me a note of the Ministers in Particular w[hich] have payd yow any of ther assisstants & how much they have paid, I have sent for the same to the rest w[hich] have received or rather had any. It wilbe needfull that we may know how much is behinde & unpaid & so may better know how to proportion our new assisstant at the generall meeting, against w[hich] time (If I may have this Intelligence I shall prepare [...] as well as I can. If yow cannot send me by this bearer now, I pray yow leave it ready for my man to call for it tomorrow morneing w[ith]out fayle. So I rest. Y[our] Br: Walton.

We can date the letter fairly accurately to the 3<sup>rd</sup> or 4<sup>th</sup> of June 1635 as Ryves endorses a response on the same folio dated 4<sup>th</sup> June, and the information he presents is included in Walton's calculations detailed in the following paragraph.<sup>58</sup>

Such an effort was also an expensive undertaking; from 1<sup>st</sup> June 1634 to 4<sup>th</sup> June 1635 the four men had spent £261 5<sup>s</sup> 5<sup>d</sup> in the course of their work; charging a series of three fees to each parish incumbent and borrowing £90 from other clergymen when money was short.<sup>59</sup> Walton recorded a loss of £1 12<sup>s</sup> 3<sup>d</sup> in the year's business, having received £186 18<sup>s</sup> 10<sup>d</sup> from his fellow clergymen - £70 of which was lent to him – and having spent £188 11<sup>s</sup> 1<sup>d</sup>. These receipts appear amongst some of the collected assessments, and underneath there is a long justification for the expense, stating that 'Though the charges may seeme [great], yet it will not seeme strange to any' considering that they employed the expertise of seven lawyers '4 Common Lawyers & 3 Civilians', or that they 'had 7 dayes of Heareing before the King & Lords referrees' as well as

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<sup>58</sup> LPL, CM VIII/22; f. 38<sup>r</sup>. For more on William Fuller see: Gordon Goodwin (rev. Nicholas Cranfield), 'William Fuller (1579/80-1659)', *ODNB Online*, <<https://doi-org.chain.kent.ac.uk/10.1093/ref:odnb/10239>>, accessed 5<sup>th</sup> April 2018; 'William Fuller CCEd Person ID 24269' and CCEd Record ID 91345, *Clergy of the Church of England Database 1540-1835*, <<http://db.theclergydatabase.org.uk>>, accessed 1<sup>st</sup> April 2018.

<sup>59</sup> LPL, CM VIII/4, f. 3<sup>r</sup>.

having 'had occasion to search & take coppies of Records out of all the Courts & offices in the city'. Furthermore, there was the consideration for all the fees levied by the 'servants & secretaries of the Lords, & of all [the] Councill' and the 'sollicitors fees & the charges of writeing severall instructions & so many breifes'.<sup>60</sup> This record of expenses provides us with a fascinating insight into the effort and expense of the undertaking and gives a sense of how much time and money was invested by the clergy in their project to improve the value of their livings.

The assessments that are attached to this record of expenses provide us with an interesting insight into both the valuation of the tithes at the time of recording, and of the clerical attempt to institute what looks essentially like a graduated pay scale within the London parishes. Furthermore, this record shows us that both the clergy and the city officials were involved in producing their own separate assessments of the tithe values. Before looking in more detail at the records it is worth noting a few things about the treatment of the data for the purposes of this chapter. In his *Puritan London*, Tai Liu includes a series of tables in an appendix and bases a good deal of his analysis of the city on these records, which happen to be largely the same records used here. The difference with Liu's tables is that he indiscriminately switches between values for tithes and for income as a whole so as to provide as much coverage of the 97 intra-mural parishes as possible.<sup>61</sup> Elsewhere, Roger Finlay and others have included some or all of the thirteen extra-mural parishes that fell partly under the jurisdiction of the city.<sup>62</sup> The records for these parishes are much less consistent than those within the walls, and they also tend to skew any findings due to their vastly greater size, population and tithe value. Vanessa Harding points to the fact that 'one of the important and enduring characteristics of early modern London' is that 'Local government, national taxes, ecclesiastical surveys, all respected the city boundary' and that since this is the case 'historians have tended to do so too, since the surviving archival sources are structured by administrative divisions'.<sup>63</sup> This chapter is no

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<sup>60</sup> LPL, CM VIII/4, f. 3r

<sup>61</sup> Tai Liu, *Puritan London*, Appendix.

<sup>62</sup> Roger Finlay, *Population and Metropolis*, passim.

<sup>63</sup> Vanessa Harding, 'City, capital, and metropolis: the changing shape of seventeenth-century London', p. 137.

different in that respect, and in fact intends to pay particular attention to the idiosyncrasies at the parochial level. For the purposes of transparency, and considering the intention of the documents, this chapter focuses on the 97 intra-mural parishes and only considers figures that are positively identified by the record maker as being tithe payments as the foundation of any calculations or input into tables. Finally, this chapter takes its numbering of parishes from Liu's *Puritan London* to provide consistency across each set of data (See Image 6 in Appendix below).

With that said, Table 1 (see Appendix below) shows the average values calculated from the data contained in Lambeth's CM VIII/4. These data are fascinating as they give us evidence of early involvement of the city officials in in the process of producing the valuations for King Charles's deliberations. The first assessment, of 1634, is of particular interest because not only does it provide the most comprehensive coverage of parishes of any of the returns, but it also contains both a city and a clerical valuation. William Baer suggests that 'There was every incentive' to perform these assessments 'correctly and accurately', but we might expect to see a number of variations in the accounts given up by the city officials and the clergy due to their hostile reaction to the clergy's proposed alterations.<sup>64</sup> Given the rhetoric on both sides of the divide, it would seem most likely that the ministers would undervalue their tithe income and the city officials would overestimate the same value. Ian Green has suggested that 'Many of the most pessimistic statements about the financial condition of the clergy' were made by their own number, and Green also suggests that they 'Naturally [...] painted as black a picture as they could', using 'the *Valor ecclesiasticus* of 1535' as it 'furnished some very depressing statistics'. Green suggests that the clergy were happy to continue using the *Valor* despite the fact that, 'as various contemporaries pointed out', it was 'seriously out of date [...] owing to the rapid inflation of the intervening years'.<sup>65</sup> In fact no such pattern appears in the data; 94 parishes have complete records of both city and ministerial assessment, in 34 of those parishes the ministers

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<sup>64</sup> William C. Baer, 'Stuart London's Standard of Living: Re-Examining the Settlement of Tithes of 1638 for Rents, Income, and Poverty', p. 615.

<sup>65</sup> Ian Green, 'Career Prospects and Clerical Conformity in the Early Stuart Church', *Past & Present*, 90 (1981), pp. 71–115; p. 79.

reported a greater level of tithes, in 30 the city officials recorded a greater level, and in the remaining 30 the values matched exactly. In total, across the 94 parishes, the ministers overvalued their tithes by a value of £50 16s in comparison to the city officials. It is worth noting that these figures are very much estimates of the income as only 6 out of the 188 data points use anything other than whole pounds, all six of which are on the ministerial side of the valuations. Despite this fact, these assessments still provide a general trend that does not necessarily conform to our expectations on the matter; Table 1 shows that both the city and clergy were offering tithe valuations that were approximate to the actual value being paid, and that few individuals were under or over assessing any livings, with the average clerical valuation being 0.71% higher than the corresponding valuation from the city officials.

Furthermore, the 1634 valuations give us the first evidence in the tithes cause of the material demands of the clergy. It would seem from the manuscript source that the clergy desired a graduated pay scale for the London parishes, starting at £45 2s at St Mary Staining and reaching as high as £450 9d at Christ Church, progressing in regular increments, and with an average value of £133 2s 11d.<sup>66</sup> This demand was for just over half, or more specifically 51.75%, of what the clergy saw as their right in the 'True Tithe' value of 2s 9d in the pound. As mentioned above, Finlay and Hill both suggested that the principle of improving the income was more important to the clergy than the actual amount received, but it would appear this may have only been the case later on in the tithe debates. The lowest desired percentage increase in income was in St Botolph Billingsgate, where a 20% rise was sought; the largest percentage increase was desired in St Stephen Walbrook at almost 208%.<sup>67</sup> The average rise in income desired by the clergy in the 94 parishes for which there are full records in this 1634 assessment was 73%. I would suggest that in the early stages of the tithe debates the clergy were not merely looking for a nominal increase in their income and an acknowledgement of the difficulty with tithe payments, but that they had a clear plan in mind that would serve to benefit their finances

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<sup>66</sup> See Table 7 in the Appendix for full details of the graduated income sought in the 1634 valuation.

<sup>67</sup> The calculations in this paragraph are based on comparing the desired and full tithe values to the clerical calculations for their present tithe income in LPL, CM VIII/4.

substantially. These demands were softened by the inclusion of the calculations for tithe values at the rate of 2s 9d in the pound, which would require an average wage increase of 230%. In effect, the clergy were asking for around one third of what they saw as their due in the early stages of negotiations. This document also contains what *could be* a further assessment of the tithe rates covering 82 of the 97 parishes.<sup>68</sup> These appear to be tithe values but are not positively identified and could in fact be total parish incomes. As there is an ambiguity about their status they will not form a part of this analysis. Even if they were taken into account they offer a completely different situation to the clerical tithe values discussed above with only one of the 82 parishes recording the same figures in each case, and the total figures fall £473 15s 2½d short of the clerical assessment for those 82 parishes discussed above.

The next existing set of records was made in 1636 and detailed information about tithes, casual duties, sermon payments and other such ministerial incomes were included, as well as information on whether or not the parish had a parsonage house, and whether it was lived in by the incumbent or let for further profit.<sup>69</sup> Here there are 83 parishes with values positively identified as tithe payments (see Table 2). The average desired income for those 83 parishes was £126 13s 9d, which if we compare to the corresponding 83 parishes from the 1634 assessment, is 98.32% of the original demand (see Table 3). What this shows is that, while there is indeed a slight decrease in the demands of the clergy, they stuck fairly resolutely to what they thought was a just and equitable set of demands given the circumstances. Furthermore, it is interesting to note that there has never been any indication in the documents that the clergy were aiming to exact the full payment of the 'true tithe', and so these two sets of demands give us a more realistic impression of what was being sought. The manuscript itself is written in a much neater hand than the 1634 document, and there is a note on one of the leaves suggesting that the manuscript was 'given in to the King and Council in 1636'.<sup>70</sup> Furthermore, this manuscript contains a note written by Robert Watts, librarian of Sion College, in which he records that he

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<sup>68</sup> LPL, CM VIII/4, ff. 1-2.

<sup>69</sup> LPL, MS Sion L.40.2.E9, passim.

<sup>70</sup> Ibid., f. 16<sup>r</sup>.



presented it to ‘a Committee of the House of Lords, sitting on the London Clergy Bill, on Wednesday the eleventh day of July in the year 1804’.<sup>71</sup> That these records were still being used in nineteenth-century debates in the Lords is a testament to the enduring importance of these tithe debates in the religio-political discourse of the City of London.

Finally, we come on to an analysis of the best known of these assessments, Lambeth MS 272. As mentioned earlier, the 1634 assessment was the most comprehensive one conducted, but the 1636 and 1638 assessments still provide coverage of 85 out of 97, or almost 90%, of the intra-mural parishes. Table 4 shows that the average tithe value rises slightly year on year in the assessments, despite the fact that the clergy were always complaining of the withdrawal of payments by members of their parishes, and the further impoverishment of their lot. If we want to compare across the various documents we find that there are 73 parishes for which data survives in seven important areas (see Table 5). In this instance the average tithe value drops from 1634 to 1636 before rising to its highest point in 1638, so it offers a slightly different picture than the raw comparison, but the overall trend is a slight increase from the first valuation to last. Likewise, the desired value and ‘true tithe’ estimates consistently fall from 1634 to 1638, both in the raw data and in this collated comparison. Allowing for error and idiosyncratic presentation of results in the sources, it would appear that the various tithe valuations and assessments offer a picture of relative stability during this period, and the upward trend of the tithe payments and downward trend of the ‘true tithe’ suggests that the clergy were collecting a proportionately higher rate of tithes in 1638 than they were in 1634.

As discussed above, these records have been worked over a number of times and are particularly enticing to economic and social historians for the wealth of information contained within them concerning the cost of living early modern London. What has yet to be done is the completion of a more thorough analysis of the tithe rates contained within the manuscript, as well as an exploration of the anecdotal information contained within it. The final part of this

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<sup>71</sup> LPL, MS Sion L.40.2.E9, f. 1<sup>r</sup>

section will contribute to those aims. William Baer describes the scenario in the following manner:

relenting to the clergy's petitions, yet mindful of parishioners' claims that other sources of income were available, Charles, in the spring of 1638, ordered an accounting. Each parish was to show the various benefices, besides tithes, received by the clergy, along with their costs incurred as clergymen, thereby revealing their "clear and independent maintenance" (net income). In addition, they were to show current tithes paid, and list the current moderated rents of tithable buildings, residential and otherwise, on the understanding that Charles would arbitrate any disputes from the survey.<sup>72</sup>

Unlike the previous two assessments, which are single-authored compilations of data into a single document, MS 272 is a compilation of assessments compiled by the individual incumbents of the parish supposedly in conjunction with the respective aldermen of each ward or a deputy of theirs. As such they are written, and often signed, by the individuals and they are all idiosyncratic in their presentation of their returns. Baer confirms this, suggesting that the 'enumerations were not compiled in a uniform way'. He continues by claiming that 'There was no common form to fill out – each surveyor devised his own tally format – nor were there any common instructions or training for carrying out the task'. As mentioned previously, everyone involved in the process knew that 'the returns were supposed to be prepared jointly by the clergy and parishioners, and that the results were subject to challenge before Charles I and his Privy Council', therefore there was 'every incentive to do it correctly and accurately'.<sup>73</sup> By this time almost four years had passed since the first petition had been sent to the king and the financial burden had taken its toll on the clergy.

Laura Brace suggests that 'tithes as a system of maintenance created huge disparities in wealth between the richer and the poorer clergy [...] and it was mostly the better-off parish clergy who involved themselves in litigation'.<sup>74</sup> The first half of Brace's claim is fairly easy to confirm, yet the second half is not necessarily accurate. The smallest tithe income in 1638 was in the parish of St Mary Staining at £21 12s 4d and the largest was in the parish of Christ Church

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<sup>72</sup> William C. Baer, 'Stuart London's Standard of Living: Re-Examining the Settlement of Tithes of 1638 for Rents, Income, and Poverty', p. 614.

<sup>73</sup> *Ibid.*, p. 615.

<sup>74</sup> Laura Brace, *The idea of property in seventeenth-century England*, p. 28.

at £300.<sup>75</sup> On November 29<sup>th</sup> 1638, a number of months after MS 272 had been compiled, a letter was signed by 23 of the city's parish ministers promising further payments 'for the present supplying of moneyes to be expended in the tythe busines'.<sup>76</sup> In total the 23 ministers could promise £14 18s 4d for the prosecution of the tithe debates, but interestingly both Samuel Fawcett and Edward Finch – rectors of St Mary Staining and Christ Church respectively – were among the men who were committed to the continued support of the tithe cause. Fawcett promised 5s (1.16% of his tithes) and Finch, who earned almost 15 times more in tithes than Fawcett, promised 10s (0.17% of his tithes). It would seem that the drawn-out process of the tithe suit had tested the energy, resolve and resources of the clergy, and only a few of this select group were still willing to support the cause in a material way. Indeed, the clergy as a corporate body were found complaining to the king in January 1639 that:

by reason of soe long dependance of [the] said cause submitted about 5 yeares since, they have been and are deprived of all oportunity of improvement, and that likewise some of their parishioners w[ith]drawe [the] Tithes formerly paid, w[hich] (as [the] case now stand[es]) they cannot, w[ith]out much Labo[ur] and charge, Recover.<sup>77</sup>

The above analysis of the sources, however, has shown that this may not necessarily have been the case (see again Table 5). However, we ought to bear in mind such anecdotal information as is provided in the return for St George Botolph Lane. The assessor for this parish, presumably the curate David Sibbald, records that 'The total sum of tithes pd. is £58 13s. 4d., of which there is never gotten more than £50'.<sup>78</sup> While this is just one example, it is a reminder that what is recorded in these assessments and what happened in reality were perhaps two very different things.

We can provide further context for the situation in 1638 with a closer look at the tithe statistics held in MS 272. Table 6 shows the average values extracted from the manuscript for rental value of the property in each parish, calculations of the 'true tithe' at 2s 9d in the pound,

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<sup>75</sup> See Table 8 below for full details.

<sup>76</sup> LPL, CM IX/15, f. 2<sup>r</sup>.

<sup>77</sup> LPL, CM VIII/35, ff. 60<sup>r-v</sup>.

<sup>78</sup> LPL, MS 272, f. 120<sup>r</sup>.

and the actual income received that year. Also included is the average desired income from the 1637 data as a point of comparison. The mean tithe income in 1638 for the parishes with positively identified tithe income was £78 7s 9d, while the median income, that of the parish of St John the Baptist, was £72 9s 6½d. The difference between the two suggests that there was a small group of at the top of the earnings list whose tithe incomes were much higher than the average. This is also shown by the fact that 38 out of the 85 parishes, or 44.71%, earned over the mean average tithe income. Furthermore, when we divide the incomes into four groups – incomes of up to £50, between £50 and £100, between £100 and £150, and £150 and upwards – we get the following results: there are 18 in the poorest group, 53 in the second, 11 in the third, and only 3 earning upwards of £150. This reaffirms Brace’s argument that ‘tithes as a system of maintenance created huge disparities in wealth between the richer and the poorer clergy’ and suggests that there were a number of lucrative lecturing positions in the City that would pay more than a minster might receive in tithes.<sup>79</sup> Furthermore, there are 75 parishes for which data exists in both MS 272 and MS 273, and a comparison of these parishes shows that the clergy were asking for an average increase of 71.37% on their tithe incomes, which would still put them in receipt of only 61.05% of what they saw as their due according to the 2s 9d rate (see Table 6). The London ministers, then, were never really pushing for restitution in the full amount and tried to come up with a solution that they believed to be equitable.

These data are made all the more interesting when we consider the anecdotal and biographical information included by some of the minsters and incumbents of each parish in their returns. These details tend to confirm Jeremy Boulton’s assertions that ‘London society may be conceived of more fruitfully as a mosaic of neighbourhoods rather than a single amorphous community’, as they highlight the idiosyncrasies of the inhabitants and customs of each parochial space.<sup>80</sup> In paying attention to these non-statistical pieces of information our understanding of the processes of compiling the assessments and concerns of the ministers are

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<sup>79</sup> Laura Brace, *The idea of property in seventeenth-century England*, p. 28.

<sup>80</sup> Jeremy Boulton, *Neighbourhood and Society: A London Suburb in the Seventeenth Century*, p. 293.

transformed. For instance, Andrew Blackwell, curate of All Saints the Less, complained that he could not provide a complete return because: 'The present Possessor of Coldharbour do pay tythes unto Sir Francis Clarke but because the rent and tithes are not distinguished in their leases (as I am informed), no certain account can be given of these tythes'.<sup>81</sup> Elsewhere there were similar issues with accessing the information, and it was not only the incumbents that were met with resistance. In the return for the parish of St Gregory by St Paul's there is a note stating that 'For the tithes now paid the Parishioners refuse to shew the Warden & Petty Cannons Impropiators of this Parish their tithing booke only they inform us they gather not above £80 per ann[um]'.<sup>82</sup> The actual amount recorded as collected from the parish was £40 6s 8d, or 50.42%, of the maximum value of £80. There are also moments of individual resistance to the tithe system recorded in the manuscript, as in the parish of St John the Evangelist where the assessor records in a marginal note that a 'Mr. Brooks refuseth to pay tithes for 25 years last past' and a 'Mr Collins refuseth to pay any tithe at all'.<sup>83</sup>

Not all the interactions between the assessors and the parishioners were bad though. John Cooke, rector of St Mary Somerset makes note of the fact that he produced his 'moderate valuation of the several houses in the parish of St. Mary Somersett [...] with the best advice, direction, and assistance of his friends; Divers of the parishioners making this their own valuation'.<sup>84</sup> This sentiment is echoed by Nicholas Bradshaw, rector of St Mildred Bread Street, whose 'moderate valuation of all the houses within the parish of St. Mildred in Bread Street', was 'made by the Rector of the parish of St. Mildred aforesaid with the advice of some of the best of the parishioners'.<sup>85</sup> This second instance is rather suggestive of the involvement of the vestry committee, 'the best of the parishioners', in the compilation of the assessment. While this statement does not confirm the fact, it does lend support to the argument that the members of

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<sup>81</sup> LPL, MS 272, f. 37<sup>r</sup>.

<sup>82</sup> Ibid., f. 127<sup>v</sup>.

<sup>83</sup> Ibid., f. 147<sup>r</sup>.

<sup>84</sup> Ibid., f. 210<sup>r</sup>.

<sup>85</sup> Ibid., f. 268<sup>r</sup>.

the vestry would have played some role in arbitrating these valuations as they held both civic and spiritual functions in their respective parishes.

There are a number of complaints about the sorry condition of various livings, and in particular of the poor state or lack of a parsonage house. In the parish of St Martin Ludgate the assessor recorded a rent of £13 paid out of the incumbent's income for a 'house to dwell in because the parsonage house, being built upon the top of the church, is unhealthy for habitation'.<sup>86</sup> Elsewhere Charles Offspring, rector of St Antholin, complained of a 'small melancholike parsonage house' that was of little value or use.<sup>87</sup> Jonathan Brown, rector of St Faith under St Paul's, complained that not only did he 'have no parsonage house' but that when his parishioners 'pay tithes they reckon houses to [him] at £4 per ann[um] rent, yet when [he] come[s] to hire them [he] cannot have the same for £30 per ann[um]'.<sup>88</sup> It would appear that either Brown was a particular victim of a strain of anti-clerical sentiment in his parish, or this was merely the continuation of the practice of double leases that the clergy were so keen to eradicate from the London property market. We have no way of verifying Brown's statement but, as Baer has suggested, everything included in the returns was to be open to scrutiny and arbitration made on it by the king, so we can assume at least some kernel of truth in this anecdote. The sorry state of the fortunes of the clergy is perhaps most epitomised by Adoniram Byfield, curate of Allhallows Staining, who recorded that 'The tithes and casualties and Easter Book with the rent of the houses are all received by the proprietour, Mr. Hugh Barcroft; he allowing eight pounds for the serving of the cure which is all the independent maintenance that the Curate hath'.<sup>89</sup> With a tithe income of £81 recorded for the 1638 assessment it would appear that Byfield was in receipt of less than 10% of the value of the tithes on the benefice, even less when factoring in the casual duties, while the farmer of the impropriation Hugh Barcroft kept the rest of the profits to himself.

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<sup>86</sup> LPL, MS 272, f. 226<sup>v</sup>.

<sup>87</sup> *Ibid.*, f. 66<sup>r</sup>.

<sup>88</sup> *Ibid.*, f. 109<sup>r</sup>.

<sup>89</sup> *Ibid.*, f. 43<sup>r</sup>.

There is a feeling from some of the assessments that the clergy felt threatened by their parishioners, nowhere more so than St Mary Magdalen Old Fish Street. Here the assessor, Matthew Griffith, records that:

There is no glebe that I know of, now belonging to this Church though it appears by divers records that above 40 houses were given unto it and enjoyed in right of it heretofore. Neither is there any parsonage house now to be found, though there be yet a place here called parsonage alley. The rent of the house which now I dwell in, is paid by the Churchwardens yearly, but they will pay it no longer for me if tithes be raised, so that, de futuro, house rent must be added to the deductions that follow before what I have here set down can be adjudged to be independent maintenance.<sup>90</sup>

Griffith records, through his allusion to parish records and the toponymy of the parish itself, the loss and depreciation of the value of the living, and as above the influence of prominent members of the parish come to bear on the creation of the parish assessment. Here the message is clear, that the parish does not want an increase in tithe payments and is willing to find ways around the potential increase in clerical income by threatening to remove some of their customary contributions.

It was not only material benefit that was seen as under threat, but also the good name of the parson. Edward Harrison, rector of Holy Trinity the Less, feared that his reputation was sure to be questioned after his assessment was made public, and outlined this concern in a letter that is included with his return in the manuscript. Harrison writes:

Upon Wednesday the 2nd of May there was a warrant sent downe from the King's most excellent majesty, divers Lords and others of the most hon[our]able privy counsell to value the dwelling houses there and return certificate of the true estate of that parsonage. Upon Monday the 7th of May there was a meeting of the parishioners for another occasion, when I shewed my neighbours the warrant and desired their aid and assistance in this intricate work: my answer was from them they had no order for it: since when I had no conference with them, neither did they shew any readiness to yoke with me: whereby I am constrained alone to set to the work which I neither well understand nor have any great will to meddle in; knowing their return and mine will be of vast difference, I shall be charged with unconscionable dealing, which imputation I am not content to endure because I am unwilling to deserve it.<sup>91</sup>

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<sup>90</sup> LPL, MS 272, f. 243v.

<sup>91</sup> Ibid., f. 313r.

Harrison's letter does not give full details of what was said in his meeting with his parishioners, but the thrust of the conversation is plain enough. He shows a concern for how this most recent assessment will damage his reputation among his parishioners and it is clear that Harrison appears upset by the unneighbourly reaction of his 'neighbours'.

There are also a number of reports of the outright refusal on the part of the city authorities to play any part in the assessments. Cadwalader Morgan, rector of St Benet Sherehog, states that: 'Being denied by them that were appointed by the Alderman's Deputy to have any assistance as his Majesty's order did ordaine, I have in my own person made this valuation as Right and as Moderate as I could'.<sup>92</sup> Likewise, Richard Cowdal of St Mary Colechurch reports that:

As concerning the meeting by his Majesty's order enjoyned, it came to nothing; the principals of the city's side did not appear and it seemeth to us ministers that they have no meaning to come to any agreement especially about the valuation of houses though it be ordered by superior authority and with great moderation to be performed.<sup>93</sup>

Not only is there a sense of frustration in both these reports, but in Cowdal's we also get a suggestion that the ministers were in fact conferring and supporting one another in the course of the tithe suits. Cowdal's phrase 'it seemeth to us ministers' suggests some discussion of the situation, some conference on the topic, and an agreement about the frustrating behaviour of the city officials. This lack of input can also be inferred from the lack of signatures on the vast majority of these returns. In fact, the only returns that appear to contain signatures from non-clerical individuals are those of St Clement Eastcheap and St Mary Abchurch. Both parishes were under the care of Rector Benjamin Stone and the dispensation to hold the plurality was presumably given as the two churches are little more than 100 metres distant from one another. St Clement's return bears the signatures of 'Ben. Stone, Rector', 'John Colman' and 'Thos. Sontley' and St Mary's has 'Ben Stone, Rector', 'John Colman' and 'Thomas Sontley'.<sup>94</sup> Both churches lie in Candlewick Ward, and presumably Colman and Sontley were both deputies of

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<sup>92</sup> LPL, MS 272, f. 77<sup>r</sup>.

<sup>93</sup> *Ibid.*, f. 200<sup>r</sup>.

<sup>94</sup> *Ibid.*, ff. 87<sup>v</sup>; 190<sup>v</sup>.



Candlewick's Alderman, Anthony Abdy. Other than this, there is very little evidence for the involvement of the city officials in any meaningful way.

