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exactly that to which we trust our readers will be led, and not only our readers but the vast majority of English Churchmen. "Such experience," he says, "as I have gained, entirely confirms my strong conviction of the necessity of obtaining or evolving a true representative system in the Church at home. Diocesan Conferences, and Congresses, and the like, are excellent as fields for discussion and schools of preparation for more definite action; but they cannot fill the place of Church Synods or assemblies of real power and responsibility. Till in some way the problem of obtaining these is solved in England, the Church will not have full vitality of self-government and that right harmony of legislative, judicial, and executive functions which is essential to its complete organization."<sup>1</sup>

J. STEPHENSON.

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## ART. II.—THE TITHE WAR.

*Tithe Rent-Charge Papers, No. II.; Land Rental, Tithe and Tithe Rent-Charge, with reference to the Tithe Rent-Charge Bill, 1887.* By C. A. STEVENS, M.A., Vicar of Portslade. London: P. S. King and Son, King Street, S.W. 1887.

*Tithes.* By Lord BRAMWELL and others. London: The Tithe-owners Association, 31, Finsbury Circus, E.C. 1887.

IN the discussion of the question indicated by the headings of this article, there are three parties whose interests have to be considered: (1), the Landlord; (2), the Occupier; and (3), the Owner of Tithe Rent-Charge.

From whatever point of view the question be looked at, and however opinions may differ upon details of adjustment, there is one broad and ascertainable principle upon which any legislation about the question ought to proceed, viz., that no legislation deserves the sanction of thoughtful and capable men which does not pay due regard to the rights of property. If this be not conceded, if confiscation of this man's property or of that be *ab initio* intended, then the questions are not worth arguing.

It is a little curious to notice how this principle has extorted respect even from politicians who at once proceed to violate it. As even a Conservative candidate or member has to trim and get the votes of different classes of people, so we have had this pitiable kind of exhibition at many an agricultural meeting.—"I am against anything in the nature of confiscation," says the speaker; and in the next breath he pro-

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<sup>1</sup> *National Review*, December, 1886, p. 449.

ceeds to advocate schemes which are especially designed to take away a slice of the tithe-owners' property and hand it to somebody else. The intellectual folly and moral obliquity of such an attitude will sooner or later be rightly punished by the contempt or the chilled support of all who wish profound economic questions to be argued and settled, not as best may suit the selfish aspirations of a candidate or a party, but upon those inflexible principles of right and wrong which are the safeguard and the guarantee of all civilized society.

We may fairly be invited to consider with some precision what the nature of the property in Tithe rent-charge is. Nothing can be clearer than the statement of Lord Bramwell under this head. He lays it down that it is the result of a bargain. The law of England, he points out, has drawn a distinction between Tithe and Tithe rent-charge. The tithe, as everyone knows, was the tenth part of the produce of the land—not only of grain but of all produce. In the words of Blackstone: "Tithes are to be paid for everything that yields an annual increase, as corn, hay, fruit, cattle, poultry, and the like; but not for anything that is of the substance of the earth, or is not of annual increase, as stone, lime, chalk, or the like; nor for creatures that are of a wild nature or *feræ naturæ*, as deer, hawks, etc., whose increase, so as to profit the owner, is not annual but casual."<sup>1</sup>

At the time of the commutation, in 1836, the value of this tithe was estimated before Commissioners amongst all the parties concerned. The estimate was based on an average reaching over a course of years, taking bad years with good; and at the close of it, the law of England made this bargain with the tithe-owner—you give up your right to tithe and we give you in lieu of it a rent-charge on the land itself of the amount which has been estimated. The words of the Act are most peremptory on this point, and it may be well to quote them here:

And be it enacted that from the first day of January next following the confirmation of every such apportionment, the lands of the said parish shall be absolutely discharged from the payment of all tithes . . . and instead thereof there shall be payable . . . a sum of money . . . in the nature of a rent-charge issuing out of the lands charged therewith. . . . 6 and 7 Will. IV., c. 71, s. 67.

That was the bargain which, for good or for evil, the legislature made with the tithe-owner; and, said Lord Bramwell, "a bargain's a bargain."

This distinction between tithe and tithe rent-charge is properly emphasized by Mr. Stevens. The reader is met by

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<sup>1</sup> "Commentaries on the Laws of England," Book II., ch. iii.

it at once in the title-page of his publication. In popular language the distinction is obscured. Every farmer talks about "paying his tithe;" every newspaper has its paragraphs about the so-called Tithe War; and even politicians who aspire to become leaders of opinion are not ashamed of the intellectual blunder involved in speaking of the rent-charger's property as being a burden upon the land and an impediment to agriculture. If it were a mere abridgment of language and nothing but a question of names, it would not be worth notice. But, unfortunately, it is more than this. Many a speaker begins by describing the rent-charge as tithe, and then proceeds to saddle the rent-charge with all the odium which did attach to tithe, but which does not attach to the rent-charge substituted for it. The difference, however, is more than a difference of names. It is a difference of natures. The tithe was a charge upon produce; so that if there had been upon any spot no produce, there would have been no tithe. But the rent-charge is a charge upon the land, and is quite independent of produce, so that the assigned sum is due to the owner of it, whether the produce be much or little, or even be none at all.

