

John Selden
The historie of tithes
London
1618

The
Historie
of
TITHES

...

By I. SELDEN.

...

M. DC. XVIII.

310

* In sæpius dict.
Bibliotheca.

Out of the Chartularie * of the Monasterie
of S. Andrews of Rochester.

<BL Cott Dom x>

Henrie the first giues to the Monks there di=
uers Churches with Tithes, 'Et dimidiam
Decimam meam de Tarentford in annona
tantum, & totam Decimam meam de Strodes,
& totam decimam meam de Chealches, & hoc
facio pro anima Patris mei & Matris meæ &
pro anima mea & vxoris meæ, T. Eudone da=
pifero & Haymone dapifero apud Rouecestri=
am.' Other Tithes of whole Mannors he gaue

<104v-5r>

* Hæc n. captæ
Regis sunt. Præ=
rogat. Reg. cap. 11.
&c.

also to them, 'Et decimam * Balenarum quæ
captæ fuerint in Episcopatu Roffensi.' And a=
bout the same time Ralf Archbishop of Canterbu=
rie by Charter gaue them 'Totam Decimam de
meo Dominico & omnes Decimas omnium vil=
lanorum qui habent terram in Dune, necnon
& aliorum omnium, quorum decimæ meo
tempore adquisitæ sunt vel quocunque tempo=

<105r>

<120v>

311

re adquirentur.' Many other Charters are in it
to like purpose, as: 'Ego Willielmus de Albineio
Pincerna Regis concedo Deo & Sancto An=
dreæ de Rouecestria & Monachis eiusdem loci
totam meam Decimam de villa mea quæ voca=
tur Elham in omnibus rebus scilicet de blado
& de pasnagio, & de molendinis, & de pecu=
dibus, & de lana, & de caseis &c. & medieta=
tem Decimæ de Bilsintune in omnibus rebus
pro anima Domini mei Willielmi Regis &
Henrici Regis atque pro anima mea & patris
mei & matris meæ & vxoris meæ & fratris mei
Nigelli, & nepotis mei Humfridi & aliorum
parentum meorum viuorum atque mortuo=
rum. Testibus militibus meis, Nigello de Wast
&c.' That d'Aubigny was Earle of Chichester or
Sussex or Arundel (for all these titles he vsed)

<131r>

and diuers Confirmations were afterward by his
Successors, of this Grant. and K. Henrie the first
also confirmed this of the first William. and the
Prior and Couent not long after made a Lease
of that their Tithe in Bilsintune to one Gilebert
de Perieres for IX. yeers, reseruing half a Mark

<131r-2v>

<132v-3r>

rent payable at Easter. and this was confirmed by the Archbishop of Canterburie. <133r>

Roger Bigot Earle of Norfolk vnder Richard the first, and William his yonger sonne, had giuen diuers reuenues to the Priorie, and among them occur the Church of Waltune, and then by it selfe 'tota *Decimæ villæ Waltune de omni re & to= *<r. 'Decima'>
312

ta Decima molendinorum ad eandem villam perti= nentium.' this is related in the confirmation of Hugh Bigot Earle of Norfolk and sonne to Ro= ger. and some other Churches were granted, <140v-1r>

but no Tithes mentioned with them. and after= ward the first Charter of Rogers grant is in the same Volume at large. The Tithes of Buggeley were giuen to the Priorie by the Ancestors of Osbert de Cappaualle, and charged with three shillings yeerly rent, paiable to the Monks of Colchester. this instrument there remaining shews <199v>

it. 'Notum sit omnibus' (as the words are) 'quod ego Osbertus de Cappaualle & Adeliza vxor mea, & Humfridus priuignus meus & hæres patris sui, accepta societate Roffensium Monachorum pro amore Dei & Sancti An= dreæ, & salute animæ nostræ, & omnium pa= rentum nostrorum, concessimus eis omnem Decimam de Bugeleia, sicut eam antecessores nostri in eleemosynam dederunt, firmiter & stabiliter, & quiete perpetuo tenendam, red= dituris inde annuatim Monachis de Colecestra tres solidos quamdiu eandem tenent & habere poterunt. & hanc concessionem nostram præ= senti sigillo confirmauimus &c.' this was af= <141v-2r>

terward confirmd by Philip of Leibern and his wife Anne, and Robert of Leibern Tenants of Buggeley. <142r>
<142r-v>

The Tithe of Gedding was thus granted by the Ancestors of Payn Shriffe of Surrey. 'Notum sit <143v>

313 <sig 2R>

omnibus præsentibus atque futuris quod ego Paganus Vicecomes Surregiæ, do & concedo Decimam de Geddinges quam antecessores mei dederunt Deo & Ecclesiæ S. Andreæ de Rouecestria pro anima patris mei & matris meæ, & pro me & vxore mea. & mihi concessum est ab eadem Ecclesia quod post obitum nostrum singulis annis anniuersarium mei & vxoris meæ in perpetuum persoluetur.'