Finally, to underline the idiosyncratic nature of the London parishes, we will turn to a letter written by Thomas Westfield, rector of the extra-mural parish of St Bartholomew the Great. The letter is worth quoting in full as it captures the anguish and concern that the clergy must have been feeling with regard to the tithes case. Westfield writes:

I know not what certificate to make about the execution of his Majesty's order concerning Tithes, seeing tithes were never paid in the parish of St. Bartholomew's. The Priory was dissolved about the end of Henry 8th his reign, by him it was made a parish and a rectory and there was set out a good proportion of houses (I do believe the tenth house as the parish then was) for the maintenance of the Rector. Most of these houses were let out by the first parson there at too low a rate by long leases which are not yet expired to the great prejudice of his successors.

At the expiration I suppose they may be let at a moderate indifferent rate for an £100 per ann. I receive as yet but about £60 and this is the only clear yearly Revenue of maintenance which the parson hath as yet independent. With this and his Easter book and casual duties (which I find to amount communibus annis towards £40 more) together with that voluntary maintenance which the parishioners have constantly given me ever since my first coming thither for the space of 32 years, I do rest so well satisfied as that I find no cause to complain for relief. Although I could wish the living were made better and the means more certain for the good of my successors, yet I know not how to effect it, seeing the parishioners are in a liberty, not under the City and have not submitted themselves together with the City to any Award in this business of tithes. I would be glad to receive any command from my Lord or direction from you what to do herein. And so with my best respect remembered to you, I commend you to the protection of the Almighty and rest

Yours most assured,

St. Bartholomew's, Thos. Westfeild.<sup>95</sup>

Westfield's letter was addressed to Samuel Baker, chaplain to Bishop Juxon, and it encapsulates the complexity of the London parochial landscape in the wake of the Reformation. St Bartholomew's was a dissolved priory and had been exempt from tithe payments prior to its dissolution. A system had been put in place to provide for the incumbent, but Westfield suggests that poor management by his predecessors has diminished the value of the benefice. Westfield claims what would have been considered an above average income from his parish, but this is to be expected since the parish lays outside the city walls. Westfield also points to a strong bond

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<sup>95</sup> LPL, MS 272, f. 331r.

between himself and his parishioners that has been built up over 32 years. The uncertainty and concern that Westfield shows for his parish, its inhabitants, and his future successors encapsulates the human side of these accounts and this section has suggested that this human side has as much to tell us about the experience of London life in the 1630s as the statistical information can, if not more.

To conclude this section, we will turn to a question Julia Merritt asks of her source material for the similar assessment of vestries undertaken in this period but is a question equally applicable to the tithe records.

Given the extent of this inquisition into London's parishes and the systematic way that information was gathered, why does it not seem to have resulted in any further action?<sup>96</sup>

The answer to this question, in this instance, is not entirely clear. Certainly the clergy faced a near immovable opposition in the city's officials; another factor to consider was that Charles and his Council's 'more weighty matters' – that is the 'Scottish revolt – took precedence over the tithe issue.<sup>97</sup> In order to gain a better understanding of the lack of resolution to this great drawn out process of assessing the London livings, the next section will detail and examine the petitioning practices on both sides of the argument. In doing so, the hope is to shed further light on the politics of the dynamic and complex relationships between city, court and clergy in Caroline London.

### **iii.**

#### **CITY, COURT AND CLERGY DYNAMICS**

This third section will explore the changing relationship between the city officials, the king and his Privy Council, and the clergy of London during the mid-1630s. In doing so, this section will investigate Phil Withington's claim that 'State formation in England involved not so much the centralization of military, fiscal, and bureaucratic power as the incorporation, and

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<sup>96</sup> J. F. Merritt, 'Contested legitimacy and the ambiguous rise of vestries in early modern London' p. 43.

<sup>97</sup> T. C. Dale, *The Inhabitants of London in 1638*, p. xi.

empowerment, of disparate communities within the overarching concept of commonwealth'.<sup>98</sup> This section will bear in mind Ian Archer's suggestion that 'The discourses associated with citizenship, so often deployed in an apparently localist framework to protect economic privileges, could take on more radical implications when the predator was seen to be groups acting under the protection of the crown' as appears to have been the case with the clergy in the tithes cause.<sup>99</sup> Also pertinent to this section is John Twyning's suggestion that 'By the early seventeenth century London had not only "outgrown its traditional guild structures" but also outstripped or over-stressed nearly all its institutional, customary, legal, and administrative practices', and this section will explore how these groups attempted to wrestle control from one another in the reconstruction of the City's social, economic and political structures.<sup>100</sup>

Of course the politics of the parish will be important to this discussion, and this section acknowledges Michael Berlin's assertion that in this period parishes 'increasingly functioned as units of local government, with greater responsibility for administering the policies of central government and the City corporation' and that this in turn 'gave parochial officials greater power over the lives of their communities and shifted their activities away from traditional celebrations of parish life [...] towards the more formal exercise of power'.<sup>101</sup> In this respect, this chapter considers the role of the "middling sort" in the functioning of civic governance as an increasingly important phenomenon in the process of the tithes cause. Christopher Hill has identified the middling sort as a group that were becoming more politically conscious as 'their growing wealth gave them increased confidence' in their place within the social fabric of London. Hill also suggests a secondary importance of this socio-economic group as the collection of civic taxes was often undertaken by 'constables, churchwardens and the like, who

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<sup>98</sup> Phil Withington, 'Public Discourse, Corporate Citizenship, and State Formation in Early Modern England', p. 1036.

<sup>99</sup> Ian W. Archer, 'Popular politics in the sixteenth and early seventeenth centuries' in Paul Griffiths and Mark S. R. Jenner (eds.), *Londinopolis: Essays in the cultural and social history of early modern London* (Manchester: Manchester University Press, 2000), pp. 26-46; p. 42.

<sup>100</sup> John Twyning, *London Disposessed: Literature and Social Space in the Early Modern City* (Basingstoke: Palgrave Macmillan, 1998), p. 3.

<sup>101</sup> Michael Berlin, 'Reordering rituals: ceremony and the parish, 1520-1640' in Paul Griffiths and Mark S. R. Jenner (eds.), *Londinopolis: Essays in the cultural and social history of early modern London* (Manchester: Manchester University Press, 2000), pp. 47-66; p. 51.

were normally drawn from the middling sort'.<sup>102</sup> This raises the issues of obedience to authority, and to Ian Archer's suggestion that the Protestant 'construction of obedience as due to the godly monarch imposed limits on their loyalty, limits which were increasingly tested under the early Stuarts'.<sup>103</sup> In looking at the tithes cause this section will examine Archer's comments and explore the 'many points of contacts between the royal court and citizens'. Paul Griffiths and Mark Jenner suggest that 'the City and the livery companies knew [...] how to exploit royal favour and parliamentary legislation'; that Londoners did not 'simply respond to political initiatives from above' but that they had their own 'distinctively civic political prejudice and sentiment'.<sup>104</sup>

In the course of these discussions the foundation of Sion College and Library and the status of vestries in London are important factors in the narrative of events. Julia Merritt describes vestries as 'local oligarchies' and suggests that they 'increasingly differentiated themselves from the rest of the community', and 'so (it is suggested) they were co-opted as willing instruments of control by the central authorities'. For Merritt, vestries 'encapsulated – and in a sense constituted – the emerging state, and it is in the parishes of pre-Civil War London that they first catch the historian's eye'.<sup>105</sup> London in the 1630s was also a hotbed of polemical printing, and this chapter will look at Brian Walton's printed narrative of the tithes cause as a piece of propaganda in the public arena.

The tithe debates were drawn out over a number of years and as we have seen both the theoretical and practical aspects of those debates had a history in print that predated their flourishing in the mid-1630s. On the 21<sup>st</sup> of March 1621 a bill was read in Parliament for the improvement of the clerical incomes in London; a report of this bill, amounting to a single page of text, was printed in the same year under the title and a copy of this report was collected with

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<sup>102</sup> Christopher Hill, 'Parliament and People in Seventeenth-Century England' *Past & Present* 92 (1981), pp. 100-124; p. 112.

<sup>103</sup> Ian W. Archer, 'Popular politics in the sixteenth and early seventeenth centuries', p. 42.

<sup>104</sup> Paul Griffiths and Mark S. R. Jenner (eds.), *Londinopolis*, p. 10.

<sup>105</sup> J. F. Merritt, 'Contested legitimacy and the ambiguous rise of vestries in early modern London', pp. 25-6.

other matter pertinent to the later tithes case.<sup>106</sup> Many of the complaints in the bill are echoed in the later petitions compiled by the clergy, particularly the ‘secret bonds’ and ‘double leases’ that allow citizens to ‘defeat the ministers of their tithe’. In 1621 the clerical position was softer than in later years and they proposed that ‘To auoide the suspition of excessiue raising of the liuings in London, a prouiso may passe, that if any Benefice shall be raised in tithe by valuing to 50 *lib per annum*, more then now it is at the making of this Act, then no Parson or Vicar shall haue any more benefit by vertue of this Act’.<sup>107</sup> There is a note on one of the two Lambeth copies of the brief and, although it bears no date, the comment states that ‘This was too meane, we hope better now’.<sup>108</sup> This suggests again that we need to consider the evolution and alteration of the clerical position over time if we are to fully understand the tithes cause.

To better understand these changes, it seems necessary to outline the narrative of events as seen through the petitions and submissions from both sides of the argument. The clergy submitted their first ‘humble’ petition to Charles and the Privy Council on the 6<sup>th</sup> of May 1634, in which they both asked for an increase in their income and complained of the fraudulent behaviour of ‘many London Landlords’ who were ‘endangering their owne soules’ by contriving ‘double leases’ and renaming parts of the rent as a fine or income to evade their full tithe payments.<sup>109</sup> Charles issued a response to this petition on the 15<sup>th</sup> of May that year in which he ordered that a commission be set up to arbitrate on the matter. The commission was to ‘call all parties before them, whome this busines may any way concerne, and, after full heareing & examining thereof, to end it’ if possible. Otherwise they were to make a report to Charles, ‘that so his Ma[jestie] may take such further order therein, as in his Princely Wisdome hee shall thinke fitt’.<sup>110</sup> Five days later Brian Walton received the first payment from Edward Marbury, rector of St Peter Paul’s Wharf, of £3 given ‘for the prosecution of the suite of Tythes’.<sup>111</sup> Walton would

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<sup>106</sup> Anon., *The briefe of the ministers bill for London tithe* (London: s. n., 1621). Two copies are kept at Lambeth: LPL, CM IX/27, f. 32<sup>r</sup> and LPL, CM IX/37, f. 48<sup>r</sup>.

<sup>107</sup> Ibid.

<sup>108</sup> LPL, CM IX/37, f. 48<sup>r</sup>.

<sup>109</sup> LPL, CM VIII/26, f. 47<sup>r</sup>.

<sup>110</sup> Ibid., f. 47<sup>v</sup>.

<sup>111</sup> LPL, CM IX/44, f. 61<sup>r</sup>.

start his work straight away, recording his first expense in the tithes cause on the 21<sup>st</sup> of May 1634 and interestingly there is a payment of 2<sup>s</sup> 6<sup>d</sup> recorded on the 31<sup>st</sup> of May ‘to M<sup>r</sup> Seldens man’, suggesting that despite the sustained clerical attacks on John Selden’s *Historie of Tithes* he was sought out as a person capable of offering some information or guidance that would be of benefit to the clerical cause.<sup>112</sup>

As well as seeking out Selden in the early phase of the tithe cause, Walton records various journeys to institutional archives, such as a visit to the ‘Starrchamber office’ on the 12<sup>th</sup> of June and again on the 19<sup>th</sup> of August, a ‘search in the first fruit[es] office’ on the 21<sup>st</sup> of August, and a similar ‘search in the augmentation office’ on the 6<sup>th</sup> of October. Likewise, Walton spent money on making ‘coppies of acts of Common counsell out of Guildhall’ on the 8<sup>th</sup> of October and again for ‘depositions out of the arches’ on the 11<sup>th</sup> before a search ‘in the Rolles’ on the 7<sup>th</sup> of November and the 26<sup>th</sup> of November, on which date he also searched ‘in the B[ishops] Registry’. These visits were followed by a ‘search in the Arches office’ on the 5<sup>th</sup> of December. As well as seeking out these records, Walton appears to have been backward and forward between his parish, the Archbishop’s palace at Lambeth, the Bishop of London’s palace at Fulham, Greenwich and Westminster, recording numerous expenses for ‘going by water’ about the tithes cause.<sup>113</sup>

While Walton and his fellow clergymen had been busy preparing for the prosecution of their business, the commission set up by Charles appears to have concluded that the matter required his royal arbitration, as a second response to the original petition, recorded on the 23<sup>rd</sup> of November 1634, stated that:

whereas the clergy of London had exhibited a petic[i]on to his Ma[jestie] concerning their Tithes, the Maior, Aldermen, and com[m]on counsell did as much as in them lay, submitt the cause wholly to his sacred Ma[jestie’s] Judgment and Award, And withal, that they humbly desired of his Ma[jestie] three things following: viz. 1. That the clergy might in like manner submitt by writing beeing now incorporated. 2. That the Impropriato[rs] might have no benefitt nor increase, but the Vicars meanes to bee increased out of the Impropriac[i]on. 3. That the parishes without the Liberties might bee raised in

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<sup>112</sup> LPL, CM IX/44, f. 61<sup>v</sup>.

<sup>113</sup> Ibid., ff. 61<sup>v</sup>-64<sup>v</sup>.

their Tithes aswell as the rest, and that the burden might not wholly ly upon the Citty. 4. That they might have sufficient time to defend their cause. &c.<sup>114</sup>

The City's submission to the king's judgement is confirmed by another document held at Lambeth, which is a copy of that original submission. It records that the decision to submit to Charles's ruling was made after a meeting 'in camera Guildhall London 19<sup>o</sup> die Novembris Anno d[omi]ni 1634' and the submission records that:

The said Court of Common Counsel in all humbleness submitteth themselves to y[our] Ma[jestie's] most gracious Judgment & Award touching the differences depending before y[our] Ma[jestie] betweene the Parsons & Vicars of London, & the parishioners of the several Parishes of the same concerning Tithes.<sup>115</sup>

There are a number of individuals named in the document as being present at the meeting. These included the Lord Mayor Sir Robert Parkhurst and the Recorder of London Robert Mason as well as former Lord Mayors Sir Hugh Hammersley, Sir Richard Deane, Sir George Whitmore and Sir Nicholas Rainton. Also among the named attendees were: Christopher Clitheroe, Maurice Abbot, Henry Garraway, William Acton and Edward Wright; these men constituted five of the next seven Lord Mayors of London and as such represented the head of the opposition to the clerical petitioning for the remainder of the 1630s.<sup>116</sup>

The City officials had submitted to Charles's ruling in this case, but they had included the proviso that the clergy must do the same, all the more so 'beeing now incorporated'.<sup>117</sup> Their submission, written in Latin, was issued on the 3<sup>rd</sup> of December 1634 and it stated, 'Nos Rectores, Vicarii et Curati [...] humillime submittimus et subiicimus Arbitramento, Judicio, et determinac[i]oni d[omi]ni n[ost]ri Regis'.<sup>118</sup> It is worth considering the importance of the clerical incorporation and the foundation of Sion College in this matter. Thomas White had left money in his will to pay for the foundation of the College as primarily a philanthropic venture with the alms houses central to his conception of what Sion would be. P. J. Anderson has shown that White provided '£3,000 for the purchase of property to accommodate a guild of the clergy of

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<sup>114</sup> LPL, CM VIII/26, f. 47<sup>v</sup>.

<sup>115</sup> LPL, CM VIII/28, f. 49<sup>r</sup>.

<sup>116</sup> Ibid., f. 49<sup>r</sup>.

<sup>117</sup> LPL, CM VIII/26, f. 47<sup>v</sup>.

<sup>118</sup> LPL, CM VIII/27, f. 48<sup>r</sup>.

London and suburbs, placing them in the same position as other professions which enjoyed charters of incorporation with common privileges and property'.<sup>119</sup> Indeed E. H. Pearce suggested that White did not 'intend to set up a society which should add to the strife of tongues' and continued to argue that 'his will shows that he cared more for the philanthropic than for the ecclesiastical side of the institution'. It is Pearce's belief that 'if it had not been for the action of those who added a theological library to the substructure of Dr White's Almshouses, it is likely enough that the *Clerus Londinensis* might have found but little in Sion Hospital by itself to interest them and to keep them together'.<sup>120</sup> Pearce suggests that there was some trepidation about the foundation of the College, particularly there were 'fears' among the executors of White's will, 'that "the Corporacon" of City clergy' was 'a new idea and fraught with all manner of conjectural risks'.<sup>121</sup>

There were, in fact, issues with the charter of incorporation and Cornelius Burges recorded the concerns in his pamphlet *Sion College what it is and doeth*. Burges, who was the rector of St Magnus from 1626 to 1641, recorded that:

a *Charter* and *Mort-main* was procured from the King; but that first Charter being suggested to be prejudicial to the Bishops Episcopall jurisdiction was revoked, and a new Charter granted in *anno sexto CAROLI nunc Regis*, the same with the former, onely drawne with more caution (by the speciall inspection of WILLIAM LAUD) for preserving *Episcopall jurisdiction* entire to the Bishop.<sup>122</sup>

Burges also suggests that the College 'was much enlarged by the munificent addition of a Publique Library, for the use of all Ministers and ingenious men resorting thither'.<sup>123</sup> Burges's pamphlet was a defence of the College and the corporation of the ministers, which had come under attack in the mid-1640s, and as such he takes particular care to reiterate the propriety and authority of the College. Burges describes Sion as:

a large and ancient House situate in *Alphage* Parish within *Cripplegate London*, converted into a *College*, which is governed by a *President* and six other Ministers, annually chosen by the whole Company of Ministers of *London* and the

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<sup>119</sup> P. J. Anderson, 'Sion College and the London Provincial Assembly, 1647-1660', *Journal of Ecclesiastical History* 37:1 (1986), pp. 68-90; p. 71.

<sup>120</sup> E. H. Pearce, *Sion College and Library* (Cambridge: Cambridge University Press, 1913), p. 2.

<sup>121</sup> *Ibid.*, p. 11.

<sup>122</sup> Cornelius Burges, *Sion College what it is and doeth* (London: Ralph Smith, 1648), p. 4.

<sup>123</sup> *Ibid.*



Suburbes, who are incumbents of *Churches, Assistants* to them, or *Lecturers* there for the time being, they being all incorporated by *Charter*, as fellowes of that College, and are a *Corporation* to all intents and purposes as other bodies politique are, under the name and *title of the President and Fellowes of Sion College*.<sup>124</sup>

It was perhaps important for the City authorities that the clergy submit to the king's ruling, 'beeing now incorporated', as it would ensure that the king ought to treat both parties equally under the law and show no favouritism in any regard.<sup>125</sup>

The petitioning continued from both parties, and it was not just to the king that the clergy were sending their complaints. In a letter addressed to the Bishop of London, the clergy complained that the tithes suit had been 'fully argued & debated by Counsell learned on both sides upon the 18<sup>th</sup> of January in the 10<sup>th</sup> yeare of his Ma[jesty's] rayne', that is 1635, and that 'thereupon order was given to stay all suites for increase of tythes untill his said award should be published', meaning that the clergy were no longer permitted to sue individually for increase in tithe payments.<sup>126</sup> This judgement from the king is also recorded in a copy of a petition 'of the Lo: Major & citty to the king, about May 24 1635' in which, among other things, the city officials complain that in those debates 'one Record of the Excheq[uer] (then unknowne to yo[ur] petic[i]on[ers]) was vouched on the clergies behalf'. The city officials thought it was unjust that the clergy had accessed records they had no knowledge of and sought more time in which to analyse it. The King's response, recorded as being delivered on the 26<sup>th</sup> May 1635, was that 'His Ma[jestie's] pleasure is that all suites of either side shalbee stayed, untill his Ma[jestie] shall have determined this busines'.<sup>127</sup> The staying of all suits was a huge blow for the clergy and they wrote a response to the king's judgement on the 7<sup>th</sup> of June 1635, to which the king responded on the 9<sup>th</sup> stating that:

It is his Ma[jestie's] pleasure that the Cittisens of London shall pay such tithes as were formerly paid, notwithstanding any late commaund from his Ma[jestie] pretended to the contrary. And if they shall deny the payment of those Tithes, then the Petic[i]oners may sue for them in the Eccl[esiast]icall Court, or otherwise. It beeing his Ma[jestie's] Intention that only such suites as have been

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<sup>124</sup> Ibid., p. 3.

<sup>125</sup> LPL, CM VIII/26, f. 47<sup>v</sup>.

<sup>126</sup> LPL, CM VII/12, f. 19<sup>r</sup>.

<sup>127</sup> LPL, CM VIII/29, ff. 50<sup>r-v</sup>.

commenced for increase of Tithes since the submission to his Ma[jestie] (if any such bee) shalbee stayed till his Ma[jestie] have determined the busines.<sup>128</sup>

This was some relief to the ministers, but the order stalled any hope of immediate financial relief. In fact, little further petitioning is known of in this case until those produced around the time of the 1638 assessment discussed above. The exasperation at the slow pace of the tithe suit is evident in the following petition – undated, but presumably from the spring or summer of 1639 – in which the clergy state that:

whereas the controversy between yo[ur] petitioners & the citizens & in inhabitants [sic.] of London, about tythes, hath been about five yeares agoe submitted to yo[ur] Maj[esty's] Royall Judgem[ent] & award since w[hich] time in regard of yo[ur] Maj[esty's] other great affaires ther hath been no determination in the said cause.<sup>129</sup>

As has been alluded to previously, the spectre of Charles's 'other great affaires' had loomed over the tithes cause and had prevented a speedy resolution to the proceedings. The ministers were increasingly frustrated and in a note maintained among the records of the tithe case the following question is recorded: 'If the Alder[m]an will not doe it w[hat] course then?'<sup>130</sup> This catches the tone of the dynamic between these groups being discussed: despite the submission of both parties to the king's judgement, the civic officials were in a much stronger position than the clergy and they were willing to exert financial pressure on the clergy in an effort to get them to relent. William Baer suggests that there was a widespread 'non-compliance' strategy with regard to the assessments and the clerical attempt to improve their tithes, and that 'The people's strategy was to protest, stall, obfuscate, and otherwise avoid revealing their true rent' to anyone who inquired of it. Baer also suggests that these strategies were in fact 'sometimes urged by their aldermen, according to the ministers' reports'.<sup>131</sup>

In the tithes suit then we see a manifestation of Paul Griffiths and Mark Jenner's assertion that 'in early modern London religious and high political changes were played out in

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<sup>128</sup> LPL, CM VIII/30, ff. 51<sup>r-v</sup>.

<sup>129</sup> LPL, CM VIII/13, f. 20<sup>r</sup>.

<sup>130</sup> LPL, CM IX/86, f. 146<sup>r</sup>.

<sup>131</sup> William C. Baer, 'Stuart London's Standard of Living: Re-Examining the Settlement of Tithes of 1638 for Rents, Income, and Poverty', p. 615.

conflicts between pastors and parishioners'.<sup>132</sup> Furthermore, it can be said that the middling sort played an increasingly important role in these conflicts. Ian Archer has suggested that:

The political education of the middling groups took place through their experience of local office and the administration of the law, and the introduction of religious division into their communities broadened political horizons as men and women became aware of wider struggles of which they were a part.<sup>133</sup>

In the tithes case we are presented with an issue that has high political, religious and economic meaning, and so this social grouping that was politically aware and sometimes expressive of religious dissent developed strong opinions in response to it. As such, it is worth bearing in mind Archer's work on charitable giving in London, in which he claims that the citizens of London became increasingly selective with their giving and began to question the forced payment of tithes on a geographical basis.<sup>134</sup> The population of early modern London was one that was unafraid of expressing its myriad religious beliefs and there was a sense among the dissenting communities that any money paid to the church should be voluntary and given to the parson or lecturer of the individual's choosing. As Laura Brace suggests, 'One of the core disagreements' at this time concerning the tithes case was 'over the sense in which religious faith could be owned'.<sup>135</sup> Brace continues to explore this issue later in her work, suggesting that the 'Defenders of tithes saw themselves as upholding the rule of law by preserving the *status quo*, while opponents insisted that the law did not have the power to create a property right in tithes'.<sup>136</sup>

The idea of the *status quo* in this instance is interesting as Vanessa Harding has identified a trend in the historiography that sees 'London's livery companies' as the 'traditionalist element in early modern London's society and economy, upholding older social values and resisting change in economic practice'. But Harding suggests that in fact they can be seen as 'complex' institutions, 'fully engaging with contemporary changes and helping to shape the new

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<sup>132</sup> Paul Griffiths and Mark S. R. Jenner (eds.), *Londinopolis*, p. 10.

<sup>133</sup> Ian W. Archer, 'Popular politics in the sixteenth and early seventeenth centuries' p. 26.

<sup>134</sup> Ian W. Archer, 'The Charity of Early Modern Londoners', *Transactions of the Royal Historical Society*, 12 (2002), pp. 223–244.

<sup>135</sup> Laura Brace, *The idea of property in seventeenth-century England*, p. 5.

<sup>136</sup> *Ibid.*, pp. 102-3.

metropolitan society that emerged'.<sup>137</sup> Again we are reminded of the role of both individual and corporate bodies in the shaping of early modern London, and the fascinating interactions between them that allow us to better understand the functioning of society in this period. This was also a period in which the citizenry of London was consuming printed literature at a higher rate than ever before, and so to conclude this section we will look at Brian Walton's printed narrative of the tithes cause as a piece of highly partisan propaganda published in order to sway public opinion in the favour of the ministers.

Here, Thomas Mason's account of the petitioning and the debate of the issue at court, in his *Serving God and Mammon* of 1985, is perhaps the most complete and valuable beyond Brian Walton's own manuscript treatise.<sup>138</sup> Mason conceives the project as being very much an Arminian, if not Laudian, effort to improve the standing of the Church in society and he places a great deal of importance, perhaps rightly so, in the actions and evidence concerning Archbishop Laud and in William Juxon, the bishop of London. Mason's account highlights some interesting aspects of the debate, but I think that by framing it in the way he has, his narrative risks eclipsing the efforts of the many individuals who played some part in the prosecution of the tithe business, the boots on the ground as it were. As with Hill earlier, I am loath to criticise Mason overly much as I truly enjoyed reading his chapter on the tithe debates, and I feel that he outlines the higher-level processes of the petitioning rather well. However, I do feel there are a number of issues that need to be addressed in his work. Mason quotes Peter Heylyn at length during his chapter on the London tithes case, particularly the following passage in which Heylyn suggests that Juxon's appointment as Lord treasurer on the 6<sup>th</sup> of March 1636 was a potential turning point for the clergy's suit. Heylyn writes:

The peace and quiet of the Church depended much on the conformity of the City of *London*, and *London* did as much depend in their trade and payments upon the Love and Justice of the Lord *Treasurer* of *England*. This **Juxon's appointment** therefore was the more likely way to conform the Citizens to the directions of their Bishop, and the whole Kingdom unto them; No small

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<sup>137</sup> Vanessa Harding, 'Recent Perspectives on Early Modern London', *The Historical Journal*, 47:2 (2004), pp. 435–450; p. 449.