There is this further result of the transformed nature of the (then) tithe-owner's property—a very momentous result which the discussions of the day are bringing out more and more clearly—that whilst the right to tithe attached to the tenant's produce, the right to tithe rent-charge attaches in law not to the tenant's occupancy, but to the landlord's ownership of the land. The rent-charge has, in fact, in some respects, the nature of a mortgage upon the land; and the rent-charger can be no more reasonably asked to abate his interest on account of bad times than a mortgagee could be expected to abate his.

The misuse of terms sometimes becomes responsible for very serious misconceptions. It has been urged, for example, that the common practice of giving a receipt in his own name to the tenant on his paying the rent-charge has at length bred the idea in the tenant's mind that the rent-charge is a burden upon him personally, and constitutes a grievance which it will pay him to agitate against. Every person capable of thought upon a somewhat intricate question knows, of course, that the rent-charge is no burden upon the tenant, and that the tenant cannot possibly gain anything—unless it be some momentarily snatched advantage—by any altered legislation with regard to rent-charge, whatever direction that legislation might take. Nevertheless, the agitation continues under cover of that mistaken idea, for which it is said an ill-drafted receipt is in no small degree responsible. In the same way,

by the adroit substitution of "tithe" for "rent-charge," the aspiring politician is enabled to flaunt mischievous and inflammatory statements, to which under a sound nomenclature he certainly could not commit himself, except with the penalty of being written down a blockhead.

The thread of idea that runs through Mr. Stevens' pages is that what has been or is taken from the owners of the tithe rent-charge is given, not to the tenants, but to the landlords. There are probably not many readers who will have the patience to work through all his figures: indeed, it is perhaps only those who have had some arithmetical training that are even qualified to do so. But his main conclusion every one can understand. By taking the figures of official and Parliamentary returns, he shows that the commutation of tithes into rent-charges in 1836, while it conferred certain unquestionable advantages upon the tithe-owner (then properly so-called), resulted in a pecuniary loss to him on a scale which is often little suspected—no less a sum than "£675,610 in the first year, with its incremental value year by year, also passed into his (the landlord's) pockets." It is noticeable that his estimate agrees, within a few pounds, with that estimated in independent ways by Professor Jones, the eminent Tithe Commissioner.

Here is the answer to a good deal of the nonsense that is talked at agricultural meetings,—and talked, too, sometimes, by those who ought to know better—if they presume to speak upon a difficult economic question at all. Sir T. Grove, M.P., is reported to have told his hearers at Reading, that "the tithe-owner now gets more than he is entitled to. He is entitled to only a tenth of the produce, and if he took that, he would not get anything like the tithe he now gets." The statement is a blunder from beginning to end. In the first place, the (so-called) tithe-owner is not entitled to a tenth of the produce: he is entitled to the fixed sum (variable only with the price of corn) which was apportioned in lieu of the tenth of the produce. And next, the tenth of the produce at the present day is vastly in excess of the apportioned sum. Mr. Stevens calculates the tenth of the produce for the current year as £6,315,032; whereas the sum received as tithe rent-charge is only £3,544,586, or little more than half what Sir T. Grove admits to be the tithe-owners' due. Well may Mr. Stevens exclaim: "And this is the sort of information supplied to the farmers by their Parliamentary instructors!"

In the same region of figures is to be found the answer to another cry which is thought good enough to delude the suffering farmer with—the cry for the revaluation of the tithe. There was lately a meeting of farmers in Bedfordshire, with

Mr. Cyril Flower, M.P., and Mr. H. Gardner, M.P., as speakers, and resolutions are reported to have been adopted declaring it to be essential in the interests of agriculture that a revaluation of tithes be immediately arranged. Now every economist knows that no valuation of the tithe rent-charge can in the slightest degree affect the unfortunate position of the British farmer, for the very simple reason that it does not come out of his pocket at all. If the rent-charge were swept away altogether, the disastrous position of the farmer would not be at all improved.

But let us examine the proposal. The first thought, perhaps, is that it might seem rather late in the day to revise a bargain of fifty years' standing. It is impossible to say what would become of business, if all people were to demand that their old bargains should be readjusted. On general principles, therefore, the rent-charger may protest against any re-valuation; though if such valuation were to be conceded he would, no doubt, profit by his experience of the past in defending his own interests, and the probability is that he would gain rather than lose by the transaction. There recently was held a very influential meeting of owners of tithe rent-charge, both lay and clerical, and a resolution was passed by them that the "meeting would not fear the result of a revaluation by a Royal Commission."