The Tithe of Stalefield is granted to the Monks by D. de Monci, and 'sic tenendam sicut te= nuerunt de antecessoribus meis.' <143v>

In 8. Hen. 1. halfe the Tithe of Halegele was giuen to them by Henrie de Port, the other halfe being before conueid to them – 'Decimam to= tam de Halegele, de qua' (so speaks the Charter) 'prædictus Sanctus' (that is S. Andrew) 'dimi= diam partem habuerat, cæteram vero pro amo= re Radulphi Episcopi, vt prædictum est, supra taxato tempore donauit.' these others also follow. <144v>

'Walchelinus Maminot omnibus Sanctæ Matris Ecclesiæ filiis tam posteris quam præ= sentibus salutem. Notum vobis facio quod <144v>

Decimam de Dominio de Bertreia quam pa= ter meus pro salute animæ suæ & suorum Ec= clesie Roffensi & Monachis ibidem Deo ser= uientibus in perpetuam eleemosynam dedit, me similiter pro redemptione delictorum me= orum & vxoris meæ, & hæredum meorum con= cecisse & præsentī scripto confirmasse. Quod si aliquid de prædicto Dominio in Rusticanam

314

seruitutem translatum est vel fuerit, decima tamen secundum primam donationem integra permaneat. Teste Rodberto de Binham Pres= bytero &c.'

'Omnibus Christi fidelibus ad quos præsens scriptum peruenerit, Willielmus de Lamualai æternam in Domino salutem. Nouerit vni= uersitas uestra quod ego Willielmus de Lamua= lai diuinæ pietatis intuitu pro salute animæ meæ & vxoris meæ, & liberorum meorum, & antecessorum meorum & successorum, conces= si & hac præsentī Carta mea confirmaui Deo & Ecclesie S. Andreæ & Monachis Roffensi= bus in puram & perpetuam eleemosynam, me= dietatem totius Decimæ de Dominio meo de Henherst quam antecessores mei eis dederunt & concesserunt; tenendam & habendam bene & in pace libere & quiete de me, & successo= ribus meis, & per manus eleemosynarii eorum in vsus pauperum distribuendam: ideoque vo= lo & firmiter præcipio vt prædicti Monachi habeant &c.'

<157v-8r>

'Omnibus sanctæ Matris Ecclesie filiis ad quos præsens scriptum peruenerit, Adam Pincerna æternam in Domino salutem. No= uerit vniuersitas uestra, quod ego Adam Pin= cerna cognita & comperta dilectione quam antecessores mei habuerunt erga Ecclesiam S. Andreæ Roffensis & Monachos in eadem Ec= clesia Deo *seruientis, Decimam de Dominico

<158r-v>

*<r. 'seruientes'>

315

Campo meo in Culinges qui vocatur Westbroc quam Radulfus Pincerna eis dedit intuitu Dei, prædicti Ecclesie, & S. Andreæ, præfatis Mo= nachis in puram & perpetuam eleemosynam concessi & præsentī Carta mea confirmaui, ita uidelicet quod Richardus frater meus qui suc= cessit Geruatio Decano in personatu Ecclesie de Culinges ad præsentationem meam & suc= cessores sui reddent annuatim, nomine De= cimæ illius, præfatis Monachis dimidiam marcā argenti in crastino festiuitatis Sancti Andreæ omni occasione remota & dilatione &c.' it seems that the Parson of Culinges by the Patrons will herein declared, was to haue the Tithe of Westbroke in kind, and pay half a mark for it yeerly to the Priorie.

<this line garbled>

'Sciant tam præsentēs quam futuri quod e= go Henricus de Malemeins concedo & confir= mo Monachis Ecclesie sancti Andreæ Apo= stoli Roueestriæ Decimam meam totam de Dominico meo & eam uehendā quocunq̄ue

<159v>

voluerint & transferendam; cum ante hanc concessionem solummodo granum habuerint. Præterea dono eis & concedo Decimam meam de vitulis & porcellis. Has concessionem confirmo illis pro amore Dei & salute animæ meæ & vxoris, & antecessorum meorum libere & quiete possidendas assensu hæredis mei & voluntate vxoris & amicorum meorum. Teste &c.'

316

And William Hachet confirms the moitie of the Tithes of his demesnes in Hainwold (which his ancestors had granted to the Priorie) to hold free 'sine omni molestia & exactione.' and warrants them 'contra omnes homines sicut liberam eleemosynam nostram.'