<sup>138</sup> Thomas Mason, *Serving God and Mammon: William Juxon, 1582-1663, Bishop of London, Lord High Treasurer of England, and Archbishop of Canterbury* (London: Associated University Presses, 1985), especially pp. 68-81.

encouragement being thereby given to the *London* Clergy for the improving of their Tythes.<sup>139</sup>

Heylyn manages to capture the complicated interconnectedness of the church and state under Charles's reign here, but Mason questions Heylyn's suggestion that Juxon's appointment as Lord Treasurer was as important as claimed, suggesting that:

A fundamental problem of chronology, however, weakens this theory of his appointment. It is unlikely that the furtherance of the tithe cause was the primary consideration in Juxon's appointment as lord treasurer, for he waited over eighteen months before reviving the attempt to enforce the tithes.<sup>140</sup>

While I make no claims as to whether or not the tithe cause was a primary consideration, I believe that the existence of the 1636 tithe assessment would suggest that there was not in fact an 18-month gap in the pursuit of improved tithes as Mason claims. Mason makes no mention in his book of the manuscript containing the 1636 assessment, Sion L.40.2.E9, and this second assessment is entirely absent from his discussion. I would suggest that had he known of its existence he would have moderated this comment, and perhaps even reverse his argument and use the 1636 assessment as proof that Juxon's appointment was in part based on his involvement in the tithes dispute. One other aspect of Mason's narrative that has caused me concern is his suggestion that 'By January 1639, however, time had run out for the tithe cause, as Walton noted, "The Scottish Rebellion breaking out, all was hushed, till that could be quieted"'.<sup>141</sup> Again, my issue is not with his suggestion that the Scottish Rebellion impacted upon the tithe debates, but it is in his use of the source material. Mason takes his quote from this passage in CM VIII/46 and has used the word 'could' in place of what actually appears in the manuscript as 'shoud'. The difference between the 'should' and 'could' is subtle, but it entirely alters the overall sense of the phrase, and I question why he would make that editorial decision to change the word.<sup>142</sup>

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<sup>139</sup> Peter Heylyn, *Cyprianus Anglicus* (London: A. Seile, 1668), p. 304.

<sup>140</sup> Thomas Mason, *Serving God and Mammon*, p. 75.

<sup>141</sup> *Ibid.*, p. 76.

<sup>142</sup> See Image 1 below.

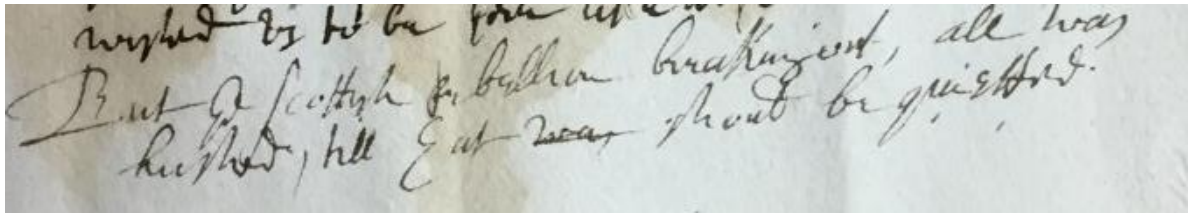


Image 1: Detail from LPL, CM VIII/46, f. 50.

Furthermore, Mason fails to acknowledge that this quote is actually from one of Walton's draft versions of his published treatise. If we look at Image 2 below, we can see that the density of the ink in the passage Mason quotes is different to the writing on the rest of the page, which I argue would suggest that it was written at a different time to the rest of this manuscript, if not by a different hand. While I cannot say when this was written, it would appear that this very much an addition to the narrative and was not originally conceived as part of it. It is only by moving beyond Mason's account and returning to the original source that we can fully contextualise this comment and better understand its significance.

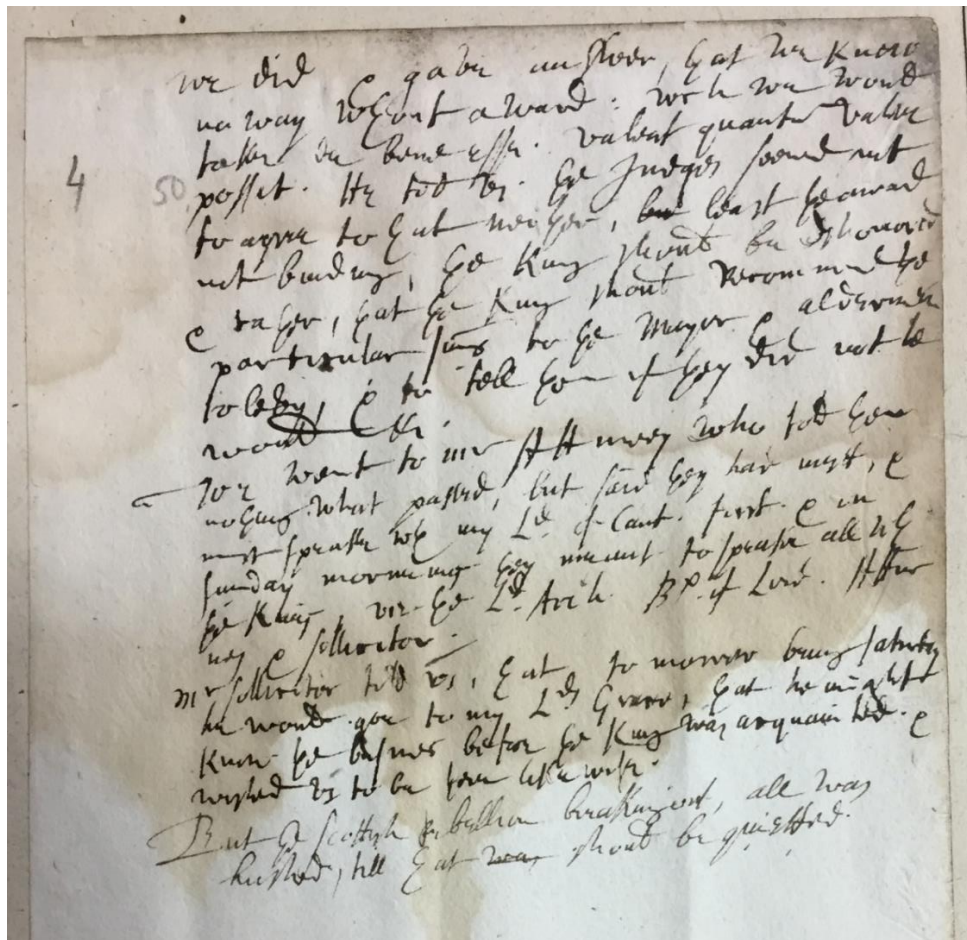


Image 2: LPL, CM VIII/46, f. 50.



If we turn our attention to Lambeth's MS 273 we will see that this was also a draft version of Walton's treatise, but I will argue that – even more importantly – this was the draft he sent to be printed. The most compelling argument for this comes in what appears to be marginal instructions to the typesetters. In Image 3 below there is a manicule roughly half-way down the left-hand margin of the manuscript, with a drawing of a cross within a circle.

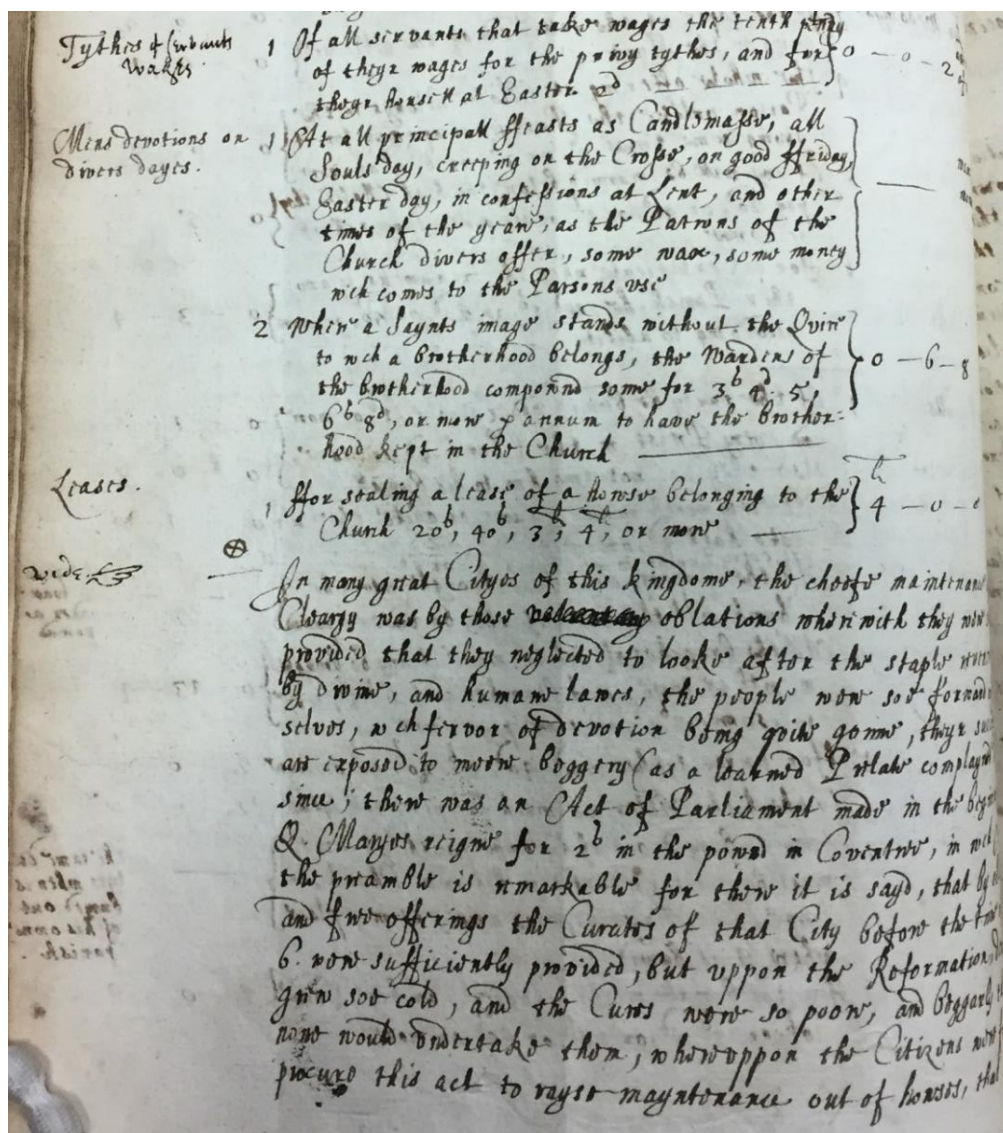


Image 3: LPL, MS 273, f.18<sup>v</sup>.

At the top of the following manuscript page (see Image 4 below) we see the manicule and crossed circle repeated, and there is an attached instruction: 'this to come at this mark'.<sup>143</sup>

<sup>143</sup> LPL, MS 273, f. 19<sup>r</sup>.

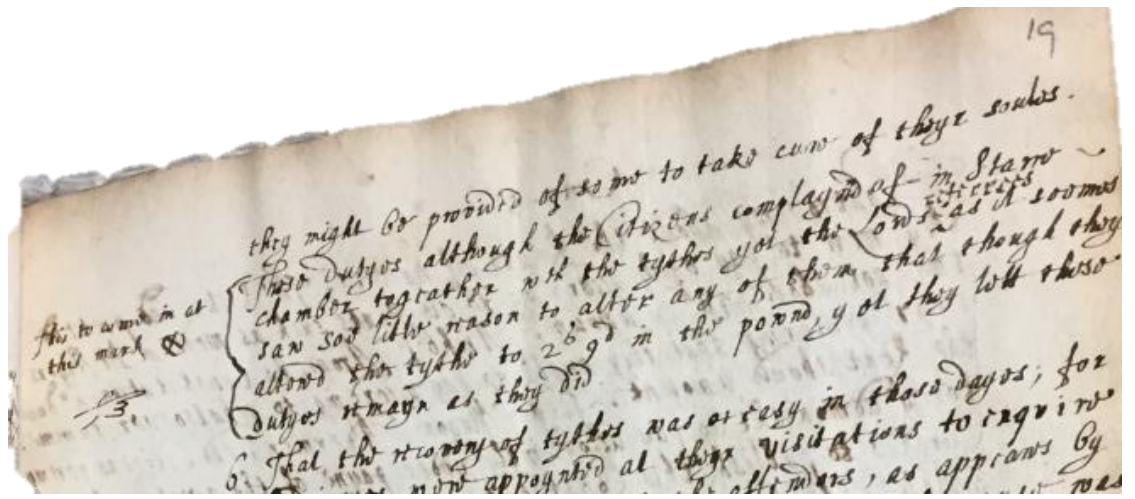


Image 4: Detail from LPL, MS 273, f. 19r.

When we look at Walton's *Abstract of a treatise*, we see that indeed the highlighted text in the manuscript has been inserted into the correct position in the printed text (see Image 5).

(21)

	l.	s.	d.
Where a Saints Image stands without the Quire, to which a brotherhood belongs, the wardens of the brotherhood compound, some for 3 s. 4 d. 5 s. 6 s. 8 d. or more per annum, to have the brotherhood kept in the Church.	}	0	6 8
For sealing a Lease of a house belonging to the church 20 s. 40 s. 3 l. 4 l. or more.	}	4	0 0
These duties although the Citizens complained off in Starre chamber, together with the tythes, yet the Lords Referrees as it seemes, saw so little reason to alter any one of them, that although they abated the Tythe to 2 s. 9 d. in the pound, yet they lett these duties remaine as they did.			
That the recovery of Tythes was as easy in those dayes, for they were appointed at thye visitations to require all tithes, as appears by...			0.

Image 5: Detail from Brian Walton, *An Abstract of a treatise concerning the payment of tythes and oblations in London* (London: [s.n.], 1641), p. 21.



Walton's treatise was published in 1641, at a time of turbulence and uncertainty in the city and when there appeared to be very little hope of any resolution in the tithes cause, and there is a glaring omission from the final printed version that exists still in MS 273. Walton wrote the following in draft form:

After this his Ma<sup>tie</sup> seeing that twas in vayne to expect any end by Treaty, or accomodation w<sup>th</sup> the Citty, and that nothing but a Judiciall award would end the businesse, declared himself to this purpose at Counsell Table and gave order to his Attorney, and Solicitor to prepare the cause, and to draw up an Award ready for him, who addressed themselves thereunto, and a draught was prepared, and perused, but ~~M<sup>e</sup> Attorney desiring the Judges might be consulted with in the businesse, that it might bind the more strongly, hereuppon was a little stay till the Scottish Rebellion troubles breaking out: Whereuppon hi Matie reserving still power in his hands by vertue of the sayd submission to alter, increase, and finally settle the businesse when his other important affayres of state should permit~~<sup>144</sup>

The section shows the same type of editing practice as above, but this passage of the narrative does not make its way into Walton's printed text. Walton's narrative in this manuscript section suggests that Charles was close to ruling in favour of the clergy, but that the outbreak of the Bishops Wars demanded his more immediate attention and eventually the clerical drive for improved income lost its momentum.

What Walton did do in his printed treatise, though, is provide his justifications for the attempts to improve clerical incomes and seems to want to allay any fears that the London tithe payer might have. He writes that: 'Even in the greatest Parishes without the Wals there was not above 100 l. *per annum* desired in any, above that which is now paid, which yet is no more then some small Parishes within the Wals have allowed for a yearely Lecture'.<sup>145</sup> Walton also attempts to pare the argument down to its simplest form in the treatise, asking of his reader:

Now if the payment of 2<sup>s</sup> 9<sup>d</sup> be thought so much, if it should bee truly payed without fraud, that nothing is more objected, then that the Ministers would have too much, and be too rich; what thinke they of 3<sup>s</sup> 9<sup>d</sup> [i.e. 3<sup>s</sup> 6<sup>d</sup>] in the pound, which was duely paid, as will bee made cleare with out any contradiction?<sup>146</sup>

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<sup>144</sup> LPL, MS 273, f. 81<sup>r</sup>.

<sup>145</sup> Brian Walton, *An abstract of a treatise concerning the payment of tythes and oblations in London* (London: [s.n.], 1641), p. 64.

<sup>146</sup> *Ibid.*, pp. 8-9.

Walton's historical narrative encompasses a number of centuries and there is almost a twisted sense of nostalgia in his writing as he compares the easy life of pre-reformation parsons with the experience of clerical life in the seventeenth century.

Walton complains that inflation and the debasement of currency is crippling clerical finances and suggests that as one penny in 1267 was worth 'as much as 3<sup>d</sup> is now' it follows that '2<sup>s</sup> 9<sup>d</sup> in the pound then, was as much as 8<sup>s</sup> 3<sup>d</sup> of the money which is now payed'. Given the rate of inflation, '1<sup>d</sup> then would goe farther, not onely then 3<sup>d</sup> of our mony (which it equalled in value) but farther then 1<sup>s</sup> now'.<sup>147</sup> Walton uses this argument to show how damaging it is to have the tithe valuations linked to the *Valor Ecclesiasticus* as the rate of inflation required more frequent assessments and alterations of tithe payments. Not only was the income worth more in real terms historically, but Walton claims that the 'recovery of Tythes was easie in those dayes' as well, because the issue was raised during visitations and if any did sue, 'the cause was heard summarily, *sine iudicii strepitu*, no such delays and chargeable suites as now, were then knowne, unlesse in some speciall case that concerned the whole City'.<sup>148</sup> Not only was the income worth a great deal more and the collection of it easier, but Walton also suggests that the work itself was much easier. Walton writes:

what was then required, but to say Masse, which was an easie worke, preaching was little used, unlesse in Lent or towards Easter, whereas now by Law or custome, besides all other Priestly duties, they must preach not quarterly or monethly, but weekely or oftner, or else be accounted dumbe dogs, one Sermon requiring more paines and labour then the reading of 40 Masses, which required some paines of the tongue but little or no study of the braine at all.<sup>149</sup>

This was a particular complaint of an increasingly highly educated clergy who saw themselves as a select group of highly trained individuals who deserved remuneration for their years of training and continued efforts with preaching and lecturing.

Walton suggests that 'about the middle of *Q. Eliz.* reign', after the rents of houses and more general price rises had occurred, the situation was made much worse for the clergy by 'the

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<sup>147</sup> Ibid., pp. 9-10.

<sup>148</sup> Brian Walton, *An abstract of a treatise concerning the payment of tythes and oblations in London* (London: [s.n.], 1641), p. 21.

<sup>149</sup> Ibid., pp. 14-5.

divers devices' that 'were found out, to prevent & defraud the Parsons of their 'Tythe'.<sup>150</sup> These devices were of a linguistic nature, and subverted the statute law passed under Henry VIII by naming parts of the rent by different names, under which heads they were not subject to tithing.

Walton's treatise bears the disgust with these practices that is seen throughout the tithe papers at Lambeth. To try and redress the situation Walton suggests to his reader that the statute laws passed by Henry VIII concerning the London tithes:

are extended by equity beyond the word, and therefore well may the word here be taken so farre as Common speach doth extend them: for this favour the Judges have ever extended even to Statutes most penall, for words must stoope to meaning, not meaning to words, and yet this decree must be extended in equitie even beyond what the words will beare in Common sense in some Cases.<sup>151</sup>

Again, the tone of desperation seeps through in Walton's writing and he laments the present situation of his fellow clergymen by exclaiming that for them 'all is cleane inverted' and they no longer have the easy life of their predecessors. He expands on this by sentiment, stating that:

in stead of 3<sup>s</sup> 6<sup>d</sup> according to the true value of houses, there is not paid 2<sup>s</sup> 9<sup>d</sup> no not 9 pence in the pound throughout the Citie, take one house with another; as for personall tithes, they are things unknown [...] and the recovery of that little Tithe which is left (if any deny to pay it) so beset with difficulties, that the most are glad to take any thing they can get, nor doth any one Parish, one of twentie pay him tithes according to any rent, either old or new, some small summe such as the Parson and he can agree upon.<sup>152</sup>

Throughout the treatise Walton urges upon his reader that the withdrawal of tithe payments from the London clergy could cause irreparable damage to the church, leaving the clerical class financially ruined. He frames it in terms that appeal to the Christian conscience, suggesting that those who consider withholding their tithe payments should not 'deprive the Church of its due'.<sup>153</sup>

It is not sure how well this treatise was received in the city at its time of publication, but one can only assume that it received unfavourable attention from the city officials. While there

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<sup>150</sup> Ibid., p. 7.

<sup>151</sup> Ibid., pp. 49-50.

<sup>152</sup> Brian Walton, *An abstract of a treatise concerning the payment of tythes and oblations in London* (London: [s.n.], 1641), p. 40 [i.e. p. 22].

<sup>153</sup> Ibid., p. 61.

may have been many people sympathetic to the plight of the ministers, it was the larger social and political structures that were preventing any real change from taking place. The clergy were unfortunate in many respects, and the unfolding events did not work in their favour. Despite being a group of some influence themselves, they came up against an opponent in the Lord Mayor, Aldermen and Common Council who were able to exercise their financial and political influence in ways that the clergy could not match. In Charles they thought they had found an ally that would help them solidify the Church of England's power and finances and provide them with a means of consolidating their profession in the city through the foundation of Sion College. But as events worked against them, the clergy were left asking the question 'What power the King hath in Law' to help them in the tithe business.<sup>154</sup>

#### iv.

### CONCLUSION

This chapter has shown, through its exploration of the tithe disputes of the 1630s, that 'In the post-Reformation context the complex inter-mingling of religious and corporate interests was' not only 'the cause of considerable confusion' but also the cause of fierce debate and politicking among the inhabitants of London.<sup>155</sup> In doing so, this chapter has followed Julia Merritt's lead in the study of early modern Londoners 'to reinstate citizens as active participants in the changing city – not simply as passive observers of a developing cityscape, but as individuals making creative, pragmatic responses to a changing urban environment'.<sup>156</sup> It has also been a response to Vanessa Harding's claim that 'Understanding early modern London thus becomes an objective shared across disciplines', and in its discussion of both literary and documentary sources it is hoped that there is some element of interdisciplinary 'conversation' at play here.<sup>157</sup>

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<sup>154</sup> LPL, CM VIII/31; f. 53r.

<sup>155</sup> Andrew Gordon, *Writing early modern London*, p. 140.

<sup>156</sup> J. F. Merritt (ed.), *Imagining Early Modern London*, pp. 23.

<sup>157</sup> Vanessa Harding, 'Recent Perspectives on Early Modern London', p. 438.

In her study of the similar tranche of records concerning vestries, Merritt has suggested that the ‘returns are often treated as statistical evidence for the continued growth of London’s vestries’ and yet she argues that ‘the origins and meaning of this survey of London parish government has never been fully studied or explained’. In the course of this chapter the same form of argument is being made, and while it has been the intention of this chapter to do so, it is apparent that this is very much the beginning of what can be said about the London tithes cause. Merritt revealed, through her study of the vestry material, that ‘Rather than evidence of the strength of select vestries, the returns are actually a manifestation of the campaign against them, which had arrested their expansion’.<sup>158</sup> This chapter’s intention has been to provide a similar reinterpretation of the tithe evidence, and hopes that this will allow other scholars to approach the sources not as bare repositories of statistical data but as records of a lively, dynamic and heated debate that engaged all types of people from the various social strata of early modern London. It is to the symbolism and importance of the city that we now return. John Twyning suggests that ‘When Charles I abandoned London in January 1642 his political dethronement began; only to be completed when the new owners dragged him back there to be executed seven years later’. He suggests that ‘Much was, and still is, at stake in the tenure of London’ and his focus on the geographical importance of the events he describes echoes what this chapter has intended to show.<sup>159</sup> London has been central to our discussion of events, whether it is has been the parishes of the city, the waterways travelled by Walton and the institutions he visited during his archival research, or the political tensions between the square mile of the city and Westminster. The fabric and people of London will also be central to the next chapter. E. H. Pearce has suggested that ‘The question of tithe is for the clergy partly a domestic and partly a public question; certainly, it becomes the latter when it tends to involve them in disputes with

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<sup>158</sup> J. F. Merritt, ‘Contested legitimacy and the ambiguous rise of vestries in early modern London’, p. 39.

<sup>159</sup> John Twyning, *London Dispossessed: Literature and Social Space in the Early Modern City*, p. 4.

their parishioners'.<sup>160</sup> The next chapter intends to explore these very disputes in all their manifestations during the turbulence of the 1640s.

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<sup>160</sup> E. H. Pearce, *Sion College and Library*, p. 219.

## CHAPTER 4: TITHES AND THE PUBLIC SPHERE IN 1640S LONDON

In 1662 *A Generall Bill of the Mortality of the Clergy of London* was anonymously published. This short pamphlet promised a ‘Catalogue of the Learned, Grave, Religious and Painful Ministers of the City of London, who have been Imprisoned, Plundered, and Barbarously used, and deprived of all Livelihood for themselves and their Families, in the late REBELLION’.<sup>1</sup> The author of the pamphlet suggests that 79 of the 97 intramural parishes were affected in some way by the civil wars, with 85 ministers being some combination of ‘sequestered’, ‘plundered’, ‘imprisoned’, ‘beaten’, and/or ‘molested’. Furthermore, the pamphlet records 16 ministers who suffered similar fates and had since passed away, five of whom were ‘dead with grief, leaving ‘About 40 Churches void, having no constant Minister in them’.<sup>2</sup> While we ought to approach the severity of the claims in this partisan account with some scepticism, it does provide a harrowing overview of the scale and extent of the disruption and turmoil that the City of London faced at a parochial level in the turbulent mid-century decades of civil war and rebellion.

This chapter aims to explore the influence of the continued public discussion of the tithes controversy on this breakdown of lay-clerical relationships in this period by employing a methodology that draws on two central strands of historical and historiographical inquiry. The first of these strands is that of Jürgen Habermas’s theory of the public sphere, and perhaps more importantly with the subsequent adaptations of said theory as seen in edited collections such as Craig Calhoun’s *Habermas and the Public Sphere* and Peter Lake and Steven Pincus’s *The Politics of the Public Sphere in Early Modern England*.<sup>3</sup> The second major influence on the chapter is the detailed research into the archives of the parishes, wards, courts and other institutions of the City of London, most prominently seen in the works of Alice McCampbell, Peter Lake, Keith

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<sup>1</sup> Anon., *A generall bill of the mortality of the clergy of London; or, a brief martyrology and catalogue of the learned, grave, religious, and painfull ministers of the City of London* (London: [s.n.], 1662), Title Page.

<sup>2</sup> Ibid., pp. 1-6. See also A. G. Matthews, *Walker Revised: being a revision of John Walker’s Sufferings of the clergy during the Grand Rebellion, 1642-1660* (Oxford: Clarendon Press, 1988).

<sup>3</sup> Craig Calhoun (ed.), *Habermas and the Public Sphere* (London and Cambridge, MA.: The MIT Press, 1992); Peter Lake and Steven Pincus (eds.), *The politics of the public sphere in early modern England* (Manchester: Manchester University Press, 2012).

