

Theology on the Web.org.uk

Making Biblical Scholarship Accessible

This document was supplied for free educational purposes. Unless it is in the public domain, it may not be sold for profit or hosted on a webserver without the permission of the copyright holder.

If you find it of help to you and would like to support the ministry of Theology on the Web, please consider using the links below:



Buy me a coffee

<https://www.buymeacoffee.com/theology>



PATREON

<https://patreon.com/theologyontheweb>

[PayPal](#)

<https://paypal.me/robbradshaw>

A table of contents for *The Churchman* can be found here:

https://biblicalstudies.org.uk/articles_churchman_os.php

yoke of traditional interpretation and dared to read Scripture for themselves with purged eyes, in the light of God, and with humble yet fearless trust in the guidance of the Holy Spirit. The Church would indeed be poor, her heritage would indeed be barren and hungry, she would be faithless to God and to herself, if she could presume to take no step without leaning on the crutches of human tradition. It is quite true that she will not scorn the great lights of the past, or trample under foot their learning as if it were a vile thing. It is folly as well as arrogance to do this. But it is not faith, it is want of faith, to accept blindly the rendering of any one, or any number of Ancient Fathers who knew little perhaps of Greek and who certainly knew nothing of Hebrew, as if their opinion were final and ought not to be gainsaid. If God has given us new light and more light, it is at our peril that we shut our eyes to it, preferring to grope in the darkness. Children of the light, let us walk in the light, and follow the light whithersoever the light shall lead us.

J. J. STEWART PEROWNE.



ART. VI.—THE AGITATION AGAINST TITHE.

MANY of the readers of this Magazine have doubtless noted with concern the progress of what the *Times* describes as “a wholesale strike against tithes throughout North Wales.” The Welsh clergy, as a class, are but ill-provided with private means, and pathetic accounts have been given of incumbents reduced to the direst straits of poverty through their sole source of support having been suddenly cut off. Collectors of rates and taxes are not generally credited with overstrained feelings of sentimentality, but the overseer of the parish of Caerwys, in summoning the rector for the non-payment of the poor-rates on rent-charge that he was unable to collect, admitted that it was “a very hard case,” and the bench of magistrates fully concurred in this opinion. The example set by successful wrong-doing is quickly followed, and there are indications of the agitation spreading over a wider area. English Churchmen, therefore, will do well to give their serious attention to this subject, and are in duty bound to extend their sympathy and support to their suffering and oppressed brethren. A committee has, indeed, already been formed, chiefly through the energy of Mr. Stanley Leighton, M.P., for the protection of the interests of tithe-owners in Wales, to which liberal subscriptions have been offered by the four Welsh bishops, the Duke of Westminster, and others, and the object of this paper is mainly to show how this committee, and others who are like-

minged, can most effectually defeat what can only be described as a lawless withholding of rightful dues.

With respect to distraint on the tithe-owner for poor-rates demanded on account of tithe that is unpaid, an appeal must be made to the strict letter of the law, which apparently provides for the precise case under consideration. Section LXX. of the Tithe Act (6 and 7 Will. IV., cap. 71) runs as follows :

All Rates and Charges to which Rent Charge is liable shall be assessed upon the *Occupier* of the lands out of which such Rent Charge shall issue, and in case the same shall not be sooner paid by the Owner of the Rent Charge may be recovered from such Occupier in like manner as any poor rate assessed upon him in respect of such lands ; and any occupier holding such lands under any landlord, and who shall have paid any such Rate in respect of any such Rent Charge, shall be entitled to deduct the amount thereof from the Rent next payable by him to his landlord ; and any landlord who shall have paid any such rate, or from whose rent the amount of any such rate in respect of such Rent Charge shall have been so deducted, shall be entitled to deduct the amount thereof from the Rent Charge, or by all other lawful ways and means to recover the same from the Owner of the Rent Charge, his executors and administrators.

From the above it is evident that all a tithe-owner summoned for the non-payment of rates on rent-charge has to do is to provide himself with a copy of the Act,¹ and read the words of this section to the magistrates, by whom it will be at once seen that the claim can only indirectly be enforced against the tithe-owner, through the occupier and landlord of the property on which the rent-charge is payable.

