The history of the law of tithes in England. Being the Yorke prize essay of the University of Cambridge for 1887

Easterby William
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Author: Easterby William

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THE

HISTORY OF THE LAW OF TITHES

IN ENGLAND.
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HISTORY OF THE LAW OF TITHES

IN ENGLAND.

BEING THE YORKE PRIZE ESSAY OF THE UNIVERSITY OF CAMBRIDGE FOR 1887.

BY

WILLIAM EASTERBY,

B.A., LL.B. ST JOHN'S COLLEGE AND THE MIDDLE TEMPLE.

“Est modus in rebus, sunt certi denique fines.”

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AT THE UNIVERSITY PRESS.

1888

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1888
TO MY FATHER,

WILLIAM EASTERBY, LL.D.

I DEDICATE THIS BOOK,

AS

A TRIBUTE OF AFFECTION

AND AS

A TOKEN OF MY GRATITUDE.
PREFACE.

In the following pages an attempt has been made to deal with the History of the Law of Tithes, as far as concerns the arrangement, upon a plan which if somewhat novel has still the slight merit of being both scientific and peculiarly adapted to carry out one of the objects for which the work was written. That is, to present to the reader a short and clear history of the rise and growth of the Tithing System in this country, free from technical and other difficulties. The plan adopted is first to treat of the history of the Substantive, and then of that of the Adjective Law of Tithe. The first six chapters are devoted to the former, and thus in a succinct form what may be called the more popular and to the general reader the more interesting part of the subject is comprised. The seventh chapter has an intermediate position, and deals with the history of Titheable matters; the eighth, ninth and tenth are occupied with the Adjective Law or Procedure, the tenth being devoted entirely to the consideration of Discharges and Exemptions. The law as regards the City and Liberties of London is shortly dealt with, apart from the other portions of the work, in the last chapter. The working-out of such a plan as the above necessitates a certain amount of overlapping and repetition, but this, it is hoped, does not constitute a formidable disadvantage.
The Author has avoided any political treatment of his subject. He has touched very lightly on the alleged tripartite division of tithe upon which the claim of the poor to a share is based, as the existence of such a division is not revealed in the impartial history of the law, and the statute of Richard II., which compelled the monasteries to give as alms a part of the revenues of an appropriated benefice after suitable provision for the vicar had been made, imposed a new charge on the monasteries, and did not refer to parochial tithes.

The references to Selden will all be found in his great work on the *Historie of Tithes* (A.D. 1618), to which the Author is greatly indebted. He has also extensively used Mr Haddau and Bishop Stubbs' *Collection of Councils and Ecclesiastical Documents*, which for brevity are referred to as "H. and S."

St Asaph, N. Wales,

30 November, 1887.
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