Lindley and Ann Hughes.<sup>4</sup> By combining these two strands of analysis, this chapter will explore ‘the relationship between what “really happened” and the stories people told about what was happening’ with regard to the tithe debates, and in doing so, this chapter will follow Lake and Pincus’s suggestion to ‘place a depiction of communication, the relaying of accounts of political processes to different audiences, at the centre’ of its analysis.<sup>5</sup> In order to accomplish this aim it is necessary first to engage with Habermas’s conception of the “bourgeois public sphere”, and to define a version of the “public sphere” model that fits the circumstances of the tithe debates in the 1640s.

In 1992 David Zaret suggested that ‘Critical commentary enjoys an unfair advantage when it is directed at historical and sociological scholarship published nearly thirty years ago’ and that ‘The advantage is greater where the work in question analyses the rise of some significant aspect of modern society, as Habermas does in *The Structural Transformation of the Public Sphere*’.<sup>6</sup> This unfair advantage has perhaps only increased in the intervening 26 years, and yet it is testament to Habermas’s work that all discussions of the concept of the public sphere seem to have to refer back to him as the point of origin. Many have expressed dissatisfaction with aspects of Habermas’s model, and have chosen to adapt it to better fit their own working practices, and in that regard this chapter is no different.

One issue in particular that has caused concern among academics is Habermas’s dating of the “birth of the public sphere”, which he suggests ‘arose first in Great Britain at the turn of the eighteenth century’ in the realm of political debate.<sup>7</sup> Habermas does acknowledge, however, that ‘The dimension of the polemic within which the public sphere assumed political importance during the eighteenth century was developed in the course of the two preceding centuries in the

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<sup>4</sup> Alice E. McCampbell, ‘Studies in London Parish History, 1640-1660’ (Unpublished PhD Thesis: Vanderbilt University, 1974); Peter Lake, *The Boxmaker’s Revenge: “Orthodoxy”, “Heterodoxy”, and the Politics of the Parish in early Stuart London*; Keith Lindley, *Popular Politics and Religion in Civil War London*; Ann Hughes, *Gangraena and the Struggle for the English Revolution*.

<sup>5</sup> Peter Lake and Steven Pincus (eds.), *The politics of the public sphere in early modern England*, pp. 2-3.

<sup>6</sup> David Zaret, ‘Religion, Science, and Printing in the Public Spheres in Seventeenth-Century England’ in Craig Calhoun (ed.), *Habermas and the Public Sphere* (London and Cambridge, MA.: The MIT Press, 1992), pp. 212-235; p. 212.

<sup>7</sup> Jürgen Habermas (translated by Thomas Burger), *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society* (Cambridge, MA: The MIT Press, 1991), p. 57.



context of the controversy in constitutional law over the principle of absolute sovereignty'.<sup>8</sup> Dagmar Freist characterises this as the 'emerging public sphere', which she suggests was 'characterized by spontaneous and well-informed debate'. She suggests that it is distinct from Habermas's formulation as the spontaneity of the debate rendered it different from 'more structured forms of reasoning in a specific time and space, for example, the literary clubs of the eighteenth century'.<sup>9</sup> The issue with Freist's "emerging public sphere" is that it could suggest an incompleteness, or an immaturity or deficiency in the public discussions of the sixteenth and seventeenth centuries. Rather, this chapter intends to follow the likes of Ann Hughes, who has suggested that 'the Habermasian concept' of the public sphere has been 'pushed back from the end of the seventeenth century, where Habermas himself located its emergence'.<sup>10</sup>

Indeed, this chapter borrows from Peter Lake and Steven Pincus by considering the growth and development of a post-Reformation public sphere that perhaps reached its zenith in the mid-seventeenth century, that 'pivotal era for the development of English political, religious and economic debate'.<sup>11</sup> Adopting this approach allows us to consider the importance of religious issues in the development of the public sphere and public opinion. In fact, the lack of consideration of religion is one of the three key issues that David Zaret finds with Habermas's account, and Zaret suggests that the need to consider the religious aspect 'becomes obvious when the events and consequences of the English Revolution are taken into consideration'.<sup>12</sup> Zaret's dissatisfaction is fuelled by his belief that the development of the public sphere in the mid-seventeenth century was 'a time when religious discourse was a, if not the, predominant means by which individuals defined and debated issues in this sphere'.<sup>13</sup> This chapter will remedy

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<sup>8</sup> Jürgen Habermas, *The Structural Transformation of the Public Sphere*, p. 52.

<sup>9</sup> Dagmar Freist, *Governed by Opinion: Politics, Religion and the Dynamics of Communication in Stuart London 1637-1645* (London: Tauris Academic Studies, 1997), p. 21.

<sup>10</sup> Ann Hughes, 'Men, the "public" and the "private" in the English Revolution' in Peter Lake and Steven Pincus (eds.), *The politics of the public sphere in early modern England* (Manchester: Manchester University Press, 2012), pp. 191-212; p. 194.

<sup>11</sup> Steven Pincus, 'The state and civil society in early modern England: capitalism, causation and Habermas's bourgeois public sphere' in Peter Lake and Steven Pincus (eds.), *The politics of the public sphere in early modern England*, p. 217.

<sup>12</sup> David Zaret, 'Religion, Science, and Printing in the Public Spheres in Seventeenth-Century England', p. 220.

<sup>13</sup> Ibid. p. 213. See also David Zaret, 'Petitions and the "invention" of public opinion in the English Revolution', *American Journal of Sociology* 101:6 (1996), pp. 1497-1555; p. 1542.

this concern by offering a careful consideration of the importance of religious difference in the development of public opinion.

Another criticism that has been levelled at Habermas's public sphere is that it is a model that is overly idealised and does not allow for a full understanding of the role of the individual within the creation of public opinion. By insisting on the centrality of the exercise of reason in rational-critical debate to the development of the public sphere, Habermas's formulation essentially reduces the importance of the lived experiences of an individual and 'arguably replaces the incarnate and differentiated moral subject with a generic, hyper-rational being'. Michael Gardiner suggests that this hyper-rational being is the result of Habermas 'attempting to ground moral theory and ideological criticism in the universal norms that he believes regulate speech-acts'.<sup>14</sup> The historical truth of the matter was probably much messier than Habermas's imagined, idealised public sphere. This chapter will instead consider a public sphere that is reflective of the lived experiences of its participants and, as M. R. Somers suggests, is 'a contested participatory site in which actors with overlapping identities as legal subjects, citizens, economic actors, and family and community members, form a public body and emerge in negotiations and contestations over political and social life'.<sup>15</sup>

Habermas has also been criticised for formulating a concept of the public sphere that is, perhaps unintentionally, elitist. Habermas suggests that the 'public sphere of civil society stood or fell with the principle of universal access', but his conception of the public sphere in fact seems to be far from universally inclusive.<sup>16</sup> Craig Calhoun suggests that Habermas draws on the work of Kant to create his public sphere, and in particular on Kant's insistence on the 'ubiquity of argument'. Calhoun also suggests that this was 'the valuable kernel in the flawed ideology of the bourgeois public sphere'.<sup>17</sup> Despite this acknowledgement of the ubiquity of

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<sup>14</sup> Michael E. Gardiner, 'Wild publics and grotesque symposiums: Habermas and Bakhtin on dialogue, everyday life and the public sphere', in Nick Crossley and John Michael Roberts (eds.), *After Habermas: New Perspectives on the Public Sphere* (Oxford: Blackwell Publishing and The Sociological Review, 2004), p. 34.

<sup>15</sup> M. R. Somers, 'Citizenship and the Place of the Public Sphere: Law, Community, and Political Culture in the Transition to Democracy', *American Sociological Review* 58 (1993), pp. 587-620; p. 589.

<sup>16</sup> Jürgen Habermas, *The Structural Transformation of the Public Sphere*, p. 85.

<sup>17</sup> Craig Calhoun (ed.), *Habermas and the Public Sphere*, p. 2.

argument, Habermas suggests that the public sphere ‘was realized not in the republic of scholars alone but in the public use of reason by all who were adept at it’.<sup>18</sup> While accepting that it was not a purely academic pursuit, Habermas’s qualifying statement still excludes certain groups from participating in the public sphere and shows preference to particular types of communication over others. Freist counters this position by suggesting that ‘politics in the seventeenth century cannot be understood fully without recognizing that it is centrally connected to communication, information, rumour and gossip’.<sup>19</sup> Freist continues to say that ‘any attempt to define politics by confining it to institutions and an elite minority fails to understand the complexity of political processes and the interaction of conflicting social, cultural, and political norm systems and tradition’.<sup>20</sup> For Freist, ‘a static perception of the public sphere, a narrow, legal definition of censorship rather than a conceptual reassessment of the meaning of censorship, and a Habermasian definition of public opinion as characterized by rational discourse alone, fall short of grasping the complexity of communication processes in a society with a massive oral residue’.<sup>21</sup> By considering those individuals that would otherwise be ignored in a truly Habermasian conception of the public sphere, this chapter hopes to provide an account of the tithes controversy that includes as many of the stakeholders who were involved in the debate as possible.

In order to include a wider proportion of the population, this chapter will explore a wide variety of sources, both print and manuscript, in order to create as comprehensive an account of participation in the public sphere as possible. Lake and Pincus suggest that ‘Printed works are a central, but by no means the only, form of polemical text with which historians of the public sphere should concern themselves’.<sup>22</sup> Indeed, David Zaret argues consistently for the importance of petitions in the growth of the public sphere and of public opinion. Zaret suggests that in the mid-century ‘Petitions became a device that constituted and invoked the authority of

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<sup>18</sup> Jürgen Habermas, *The Structural Transformation of the Public Sphere*, p. 105.

<sup>19</sup> Dagmar Freist, *Governed by Opinion*, p. 299.

<sup>20</sup> *Ibid.*, p. 300.

<sup>21</sup> *Ibid.*, p. 301.

<sup>22</sup> Peter Lake and Steven Pincus (eds.), *The politics of the public sphere in early modern England*, p. 17.

public opinion, a means to lobby Parliament'. He further argues that "This practical development led to new ideas in politics that attached importance to consent, reason, and representation as criteria of the validity of opinions invoked in public debate".<sup>23</sup> This chapter will explore not only petitions concerning the tithes controversy, but the surrounding pamphlet literature as well as the extant vestry minutes and churchwardens' accounts from the parishes of the City of London to better understand how public opinion was shaped and conceived in the period.

Why then, given these issues with the Habermasian model, are we engaging with the concept of the public sphere in this chapter? Nick Crossley and John Michael Roberts have suggested that the 'Problems evident in Habermas's account have prompted some to ditch the public sphere concept for alternative though similar ideas'. They continue, however, to suggest that the majority of scholars 'have sought to overcome these problems by keeping the public sphere concept but thinking about it from a different theoretical level'.<sup>24</sup> They do so because the application of a modified public sphere concept to the historical past can provide some truly fascinating insights, and Crossley and Roberts highlight 'the relational and institutional school' within the social sciences, which 'consciously seeks to embed the public sphere both within an historical milieu and within wider social relations'.<sup>25</sup> Many have adapted Habermas's conception by dropping the "bourgeois" from the "public sphere". Steven Pincus has pointed to the fact that "The bourgeois public sphere was not a tangible material space; it was an ideal' and Ann Hughes suggests that, precisely for that reason, 'It has been detached or set free by many scholars from its bourgeois connections'.<sup>26</sup>

By dropping the bourgeois element of Habermas's model, by expanding the franchise of the public sphere to include a wider swathe of the population, and by implementing the other adaptations mentioned above, this chapter is following a model similar to the 'modified and

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<sup>23</sup> David Zaret, 'Petitions and the "invention" of public opinion in the English Revolution', p. 1499.

<sup>24</sup> Nick Crossley and John Michael Roberts (eds.), *After Habermas: New Perspectives on the Public Sphere*, p. 12.

<sup>25</sup> *Ibid.*, p. 16.

<sup>26</sup> Steven Pincus, 'The state and civil society in early modern England: capitalism, causation and Habermas's bourgeois public sphere', p. 215; Ann Hughes, 'Men, the "public" and the "private" in the English Revolution', p. 194.

more historically grounded conception of the public sphere' defined by Peter Lake and Steven Pincus.<sup>27</sup> As such, this chapter aims to 'tell a dialectically coherent story of cumulative change' through the decade of the 1640s, and takes seriously the claim that 'The Civil Wars broke out and took the form that they did, in part, because the recurrently episodic instantiations of the post-Reformation public sphere helped to change the nature of politics and expand the political nation'.<sup>28</sup> Lake and Pincus explain the analytical flexibility in the public sphere model, suggesting it allows them to 'connect court-based political manoeuvres, religious controversy, and then political economic debate, with wider socio-economic and institutional change'. They consider one of the 'great virtues' of the modified public sphere model to be that they 'do not need to accord causal primacy to any one factor' and that it is the 'interaction of ideas, political and factional manoeuvre, socio-economic, and institutional changes' that produced and transformed the public sphere in the seventeenth century.<sup>29</sup> This chapter will provide a narrative of the tithe debates that equally shows the interconnectedness of the social, religious, and political and economic factors. Few could have predicted, in 1640, what the anonymous author of the *Generall Bill of Mortality* knew in 1662 about the extent to which the London clergy would suffer during the civil wars, and about the various circumstances that led, for the most part, to their downfall. Therefore, this chapter will borrow once more from Lake and Pincus and remind the reader that 'Political contingency remains central to' our understanding of the tithes controversy.<sup>30</sup> No one side could be confident of victory, and that is why the issue was so hotly debated in print, in sermons, at Sion College, in vestry meetings, alehouses and independent congregations throughout the City.

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<sup>27</sup> Peter Lake and Steven Pincus (eds.), *The politics of the public sphere in early modern England*, p. 2.

<sup>28</sup> *Ibid.*, p. 15; p. 9.

<sup>29</sup> *Ibid.*, p. 16.

<sup>30</sup> *Ibid.*, p. 17.

i.

**PUBLIC OPINION AND THE PUBLICATION OF OPINION**

This section will take a broadly chronological approach in order to understand the growth and development of publicised and published arguments concerning the tithes controversy in the 1640s. By setting the polemical treatises, propaganda, petitions and other publications against the background of the social and political changes of the revolutionary decade, this chapter hopes to see how the perceived centre of power shifted across time and to observe the growth of the opposition to the clerical tithe movement as it gained public acceptance and momentum in the latter half of the decade. The focus remains on London, the city whose ‘crowded, intimate parishes [...] provided a tremendous arena for gossip, argument, and discussion’, but this section will also consider the influence of a number of printed county petitions on the capital.<sup>31</sup> Across the decade we will see an increased number of voices and variety of opinions being shared in the debate over tithes, and also the increasing power of public opinion in the political realm. Furthermore, this section will respond to Alice McCampbell’s suggestion that in London tithe payment ‘may well have been affected by the debate over the validity of tithes which raged in the press off and on’ throughout the decade.<sup>32</sup>

At the outset of the 1640s the king’s ‘great affaires’ – or as Walton described them, ‘the Scottish troubles’ – appeared to be coming to some conclusion, but there were worrying signs for the clergy. The costs incurred during the Bishops’ Wars necessitated the calling first of the Short Parliament, and after further losses Charles signed the Treaty of Ripon and was then forced to call the Long Parliament in order to raise taxes to cover his expenses. Charles, eager to recoup his losses, could not conceivably offer his support to the clerical tithe cause and attempt to increase lay taxation at the same time. Despite the foundering of the clerical tithes cause, many of the clerical publications concerning tithes in the early years of the decade

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<sup>31</sup> Ann Hughes, *Gangraena and the Struggle for the English Revolution*, p. 130.

<sup>32</sup> Alice E. McCampbell, ‘Studies in London Parish History, 1640-1660’, p. 109.

continued to appeal to Charles's supreme authority for support. Not only would they appeal to Charles's authority, but it was common to refer to the project of reformation that had been initiated by his father.

In *The Vickers Challenge* (1640), Joshua Meene – vicar of Wymondham in Norfolk and author of the 1638 treatise *A Liberall Maintenance is Manifestly Due to the Ministers of the Gospell*, of which *The Vickers Challenge* is a copy – celebrated the fact that Charles, the 'now most gracious King (God be thanked)' follows the 'devout foot-steps of his happy Father in paternall protection and favour of his Clergy'. Furthermore, Meene suggested that 'His Majesties Sovereigne power and sanctified disposition is able and willing with the precious balme of heavenly justice, to cure this otherwise unrecoverable and inveterate ulcer, and to compell the due practice of this divine precept.'<sup>33</sup> Meene considered the king to be the only source of remedy to the contested status of tithes. Richard Perrot – vicar of the village of Hessle, near Hull – also reflected fondly on the reign of King James, and considered him a perfect model of authority, styling him 'our late Sovereigne, ever of blessed memory' who 'for his zeale to Gods house, his care for the advancement and increase of true religion, and for his love to Gods Ministers, may well be called another Solomon'. Perrot is confident that a favourable resolution in the tithes cause will come to pass due to the influence of James on Charles as he writes: 'Neither are our hopes any whit lessened in his Kingly Sonne Royall King Charles our most gracious Soveriange, who is the lively image of his Royall Father'.<sup>34</sup>

These early-decade pamphlets defending the divine right to tithes followed the dedicatory practices as well as the basic arguments of the works of Spelman, Sempill, Tillesley and Ryves published in James's reign, and indeed Joshua Meene speaks openly of his indebtedness to that previous generation of writers. Meene refers to the efforts of these men when he writes:

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<sup>33</sup> Joshua Meene, *The Vickers Challenge* (London: Nicholas Vavasour, 1640), p. 64.

<sup>34</sup> Richard Perrot, *Jacobs Vowe: Or, The True Historie of Tithes* (Cambridge: Printers to the University, 1640), pp. 60-1. See also, 'Richard Perrot CCEd Person ID 55342', *Clergy of the Church of England Database 1540-1835*, <<http://db.theclergydatabase.org.uk>>, accessed 1<sup>st</sup> April 2018.

*Although alas too true it is, that through the deep-rooted corruption of this deplorable season, their excellent endeavours this way have not attained a wished event. Whereupon some may censure my pains herein at this present, as audacious and fruitlesse. Yet I conceive it cannot be amisse to continue discourse in a case of that consequence: neither is it reason to leave our just claime, whiles we wrongfully lose our true right. Moreover, the bringing of the matter into frequent mention (though in a weaker manner) may prove a successfull means to make those godly and judicious Authors to be better read over and againe resolved, whose arguments well considered will appeare sufficient to confound the adversary, and to end the controversie.<sup>35</sup>*

Meene's hope for his own work, humble though it is, is that his writing will cause his readers to return to those defences of *jure divino* tithes from the 1610s and 1620s and resolve the matter on the strength of their arguments. The terms of the debate had barely altered in the intervening years, but Meene and others felt it necessary to continue the pursuit of the improved income by never letting it slip from the public consciousness. Not only this, but Meene makes it known that 'the publishing of this Treatise proceedeth not forth without the private encouragements of some of my learned brethren of the Clergie'.<sup>36</sup> This suggests that there was an awareness among the clergy at a national level that something ought to be done in defence of their right to tithes.

There was a sense in these writings as well that any anti-clerical sentiment that had affected the clergy during James's reign had only increased throughout Charles's reign. Richard Perrot 'desire[s]' his reader 'to consider of the present respect given, and uncivill dealing by men of all sorts to and with the Clergy of England; as their supercilious looks, their scornfull and opprobrious tearmes and titles, their pilling and polling'.<sup>37</sup> Perrot here is describing abuse that is not only psychological and verbal, but also material and suggests at physical damage to their property if not their persons; as well as being marginalised and shouted at in the streets, Perrot suggests that the estate of the clergy was being plundered, robbed and extorted away from them.

We should also note that this version of *Jacobs Vowe* was not Perrot's first. The original edition of *Jacob's Vowe* was printed in 1627 and was based on an assize sermon at York given by Perrot in the summer of 1620. This original edition was dedicated to Tobias Matthew, then

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<sup>35</sup> Joshua Meene, *The Vickers Challenge*, To The Reader.

<sup>36</sup> *Ibid.*

<sup>37</sup> Richard Perrot, *Jacobs Vowe: Or, The True Historie of Tithes*, pp. 55-6.



Archbishop of York, and even then, Perrot intended his work to perform the same function as Meene's. He writes:

the greater Volumes of Doctor *Tilseley* and M<sup>r</sup> *Mountague*, which in regard of the greatnesse of the price, and manner of handling, are not obvious to all mens hands and understandings, may by this smaller worke, and plaine discourse become common to all men; and so that great opinion that most men have of the unanswerableness of M<sup>r</sup> *Seldens History of Tithes*, may be in some measure, if not fully satisfied.<sup>38</sup>

Perrot's desire to reprint his work after thirteen years must have stemmed from the same place as Meene's wish to refamiliarize the public with the arguments of that generation of writers, and perhaps both were in response to the deterioration of the clergy's social and economic standing. Perrot added an appendix to the 1640 edition of *Jacobs Vowe* and in a 'briefe Prescript' to the appendix he explained why it was a necessary addition as follows:

*After this discourse had lain five years by me, and had taken its last farwell of me for the Presse, and was at the instant of printing, there came to my hands a manuscript of an unknowne Author, written by way of answer to Doct. CARLTON, S<sup>r</sup> HENRY SPILMAN, M. ROBERTS, and others; the which when I had read over, I found it to be a meer invective, written with the pen of some malicious Martin Mar-prelate, containing as many scurrilous raylings as pages, more lies then leafes; and so unworthy of answer. Yet being certijed by the friend that brought it, that it passed from hand to hand amongst many of our Gentry in these Northern parts, and that with so great approbation, that some of them were resolved to have it printed at Amsterdam, the most proper place to bring forth such a birth; I thought it would not be altogether unnecessary, to adde this briefe answer by way of Appendix to my former discourse, that so if it came to any of these Gentlemens hands (seeing both the weakenesse and the wickednesse of their so much admired and adored Idoll) they might reforme their error, and embrace the truth.*<sup>39</sup>

According to Perrot, then, there was a manuscript of unknown authorship circulating among the northern gentry which set out to refute the defence of the divine right to tithes expounded by the early Jacobean apologists, and this manuscript was well received amongst its readership. Once he had read the manuscript he set out to counter the refutations in the form of a dialogue, paraphrasing the objections that were made in the manuscript and were 'frequent in the mouthes of all Decato-masticks' and providing further responses and resolutions to these main issues.<sup>40</sup> This imagined debate was characteristic of the intertextual play between the opposing parties

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<sup>38</sup> Richard Perrot, *Jacobs Vowe: Or, The True Historie of Tithes*, The Epistle Dedicatory.

<sup>39</sup> *Ibid.*, sig. M<sup>r</sup>.

<sup>40</sup> *Ibid.*, Appendix, p. 14.

on the tithes issue, and it shows how each side sought to control the terms of the debate. Both Meene and Perrot had written their treatises at some distance from the capital, the former from Suffolk, and the latter from East Yorkshire. As such, their works provide snapshots of the impact of the tithes debates on more rural areas and the nation at large. Both works characterise the more general condition of the clergy throughout the nation, without providing any specific sense of how the London clergy were experiencing these changes, and there seems to have been an increase in the public debate of tithes in the provinces at this time. The overall picture reflects the experiences of the London clergy, though, and this was clearly a debate that had national – if not international – significance.

As Ann Hughes reminds us, the City of London was ‘increasingly the arena for competing ideological struggles connecting provincial and London activists but it was also a space where bitterly divided men and women were at the same time closely acquainted’.<sup>41</sup> This familiarity, sometimes a hostile closeness, is explored by Hughes in her work on Thomas Edwards and his *Gangraena*, and elsewhere by Peter Lake in his study of the very public dispute between John Etherington and Stephen Denison.<sup>42</sup> There was also, however, an influx of new ministers from all corners of the three kingdoms and a return of a number of exiled ministers to London in the early years of the decade. Alice McCampbell has suggested that the majority of these ministers were Puritan in their outlook, fleeing from threats in Ireland, leaving benefices in royalist territory, or returning from exile to London following the destabilisation of Laud’s Arminian project on his arrest, but there were also Scottish Episcopalians and Irish ministers who sought refuge in London, as well as some returning from the New World.<sup>43</sup>

The arrests of Laud and Strafford had a profound effect on the political and religious landscape of the nation, and of London more specifically, but it was perhaps the abolition of the High Commission and Star Chamber on the 1<sup>st</sup> of August 1641 that had the greatest impact

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<sup>41</sup> Ann Hughes, *Gangraena and the Struggle for the English Revolution*, pp. 168-9.

<sup>42</sup> Ibid; Peter Lake, *The Boxmaker’s Revenge*.

<sup>43</sup> Alice E. McCampbell, ‘Studies in London Parish History, 1640-1660’, p. 308. For those returning from the New World, see Susan Hardman Moore, *Pilgrims: New World Settlers and the Call of Home* (New Haven and London: Yale University Press, 2007).

upon the public discussion of political and religious issues in print. Following these events, Dagmar Freist describes how ‘both the House of Commons and the House of Lords set out independently to familiarize themselves with licensing practices, the rights and customs of the Stationers’ Company, and the London bookmarket in order to create their own infrastructure for the control of the printing presses’.<sup>44</sup> Even before the effective means of state censorship had been dismantled there were unlicensed works being published by clandestine presses with the intention of promoting radical change and providing a propaganda for religious and political minorities.<sup>45</sup> Between the abolition of both High Commission and Star Chamber on August 1<sup>st</sup> 1641 and the establishment of the new state mechanism for censorship introduced by the *Ordinance for the Regulating of Printing* on June 14<sup>th</sup> 1643 there was a period of disarray in censorship which allowed for the publication of a huge variety of works expressing the full spectrum of religious and political beliefs, though strangely the issue of tithes does not seem to have been given particular importance in print during this period. Dagmar Freist conceives of censorship at the time not as an ‘abstract policy’, but something that ‘concerned society at all levels and constituted the legal, political and moral framework *within* and *against* which communication processes and the formation of opinions took place’.<sup>46</sup> Freist also suggests that any act of censorship always implied ‘interpretation on the part of the holders of power, of licensors, authors and readers, and interpretation in turn implied a struggle for meaning which, by its nature, resisted any codification that could ensure just control’.<sup>47</sup> Through her extensive analysis of her source material, Freist finds that the individual cases of censorship provide one particular narrative of events, but that behind these known cases there was a ‘vivid and professionalized “trade in opinions” that defied control and thus competed with official statements about the political and religious issues of the time. Often with astonishing speed, proceedings, news,

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<sup>44</sup> Dagmar Freist, *Governed by Opinion*, p. 47.

<sup>45</sup> See for instance David R. Como, ‘Secret Printing, the Crisis of 1640, and the Origins of Civil War Radicalism’, *Past & Present* 196 (2007), pp. 37-82; Sarah Waureghen, ‘Covenanter Propaganda and Conceptualizations of the Public during the Bishops’ Wars, 1638-1640’, *The Historical Journal* 52:1 (2009), pp. 63-86.

<sup>46</sup> Dagmar Freist, *Governed by Opinion*, p. 27.