This is satisfactory as far as it goes, but it only disposes of a comparatively small part of the difficulty. Out of each £100 of the rent-charge, between £10 and £15 is due for rates ; and it is some comfort to think that the tithe-owner will not have to distraint for this, and then hand it to the overseers. It brings the former, however, no nearer to the collection of the remaining £90 or £85 upon which he has to rely for the maintenance of himself and his family. Distraint is a harsh remedy, and no clergyman can regard without the gravest anxiety the prospect of a conflict with his parishioners to be

¹ The Acts relating to Tithe have just been published in a handy volume by Messrs. Stevens and Sons, 119, Chancery Lane (*The Tithe Acts*, edited by T. H. BOLTON). First the original Commutation Act is given, then the fifteen supplementary measures by which it has been amended, and lastly the Act just passed for the Redemption of Extraordinary Tithe. The book is likely to be serviceable to those engaged in the Tithe controversy ; and is well worth buying. A short introduction is added, written in the interest of the payers of Extraordinary Tithe, and of this we need only say that it had better be omitted if a second edition is called for.

renewed at the end of each six months. It was, indeed, to avoid this that in 1836 the tithe-owners consented to the Commutation, and surrendered the prospect of an increase in the value of tithe arising from a larger production of corn, in consequence of improved cultivation and the reclamation of waste lands.

In reviewing the present situation there are two considerations that are worthy of attention: In the first place, the Government has undertaken to introduce a Bill on the subject of Tithe Rent-charge, and the more the agitation progresses the more urgent will the necessity for such a measure be apparent. Again, it must be remembered that the rent-charge can be collected any time within two years of the date at which it is due. Wherever, then, it is possible for the tithe-owner to obtain an advance on the security of his rent-charge, due but unpaid, it might be well for him to postpone distraint and refuse concession to an arbitrary and unreasonable demand for an abatement; and if the Defence Committee could see their way to aiding incumbents to obtain such an advance they would be giving help of the most effectual and practical kind. In twelve months from the present time the Government Bill will probably have passed into law, and the three half-years' rent-charge then due could be collected by one legal process, and the heart-burning and contention between the pastor and his flock would be ended once for all, and happier times might be hoped for under the new system, whatever that may prove to be.

The Commutation Act was one of the most equitable and statesmanlike measures ever added to the Statute Book; and if, as was intended, and, indeed, as was the case at first, the landlords had paid the rent-charge, no difficulty could have arisen, and the present contention that the charge should fall with the rack-rent of the land would have been seen to be altogether untenable. Between 1836 and 1866 there was an almost universal rise in rents, but there was no rise in the rent-charge; and if the tithe-owner is not to have the profit of a rise, it is obviously unfair that he should be called upon to bear the loss of a fall. Of course these remarks do not apply to the exceptional instances where rent has disappeared, and the land must go out of cultivation altogether if the full rent-charge is exacted. There the tithe-owner, in his own interest, would do well to reduce his demands, and wait for better times. But this is not the case in Wales. We do not hear that large reductions of rent have been made, and that a supplementary abatement is asked for from the tithe-owner. Apparently the farmers are willing to pay the landlord, and even the tithe-owner if he is a layman; but stirred up by Liberationist

agitators, they are attempting to coerce the unhappy and, as they think, defenceless incumbent by threats and violence. The plea of conscience is obviously put out of court by the fact that it is reduction, not abolition, that is asked for, and it must be an elastic conscience that assents to the payment of 80 per cent., and rebels against the discharge of the full amount of the liability.

The untenable character of the claim for a further abatement than that provided by the action of the septennial corn averages is clearly seen when it is remembered that the occupier pays the rent-charge merely as the agent of the landlord. The farmer, as a rule, pays the land tax for the owner of the land, and deducts the amount from his rent. What would be said by the tax-collector if a reduction of 10 or 20 per cent. were asked for, on the ground that the prices of corn and stock had fallen? If he consented to argue, he would reply that as the money only passed through the tenant's hands, it was a matter of indifference to him whether the tax was more or less. Now this is an exact parallel to the demand for a reduction in the rent-charge, as any one can see for himself if he will take the trouble to read the Act. Section lxvii. provides that "lands shall be absolutely discharged from the payment of all tithes," and instead thereof "a sum of money in the nature of a rent-charge" shall be paid. From and after the passing of the Act there has been imposed upon the land a payment analogous to the land tax, or to the interest of a mortgage—the only difference being that instead of the charge being a fixed sum of money, it is a fixed number of bushels of wheat, barley, and oats; and this difference is now in favour of the tithe-payer, as the rent-charge is 10 per cent. below par, and is certain to be still further reduced. Whenever an estate has changed hands since 1836, in estimating its annual value both the land tax and the tithe have been deducted from the rack-rent; and whenever a farm has been let, the tenant has known both the rates and the rent-charge he would have to pay before agreeing to the rent. Neither the owner nor the occupier, therefore, has any equitable claim upon the owner of the rent-charge. The one has been allowed its capital value in purchasing the land, and the other its annual value in estimating the rent. It remains to be seen whether the statesmen who bear rule in these kingdoms will protect, in the exercise of their undoubted rights, those who have lawful possession of a property vested in them by an immemorial title, confirmed by Act of Parliament half a century ago.

A. M. DEANE.