Now, why would they not fear it? Why, of course, because the settlement of a fixed rent-charge has for ever cut off the tithe-owner from all share in the enormously increased value of the produce of the country. It appears from the figures which are accessible to everybody that, notwithstanding the very serious agricultural distress, the value of the nation's produce has increased with the increase of population during the last forty or fifty years, and increased, too, on a very large scale. But the tithe rent-charge remains fixed. To be precise, it appears that in 1836 the land-rental of this country was 33 millions, and the money value of tithe rent-charge was 4 millions; but in 1876 the land-rental had increased to 50 millions, whilst the tithe rent-charge stood at 4 millions still. On no principle of justice could you reapportion the interest of the tithe-owner without giving him at least *some* share in this large increase; and it is not likely, it may be presumed, that any Royal Commission would attempt to do so. And that is why the rent-charge-owner says that there is no need for him to fear a revaluation of his interest.

But we desire especially to draw attention to the care with which the legislature has shut the door against any such proposal. Over and over again the Act of Commutation insists that the settlement was to be not only a bargain but a "per-

manent" bargain. Section 37 speaks of the rent-charge as "to be paid as a *permanent* commutation" (the italics are ours) of the said tithes. Section 38 speaks of "the sum which ought to be taken for calculating a *permanent* commutation;" and section 39 says that "the Commissioners shall in every case award the rent-charge to be paid as a *permanent* commutation for tithes." It is the reiteration of the word "permanent" to which we especially invite attention, as showing that the bargain was designedly framed so as not to be contingent (as some people seem to imagine it was) upon any fluctuations either of produce or of property.

But thoroughly to expose what can only be called the impudence of the claim that the rent-charge should be reduced by law, it will be well to turn the tables. We ask our readers to reflect what would be thought of the tithe-owners if they on their side seriously proposed a revaluation; if they on their side began to plead that the bargain should be reconsidered because the value of agricultural property has (in the aggregate) so largely increased. They would, of course, be told—and told pretty summarily too—that, for good or for evil, the bargain had been closed, and by that bargain they must be content to stand.

A complaint has sometimes been made on the part of the landowner, that in these depressed days the rent-charger occasionally gets more off the land than the owner himself gets. Unquestionably he does. That, however, is an everyday incident of property. There is many a property which brings very little profit, and not unfrequently brings a considerable loss to the man who inherits it. Many a man becomes seised of an estate out of which he can get literally nothing. In some respects he would be even better off without it. The estate is, perhaps, charged with all kinds of annuities and payments to a widow, a younger brother, or other legatee. These payments have to be continued under all circumstances, and there is many a case in which there is not sufficient margin left even to pay the owner a fair remuneration for the trouble that he has to bestow upon the estate. The annuitant in such a case is actually better off than the owner. It is, therefore, no exceptional position in which the owner of land sometimes finds himself at the present day in comparison with the owner of rent-charge. The legislature has made a permanent bargain: he has no right to ask that it should now be treated as a contingent bargain.

Nothing, it is universally understood, would have been heard of all these discussions but for the losses which have lately fallen upon all who have to do with cultivable land.

Lord Salisbury said in a recent speech<sup>1</sup>: "When there is great suffering in a community, the various members of it naturally struggle with each other as to the mode in which the suffering should be distributed." That is an exact description of the case before us. Some persons have lost a good deal of money in land, and they are trying to make the tithe-owner bear a portion of that loss.

H. T. ARMFIELD.



### ART. III.—THE PROPORTIONAL REWARD.

WHEN James and John came with their mother and asked our Lord that these two young men might have the most honourable place in His coming kingdom, the Master had naturally little to say to such a request. He saw the blindness and mistake of it. He saw that they did not in the least understand what they were asking. And the attempt of the good woman to steal a march on the other ten disciples was unfair and discreditable. It was as clear a piece of favouritism and secret influence as was ever undertaken. All this was perfectly true. But at the same time it was also true that there were such seats in the kingdom of heaven to be disposed of. Somebody must sit in them. They would not be left empty to all eternity. "To sit on My right hand and on My left . . . shall be given to them for whom it is prepared of My Father." And then, when the ten were moved with indignation against the two who had thus tried to supplant them, our Lord kindly shows them the way by which alone they could become the greatest. There was such a thing as degrees in the kingdom; but James and John had not gone the right way about it. "Whosoever will be great among you," He said, "let him be your minister: whosoever will be chief among you let him be your servant." Degrees and places there will be; but they will not be had by begging for them.

It is very right for us to desire glimpses into the unseen world—that future which seems so far off, and may yet be so near to any one of us. It has been said by Montaigne that "those who accuse mankind of folly in hankering and panting after things to come, and who warn us to enjoy the present, and to take our fill of it, as we have no sufficient hold on the future, as little indeed as that which is past and gone, have hit upon one of the most common of human delusions. We are never occupied with what is within us—we are always

<sup>1</sup> Mansion House, 1887.