<sup>47</sup> *Ibid.*, p. 28.

rumours, and “general views of the time” – opinions – appeared in print and were disseminated in both official and subversive ways.<sup>48</sup> Christopher Hill captures the precariousness of the situation for the embattled clerical class, when he suggests that ‘So long as the field of debate was circumscribed by a functioning state church, a functioning patronage system, and an effective censorship, the clergy and their Parliamentary allies were secure’. However, we are beginning to see the destabilisation of that institutional security, and as Hill asks of his reader ‘once all these [institutions] had broken down [...] what then?’<sup>49</sup> This precarious situation is emphasised by Margaret James as she has suggested that ‘Among the institutions which contemporaries, rightly or wrongly, believed to be trembling in the balance, none was felt to be more important than that of tithes’.<sup>50</sup>

As early as 1637, amidst the London clergy’s attempts to improve their finances discussed in Chapter 3, Bartholomew Parsons – rector of Ludgershall in Wiltshire, and ‘an enthusiastic exponent of the divine right’ – could complain of how ‘Polititians and Papists, Schismatikes and Atheists, are confederate together against GOD and his Church, for the spoiling of him and it in Tithes and Offerings’.<sup>51</sup> Parsons’s abhorrence at any alternative method of payment for the clergy, particularly of fixed stipends, is plain to see in his pamphlet. He writes:

How shall it supply their want at all times? How shall there be any certainty in it? since by reason of the ebbing and flowing, rising and falling of the prices of things, it is as impossible to set downe a competent stipend, as it is to make a coat for the Moone.<sup>52</sup>

This was a common concern for ministers whose tithes in kind had been commuted for cash payments, as it was for those whose income was based on the rental value of property within the parish as in London. Elsewhere, John Carter – sometime minister of St Peter Mancroft,

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<sup>48</sup> Ibid., p. 75.

<sup>49</sup> Christopher Hill, *The World Turned Upside Down: Radical Ideas During the English Revolution* (London: Penguin, 1991), p. 160.

<sup>50</sup> Margaret James, ‘The Political Importance of the Tithes Controversy in the English Revolution, 1640-60’, p. 17.

<sup>51</sup> Steven Wright, ‘Bartholomew Parsons (c. 1574-1642)’, *ODNB Online* <<https://doi.org.chain.kent.ac.uk/10.1093/ref:odnb/21451>>, accessed 4<sup>th</sup> April 2018; Bartholomew Parsons, *Honos & Onus Levitarum: Or, Tithes Vindicated to the Presbyters of the Gospel* (Oxford: William Webb, 1637), p. 12.

<sup>52</sup> Bartholomew Parsons, *Honos & Onus Levitarum*, p. 13.

Norwich – is equally as critical of the processes of commutation and the idiosyncratic *modi decimandi* in operation throughout England, asking the following:

*What warrant then for that unwarrantable competency that every where is in practice? or what conscience will allow you to abide by a mouldy custome fetcht from time out of minde? or for your teacher to thinke that right meete which comes from the raw discretion of an upstart Vestry?*<sup>53</sup>

Joshua Meene also shows his concern for the potential spread of anti-tithe sentiment and particularly highlights how the spread of this attitude spreads throughout society down through the social classes. ‘Surely’, he claims:

*the prophane supposall that it was never divinely appointed for the Ministers of the Gospell to be mayntained with tithes, &c. But to live as it were, upon stipendarie Almes, is an error inweeded in the minds of no few folks of more then ordinary wealth and place. And the accursed contagion therof doth daily diffuse it selfe farre and near, yea, and that not seldome, into worser degrees.*<sup>54</sup>

If we take Meene’s concerns seriously here, we are seeing his conception of the spread of opinion and the growth of some shared public attitude that cuts across the social hierarchy and spreads, as a disease or ‘accursed contagion’, via the interactions of people in close physical proximity. This, then, is a part of the ‘long tradition of popular materialist scepticism and anti-clericalism’ which Hill describes, that ‘opposition to the state church, to the tithes which paid for its ministers and to the patronage system which ensured that its clergy were appointed by the ruling class’.<sup>55</sup> David Zaret sees its roots in the democratisation of faith through the vernacularisation of the Bible, and the ‘encouragement of lay initiative’ in the sixteenth century. By the mid-seventeenth century, Zaret suggests, ‘this initiative propelled lay insurgency from the pews that demanded democratic control by sectarian congregations over religious matters’.<sup>56</sup>

Barry Reay encapsulates the chaotic circumstances of the nation at this time and suggests that there were ‘many factors at work in England’s slide into civil war during those bewildering months from the meeting of the Long Parliament in November 1640 to the raising of the royal standard at Nottingham in August 1642’. He lists ‘The intrusion of events in Scotland and

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<sup>53</sup> John Carter, *Vindiciae Decimarum: Of tithes, a plea for the jus divinum* (London: T. Cotes, 1640), p. 50.

<sup>54</sup> Joshua Meene, *The Vickers Challenge, To The Reader*.

<sup>55</sup> Christopher Hill, *The World Turned Upside Down*, p. 35.

<sup>56</sup> David Zaret, ‘Religion, Science, and Printing in the Public Spheres in Seventeenth-Century England’, p. 222.

Ireland, fear of popery, economic crisis, social unrest, class conflict, the continual tension between Court, Parliament, City, and Country, individual personality, indeed sheer blunder and chance' as having all played a part in the build up to the conflict, and yet he does not suggest any religious motivation explicitly here, nevertheless he later encourages his reader 'not to think of religion in any narrow sense', suggesting that any 'neat division between religion, politics and society would have made little sense to the majority of the women and men of the seventeenth century'.<sup>57</sup> Conversely, Dagmar Freist has identified that 'it seems that the pamphlet literature of the early 1640s disseminated two incompatible perceptions of the nature of the conflict'. She continues that 'Whereas it was for some a religious conflict which weighed on people's consciences and was experienced through an apocalyptic world view, it was for others predominantly a conflict of political power and influence, and of social order, deference and obedience'.<sup>58</sup> While Reay argues for a consideration of the overlaps and interactions between these various spheres, Freist is demonstrating a definite split in early modern conceptions of the events. There is likewise a split among scholars about the nature and causes of the civil wars, but this chapter argues for a recognition of the importance of the religious factors amongst the others in understanding the conflict.

There was a great desire for reformation of the structure and doctrine of the church following the outbreak of the first civil war, and the Long Parliament had appointed the Westminster Assembly of Divines and called on them to deliberate over and resolve these central issues. P. J. Anderson's summary of the process highlights the difficulty of finding an equitable solution given the various factions that were represented in the Westminster Assembly:

The events which together finally resulted in a restructuring of the Church of England along Presbyterian lines had been lengthy, complex and exceedingly frustrating for all concerned. Since the earliest days of the Long Parliament, both pulpit and press had been brimming not only with invective against Laudian Episcopacy, but also with a plethora of ideas about church government. After 1643, having accepted the conditions of the Solemn League and Covenant, the

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<sup>57</sup> Barry Reay, 'Radicalism and Religion in the English Revolution: an Introduction' in J. F. McGregor and B. Reay (eds.), *Radical Religion in the English Revolution* (Oxford: Oxford University Press, 1984), p. 1; p. 3.

<sup>58</sup> Dagmar Freist, *Governed by Opinion*, p. 176.

Westminster Assembly laboured fitfully to fulfil its responsibility of producing a new polity for parliament's approval. The assembly conducted its work in the midst of independent Dissenting Brethren who argued for a congregational form of gathered churches in the context of toleration, Scottish commissioners who would not be satisfied with anything less than their own rigid model of Presbyterianism, and a parliament that was generally desirous of a Presbyterian settlement but committed to an Erastian structure that would make its own body the highest judicial authority in the Church.<sup>59</sup>

The restructured church was one that still preferred tithes payments for the maintenance of its clergy, rather than fixed stipends or any other system of remuneration. But despite the structural differences, there was still a strong anti-tithe sentiment among the population, both in the capital and throughout the provinces.

In 1643 Charles issued a proclamation concerning the payment of tithes from his court at Oxford. In it Charles claimed that under 'pretended Ordinances' of the Houses of Parliament, the estates of the clergy were being raided 'for illegal Taxes and Contributions for supporting the Rebellion' against him. Charles forbade the parliamentary ordinances and proclaimed them unlawful. Following this he did:

require and command all Our Subjects duly to set forth and pay their Tithes to their severall and respective lawfull Incumbents of their Parishes or to their Farmors Assignes, or Deputies, without any guile or fraud; and so as the same may be received and enjoyed by the same Incumbents, without any diminution, subtraction [sic.] or diversion, notwithstanding any sequestration or pretended Orders or Ordinances, or other command whatsoever of one or both Houses of Parliament.<sup>60</sup>

Further to this, Charles required that:

all Church-Wardens, Sides-men and Patishiones [Parishioners] whatsoever, to resist all such Persons as shall be so intruded or put into any of the Cures aforesaid by, or upon pretence of any such pretended Orders or Ordinances or commands as aforesaid, and to assist (as much as in them lyeth) the Lawfull Incumbents [sic.], their Curates, Farmors, Assignes or Deputies, in the receiving taking and enjoying the Glebe, Tithes, Fruites Emoluments to them of right belonging'.<sup>61</sup>

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<sup>59</sup> P. J. Anderson, 'Sion College and the London Provincial Assembly, 1647-1660', p. 68.

<sup>60</sup> Charles I, *A Proclamation against the Opression of the Clergy by the Intrusion of Faction and Schismaticall Persons into their Cures, and inverting and detaining their Tithes, and possessions by Orders of one or both Houses of Parliament, contrary to all Law and Justice* (Oxford: Leonard Lichfield, 1643).

<sup>61</sup> Ibid.

This later passage in Charles's proclamation appears to be intended to counter the formation of the Committee for Plundered Ministers, which had been instituted by the House of Commons on the 31<sup>st</sup> of December 1642. Alice McCampbell argues for the importance of the Committee, by suggesting that 'by late 1643 the Parliament as sequestrators, the CPM as nominators, and the Assembly of Divines as admitters had circumvented episcopacy for the most part'. This gave Parliament the effective means to sequester benefices from suspected royalist sympathisers and replace them with men who supported their efforts, often men who had been forcibly removed from benefices in royalist territory. McCampbell further suggests that with the developments 'the role of the parishioners was becoming more important', particularly in London, where the debates between opposing religious factions reached their highest and most volatile peaks.<sup>62</sup>

Parliament were equally as concerned to see that the state church continued to be financed, and one of their own ordinances supporting the payment of tithes suggested that 'divers persons' were guilty of 'taking advantage of the present distractions, and ayming at their owne profit' when refusing to pay their tithes and other duties payable to their ministers, or the impropiators. The Parliamentary ordinance suggests that those persons were emboldened by the fact that:

there is not now any such compulsory meanes for recovery of them by any Ecclesiasticall proceedings, as heretofore hath been; and also for that by reason of the present troubles there cannot be had speedy remedie for them in the Temporall Courts although they remaine still due, and of right payable as in former times'.<sup>63</sup>

Following the cessation of the ecclesiastical courts in 1642, the cases and workload of those courts had to be redistributed among the lay legal system. The Court of Chancery bore most of the brunt and the increased workload lead to a great deal of delays, and as we saw in Chapter 3, it fell on the shoulders of the Lord Mayor of London to judge tithe disputes occurring within the City. Neither the clergy, nor their opponents, were particularly happy with the legal

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<sup>62</sup> Alice E. McCampbell, 'Incumbents and Patronage in London, 1640-1660', *Journal of Church and State* 25:2 (1983), pp. 299-321; p. 308.

<sup>63</sup> England and Wales Parliament, *An Ordinance of the Lords and Commons Assembled in Parliament for the true payment of Tythes and other such Duties, according to the Lawes and Customes of this Realme* (London: John Wright, 1644), pp. 1-2.



processes. Indeed, Richard Overton, later a Leveller, complained that parishioners were in danger of becoming ‘so intangled and enthrall’d in endlesse suites and Controversies from Court to Court’, that once a case is made against an individual with regard to tithes they ‘must scarce expect to finish a suit in 7. Yeeres; and’, Overton continues, ‘what cheating and cozening, what pilling and polling, raking and exacting of fees will there be amongst the severall Officers of those severall Courts, every ordinary capacity is able to judge of’.<sup>64</sup> In an attempt to remedy these issues, the Parliamentary ordinance allowed for two JPs to hear cases of refusal to pay tithes, and gave recourse to either party to take matters to the High Court of Chancery, but it ended with the following caveat: ‘Provided alwaies, that this Ordinance, or any thing therein contained shall not extend to any Tithes, Offerings, Yeerely paiments, or other Ecclesiasticall duties, due or to be due for any houses, buildings, or other hereditaments within the City of London or the Liberties thereof, which be otherwise provided for by Act of Parliament’.<sup>65</sup>

At around the time of these ordinances and proclamations, London witnessed the publication and distribution of a number of pamphlets questioning the validity of tithes and criticising the declarations of both the king and the parliament. The anonymous *Christs Order* suggested that the clergy ‘must rather preach the Gospel gratis, than insist so much upon our maintenance, that it become distastfull’ to the parishioners. But the author identifies a percentage of the clergy ‘of farre different temper’ who ‘require of the people certain set sums of mony, or Tithes, as the hackney wages of their ministry’, and cause their parishioners to become ‘at last aweary and in hatred of their persons’ due to their attempts to force ‘them that have resisted in such violent manner’ to pay a duty that was ‘enacted at first by Poperie’.<sup>66</sup> The author of *Christs Order* continues to espouse a principled and idealised vision of a truly reformed church, and suggests that ‘it were neither equitie nor justice to compell this or that man to

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<sup>64</sup> Richard Overton, *The Ordinance for Tythes Dismounted* (Europe: Printed by Martin Claw-Clergy, printer to the reverend Assembly of Divines, for Bartholomew Bang-Priest, and are to be sold at his shop in Toleration-street, at the signe of the Subjects Liberty, right opposite to Persecuting Court, 1646 [i.e. 1645]), pp. 6-7.

<sup>65</sup> England and Wales Parliament, *An Ordinance of the Lords and Commons Assembled in Parliament for the true payment of Tythes and other such Duties, according to the Lawes and Customes of this Realme*, p. 6.

<sup>66</sup> Anon., *Christs Order, and the Disciples Practice concerning the Ministers Maintenance, and releiving of the Poore* (London: [s. n.], 1644), p. 4.

contribute maintenance for the service and ministerie of others, with whom he either cannot, or desires not to joyne himselfe'.<sup>67</sup> The author suggests that through a system of voluntary maintenance there would be a true meritocratic clergy, and only those who were truly concerned with the cure of souls would serve in the church, for as the author claims, 'it should bee the love of God and not of Mammon which winnes men to the Ministry of the Gospel'.<sup>68</sup> The author despairs however, that in reality there are so many young men who 'rush themselves so Simoniacally and sacrilegiously into the Ministry' in hope of financial gain and preferment, and that 'this arch-temptation and grand stumbling-blocke of Tythes [...] should yet remaine the greatest Idoll and hindrance of *Reformation*'.<sup>69</sup>

Richard Overton likewise found fault with the logic and reasoning behind the *jure divino* defence of tithes. In *The Ordinance for Tythes Dismounted*, which was anonymously published and has since been identified as Overton's work, he suggests that:

to practice *Evangelicall Ordinances*, to build the House of Christ with the mouldred rubbidge and ruines of the Law, to invest Christs Ministers, with a bare *Mosaicall Authority*, to claime an *Evangelicall Title* from a *Judaicall Institution*, to take *Tythes* under the *Gospel*, by vertue of *Moses his Commission*, cannot possibly be without those horrible absurdities, destructive to all Religion and Morallity.<sup>70</sup>

*The Ordinance for Tythes Dismounted* was published shortly after Overton's *A Sacred Decretall* and it continues in much the same vein of anti-clericalism and definite anti-Presbyterianism. This pamphlet, though, is aimed directly at the 1643 Ordinance for Tithes, and Overton frames the work as a speech to the Westminster Assembly. Overton's work continued to undermine the divine right to tithes, and he addressed the clergy directly in the work, challenging them to prove beyond doubt that tithes were divinely ordained and meant to persist from the Old Testament through to their present day. Overton expressed the challenge in the following terms:

And truly (*Pious Sirs,*) till such time as you give us an expresse Commandement out of the *Gospel* for this Legall, Levitticall exaction of *Tythes*, for your service, which you pretend is the Service of the Gospel, till then wee shall be bold to forbear the paiement thereof; but no sooner shall you have proved your selves the Ministers of the Gospel, from a Gospel Authority, and *Tythes* the wages of

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<sup>67</sup> Ibid., p. 10.

<sup>68</sup> Anon., *Christs Order, and the Disciples Practice concerning the Ministers Maintenance, and releeving of the Poore*, p. 11.

<sup>69</sup> Ibid., p. 12.

<sup>70</sup> Richard Overton, *The Ordinance for Tythes Dismounted*, p. 4.

the Gospel, from a Gospel Ordinance, and your service which you performe, to be the service for which such wages is allowed by the Gospel; I say, no sooner shall you make these 3. appeare, but I shall yeeld you your Right, grant your Title to be *Jure Divino*, and perswade all my Independant *Brethren* to doe the like to the men of your Order; Then will wee pay you your Arreares.<sup>71</sup>

Overton continued his mockery of the clergy and their insufficient argument for the divinity of tithe payments, while also undermining the university education that most ministers were in receipt of. Overton also continued to insist that any tithes, or ‘*Tenths*’, that were mentioned in the Old Testament were ‘ordained to be of the encrease of the Eleven *Tribes*, from their severall portions in the Land of *Canaan*, and not of other nations of people’. He continues:

Therefore if you will have the *Levites Portion*, you must goe to the Land of *Canaan*, and receive it of the *Eleven Tribes*, or else you must prove *England* to be *Canaan*, your selves the *Levites*, and us the *Eleven Tribes*, which for University men, such exact *Logitions* as your selves, is nothing to doe, goe sophisticate it into a *Syllogisme*, and you need not doubt of an *Ergo*, as infallible as the Emperick's *Probatum est*: in the meane time, wee'l lay up your *Tythes* for you, and gather them very safe into our Barnes.<sup>72</sup>

Overton's mockery of the university-educated clergy stems from his belief in the priesthood of all believers, and that hard-working “mechanic” preachers were much better suited to minister to their fellows and equals than an avaricious clergyman: ‘for truly a leathern Jacket, a blue Apron, or such other Ensigne of labour’, Overton argued ‘would better become a Pulpit, then a black Cassock, a payre of Lilly-white Hands, or such like badges of Idlennesse, for that would import the Preaching of the Gospel *freely*, without charge unto any, meerly out of Conscience, and not for filthy *lucre*’.<sup>73</sup> Overton held a particularly strong opinion on the parliamentary ordinances for the payment of tithes, and he expresses them throughout the pamphlet, suggesting that ‘to intrude upon CHRIST'S PREROGATIVE, to *usurpe his Royalty*, is beyond the Line and authority of the WORD, and so not within the compasse of *Magesteriall Right*’. But he considered that ‘this *Ordinance for Tythes* doe so’ and is therefore ‘*not Magesteriall or binding*’.<sup>74</sup> Furthermore, Overton claimed that ‘Had not such a Passage gone under the Title of *The*

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<sup>71</sup> Richard Overton, *The Ordinance for Tythes Dismounted*, p. 5.

<sup>72</sup> *Ibid.*, p. 9.

<sup>73</sup> *Ibid.*, p. 25.

<sup>74</sup> *Ibid.*, p. 39.

LORDS *and* COMMONS, who are chosen for the *Weal* of the *People*, I should not have judg'd it an Act of *Humanity*, but rather the result of an Hell-bred Conspiracy by the Devill & his Angells, to confound us with their unreasonable malice'.<sup>75</sup>

In the anonymously published *Last Warning to all the Inhabitants of London*, which has been shown to have been printed by Richard Overton, the author advises his reader that they 'will soone perceive *Kings are but men: That there is no respect of Persons with God; Nor ought to be with men: That no opinion is so dangerous, or hereticall, as that of compulsion in things of Religion*'. This was printed in the wake of a number of anti-heretical tracts by authors such as Ephraim Pagitt and Thomas Edwards, in which these men argued against toleration and for a uniform and compulsory adherence to an orthodox state church. The author of the *Last Warning* urged his reader to 'judge rightly, doe justly, abandon deceivers, [and] adhere to the *Commons*' and urged them to do so 'instantly', as they had 'not much time of debate of these things' and any delay could 'bring a curse' upon them and 'the whole Nation'.<sup>76</sup> The capital here is considered to be at the epicentre of change, and as such provides the rest of the nation with a model to follow, therefore it is no surprise that the religious and political debates that were being had openly were considered to be of such importance. Indeed, in the dedication of *A Defence and Vindication of the Right of Tithes* to Thomas Adams, Lord Mayor of London, the anonymous author – 'A friend to the Church of England and a Lover of Truth and Peace' – reminds Adams that he is '*now sitting at the Helm for the government of this goodly City, I had almost said Nation (for England is in London at this day)*'.<sup>77</sup> The anonymous author of this pamphlet also highlights the novelty of the sustained attack on tithes, claiming that '*Fourteen yeers are not yet elapsed and gone, since it was a common Question among the Divines of England, not whether Tithes were due, but whether they were not due jure divino. [...] But now of late, a strange New-light hath appeared to a generation of men, displeas'd with old Truths*'.<sup>78</sup> This new generation of men found their voice and found likeminded individuals to congregated with in the

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<sup>75</sup> Richard Overton, *The Ordinance for Tythes Dismounted*, p. 40.

<sup>76</sup> Anon., *The Last Warning to all the Inhabitants of London* (London: Richard Overton, 1646), p. 8.

<sup>77</sup> A Friend to the Church of England and a Lover of Truth and Peace, *A Defence and Vindication of the Right of Tithes* (London: George Miller, 1646), Epistle Dedicatory.

<sup>78</sup> *Ibid.*

febrile atmosphere of London in the 1640s, and through their publication of their opinions an effective opposition to the payment of tithes was given a voice and a space in the public consciousness.

Writers such as Martin Bowne attempted to counter the anti-tithe sentiment, and his *Tithes Re-mounted* is a direct challenge to Overton's *Ordinance for Tythes Dismounted*.<sup>79</sup> Bowne acknowledges that there is 'a great controversie now adayes, and hath beene a long time about the maintenance of the Ministers', but he suggests it is in fact the 'derogation' of the ministers that has 'hindred the propagation of the Gospell, and the Reformation of Religion, in a most miserable manner'.<sup>80</sup> Bowne also considers it a 'horrible impietie' that people had 'petitioned the Parliament that Tithes may not be paid unto the Ministers of the Gospell' in an abuse of 'the power and authoritie of the King, and the most Honourable and Supreame Court of Parliament'.<sup>81</sup> While this is essentially an inversion of Overton's case, Ann Hughes reminds us that this method of refutation by inversion was a core practice in the polemical writing of the period. She states that 'The shared techniques of debate should not mask the cleavages over religious truth and church practice, or lead us to underestimate the crucial role this polemic played in the religious and political conflicts of the mid-1640s'.<sup>82</sup> Again we return to that idea of the hostile closeness, these men knew of one another, if not knew each other personally, and these very public attacks often drew on that knowledge to make effective arguments.

As well as the immediacy of the conflicts between neighbouring Londoners, there was a steady influx of petitions from the provinces and counties of England which had an influence on the course of the tithe debates. David Zaret's work on petitions in the early modern period highlights how important they were as a means of communication from the periphery to the centre of power, describing them as a 'principal device' in that process.<sup>83</sup> Zaret questions at

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<sup>79</sup> I have been unable to find any further biographical information about Bowne.

<sup>80</sup> Martin Bowne, *Tithes Re-mounted and Advanced by the Word of God for the Ministers of the Gospell* (London: Thomas Rates, 1646), p. 1.

<sup>81</sup> *Ibid.*, p. 15.

<sup>82</sup> Ann Hughes, *Gangraena and the Struggle for the English Revolution*, p. 276.

<sup>83</sup> David Zaret, 'Petitions and the "invention" of public opinion in the English Revolution', p. 1498.

points the nature of the factual realities of petitions, especially those that were put into print, as whether ‘petitions have tangible links to opinions held at the individual level, to discussion and debate in civil society, or [whether] they [are] merely literary productions with no discernible relation to a public sphere?’.<sup>84</sup> On the whole he suggests that they are indicative of real opinion and of a public sphere in which these opinions were held, debated, challenged and adapted. In the case of the tithe debates, this chapter argues that the printing and publication of provincial petitions added weight to the anti-tithe argument and put added pressure onto parliament to enact change. The *Petition of the Committee of Kent Concerning Tithes* urged the House of Commons by whatsoever ‘waies and meanes as this honourable House in their wisdoms shall thinke fit’, that a ‘timely provision may be made for the peaceable and comfortable support of a pious and painfull Ministry in lieu of Tythes within this County, otherwise in danger thereby to loose what hath been already wrought therein towards a Reformation’.<sup>85</sup> The response to the Kentish petition was printed alongside the original, and in it the Speaker of the House gave the ‘*Petitioners (the Committee of Kent) thankes for their former services, and tooke notice of their good affections to the publike; and did acquaint them, That the great businesses of the Kingdome are now instant and pressing upon them, and that they will take the Petition into consideration in due time, and that in the mean time they take care that Tythes may be paid according to Law*’.<sup>86</sup>

It would appear that throughout the decade there was an acknowledgement by the authorities that some resolution had to be made in the tithes case, but it continued to be delayed as the governing bodies had to remain flexible and respond to the exigencies of ruling amidst the chaos. An anonymous pamphleteer addresses the Westminster Assembly in *Tyth-Gatherers, no Gospel Officers* and shows an awareness of ‘*severall Petitions by multitudes of the most conscientious freeborne subjects of England, demonstrating how unjust it is, that a small number, who in complement call themselves our Ministers, should at their owne pleasure become our Masters and so contrary to the subjects*

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<sup>84</sup> David Zaret, ‘Petitions and the “invention” of public opinion in the English Revolution’, p. 1521.

<sup>85</sup> Anon., *The Petition of the Committee of Kent Concerning Tithes* ([London: s.n.], 1646), p. 3.

<sup>86</sup> *Ibid.*, p. 6.

liberty, force from us the fifth part of the whole Kingdome in valuation without either articles or consent'.<sup>87</sup> Later

in this dedicatory address, the author suggests that:

*A word to the wise should be enough; It is of so great interest and consequence to this whole Kingdome, for one respect or other, to demolish and root out the very memory of this Tith-Idoll, which all other Reformed Christians have long since abominated, that it concernes you to looke out some other maintenance lesse scandalous, and more Gospel-like.*<sup>88</sup>

This author thought it beneficial to petition the Assembly as it was there that any potential alterations to the financial structure of the national church would be debated and instituted. The anonymous author's pamphlet ends with an anecdote, in which a copy of Selden's *Historie of Tithes* came into his hands after he had written his pamphlet. The author claimed not to have seen it before, and offers an abstract and a number of quotations from the work and he is 'confident it will not be ungratefull unto the Reader'.<sup>89</sup> This shows that both sides of the tithe debates had their central texts: the defenders of the divine right such as Sempill, Tillesley, Ryves, and Spelman were often referred to as sources of great importance by those who also wished to defend tithes, while the anti-tithes movement had Selden's *Historie of Tithes* as its core text. The continued circulation of these written works long after their initial publication shows how fundamental they were in shaping the opinions and attitudes of multitudes of people in the revolutionary years.