A like confirmation is from William of Srambroche of the Tithe of Srambroche, granted formerly from his Ancestors to the Priorie.

William of Gurnay had giuen to the Priorie certain Tithes in Edintune, which lying dispersed, were not so commodious for the receipt of the Monks as of the Parson of the Parish. thereupon Galiena, grand-child to William, declares, that for that cause 'prouisum est & statutum, vt quælibet illius Ecclesiæ persona nomine Decimarum illarum liberaliter *soluent annuatim prædictis Monachis Rouecestriæ quinque solidos, ad festum beati Andreæ.' and so confirms both the gift of her Ancestor and this composition between the Parson of Edintune and the Prior and Couent.

Haimo filius Guidonis de Dudindale, confirms, 'in puram & perpetuam eleemosynam,' the gift made by his ancestors Gerold his grand-father, and Guy his father, of all the Tithes of his land in Dudindale. which was afterward confirmed also by his sonne and heire lohn.

Hamelinus de Columbeirs establishes the perpetual right of all the small Tithes of his Demesnes, in the Chantor of the Priorie, to whom

317

by ancient possession of his Predecessors, hee found they belonged, when controuersie was about them, twixt the Chantor and Ralf Parson of Frenesburie.

William the sonne of Thomas of Ysfield and all his coparceners, confirme the Tithes of Ysfield formerly giuen by their Ancestors 'in puram & perpetuam eleemosynam.' and further grant all small Tithes of Ysfield, as of Lamb, Calf, Piggs, Fleece, and the like. 'Et vt hæc nostra donatio' (saies the Deed) '& confirmatio inconcussa permanent, ego Willielmus omnium fratrum meorum voluntate pro omnibus sigilli mei appositione corroboro.' which I note for the speciall kind of sealing with the eldest brothers seale only.

Henrie of Tuang confirms to them 'Decimam de Tuange quam præfati Monachi habent de dono Smalemanni aui mei tam in Tuange, quam in Rundel.'

These Grants or arbitrarie Consecrations

were all diuers yeers before the end of M. CC. after Christ, and for the most part in the times of Henrie the first, King Stephen, Henrie the second, and Richard the first. neither need you make doubt of the allowance of them by the Clergie of that time. The Tithes so arbitrarily giuen by Lay men were not only possessed by the Priorie, but were also afterward, with others which are not mentiod in the Chartularie, solemnly confirmed to them by the Archbishops

318

of Canterburie with their Prior and Couent, who supplied that which now is the Deane and Chapter. for in 23. Hen. 2. vpon a controuersie arising about some Tithes challenged by the Priorie, a confirmation was giuen by Richard Archbishop of Canterbury, in which he grounds their right vpon the Deeds of the Grantors. 'Cognito' (are his words) 'iure prædictorum Monachorum per inspectionem instrumentorum suorum, considerata etiam *diuturna illorum possessione &c.' and then he confirms to them all the Tithes granted to them within his Diocese, and reckons by name seuerall Tithes in VIII. Parishes, most of which occur in those examples; After which he confirms also their appropriated Churches with Tithes belonging to them. For Tithes giuen with the Churches appropriated they had as belonging to those Churches. but others seuerally consecrated were no otherwise in them then as if Rents or other profits had been granted out of lands to them. A like confirmation was made by Baldwin in 1. Rich. 1. of all Tithes in particular that were formerly settled in them by Lay mens grants. And another such was by Hubert Archbishop in 1. of King Iohn, wherein he confirms to them 'omnes Decimas a quibuscunque Dei fidelibus vsque in præsens in Archiepiscopatu nostro illis collatas.'

<207r-8r>

*<r. 'diuturna'>

<208r-v>

<208v-9v>

<John Selden's 'History of tithes' was, at the time, a controversial book: it incurred the displeasure of the king and his ministers, and was attacked in print by several critics. One chapter comprised a collection of illustrative documents excerpted from the medieval cartularies which Selden had consulted in the library of his friend Sir Robert Cotton (to whom the book is dedicated); one of these cartularies was an early thirteenth-century manuscript from Rochester. Selden had no special interest in Rochester himself. It turned out, however, that his fiercest antagonist was the archdeacon of Rochester, Richard Tillesley. The archdeacon was provoked into searching the Rochester archives for evidence to use against Selden; and the controversy thus resulted in the publication of numerous documents from Rochester which would otherwise not have seen the light. This file consists simply of the section of Selden's book which is based on the Rochester cartulary, now BL Cotton Domitian x, fos 92-211. Since the book seems to have been surreptitiously reprinted more than once, with some slight accidental variation, it needs to be said that this transcript derives from a copy in Cambridge University Library (STC 22172.3, reel number 1904:10). – C.F. November 2010.>