Peter Heylyn reflected on a decade's worth of public discussion of the tithe debates in *The Undeceiving of the People in Point of Tithes*, and he suggested that 'Amongst those *popular* deceits which have been set abroad of late to abuse the people, there is not any one which hath been cherished with more endearments, then a perswasion put into them of not paying *Tithes*'.<sup>90</sup> The very fact of the matter was that tithes remained a very unpopular levy among holders of all manner of religious and political opinions. Its near-universal reach was perhaps the root cause of its unpopularity, and while it was being debated in print, it was also being discussed in the

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<sup>87</sup> Anon., *Tyth-Gatherers, no Gospel Officers* (London: [s.n.], Printed in the hopefull-yearre both of civill and Christian liberty, 1646), sig. A3<sup>v</sup>.

<sup>88</sup> *Ibid.*, sig. A3<sup>v</sup>.

<sup>89</sup> *Ibid.*, p. 20.

<sup>90</sup> Peter Heylyn, *The Undeceiving of the People in Point of Tithes* (London: M. F. for John Clark, 1648), p. 3.

real world and people were making decisions as to whether or not to pay the tax based on the strength of the arguments presented. David Zaret has argued that:

Printing in the English Revolution pushed petitioning and other traditional communicative practices in new directions that altered the content as well as the scope of political communication. It appealed to an anonymous body of opinion, a public that was both a nominal object of discourse and a collection of writers, readers, printers, and petitioners engaged in political debates.<sup>91</sup>

While this is true, and has been shown in this section, this chapter will now move on to a consideration of the reality of the situation by exploring the extant churchwardens' accounts and vestry minutes of the parishes of the City of London. It remains in this chapter to consider the scale and scope of the disturbance caused by the outbreak of the civil wars. In a petition to the king, the sequestered clergy of England and Wales addressed Charles in the following manner:

*To the Kings most Excellent Majesty.* The Humble Petition of many thousands of Your *Majesties* loyal Subjects, the poore *sequestred Clergy* of *England* and *Wales*. Humbly sheweth, That whereas your Petitioners have a long time been destitute of all liveli-hood, by meanes of *sequestration* of their *Estates* and *other losses*, and are at present driven to extream necessities how to provide for themselves and their families, and the season now approaching for the receiving the benefits of the *Harvest* before which time, if some charitable course be not taken, they are like to starve or beg another year. May it therefore please Your most Sacred *Majesty* to take our sad condition into Your Gracious consideration and care, that some course may be taken for our speedy reliefe, as may preserve us alive, and enable us to doe more service in *Gods Church* to Your *Majesty* and the *Kingdome*.<sup>92</sup>

The following section will explore the impact that sequestration had on the London parishes and also how the changes in the decision-making processes at a parochial level in the 1640s altered the finances and security of the London clergy.

## ii.

### THE POLITICS OF THE PARISH AND THE PAROCHIAL PUBLIC SPHERE

While the study of the theoretical debate over the justness and equitability of tithes is instructive for our understanding of the growth and character of the public sphere in London during the

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<sup>91</sup> David Zaret, 'Petitions and the "invention" of public opinion in the English Revolution', p. 1498.

<sup>92</sup> Anon., *Two Petitions of the Sequestred Clergie of England and Wales* (Oxford: H. H., 1647), sig. A<sup>v</sup>.



1640s, it does not provide us with a complete picture of the complex network of micro-public spheres that existed at the parish level. Dagmar Freist argues for the study of the everyday behaviours and actions of people as well as printed works, as she argues that ‘Public opinion “happened” when ordinary discourses at home, at work, when trading or travelling, among lodgers, in alehouses, and in the streets turned to discussing the politics of the day’.<sup>93</sup> It is particularly important to study these behaviours in this revolutionary decade, a time in which ‘men and women faced human and financial contributions towards parliament’s war effort that were without precedent, and grappled with the profoundest divisions over issues of political authority and religious change’.<sup>94</sup> Hughes also suggests that any such study must acknowledge that ‘Political identities are not self-contained or coherent, political alliances are not fixed or given, but are always under construction, and never more so than in a period of massive and traumatic disruption, such as civil war’.<sup>95</sup> Any study is also affected by the lack of documentation of the vast majority of conversation that took place in these years, and likewise by the loss and damage to any surviving physical record of spoken word due to the vicissitudes of time.

With this in mind, this section cannot hope to recreate any real sense of the conversations had in and around London concerning tithes, but by studying the remaining records of the City of London’s parishes – particularly churchwardens’ accounts and vestry minutes – we can come to a better understanding of how these smaller communities came to form small public spheres in which such issues were debated, and how these same communities enacted change through their exercising of financial and economic autonomy. The theory of public spheres has yet to be applied to the archival material concerning the London parishes, and here I build on the work of Alice McCampbell in order to provide an alternative reading of the extant sources – one that contextualises the tithe debates in the wider parochial upheaval of the 1640s. The sources reveal more of the idiosyncrasies we have seen throughout this thesis and variously show points of tension as well as resolution and reconciliation between the

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<sup>93</sup> Dagmar Freist, *Governed by Opinion*, p. 301.

<sup>94</sup> Ann Hughes, *Gangraena and the Struggle for the English Revolution*, p. 169.

<sup>95</sup> *Ibid.*, p. 330.

London ministers and their congregations. Furthermore, the archival material provides us with a sense of the engagement of politically conscious citizens in the affairs of the Church through the available mechanisms of parochial government, and ultimately the lay influence on the clerical class.

At a time when discussions of religious and political issues were seen as truly threatening to the authorities, one author claimed that ‘Ale-houses generally are the Devils Castles, the meeting places of Malignants and Sectaries’ and urged that ‘It is most requisite that such meetings, such places be dissolved’.<sup>96</sup> This fear of the potential threat caused by the public meeting places of the city are echoed in Edmund Calamy’s simile: ‘The *Discipline and Government of the Church*, is to the *Church* as a *wall* is to a *City*. A *City* without *walls* is exposed to every enemy, so is the *Church* without a *Government*’.<sup>97</sup> Peter Lake and David Como describe how studying and engaging with these types of archival materials opens up a ‘world of whispered rumours, conspiratorial tactics, lay factions, and clerical jealousies that has been largely hidden from historians but which was certainly familiar’ to those who lived within it.<sup>98</sup> Rather than focus on the impact of sectarian and dissenting churches, however, this section will analyse the attempts of those London parishioners who attempt to effect change from within the established hierarchy of the parish. Alice McCampbell reminds us that those who chose this route ‘were comparatively conservative when one is aware that the opportunity to join in a non-parochial church polity was ever present in London’.<sup>99</sup>

Here the issue of tithes will still be considered, but the extant records offer a variety of narratives concerning other issues affecting the city parishes, such as the charitable donation of collected monies, the choice of ministers and lecturers, the defence of parochial property rights, legal battles with previous incumbents, the adoption of Presbyterian government, the reformation of individual vestries to be more inclusive, and interactions with other bodies such

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<sup>96</sup> Henry Wilkinson, *Miranda, Stupenda* (London: Christopher Meredith and Samuel Gellibrand, 1646), p. 26.

<sup>97</sup> Edmund Calamy, *Great Danger of Covenant refusing* (London: Christopher Meredith, 1646), sig. A2<sup>r</sup>.

<sup>98</sup> Peter Lake and David Como, “‘Orthodoxy’ and its discontents: dispute settlement and the production of “consensus” in the London (puritan) “underground””, p. 52.

<sup>99</sup> Alice E. McCampbell, ‘Studies in London Parish History, 1640-1660’, p. 243.

as the Committee for Plundered Ministers and with the Houses of Parliament. By following these various stories, this section intends to build on McCampbell's work and to provide more evidence of the increasing importance and power that parishioners gained within the various public spheres of mid-century London. As McCampbell states herself, the fact that 'vestrymen were laymen should never be forgotten', and further that a 'reading of the parish records of London 1640-1660 leaves the student tremendously aware of the lay influence on the church at a local level'.<sup>100</sup> In the course of this study I have been able to identify 125 manuscript churchwardens' account books and vestry minute books at the London Metropolitan archives, covering 71 of the 97 parishes within the City walls. Unfortunately for the historian there is a great deal of variation in the detail and accuracy of the surviving parish records, so this account will focus on the records of a small selection of the 97 intramural parishes in an attempt to provide some detailed instances of wider trends of lay involvement and activism in religious affairs.

First it is worth observing some of the general trends within the churchwardens' accounts of their annual expenditure. Among the tasks that fell upon the head of the churchwardens was that of distributing money for charitable purposes either out of the parish stock, or from monies collected after services at particular points in the religious calendar such as the fast days. The records show that throughout the decade of the 1640s, a significant proportion of these charitable donations was being paid out to ministers. Some of the accounts record individual payments, such as the 4d given to an unnamed 'poore distressed Minister' by the churchwarden of St Ethelburga on the 15<sup>th</sup> of August 1648, or the 2s given to 'a poore blind Minister named George Blackbourne sent by Mr doctor Childesly' in the parish of St Dunstan in the East on the 4<sup>th</sup> of March 1641.<sup>101</sup> In other accounts the individual donations are not given, and rather a summary of the total charitable gift is collected together, as in the accounts of St

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<sup>100</sup> Alice E. McCampbell, 'Studies in London Parish History, 1640-1660', pp. 46-7.

<sup>101</sup> LMA, MS 4241, p. 415; LMA, MS 7882, p. 152.

Mary Abchurch for their financial year 1642, in which they gifted 11s ‘which was given to 10 severall poore ministers at severall times’.<sup>102</sup>

What is particularly interesting in this study is that often the donations to the ministry are bundled together with other charitable payments by the churchwardens. As the civil wars raged on, more and more people were seeking refuge in London: plundered ministers, injured soldiers, people fleeing the persecution and violence of the provinces and Ireland. This surplus of unbeneficed and plundered ministers was putting a financial strain on the parishes of the capital, and the burden fell on the churchwardens to distribute the collected monies among them as they saw fit. St Anne and St Agnes records payments of £2 12s in the year 1643/4 ‘given to divers poore plundered mynisters & other very poore soldiers and other people men, women and children both English and Irish’ and in the same year there was £4 10d paid from the parish of St Clement Eastcheap to ‘poore Irish & other poore divers English and to poore Ministers’.<sup>103</sup> The largest charitable donation in any year appears to have been that of St Michael Le Querne in 1641, in which they distributed £36 10s 6d to ‘the poore {orphanes, Irish, ministers & others} all together’.<sup>104</sup> Furthermore, these payments continued throughout the decade, and in 1648/9 St John Zachary and St Margaret Pattens, among others, recorded payments of £1 15s 8d to ‘plundered Ministers and other poore people’ and £4 17s 1d to ‘many poore Ministers, Souldiers & plundered people’ respectively.<sup>105</sup> The widespread practice of recording these payments in this manner, and particularly in grouping the ministers with other groups of vulnerable and desperate people, gives us some insight into the scale of the problem facing the unsettled ministry and also shows how the ministry was considered among the London parishes. The churchwarden of St Benet Paul’s Wharf encapsulates the attitude towards the ministers in 1643 when he records a payment of 12s 8d ‘paid and given unto poore ministers; lame souldiers and other impotent people’.<sup>106</sup>

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<sup>102</sup> LMA, MS 3891, [n. p.].

<sup>103</sup> LMA, MS 587, f. 55<sup>r</sup>; LMA, MS 977, f. 39<sup>r</sup>.

<sup>104</sup> LMA, MS 2895/1, [n. p.].

<sup>105</sup> LMA, MS 590, f. 201<sup>r</sup>; LMA, MS 4570, p. 360.

<sup>106</sup> LMA, MS 878, f. 294<sup>v</sup>.

While there was clearly a lot of hardship in the nation as a whole, and more particularly among the clergy, there was also opportunity in the capital for those unbeneficed ministers who were having to rely on casual work. As well as the network of lectureships that were sponsored by the parishes there was, in cases of sequestered livings and unsettled parishes, ample opportunity to provide the ministerial functions, and particularly to preach sermons, on an *ad hoc* basis in the City parishes. From an analysis of the accounts, it appears the standard rate of payment in the 1640s was around 10s per sermon, as in the parish of St Alban Wood Street where £2 was paid in 1643/4 for the ‘4 ministers [that] preached for [the] lectureship’.<sup>107</sup> Likewise, in 1646/7 the parish of St Botolph Billingsgate paid £1 10s for ‘three sermons out of the poores money before received the rent, one to Mr Hopkins, one to Mr Deacon, and one to Mr Potter’, all of whom were inhabitants of the parish who were to pay their choice of lecturer for one Sunday sermon.<sup>108</sup> Elsewhere the fee was slightly higher, as in the parish of St Dionis Backchurch, where a ‘Mr Nicholas’ was paid 13s 4d ‘for a trial sermon’ in 1642/3.<sup>109</sup>

For some parishes, such as those mentioned above, there was only a need to provide for a handful of casual sermons a year, other parishes had to rely on this casual preaching in the longer term. As Michael Mahony has noted, a fair number of churches ‘were devoid of settled ministers because of the constant problems associated with the collection of tithes, the maintenance of the beneficed clergy’.<sup>110</sup> Alice McCampbell, however, reminds us that ‘The Lord Mayor’s Waiting Books are not extant from 1640-1660, so the extent to which tithe paying fell off and resulted in the issuance of enforcement decrees is unknown’.<sup>111</sup> At St Benet Gracechurch in 1643/4 there were payments totalling £7 6s 8d ‘to severall minesters for their paines in preaching with us on the fast dayes and on daies of thankegiving and on the Lords day’, suggesting around fourteen or fifteen occasions on which a casual minister was required.<sup>112</sup>

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<sup>107</sup> LMA, MS 7673, [n. p.].

<sup>108</sup> LMA, MS 942, f. 174v.

<sup>109</sup> LMA, MS 4215, p. 69.

<sup>110</sup> Michael Mahony, ‘Presbyterianism in the City of London, 1645-1647’, *The Historical Journal* 22:1 (1979), pp. 93-114; p. 96.

<sup>111</sup> Alice E. McCampbell, ‘Studies in London Parish History, 1640-1660’, pp. 97-8.

<sup>112</sup> LMA, MS 1568/2, p. 639.

Furthermore, in a note in the margin of the churchwardens' accounts for St George Botolph Lane, dated 6<sup>th</sup> of April 1647, there is a record of a meeting in which it was agreed:

thatt the Churchwardens for the time being and the elders that they provide for every sabath day able ministers to preach to the p[ar]ishe twice and to begin the next sabath daye being the 11<sup>th</sup> of this present Aprill: and for each sermone to paye out of the monyes w[h]ich shall be gathered for tythes Teen Shill[ings] and thes to conteneue until the p[ar]ish shall be provided of an able minstere to be settelled amongst them.<sup>113</sup>

We know that in 1638 the incumbent of St George's was in receipt of £58 13s 4d in tithes, and so at £52 a year for the casual preaching of sermons, this temporary arrangement and appropriation of the tithe income allowed for the parish to maintain its financial health while searching for a new incumbent to fill the vacancy. There was a similar situation in St Clements Eastcheap, where on the 22<sup>nd</sup> of July 1647:

At a Generall meeting of this Parish of Clements Eastchea[pe] It is this day Ordered and agreed (Nemine contradicente) That all such Tythes as James Goff [the] present Churchwarden shall receive shall bee by him paid and issued forth againe unto such Ministers as shall from time to time bee procured to preach in this Parish-Church on [the] Lordsday.<sup>114</sup>

Here though it was not just the elders and churchwardens who were involved in the decision making, but the general will of the entire parish with apparent unanimous consent. Likewise, from Michaelmas 1646 through to 1650 the parish of St Margaret Pattens was without a settled minister, and so the churchwardens recorded payments of £17 6s 8d, £43 12s 6d, £46, and £37 15s 6d through the financial years 1646/7 to 1649/50 to provide for several preaching ministers and in 1648 the parish of St Mildred Bread Street paid £60 for 'for divers Sermons Preached by severall Ministers this whole year'.<sup>115</sup> In both cases these amounts corresponded roughly to the tithe incomes as recorded in 1638, with St Margaret Pattens having received £44 17s 8d, and St Mildred Bread Street £51 17s 5d, and it is fair to assume that the casual preaching ministry were being paid for their efforts in these parishes with tithe money that was being collected by the churchwardens.<sup>116</sup>

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<sup>113</sup> LMA, MS 951, f. 129r.

<sup>114</sup> LMA, MS 978, [n.p.].

<sup>115</sup> LMA, MS 4570, pp. 355-363; LMA, MS 3470/1A, [n. p.].

<sup>116</sup> See Table 8 for 1638 tithe incomes.

There was not always a trust in the churchwardens though, and efforts were made by the vestry to counteract and prevent any potential corruption or any decision that might damage the parish stock. On the 13<sup>th</sup> of April 1642, it was ordered 'by the parishon[ers] then mett together' in the parish of St Benet Gracechurch that:

all church wardens from that day chosen [...] shall enter into bond of two hundreth poundes each of them that they shall not let no leaces belonging unto the p[ar]ish or dispose of any money belonging unto the parish w[ith]out consent of the vestree or the maior p[ar]t of them.<sup>117</sup>

In this instance, the vestry of St Benet was making a concerted effort to come together and protect the property rights and finances of the parish from the potential misdeeds of any individual, but in setting the bond at £200 this was also a measure that would have precluded certain members of the parish from ever being able to participate in the vestry as churchwardens. Each parish operated in its idiosyncratic way, however, and certain parishes adopted a more inclusive approach. On the 19<sup>th</sup> of April 1642, less than one week after St Benet set their bond at £200, the parish of St Mary Aldermanbury had a meeting in which it was decided 'by consentt of the Generallity' that they would 'put to hands', or vote, on:

wether or not the selected vestrey should be conteneded or not, it was there then and at that presentt by the maior partt agreed [that] the selected vestrey should be disassembled and abolished & made void and upon all ocasions to have a Generall meeting.<sup>118</sup>

Subsequent meetings of the vestry were open to all the parishioners, and decisions were made by vote on parochial issues. Edmund Calamy was the incumbent in the parish and he seems to have benefited from the prominence and puritan tradition of his parishioners, and from the support of the vestry throughout the decade. On the 29<sup>th</sup> of November 1645, a committee of five parishioners was chosen, including the two churchwardens, to 'take a survay of the Roule by which Mr Calamys mony is gathered to see where the defects are and to know the cause why the somes colected doe fall so shortt'. This tells us that while there were certain parishioners refusing to pay their tithes in the parish, the vestry was taking actions on behalf of Calamy to

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<sup>117</sup> LMA, MS 4214, f. 15r.

<sup>118</sup> LMA, MS 3570/2, [n. p.].

remedy the situation. Alice McCampbell highlights how rare this cooperation was in the period as she suggests that ‘where lay evaluators of rents were involved, the clergy were regularly victimized by a legal fiction. The clergy tried to get the tithe rolls revised, but this was very nearly impossible since the parishioners refused to cooperate’.<sup>119</sup> Calamy appears to have been lucky in drawing the support of certain members of his parish, but the issue seems to have continued and the tithe payments were not collected in full. Further evidence of the idiosyncrasy of the parish is shown by the fact that not only did the vestry continue to work on Calamy’s behalf, but they also involved him in the decision-making process at meetings. On the 16<sup>th</sup> of February, it was ordered by the vestry that a committee of eleven men, including Calamy and three aldermen who were residents of the parish, or any four of those eleven should meet, and ‘consider betweene this and the next meeting of the parishioners in vestrey of the obstructions in receaving the mayntenance of Mr Calamy And to treat with the persons obstructing the same and to mediate if they can’.<sup>120</sup>

Not all parishes were so receptive and helpful towards their ministers, and vice versa. At St Peter Cornhill in January 1641 William Fairfax, rector, refused to allow a lecture to be given in the parish on a Thursday. For that reason the vestry ordered ‘that a petic[i]on may be prefered unto the parliament to knowe the reason of his refusall, And we do promise to beare our proporc[i]onable part of the charges of this our parish for the setling of the Lecture by the parliam[en]t’.<sup>121</sup> The issue was still unresolved in March 1642, when the vestry ordered six parishioners to go on a Saturday afternoon to Fairfax’s house ‘and treat with him concerning the reducing and setling of the Thursdays Lecture in this parish church’.<sup>122</sup> The issue of the Thursday lecture was resolved on Fairfax’s death, but on the 7<sup>th</sup> of May 1644 it was ordered by a parliamentary committee that the new incumbent, Thomas Coleman, should pay ‘yearly a fift part of the proffitts of his Glelands & tithes belonging to [the] parsonage to Mrs Fairefax wife

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<sup>119</sup> Alice E. McCampbell, ‘Studies in London Parish History, 1640-1660’, p. 50.

<sup>120</sup> LMA, MS 3570/2, [n. p.].

<sup>121</sup> LMA, MS 4165, p. 260.

<sup>122</sup> Ibid., p. 264.



to Doctor Fairefax'. Accordingly, it was decided by the vestry that so much as shalbe paid out by Mr Coleman to Mrs Fairefax according to [the] said order should be made good unto him againe by the parish and shalbe raised way of a voluntary contribuc[i]on'.<sup>123</sup> Coleman also passed away only two years into his incumbency, and the parish was again left vacant on his death. At this point the parish had to petition the Committee for Sequestrations, desiring:

liberty to be given to [the] parish for 3 or 4 monethes time to finde out and present an able Minister in the steed of Mr Coleman deceased, and also for to desire the tithes rents & profitts of the parsonage in [the] meane time to bestow on such Ministers as should officiate the cure.<sup>124</sup>

Again, we see a parish wanting to use the tithes for the maintenance of casual preaching ministers while they come to a decision on a suitable incumbent.

There was a similar level of disagreement between parson and parishioners at St Peter Westcheap. At a vestry meeting on the 7<sup>th</sup> of March 1644 a group of four parishioners were chosen to meet with the incumbent, Daniel Votier, and intreat him to come to a vestry meeting among his parishioners and 'declare unto them whoe the parties weare w[ith]whome hee was offended' and to 'declare unto them the injuries hee complaynes of and conceaves are done unto him & to referr matters to arbitration that so there may be a reconciliation'. At the same time they parishioners wished to know 'wheather hee will p[er]mit the p[ar]ish a lecturer for afternoones on the sabathes & for fast dayes: at the charge of the p[ar]ish'.<sup>125</sup> While we do not know the details of the alleged offences, they appear to have been of some severity because Votier responded on the 11<sup>th</sup> of March that he 'would not give any meetinge to the p[ar]ish att a vestry: Nor would he nominate any p[ar]ticuler p[er]sones that had offended him; nor would referr this matters to arbitration'. As a result of the disagreement and the inability to reconcile the differences, the vestry ordered that 'a petition should be drawne in the name of the p[ar]ish to show our grevances agaynst Mr Votier & presented to the com[m]ittie for plundred

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<sup>123</sup> Ibid., p. 270. A. G. Matthews has suggested that Fairfax died over a decade later than this in *Walker Revised*, p. 47.

<sup>124</sup> Ibid., p. 282.

<sup>125</sup> LMA, MS 642, [n. p.].

ministers'.<sup>126</sup> The living was sequestered from Votier and the parish appears to have continued without a settled minister until November 1646 when they appointed a Mr Jagger to the benefice. It was not long, however, before this arrangement was altered. In December of 1646 the vestry agreed that a Mr Dod and Mr Jagger would share the ministerial responsibilities and that in this manner 'both the ministers and people may live in love as becommeth saints'.<sup>127</sup>

This shared ministry did not last for long either, and in July of 1647 the vestry made a new choice of minister, a Dr Dracke. However, when Dracke was informed of the decision he responded that 'he was very thanckfull to the parish but he sade he had divers resons best knowne unto him self that he would not undertacke the place to be minister for he found London not for his helth'. The search continued, and on the 11<sup>th</sup> of April 1648 a certain Mr Weller was chosen to serve the parish. Weller also declined, stating that:

he did very kindly thancke them all for ther chusinge of him ther minister And ther curtesys showed to him at Edmonton And all the rest of ther Loves but he coud not as then for divers ocasions accept of the place [the] Times beinge so Troublesom as the uprore [the] last Lords day before And [that] he must geve content to his wife and frends.

In response to which 'many of [the] parish ther woud not tack this his answere tellinge him it woud be a greate disparadgement to the parish this his sodden goinge away', to which Weller 'then protested he liked not London'. Despite his initial refusal of the benefice, the vestry were still hopeful they could win Weller round, and on July 7<sup>th</sup> 1648 it was agreed upon that 'they would stay till Mickelmas and no longer for Mr Weller Minister'. Almost a full year later, on July 4<sup>th</sup> 1649, the vestry 'Concluded that incase Mr Weller doth continue absent till michallmus that then the place should bee suplied by able men and the churchwardens to pay them'.<sup>128</sup> St Peter Westcheap appears to have been a fairly fractious parish, and the reader is left wondering what the troublesome 'uprore' was that dissuaded Weller from accepting the position.

Other ministers were left destitute by the sequestration of their livings and were forced to plead with their former parishioners for financial relief in the wake of losing both

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<sup>126</sup> Ibid.

<sup>127</sup> Ibid. See also A. G. Matthews, *Walker Revised*, p. 61.

<sup>128</sup> LMA, MS 642, [n. p.].

accommodation and income. A copy of a letter from Humfrey Tabor, once minister for the parish of St Margaret Lothbury, survives in a bundle of miscellaneous memoranda kept by the churchwardens. The letter is worth quoting in full as it evokes Tabor's heartbreak and desperation at his plight and shows how his appeal to the charitable nature of his former parishioners, despite their differences. The letter, dated April 13<sup>th</sup> 1648, reads as follows:

Gentlemen, and my once loving friends and Parishioners, The poore conditi[on] that God in his wisdom hath thought fit to cast me into, though it be well knowne unto you, yet it was not soe throughly felt, nor can it be indeed by any as by him that feels the smart of it which how to extricate my selfe fro[m] and wipe out all soares is not possible but by exchanging my p[re]sent sad for a future worse conditio[n] of life. it lyes in your power to prevent that as it was in your favour to invite and advise this kinde of addresse to you and therefore laying aside all claymes to p[ro]mises all pleas for conscience and equity in this case, I beseech you, if there be any remainders of love left in you, any bowells and mercys helpe, help him that is in a ditch and knows not how to get out of it. God can (if it please him) give an oportunity of regret which sooner or latter if he put not into my hands, yet you your selves know well, that works of charity towards the poore, especially towards poore ministers, are as the beneficence was that the Philipians sent to Paul, In Odour of a sweet smell, a sacrifice shalbe pleasing and acceptable to god his p[ro]vidence I wait uppon and your kinde assistance I desire, purposing by Gods grace what ever is the event, still to pray for you and yours, though I may not be your preacher, Humfrey Tabor.<sup>129</sup>

In response, at a vestry meeting on May 28<sup>th</sup> 1648, some of his former parishioners offered gifts totalling £12 16s 6d for his relief. Tabor's letter is reminiscent of the address to Charles in *Two Petitions of the Sequestred Clergie of England and Wales* quoted above, and the similarity points to the ubiquity of petitioning at the time and shows us that in fact these petitions are far more than just exercises in rhetoric. Alice McCampbell has calculated that 'During the revolution parishioners petitioned successfully to fill fifty-five livings', and she considers the parochial petition to be 'the most important weapon' in the arsenal of the parish hierarchy, and the 'most effective means of influencing the naming of ministers to livings vacant by sequestration or void by resignation or death'.<sup>130</sup> As well as petitioning to fill those livings, London parishioners also 'petitioned against forty-three Anglican incumbents', and McCampbell suggests that the

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<sup>129</sup> LMA, MS 8861, [n. p.]. See also A. G. Matthews, *Walker Revised*, pp. 59-60.

<sup>130</sup> Alice E. McCampbell, 'Incumbents and Patronage in London, 1640-1660', pp. 319-20.

parliamentary committees often acquiesced to parochial demands as a way of ‘consolidating loyalty at the parochial level for the parliamentary cause’.<sup>131</sup>

The processes behind these petitions and legal cases was not always straight forward though, and there are two interesting cases in which the parish, acting as a corporate body, attempt to defend their property rights and financial assets against another corporate body in one instance, that body being Sion College, and an individual in the other instance, Edward Marbury. The parish of St Alphage had been gifted an annuity of £4 per the will of Sir Rowland Hayward, who had died in 1593, but at some time following the foundation of Sion College there appears to have been a disagreement over who ought to receive the annuity. On the 16<sup>th</sup> of December 1645, it was agreed in a vestry meeting that certain members of the vestry ‘shall demand of Sion colledg the guifte of S[ir] Rowland Hayward [...] and in case it bee still denied shall advise w[ith] counsel about commensing an action in the chancery’. On May 5<sup>th</sup> the following year, it was recorded that a select committee of parishioners would:

ioyne with the governers of Sion colledge in feeing a consell[or] at law indifferently to bee chosen by the said governers and the said com[m]ittee upon full hearing the cause what can bee said on both sides to give his iudgement and opinion whether the four pounds p[er] annum in question bee in equitie due to the parish and recoverable in chancerie or no – and the said com[m]ittee are w[ith] all speed to respect the said opinion unto the parish to consyder what ther uppon is furder to bee don.<sup>132</sup>

The issue was put to arbitration on the 11<sup>th</sup> of September 1646, with each party choosing one minister and one lay elder to discuss the matter and come to a final decision, desiring that ‘the Arbitrators give up their award in writing at or before the first day of October next ensuing’.<sup>133</sup> There is no record of those nominated to arbitrate in the matter, but on the 14<sup>th</sup> of October they offered both parties their final decision, which was:

that the colledge shall pay unto the parish the said £4 p[er] annu[m] for the tyme to come as a perpetuitie in manner as heretofore – and shal the colledg also shall [sic.] pay to the churchwardens the one halfe of the arreares (which is ten

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<sup>131</sup> Alice E. McCampbell, ‘Studies in London Parish History, 1640-1660’, p. 200.

<sup>132</sup> LMA, MS 1431, p. 182.

<sup>133</sup> Ibid., p. 184.

pounds). And the vestry this day do approve of what hath bin don in this behalfe by the said comitte and arbitrators.<sup>134</sup>

In this instance, the resolution was fairly speedy and there is no mention of any particular hardship or difficulty from either side, but this was not always the case. The parish of St James Garlickhithe's vestry minute book contains evidence of a protracted legal dispute between the corporate body of the parish and with their former incumbent, Edward Marbury. Not only that but interspersed between the evidence for the legal dispute are glimpses of the further breakdown in relations between the parish and Marbury's successors. A brief narrative of the experiences of the parish through the decade will serve as a final example of the potential tensions between ministers and their parishioners in the 1640s.

The issues between Marbury and the parish of St James Garlickhithe concerned the lease of property in Dunghill Stairs and a debt owing to the parish of £40. This dispute is first mentioned in February 1641, when the vestry brought articles against their parson concerning these two issues, to which Marbury responded that he 'desired to have the vewe of the orders of former vestryes & acc[ount] bookes to give his answer in wrightinge'.<sup>135</sup> We must assume that as a result of the dispute Marbury eventually had his living sequestered, as a Mathew Barker is later listed in the vestry minutes as the parson and repairs on the parsonage house are initiated in March 1644 to make it 'habitable for the use of Mr Mathew Barker parson'.<sup>136</sup> Barker seems to have taken a fairly active role in the vestry meetings and his signature can be seen under the majority of vestry meetings that were held during his tenure in the parish. The parishioners assented to Barker's suggestion for a lecturer in November 1645 and both he and the parish seemed to be mutually supportive, but at a vestry meeting on the 6<sup>th</sup> of June 1646 it was agreed between Barker and a Mr Myles that 'the difference betweene [them] too should bee taken upp betweene themselves or if they cannot agree then to referr it to the com[m]itte of sequestrations to end it betwixt them'.<sup>137</sup> Again we are left wondering what the difference between the parson

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<sup>134</sup> Ibid., p. 185.

<sup>135</sup> LMA, MS 4813, f. 55<sup>r</sup>. See also A. G. Matthews, *Walker Revised*, pp. 53-4.

<sup>136</sup> Ibid., f. 63<sup>r</sup>.

<sup>137</sup> Ibid., ff. 68<sup>v</sup>-69<sup>v</sup>.

and one of his parishioners was, but the issue must have been of some significance because we soon see the relationship deteriorate.

On the 28<sup>th</sup> of September 1646 at another vestry meeting it was agreed after debate that the vestry would ‘publikely & unanimously’ declare and confirm their choice of Barker as their minister, and ‘will not by any meanes relinquish there right and intrest which they conceive they have on him’ and that it was ‘onely att his request they have left him to his owne thoughts more freely to declare himselfe unto them, for his owne sattisfaction touching his call by them unto the saide charge’. The vestry reconfirmed and declared their choice of Barker on the 12<sup>th</sup> of October, and it was further agreed upon that ‘divers of the p[ar]ishioners have agreed to make good unto Mr Mathew Barker there pastor & teacher one hundred pound p[er] annu[m] for the tythes & lecture mony for in case there wants they themselves is to make it good’.<sup>138</sup> This suggests that, although Barker could rely on the support of the members of the vestry, he was perhaps not a popular choice among the entire parish and the offer of £100 would perhaps be to cover any loss in tithe payments that might occur due to resistance to his incumbency.

While the new difficulties with Barker’s tenure progressed, the legal disputes with Marbury had stalled somewhat. On the 22<sup>nd</sup> of March 1647, it was noted that the two serving churchwardens, William Pemberton and John Hetherley, were to continue in their positions beyond the usual term ‘in reference to a suit of law depending beetwixt the parrishe and Mr Edward Marbury’. A year later Hetherley was still serving as churchwarden, while Pemberton had been replaced by a George Hanch. On the 19<sup>th</sup> of April 1648, the vestry ordered ‘with a joynt and full consent’ that Hetherley and Hanch should ‘p[ro]ceed in the saide suite (in & by the best meanes & manner they can)’.<sup>139</sup> As the years passed, Barker’s attendance at the vestry meetings waned, and June 2<sup>nd</sup> 1648 is his last recorded attendance at a meeting. It was noted in the minutes that Jonathan Lloyd would replace Barker on the 26<sup>th</sup> of June 1648, and yet it would appear that Lloyd was not able to perform his duties consistently, as on the 1<sup>st</sup> of August the

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<sup>138</sup> LMA, MS 4813, ff. 69<sup>v</sup>-70<sup>r</sup>.

<sup>139</sup> Ibid., f. 70<sup>v</sup>; f. 73<sup>r</sup>.

same year it fell upon Hetherley and Hanch to ‘provide ministers to supply the place in the p[ar]ishe church of Jeames Garlickhithe London And that they shall allow [the] ministers ten shillings a sermon’.<sup>140</sup>

The parish continued in its legal suit against Marbury, and on the 30<sup>th</sup> of December 1648 the vestry decided that:

notwithstandinge the order of [the] honourable comissioners of chancery bearing date the 20<sup>th</sup> of December 1648: that the church wardens shall proceed in suitt agaynst [the] said Edward Marbury and that they shall draw up a petition to [the] comissioners to desire them to do as they in there wisdomes shall thinke fit.<sup>141</sup>

Further financial issues hit the parish in September of 1649, this time from their most recently departed incumbent, Mathew Barker. The vestry minutes indicate that Barker wanted to sue for expenses incurred in the furnishing of the parsonage house, to which he was now denied access. The parish agreed to pay him 50s as a settlement and the money was to be taken from the churchwardens’ stock.<sup>142</sup> Shortly after this event, on the 9<sup>th</sup> of November 1649, John Hetherley and George Hanch were sent to ‘goe to Mr Jonathan Lloyd minister to aske him this question, whether hee hath left our parish of Jeames Garlickhithe or not’, and ‘if hee sayeth that hee hath left us, then to desire him to give his resone in writing wherefore hee hath left us: And this the churchwardens are intreated to doe tomorrow morning’. Lloyd responded on the 21<sup>st</sup> of that month stating that he ‘will not give his answer in writing wherefore hee went away’, and that he would only discuss matters with them at a set time and place. He said that ‘if the parish please to chuse 3 or 4 ministers, or 3 or 4 laye men, hee will chuse the like for himselfe: and then hee meete at any place appoynted for that purpose, and give in his verball anser by word of mouth, and no otherwayes’.<sup>143</sup>

Despite the troubled relationship between the parish and its three successive ministers, there was some cause for celebration as on the 20<sup>th</sup> of March 1650 John Hetherley delivered a

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<sup>140</sup> Ibid., f. 74<sup>r</sup>; f. 75<sup>r</sup>.

<sup>141</sup> LMA, MS 4813, f. 75<sup>r</sup>.

<sup>142</sup> Ibid., f. 78<sup>v</sup>.

<sup>143</sup> Ibid., ff. 79<sup>v</sup>-80<sup>r</sup>.

decree 'ingrossed in parchment & sealed made in the high court of chancery the 5<sup>th</sup> day of February' which contained the decision and outcome regarding their protracted suit against Edward Marbury concerning the lease of tenements in Dunghill Stairs. The minutes record that 'it is ordered & decreed by that courte & by the authority [there]of that the lease of 40 yeares formerly made [...] to Thomas Taylor in trust for the only use & benefitt of Mr Edward Marbury of the tenements at dunghill staires shalbee & is totally sett aside & made of no validdity', and that consequently the property reverted to the parish to be disposed of as the vestry wished.<sup>144</sup>

This section hopes to have proven Ann Hughes correct when she claimed that 'godly networks [...] were by no means exclusively clerical but involved a range of laymen, of respectable if rarely elevated social status, often public-spirited and influential in their vestries, wards, or Common Council'.<sup>145</sup> Throughout the decade we have witnessed the complexities of negotiating between a parson and his parish and the difficulties and tensions surrounding the issues of finance and propriety in what could be heated and tense moments. While the history of the dissenting and separate churches of London has been well storied, it is worth considering those more moderate Londoners who attempted to reform the church from within its hierarchy, and to see how that very hierarchy was often – to a greater or lesser extent – democratised in this period, and the franchise expanded so to speak. In all of these manoeuvres we have explored in this section, it is clear that 'the role of the parishioners was becoming more important' in the religious and political spheres in early modern London.<sup>146</sup> It was in this context that the public discussion of tithes was taking place in the 1640s, and we can see that more widely the issue of Church finances was of particular concern for parishioners across London.

### iii.

## CONCLUSION

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<sup>144</sup> LMA, MS 4813, f. 82<sup>v</sup>.

<sup>145</sup> Ann Hughes, *Gangraena and the Struggle for the English Revolution*, p. 142.

<sup>146</sup> Alice E. McCampbell, 'Studies in London Parish History, 1640-1660', p. 200.



Speaking at the Earl of Strafford's trial in 1641, John Pym is reported to have said: 'if you take away the Law, all things will fall into a confusion, every man will become a Law to himself, which in the depraved condition of humane nature must needs produce many great enormities'.<sup>147</sup> During the turbulent years that followed Strafford's trial and execution, the extent to which his comment holds true is debatable, and certainly differs dependent on perspective. What was for some considered a deplorable attack on the orthodox clergy by radical religious groups was for others the exercise of religious freedom and an expression of dissatisfaction with the *status quo*. We have witnessed the similarities in the polemical writings of these opposed parties, in which 'all sides to invoke the "ancient constitution" and "primitive church" as models, respectively, for contemporary political and religious institution', but we have also seen the real-world consequences of the petitioning culture of early modern London.<sup>148</sup>

At a historical moment with so much at stake, the tithe issue was dealt with in a piecemeal manner. Campaigning for an increased and more robust tithe collection before any fixed form of state church had been confirmed and established was putting the cart some way ahead of the horse, and the clergy were constantly fighting an uphill battle against the propertied classes in London. Michael Mahony suggests that 'The burdens and uncertainties generated by prolonged warfare found expression in a rising tide of moderation and concern for property and social order' and that those of the middling sort, the shopkeepers and merchants, 'saw in a presbyterian system of church government the means of reimposing discipline upon parochial life through offices of vestrymen and ruling elder'.<sup>149</sup> The establishment of the presbyterian classes around the nation was not as effective as hoped, and the reformed national church did not last a particularly long time, but what did remain was the conservatism and desire to protect property rights within the capital.

Perhaps rather surprisingly, the city government which had so effectively blocked the attempts of the clergy to improve their income in the latter 1630s was actually a large supporter

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<sup>147</sup> John Rushworth, *The Tryal of Thomas Earl of Strafford* (London: John Wright and Richard Chiswell, 1680), p. 662.

<sup>148</sup> David Zaret, 'Petitions and the "invention" of public opinion in the English Revolution', p. 1503.

<sup>149</sup> Michael Mahony, 'Presbyterianism in the City of London, 1645-1647', p. 93.

of the payment of tithes in the City during the 1640s.<sup>150</sup> Yet at the highest level of government there was a feeling that the conforming clergy of the Church of England held a monopoly on tithes, which was seen as part of the ‘arbitrary government which the parliamentarians were seeking to dismantle’. Laura Brace has shown that ‘The controversy within Parliament raged around the form their replacement should take and the justice of compensating lay impropiators’ and that the ‘implications of property became clear as Parliament dealt with the question of whether property in impropriate tithes belonged by law to individuals or to the state’.<sup>151</sup> As has been the case throughout this thesis, the legal ambiguity of tithes was perhaps their own biggest issue and prevented any decision from being made as to their increase or dissolution. The clergy were for the most part left in worse condition at the end of the decade than they were at the outset, and as McCampbell suggests, ‘when all is considered, the poverty of many London incumbents was not relieved’. Through the course of this chapter it becomes apparent that the poor treatment of the clergy alleged to in the *Generall Bill of the Mortality of the Clergy of London*, was perhaps not as much of a fanciful exaggeration as one might think, and further that the tithes system was clearly not compatible with a religious polity that was arguing for liberty of conscience in religious affairs and the freedom to congregate independently of the national church. McCampbell states that a ‘reassessment of the chief resources of the clergy accompanying divisions and unions of parishes was truly needed’, throughout the nation, but especially within the capital. She continues to state, and this chapter certainly agrees, that ‘during the revolution’ the London parishioners ‘had achieved one goal: they had a greater control over ministers than ever before or after’.<sup>152</sup>

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<sup>150</sup> Alice E. McCampbell, ‘Studies in London Parish History, 1640-1660’, p. 102.

<sup>151</sup> Laura Brace, *The idea of property in seventeenth-century England: Tithes and the individual* (Manchester: Manchester University Press, 1998), p. 29.

<sup>152</sup> Alice E. McCampbell, ‘Studies in London Parish History, 1640-1660’ (Unpublished PhD Thesis: Vanderbilt University, 1974), p. 180.

## CONCLUSION

The tithe disputes in the first half of the seventeenth century were certainly fought with great passion and energy by all those involved. The participants in the debates did not have the benefit of hindsight that belongs to historians and could not have known the outcome of their efforts with certainty. One conclusion we could draw is that despite the efforts of the opponents of the tithe system, they were ineffective in coordinating any significant and enduring change. Indeed, Christopher Hill has argued along these lines, claiming that despite the turmoil of the Civil Wars the result would be with the Restoration that, '[p]roperty triumphed. Bishops returned to a state church [...] and tithes survived'.<sup>1</sup> This attempt to reconstruct a sense of *status quo* in the nation was circumscribed by the Indemnity and Oblivion Act (12 Cha. II, c. 11), which was an attempt to legally forget all but the most egregious of horrors of the previous decades. In those years which Charles II and his Restoration government wished to forget the debate over tithes had continued to rage, as has been shown by Laura Brace and others. Despite the efforts of the many opponents of the system, tithes, 'a *sine qua non* of religious freedom as far as radicals were concerned, were never abolished'.<sup>2</sup> Tai Liu has argued that '[w]ithout a general scheme to reconstruct the economic structure of the English Church, many of the old problems remained unresolved both in the nation and in the City' in the 1650s and 1660s.<sup>3</sup> P. J. Anderson has argued that Cromwell's government caused controversy with its 'continued [use of] the traditional system of tithes and private patronage', and Margaret James has gone as far to suggest that this continuation of the 'tithe question had contributed in no small degree to the Restoration of Charles II'.<sup>4</sup> Liu has further argued that '[t]he truth is that unless the tithes structure was reconstructed or a new way of maintenance was created, the economic problems were simply insoluble for the poorer benefices in the City' and by extension the nation more broadly.<sup>5</sup>

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<sup>1</sup> Christopher Hill, *The World Turned Upside Down*, p. 379.

<sup>2</sup> Barry Reay, 'Radicalism and Religion in the English Revolution: an Introduction', p. 10.

<sup>3</sup> Tai Liu, *Puritan London: A Study of Religion and Society in the City Parishes*, p. 151.

<sup>4</sup> P. J. Anderson, 'Sion College and the London Provincial Assembly, 1647-1660', p. 86; Margaret James, 'The Political Importance of the Tithes Controversy in the English Revolution, 1640-60', p. 18.

<sup>5</sup> Tai Liu, *Puritan London: A Study of Religion and Society in the City Parishes*, p. 155.

These are not the intended conclusions of this thesis though. Instead, we might be better served turning to Nigel Smith's argument that '[i]n that all but the poorest now had the possibility of authorship, we can say that the English Revolution was more thoroughgoing in the extension of the possession and use of words than it was in property redistribution', and that the tithe debates were a part of that struggle over control of language.<sup>6</sup> If, as Hill has suggested, 'the battle for the tithes of London deserves a subsidiary place beside the battle over Ship Money in the events which helped to prepare for civil war', then this thesis has intended to show why this might be the case rather than merely assessing the truthfulness of the statement.<sup>7</sup> The reason why we ought to consider the tithes issue as so important is because they played a role in the larger social, political, economic, and religious changes of the early seventeenth century in England, and in London particularly we have identified the growth of a public sphere – the arena for a developing discussion of issues of local and national importance such as the financial structure of a national Church.

Joad Raymond has argued that 'Belief [...] depended on public encounters with ideas and opinions', and we have seen this play out over the course of these four chapters. Raymond continues to suggest that 'While the liberty of speaking and reading was perceived as a natural right in and of itself, this right was being attacked by licensors and censors, and therefore freedom of speech was being 'improperly monopolised'. We have seen, however, that individuals and groups fought against the encroachment on their freedoms in the case of tithes – the parallel between freedom of speech and freedom of religious expression necessarily caused people to question the validity of a national Church tax.<sup>8</sup> Christopher Hill has also focused on the concept of monopoly in early modern England and considers it to be even more pervasive. Speaking of those he identifies as radicals, Hill argues that what they wanted 'was democratization – of religion by mechanic preachers and abolition of tithes, democratization of law by decentralization of courts, abolition of feed lawyers, democratization of medicine by

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<sup>6</sup> Nigel Smith, *Literature and Revolution in England 1640-1660*, p. 6.

<sup>7</sup> Christopher Hill, *Economic Problems of the Church*, p. 288.

<sup>8</sup> Joad Raymond, *Pamphlets and Pamphleteering in Early Modern Britain*, p. 262.

abolition of the College of Physicians' monopoly and the provision of free or cheap medical remedies for all. In all three spheres the enemy was monopoly'.<sup>9</sup> Those who opposed the various monopolies that Hill and Raymond have identified recognised that the way to make change was to voice their opinions in public and try to engage in debate. In the case of tithes these discussions and debates took place in print and in manuscript writings, in parish churches, in vestry meetings, at the Court of Common Council, at Sion College, in Parliament, among the divines at the Westminster Assembly, and throughout the City of London – and all of this over an extended period of time prior to and following the outbreak of Civil War. As individuals, as members of various corporate bodies and institutions, and as citizens of a commonwealth, the Londoners of the early-seventeenth century engaged in public debates in ways that previous generations had not.

Phil Withington has suggested that, much like John Milton in his *Areopagitica*, Habermas was 'astute in noting the English penchant for public discussion' and explains that this 'discursive aptitude' may have come about due to the 'conversational aptitude and public consciousness demanded by the early modern commonwealth'. Withington continues to suggest that 'what might be termed a "civic public sphere" was an antecedent and facilitator for the formation of subsequent publics'.<sup>10</sup> In the above chapters we have seen, through focusing on the tithe debates, how this civic public sphere was brought into being and how the early modern inhabitants of London learned how to control and manipulate the terms of debate within that sphere.

In the above chapters we have identified four distinct phases in the public discussion of tithes. First, we have witnessed the emergence of a coterie of writers centred around James I and Archbishop Bancroft who were inspired or persuaded to produce various defences of the right to tithes by divine law. These various treatises were produced for print and manuscript circulation by legal scholars, antiquarians and members of the clergy alike. The defence of the

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<sup>9</sup> Christopher Hill, *The World Turned Upside Down*, p. 297.

<sup>10</sup> Phil Withington, 'Public Discourse, Corporate Citizenship, and State Formation in Early Modern England', p. 1018.

divine right was based on legal precedent as well as Biblical exegesis and the effect of the collected works was to set the terms of the debate for the following decades.

Next, we saw how these defences were then systematically, albeit obliquely, challenged and undermined by John Selden in his monolithic *Historie of Tithes*. Selden was both censored and censured for his publication of the *Historie* and was forced to apologise publicly after meetings with James. Not only did the state attempt to enforce the full weight of censorship on Selden's *Historie*, but they actively engaged a group of writers to attack Selden in print – and banned him from responding in kind. Despite the efforts of the state in suppressing Selden's *Historie*, and despite the attempts of authors such as Richard Tillesley and Sir James Sempill to deconstruct the arguments within Selden's *Historie*, it would remain one of the most important points of reference for opponents of a national tithe system. With the tone of the debate set by these works the arguments continued throughout the early seventeenth century, and we have explored how both defenders and opponents of tithes tried to exploit their theoretical and legal ambiguity.

The third phase we have focused on moves from the ideological debate over tithes to a consideration of the practicalities and potential issues of enforcing a payment that was under such doubt and criticism. In the 1630s the London clergy were largely united in their pursuit of a settled income from tithes and they put their case forward as a corporate body to Charles I to pass final judgement. Charles ordered a series of assessments of the London livings, so that he might be fully informed of the situation before making his decision, and what was uncovered was that the London parishes each had their own idiosyncratic tithing practices and customs, and furthermore there was a great discrepancy between the richest and poorest London livings. This clerical attempt to find an equitable settlement was frustrated in a number of ways by individual parishioners and by the Court of Common Council. Many parishioners, churchwardens, and aldermen refused to participate in the valuations of the livings, and there was a sustained period of delay brought about by the petitioning and counter-petitioning of the king that ultimately destroyed any chance of resolution.

With the outbreak first of the Bishops' Wars and then the Civil Wars the nations which had been under the governance of Charles I were thrown into turmoil. With this came the breakdown of effective censorship and consequently the expression of a wide range of opinions in public arenas that were critical of the structure and functions of the state and national Church, and our fourth phase of the tithe disputes. The inhabitants of London were increasingly outspoken on issues of Church and state governance in the 1640s, and the issue of a new Church settlement brought with it a very public consideration of how the newly reformed Church of England might be funded. Opponents of tithes saw them as a forced taxation and were emboldened to resist the payment of them in print, in public parliamentary petitions, and in the physical and material refusal of giving their money to their parish if they saw fit. It is in this fourth phase that the system of tithes was most systematically attacked and denigrated by its opponents, and the orthodox clergy of the Church took to the presses to defend themselves and plead poverty.

Across these four chapters we have encountered continuity and change in the dynamic of lay-clerical relations and in attitudes towards tithes. Not only that but we have seen similar change and continuity in attempts to both defend and to attack the tithe system. In all four chapters there is an understanding that such a contentious issue is necessarily discussed by partisan disputants, and that they will employ rhetorical techniques for maximum polemical impact. This does not lessen the validity of such writings and actions, however, but suggests that on both sides of the divide authors and actors in the tithe disputes were using all the force of language they had available to them in a debate of such high stakes. In this thesis, then, we have explored the ways in which the issue of tithes – and more broadly the government of the state and Church – was discussed and contested in the early-seventeenth century. From the early Stuart monarchs, through the ecclesiastical, parliamentary and civic institutions, down to the poorest inhabitants of London we have seen how the tithe debates were considered an issue of national importance and were fought over, supported, challenged and defied. This was an issue that had its theoretical or ideological aspects and also its material realities, and in employing a

methodology that pays close attention to this dualism I hope to have shown that a study of the tithe debates allows us to draw conclusions more broadly about the processes of communication and debate in the seventeenth century. If, as Milton argued, 'Books are not absolutely dead things, but doe contain a potencie of life in them to be as active as the soule was whose progeny they are', then we must continue to acknowledge the numerous participants in the early modern tithe debates through the sustained study of the records they have left behind.<sup>11</sup>

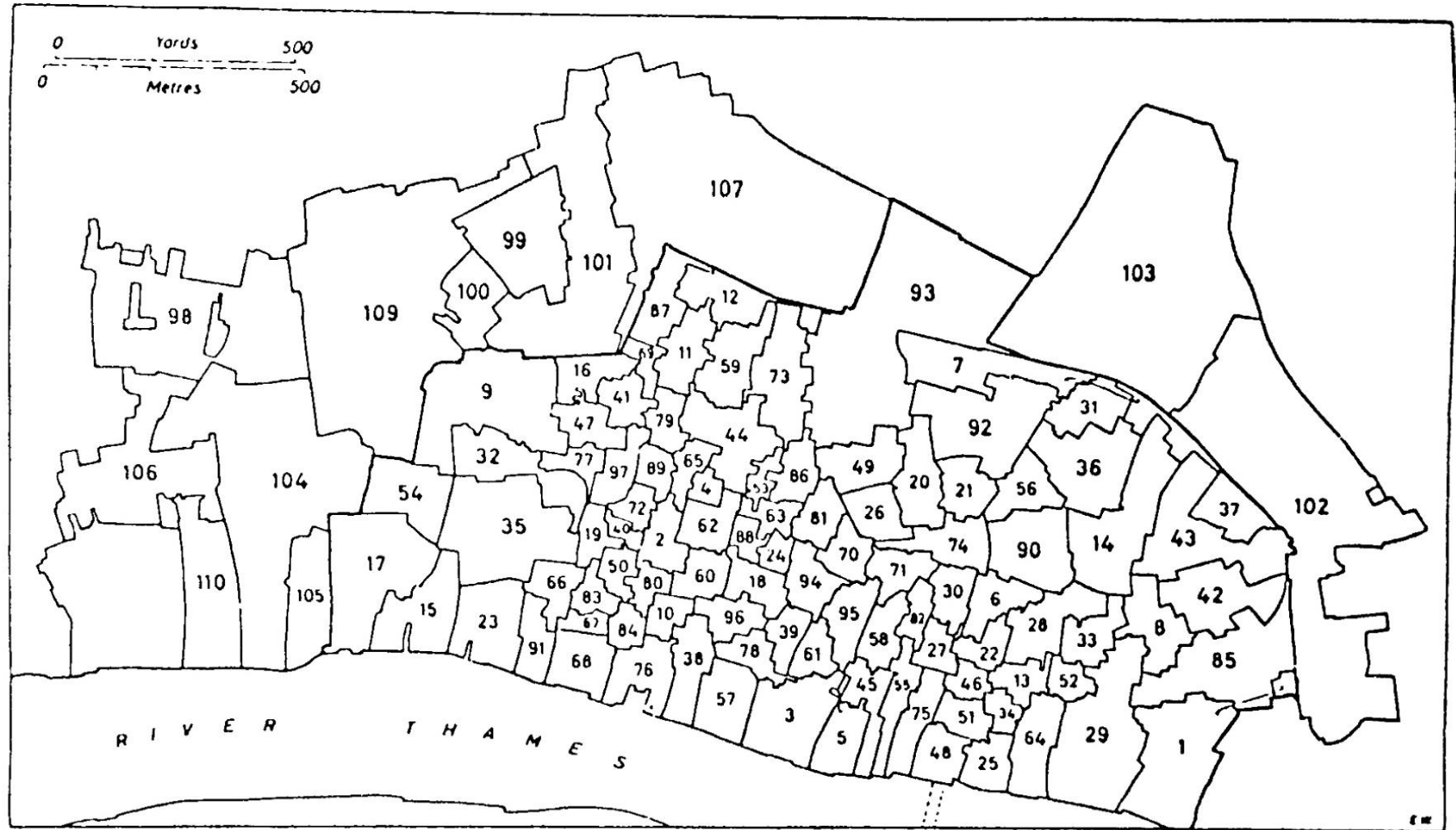
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<sup>11</sup> John Milton, *Areopagitica*, p. 4.



## APPENDIX

Image 6: Map of London Parishes taken from Tai Liu, *Puritan London* (London: Associated University Presses, 1986).



**Table 1: A table showing the average tithe values calculated by the clergy and city in 1634, with the desired rates for each parish included.<sup>1</sup>**

	Clerical Valuation	City Valuation	Desired Tithe Income	'True Tithe' Estimate
<b>Average Value</b>	£74 3s 1d	£73 12s 7d	£133 2s 11d	£257 5s 10d
<b>Parish Count</b>	94	94	97	96

**Table 2: A table comparing the raw averages of the desired tithe incomes of 1634 and 1637.**

	1634 Desired Tithe <sup>2</sup>	1637 Desired Tithe <sup>3</sup>
<b>Average Value</b>	£133 2s 11d	£126 13s 9d
<b>Parish Count</b>	97	83

**Table 3: A table comparing the collated averages of desired tithe incomes of 1634 and 1637, for which both positive values exist.**

	1634 Desired Tithe	1637 Desired Tithe
<b>Average Value</b>	£128 16s 11d	£126 13s 9d
<b>Parish Count</b>	83	83

<sup>1</sup> All of the information for this table is taken from LPL, CM VIII/4; ff.1-5.

<sup>2</sup> The information for the 1634 assessment is taken from LPL, CM VIII/4.

<sup>3</sup> The information for the 1637 assessment is taken from LPL, MS 273, ff. 79<sup>v</sup>-81<sup>r</sup>.

**Table 4: A comparison of the raw average values of the 1634<sup>4</sup>, 1636<sup>5</sup>, and 1638<sup>6</sup> valuations.**

	1634 Clerical Valuation	1634 City Valuation	1636 Valuation	1638 Valuation
<b>Average Value</b>	£74 3s 1d	£73 12s 7d	£75 9s 6d	£78 7s 9d
<b>Parish Count</b>	94	94	85	85

**Table 5: A comparison of the collated averages of the 73 parishes for which there are positive data across all four archival records.**

	1634 Clerical Valuation	1634 Desired Tithes	1634 'True Tithe'	1636 Valuation	1637 Desired Tithes	1638 Tithe Valuation	1638 'True Tithe'
<b>Average Value</b>	£75 4d	£130 2s 5d	£253 10d	£73 11s 9d	£127 11s 3d	£78 2d	£225 5s 5d
<b>Parish Count</b>	73	73	73	73	73	73	73
<b>MS Source</b>	CM VIII/4			Sion L.40.2.E9	MS 273	MS 272	

**Table 6: A table detailing the averages of the data contained within LPL MSS 272 and 273.**

<sup>4</sup> The information for the 1634 assessment is taken from LPL, CM VIII/4.

<sup>5</sup> The information for the 1636 assessment is taken from LPL, MS Sion L.40.2.E9.

<sup>6</sup> The information for the 1638 assessment is taken from LPL, MS 272.

	1638 Rental Value	1638 'True Tithe'	1638 Tithe Received	1637 Desired Tithe Value	Desired Value over Tithe Received	Desired Value over 'True Tithe'
<b>Average Value</b>	£1642 15s 1 d	£228 1s	£78 7s 9d	£126 13s 9d	171.37%	61.05%
<b>Parish Count</b>	85	85	85	83	75	75
<b>MS Source</b>	MS 272			MS 273		

Table 7: Collated tithe values for the London parishes as recorded in 1634, 1636 and 1638.

Parish number	Parish Name <sup>7</sup>	1634 Clerical Tithe Values <sup>8</sup>			1634 City Tithe Values <sup>9</sup>			1634 Desired Rate <sup>10</sup>			1636 Tithe Values <sup>11</sup>			1638 Tithe Values <sup>12</sup>			1638 'True Tithe' <sup>13</sup>		
		£	s	d	£	s	d	£	s	d	£	s	d	£	s	d	£	s	d
1	<i>Allballows Barking</i>	200	0	0	126	0	0	290	0	6	126	0	0	206	5	6	672	7	10.5
2	<i>Allballows Bread Street</i>	84	0	0	84	0	0	140	2	3	84	0	0	84	0	0	248	9	3
3	<i>Allballows the Great</i>	140	0	0	140	0	0	200	1	3	140	0	0	132	17	0	271	16	5
4	<i>Allballows Honey Lane</i>	40	0	0	40	0	0	95	0	3	40	0	0	42	1	0	137	10	0
5	<i>Allballows the Less</i>	66	0	0	66	0	0	120	0	9				64	0	0	196	9	9

<sup>7</sup> The order of parishes in this table is taken from Tai Liu, *Puritan London: A Study of Religion and Society in the City Parishes* (London: Associated University Presses, 1986).

<sup>8</sup> All values for this column taken from LPL, CM VIII/5, ff. 4-5.

<sup>9</sup> All values for this column taken from LPL, CM VIII/5, ff. 4-5.

<sup>10</sup> All values for this column taken from LPL, CM VIII/5, ff. 4-5.

<sup>11</sup> All values for this column taken from LPL, MS Sion L.40.E9.

<sup>12</sup> All values for this column taken from LPL, MS 272.

<sup>13</sup> All values for this column taken from LPL, MS 272.

6	<i>Allballows Lombard Street</i>	89	0	0	92	0	0	150	0	3	92	0	0	88	1	6	386	13	9
7	<i>Allballows London Wall</i>	72	0	0	64	0	0	120	0	9	64	0	0	86	5	0	237	4	11
8	<i>Allballows Staining</i>	75	0	0	86	0	0	120	0	9				81	0	0	185	15	0
9	<i>Christ Church</i>	350	0	0	280	0	0	450	0	9	280	0	0	300	0	0	600	0	0
10	<i>Holy Trinity the Less</i>	61	0	0	60	0	0	90	1	3				62	14	4	134	9	6
11	<i>St. Alban Wood Street</i>	106	19	0	100	0	0	150	0	3	100	0	0	106	11	4	206	5	0
12	<i>St. Alphage</i>	57	0	0	57	0	0	95	0	3	75	4	0						
13	<i>St. Andrew Hubbard</i>	60	0	0	68	0	0	85	5	0	68	4	8	68	16	0	177	18	8
14	<i>St. Andrew Undershaft</i>	140	0	0	120	0	0	220	0	0	120	0	0	155	0	0	407	0	0
15	<i>St. Andrew by the Wardrobe</i>	78	0	0	80	0	0	140	2	3	80	0	0	80	1	8	283	5	0
16	<i>St. Anne and St. Agnes Aldersgate</i>	77	0	0	77	0	0	120	0	9	77	12	0	76	15	8	220	13	9
17	<i>St. Anne Blackfriars</i>	100	0	0	100	0	0	150	0	3									
18	<i>St. Antholin</i>	37	0	0	36	0	0	80	0	6	36	8	0	38	6	0	186	0	9
19	<i>St. Augustine</i>	97	0	0	96	0	0	170	1	9	96	0	0	98	14	7	233	5	0
20	<i>St. Bartholomew by the Exchange</i>	75	0	0	75	0	0	140	2	3	75	0	0	88	16	4	281	2	4.5
21	<i>St. Benet Fink</i>	53	0	0	100	0	0	140	2	3				55	5	6.5	151	11	3
22	<i>St. Benet Gracechurch</i>	55	0	0	50	0	0	95	0	3	55	0	0	57	18	6	165	0	0
23	<i>St. Benet Paul's Wharf</i>	65	0	0	80	0	0	140	2	3	80	0	0						
24	<i>St. Benet Sherehog</i>	31	0	0	30	0	0	60	1	9	30	0	0	31	5	8	84	5	9

25	<i>St. Botolph Billingsgate</i>	125	0	0	120	0	0	150	0	3	120	0	0	122	0	0	193	3	9
26	<i>St. Christopher le Stocks</i>	64	0	0	63	0	0	140	2	3	63	0	0	69	1	4	170	15	6
27	<i>St. Clement Eastcheap</i>	36	0	0	40	0	0	80	0	6	40	0	0	40	0	0	138	12	0
28	<i>St. Dionis Backchurch</i>	80	0	0	80	0	0	150	0	3	80	0	0	98	0	0	417	8	0
29	<i>St. Dunstan in the East</i>	128	0	0	126	0	0	300	0	6	126	0	0	136	6	4	619	11	6
30	<i>St. Edmund Lombard Street</i>	80	0	0	90	0	0	150	0	3	90	0	0	86	19	4	214	15	6
31	<i>St. Ethelburga</i>	56	0	0	60	0	0	100	2	6	60	0	0	65	0	0	161	3	0
32	<i>St. Faith under St. Paul's</i>	70	0	0	77	0	0	200	1	3	77	0	0	73	18	1	358	10	6
33	<i>St. Gabriel Fenchurch</i>	67	15	8	83	0	0	110	0	0	83	3	6	67	17	4	138	10	7.5
34	<i>St. George Botolph Lane</i>	52	0	0	55	0	0	90	1	3	55	0	0	58	13	4	131	15	0
35	<i>St. Gregory by St. Paul's</i>	140	0	0	140	0	0	200	1	3				40	6	8	500	0	0
36	<i>St. Helen</i>	60	0	0	60	0	0	140	2	3				63	13	0	238	3	0
37	<i>St. James Duke's Place</i>	61	0	0	73	0	0	100	2	6	73	6	8	60	17	0	166	17	1.5
38	<i>St. James Garlickhithe</i>	88	0	0	92	0	0	150	0	3	92	0	0	92	10	8	226	12	0
39	<i>St. John the Baptist</i>	68	0	0	66	0	0	95	0	3	66	13	4	72	9	6.5	143	0	0
40	<i>St. John the Evangelist</i>	44	10	0	44	0	0	70	2	6	44	10	0	44	10	0	92	5	3
41	<i>St. John Zachary</i>	59	0	0	60	0	0	90	1	3	60	0	0	64	2	4	178	15	0
42	<i>St. Katherine Coleman</i>	85	0	0	80	0	0	150	0	3	80	0	0	87	15	1	206	5	0

43	<i>St. Katharine Cree</i>	60	0	0	60	0	0	160	1	0									
44	<i>St. Lawrence Jewry</i>							160	1	0				80	15	8	277	12	3
45	<i>St. Lawrence Pountney</i>	37	0	0	37	0	0	100	2	6				38	17	0	155	18	6
46	<i>St. Leonard Eastcheap</i>	63	0	0	63	0	0	90	1	3	63	0	0	63	13	8	145	17	9
47	<i>St. Leonard Foster Lane</i>	100	0	0	108	0	0	160	0	3	108	0	0						
48	<i>St. Magnus the Martyr</i>	81	0	0	83	0	0	184	16	0	83	0	0	81	12	8	287	12	0
49	<i>St. Margaret Lothbury</i>	68	0	0	79	0	0	130	1	6	79	0	0	72	2	8	208	3	6
50	<i>St. Margaret Moses</i>	59	0	0	59	0	0	100	2	6	59	2	4	62	6	8	203	15	6
51	<i>St. Margaret New Fish Street</i>	74	0	0	70	0	0	130	1	6	70	0	0	70	0	0	165	0	0
52	<i>St. Margaret Pattens</i>	42	0	0	42	0	0	80	0	6	42	0	0	44	17	8	104	8	3
53	<i>St. Martin Ironmonger Lane</i>	41	0	0	40	0	0	80	0	6	40	0	0	40	3	0	83	6	6
54	<i>St. Martin Ludgate</i>	124	0	0	120	0	0	210	1	0	120	0	0	126	0	0	460	2	10
55	<i>St. Martin Orgar</i>	80	0	0	80	0	0	150	0	3	77	0	0	80	7	1	220	0	0
56	<i>St. Martin Outwich</i>	40	0	0	40	0	0	80	0	6	40	0	0	57	17	2	139	3	0
57	<i>St. Martin Vintry</i>	114	0	0	110	0	0	200	1	3	110	0	0	115	0	0	286	0	0
58	<i>St. Mary Abchurch</i>	86	0	0	86	0	0	130	1	6	83	0	0	86	0	0	227	16	0
59	<i>St. Mary Aldermanbury</i>							150	0	3									

60	<i>St. Mary Aldermary</i>	75	0	0	63	0	0	120	0	9	63	0	0	62	4	4	204	17	6
61	<i>St. Mary Bothaw</i>	41	14	0	43	0	0	80	0	6	43	0	0						
62	<i>St. Mary le Bow</i>	85	0	0	80	0	0	160	0	3	80	0	0	89	2	6	262	1	3
63	<i>St. Mary Colechurch</i>	44	0	0	44	0	0	80	0	6				44	0	0	112	4	0
64	<i>St. Mary at Hill</i>	120	0	0	125	0	0	170	1	9	125	0	0	122	0	0	204	11	6
65	<i>St. Mary Magdalen Milk Street</i>	66	0	0	75	0	0	100	2	6	75	12	0	74	0	3	169	10	9
66	<i>St. Mary Magdalen Old Fish Street</i>	100	0	0	80	0	0	160	0	3	80	0	0	101	18	8	259	12	0
67	<i>St. Mary Mounthaw</i>	25	12	10	25	0	0	50	1	3	25	15	4	26	10	8	53	18	5
68	<i>St. Mary Somerset</i>	80	0	0	80	0	0	110	0	0	80	0	0	80	0	0	179	4	7.5
69	<i>St. Mary Staining</i>	20	0	0	21	0	0	45	2	0	21	11	0	21	12	4	123	15	0
70	<i>St. Mary Woolchurch</i>	50	0	0	50	0	0	130	1	6	50	16	6	50	8	6	251	12	6
71	<i>St. Mary Woolnoth</i>	78	0	0	80	0	0	140	2	3	80	0	0	84	4	0	269	18	3
72	<i>St. Matthew Friday Street</i>	49	0	0	51	0	0	95	0	3	51	15	0	49	14	0	162	14	7.5
73	<i>St. Michael Bassishaw</i>	135	0	0	128	0	0	190	0	6	128	0	0	132	11	6	354	16	6
74	<i>St. Michael Cornhill</i>	110	0	0	116	0	0	210	1	0	116	6	4	117	15	0	346	10	0
75	<i>St. Michael Crooked Lane</i>	80	0	0	80	0	0	130	1	6	80	0	0	80	0	0	176	0	0
76	<i>St. Michael Queenhithe</i>	80	0	0	90	0	0	120	0	9	90	0	0	91	3	4	192	12	9



77	<i>St. Michael le Querne</i>	54	0	0	54	0	0	100	2	6	54	6	6	54	8	3	308	4	1.5
78	<i>St. Michael Paternoster Royal</i>	34	0	0	32	0	0	80	0	6	32	0	0	33	2	10	120	3	4.35
79	<i>St. Michael Wood Street</i>	62	0	0	62	0	0	110	0	0	62	6	4						
80	<i>St. Mildred Bread Street</i>	56	0	0	52	0	0	90	1	3	52	0	0	51	17	5	84	8	6
81	<i>St. Mildred Poultry</i>	88	0	0	80	0	0	140	2	3	80	0	0	89	8	2	263	13	9
82	<i>St. Nicholas Acons</i>	68	0	0	69	0	0	95	0	3	69	16	0	68	18	0	139	19	6
83	<i>St. Nicholas Cole Abbey</i>	70	0	0	70	0	0	110	0	0	70	0	0	72	12	2	168	6	0
84	<i>St. Nicholas Olave</i>	41	4	6	44	0	0	65	0	9	44	0	0	45	9	8	113	1	8
85	<i>St. Olave Hart Street</i>	120	0	0	120	0	0	190	0	6	120	0	0	133	18	8	377	11	6
86	<i>St. Olave Old Jewry</i>	52	0	0	51	0	0	100	2	6	51	19	11	53	1	10	157	0	6
87	<i>St. Olave Silver Street</i>	52	0	0	58	0	0	70	2	6	58	0	0	58	12	6	138	3	0
88	<i>St. Pancras Soper Lane</i>	36	0	0	37	0	0	80	0	6	37	13	4	36	17	4	133	2	0
89	<i>St. Peter Westcheap</i>	82	0	0	83	0	0	140	2	3	81	1	10						
90	<i>St. Peter Cornhill</i>	100	0	0	99	0	0	200	1	3	99	18	0	100	0	0	438	12	6
91	<i>St. Peter Paul's Wharf</i>	48	0	0	48	0	0	90	1	3	48	0	0	47	10	2	162	18	9
92	<i>St. Peter le Poor</i>	56	0	0	60	0	0	140	2	3	60	0	0						
93	<i>St. Stephen Coleman Street</i>							160	1	0									
94	<i>St. Stephen Walbrook</i>	39	0	0	40	0	0	120	0	9	40	0	0	39	10	0	165	0	0

95	<i>St. Swithin</i>	69	0	0	75	0	0	110	0	0	75	0	0						
96	<i>St. Thomas the Apostle</i>	85	0	0	85	0	0	120	0	9	85	0	0	85	9	0	190	14	3
97	<i>St. Vedast (alias Fosters)</i>	99	0	0	99	0	0	190	0	6	99	7	7	96	7	3	371	5	4

Table 8: Details from the 1638 Tithe Assessments.<sup>14</sup>

Parish Number	Parish Name	Moderate Rental Value			Tithes at 2 <sup>s</sup> 9 <sup>d</sup> in the pound			Actual Tithes Received		
		£	s	d	£	s	d	£	s	d
1	<i>Allballows Barking</i>	4891	10	0	672	7	10.5	206	5	6
2	<i>Allballows Bread Street</i>	1807	0	0	248	9	3	84	0	0
3	<i>Allballows the Great</i>	1976	18	0	271	16	5	132	17	0
4	<i>Allballows Honey Lane</i>	1000	0	0	137	10	0	42	1	0
5	<i>Allballows the Less</i>	1429	0	0	196	9	9	64	0	0
6	<i>Allballows Lombard Street</i>	2813	10	10	386	13	9	88	1	6
7	<i>Allballows London Wall</i>	1653	0	0	237	4	11	86	5	0
8	<i>Allballows Staining</i>	1351	0	0	185	15	0	81	0	0
9	<i>Christ Church</i>	4363	12	8.75	600	0	0	300	0	0
10	<i>Holy Trinity the Less</i>	978	0	0	134	9	6	62	14	4
11	<i>St. Alban Wood Street</i>	1315	0	0	206	5	0	106	11	4
13	<i>St. Andrew Hubbard</i>	1294	0	0	177	18	8	68	16	0
14	<i>St. Andrew Undershaft</i>	2954	0	0	407	0	0	155	0	0
15	<i>St. Andrew by the Wardrobe</i>	2030	2	8	283	5	0	80	1	8
16	<i>St. Anne and St. Agnes Aldersgate</i>	1605	0	0	220	13	9	76	15	8

<sup>14</sup> All records for this table taken from LPL, MS 272.

18	<i>St. Antholin</i>	1353	0	0	186	0	9	38	6	0
19	<i>St. Augustine</i>	1700	0	0	233	5	0	98	14	7
20	<i>St. Bartholomew by the Exchange</i>	2044	10	0	281	2	4.5	88	16	4
21	<i>St. Benet Fink</i>	1175	0	0	151	11	3	55	5	6.5
22	<i>St. Benet Gracechurch</i>	1200	0	0	165	0	0	57	18	6
24	<i>St. Benet Sherebog</i>	613	0	0	84	5	9	31	5	8
25	<i>St. Botolph Billingsgate</i>	1405	0	0	193	3	9	122	0	0
26	<i>St. Christopher le Stocks</i>	1242	0	0	170	15	6	69	1	4
27	<i>St. Clement Eastcheap</i>	1008	0	0	138	12	0	40	0	0
28	<i>St. Dionis Backchurch</i>	2617	0	0	417	8	0	98	0	0
29	<i>St. Dunstan in the East</i>	4506	0	0	619	11	6	136	6	4
30	<i>St. Edmund Lombard Street</i>	1562	0	0	214	15	6	86	19	4
31	<i>St. Ethelburga</i>	1172	0	0	161	3	0	65	0	0
32	<i>St. Faith under St. Paul's</i>	2597	0	0	358	10	6	73	18	1
33	<i>St. Gabriel Fenchurch</i>	1007	10	0	138	10	7.5	67	17	4
34	<i>St. George Botolph Lane</i>	963	10	0	131	15	0	58	13	4
35	<i>St. Gregory by St. Paul's</i>	3742	10	0	500	0	0	40	6	8
36	<i>St. Helen</i>	1732	0	0	238	3	0	63	13	0
37	<i>St. James Duke's Place</i>	1213	10	0	166	17	1.5	60	17	0
38	<i>St. James Garlickhithe</i>	1648	0	0	226	12	0	92	10	8
39	<i>St. John the Baptist</i>	1040	0	0	143	0	0	72	9	6.5
40	<i>St. John the Evangelist</i>	671	0	0	92	5	3	44	10	0
41	<i>St. John Zachary</i>	1300	0	0	178	15	0	64	2	4
42	<i>St. Katherine Coleman</i>	1500	0	0	206	5	0	87	15	1
44	<i>St. Lawrence Jewry</i>	2019	0	0	277	12	3	80	15	8
45	<i>St. Lawrence Pountney</i>	1134	10	0	155	18	6	38	17	0
46	<i>St. Leonard Eastcheap</i>	1061	0	0	145	17	9	63	13	8
48	<i>St. Magnus the Martyr</i>	2092	0	0	287	12	0	81	12	8
49	<i>St. Margaret Lothbury</i>	1514	0	0	208	3	6	72	2	8

50	<i>St. Margaret Moses</i>	1482	0	0	203	15	6	62	6	8
51	<i>St. Margaret New Fish Street</i>	1200	0	0	165	0	0	70	0	0
52	<i>St. Margaret Pattens</i>	763	0	0	104	8	3	44	17	8
53	<i>St. Martin Ironmonger Lane</i>	606	0	0	83	6	6	40	3	0
54	<i>St. Martin Ludgate</i>	3346	12	6	460	2	10	126	0	0
55	<i>St. Martin Orgar</i>	1600	0	0	220	0	0	80	7	1
56	<i>St. Martin Outwich</i>	1012	0	0	139	3	0	57	17	2
57	<i>St. Martin Vintry</i>	2080	0	0	286	0	0	115	0	0
58	<i>St. Mary Abchurch</i>	1657	0	0	227	16	0	86	0	0
60	<i>St. Mary Aldermary</i>	1490	0	0	204	17	6	62	4	4
61	<i>St. Mary Bothaw</i>	828	5	0	113	17	8.25	41	10	4
62	<i>St. Mary le Bow</i>	1905	0	0	262	1	3	89	2	6
63	<i>St. Mary Colechurch</i>	816	0	0	112	4	0	44	0	0
64	<i>St. Mary at Hill</i>	1486	0	0	204	11	6	122	0	0
65	<i>St. Mary Magdalen Milk Street</i>	1233	0	0	169	10	9	74	0	3
66	<i>St. Mary Magdalen Old Fish Street</i>	1888	0	0	259	12	0	101	18	8
67	<i>St. Mary Mounthaw</i>	392	3	4	53	18	5	26	10	8
68	<i>St. Mary Somerset</i>	1303	10	0	179	4	7.5	80	0	0
69	<i>St. Mary Staining</i>	900	0	0	123	15	0	21	12	4
70	<i>St. Mary Woolchurch</i>	1830	0	0	251	12	6	50	8	6
71	<i>St. Mary Woolnoth</i>	1963	0	0	269	18	3	84	4	0
72	<i>St. Matthew Friday Street</i>	1183	10	0	162	14	7.5	49	14	0
73	<i>St. Michael Bassishaw</i>	2590	6	8	354	16	6	132	11	6
74	<i>St. Michael Cornhill</i>	2528	0	0	346	10	0	117	15	0
75	<i>St. Michael Crooked Lane</i>	1280	0	0	176	0	0	80	0	0
76	<i>St. Michael Queenhithe</i>	1401	0	0	192	12	9	91	3	4

77	<i>St. Michael le Querne</i>	2241	10	0	308	4	1.5	54	8	3
78	<i>St. Michael Paternoster Royal</i>	873	19	0	120	3	4.35	33	2	10
80	<i>St. Mildred Bread Street</i>	614	0	0	84	8	6	51	17	5
81	<i>St. Mildred Poultry</i>	1917	15	0	263	13	9	89	8	2
82	<i>St. Nicholas Acons</i>	1018	0	0	139	19	6	68	18	0
83	<i>St. Nicholas Cole Abbey</i>	1224	0	0	168	6	0	72	12	2
84	<i>St. Nicholas Olave</i>	804	0	0	113	1	8	45	9	8
85	<i>St. Olave Hart Street</i>	2746	0	0	377	11	6	133	18	8
86	<i>St. Olave Old Jewry</i>	1142	0	0	157	0	6	53	1	10
87	<i>St. Olave Silver Street</i>	1004	15	10	138	3	0	58	12	6
88	<i>St. Pancras Soper Lane</i>	968	0	0	133	2	0	36	17	4
90	<i>St. Peter Cornhill</i>	3190	0	0	438	12	6	100	0	0
91	<i>St. Peter Paul's Wharf</i>	1185	0	0	162	18	9	47	10	2
94	<i>St. Stephen Walbrook</i>	1200	0	0	165	0	0	39	10	0
96	<i>St. Thomas the Apostle</i>	1387	0	0	190	14	3	85	9	0
97	<i>St. Vedast (alias Fosters)</i>	2702	0	0	371	5	4	96	7	3
<b>Averages (£ s d)</b>		<b>1642</b>	<b>15</b>	<b>1.6</b>	<b>226</b>	<b>14</b>	<b>5.7</b>	<b>77</b>	<b>19</b>	<b>1.9</b>

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